

***BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND***

**VIRTUAL TOWN BOARD MEETING MINUTES**

**TOWN MEETING**

**June 14, 2021**

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on June 14, 2021, by Burgess Miller at 6:30 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

**PERSONAL REQUESTS FOR AGENDA:**

**Bob Smart – Cable Committee Update** – The cable committee is a temporary committee formed to investigate alternatives to cable, internet, and broadband service within the Town. Comcast is the primary provider in Town. Bob Smart, the committee chair, reported the committee’s findings to date. The types of broadband services available were reviewed. Committee members have spoken with other municipalities, providers, and the executive director of the Rural Maryland Council to collect information. Public Private Partnerships (PPPs) is an alternative the Town could utilize to bring other service providers into town. The committee suggests implementing an education campaign to assist residents in lowering their cable costs. The committee also recommends updating the design manual to require developers to install conduit for future network connections in new developments.

**CONSENT AGENDA:**

- **Town Meeting Minutes**
  - *May 24, 2021 – Town Meeting*

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

**UNFINISHED BUSINESS:**

**Operating Budgets for FY2022:**

- **FY2022 – General Fund Operating Budget** – The proposed total operating budget revenue for FY 2022 is \$3,497,974.00. Expenses are projected to be \$3,210,478.00. This leaves a surplus of \$287,4954.00. Any surplus will be applied to the General Fund CIP Budget. The public hearing was held. There is no increase rate increase, and the property tax rate stays the same.

**Motion:** Commissioner Falcinelli motioned to approve the FY2022 General Fund Operating Budget as presented. Seconded by Commissioner Goodman. Motion approved (6-0).

- **FY2022 – Water & Sewer Operating Budget** – The proposed total water sewer operating budget revenue for FY22 is \$1,338,158.00. Expenses are projected to be 1,208,558.00. This leaves a surplus of \$129,600.00. Any surplus will be applied to the Water & Sewer CIP Budget.

**Motion:** Commissioner Goodman motioned to approve the FY2022 Water & Sewer Operating Budget as presented. Seconded by Commissioner Dietrick. Motion approved (6-0).

**Ordinance 21-04-01 – Amendment to Allow Chickens in Town with Conditions** – The Town Board reviewed the draft ordinance. The Town Administrator reviewed a map of the town which identified those areas with covenances that prohibit chickens, and HOAs that prohibit chickens. He stated that he may have missed other covenances prohibiting chickens due to what the corresponding properties were originally titled. If the Town passed this ordinance update, residents would still have to abide by any covenances and HOA restrictions in their neighborhoods if applicable, until those covenances and restrictions are changed. Any disputes between neighbors with these covenances is enforced/resolved through the court system.

**Motion:** Commissioner LaPadula motioned to approve Ordinance 21-04-01 but to amend as follows:

- Section 6.04.040 amend the statement to read animals considered poultry (ducks, geese, turkey and other fowl) EXCEPT CHICKENS.
- Decrease the total number of chickens allowed from 8 to 4 chickens.
- The coop must be located in a back yard and at least twenty-five (25) feet from any lot line, and fifty (50) feet from any neighbor primary structures.
- Under Enforcement subsection (E) Removal of Chickens, flip the order of the information presented between points 1 and 2.

There was no second to this motion. The motion and amendment failed.

**Comprehensive Plan – Chapter Review** – Town officials were informed that the County has received a farmland preservation application from the Flook family. A map showing where this property is located outside of town was reviewed. If approved this would increase the conservation boundary around the Town.

**AC Jets Annexation Discussion** – The draft AC Jets Annexation Resolution was presented to the Town Board. State law requires a draft annexation resolution be created as part of the process when an annexation petition is submitted to a municipality. This document provides general details of the proposed annexation. Specific details would be presented as part of any future annexation agreement. Town Board members were asked to review and provide comment. This draft will be sent to the Town Attorney to place in a legal format.

**Procedures for Implementing Return to Normal Water & Sewer Billing** – The Town Board reviewed the updated procedures for accounts with outstanding balances over 90 days as it relates to the Governor’s prohibition on water service disconnection. Governor Hogan has

rescinded the executive order that prohibited the charging of late fees and disconnections of water service due to Covid-19. The Town Administrator has stated that the Town can begin to re-institute its regular water/sewer billing to include late fees and disconnection as early as this next billing cycle. He reported that there are 19 accounts with outstanding balances over 90 days which total \$13,345.22. Of those 19 accounts, 7 accounts have balances over \$1000.00. The Town is ready to notify those property owners of their outstanding balances and return to normal billing as per the policy. It was suggested that American Recovery Plan (ARP) monies could be used to settle these delinquent bills, as is suggested in the federal guidelines received so far.

**Motion:** Commissioner LaPadula motioned to approve the return to normal billing procedures effective with this next billing cycle. Seconded by Commissioner Falcinelli. Motion approved (6-0).

The Town Administrator will be notifying via letter those accounts with an outstanding balance over 90 days and the option of using a payment plan to catch up on their delinquent bills. The Town Board will evaluate the use of ARP monies to settle delinquent accounts once the monies become available.

## **REPORT OF COMMITTEES:**

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

Water use for May – 318,004 gal., spring flow for May – 149,126 gal., East WWTP treated 234,000 gals. and the West WWTP treated 261,000 gals. The Town received 5.3 inches of rain in May. The air chain at the EWWTP is being replaced. Staff rebuilt 16” valves at the EWWTP. Sewer laterals were cleaned and the main sonared. The reservoir tank project is now in the final punchlist review and completion stage. The Water & Sewer committee will meet June 23, 2021, at 7pm.

**PUBLIC WORKS** – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, water valves were repaired at Gray Fox Court and Smithfield Pass. Banners in the downtown area have been changed. The Town took receipt of its new Ford F550 truck. Staff repaired a sewer main that had settled and come apart on Linden Boulevard. Playground equipment was repaired. The Town continues its work on MS4 requirements and staff installed multiple handicap ramps on street corners throughout the town.

**SUSTAINABILITY** – Commissioner Stottlemyer reported:

The committee planted the first pollinator garden on June 6, 2021. Additional planting there will occur over the next 2 weeks. There were many volunteers. The committee is looking for other opportunities to place additional pollinator gardens.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The next Planning Commission workshop is Wednesday June 16th, and the Planning Commission meeting is June 21, 2021. Agenda items for the June Planning Commission workshop and meeting include the Newton addition plat at 720 East Main Street, review of the site plan changes and the architectural rendering review for the Hollow Creek Professional

Center, review of the AC Jets annexation petition, the review of chapter two, Population and Housing of Comp Plan and the review of the draft 2020 annual report.

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

Commissioner LaPadula attended the POS meeting and met with the representatives from the other municipalities. The Town was awarded monies for the exercise equipment at Wiles Branch Park and for adult swings at Remsberg Park. Frederick County Parks will be receiving \$6 million dollars, so there will be additional monies for possible parks and rec projects. The Town Board discussed where to place the pickle ball courts, either brand new at Remsberg Park or as part of the basketball court at Wiles Branch Park. The Town Administrator will get cost estimates for 2 pickle ball courts and provide the information to the Town Board at its next meeting.

**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. In May, the top five town website pages visited were 1. Home page, 2. Water & Sewer, 3. Parks, 4. Business Directory and 5. Community Calendar. The Town Board discussed other options available to get information out to town residents.

**NEW BUSINESS:**

**Broad Street Reconstruction Bids** – The Town received three bids for the Broad Street Reconstruction Project. The bids ranged from \$1,650,782.85 to \$2,238,350.00. Town Engineers recommend awarding the contract to Kinsley Construction, Inc. in the amount of \$1,650,782.85. Town staff recommends increasing the General Funds Budget allocation for this project to \$1,816,000.00 to cover a 10% contingency if needed. The Town Administrator stated that the contingencies can be reviewed later. This is before the Town Board for approval tonight due to lead time for any materials ordered for the project, and the rising costs for materials.

**Motion:** Commissioner Dietrick motioned to award the Broad Street Reconstruction Project contract to Kinsley Construction, Inc in the amount of \$1,650,782.85. Seconded by Commissioner LaPadula. Motion approved (6-0).

**Review of Loan Options for Broad Street Reconstruction** – The Town Board must decide how it will pay for the \$1.6 million-dollar Broad Street Reconstruction Project. There are three types of loans that the Town could utilize:

- Commercial Loan – usually has a higher interest rate but has no penalty for paying it off early.
- Line of Credit (normally used to pay off short term debt) – gives flexibility to pay off at any time. The Town currently has a line of credit with Middletown Valley Bank which has an interest rate of LIBOR plus 2.5%.
- Municipal Bonds (Town or State issued) – has the lowest interest rate but could not be repaid for 10-20 years.

Lines of credit have a variable interest rate which is locked in for a specific project. The Town can shop for a better line of credit if it so chooses. The Town Board reviewed the amortization schedule for each option. ARP monies could offset some of the costs. The Town Board decided it did not want to pursue the municipal bonds option. The Town Administrator will provide a detailed review on commercial loans and lines of credit at the next meeting.

**Petition from Manda Drive and Manda Court Residents Requesting Repaving** – Residents of Manda Drive and Manda Court have submitted a petition to the Town to remove the Tar, Chip, and Seal (TCS) used on both road surfaces and replace it with mill and overlay. Those streets were repaired using TCS two years ago, and the streets have not held up. The Town plans on resurfacing these streets once infrastructure funds become available.

**PUBLIC COMMENTS:**

Maddie Remsburg, 336 South Jefferson Street, would like the Town Board to revisit placing a streetlight on South Jefferson as requested previously. She has a petition signed by 12 neighbors who agree. It is a safety hazard due to no ambient lighting in the evening. There are 2 air B&Bs on that street, so visitors are driving on an unfamiliar street with little lighting. Commissioner Dietrick will review the issue and speak with Ms. Remsburg in July.

Chris Johnson, 34 Boileau Court, asked if there was any plan to repave the Elm Street parking lot if Manda Drive and Manda Court are to be repaved. There are no plans currently.

**ANNOUNCEMENTS:**

- *4<sup>th</sup> of July Fireworks – Saturday July 3, 2021, at dusk. – Fireworks will be set off at the MVFC Activities Property. There will be no festivities. Fireworks display only. There will be no parking at the MVFC property, the fire department property, at the Primary School, or along Franklin Street.*

Meeting adjourned at 9:16 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager