

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES
VIRTUAL MEETING**

REGULAR MEETING

October 12, 2020

The virtual regular meeting of the Burgess and Commissioners of Middletown was called to order on October 12, 2020, by Burgess Miller at 7:00 p.m. Present were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

Burgess Miller introduced Ms. Joy Schaefer, the Municipal Liaison to the Frederick County Executive.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *September 3, 2020 – Town Workshop*
 - *September 14, 2020 – Town Meeting*

Commissioner Falcinelli noted that the title for the September 14 Town Meeting should have the word “Workshop” removed since it was not a workshop.

Motion: Motion by Commissioner Falcinelli to approve the consent agenda with the indicated correction, seconded by Commissioner LaPadula. Motion carried 5-0.

UNFINISHED BUSINESS:

Survey Questions for Off-Site Sale of Liquor in Town Limits – Two parties are interested in the liquor license still available in the Middletown district. In the 90’s Middletown had a referendum on allowing off-site sale of liquor within town limits. The referendum was voted down. This survey is a way for the Burgess and Commissioners to get input from the community 30 years later on this same topic. A draft survey was provided to the Town Board members for review. Proposed changes to the survey include changing the date that the survey is on-line for completion from October 15th to November 15th, 2020, changing the last line of the third paragraph to read “If approved, a proposed text amendment may come before the Burgess and Commissioners before the end of this calendar year for a vote.”, modifying question 3 to become a “yes or no” question, and adding a statement that addresses building aesthetics and signage for a liquor store as it relates to town code.

Motion: Motion by Commissioner LaPadula to approve the survey for the off-site sale of liquor in town limits as proposed with the changes, seconded by Commissioner Falcinelli. Motion carried 5-0.

Downtown Revitalization Zone – Task Force Update – Commissioner Falcinelli reviewed the draft downtown revitalization zone incentive program. This is a program that would assist investors in keeping downtown Middletown thriving. Qualifications for this program include a pre-application meeting with Town staff, the Main Street Program Manager, and an elected official to discuss all aspects of this program. The revitalization project must be within the Downtown Revitalization Zone, a minimum of \$250,000.00 (excluding purchase price) must be invested in the project by the developer, the front façade

of the building must be preserved, and a development agreement detailing the obligations of both parties and which specifies standards and conditions governing the development of the property must be executed. Incentives include reductions in water and sewer tap/equivalent dwelling unit (EDU) fees and improvement fees, deferred payments of water and sewer tap/EDU fees, decreasing residential parking requirements by 50% and waiving commercial parking requirements, waiving all planning commission and board of appeals fees, an expedited navigation through planning commission and board of appeals (if needed), and a kick off meeting with town staff, the Main Street Program Manager and at least one elected official. Draft documents included would evolve as the program is implemented. If this policy is approved, a line item would have to be created in the General Fund for this incentive program. There would be flexibility as to when and how the Town would reimburse the Water/Sewer Fund to keep it current and not short the General Fund.

Motion: Motion by Commissioner LaPadula to approve the Downtown Revitalization Zone Incentive Program Policy as presented, seconded by Commissioner Falcinelli. Motion carried 5-0.

Comprehensive Plan – Chapter Review - The Town Board was provided draft copies of Chapters 4 and 5 of the 2020 Comprehensive Plan for review. This has been reviewed at the town workshop and at the last joint meeting of the town board and the planning commission. A Comp Plan survey is available to residents to complete to provide more input. It is accessible through the town website through the end of October. Again, any comments or suggestions on these chapters or the survey please get them to the Town Planner.

Review of Budgets and Salaries - The Town Board approved up to 4% salary increases for town staff as part of the FY2021 budget. 2% was initially instituted, with the remaining 2% to be re-evaluated in January 2021, due to possible impacts from Covid-19. Tonight, the town board reviewed whether to immediately put the remaining 2% into effect or wait until January as originally planned. The Town has received first round Cares Act reimbursement for some expenses. The Town Administrator reviewed FY2021 revenue and expenses of both the General Fund and Water/Sewer Fund to date. Revenues are where projected, and expenses are all in line where they tend to be this time of year. It has been inferred from the 2007 downturn that Covid-19 impacts will probably occur in the next budget year (FY2021). The Town is in good shape financially currently.

Motion: Motion by Commissioner Falcinelli to release the hold on the 2% increase in employee salaries, seconded by Commissioner Goodman. Motion carried 5-0.

REPORT OF COMMITTEES:

Due to the Town Board vacancy with the resignation of Commissioner Bussard, there is a vacancy on the Public Works Standing Committee. Burgess Miller recommends the appointment of Commissioner Dietrick to chair the Public Works Standing Committee. Burgess Also recommends the appointment of Commissioner Goodman as the chair of the Sustainability Committee. Commissioner Goodman would still be the chair of the Parks and Rec Standing Committee.

Motion: Motion by Commissioner Falcinelli to approve standing committee recommendations as presented, seconded by Commissioner LaPadula. Motion carried 5-0.

WATER & SEWER – Commissioner Falcinelli reported:

Water use for September – 300,687 gal., spring flow for September – 64,513 gal., East WWTP treated 175,000 gals. and the West WWTP treated 147,000 gals. These numbers reflect a dry September with

little rain so there was little to no I&I. The Town is hydrant flushing this week. Robocalls are going out, residents are asked to not do laundry on the date their neighborhood is being flushed. The water reservoir project should be finished before year's end. When renewing the discharge permit for the East wastewater treatment plant the Town will be requesting to increase the number of gallons from 250,000 to 350,000 to be in line with its' design. Brookridge Pump Station clogged again. Residents should only be flushing human waste and toilet paper down their toilets. This pump station only services Brookridge South. Residents have been notified of this issue in the past via letter. Unsure if Covid-19 is part of this impact. Commissioner Falcinelli asked if there were anymore covid testing results from the County. Ms. Schaefer stated that test results take one week to process and receive results, and then Dr. Brookmyer must analyze and interpret the results. This slows municipalities from receiving their results.

PUBLIC WORKS – Commissioner Dietrick reported:

Town crews have been installing light posts and installing metal arms for banners on decorative poles along Main Street. They planted trees at Remsberg Park, powder coating fire hydrants, and did line striping in town parking lots. Town parks had wood carpets replaced at town playgrounds and they installed the public art piece by the Main Cup.

SUSTAINABILITY – Commissioner Goodman reported:

The committee will be meeting October 20th at 5pm. They will be reviewing the tree trail at Cone Branch Park. The committee is also working on a sustainability chapter for the 2020 Comprehensive Plan. There is a memorial bench and tree dedication on November 7th at 10:00 Am on Cone Branch Trail for Lewis Corl.

PLANNING COMMISSION – Commissioner LaPadula reported:

The virtual Planning Commission workshop will be held October 14th. They will be reviewing chapters 4, 5 and 6 of the Comp Plan, the concept plan for parking at the new library and the update site plan for the temporary classroom at St. Thomas More Academy. Please take the Comp Plan survey if you have not done so already.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

MVAA placed a shed at Remsberg Park. No one can see it unless you are walking down near where it is located. Port-a-pots will probably be moved to that location as well. The committee discussed placement of memorial benches along the walking trails. The next meeting is October 21st.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

An insert to sign-up for town notifications and information was included with the last water bill. Commissioner Falcinelli requested a report on town website activity. The Office Manager will provide that to her.

Burgess Miller asked that the Commissioners provide monthly reports/blurbs to the Office Manager so that the information can be posted to the town website and town Facebook page. This will help keep our residents informed of what is happening in town.

NEW BUSINESS:

Discussion of Next Joint Meetings in 2021 – The next potential joint meeting of the Town Board and Planning Commission would be January 4, 2021. It would be a potential zoom virtual meeting if board members agree. That meeting will be tentatively scheduled as agreed by consensus.

Proclamation for Arbor Day in Middletown – There is a proclamation available at the Town Hall awaiting signature from Burgess Miller to sign. Burgess Miller read the proclamation.

Proclamation for Business Appreciation Week – October 5-9, 2020 – There is a proclamation available at the Town Hall awaiting signature from each Commissioner and Burgess Miller to sign.

Discussion of Special Election for Vacancy on the Town Board – The Town Board discussed how to best proceed filling the vacancy on the Town Board with the resignation of Larry Bussard. Town Code currently states that a special election is to be held. The Town Administrator presented 2 different possible special election date scenarios. Scenario #1 has the nominating convention on December 1, 2020, absentee ballot requests in by December 28, 2020 and the special election being January 11, 2021. Scenario #2 has the nominating convention scheduled for January 12, 2021, with absentee ballot requests by February 5, 2021 and the special election being held February 22, 2021. Elections would be in person following CDC & Frederick County Health Department guidelines. Town Board members expressed concerns of a special election occurring over the holiday season. Board members will be sent each scenario. This will be an item voted upon at the next Town Board meeting, October 26, 2020.

2019 Water Capacity Plan – This is a summary document that the Town Board and the Planning Commission utilizes to make determinations regarding annexations and developments and water needed. This document incorporates MDE guidelines. This plan is calculated on a 3-year average. For 2019; 2017, 2018 and 2019 were used. According to the report, the Town of Middletown’s current water system capacity month of use, based on calculations by flow is 89.8% and there are 128 water taps available. This does not include the Memar Annexation which has its own well as part of the agreement. The Town’s water capacity annual average is 91.7%. Again, this does not include the Memar Annexation which has its own well as part of the agreement.

2019 Wastewater Capacity Plan – This is a summary document that the Town Board and the Planning Commission utilizes to make determinations regarding annexations and developments and plant capacity. This document incorporates MDE guidelines. This plan is calculated on a 3-year average. For 2019; 2017, 2018 and 2019 were used. According to the report, the Town’s current permitted wastewater sewer system capacity is 110%. These calculations do not include the Memar Annexation. The Town’s sewer system design capacity is at 92%. It was noted that 2018 was an extremely wet year with a high amount of rainfall. This increased I&I into the Town’s sewer system. (Accompanying charts illustrated how the rainfall impacted I&I.) A major I&I project to replace the interceptor from South Jefferson Street to the West WWTP is anticipated to reduce I&I significantly. Also, since capacity is calculated on the past 3-year average there will be a significant decrease in I&I with normal or low rainfall amount projected for 2020. In the permit renewal for the East WWTP the Town has requested an increase in its permitted capacity to the full design.

PUBLIC COMMENTS:

Swampy area behind Black Hog BBQ and Dunkin Donuts – Bob Smart, 7525 Coblenz Road, stated there is a swampy area behind the two businesses and suggested the Town contact the property owner to address it. Also, there is a sidewalk at the front of the property that has a section that is gravel. The property owner should address that as well.

Vote Banner – Burgess Miller requested that the street crew please hang the “vote” banner to encourage participation in the upcoming general election. Early voting begins October 26, 2020.

ANNOUNCEMENTS:

- *Please Complete Your Census Information – Middletown is currently at 85.2% for self-completion. Census workers are now visiting residences to assist with the census completion.*
- *Tree Planting Event – October 16, 2020 at 9:30AM at North Pointe Subdivision.*
- *Middletown’s 13th Annual Scarecrow Contest – October 17& 18, 2020 – on-line voting through the MAAC Facebook page which can be accessed through the town website as well.*
- *Main Street Business Mixer – October 16, 2020 at 8:30AM at the Main Cup*

- *Christmas in the Valley Christmas ornaments are on sale now. They are going fast. Pick yours up at the town hall. Cost is \$30.00*

Meeting adjourned at 8:19 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager