

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

October 11, 2021

The meeting of the Burgess and Commissioners of Middletown was called to order on October 11, 2021, by Burgess Miller at 7:00 p.m. Present via Zoom were Commissioners Jennifer Falcinelli, Christopher Goodman, Jean LaPadula, Kevin Stottlemyer, and Rick Dietrick.

PUBLIC COMMENTS

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *September 27, 2021 – Town Meeting*

Motion: Commissioner Falcinelli motioned to approve the consent agenda as presented. Seconded by Commissioner Dietrick. Motion approved (5-0).

UNFINISHED BUSINESS:

Comprehensive Plan – Chapter Review – The Town Board reviewed the draft version of the Water Resource Element chapter. It is not in the new format. Much of the information for the 2010 Comp Plan was from Frederick County but had been updated to represent Middletown information. The Staff Planner is reviewing the information on both water and sewer. The Project Manager is reviewing the information on the stormwater management component. The Water and Sewer Committee will be reviewing this chapter at their October 27, 2021 meeting. They will be providing their comments and recommendations as well. Town Board members were asked to review this draft chapter and send any comments to both the Staff Planner and the Water Sewer Committee.

AC Jets Annexation – Burgess Miller listed the items that the Town is legally obligated to address as part of the State mandated process regarding the AC Jets Annexation petition. The items include determination of Town Board to support or deny the applicant's use of the Brinkley Bill for additional water allocation from MDE, development of an annexation resolution, development of an annexation plan and the Planning Commission's review of the annexation petition for consistency with the current Comp Plan. The applicants revised their original annexation petition so that the petition is now consistent with both the Town's and the County's Comp Plans. They are willing to hold off development of the property for 10 years. They are very willing to work with the Town. The Planning Commission has determined that the revised petition for annexation is consistent with the current Comp Plan. There has been opposition to this annexation petition from town residents.

- **Request for Support to Use the Brinkley Bill** – The applicants have asked the Town to support their submission to the State to use the Brinkley Bill to secure additional water allocation from MDE for

the property. Most of the property lies within the Hollow Creek aquifer which has been over allocated. The Brinkley Bill was written to address cases such as this and has been used successfully by other towns. The thought is that MDE would look at state lands that lie within the aquifer where water would not be needed to make their additional allocation determination. The applicants will cover all the costs associated with this water allocation request. Any additional allocations from MDE would go to the town not the developer, though there is no guarantee that MDE would allocate any additional water. Questions were raised regarding the Town's "water safety net" during times of drought. The Town requires reserve capacity from developers, and MDE includes calculations when addressing developments to insure reserve capacity.

Motion: Commissioner Stottlemeyer motioned to deny town support of the applicant's use of the Brinkley Bill for additional water allocation from MDE. Seconded by Commissioner Falcinelli. Motion approved (5-1) Commissioner LaPadula voted against the motion.

- **Draft Annexation Resolution** – Tonight the Town Board reviewed the draft annexation resolution for the AC Jets annexation petition. Once finalized this document would be what the Town Board votes on to either approve or deny the annexation petition.
- **Draft Annexation Plan** – This document addresses the impacts that the annexation would have on town facilities and services. Impacts include but are not limited to growth, schools, and emergency services. This draft includes comments from the Staff Planner that need to be addressed by the developer.
- **Draft Annexation Agreement** – In tonight's meeting packet is a copy of the last annexation agreement developed when the last petition for annexation was submitted for the property. Work on the new annexation agreement has not yet begun. The new annexation agreement would not go into effect unless the annexation resolution is passed by the Town Board.

Introduction of Ordinance 21-10-01 - Formula Restaurants - The Town Board reviewed the draft formula restaurant ordinance provided. The updates to this ordinance are that wherever in this document it stated the words "prohibit" or "prohibition" that they are now changed to "restrict" or "restricted". Public hearings will have to be scheduled by both the Planning Commission and the Town Board, to be followed by a vote by the Town Board.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for September – 300,680 gal., spring flow for September – 91,340 gal., East WWTP treated 312,000 gals. and the West WWTP treated 342,000 gals. The Town received 10.2 inches of rain in September. Due to the high rainfall this past month there was high levels of I&I into the water treatment system. There are CIP and ARP monies to address this problem and the I&I projects are moving forward. Water valve replacement is ongoing throughout the Town. Water valve replacement is occurring because all valves built and installed between 1999 and 2003 have bonnets that have bolts holding them in place under pressure. Those bolts have been found to deteriorate until the bonnet is blown off the valve. Our crews are replacing those original bolts with stainless steel bolts. They replace the bolts in 10-12 valves annually. The reservoir tank project is now complete. The Water and Sewer Committee will be meeting October 27, 2021, at 7:00PM to review the Comp Plan chapter on the Water Resource Elements.

PUBLIC WORKS – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, town crews have been busy supporting the Heritage Festival, Vintage Vehicles in the Valley and preparing for the Scare crow event.

Broad Street project is installing new vaults and a temporary water line with connections. Paving was completed to the future site of the Maintenance Facility. The gate at the large dog area of the dog park has been repaired. The speed sign has been moved to several locations throughout town.

SUSTAINABILITY – Commissioner Stottlemyer reported:

October 15, 2021 the committee will be Tree & Shrub Planting at the Hollow Creek Stream Restoration Area – Friday, October 15, 2021, beginning at 8:30AM. Please bring shovels, gloves and wear appropriate footwear and dress for the weather. The Committee is still in discussion with Middletown schools regarding the “Lunch Out of Landfills” Program set-up.

PLANNING COMMISSION – Commissioner LaPadula reported:

The Planning Commission workshop is scheduled for October 13, 2021. The Planning Commission meeting is scheduled for October 18, 2021. Agenda items include reviewing the library property subdivision and continued review of Chapter 7 of the Comp Plan.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The committee received a quote for a metal maintenance free gazebo for Wiles Branch Park which will be reviewed at the committee’s next meeting. It was suggested that the Town Board, MVAA representatives and the Parks and Recreation Committee meet jointly to discuss and develop a master plan for Remsburg Park. This plan would incorporate ideas and amenities for all ages. Developing a survey was suggested to get resident’s ideas.

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 September, the top five town website pages visited were 1. Events page, 2. Parks 3. Business Directory, 4. Water & Sewer and 5. Community Calendar.

NEW BUSINESS:

Petition From Resident in Foxfield for Removal of Trees in SWM Pond – The Town has received a petition from residents of Foxfield requesting the removal of weeping willow trees and additional overgrowth in the stormwater management (SWM) pond across from the county park citing several safety concerns. The Town Administrator provided photos taken showing the current state of tree growth and overgrowth of all the SWM ponds in Middletown. When first constructed that SWM pond was based on the quantity of water to be held per MDE standards at the time. Those standards have changed from quantity to quality. Quality includes having tree growth and overgrowth in SWM ponds to act as additional filters of the water. The Town Administrator will be contacting MDE and DNR for more information on SWM ponds.

Discussion of Design of ENR Grant for West WWTP – The Town applied for a grant to assist with the upgrade to the West WWTP, or construction of a brand new West WWTP. The Town is ranked 11th on the list of applicants and will receive funding. As part of the requirements for receiving the grant monies a comprehensive study must be completed. With the addition of the ARP projects to the timeline, this project will flounder, and the opportunity will be lost. The Director of Public Works is requesting the Town Board consider contracting a consultant to oversee this project from start to finish. A respected organization has been identified as the prospective consultant. This would cost the Town up to \$10,000.00.

Motion: Commissioner Falcinelli motioned to approve up to \$10,000.00 for Town to contract with Gold and Associates to manage the ENR grant project as recommended by the Director of Public Works. Seconded by Commissioner LaPadula. Motion approved (6-0).

Review of Screening Definition of the Town Code – The Town Board began discussing the definition of screening as it is currently written within the Town Code as it relates to unregistered vehicles with expired tags. The definition currently states, “Screening means the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties.” Since the code does not provide specifics Zoning Administrators have applied their own interpretation when responding to complaints. The Zoning Administrator was tasked with researching language for inoperable vehicles and if they are allowed, language for being in a garage or structure. This will be an item on the next joint meeting with the Planning Commission.

Planning Commission Appointments – Three seats on the Planning Commission will be coming up for appointment/reappointment at the end of this year.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *March of the Scarecrows – Saturday, October 16, 2021, from 2:00PM – 5:00PM.*
- *Middletown Halloween Parade – Saturday, October 30, 2021. Parade begins at 5:00PM*

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager