

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

TOWN BOARD MEETING MINUTES

TOWN MEETING

December 13, 2021

The meeting of the Burgess and Commissioners of Middletown was called to order on December 13, 2021, by Burgess Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Christopher Goodman, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

PUBLIC COMMENTS: None.

PERSONAL REQUESTS FOR AGENDA:

- **Mr. Elkana Breton – Memorial Hall Improvements Progress** – Mr. Breton reported that the project is moving along as quickly as both Covid and the supply chain will allow. The roof is finished, and framing is 95% complete. There are two teams working on the project. One team is assigned to the historic old portion of the building while the second is assigned to the new build. Mr. Briton assured everyone that the yellow façade is just a cover to protect the lumber framing while they wait for siding materials. Windows were ordered in July but will not be delivered until the end of January. The plan is to rent out the apartments. If that is not successful Mr. Breton will review the condominium option. He asked that if anyone has suggestions regarding the 2 commercial units on the ground floor of the historic side of the building to please let him know. He invited the Burgess and Commissioners to organize and schedule a future meeting with him so that he can give them a tour of the project. The project completion is targeted for Summer 2022.

CONSENT AGENDA:

- **2022 Joint Meeting Schedule**
- **Town Meeting Minutes**
 - *November 22, 2021 – Town Meeting*

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

UNFINISHED BUSINESS:

Ordinance 21-10-01 – Formula Restaurants – The Town Board is looking to protect the small-town character of Middletown by limiting the possibility of “formula restaurants” within town limits. This ordinance provides guidelines on how a formula restaurant could operate in town.

The public hearing was properly advertised and was held December 2, 2021. The Town Administrator quickly reviewed the proposed ordinance.

Motion: Commissioner Stottlemeyer motioned to approve Ordinance 21-10-01 – Formula Restaurants as presented. Seconded by Commissioner Dietrick. Motion approved (6-0).

Petition from Middletown Glen for Parking on Ingalls Drive – Currently there is no parking allowed on Ingalls Drive in Middletown Glen. The Town has received a proposal from a Middletown Glen resident requesting the Town Board allow parking in identified areas along Ingalls Drive. She included a petition with 55 signatures in favor of the proposed parking. The Town Attorney was solicited and provided an opinion regarding the legality of changing the No Parking on Ingalls Drive agreed to in the approved Site Plan. The Town Attorney determined that varying the design standards authority lies with the Planning Commission. She suggests that the Planning Commission determine if a hardship exists. The Director of Public Works was tasked with providing an acceptable alternative that would provide more on street parking in Middletown Glen which he presented at the December workshop. To create the alternative, he reviewed the parking plan within the Glenbrook Drive subdivision. Their streets are similarly sized. The Director of Public Works is against additional on-street parking in Middletown Glen.

Tonight, the Town Administrator reviewed the map of the Middletown Glen subdivision that indicated where current parking is allowed (highlighted in green) and where the proposed new parking will be located (highlighted in yellow). The proposed parking will be on one side of the street only and was determined using those sides of the street that have less driveway entrances to homes. This allows for 60 additional parking spaces. Parking spaces will be marked and take into consideration site distances for safety. All the Middletown Glen residents attending tonight's meeting voiced their opinions against changing the current parking situation citing safety issues, increased difficulty maneuvering with the new parking spaces, the HOA previously voting down two similar proposals, and that some individuals who wanted additional parking no longer live there and/or live on Green Street and so are not affected.

The Town Board is tasked with addressing the petition for parking that was brought before it. The design guidelines have been remedied so that this type of issue does not occur with future developments. It was noted that there is a lot of public parking nearby the Middletown Glen which will increase once the new Library is finished.

The Town Board agreed by consensus to not move forward with the proposed additional on street parking plan in Middletown Glen. The petition has been rejected.

Planning Commission Appointment – There is one seat on the Planning Commission coming up for appointment/reappointment in January 2022. David Lake who is currently serving in that seat has sent an email to the Town Board stating he will not seek reappointment. Sean Mahar has been recommended to fill David Lake's vacant seat. Mr. Mahar is currently serving on the Board of Appeals.

Motion: Commissioner LaPadula motioned to appoint Sean Mahar to the Planning Commission to fill the seat to be vacated by David Lake. Seconded by Commissioner Goodman. Motion approved (6-0).

Comprehensive Plan – Chapter Review – Growth Area Map with Potential Equivalent Dwelling Units (EDU's) – The Town has modified the growth boundary in the new Comp Plan. The Town Administrator reviewed the list of properties within the modified growth boundary and the potential EDUs that could be annexed in the future. The calculation to determine the EDUs was calculated by taking the total acreage identified and subtracting the acreage in a flood plain which determines the net acreage. From that net acreage subtract 25% for potential infrastructure which then determines developable acreage. R-20 calculations are then applied to the developable acreage to determine EDUs.

Current properties located within the growth boundary include the AC Jets property (196 EDUs), the Topper farm (196 EDUs), the Wiles farm (114 EDUs), the other half of the Coblenz property (behind Middletown Glen) (70 EDUs), and various properties on Ifert Drive(46 EDUs). These EDUs are used to

determine the ultimate water demand for the growth boundary. The Town Board asked the Town Administrator to include water allocations that are left for each aquifer that supports the town to the map for the next Town Board meeting.

The 2010 Comp Plan states the other half of the Coblenz property, if annexed, would be annexed as Medium Density Residential (R-1/R-2). This conflicts with the Town Code which states any annexation must come in as R-20. The R-20 designation matches what water allocation the State will grant according to what an aquifer can support. The Town Board could create a new zoning designation such as R-30 that would have one unit per $\frac{3}{4}$ acre lot. The Town Board will have to review options and update the Comp Plan to reflect the Town's designation.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for November – 287,629 gal., spring flow for October – 86,898 gal., East WWTP treated 204,000 gals. and the West WWTP treated 143,000 gals. The Town received 1.05 inches of rain in October. The plans for the I&I study have been submitted. The new Franklin Street waterline is now on-line. Next up is the Remsberg Park waterline project. There is no Water Sewer Committee meeting in December. When it meets in January, they will be reviewing a draft of the Water Resource Element of the Comp Plan.

PUBLIC WORKS – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, town crews installed the Christmas decorations along Main Street and supported the Christmas in the Valley event. Snow removal equipment is ready for the season. Handicap sidewalk access at Prospect Street and Franklin Street has been installed. A handicap parking space has been installed/painted in the 300 block of West Main Street. The pumps at the Brookridge Pump Station continue to be pulled to clean out the clogs of all types of wipes. The Town's spring lines were walked. The pump in Well 14 was replaced. CJ Miller will be beginning the mill and overlay of Manda Drive and Manda Court this week. The bathrooms at the parks were closed for the winter. It was suggested that signs be made and placed on the park bathroom doors stating that the bathrooms are closed November through March.

SUSTAINABILITY – Commissioner Stottlemeyer reported:

The "Lunch Out of Landfills" Program has begun and is already making an impact in the school cafeterias. Sustainability Committee members handed out milkweed seeds during Christmas in the Valley in support of the Monarch Pledge. The flier boxes with information have been set up along the walking trails. The Green Expo is tentatively scheduled for April 23, 2021, the day after Earth Day.

PLANNING COMMISSION – Commissioner LaPadula reported:

The Planning Commission workshop is scheduled for December 15, 2021. The Planning Commission meeting is scheduled for December 20, 2021. Agenda items include reviewing the library subdivision plat. The MOU with the County has been signed. They will also be reviewing the Municipal Growth Element.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

There is no December meeting for this committee. The meeting between the Town Board, MVAA representatives and the Parks and Recreation Committee is scheduled for January 6, 2022. This meeting is to discuss and develop a master plan for Remsberg Park. A location for the new pickleball courts is yet to be decided at Remsberg Park.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Residents are reminded to sign up for the Town email distribution service and Alert Frederick if they have not done so already. In November, the top five town website pages visited were 1. Events page, 2. Business Directory 3. Community Calendar, 4. Water & Sewer and 5. News and Announcements. The Quarterly Update is finished and ready to go out with the January water bills. Commissioner Falcinelli is researching pricing for a “How to Stay Connected” banner which will be hung during those times of the year when there are no scheduled banners hung at the banner pole site. It was suggested that organizations that use that site for their banners not have so much writing on it. The messages need to be simple and easy to read.

NEW BUSINESS:

Review of Amendments to the Personnel Policy – The Office Manager updated the Town employee handbook to remove outdated language, update staff titles and added a subsection regarding employee drug testing. The Town Board has the draft update for review. At the December workshop it was suggested to modify the statement under the On-Call Response and Employee Behavior relating to alcohol use while on-call to include abstaining from illicit drug use so that it is all inclusive. It was also suggested that on page 13 to modify the statement “The following offenses shall result in immediate termination of employment.” to “The following offenses *may* result in immediate termination of employment.” At tonight’s meeting, the Board still had the old draft to reference. It was suggested to remove the on-call hourly rate and change it to include “as determined by the Burgess and Commissioners” All recommended changes will be made to this draft policy.

Motion: Commissioner LaPadula motioned to approve the updated personnel policy as presented but to include the changes suggested at the December workshop and the changes recommended at tonight’s meeting. Seconded by Commissioner Goodman. Motion approved (6-0).

The Town Employee Covid Policy was further discussed. It was recommended that it include a statement that new town employees must be fully vaccinated against Covid as a requirement for their position. The covid policy will also be updated to state that any town employee that is out due to Covid must use their sick leave or vacation leave. Commissioner Falcinelli will update the policy.

Draft Cable Franchise Agreement with Shentel – The Town Board reviewed the franchise agreement from Shentel. It is similar to the agreement with Comcast. It is a nonexclusive agreement that includes exemptions for schools. The Town Administrator has reviewed the agreement and did not find any issues the Town Board should address. The Town Board would like an identified timeline from Shentel regarding installation of services. One to two years is a standard timeline for this, but since Shentel must come through Middletown to run services to the City of Frederick, that timeline could be shortened. Shentel is willing to attend a future meeting and speak with the Town Board to answer any questions.

Discussion of ARPA Funding for Businesses in Town – Burgess Miller previously sent documents to the Town Board regarding the possible process used to determine ARPA grants for for-profit businesses within Middletown. Included for consideration would be businesses financially affected by COVID between March 2020 and October 2020. Financial institutions, insurance companies, home-based businesses and those businesses which opened after October 2020 would not be considered. It was suggested that the Town establish qualifications relating to a loss of revenue, perhaps a 20% loss. This would assist with the justification for the awarding of the grant. Not assisting those national franchises in town (Safeway, CVS, etc.) was also discussed. ARPA guidelines reflect that this is small business specific especially within the areas of tourism, travel and hospitality. The application is undergoing a re-write and will be available for review at the January Town Board meeting. ARPA funding for Non-profit organizations will be addressed once this process for businesses have been determined.

Review of Commercial & Residential Growth Policies – These are the Town’s formal policies that all new residential subdivision development and commercial growth within Middletown must follow. Currently there is nothing which refers to water balance calculations. The Town Administrator updated both policies to now reflect this. This is the Town Board’s initial review of this update. It was recommended to add a statement to the Commercial policy that any development must bring their own water to support that development with them. This will be an agenda item for a January Town Board meeting.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Christmas in the Valley – The Town Board thanked Commissioner Falcinelli, the Main Street Program and its volunteers and the Town staff for such an enjoyable event.*
- *Town Offices will close at 11:00AM Wednesday December 22, 2021 for the staff holiday party.*
- *Town Offices will be closed December 23rd & 24th, 2021 in observance of Christmas.*
- *Town Offices are closed December 31, 2021 in observance of New Years.*

Meeting adjourned at 9:04 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager