

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES
VIRTUAL MEETING**

REGULAR MEETING

October 26, 2020

The virtual regular meeting of the Burgess and Commissioners of Middletown was called to order on October 26, 2020, by Burgess Miller at 7:00 p.m. Present were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

Burgess Miller stated that early voting in Maryland began today. In Middletown, residents who are registered voters can go to either the Middletown High School, or the MVFC Activities Building to cast their vote for the national elections. Polls are open from 7:00 AM – 8:00 PM.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *October 1, 2020 – Town Workshop*
 - *October 12, 2020 – Town Meeting*

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

UNFINISHED BUSINESS:

Preliminary Survey Results – Two parties are interested in the liquor license still available in the Middletown district. The survey is up on the website and has been sent out through the Town’s social media sites. It is an informal survey that will give an unscientific indicator as to what residents think of this issue. This survey is active until November 15th, 2020. Current survey results were reviewed. The survey has been completed 646 times. Question#1: Do you support a change in the current code/ordinance to allow for a beer, wine and liquor store to operate within the town limits of Middletown? 68% yes, 32% no. Question#2: Do you support a provision in the current code/ordinance to allow for such a store to operate but not within 1000 feet of a church or school? 58% yes, 42% no. Question#3: Do you believe having a liquor store(s) within Town limits would be a positive addition to the Town’s other types of commercial establishments? 65% yes, 35% no.

It was noted that the percentages have remained almost the same for each question since the survey began. If the town code is changed to allow off-site liquor purchases to occur within town limits, and included the prohibition within 1000 feet of a church or school, the only places it could potentially be located are Safeway Shopping Center, Cross Stone Commons Shopping Center and the Hollow Creek Professional Center (once developed). Discussion then occurred as to the next step to take once the survey is finished, if there is no drastic change in the results. Suggestions included having this as a referendum item during the special election, including this as a survey card in the next quarterly billing (to be returned once completed), or creating a draft ordinance that would then follow standard procedures when amending the Town Code. It was agreed upon by consensus to put this in a draft ordinance format

and follow the standard procedures when amending the Town Code. Standard procedures would place this as an agenda item on at least 2 town meetings and then a public hearing would be scheduled. This would allow 3 more opportunities for town residents to voice their opinions on the topic prior to an official vote by the Town Board after the public hearing.

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. The Planning Commission has requested any recent traffic data if possible, which could be included. Commissioner LaPadula asked if Remsberg Park should be included in the calculations and corresponding graphs regarding total acreage by zoning district (Chapter 4). It is mentioned in other chapters of the Comp Plan but is not included there. The Planning Commission does not think it should be included as it is outside of town limits. Discussion concerning the inclusion of the first objective listed under Transportation Objectives and Policies (Chapter 5). It is not being pursued so should not be included. It was suggested that it be replaced with a more generalized statement. Again, any comments or suggestions on these chapters please get them to the Town Planner.

NEW BUSINESS:

Discussion of Next Joint Meetings in 2021 – The draft schedule for the 2021 Joint Meeting Workshop dates were reviewed. The January 4th date was added due to the length of time between the September 2020 joint meeting and the April 2021 joint meeting. The schedule was approved by consensus.

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. This will be an item voted upon at the next Town Board Workshop, November 5, 2020.

Franklin Commons Zoning Certificate Fees – The zoning certificate for the Franklin Commons units 1-4 expired July 15, 2020. Discussion concerned possibly waiving the fees and issuing a new zoning certificate. The Town Zoning Administrator recommends not waiving the fees as expired fees are non-refundable and cannot be applied to any new applications.

Motion: Commissioner LaPadula motioned to not waive the zoning certificate fees for Franklin Commons units 1-4. Seconded by Commissioner Dietrick. Motion carried (5-0).

Forest Conservation MOU – Village of Foxfield – This MOU is in response to residents mowing and pruning trees in the Forest Conservation Area in the Village of Foxfield. Residents were doing this to care for the environment and the to upkeep the overall appearance of the area, not realizing that is should not be done. The MOU clarifies the roles and responsibilities of the residents of Foxfield and the Town in regards to that Forest Conservation area. This has been reviewed by both the Staff Planner and the Town Administrator and the HOA is aware of the situation and the forthcoming MOU. It was suggested that a 9th statement be added that references Foxfield residents bringing their questions and concerns for

this forest conservation area to their designated HOA representative who will then bring them to Town staff to address.

Motion: Commissioner Falcinelli motioned to agree to the MOU as presented with the addition of a 9th statement as suggested. Seconded by Commissioner LaPadula. Motion carried (5-0).

PUBLIC COMMENTS:

There may soon be another lease at Cross Stone Commons – Edward Jones.

Dee Buchanan has asked if it would be possible to rent the inflatable screen used for family movie night and town employees to manage it so that they can show the dance studio’s production of “The Nutcracker”. Covid restrictions prohibit in-person viewing of the production by family members. The production will be taped.

The Burgess and the Director of Public Works will be meeting with State Highway representatives tomorrow regarding the signs that have been installed along Main Street as part of Streetscape. The signs seem to have been randomly placed and are inconsistent in their placement. They will walk the length of Streetscape and review signage placement. Results will be reported at the November Town Workshop. It was asked when the SHA Green Street site will be cleaned up since Streetscape is winding down. That will also be asked at the meeting tomorrow. What is stated in the SHA contract will be reviewed.

The Town has the information on the latest Covid testing of the Town wastewater samples. Waiting on an explanation of the data from Frederick County. Should be explained by the November Town Workshop.

ANNOUNCEMENTS:

- *November 7, 2020 – Dedication of the memorial bench and tree for Lewis Corl at 9:30AM - Cone Branch Trail.*
- *Veteran’s Ceremony – November 8, 2020 – at 2:00 PM – War Memorial.*
- *Election Day – November 3, 2020*
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Meeting adjourned at 8:28 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager