

***BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND***

VIRTUAL TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

October 7, 2021

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

PUBLIC COMMENTS: None.

PERSONAL REQUESTS FOR AGENDA:

Bob Smart, Chairman of Cable Committee – Progress Report - The cable committee is a temporary committee formed to investigate alternatives to cable, internet, and broadband service within the Town. Comcast is the primary provider in Town. Bob Smart, the committee chair, reported the committee’s findings to date. The survey results have determined that 95% of respondents have Comcast for internet service with 66% using them for tv service, and on average respondents using Comcast pay approximately \$150.00 per month. Because the Town has a provider it is not eligible for the government programs which provide connectivity to places that do not have high speed internet. Though cable tv is regulated, broadband/internet is not. The Committee has determined that there are two options potentially available to Middletown in addition to Comcast. One is a young wireless 5G network company that would install multi-use antenna poles throughout town. This would involve a Public Private Partnership agreement and include a financial investment by the town to implement. The second is a cable provider that would require a franchise agreement, but they would install and manage the fiber network at their own expense. This company has an agreement with Frederick City and because of this will be running a fiber trunk line through Middletown to connect Frederick to their network. The Committee recommends going with the second option for several reasons. The committee created a web presentation explaining streaming tv and how to connect to it thereby reducing residents’ reliance on cable tv and reducing their bills. It is on the town website. The Committee also recommended the town drop the franchise fee collected by Comcast to further reduce resident’s cable bills. The Town Board thanks the Committee members for their hard work on this issue.

STAFF REPORTS:

Deputy Report –Deputy Hewitt reviewed her report.

Staff Planner Report – Cindy reviewed her report.

Engineer’s Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report.

Zoning Administrator’s Report – Mark reviewed his report.

CONSENT AGENDA:

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

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 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 the Staff Planner.

AC Jets Annexation – The Town Board 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 Town Board will address the Brinkley Bill request at the October 11, 2021, Town Board meeting. The Planning Commission has determined that the revised petition for annexation is consistent with the current Comp Plan. Town Board members were asked to review both the draft annexation resolution and the draft annexation plan documents provided at tonight’s meeting and provide comment. These documents do not necessarily mean the Town is going to annex the property. These are documents that must be created as required by the State anytime there is an annexation petition. Once both documents have been finalized, they will be sent to both the County and the state Planning Departments for review for 30 days. Once the documents have made it through the review process, public hearings will be held 1 month later (after required advertising), and then the annexation agreement will be voted upon. It was suggested that after Monday’s Town Board meeting that a “skeleton” annexation agreement be created that begins addressing required items that must be included.

Introduction of Ordinance 21-10-01 - Formula Restaurants - The Town Board reviewed the formula restaurant draft ordinance provided by the Town Attorney. If there are no changes suggested at the next Town Board meeting, public hearings can be scheduled. Public hearings will have to be held by both the Planning Commission and the Town Board, to be followed by a vote by the Town Board.

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. This is an item for the October 11th Town Board meeting.

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.

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. It was noted that the Town’s definition of nuisance was limited compared to other municipalities. The Zoning Administrator was tasked with researching language for inoperable vehicles and if they are allowed, language for being in a garage or structure.

It was discussed that the property at 1 North Pointe Circle has an open construction site that is a hazard. The Town Board will send a letter to the Frederick County Permits Office notifying them that the site is unsafe.

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*
- *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.*
- *Moran Foundation Blade Show Ceremony – Saturday, October 16, 2021 11:00PM. The Town Board is invited to attend and be recognized.*

Workshop adjourned at 9:17 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager