

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

TOWN MEETING

August 14, 2023

The meeting of the Burgess and Commissioners of Middletown was called to order on August 14, 2023 by Burgess Miller at 6:30 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemyer, and Chris Goodman.

PUBLIC HEARING:

Ordinance 23-07-01 – 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. Residents would be notified of upcoming inspections.

Ordinance 23-07-02 – 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.

Public hearing public comment: There was none. There were no questions from the Town Board.

The public hearing ended at 7:04PM.

PUBLIC COMMENT:

Frederick County Council Member Jerry Donald stated that the skate park for the Middletown Community Park is coming. It looks to be completed in Spring of 2024. The Middletown library construction is on schedule.

SPECIAL RECOGNITION:

Jessica Thompson & the Frederick County Knucklers – 100th Annual National Marbles Winner – The Burgess and Commissioners and Frederick County Council Member, Jerry Donald, honored Frederick County Knucklers Team Member and Middletown Resident, Jessica Thompson, for winning the 100th Annual National Marbles Tournament, which took place in Wildwood NJ.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *August 3rd, 2023 – Town Meeting*

Motion: Commissioner Goodman motioned to approve the consent agenda as presented. Seconded by Commissioner Dietrick. Motion passed (5-0-1). Commissioner LaPadula abstained as she was not present for the August 3, 2023 workshop.

UNFINISHED BUSINESS:

WWTP ENR Upgrade Update – RK&K provided a preliminary report. Costs for the upgrade have increased to \$40 million. Of that total the Town will have to pay \$10-15 million. It is a three-year project. MDE is mandating that we upgrade our WWTP. As stated in previous meetings, Bay Restoration monies will pay up to 70% of the project costs. Elected and State officials are aware of this upcoming project. Middletown has unique circumstances. The town aerated lagoon is obsolete. A new WWTP cannot be built in that location as it lies within a floodplain and is cost prohibitive. RK&K recommends pumping the wastewater to a new East WWTP for treatment and then pump the effluent (treated) water back to the west so that it is emptied into Catoctin Creek as Hollow Creek (near the East WWTP) is too small a creek to handle the effluent flow. FEMA funding may be available to assist with relocating the new plant out of the floodplain. A hazard plan will be developed to be included in the FEMA application.

Delegate Pippy will be in town tomorrow, August 14, 2023, to tour the facility. A date is being scheduled in September for the County Council to tour the facility.

NEW BUSINESS:

Middletown Glen HOA & On-Street Parking – Commissioner LaPadule recused herself and left the meeting room before this discussion since she is a resident of Middletown Glen. Many of the residences do not have enough off-street parking for visitors. The Middletown Glen HOA held a ballot vote concerning allowing on-street parking in the Middletown Glen subdivision. The vote was 39 against on-street parking and 35 for on-street parking. The HOA President stated that the majority of the residents who responded do not want on-street parking, however the 35 residents who voted for on-street parking should be heard. The issue would be reassessed if there was more development of the property immediately behind the subdivision. The town has not changed its position against on-street parking in the subdivision. There is currently no expressed interest in annexing the adjacent property for development. The town board was asked for recommendations regarding the subdivision’s parking issues. The Town will have a conversation with the community deputies about possibly relaxing enforcement during the holidays. Safety is the main issue regarding on-street parking in the subdivision as there are many children and the road is narrow. If enforcement is relaxed, then safety becomes a bigger concern.

Once the discussion had concluded, Commissioner LaPadula returned to the meeting.

Ordinance 23-07-01 – to Amend Title 12 of the Town Code, Sidewalk Maintenance & Repair - 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.

Motion: Commissioner Falcinelli motioned to approve Ordinance 23-07-01 as presented. Seconded by Commissioner LaPadula. Motion passed (6-0).

Ordinance 23-07-02 – to Amend Title 17 of the Town Code, Fences - 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. Fences currently built on top of easements would also have to be removed and replaced at the owner’s expense.

Motion: Commissioner LaPadula motioned to approve Ordinance 23-07-02 as presented. Seconded by Commissioner Falcinelli. Motion passed (6-0).

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

For July water use was – 318,543 gal., spring flow was – 87,179 gal., East WWTP treated 178,000 gals. and the West WWTP treated 127,000 gals. The Town received 3.15 inches of rain in July. Middletown has not met all the criteria for a drought. Information was provided to SERCAP for the rate study. Historically the general fund (GF) has been subsidizing the water/sewer (WS) fund; specifically, \$400-\$500,000 in salaries were funded from the GF. A report should be provided at the end of September that should reflect the WS fund solvency if funding continues as is, and a second analysis of if the WS fund operated as a true enterprise fund. Three of the five Memar wells tested positive for PFOS. Samples from the Memar wells have been sent to the Tort testing facility for inclusion in the tort information. The town is still waiting on the MDE appropriation permit for the Memar wells. Town staff and the consultant are reviewing the draft WWTP ENR report and will be submitting a response to RK&K for clarification on certain points in the report. The sanitary sewer on South Church Street is being relined. The lead and copper testing is still ongoing. The town submitted an RMC grant application for the spring line replacement. The committee recommends an annual meter audit of town meters.

PUBLIC WORKS – Commissioner Dietrick reported:

Banners were put up, storm pond was inspected, the chess table was installed at Memorial Park, and interpretive signs were installed. There was a Broad Street storm drain repair, a cleanout at 713 East Main Street and 120 East Main Street. Water valves were repaired in Cone Branch Drive, a bench was installed, and a missing sign at CVS replaced. Flowers were watered, mowing was completed, gutters were cleaned at the plants, cold patch repairs finished all while continuing the on-going usual maintenance on the fleet. A new urinal was installed at Memorial Park Men's bathroom.

Discussion occurred regarding security and surveillance of at town facilities. Town staff can identify the hot spots in town. Commissioner LaPadula would like to revisit the topic of speed cameras in school zones. New Market has installed them and seen a decrease in speeding. They hired an officer to handle the program for them. The previous discussion ended because Sheriff Jenkins would not approve speed camera usage, which was required. Speed cameras are common in school zones around Frederick County. It was suggested to have a vendor come and provide a presentation as a reminder, while also researching the state requirements for speed cameras.

SUSTAINABILITY – Commissioner Stottlemyer reported:

The Middletown Library will host a sustainability class on Monarch Butterflies on October 28, 2023 at 10:30AM. Members of the committee cleaned up the pollinator garden this past weekend. There are still 4 compost bins for sale at town hall. The battery recycling project is going very well. The Reed Center will be holding a class September 2, 2023 at 12:00PM entitled Supporting Bees. Town staff killed a spotted lantern fly outside of town hall. The town board would like recommendations from the committee regarding weed killing.

PLANNING COMMISSION – Commissioner LaPadula reported:

The workshop will not be held this month. The Planning Commission meeting will be held Monday, August 21, 2023. The one agenda item is the review of the Comp Plan. They have done a very thoughtful and thorough work to complete it. Mr. Mattingly who has volunteered to format the document has requested in lieu of payment that the Town make a donation to Middletown Valley People Helping People. Once an amount is determined a budget amendment will need to be created and approved.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

A new concrete chess table was installed at Memorial Park. A DNR grant application has been submitted for the playground at North Pointe, and for the parking lot paving at Remsberg Park. Commissioner Goodman will contact MVAA concerning the batting cage at Memorial Park. It is not finished and looks like an eyesore. If anyone has ideas for the committee to pursue, please send them to Commissioner Goodman.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

In July, the town website had 3230 unique Ips visit the site. The top five town website pages visited were 1. Community Events, 2 Water & Sewer, 3. Community Calendar, 4. Business Directory, and 5. News and Announcements. As always, residents were reminded to sign up for town email notifications and robocalls to keep up to date on the latest in Middletown.

TOWN ADMINISTRATORS REPORT:

Cone Branch Drive Mill & Overlay – There was a preconstruction meeting. The cost is \$241,000. Miss Utility has been marked. The company is waiting on a crew to become available to complete the 4 week project.

Church Street CIPP Project – Starts tomorrow, August 15, 2023.

Heritage Park – The Town Administrator has contacted an appraisal firm to get a quote.

Common Alleys in Town – The town has received several complaints concerning the Broad Street/Prospect Street common alleys. The town attorney is researching to identify who owns those alleys and what to do to resolve these issues in the long term.

103 Broad Street – Burgess Miller and the Town Administrator met with Mr. Martin concerning his life estate deed. An MOU is being developed. Mr. Martin does not want the house to be rented. He would like the large lot to be made into a park and called Martin Park, in honor of his parents. The house could be office space, meeting space, or a museum.

PUBLIC COMMENTS:

None.

ANNOUNCEMENTS:

- *Family Movie Night, Saturday, August 19, 2023 at Remsberg Park*
- *Vintage Vehicles in the Valley – Saturday, September 9, 2023 on West Green Street*
- *Middletown Heritage Festival – Saturday, September 23, 2023 on Main Street*

Workshop adjourned at 8:42 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager