

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

TOWN MEETING MINUTES

TOWN MEETING

December 11, 2023

The meeting of the Burgess and Commissioners of Middletown was called to order on December 11, 2023 by Burgess Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemeyer, Jean LaPadula and Chris Goodman.

PUBLIC COMMENTS: None.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *November 13, 2023 – Town Meeting*
- **Dates for 2024 Town Election** – The seats for the Burgess and two Commissioners are up for election in 2024. The Municipal election date is Monday, April 1, 2024.
- **Drought Warning & Status Update** - The town is currently in Code Yellow which asks for voluntary water conservation by residents and town businesses. Currently the springs are running at 26 gpm. The Director of Public Works (DPW) recommended staying in the yellow status because the town springs are above the threshold needed to go to red.
- **2024 Town Board & Planning Commission Joint Meetings**
- **FY24 Budget Amendments #24-02** – To move \$6,875 from the General Administrative - computer expenses line item to Streets – repairs and resurfacing, to cover the town’s portion of the mill and overlay on Main’s Alley.
- **FY24 Budget Amendments #24-03** – To move \$1,156.36 from the General Administrative - computer expenses line item to Parks – repairs and maintenance, to cover the costs for the parking blocks on the parking spaces closest to the playground at Memorial Park.

Motion: Commissioner Falcinelli motioned to approve the consent agenda as presented. Seconded by Commissioner LaPadula. Motion passed (6-0).

UNFINISHED BUSINESS:

WWTP ENR Upgrade Update – The Town Administrator and Burgess Miller are meeting with MDE to get firm guidance regarding the applications to be submitted. The application cycle for MDE has begun and will close at the end of January 2024. The town will have to submit 4-5 applications during this application cycle.

Capital Improvement Fee Code Amendment & Draft Notification Letter – The proposed changes result in each multihousehold residential property, commercial property with multiple businesses and mixed-use property (properties containing both businesses and households), having a capital improvement fee applied quarterly for each household and/or business entity on the property. The Town Administrator reviewed the proposed changes to the Town Code and the

draft letter to be sent to the affected property owners. The proposed Town Code changes have been sent to the Town Attorney and placed in text amendment format. It was suggested that the proposed town code changes be modified so that water and sewer repair is mentioned before roads and bridges. Once approved, letters notifying property owners will be mailed in January 2024. This change will begin in FY2025.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

For November water use was – 308,601 gal., spring flow was – 37,317 gal., East WWTP treated 179,000 gals. and the West WWTP treated 126,000 gals. The town received 2.2 inches of rain in November. Middletown is currently in Code Yellow in its water conservation public alert system. With spring levels low repair work was completed on the walls at the original spring. Staff is reviewing the draft I&I report for Cone Branch. The town is still awaiting the water appropriation for Foxfield 6 from MDE. The Public Alert System is being updated to mirror MDE’s system. The town would like to install meter pits for those homes within town limits impacted by the SHA Route 17 streetscape project as it occurs. Cost estimates should be included in the FY2025 budget. The Committee recommended that the school complex project include climate resiliency efforts in its construction (water saving efforts in construction and future use of the school buildings). There is no committee meeting in December.

PUBLIC WORKS – Commissioner Dietrick reported:

Town crews assisted with Christmas in the Valley, put up the town Christmas tree, and hung the holiday banners. They installed signs and racquet holders at the pickleball courts. There was a snow planning meeting. The salt spreader was repaired. Both the skid loader and rubber tire holder were serviced. The town fleet is prepared for winter with plows attached. Pickets were replaced on the walking bridge over the creek.

SUSTAINABILITY – Commissioner Stottlemyer reported:

The drop off event was a success. The committee wanted it noted that they had student volunteers and the Girl Scouts assisting with that event. There is a high school student assisting with the ongoing battery drop off at town hall. Recycle events in 2024 are March 3rd and October 19th.

PLANNING COMMISSION – Commissioner LaPadula reported:

The workshop will be held on December 13th this month. The meeting will be held on December 18th. The Planning Commission will be reviewing the FCPS school replacement concept plan and forest delineation plan and the State’s comments on the draft Comp Plan. Overall, most sections meet requirements. Zoning flexibility, affordable housing, and the need for senior housing need further review. The State’s 14 pages of comments can be found on the town’s website.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

There was no meeting in November, and no meeting in December. January’s meeting will include a representative from MVAA to review their list of needs. It was suggested that the committee review the current master plan and determine how the partnership works going

forward once it knows both MVAA's and the town's plans for Remsberg Park. McClintock Distillery wants to plant a minimum of 60 trees at Remsberg Park. Where the tree planting is planned should be reviewed for potential impact on future park plans. The Board suggested that a formal process be implemented for MVAA to bring requests to the town to lessen the possibility of miscommunication and lost requests. The Frederick County Planning Commission is meeting on December 13th to review the lighting plan for the pickleball courts.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

In November, the top five town website pages visited were 1. Community Events (1106), 2. Business Directory (640), 3. Community Calendar (595), 4. News & Announcements (454), and 5. Agendas & Minutes (428). There are 1402 emails signed up to receive email notifications from the town. Frederick County should be contacted to see how many have signed up for Alert Frederick notifications.

NEW BUSINESS:

FY25 County Tax Equity Designation – Rebate or Differential – Frederick County sent a letter asking if the town will choose to continue to receive the tax rebate in FY 2025 or elect the tax differential option.

Motion: Commissioner LaPadula motioned for the town to continue to receive the tax rebate in FY2025. Seconded by Commissioner Goodman. Motion passed (6-0).

Light Repairs to Food Bank Building – There are several light banks at the Food Bank that need replacing at a cost of \$3,100. Budget amendment 24-04 was created to move \$3,100 from the unobligated funds existing in the ARPA to Municipal (Food Bank) – repairs and maintenance, to cover the costs for the lighting replacement at the food bank.

Motion: Commissioner LaPadula motioned to approve budget amendment 24-04 to cover the \$3,100 costs for the lighting replacement at the food bank as presented. Seconded by Commissioner Falcinelli. Motion passed (6-0).

Sidewalk Repair Proposal – The Zoning Administrator completed the sidewalk inspection of zone 1 and identified multiple areas of sidewalk in need of repair. Precision Concrete Cutting was contacted to provide a cost estimate for approximately these repairs. Cost estimates for each specific type of repair were provided. The total projected costs for 75% of the repairs in zone 1 were \$12,345.38. Sean Daly was contacted for a verbal cost estimate for total sidewalk replacement. The Board asked that another quote be obtained from another vendor for comparison. It was also asked that a written cost estimate be obtained from Sean Daly. Discussion occurred regarding whether the town should pay for all the repairs and not pass the cost to the respective property owners. This would require an ordinance change as property owners are currently responsible for repairs. The Board would like an opinion from the Town Attorney on the legal ramifications for the town to pay for the repairs to the sidewalk but have the property owner responsible for clearing snow and ice on sidewalks. The Zoning Administrator will contract Precision Concrete for their sidewalk repair timeline.

Rental Housing Ordinance Discussion – The Zoning Administrator reviewed the information he received from other municipalities regarding this topic. Some ordinances state what is allowed and/or prohibited within districts, address short term, long term, and multifamily rentals and ADU’s, and include inspections addressing tenant safety. It was noted that Westminster’s inspections are complaint driven. The fees charged vary between the municipalities. Discussion occurred regarding protecting both the tenant and the neighborhood, the level of inspection needed, and staff expertise required, and the potential legal action caused by town employee completing inspections. The Board requested an approximate count of the rental units within town. It was suggested that if approved that this ordinance change, and corresponding action be implemented concurrently with the Capital Improvement Fee and Bay Restoration Fee changes at the beginning of FY 2025.

TOWN ADMINISTRATOR’S REPORT:

Legal Services RFP – The Town Administrator reported that the final draft of the RFP is ready and will be presented to the Board at the January workshop. There are two law firms that are interested.

PUBLIC COMMENTS:

Bob Smart, 7525 Coblenz Road, asked that the new format of the drought report be published on the town’s website for residents to view. The town board agreed.

ANNOUNCEMENTS:

The meeting adjourned at 8:13 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager