

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

November 9, 2020

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on November 9, 2020, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA: None.

Ms. Joy Schaefer, the Municipal Liaison to the Frederick County Executive, announced that there is a second round of restaurant/food service grants which will be becoming available for applications, November 13th – 23rd, 2020. Monies are coming from the State's Rainy-Day Fund. Once all applications are approved the monies will be distributed. Grant monies are Covid related and can be used for rent, equipment, Covid related cleaning supplies etc. Information on this grant is available on the County website. The Frederick County Board of Health will convene Thursday, November 12th to give authority for orders and actions related to the pandemic.

So as not to keep individuals waiting through other agenda items, the following agenda items were moved to be discussed at this time:

Discussion of Elm Street One-Way Direction Change – Mrs. Tsinionis, owner of Aleko's Greek Restaurant, is interested in opening a coffee shop in the newly renovated retail space at 123 West Main Street. This new business would employ individuals with special needs to serve customers. With the restrictions of Covid19 looking to continue, and the need for curbside/drive through service at the location, Mrs Tsinionis is asking if the Town Board would be interested in changing the one-way direction of Elm Street to the opposite direction. Instead of turning north from West Main Street and traveling toward West Green Street, she would like to have it traffic turn south from West Green Street and travel toward West Main Street. This would allow for a window service and better traffic flow for curb-side pick-up for this business. The Town Engineer has been to the site and said that the direction change is doable with some modifications of parking on West Main Street to allow for sight distances. Commissioner LaPadula stated concerns regarding the current parking situation on Elm Street. The parking spots may have to be angled for safety and easier vacating of the parking spots. Commissioner Dietrick voiced a concern regarding traffic trying to turn left off Elm Street onto West Main Street if the direction is switched. Both North Jefferson Street and Elm Street are currently one-way in the same direction, so switching Elm Street would not present a major traffic issue for directional flow. After discussion it was determined that the Town Board is willing to proceed with changing the one-way direction of Elm Street from north to south.

CONSENT AGENDA:

- **FY22 Tax Equity Calculation** – The town received a letter from Frederick County asking if the town wanted to continue to receive the property tax rebate for FY2022. The Town Board decided to continue with the property tax rebate as in past years.

- **Covid Policy Updates** – The CDC updated its guidelines regarding Covid19. Commissioner Falcinelli reviewed how this affects the Town’s policy. The change involves the updated statement that employees will be considered a close contact and exposed if within 6 feet of an infected person for a cumulative total of 15 minutes or more. Burgess Miller has asked that a quick information sheet be developed to hand out to town employees as a reminder of expectations during covid19.
- **Financial Statements**
- **Town Meeting Minutes**
 - *October 26, 2020 – Town Meeting*
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Motion: Commissioner Goodman motioned to accept the consent agenda as presented. Seconded by Commissioner Falcinelli. Motion carried (5-0).

UNFINISHED BUSINESS:

Broad Street Reconstruction Plans – This is just an informational update. This project is funded in CIP. The plans are finished. The Town will put this project out for bid this coming Spring with plans on construction starting this fiscal year. The Town Administrator delivered a full-sized copy of the plans and to Mr. Moss so that he can share/review with the neighborhood residents.

Review of Washington Street Improvements – This project will provide a safe walking path along Washington Street from the Elm Street parking lot to the downtown core. It includes replacing all curb, gutter, sidewalks, lighting and replacing the asphalt. There will be some storm drain improvements. Once the Town board has worked out details the residents will be notified for input and discussion. At tonight’s meeting the Town Administrator reviewed the changes to the plan which entailed adding crosswalks at Washington and South Church Street and Washington and Elm Street. A sidewalk will be installed coming down from Boileau Court as well. The next step in the process is to notify neighborhood residents about the project for input and feedback. This will be accomplished by sending the residents a letter and through scheduled Zoom meetings. Eric Ware, a member of the Planning Commission and a Washington Street resident, has agreed to be the neighborhood lead with this project just as Ron Moss was the lead for the Broad Street project.

Review of MOU for Active Adult FRO Area – 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 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 regarding 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. If the Town Board agrees this will be sent to the HOA for their review.

Motion: Commissioner LaPadula motioned to approve the MOU for the active adult FRO as presented. Seconded by Commissioner Goodman. Motion carried (5-0).

Decision on Special Election for Vacancy on 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. It was suggested that the Town hold the nominating convention and the election at an alternate site to better follow CDC guidelines with in-person voting. The Town Administrator provided pricing for using the Activities Center as taken from

the Fire Company's website. Commissioner Goodman stated that since the "Commissioner salary" has not been paid for the vacant seat, the fees should be taken care of. Stuart Harvey, Election Director Frederick County Board of Elections, recommends using Option 2 as this allows registered voters who have moved into Middletown town limits to re-register as Middletown residents.

Discussion of Sunset Provisions –There are two properties within town limits with site plans that were approved prior to the approval/addition of sunset provisions to the Town Code in November 2010. Neither property has had any type of action/development taken since the approval. The Town is deciding how to address these properties to insure these properties are meeting the current standards of construction. The Town Attorney has provided an opinion that the subject properties have acquired no vested rights in their twelve-year-old site plan approvals and recommends updating the current sunset provision to provide clarity.

Motion: Commissioner Falcinelli motioned to have the Town Attorney place updated sunset provisions in ordinance form. Seconded by Commissioner Goodman. Motion carried (5-0).

Comprehensive Plan – Chapter Review - The Staff Planner stated that when updating Chapter 5 – Transportation, that Frederick County has not done a recent traffic count. The one completed by SHA for Streetscape had lesser numbers when compared to traffic count in the 2010 Comp Plan (from 2007). It is thought that the numbers are skewed due to the streetscape construction. The numbers for 2010 also projected development in Boonsboro, which would add to the traffic count in Middletown, but the streetscape numbers do not support it. The Town needs more information and understanding so as not to make false assumptions in the 2020 Comp Plan. Town Board was provided a draft copy of Chapter 6 – Community Facilities to begin reviewing. The information on the number of in-town students enrolled in Middletown schools seem skewed. Especially the validity of the elementary school percentages. The numbers will be reverified with Frederick County Public Schools. The Comp Plan survey is complete. The results will be provided to the Planning Commission for review. Commissioner LaPadula asked if the Town Board was interested in including private facilities (Richland Golf) or museums in Chapter 6 as well as they do attract individuals to Middletown. The Board thinks these items should be included. Again, any comments or suggestions on these chapters please get them to the Town Planner.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for October – 313,370 gal., spring flow for October – 52,296 gal., East WWTP treated 173,000 gals. and the West WWTP treated 128,000 gals. These numbers reflect a dry October with little rain so there was little to no I&I. The water reservoir project should be finished before year's end. The temporary road to the site will be removed as it is cost prohibitive to keep it. The new PRV was repaired again at the Cone Branch pocket park. There are Bay Restoration funds available to pay for the cost of a new wastewater treatment plant if the Town is interested in pursuing. Commissioner LaPadula suggested for the Spring hydrant flushing to provide more information so that residents know what to expect, why sediment occurs etc. She has examples she will forward to town staff to use.

PUBLIC WORKS – Commissioner Dietrick reported:

Town crews replaced the wood carpets replaced at town playgrounds. They repaired a waterline break at Jefferson Village. Scarecrows were removed. A new track was installed on the mini excavator by staff. They completed snow removal preparation on town equipment in preparation for the season. They are installing pole brackets for Christmas decorations.

SUSTAINABILITY – Commissioner Goodman reported:

The committee reviewed the tree trail at Cone Branch Park. There was tree planting at North Pointe. Two memorial trees have been planted along Cone Branch Walking Trail. The committee is also working

on a sustainability chapter for the 2020 Comprehensive Plan. The committee inquired about allowing residents to have 10'x10' pollinator gardens in their back yards. There are plenty of areas in Town that could be used as pollinator gardens that would not be in back yards. The committee had a goal to plant 100 trees this year. They met that goal. They planned to sell 20 compost bins and have sold 19.

PLANNING COMMISSION – Commissioner LaPadula reported:

Agenda items for the November Planning Commission meeting include; continued work on the 2020 Comp Plan, review the Comp Plan survey results, review a request to subdivide a property at 217 East Main Street., review the HOA documents for Franklin Commons, and the preliminary plat review for Memar property/Foxfield Section 6.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The Committee has received a request to install a sand volleyball court at Natelli Field. MVAA also wants to use this field with the restrictions placed on the school fields. There is a drainage issue at Natelli Field when there are wet conditions in town that MVAA is willing to pay to have repaired, though it is not an issue for much of the year. Commissioner Goodman will follow up with MVAA for more information.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Commissioner Falcinelli reviewed a report on the town website activity for October. The top two sections to be viewed were the Town's Covid page and the News & Announcement section. Unique User IP's viewed the Water/Sewer section, the Covid section, and the Middletown Events section.

It was suggested that information in the next quarterly newsletter include information regarding the potential off-site liquor sale within town limits and an insert for the upcoming special election.

NEW BUSINESS:

Example Ordinances – Off-Site Sale of Liquor in Town Limits – There have been over 700 responses to the off-site sale of liquor in town limits survey with at any given time 64-68% in favor of it. Copies of draft ordinances were provided for review. The Town Board agreed it would be allowed in the General Commercial District as a special exception. It would address sign standards, hours of operation and location in regard to houses of worship and schools. Board members agreed by consensus to place this into ordinance form using the format of the first example provided.

Review of Conceptual Elevation Plans for Memorial Hall – The developer provided rudimentary drawings of the proposed size and views of the developed site. These have been provided to Christ Reformed Church for their review. Board members may have to walk the site and review to get a better idea of what the drawings are showing. It was noted by Ron Moss that its view is similar to what it looked like when Memorial Hall was a theater. The developer may have a concept plan to provide to the Planning Commission this month.

Crosswalk/Stop Sign Request – Green Street – The Town received an email from David Lake, 24 East Green Street, who is concerned with increased traffic and speeding on East Green Street, and also the crosswalk with the adjacent parking space on East Green Street. He has requested the Town look at installing a stop sign at the crosswalk. East Green Street is a collector street. As such, stop signs would be limited to intersections. The nearest intersection to the crosswalk in question is the intersection of Gaver Way and East Green Street. The speed sign will be placed on East Green Street to collect data. The parking space in question will be reviewed for usage. The Town Board needed additional information on the new library before making any decision.

PUBLIC COMMENTS: None.

Milani will be vacating the library site by December 31, 2020.

ANNOUNCEMENTS:

- *Ribbon Cutting Ceremony – 123 West Main Street – November 18, 2020 at 3:00 PM.*
- Workshop adjourned at 8:52 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager