

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

December 14, 2020

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on December 14, 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.

CONSENT AGENDA:

- **Covid Policy Updates** – The CDC updated its guidelines regarding Covid19. Commissioner Falcinelli reviewed how this affects the Town’s policy.
- **Financial Statements**
- **Town Meeting Minutes**
 - *November 23, 2020 – Town Meeting*

Motion: Commissioner Falcinelli motioned to accept the consent agenda as presented. Seconded by Commissioner LaPadula. Motion carried (5-0).

UNFINISHED BUSINESS:

Resolution 20-06- Special Election Requirements – With the increase in Covid-19 cases, and with the Governor’s executive order regarding Covid-19 still in place, the Town Board reviewed a draft resolution that would allow the Town of Middletown to hold the nominating convention for the upcoming special election virtually, and to hold the special election via mail-in ballot. Once the Governor’s executive order regarding Covid-19 ceases to exist, this resolution, if passed, would also cease to exist. Town residents, the Frederick County Board of Elections, and the Governor’s office would be informed of this resolution.

Motion: Commissioner LaPadula motioned to approve Resolution 20-06 – Special Election Requirements as written. Seconded by Commissioner Falcinelli. Motion carried (5-0).

Introduction of Ordinance 20-11-01- Amendments to the Water & Sewer Billing Policies and Procedures – The introduction of this ordinance reflects the updates that states credit card payments are accepted and a new payment plan form for high water bills. The payment plan form includes a recommended minimum monthly payment that must be paid by the resident and that any payment plan granted must be paid in full within a year. The Water and Sewer committee is working on new ways to calculate these high bills and will submit them to the Town Board once completed. The public hearing and the Town Board vote on this ordinance will occur in January 2021.

Review of Draft Ordinance for Off-Site Sale of Liquor within Town Limits – There is interest in the one liquor license available from and assigned by the County within the Middletown district. An unscientific survey was made available to Middletown residents as to the interest in allowing the off-site sale of liquor within town limits. There were 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 the draft developed by the Town

Attorney were provided for review. The Town Board agreed it would be allowed in the General Commercial District as a special exception only. It addresses parking requirements, sign standards, hours of operation and location in regard to houses of worship and schools. The Planning Commission recommended to the Town Board that items such as soda machines, ice storage and other accessory items not be allowed outside the front of the structure. Those businesses that currently have such accessory items out front of their premises would be grandfathered in. The Town Board agreed to add that language to the ordinance, and to modify the hours of operation on Mondays through Saturdays to be 9 A.M. to 10 P.M.. The proposed Sunday hours would remain the same.

Request for Modification of sidewalk requirements for Memar Property – The developer sent a letter to the Town Board proposing to put a comprehensive amount paths in the Foxfield Section 6 development in lieu of sidewalks. By walking in front of no more than 5 lots, residents would be able to access the paths system. This would decrease the amount of impervious surface within the development. The plans currently show sidewalks along one side of all streets within the proposed subdivision. The Town Administrator reviewed a map which identified the current proposed open space within the development. Owners of the private lots would be responsible for the open space next to their lots and the Town would be responsible for the rest of the open space. The pathways would be the responsibility of the HOA. The Town is requesting that the walking trails be 8 feet wide as it leads to the wells so that the wells could be accessed by town equipment. The proposal was reviewed by the Town Administrator, the Director of Public Works, and the Staff Planner. All disagreed with the proposal as there are safety concerns with individuals walking in the street. Some internal sidewalks are going to be needed to navigate through the neighborhoods safely. The Town Design Standard requires sidewalks on both sides of the street. Having sidewalks on both side of the streets would eliminate some of the walking paths. Sidewalks on both sides of the street would reduce the buffer from the surrounding farmland. Eliminating sidewalks would increase the buffer by 20 feet on one side of the development. The Town is awaiting a response from the Town Attorney regarding the definition of the water drainage area noted on the plans. Staff have no problems with the installation of rolling curbs. The phasing plan for this development will be provided to Town Board members. This will be an agenda item on the December 28th Town Board meeting.

Comprehensive Plan – Chapter Review – Commissioner LaPadula reviewed Chapters 5 (Transportation) and 6 (Community Services) of the 2020 Comprehensive Plan. She suggested including the Town’s growth plan within Chapter 6. She also suggested that each chapter of the Comp Plan follow the same general format for ease of review of information. The Town Board received the first draft copy of a new chapter in the Comp Plan entitled Sustainability. 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 November – 285,014 gal., spring flow for November – 50,700 gal., East WWTP treated 194,000 gals. and the West WWTP treated 137,000 gals. The water reservoir project should be finished before year’s end. The Brookridge South Pump Station pumps continue to have to be pulled to clear blockages caused by residents flushing flushable wipes and baby wipes. This pump station services the Brookridge South neighborhoods only. Board members are asked to have ideas in how to address this continuing cost during January Town Board meetings. The WWTP permit renewal is at MDE. The I&I at that plant is being worked on. There is a project that could be implemented that would reduce the I&I there. The Water Sewer Committee recommends that the Town Board conduct a comprehensive study of the Town’s sewer system as one has not been completed in some time. The EWWTP permit renewal is still in review. Staff is working on adjustment calculations.

PUBLIC WORKS – Commissioner Dietrick reported:

Three memorial benches were installed in November. Town crews cleared a sewer clog on Lombardy Court. They hung the Christmas decorations, moved speed signs throughout the Town, fabricated brackets for the military banner poles, and placed additional crosswalk signs on Green Street. Snow clearing equipment has been prepped and is ready for the forecasted winter storm coming on Wednesday. Staff replaced the u-joints on the Bobcat saving the Town money by not sending it out to be repaired.

SUSTAINABILITY – Commissioner Goodman reported:

The committee has been tagging native trees along the tree trail at Cone Branch Park. Many people are stopping to read them. There were 2 memorial tree dedications in November. Any trees ordered now through the Summer of 2021 will be planted in the Fall of 2021. Locations for the Bee City and Tree City signs are being identified. If Frederick County is looking for a theme for the new Middletown Library children's area, the Sustainability Committee suggests a conservation theme.

PLANNING COMMISSION – Commissioner LaPadula reported:

Agenda items for the November Planning Commission workshop and meeting include; continued work on the 2020 Comp Plan, Foxfield Section 6 plan review, the proposed Middletown Library, and Memorial Hall.

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, though it is not an issue for much of the year. A rough estimate to repair is \$20,000.00. It was suggested to use future POS monies to pay for it. The gravel parking lot at Natelli Field needs to be spruced up. There are many weeds, and perhaps millings could be spread there.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Residents are reminded to sign up for the Town email distribution and list serve notifications.

On a side note, the virtual Christmas in the Valley event went very well. Though unplanned, the local church bells rang at appropriate times during the event. The elf scavenger hunt is very popular this year. It has many participants.

NEW BUSINESS:

Petition for Annexation of 144.05AC – AC Jets Property – The Town has received a petition for annexation for the AC Jets property located east of the Hollow Creek Professional Center development property and extends back to Layla Drive and along the west side of Hollow Road. Petitioning the Town for annexation does not necessarily mean it will pass. The Town is obligated by law to address the petition and proceed through the Annexation Review process. This is for 144 acres which was recently zoned agricultural. This designation could be changed later. This petition must go to the Planning Commission for that body to make a recommendation to the Town Board. The Town Board must meet with the petitioner to identify the proposed plans for the property. The property is within the Town's growth limit. The petitioner is in no hurry to develop the property. The property owner has submitted multiple petitions for annexation of this property in the past.

Right-of-Way for Remsberg Park – Hutchinson Property – The issue in front of the Town Board is whether the Town should acquire a right-of-way from the Hutchinson family for the purpose of access to the future maintenance facility and full access to Remsberg Park across the panhandle section of the Hutchinson property. This panhandle splits the property. The Town has acquired an earlier right-of-way from the Hutchinson's for entrance to Remsberg Park which is currently in use as the park entrance. As the Town looks to future park amenities and a future maintenance facility, it would be in the best interest of the Town to acquire additional right-of-way for future needs. The Town has been in negotiations with the Hutchinson family and they are willing to grant the additional right-of-way to the Town in exchange for the following: asphalt paving of the driveway from the existing parking lot to their home, maintenance of the entire section of road/driveway right-of-way area, including snow removal, and

address any drainage issues along the right-of-way area; of which all expenses would be covered by the Town. This right-of-way would be granted in perpetuity. The cost estimates for this are being determined at this time. The Town Board will not make a decision until the cost estimates are known.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

The Town has received an email from Delegate Dan Cox noting an opportunity for funding of municipal related projects. If anyone has ideas, please email Burgess Miller or Drew Bowen. The deadline for idea submission is December 31, 2020.

The meeting adjourned at 8:50 P.M..

Respectfully submitted,

Annette Alberghini,
Office Manager