



AGENDA FOR THE TOWN WORKSHOP

November 4, 2021

7:00PM p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PUBLIC COMMENTS:

PERSONAL REQUESTS FOR AGENDA

STAFF REPORTS:

Staff Planner

Engineer's Report

Main Street Manager

Zoning Administrator

CONSENT AGENDA

- Town Meeting Minutes
 - October 25, 2021 – Town Meeting¹

UNFINISHED BUSINESS:

- Planning Commission Appointments⁴
- Ethics Commission Appointments²
- Request for Handicap Parking – 300 Block of West Main Street¹
- Discussion of Screening Requirements for Unlicensed Vehicles¹
- Comprehensive Plan – Chapter Review – Water Resource Element³⁸
- Schedule Public Hearing on Ordinance 21-10-01 – Formula Restaurants⁹

NEW BUSINESS:

- Updated Covid Policy¹

[#] Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

EXECUTIVE SESSION

- *Employee Personnel Matter*

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Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 11/3/2021

RE: Monthly Planning Update – November

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Board of Appeals approved special exception use – **August 31, 2020**
Forest Stand Delineation conditionally approved – December 21, 2020 (expires 12/21/2025)
Preliminary Forest Conservation Plan approved – January 19, 2021
Preliminary plat approved by PC – January 19, 2021 (expires January 19, 2024)
Next steps – submittal of Improvement plans for PC review

Site Plans, Plats and Minor Subdivisions:

Caroline’s View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010
Revised Improvement Plan mylars signed – July 21, 2017
(new sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
Next steps – submittal of LOCS/PWAs for approval and apply for building & grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14
Improvement Plan mylars signed – November 6, 2015
FRO plantings completed – December 23, 2019
Next step – submittal of architectural renderings for building #2 for review/approval

Hollow Creek Professional Center (Alt. 40A)
Board of Appeals approved self-storage use – April 27, 2021 (Expires April 27, 2022)
FRO plantings completed – March 23, 2021
Redline Site Plan conditionally approved by PC – June 21, 2021 (Plans expire June 21, 2024)
Revised architectural renderings approved by PC – July 19, 2021
Next steps – submittal of improvement plans for PC review

Franklin Commons (Franklin Street) -
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Redline drawings conditionally approved by PC – November 16, 2020

Jiffas (Summers Drive) – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (new sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
Architectural plans approved by PC for duplex – March 16, 2015
BOA approval for variance requests for duplex – March 29, 2016 (**Expired March 29, 2017**)
Next step – apply for variance requests for siting of duplex building

Memorial Hall Redevelopment Plan (E. Main St)– conditionally approved by PC – December 21, 2020
(expires December 21, 2023)

Lighting plan submitted for review and approval – October 11, 2021

Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020 (expires 2/17/25)

Middletown Library (E. Green Street) –Revised Concept plan reviewed – December 21, 2020

Site Plan and Architectural Renderings approved by PC – March 15, 2021(expires March 15, 2024)

Lighting Plan approved by PC – April 19, 2021

Subdivision plat tabled until MOU reviewed and recorded – October 18, 2021

Improvement plans submitted for review and approval – October 7, 2021

Next step – PC review and approval of subdivision plat and improvement plans

Middletown Water Storage Tank (Ashky Ct.) – FRO plantings completed – May 18, 2021

Miller Property (East Main Street) –

Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019

Next step – submittal of Phase IV site plan for review and approval

Richland Driving Range (Glenbrook Drive)–

Revised Site Plan conditionally approved – January 15, 2018 (**Plans expired January 15, 2021**)

Improvement Plans reviewed and tabled by PC – September 17, 2018

Next step – re-submittal of site plans for review and approval

School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed & approved by Town Board – May 8, 2017 (informed June 2017 funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

St. Thomas More Academy Site Plan revision (Prospect St) –

Revised site plan approved – September 21, 2020 (Expires September 21, 2023)

Revised site plan to be revisited in five years – September 2025

Annexations:

A.C. Jets Property- Revised Petition submitted for annexation of 144 acres with R-20 and GC zoning– July 28, 2021 – PC recommended approval of consistency with comp plan on September 20, 2021

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017

Town Board passed annexation resolution – April 9, 2018 - **Five-year wait for lot recordation**

Text Amendments: Revised sign regulations – Cindy working on this with town attorney

Reports: Mayors Monarch Pledge annual reporting due December 1, 2021
Tree City USA annual reporting due December 31, 2021

Grants:

Meetings: Next Middletown Green Team Meeting – November 16, 2021

Next Joint town board/planning commission workshop – Monday, December 6, 2021

**Public Works Monthly Report
November 6, 2021**

COMPLETED WORK

Public Works

Equipment service work, prep equipment for snow removal season, continue valve replacements (3 weeks) in Brookridge. Memorial bench installation,

New Projects or Requests

Unbudgeted Expenses:

No sludge hauled savings (+\$2990/month), July, August, September, October = \$11960.00

Sludge cost for FY \$ 0,000.00, 000 gal hauled, 17,850 gal bedded **Total hauled** 0,000 gal **Bedded** 35,700 Gal

Water Use (Average Daily for the Month, Flows stated in gallons per day)

Permit Limits (gal) 387,000/504,000 AD/MMU 250,000 AD 250,000 AD
Base flow 176,000 Base flow 159,000

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP		Rain
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr	
January	295,230	317,614	96,085	100,405	257,000	260,000	262,000	224,000	2.6
February	297,096	300,936	133,808	109,250	258,000	291,000	352,000	179,000	4.9
March **	298,579	297,775	140,805	144,800	225,000	281,442	214,000	208,134	2.7
April **	290,726	316,218	143,076	147,075	214,000	221,150	222,000	220,184	3.5
May	290,109	318,004	143,632	149,126	239,000	234,000	327,000	261,000	5.3
June	306,095	327,808	139,857	136,400	185,000	183,167	175,000	183,360	4.15
July	329,237	312,871	106,703	95,242	167,000	176,000	147,000	144,000	2.9
August	300,267	321,358	80,583	72,415	178,000	185,000	168,000	154,000	8.2
September	300,687	300,680	64,513	91,340	175,000	312,000	147,000	342,000	10.2
October **	313,370	318,893	52,296	88,721	173,000	213,309	128,000	198,997	3.2
November**	284,740	285,014	74,322	50,700	200,000	194,000	218,000	137,000	
December	298,071	293,083	78,176	68,898	230,000	305,000	222,000	199,000	

Avg Daily/yr 300,351 309,188 104,488 104,531 208,417 238,006 215,167 204,223
 Avg Yr Flw 109.63 112.85 38.14 38.15 76.07 86.87 78.54 74.54

**Hydrants flushed this month

October 2019 531,958, Spring 2020 not flushed. Fall 2020 582,024 Spring 2021 704,842 Fall 2021 744,925

Sewer Flow

March: East Plant flow is up 7% from Feb, West Plant flow is up 32% from Feb (all gravity), combined flow 489,576 (up 17%). April EWWTP flow down 24% from March, West WTP is up 2%, combined flow 441,334 gal down 13%. May flow up from April EWWTP up 9%, W WWTP up 22%. Permit exceedance in May for west plant quantity. Yearly average still below permit. June flow down from May -24% EWWTP and -32% WWTP combined flow 366,527. July flow down from June -1% EWWTP and -16% WWTP. August flow up from July +20% EWWTP and +18% WWTP, Sept flow up from August +47% EWWTP, 98% WWTP October flow down -41% EWWTP, -40% WWTP

Planned Work

HVAC Replacements, UV lights??
 MDE water inspection corrections and emergency plan update
 Continue Fire Hydrant ID tag and numbering system installation
 Regulatory: Grease Ordinance completion.
 Bid Sludge Hauling and Chemicals.
 Reed Bed Development cost analysis.

ARP Budget and WS Projects: Water Line Replacements: Linden Blvd, Franklin, Remsberg, Springline. Staff has met to develop project priorities. DPW has initiated 3 projects at this date (I&I, Franklin St Water, Remsberg Park Connector Water).

Open Projects

I & I Walnut to Jefferson St.: Submitted plans for permit, easement document created. Construction documents at 95% and ready to bid when the budget is available. Easements Needed. I & I proposals due June 5, 2021. Received and being evaluated,

ADA sidewalk ramp reconstructions: Prospect / Franklin St ramp and crosswalk completed Nov 3. Flashing beacon to be installed before Christmas.

W WWTP. Final pond baffle is malfunctioning, Investigation needed. Needs review. Meeting with MDE to begin the project and discuss the process and procedure. Preliminary Engineering Report is the first step and begun by advertising a Request for Qualifications.

Develop Grease Trap Ordinance and Education Program: No Action

Water System:

Hydraulic Model: Modeling update in progress.

System: Risk and Resilience certification made to EPA, Emergency Response Plan Certification is due Dec 31, 2021.

Broad St Streetscape: Project started, Water line replacement complete, new services and meters complete. Storm drain is 25% complete and project is a month behind (material delays).

SSO and I&I: Regulating flow daily to meet the flow discharge in our permits. Public Announcement for I & I Project and to disconnect illegally connected sump pumps (provide early notice). MDE has sent a letter of assessment for SSO's back to 2019. Agreeing to settle for \$3157.00 we will appeal with information to support our appeal. No response as of yet. I & I contract awarded and met with Consultant to review concerns and execute contract (Oct 5.) Discovered broken cleanouts in sump condition at the County Park source of muddy water.

MDE /Permits: East WWTP Discharge Permit (exp Dec 2021) submitted 22 months prior to expiration and then revised 14 months before expiration. We have requested an increase in discharge flow from 250,000 to 350,000. EPA / MDE inspection of East WWTP on May 18, 2021. Have received minor comments and addressed and responded. New West Plant permit is active and new spreadsheets and MOR will need to be created. (5 days required to complete). New permit requirements to be addressed to MDE within 6 months. Renewal for the Irrigation PS is now due (1 year ahead).

MDE MS4 Permit Reports: JR Hawkins has completed, due Oct 2021.

West Wastewater Treatment Plant: No issues.

East WWTP: Permit renewal complete (exp Dec 2021). Monitoring plant operation and flows. Staff is replacing air chain diffuser membranes (1 remain). BOD violation in September due to last Fredericktown lab sample.

Municipal Center: no action

Maintenance Facility: Contract has been executed with Triad Engineering. We have received a preliminary sketch. No action.

Washington Street: 95% drawings provided to Board for review and presentation to residents November 2020 meeting. Resident requests need to be resolved. Updated consultant with changes. Change order received for additional survey.

Pedestrian Blinker signs: Crosswalk blinker at Prospect and Franklin will be installed before Christmas.

East Green Street Stop Sign Parking Modification: Library Plans have an additional crosswalk in front of the library.

Wiles Branch Stream Rehabilitation: Survey work has begun. Change order to add additional length to Main St. No Action

Linden Boulevard Culvert Replacement: RFP meeting with Frederick Seibert completed. Proposal has been received and is being reviewed. Proposal amount of \$31,600 was accepted and awarded. Change order to add additional length to Main St. (MS4 qualification). No action

Brookridge PS: Clogging pumps has occurred several times in the last month.

Booster Station Process Pipe Upgrade: Continue to review submitted shop drawings. Anticipated start is not known. Material delays continue (electrical panels). Depending on predicted weather we may need to delay to late winter.

Middletown Glen Parking: Options for parking. No action

Developments

Middletown Library: Improvement plans have been reviewed.

ADMAR Annexation: Design for treatment plant in progress, MDE is providing documents regarding the appropriation request.

Chesterbrook IP's: Second building under construction. Developer is waiting for Franklin ST waterline to be completed to proceed on the turn and accel lane.

Middletown Municipal Hall: Received lighting plan for review.

Horman Property Caroline's View: 9 Condo Units. Received revised guarantee and approved. No action.

Future Budget Considerations

W&S: Comprehensive sewer plan, West WWTP ENR plant replacement (non process component for Town budget). upsize CB pumps, regional pressure monitors.

GF: Additional 1 ton truck.

MAIN STREET

MIDDLETOWN

TO: The Burgess and Commissioners
FROM: Becky Axilbund, Main Street Manager
RE: November 2021 Workshop Report
DATE: November 4, 2021

Upcoming Dates:

November 27, 2021 – Small Business Saturday

December 4, 2021 – Christmas in the Valley

December 9, 2021 – Rescheduled Main Street Middletown Board Meeting

December 10, 2021 – Oak and Steel Business Mixer

Organization:

- Getting reimbursed from the State for grant money spent has never been so exciting as it was this past week when we finally received a third of the money we spent on the foundation repair for 19 and 21 West Main!
- Volunteer Terry Yocum has been busy helping with interior demolition, as well as Board volunteers Jim Hoover and Bernard Pond. We love volunteer work always, but in cases like this, it serves as a valuable match to our building rehabilitation grants. Each volunteer hour is valued by State grantors at \$31/per hour. Every contractor who has come to look at the building has suggested that we take this step.

Economic Development:

- For our Business Partner of the Year Award, we selected Alison Porter of Hello Gorgeous! We have seen Alison get more and more involved in Town events (not just Main Street events), and she is now an active member on the Economic Development Committee. She actively talks to other business owners and encourages participation. What is always impressive is that she consistently looks for ways to cross promote with other businesses, and seeing that openness to work with others for the good of the community is reflective of what it means to be a Main Street community.
- We have two businesses that have expanded recently – Dee Buchanan has started selling dance-related items in her studio and Classic Barbershop is expanding their footprint, too. The EDC committee will be reaching out to both businesses to see about a dual ribbon cutting (or some other way Main Street Middletown can celebrate the expansion) since both are located within the Church Street Business Center.
- Small Business Saturday is Saturday, November 27. Main Street Middletown has signed up to be a neighborhood champion. This means that we should be getting some of the Shop Small and Shop Local swag to hand out.
- Main Street volunteers, Jennifer Riley and Brent Riley are working on a way we can easily provide reviews for our local businesses. This is one thing we can all do to help

businesses with their Google rankings – so when you do a Google search, businesses with recent and a high number of reviews pop up higher in the list.

Design

- The Design Committee met jointly with the Promotions Committee and Jennifer Falcinelli to discuss Christmas in the Valley and the new holiday lights Main Street procured to decorate downtown. We've requested a plan sheet from the Town so we can map out the lights (and the banners and wreaths) at our upcoming meeting.
- We received a check from RBC Wealth Management in the amount of \$2000 to go towards public art.
- We will be meeting with the Art on Main artist, Parran Collery at the end of November. She will be coming to town for a look-over at the sculpture to make repairs. We signed the legal document to take ownership of the sculpture.
- We have reached out the Carroll Creek Rotary to inquire about their search for hosts for older pieces of kinetic art that will be removed from Carroll Creek. While I do not know too much about this program, I think it is worth investigating as a way to gain another piece of public art to punctuate the downtown with something unexpected.

Promotions:

Advertisements:

- Best of the Best Contest – Winners are announced in a few weeks! Thanks for voting! I was really impressed with the number and variety of businesses we had who made it to the Top 5! For the 1-page ad in the newspaper – Main Street Middletown paid \$500 – or 50% of the total cost, leaving the other 16-businesses to split up the remaining costs.
- Many of our ad-campaigns will be winding down at the end of this year as we were able to use MD SERI Grant funds to pay for a number of ads over the course of this year. With that said, we also are receiving more money than anticipated from the Tourism Council of Frederick County – as a result – we are revising items in our annual budget. Unfortunately, I do not anticipate us being able to sustain the high volume of ads that we have been able to run this year.
- On Friday, November 12, we will be making in-person presentations on how we have used Tourism dollars to pay for out-of-county promotions. This is the first year that we are having to make these presentations. I am eager to here exactly what other Main Streets are doing – I think this will ultimately help us fine-tune our marketing plan(s) as we move forward into 2022.
- Small Business Saturday – for the promotion of this – Main Street Middletown will use this as the topic for the November website blog and for the Ask the Experts column.

Events:

- *Christmas in the Valley* – we are incorporating small things to continue to make this the merriest event of the season! The Elves on the Shelf Scavenger Hunt will be set up again to bring people downtown throughout the month. Main Street is also working with Jennifer on ways to encourage participation in sending letters to Santa in the special mailbox that was purchased last year.
 - *The Catoctones* – A barbershop quartet style group, these folks will serve as carolers walking up and down.
 - *Storytime with Mrs. Claus*
 - *Boy Scouts Roasting Marshmallows*

- *Craft with the National Art Honor Society and MSM in front of 19 West Main – Reindeer Food*
- *High School Chorus, Tree Lighting, and Arrival of our Special Guest(!)*
- *Zion Lutheran Program at 7pm*
- *Two specific times to visit with Santa – who will be outside this year*
- *Stocking Stuffer Miracle on Main Street* – This event is the same – we are encouraging people to donate a new toy. The collected toys go to Middletown Valley People Helping People. Main Street Middletown has already ordered our Santa Sacks (400) and will be handing them out that evening. Businesses will stay open and hand out something from their business – swag, coupons, have BOGO specials, etc. So far, I have heard back from these businesses as of Monday, November 1.
 - *Mountain Spirit Yoga*
 - *Dee Buchanan Studio of Dance – will give us items to pre-stuff*
 - *Hello Gorgeous*
 - *Bobbi Prescott*
 - *Middletown Valley Bank (Frosty)*
 - *Oak and Steel*
 - *Jennifer Riley Photography*
 - *West Main Tech*
 - *Pioma Pilates*
 - *More Ice Cream (Mrs. Santa Claus Storytime)*
 - *Main Street Middletown (Kid’s Craft Outside)*
 - *Sue Kelley*
- Potential New Events for 2022 – in October, Main Street Middletown is
 - July 17th is National Ice Cream Day – we would like to host a new, small event for a Town-wide Ice Cream Social
 - Sunday Evenings in August Concert Series – at Wiles Branch Park or Memorial Park for a low-key evening out.

Grants

FY 2021	Community Legacy – Rehab	\$50,000	We have \$16,339 left in this account.
FY 2020	Technical Assistance Grant	\$20,000	We still have a few businesses left to get photos taken!
FY 2021	Community Legacy – Façade Improvement	\$50,000	Funds will go to Memorial Hall based on our First Come, First Served policy of the program. Their application has been approved by DHCD.
FY 2021	MD Heritage Area	44,000	AWARDED – for 19 West Main Street
FY 2022	TRIPP Grant	\$11885	Awarded \$11885 in advertising funds.

FY 2022	Community Legacy – Façade Improvement Program	Requested \$100,000	Submitted in July – should know something by November 2021
FY 2022	Community Legacy – 19 West Main Street Rehab	Requested \$174K	Submitted in July – should know something by November 2021
FY 2022	Community Legacy – Memorial Hall	Requested \$100,000	Submitted in July – should know something by November 2021
FY 2022	Operating Assistance Grants Technical Assistance Grant or TAG	Requested \$35,475	DHCD sent an email stating we should know results of this grant in September, again in October and as of 11.01 No Decision Yet. 15,475 for David Guiney to install three interpretative signs \$20,000 for public art
FY 2022	Operating Assistance Grants Main Street Improvement Grant or MIP	Requested \$28,000	DHCD sent an email stating we should know results of this grant in September, again in October and as of 11.01 No Decision Yet. 14K for Business Directory Sign 5K for Fountain 9K for the creation of West Green Street Pocket Park
FY2022	Frederick County Bounce Back	\$10,000	Advertising and Start Up Costs for Events.
FY 2022	T-Mobile Hometown Grant – written this month	\$50,000	For the Rehab of 19 West Main – this national grant was turned in on September 30, 2021. Letters of Support from DHCD, MD Heritage Area, Preservation MD, Frederick Tourism, and the Town. We should know results in November.
FY 2022	Heart of the Civil War Heritage Area Mini Grant	\$1600	Applied for funds on October 28 to help pull together a Docent Guide for the Walking Tour of Jefferson Street. This money allows us to have more research conducted – chain of title, and census records pulled. We choose Jefferson Street because there is a lot of interest in its history.

Total Grant Funds Awarded in To Date this Year = \$165K – not counting the MD SERI Funds.

Happy Thanksgiving and Please Shop Our Local Businesses on Small Business Saturday!



Town of Middletown
Zoning Administrator Monthly Staff Report

To: Burgess and Commissioners

From: Mark Hinkle, Zoning Administrator

Date: November 1, 2021

RE: Monthly Zoning Administrator Staff Report for October 2021

BOA Hearings: None

Storage Container & Dumpster Permit: 1 North Pointe Circle, pool demolition.

Home Occupation Permit: None

Zoning Violations and Complaints:

- 1/14/2019 – 819 East Main Street, BB & T bank – Complaint received about unscreened dumpster, investigated, and sent letter. Spoke with branch manager and agreed to allow them an extra 30 days so they can deal with their headquarters in North Carolina. The dumpster became obvious once the property next to them was cleared. Spoke with construction company and advised them what would be needed to be properly screened. ***Plan being submitted to headquarters in North Carolina to correct issue. On hold due to Parking lot realignment efforts. Spoke with facilities maintenance 10/7/2019 and they are waiting on a decision on the lot realignment before moving forward. 5/31/21 BBT will be updating their signage to Truist.***
- 9/29/2021 – 105 S. Jefferson St. – Untagged/inoperable car in driveway. Town code does allow “the parking and storage of not more than one unregistered or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.”. Town Code defines screening as “the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties.” It is screened as effectively as possible from the neighbors since the

homes sit very close to the road. The car is enveloped between two houses and shrubbery/tree.

- 10/18/21 – 13 S. Church St. – Work without a permit. Frederick County inspector, Bob Ensor found interior work being done without a permit. Stop work order issued.
- Received several indirect complaints from a resident at 3 Larch Lane regarding a trailer, debris and uncut lawn at 1 Larch Lane. The trailer was attached to the truck on the street upon my review. The lawn and tree debris has been handled in the past. 10 Larch Lane, a trailer in the driveway. The day of the investigation it appeared to be in use, staff will follow up and continue to monitor once the appropriate complaint forms are submitted by the complainant.

Miscellaneous:

- Worked on Inoperable Vehicle memorandum

Permits:

October 2021 Zoning Certificates	Address	Permit #	M-town Received	M. Hinkle Approved	County Approval
Jenkins-Shed	210 Lombardy Ct.	370044	9/30/2021	10/1/2021	Yes
Tabor-Interior renovation	205-207 S. Church St	370416	10/1/2021	10/3/2021	Yes
Burns-Fence	12 Gray Fox Ct.	Town	10/6/2021	10/8/2021	No
Squeo-Fence	107 Linden Blvd.	Town	10/11/2021	10/11/2021	No
Prescott-Fence	12 Larch Ln.	Town	10/8/2021	10/11/2021	No
Clinton-Fence	14 Larch Ln.	Town	10/11/2021	10/13/2021	No
Fogle-Interior renovation	713 E. Main St.	369884	10/14/2021	10/15/2021	Yes
Camelotto-Fence	1 Mina Dr.	Town	10/15/2021	10/15/2021	Yes
Lain-Shed	330 Ingalls Dr.	Town	10/1/2021	10/18/2021	No
Klein-Shed	107 Ali Dr.	Town	10/18/2021	10/19/2021	No
Johnson-Interior renovation	104 Lombardy Dr.	371021	10/20/2021	10/20/2021	Yes
Cayli-Dumpster	1 N. Pointe Cir.	Town	10/20/2021	10/22/2021	No
Rivera-Fence	625 Glenbrook Dr.	Town	10/26/2021	10/27/2021	No
Callahan-Fence	313 Washington St.	Town	10/26/2021	10/27/2021	No
Seoni-Interior renovation	706 E. Main St.	370038	10/27/2021	10/29/2021	Yes

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

October 25, 2021

The meeting of the Burgess and Commissioners of Middletown was called to order on October 25, 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:

Bob Smart, 7525 Coblenz Road, stated it seems that the new virtual meeting system is working well and thanks Town staff for their efforts in making it happen.

PERSONAL REQUESTS FOR AGENDA:

- **Ms. Barry Salisbury – Trolley Path (From Middletown to Myersville)** – Ms. Salisbury is very interested in establishing a walking trail/bike trail between Middletown and Myersville utilizing the old trolley line. This idea has been successful in other communities. It would promote health benefits and provide a potential tourism asset to Middletown. This “Trolley Trail” could be a piece of a larger regional walking/biking trail system. The Town Board reviewed a map showing where this trolley trail would run between the two communities. Ms. Salisbury has tentatively spoken with representatives of Myersville and the County so gauge their interest in the project. A rough cost estimate for the project is \$1.2 million. Potential funding could include POS monies, LPPI monies, Bond Bills, and potential public private partnerships. It was suggested that Middletown, Myersville, and Frederick County work collaboratively to make this project a reality. The Town Board suggested that Ms. Salisbury form a committee to begin preliminary work. Bob Smart volunteered for this committee.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *October 7, 2021 – Town Workshop*
 - *October 11, 2021 – Town Meeting*

Under the AC Jets agenda item, Commissioner LaPadula recommended modifying both sets of minutes to reflect that the Town is legally obligated to respond to the annexation petition and lead it through a State mandated process.

Motion: Commissioner Falcinelli motioned to approve the consent agenda including Commissioner LaPadula’s recommendations as presented. Seconded by Commissioner LaPadula. Motion approved (5-0).

UNFINISHED BUSINESS:

Planning Commission Appointments – Three seats on the Planning Commission will be coming up for appointment/reappointment at the end of this year. There are 2 seats up in December and one in January. The Town Board will make the appointment/reappointments for the 2 seats up in December at the end of November. This will be beneficial for the December Joint Town Board/Planning Commission meeting and both the December Planning Commission workshop and meeting. The January appointment/reappointment will take place at the second Town Board meeting in December, or the first Town Board meeting in January. If anyone is interested in serving on the Planning Commission, please complete a town volunteer application and submit it to the Town office for consideration. Burgess Miller will forward any candidate information received to the Town Board for review.

Discussion of Changes to the Chapter 8.08 - Nuisances – Commissioner LaPadula noted previously that Staff has limited ability to address nuisances occurring on private property and recommends that the Town Board consider updating the Town Code so that the Town can address nuisances in the future. She sent information she has found on this topic to Town Board members for review. This would still be complaint driven, and would address items such as blighted properties, and untagged vehicles. This is the first discussion on this topic.

NEW BUSINESS:

Proclamation for Business Appreciation Week – The Town Board reviewed the proclamation. This will be shared with Middletown businesses next week. Burgess Miller noted that the Town has done many things to support our businesses.

Ethics Commission Appointment – Virginia Cuff has resigned from the Ethics Commission. There is now a seat available. If anyone is interested, please contact the Town Administrator.

CQI Bidding for Electrical Power Generation – The current contract with CQI Associates Energy Co-op is coming to an end. This is regarding who the Town purchases their energy generation from. Potomac Edison will still transmit the generated power through its' lines. The Town Board will be reviewing the new CQI generation rates in late November or in December. Once the rates are received, the Town has 30 days to accept them.

PUBLIC COMMENTS:

Doug Remsberg, 214 Lombardy Court, asked if CQI generated their power using green sources. That is not known currently. The Town Administrator will ask CQI for that information.

Mr. Remsberg also stated that the traffic in town has increased tremendously and asked if the Town Board was aware of the traffic hazard that occurs daily at the Primary School when school is in session. Traffic heading west bound on Holter Road coming into to town comes to a stand still as parents are waiting to pick up their children at the end of the school day and stop in the road to wait. Other cars pass all the stopped traffic using the oncoming lane and create a hazard. Burgess Miller stated that the Town will review the issue and coordinate a response with FCPS. Burgess Miller further stated that the Broad Street reconstruction project also contributes to traffic congestion town due to the detour.

Streetlight Buy Back Update – The Town is still waiting to hear back from Potomac Edison regarding costs. Also, Potomac Edison still has not installed the cobra head at Holter Road and Middletown Parkway. Town staff contacted Potomac Edison and that project has been expedited due to a lost workorder.

Bob Smart, 7525 Coblentz Road, stated that new meeting platform worked well this meeting. He was able to hear everyone.

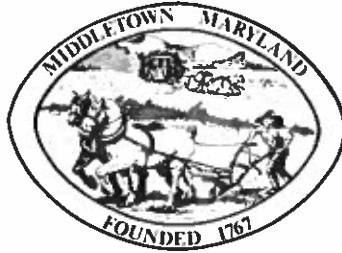
ANNOUNCEMENTS:

- *Middletown Halloween Parade – Saturday, October 30, 2021. Parade begins at 5:00PM and will come down Green Street.*

Meeting adjourned at 8:07 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager



To: Burgess and Commissioners
From: Mark Hinkle, Zoning Administrator
Date: October 29, 2021
Re: Inoperable vehicle text

Burgess and Commissioners,

At the October 7, 2021 Town Workshop, staff was tasked with researching the effectiveness of Town Code sections 17.16.060 and any other section of Town Code that address this item. The code specifically states that ***"the parking and storage of not more than one unregistered or inoperable motor vehicle is permitted provided that such vehicle is effectively screened from adjoining properties."*** Questions that were raised during the meeting included screening and what is appropriate, whether it is appropriate to have any inoperable or unregistered vehicles on private property and whether such vehicles should be stored inside garages or sheds.

I have reviewed cities and towns across the state to gauge their level of enforcement on private property, some do not reference such vehicles at all in their code while others are quite extensive.

Staff would offer, if the Town Board, wishes to enhance enforcement of the Town Code then a text amendment would be necessary to address the concerns. I have included several sections of code from other municipalities to provide examples.

Questions to be answered:

1. Are changes needed?
2. Do you wish to allow any inoperable or unregistered vehicles on private property?
3. If you allow any inoperable or unregistered vehicles on private property, what is acceptable screening? Currently, screening is defined as "the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties."

4. Do you wish to allow inoperable or unregistered vehicle on private property if they are inside a garage or shed?
5. Do you wish to address public spaces/lots/streets as well?

Middletown MD current code

17.16.060 Off-street parking and loading.

- A. There shall be provided in the residential district off-street parking and loading in accordance with the schedule in Chapter 17.32.
- B. The parking and storage of not more than one unregistered or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.

(Ord. No. 15-04-02, § I, 4-27-2015; Ord. 182 § 5.4, 1976)

Myersville MD

§ 147-1 Storage of unlicensed motor vehicles.

[Amended 10-11-2005]

It shall be a violation for any owner or person, corporation, or business in possession of a motor vehicle to store or permit said motor vehicle to remain upon any premises within the Town of Myersville for a period of more than 30 days after the expiration or the removal of the license plates issued to said vehicle unless said vehicle is stored in a fully enclosed garage, shed, barn or similar covered structure. After said thirty-day period, each day thereafter shall constitute a separate violation hereof.

Laurel MD

Unregistered or Abandoned Vehicles

Sec. 18-166 of the Municipal Code prohibits unregistered, inoperable, and dismantled vehicles of any type from being parked or stored on private or public property. In addition, all vehicles must have current registration. While it is specifically forbidden to park or store vehicles on unpaved property, in the case of unregistered and inoperable vehicles this includes paved driveways. It is also forbidden to use on-street parking for unregistered or inoperable vehicle storage.

Once a vehicle has been cited in violation of Sec. 18-166, the City allows **three (3) days** to correct the violation. Failure to correct the violation in this time results in the impoundment of the vehicle, with any fines, towing and storage fees being levied against the vehicle's owner.

LaPlata MD

Unregistered or Abandoned Vehicles

Section 181-6 of the Town Code prohibits unregistered or inoperable vehicles from being parked or stored on private property unless concealed from public view in a fully enclosed garage. It is also forbidden to use on-street parking for unregistered or inoperable vehicle storage.

North Beach MD

§ 108-4. Abandoned and/or inoperable vehicles on private property. [Amended 6-11-1991 by Ord. No. 10-91]

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:
ABANDONED AND/OR INOPERABLE VEHICLES AND/OR PARTS THEREOF — Any vehicle, trailer or semitrailer which is inoperable, wrecked, partially wrecked, dismantled, partially dismantled, junked or discarded, major components missing, including but not limited to engine, transmission, drive mechanisms, wheels, steering mechanisms, or other parts missing which are required for the safe and normal operation of such vehicle, any such vehicle that is deteriorated, rusted or disintegrated from exposure to weather, and to which the certificate of title, registration card, or license plates have been revoked, expired, canceled or suspended.

B. Restrictions. A vehicle and/or parts thereof may not be abandoned or left inoperable:

(1) On private property more than 48 hours without the consent of the owner or person in control of the property.

(2) On private property more than 48 hours with the knowledge and consent of the owner or person in control of the property, unless:

(a) The vehicle is not in plain view of the public. The vehicle must be stored in a permanent structure approved by the North Beach Zoning Department. [Amended 2-13-2008 by Ord. No. 08-01]

(b) The vehicle is undergoing repairs and the custodian has obtained an exemption from the Chief of Police or his or her designee.

(c) The vehicle is not required to be registered under the Maryland Vehicle Law and is operable.

C. Impoundment and disposal.

(1) The Town may take any abandoned and/or inoperable vehicle and/or parts thereof into custody and may use its personnel, equipment, and facilities and/ or use other personnel, and facilities for removing, preserving, storing, and disposing of said vehicles. All expenses, costs and debts arising from the impoundment of such vehicle will be the responsibility of the last

registered owner of the vehicle and/or owner of the title to property upon which said vehicle was removed from.

(2) The Town will dispose of impounded vehicles in accordance with the Maryland Vehicle Law.

(3) Before entering private property and impounding such vehicle as herein described, the last registered owner of the and the owner, agent or tenant of the property will be notified by certified mail, return receipt requested, to remove :1 said vehicle within 15 days, or to request within 15 days a show-cause hearing with the Chief of Police to show cause why said vehicle should not be removed, unless the last registered owner of the vehicle and/or the owner, agent or tenant of the property has given prior written permission to remove the vehicle.

(4) The last registered owner of the vehicle, or the owner, agent, or tenant of the property, may give written permission to the Town to remove such vehicle as herein described, and all expenses, costs, and debts arising from the removal, impoundment, storage and/or disposal of the vehicle will be the responsibility of the last registered owner of the vehicle and/or owner of title to property upon which said vehicle was removed from.

D. Release of impounded vehicles. Vehicles impounded will not be released unless:

(1) All expenses, costs and debts arising from the removal, impoundment and/or storage of said vehicle have been satisfied.

(2) All outstanding citations against said vehicle have been satisfied

Federalsburg MD

302.8.1 Inoperable of unregistered vehicles. Except as provided for in other regulations, inoperable or unregistered motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The presence of such vehicles or parts thereof on private property is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this code. The storage of a motor vehicle under a tarpaulin, tent, or similar covering, or in or under any temporary structure or any structure not authorized by the building and zoning codes of the Town, shall not be permitted.

302.8.2 Abandoned vehicles. Any motor vehicle that is inoperable and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, shall be deemed an abandoned vehicle and may be taken into custody and disposed of by the Police Department or code official as provided in the Transportation Article of the Annotated Code of Maryland, as amended.

Hampstead MD

§ 127-8. Abandoned and unregistered vehicles; penalty. [Amended 4-20-1987 by Ord. No. 212; 4-8-1997 by Ord. No. 295]

A. Any motor vehicle that is inoperable and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, or a motor vehicle that has remained on public property for more than 48 hours and is not displaying currently valid registration plates or is displaying registration plates of another vehicle, shall be deemed to be an abandoned vehicle and may be impounded and disposed of by the Police Department as provided herein.

B. It shall be unlawful for the owner or any person(s) in possession of any property within the Town to have or permit anyone to have on such property in excess of 30 days any registered motor vehicle with expired registration plates unless enclosed in a garage or other building; provided, however, that not more than one such vehicle may be on such property for not more than six months so long as it is currently and actively being restored or repaired to such operating condition as would permit it to be lawfully operated upon the public roads. This section shall not apply to any vehicle being offered for sale by a licensed automobile dealer or used car lot on property that is properly zoned and is authorized as an automobile, trailer or implement sales and service establishment.

C. Prior to the issuance of any citation, the following procedure shall be observed:

(1) The Police Chief or Town Manager shall issue a warning letter to the owner(s) of the property involved and/or any person(s) in possession thereof. Said letter shall give the recipient(s) 30 days to either remove or enclose the vehicle(s), or provide written evidence satisfactory to the Police Chief or Town Manager that the vehicle(s) is (are) properly registered and displaying valid plates, or provide written evidence satisfactory to the Police Chief or Town Manager that the vehicle is currently and actively being restored or repaired in order to put it in operating condition as described in § 127-8B.

(2) If the recipient of the warning letter does not take the actions described in Subsection C (1) within the thirty-day time period or if the Police Chief or Town Manager who sent the warning letter is not satisfied as to the validity of any response, then a citation for a municipal infraction and fine shall be issued. After the thirty-day time period given in the warning letter, each additional day that a vehicle is in violation of § 127-8B of the Code will be considered a separate municipal infraction. (3) All warning letters and all responses by recipients thereof shall be sent by certified mail, return receipt requested. D. The violation of any of the provisions of this section shall be punishable by a fine of \$50.

Town of Middletown
Employee COVID-19 Policy
Updated October 2021
DRAFT

The health and safety of employees and residents is our highest priority. This policy includes the measures we are actively taking to mitigate the spread of COVID-19. This policy will be updated as needed and remain in effect until lifted by the Burgess and Commissioners.

Vaccines

Employees are encouraged to get vaccinated which are available free of charge at Frederick Health Employee Solutions or at many other sites in Frederick County. To encourage vaccinations, with the goal of making the work environment safer for all, a \$_____ COVID hazard incentive will be given to employees who are fully vaccinated by December 1, 2021.

Fully vaccinated is considered:

- Two doses of Pfizer vaccine given 3 weeks apart
- Two doses of Moderna vaccine given 4 weeks apart
- One dose of Johnson & Johnson

Already having COVID is not considered fully vaccinated. The CDC still recommends vaccination.

Reduce the potential spread of the virus

Methods to reduce the potential spread of the virus:

- Social distancing practices – 6 feet of separation.
- **Fully vaccinated** should wear a mask indoors in public if they are in an area of **substantial or high transmission**.
 - Fully vaccinated people might choose to mask regardless of the level of community transmission, particularly if they or someone in their household is immunocompromised or at increased risk for severe disease, or if someone in their household is unvaccinated.
- **Unvaccinated** should wear a mask at all times in indoor public places. In general, no masks are needed in outdoor settings. In areas with high numbers of COVID-19 cases, consider wearing a mask in crowded outdoor settings and for activities with close contact with others who are not fully vaccinated.
- Frequent cleaning of work spaces and high touch objects.
- Telework when feasible.
- Management has the prerogative to schedule employees in flexible/rotational schedules to help maintain steady staffing.
- Signs will be installed at the building entrances highlighting COVID-19 best practices
- Hand sanitizer will be provided to employees and placed in readily accessible locations for employee and public use.
- Cleaning and disinfectant products and gloves will be provided at town facilities for employee use for cleaning workspaces.
- Sneeze Guards - will be installed in areas where town employees interact with the public.
- Physical markers will be placed on the floor, where possible, to promote social distancing.

Daily Self Screening

Employees will self-screen prior to starting work with a temperature check and screening questions via an on-line link.

COVID-19 infection has a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear **2-14 days after exposure to the virus**. Employees with these symptoms may have COVID-19:

- ❖ Fever or chills
- ❖ Cough
- ❖ Shortness of breath or difficulty breathing
- ❖ Fatigue
- ❖ Muscle or body aches
- ❖ Headache
- ❖ New loss of taste or smell
- ❖ Sore throat
- ❖ Congestion or runny nose
- ❖ Nausea or vomiting
- ❖ Diarrhea

Employees should not report to work if they are exhibiting COVID-19 symptoms. If an employee exhibits symptom at work, they should notify their supervisor and leave work immediately. Employees will be asked to go to a testing center to confirm their COVID-19 status.

Face Masks

Face masks shall be provided to all employees. When indicated, wear masks with:

- A proper fit over your nose and mouth to prevent leaks
- Multiple layers of tightly woven, breathable fabric
- Nose wire
- Fabric that blocks light when held up to bright light source

Do not wear masks with

- Gaps around the sides of the face or nose
- Exhalation valves, vents, or other openings
- Single-layer fabric or those made of thin fabric that don't block light

Public Access to Town Hall

- Visitors must wear a mask and are advised that hand sanitizer is available for their use.
- Signage will be placed at entrances advising visitors that by entering the facility they acknowledge they are abiding by the protocols set forth by the town as stated on the signs including wearing of masks and must be free of COVID-19 symptoms.

Engineering controls using the building ventilation system. This may include some or all of the following activities:

- Increase ventilation rates.
- Ensure ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.
- Increase outdoor air ventilation, using caution in highly polluted areas. With a lower occupancy level in the building, this increases the effective dilution ventilation per person.
- Disable demand-controlled ventilation (DCV).
- Further open minimum outdoor air dampers (as high as 100%) to reduce or eliminate recirculation. In mild weather, this will not affect thermal comfort or humidity. However, this may be difficult to do in cold or hot weather.
- Improve central air filtration to the MERV-13 or the highest compatible with the filter rack, and seal edges of the filter to limit bypass.
- Check filters to ensure they are within service life and appropriately installed.
- Keep systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.

Confirmed Case of COVID-19

In the event of a confirmed case of COVID-19 infection, the following steps will be followed:

- All efforts will be made to maintain the employee's privacy and all employees are expected to maintain the employee's privacy.
- Close off areas used by the person who is sick and do not use those areas until after cleaning and disinfecting. Wait several hours prior to cleaning and disinfecting the workspace.
- Contact tracing will be undertaken to determine who potentially may be exposed.
- Employees are recommended to contact their health care provider if tested positive or considered a close contact/exposed to COVID-19.
- Note that employees who have previously tested positive for COVID-19 do not need to quarantine or get tested again for up to 3 months as long as they do not develop symptoms again. People who develop symptoms again within 3 months of their first bout of COVID-19 may need to be tested again if there is no other cause identified for their symptoms.

Close Contact/Exposed Employees

Close Contact through proximity and duration of exposure: Someone who was less than 6 feet away from infected person (laboratory-confirmed or a clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period (for example, *three individual 5-minute exposures for a total of 15 minutes*). An infected person can spread COVID starting from 2 days before they have any symptoms (or, for asymptomatic patients, 2 days before the positive specimen collection date), until they meet the criteria for ending isolation.

- **Unvaccinated or not fully vaccinated** should **quarantine** for 14 days after exposure and get tested immediately after being identified as a close contact. If the test is negative, they should get tested again 5–7 days after last exposure and continue to quarantine. If symptoms develop during quarantine, they should **isolate** and get tested immediately. If critical infrastructure employee see below.

Your local public health authorities make the final decisions about how long quarantine should last, based on local conditions and needs. Follow the recommendations of your local public health department if you need to quarantine. Options they will consider include stopping quarantine after day 10 without testing or after day 7 after receiving a negative test result (test must occur on day 5 or later).

- **Fully vaccinated do not need to quarantine** but should get tested 3-5 days after coming into close contact with someone with COVID-19 and wear a mask indoors in public for 14 days or until they test negative. If symptoms develop, they should **isolate** and get tested immediately.
- **People who have had COVID-19 within the past 90 days and recovered** should wear a mask indoors in public for 14 days after exposure, monitor for symptoms and isolate immediately if symptoms develop, and consult with a healthcare professional for testing recommendations if they develop new symptoms.
- **Unvaccinated Critical Infrastructure Employee's** may be permitted to continue work following potential exposure to COVID-19, **PROVIDED THEY REMAIN ASYMPTOMATIC** and additional precautions are implemented to protect them and the community including:
 - **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
 - **Regular Monitoring:** As long as the employee doesn't have a fever or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
 - **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
 - **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
 - **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

COVID-19 vaccines are safe and effective at preventing infection, hospitalization, and death. Most people who get COVID-19 are unvaccinated. However, since vaccines are not 100% effective at preventing infection, some people who are fully vaccinated will still get COVID-19. An infection of a fully vaccinated person is referred to as a "breakthrough infection." People who get vaccine breakthrough infections can be contagious but are less likely than unvaccinated people to be hospitalized or die. **CDC recommends that anyone with any signs or symptoms of COVID-19 get tested, regardless of vaccination status or prior infection.**

Return to work after COVID infection

- Isolation can be discontinued 10 days after symptom onset and after resolution of fever for at least 24 hours (without the use of fever-reducing medications) and improvement of other symptoms (e.g., cough, shortness of breath).
 - For people who are severely ill (requiring hospitalization) extending the duration of isolation and precautions up to 20 days after symptom onset and after resolution of fever and improvement of other symptoms may be warranted
 - For people who are infected but asymptomatic (never develop symptoms), isolation and precautions can be discontinued 10 days after the first positive test.
-

Flow Chart

