

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

TOWN MEETING

July 24, 2023

The meeting of the Burgess and Commissioners of Middletown was called to order on July 24, 2023 by Burgess Miller at 6:30 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Jean LaPadula, Kevin Stottlemyer, and Chris Goodman.

PUBLIC COMMENT:

Greg Wigle, 100-104 West Main Street, stated that with the Town Board discussing the sidewalk ordinance that he wanted it known that the sidewalks installed in front of his business during the Main Street Streetscape project started spauling the first month after installation. Installers unloaded hardener in front of their building which has created a problem. The interior edge along the street is already chipping. He stated he and his partner are starting at a disadvantage with the sidewalk ordinance. He asked if there was a warranty for the work done, and if yes, when does it end? Burgess Miller stated that the town will look into the warranty and also see if anything was noted during the final walk-through with SHA. Mr. Wigle stated that he had made SHA, their contractors and town staff aware of the sidewalk situation in front of his property while streetscape was an active project.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *July 10, 2023, – Town Meeting*

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

UNFINISHED BUSINESS:

WWTP ENR Upgrade Update –

History: Middletown has one of the few lagoons left in the State. Because of the WWTP's current location in a flood plain, it is probable that the upgrade would include pumping waste from the west to the east plant. Maryland Bay Restoration Fee (BRF) monies are now available to upgrade small plants. Because the town has a lagoon it was selected to receive monies. BRF monies will pay for the preliminary study, design and up to 66% of the construction of a new plant. The projected costs for the ENR upgrade are \$30 million. It is estimated that BRF monies will cover \$20 million. The lobbyist will be assisting with finding funding for the \$10 million remainder. It will cost an additional \$2 million to decommission the lagoon.

Tonight: Town staff and Commissioner Falcinelli toured the Eastern Correctional Institute wastewater treatment facility in Westover, MD on July 11th. The plant is similar in size to what the Town could be constructing. The Town Administrator reviewed the photos taken of the different elements of the plant. The plant is operated by a staff of four. It uses SCADA. The plant is more efficient, the most modular, and on a smaller footprint. This plant cleans the water to the point where someone could drink it. Those who toured the facility were impressed with the technology. The question was asked that if the town

could not afford this type of upgrade, what is plan B. It was asked if the engineers contracted to do the study for this project are reviewing all options. It was reiterated that the ENR requirement will be a mandate from MDE in the future. Bay Restoration Fees (BRF) collected can be used for an ENR upgrade. Currently approximately 10% of the water treatment plants in the state have an ENR. When the EWWTP was built the town was assured it would last 50 years. Now it seems it is obsolete. The EWWTP was supposed to be expandable. It was stated that the State tightened limits so the town's current technologies can't support what is needed or what will be required. The WWTP is nearing the end of its useful life. The town will be pursuing grant monies to assist in covering the town's costs for the upgrade. It was suggested to have the engineers review their plans and explain the process they used to get to the three options they are proposing for the town.

FY2021 Financial Statements Update – The town received the draft FY2021 audit. The MDNA was completed and sent to the auditors today. The 2021 audit should be finalized next week. A meeting will be scheduled for the auditors to present their findings to the town board. The FY2022 audit will begin once the FY2021 audit is finalized. That audit is scheduled for completion in October 2022.

NEW BUSINESS:

457b Plan Implementation Update – There is much interest in providing another retirement option for town employees. The Finance Officer (FO) and the Director of Public Works (DPW) met with two 457b providers to gather information. One provider would charge \$500 to set up the 457b with an annual fee of \$4500. The second provider would charge \$300 to set up with the annual costs being borne by employees enrolled in the plan. The FO and DPW recommend setting up the second plan with AIG. There is little cost to the town.

Motion: Commissioner LaPadula motioned to approve the recommendation by the FO and DPW to offer the 457b plan provided by AIG to town employees as presented. Seconded by Commissioner Stottlemeyer. Motion passed (6-0).

Ordinance to Amend Title 12 of the Town Code, Sidewalk Maintenance & Repair – The Zoning Administrator reviewed the updates to the sidewalk ordinance. All sidewalks would be inspected over a 4-year period, with one quarter of the town's sidewalks being inspected annually. The town website will have a sidewalk inspection page which will include a map identifying the 4 inspection zones, the form used for inspections, a contractor list and helpful information on do it yourself repairs for small sidewalk repairs. The town board would like to see the map of the four zones, and a current written estimate of the cost of generic repairs from Precision. Residents would be notified of upcoming inspections.

Ordinance to Amend Title 17 of the Town Code, Fences – The Zoning Administrator reviewed the updates to the fence ordinance. Fences may be constructed over utility easements but require a signed fence easement agreement submitted prior to zoning certificate approval. If utility access is needed fence removal and re-installation would be done at the property owner's expense.

TOWN ADMINISTRATOR'S REPORT:

Potomac Edison Charging Station – The Town Administrator reviewed the photos and information on the charging station. It will be located at the rear of the town hall parking lot. It would occupy three spaces. If approved, it could be installed by September.

Rate Study – The initial data request has been completed. The draft should be available in September.

PFAS – Three of the four Memar wells were tested. The PFAS levels indicated were 2ppt, 10ppt and 26ppt. The minimum for treatment is 4ppt. The test results were provided to the lawyers handling the

PFAS tort for the town. The developer will have additional requirements to meet for wastewater treatment as part of the Foxfield Section 6 development.

As a side note to Foxfield Section 6 development; Wormald would like to make changes to the annexation agreement. The draw down tests have been completed and they would like to move forward. Changing the agreement is premature as the town has not yet received any information from MDE.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *National Night Out – August 1, 2023, 6-8PM at the MVFD Activities Center*
- *Everyone is reminded to pick up their Middletown Ice Cream passport at Town Hall and join in the fun of celebrating Middletown's ice cream destinations.*

The meeting adjourned at 8:05 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager