

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

February 10, 2020

The first regular meeting of the Burgess and Commissioners of Middletown was called to order on February 10, 2020, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Christopher Goodman, Tom Catania and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

Presentation of the FY2019 Town Audit – Rotz & Stonesifer- Mike Buhrman with Rotz and Stonesifer reviewed the FY 2019 audit with the Board.

CONSENT AGENDA:

- *Town Minutes – January 27, 2020 – Town Meeting*

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Falcinelli. Motion carried 5-0.

UNFINISHED BUSINESS:

Comprehensive Plan Public Participation Plan – This is a continuation of the discussion from the workshop. Burgess Miller is proposing to begin the Comp Plan conversations in March 2020. Burgess Miller is proposing to hold 2 community meetings in March that would be facilitated by a professional facilitator. The cost for the facilitator is \$1,500.00. Invitations will be sent to the homeowner's associations in town, and letters will be sent to residents with more information, and to spur involvement. Bob Smart, 7525 Coblenz Road – asked if the intention is to have different groups at each of the meetings. Burgess Miller stated that was the intention. The agenda for each meeting is identical. Motion by Commissioner Falcinelli to approve the comprehensive plan public participation plan as well as the \$1,500 fee for the facilitator as presented., seconded by Commissioner Goodman. Motion carried 5-0.

Resolution 20-01 – Healthy Eating & Active Living – Burgess Miller stated that there have been some minor changes to the language of the resolution to promote a more voluntary participation.

Commissioner Catania read a prepared statement (included with the minutes). He likes the idea of people individually taking steps for a Healthy Eating and Active Living Lifestyle but does not think it is the role of the Municipality to create policy and requirements to enforce or be viewed as enforcing this type of behavior.

Commissioner Falcinelli stated that it is in the Town Charter to promote the health of our residents. This H.E.A.L. is just a designation and not a mandate or law.

Bob Smart, 7525 Coblenz Road – stated he sees H.E.A.L. as a marketing tool with the restaurants because they offer certain food and food choices that people travelling through the area would be interested in when finding a place to eat.

Motion by Commissioner Falcinelli to approve Resolution 20-01 – Healthy Eating & Active Living as presented, seconded by Commissioner Goodman. Motion defeated 3-3, with Commissioners Bussard, Catania and Dietrick voting against.

Establishment a Financial Hardship Plan for the Capital Improvement Fee – Discussion occurred concerning residents who are currently exempt from paying the Bay Restoration fee since they qualify with the State.

Burgess Miller stated the Town could use the same criteria to determine exemption from the Town's Capital Improvement Fee.

Drew stated that annually 3-5 residents qualify for the Bay Restoration Fee exemption.

Commissioner Goodman stated that this started as a suggestion from a resident. He sees no reason to reinvent the wheel, and that the exemption should have to be renewed annually, like the Bay Restoration Fee exemption.

Bob Smart, 7525 Coblenz Road – stated that if someone qualifies for the Bay Restoration Fee exemption, they should automatically qualify for the Capital Improvement Fee exemption.

Commissioner Goodman motioned to approve the establishment of a financial hardship plan for the Capital Improvement Fee following the guidelines required for the State Bay Restoration Fee exemption, seconded by Commissioner Catania. Motion carried 5-0.

Ordinance 20-01-01 – Illicit Discharges – An Ordinance to establish an inspection and enforcement program to require the elimination of and mitigate the impacts of illicit discharges, prohibited materials, and illicit connections to a municipal separate storm water system. This Ordinance is a requirement of the MS4 permit.

Burgess Miller asked for any public comment. None given.

This item is to be voted on at the February 24, 2020 Town Board Meeting.

Ordinance 20-01-02 – Amendments to Title 13 Public Services – An Ordinance to amend title 13 to impose reasonable restrictions on the use of water from the Municipal water system during periods of short supply, protracted drought, excessive demand or other scarcity of water, to establish new water and sewer connection fees, and to repeal debt service charges – Drew stated that this Ordinance is correcting some titles and updating fees and rates.

Commissioner Falcinelli stated that this also clarifies the requirement of only 1 water meter per property. This item is to be voted on at the February 24, 2020 Town Board Meeting.

Amendments to the Standard Operating Procedures for Sewer Backup Incident Response – Drew stated that the changes to the procedures were to remove the Town as the entity to contact outside agencies to provide clean-up and repair of someone's personal property in the event of a sewer backup. LGIT stated that it was inappropriate for the Town to be in that role. It is now the property owner's responsibility.

Commissioner Catania asked that the policy be changed to further clarify when it would be the property owner's costs for clean-up and repair and when it would be the Town's costs for clean-up and repair.

Drew stated that those changes will be made.

Commissioner Falcinelli motioned to approve the amendments to the Standard Operating Procedures for Sewer Backup Incident Response to include the changes suggested by Commissioner Catania, seconded by Commissioner Bussard. Motion carried 5-0.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Booster Station Pump 3 was repaired by staff at a cost of \$7,500.00. Replacement would have cost \$27,000. Water use for January – 295,230 gal., spring flow for January – 96,085, East WWTP treated 257,000 gals. and the West WWTP treated 262,000 gals. A Town Water Conservation Initiatives handout was created to distribute at various event throughout the year. Next committee meeting is February 26th at 7:00 PM.

PUBLIC WORKS – Commissioner Bussard reported:

The mill and overlay planning for Boileau Drive is underway. The ADA sidewalk ramp reconstruction at Franklin Street and Fireman's Way is complete. Broad Street Streetscape design phase is 90% complete. Washington Street design is currently being reviewed for storm water management. The Booster Station

Process Pipe Replacement first submittal of drawings have been received for review. Construction is to begin in FY21.

SUSTAINABILITY – Commissioner Dietrick reported:

February 15th there will be a Green Lecture Series - Tree Talk at the Middletown Library at 1:00 PM. A Keep Maryland Beautiful grant was applied for, should hear something by the end of March. The committee will learn if Middletown has received a Tree City USA designation by the end of April. They also applied for an MEA grant to offset the cost for additional streetlights along Main Street and should receive notification by the end of February. A tree subcommittee has been formed. The Sustainability Committee has as one of its goals to increase the Town's tree canopy percentage. It is presently 18%. The goal is to raise it to 25% by 2025 and to 40% by 2040. This is to be accomplished by encouraging property owners to plant trees on their properties and continuing the planting of trees on Town property. The committee continues to work with the Elementary school on their composting program. The next committee meeting is February 18th at 5:00 PM.

PLANNING COMMISSION – Commissioner Catania reported:

The next workshop is February 12 and meeting is February 17 at 7pm., on the agenda will be the County Park Project Forest Stand Delineation and the County Park Project Forest Conservation Plan.

Burgess Miller stated that at the last joint meeting there were many comments and suggestions regarding the Hollow Creek Professional Center. He suggested that the Town Board might want to develop a position statement to give to the Planning Commission.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The next meeting is scheduled for February 19th at 7:00 PM. DNR sent an acknowledgement letter that the Town will receive \$15,000 POS monies for bleachers for Rensburg Park. Commissioner Goodman received an email from MVAA requesting new bleachers for the second ball field instead of repurposing the bleachers from Frederick High School. They are asking for 36-inch high portable bleachers similar to the eight currently being used at the park. Drew will have to contact Bob Hicks, Frederick County POS Coordinator, for approval. The POS application states the request was for bleachers for Rensburg Park, so Drew does not think there would be a problem. MVAA has also requested a shed by the backside of the bathrooms at Memorial Park for storage. Commissioner Falcinelli suggested that MVAA and the Town together develop a 5-10 year comp plan for Rensburg Park. Included in the plan are MVAA's identified priorities and direction for the park. Drew stated that the park still has 35-38 acres yet to be developed. Since the park is not within town limits the town would have to go to the Frederick County Planning Commission for approval and changes.

MVAA wants to hold lacrosse tournaments. An MOU for charging for use of the fields is required. Included in the MOU will be the distribution of any profits. Burgess Miller asked that MVAA develop and present a draft MOU to bring to the Town Board. It was emphasized that MVAA should provide a concept plan with their ideas for Rensburg Park. The Town can then also include the information regarding the new maintenance facilities.

Pam Dietrick, 707 East Main street – stated that the gravel parking lot at Wiles Branch Park, next to the basketball courts has an area of standing water. The Town will investigate and rectify. She also stated that there are several benches that need painting. Commissioner Catania stated that there is 1 or 2 that look as if they are damaged and need repair. The Director of Public Works will determine if the benches need painting or replacement with composite materials.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Staff contacted Govoffice.com regarding streaming town meetings. Will have more information at the next meeting.

NEW BUSINESS:

Bid Award for Reservoir Project – The Town received 4 bids on the Raw Water Storage Improvements Project ranging from \$3.9 million to \$5.2 million. RHI, Inc. of State College, PA was the low bidder. Fund allocation for the project will have a \$31,400.00 deficit. Burgess Miller stated that the Town can

budget this cost into the next fiscal year to cover it. This project will begin this fiscal year and continue into FY22. Commissioner Bussard motioned to accept the bid from HRI, Inc for \$3,390,865.00, seconded by Commissioner Catania. Motion carried 5-0.

Bid Award for New Maintenance Facility Design – This is for the design of the new maintenance facility and storage buildings that will be located behind the East WWTP. This is Phase 1 of a two-phase project. This project was bid in 2018 but because we did not have the funding to move forward this project was put on hold. The Director of Public Works reached out to Triad Engineering and they are willing to honor their bid price of \$100,000 from 2018. Burgess Miller stated that the Board needs to develop a plan of what to do with the other buildings when the facility has been constructed. Drew stated that the Town will have to prepare a site plan for the new building to take to Frederick County that identifies where everything will be located and consider traffic flow into and out of the ball fields. Motion by Commissioner Catania to accept the Triad proposal for Phase 1 of the new maintenance facility, seconded by Commissioner Dietrick. Motion carried 5-0.

Road Patching Contract – Request for Extension of the Contract for 3-Years - RFP has requested to extend their contract with the Town. After reviewing their new proposal, the proposed unit prices increased basically \$1.00 each year. Town Engineers are pleased with the work RFP has done and recommend the Town Board approve the contract extension. Motion by Commissioner Catania to approve the road patching contract extension with RFP, Inc through FY2023, seconded by Commissioner Dietrick. Motion carried 5-0.

PUBLIC COMMENTS:

Commissioner Catania read a prepared statement (included with the minutes) regarding the benediction given by Middletown Volunteer Fire Company Chaplain, Alan Caho at the conclusion of the Middletown Volunteer Fire Company 125th Anniversary Celebration and Annual Awards Banquet. Commissioner Catania appreciated Chaplain Caho’s perspective regarding the use of the emergency siren; a call to prayer, to pause and pray for the people who require the emergency response and to pray for the first responders for a safe return to their loved ones.

ANNOUNCEMENTS:

- *Nominating Convention – Tuesday, February 25, 2020 at 7pm.*
- *Middletown Sustainability Committee Lecture – Saturday, February 15, 2020 at 1pm. at Middletown Library*

Meeting adjourned at 8:40 PM.

Respectfully submitted,

Annette Alberghini
Administrative Assistant