

MIDDLETOWN TOWN COUNCIL  
MEETING MINUTES  
March 12, 2012

The Middletown Town Council Meeting was held in the Council Chamber, 7875 Church Street, Middletown, VA on Monday, March 12, 2012 at 7:00 pm.

**Town Council Present**

Mayor Marshall Brown  
Councilor Gil Barrington  
Councilor Carl H. Bernhards  
Councilor John Blaisdell  
Councilor Mark H. Davis  
Councilor Donna M. G. Gray  
Councilor Charles H. Harbaugh, IV.

**Staff Present**

Rebecca L. Layman, Municipal Clerk  
Donald Riffey, Superintendent of Public Works  
R. Philip Breeden, Chief of Police  
Joan Roche, Town Manager

**Town Attorney**

**1. Call to Order**

Mayor Brown called the meeting to order at 7:00 p.m.

**2. Moment of Silence**

Mayor Brown called for a moment of silence.

**3. Pledge of Allegiance**

Mayor Brown led those present in the Pledge of Allegiance.

**4. Roll Call**

All Councilors were present.

**5. Set Agenda.**

Mayor Brown added to the agenda a letter of resignation to be read. Mayor Brown would like to read this immediately after setting the agenda. Mayor Brown asked for a motion to approve this. Councilor Blaisdell made a motion to add this to the agenda. Councilor Harbaugh seconded the motion. All Councilors were in favor. Mayor Brown read the resignation of the Town Attorney J. David Griffin. There were (3) additional resignations (Mayor Brown, Gilbert Barrington, and John Blaisdell) please see the attachments. Mayor Brown then turned to Vice Mayor Charles Harbaugh and told him that the meeting was his. Mayor Brown, John Blaisdell and Gilbert Barrington resigned, and walked out of the Council Chambers and exited the building. Councilor Gray asked if she could make a comment. Vice Mayor Harbaugh stated that she may make a comment. Councilor Gray stated that she is not surprised by Mr. Brown's resignation as this is not the first time. Councilor Gray stated that she was shocked about the two other Council members, because she does not see how resigning is in the best interest of the citizens and Councilor Gray brings into question their motives for being on Council. Councilor Davis stated that he will not be replying to some of the allegations and charges, because they are so off the chart

and ridiculous. Councilor Davis stated that a lot of the citizens have been attending a lot more meetings recently, because they are concerned about their Town government and you should be. Councilor Davis does agree with the phase that the Town of Middletown has become the laughing stock, and hopefully that will start to end tonight. Councilor Davis thinks that some of the resignations and specifically one of them is good for the Town and feels that things will start to get better. Councilor Davis stated there was one resignation that he will not comment on, because he kind of straddles the fence, because he feels that the person is a good guy, and the other resignation the last, he is very sad to hear, because he feels he also is a good guy and has had some discussions with him and would be good on Council and Councilor Davis urged him outside the door ten minutes ago to reconsider and obviously he did not. Councilor Davis stated that a lot of the allegation about how much of a mess the Town is in has been grossly over stated and also the allegations that it is the Council that has the problem have been grossly over stated. The Council does disagree and if we did not have any disagreements he would be a little worried, because it means everyone is thinking alike and that is not good. Councilor Davis feels that some of the disagreements are behind us and feels the four people that are left will be able to work together and thinks things will get dramatically better quickly. Councilor Davis just urges people to be patient and everyone that is up here does care about the Town. Councilor Bernhards thanked everyone for coming out and he suspects that not only the press but others were informed that there was going to be some resignations tonight. Councilor Bernhards found out several hours prior to tonight's meeting, but to be quite honest Councilor Bernhards thought that it was going to be himself who was going to be asked to resign. Councilor Bernhards is surprised by the Councilor's resignations, and he can only state that with their resignations they are perhaps trying to hurt this Town government more so then we already are. Councilor Bernhards does agree that there have been differences and we have tried to get a few things done, but there has been repeated statements made by the Mayor and others that are not really true and he does not believe that anyone in anyway has tried to stop the boundary adjustment on the other side of I-81 and Councilor Bernhards himself has kept out of it, and he has been kept out, and he always stated that it is something that needs to be worked on and continue to work on and everyone knew it would not happen last year or this year and may not happen for another several years. This is not because of this Town government it is because of Frederick County and the land owners. It is Frederick County who will decide to give that land to the Town, and the land owners are free to build anytime. Councilor Bernhards stated that he hopes some of the citizens will join the Council and the Town will continue on as we always have. Councilor Bernhards stated to continue on with the meeting at hand. Councilor Harbaugh stated that he is fairly shocked and it is not too often that you have a twenty four year old Mayor. Councilor Harbaugh stated that he is very anxious for this opportunity and for the people who have known him like John Copeland who hired him as a maintenance worker for the Town several years ago. Councilor Harbaugh stated this is something he has wanted for a long time and he will bring stability and civility back to this office, and we can agree to disagree and it does not need to be taken personal and he thinks that is what the last couple of Councils and groups have done, they have taken things personal and he does not plan on setting that tone for his tenure in office.

#### **6. Citizen Comments.**

Carolyn Snyder 7844 Church Street stated she came home from work this afternoon to find seven kids skateboarding on St. Thomas Chapel sidewalk and she ask the kids to please get off the sidewalk. The kids stated that it does matter that we are on this sidewalk and nobody every yells at us. She stated that she was going to call Chief Breeden to see what he says about this, and by the time she got to the phone at her house the kids were gone. The bricks are crumbling at the end of the sidewalk very badly, and if we could to do something about this it would be nice. The garden club will be planting flowers in the Town urns again this year and would like to ask the Town to help us as they did last year.

#### **7. Approval of Previous Council Meeting Minutes**

Councilor Bernhards made a motion to approve the minutes from the February 12, 2012 Town Council meeting. Councilor Davis seconded the motion. Councilor Gray stated that she previously spoke to Clerk Layman about this on page 3 number 12 the motion for the executive session she would like the actual motion typed into the minutes. Councilor Gray amended the motion to approve the minutes from February 12<sup>th</sup> to include the exact motion made for the executive session. All Councilors were in favor.

## **8. Report of the Facilities Committee**

Councilor Davis had nothing to report.

## **9. Report of the Personnel and Finance Committee**

- a. Treasurer's Report given by Councilor Bernhards
- b. Presentation of the bills

Councilor Bernhards made a motion to pay the bills except for the attorney's bill for the month of February. Councilor Bernhards stated that he did make a call to the attorney on Friday questioning that bill and as of today he has resigned as our attorney. Councilor Bernhards hopes to get some answers as to why his phone call may or may not have precipitated that resignation. Councilor Davis seconded the motion. Vice Mayor asked if all Councilors were in favor. All Councilors were in favor to pay the bills with the exception of the attorney bill. Councilor Bernhards stated that the Town will be receiving the annual audit from last year and we have made some head way in reviewing our current budget which to Councilor Bernhards best estimate shows that we will be within \$75,000 of meeting our budget and being online so there are a few items that we will probably have to cut back or at the end year close a CD out to pay that or carry it over. The Council will be working on the new budget and it will be a little difficult with three Council members and only thirty days before we need to do a first and second reading of that budget in order to have a public hearing the following month and have it approved in June.

## **10. Report of the Public Works Committee**

No report at this time.

## **11. Report of Public Safety Committee**

Report of the Police Department given by Chief Breeden (attached).

## **12. Report of the Ordinance Committee**

Councilor Gray had nothing to report.

## **13. Report of the Planning and Zoning Committee**

Councilor Davis stated that the Planning Commission has restarted the legitimate Comprehensive Plan Update effort which has been ongoing for the past two years. The next meeting Planning Commission workshop will be March 19, 2012. Councilor Davis stated that the Public Hearing scheduled on March 20<sup>th</sup> needed to be cancelled.

## **14. Report of Special Committees**

The next July 4<sup>th</sup> meeting will be March 21 @ 7:00 p.m.

## **15. New or Unfinished Business**

Next Committee Meeting will be March 20 @ 7:00 p.m.

Next Work Session Meeting will be April 2 @ 7:00 p.m.

## **16. Petitions and Communication**

## **17. Adjournment**

Vice Mayor Harbaugh adjourned the meeting at 7:25 p.m.

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Marshall J. Brown, Mayor

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Rebecca L. Layman  
Town Clerk