

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

VIRTUAL TOWN MEETING MINUTES

TOWN MEETING

January 10, 2022

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on January 10, 2022, by Burgess Miller at 7:00 p.m. Present were Commissioners Kevin Stottlemeyer, Christopher Goodman, Jennifer Falcinelli, Rick Dietrick and Jean LaPadula.

PUBLIC COMMENTS: None.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **FY 2023 Budget Workshop Schedule**
- **Financial Statements**
- **Town Meeting Minutes**
 - *December 2, 2021 – Town Workshop*
 - *December 13, 2021 – Town Meeting*

Commissioner Falcinelli requested that the word “virtual” be removed from the top of the first page of both sets of meeting minutes as those meetings took place in person.

Motion: Commissioner LaPadula motioned to approve the consent agenda as presented with the corrections made to the meeting minutes as requested. Seconded by Commissioner Goodman. Motion passed (6-0).

UNFINISHED BUSINESS:

ARPA Project Updates – The Town Board was provided two draft formats for ARPA project updates. One draft is in a color-coded spreadsheet format; Red are those ARPA projects completed, green are those ARPA projects in progress. White signifies no action, and yellow are identified ARPA projects that were stricken from the list as no longer necessary, or not being funded with ARPA monies. The second draft is in a standard financial statement format. Town Board members were asked to review both drafts and decide which would work best for the Board. Commissioner LaPadula sent additional suggestions for the report to the Town Administrator. They will be included next time this is reviewed. Any additional comments or suggested should be forwarded to the Town Administrator.

Amendments to the Commercial & Residential Growth Policies – These are the Town’s informal policies that all new residential subdivision development and commercial growth within Middletown must follow. The Town Administrator reviewed the most recent updates to these policies. The policy statements for each policy are the same. Both the Adequate Public Facilities Policy (The Town Residential Policy) and the Policy on Commercial Growth have been updated to include a statement that any development must use MDE Water Balance calculations to determine maximum EDU’s and no use of other aquifers is permitted. The Town Administrator added a footnote with clarifications regarding one tap = one EDU = 250 gallons per day. Commissioner LaPadula suggested spelling out the acronyms so

that anyone reading them will more clearly understand the information. Also, the “too” in the policy statement of the residential growth policy should be replaced with “to”.

Motion: Commissioner Stottlemeyer motioned to approve the amendments to the Commercial and Residential Growth policies as presented with the changes suggested this evening. Seconded by Commissioner Falcinelli. Motion passed (6-0).

Introduction of Ordinance 22-01-01 - Screening Requirements for Unlicensed Vehicles – The Town Administrator reviewed the draft ordinance. Previously the Zoning Administrator suggested that the Town Board provide a grace period before enforcement begins so that residents have time to construct a garage or shed if needed. It was suggested to extend the effective date of the ordinance 6-8 months to allow residents to begin the process of at least applying for a building permit as construction supplies delays may push construction past the grace period. The public hearing for this item will be held February 3, 2022. The final vote on this ordinance will be at the February 14, 2022, Town Board meeting.

Update on Petition from Resident in Foxfield for Removal of Trees in SWM Pond – The Town previously received a petition from residents of Foxfield requesting the removal of weeping willow trees and additional overgrowth in the stormwater management (SWM) pond across from the county park citing several safety concerns. The Town Administrator contacted MDE and DNR for more information. Both stated that Frederick County has primacy. The Town Administrator met with a Frederick County representative, and they walked around the SWM pond. The representative stated that the SWM pond is a textbook example of what you want a SWM pond to be. The overgrowth and trees should be kept there. However, this is Town property, and the Town can remove the growth, but the County does not recommend it. The Town has purposely planted trees in other Town SWM ponds because of their benefit. Commissioner Stottlemeyer has spoken with several residents of that neighborhood. They are ok with the SWM pond as is. The Town Board suggested several options available regarding the trees/undergrowth in the SWM pond in question. These options will be reviewed with Town staff for additional input.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for December – 287,269 gal., spring flow for December – 81,035 gal., East WWTP treated 180,706 gals. and the West WWTP treated 101,370 gals. The Town received 1.9 inches of rain in December. The plans for the I&I study have been submitted. The Town Administrator is contacting residents about easements for the I&I from Walnut to Jefferson. The pumps at the Brookridge Pump Station continue to have to be pulled and cleaned because they are clogged with wipes. The committee will meet this month. 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. LED crosswalks have been installed. Staff have serviced trucks within the town fleet. A new computer upgrade was completed for all computers at the Town offices. The mill and overlay of Manda Drive and Manda Court was completed. Sanitary Sewer line cleaning continues. A clog at Linden Boulevard was repaired. Snow removal after a snow event occurred. Letters will have to be sent to those property owners with portable basketball hoops in the street.

SUSTAINABILITY – Commissioner Stottlemeyer reported:

The Town has received a growth award from Tree City USA. The Town has completed 8 actions as part

of the Mayor Monarch Pledge. Cindy Unangst has been asked to participate in Envision Frederick to present on town projects. The Potomac Edison tree planting initiative is very successful. 86 of the 100 free trees for residents have been spoken for. The committee is wondering if the Town Board would be willing to expand the project and apply for more trees. This would benefit the Town's tree canopy and assist with MS4 requirements. Town staff will discuss and identify locations for where town trees can be planted. The Green Expo is scheduled for April 23, 2021, at Memorial Park., the day after Earth Day.

PLANNING COMMISSION – Commissioner LaPadula reported:

The Planning Commission workshop is scheduled for January 12, 2022. The Planning Commission meeting is scheduled for January 18, 2022. Agenda items include reviewing the Memorial Hall lighting plan, the Change of Use at 1 West Main Street, and the continued review of the Municipal Growth Element.

Burgess Miller reported that he attended a meeting of a group that is interested in promoting senior housing/senior living options that would allow seniors to age within their community. A very preliminary discussion was held with the developers of Worman Mills senior living community to see if there is interest in replicating the same type of facilities in Middletown. All options would have to come before the Town Board and the Planning Commission as applicable.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The meeting between the Town Board, MVAA representatives and the Parks and Recreation Committee was held January 6, 2022. This meeting was to review and devise a plan for Remsberg Park. The pickle ball courts project at Remsberg Park were discussed. The location was identified. Discussion occurred regarding the number of courts and sizes. A preliminary review will occur that will identify any SWM needs, material costs and any challenges. It was noted that there may be a possibility of indoor pickle ball facilities during the winter months with an agreement between FCPS and Frederick County.

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 December, the top five town website pages visited were 1. Events page, 2. Community Calendar 3. Planning and Zoning, 4. Water & Sewer and 5. Business Directory. 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.

NEW BUSINESS:

Proposed Amendments to the Fencing Regulations – The Town Administrator reviewed the draft amendment on Fences. This includes an additional section addressing corner lots which has drawings for further clarification. Naming the section Fences will stop any code searches from going directly to the section on special exceptions, which causes confusion. There was confusion as to whether the Front yard fence height of 4 feet was for all front yards, or just corner lot properties. The Zoning Administrator will be asked for clarification. On that entire section.

Discussion of the Covid Policy Amendments – Commissioner Falcinelli reviewed the most recent updates to the Employee Covid-19 Policy. This follows the current CDC guidance. The definition of “Fully Vaccinated” now includes the shots and the booster. Included with the changes is that any new employees must be fully vaccinated. Discussion on the use of sick leave if fully vaccinated and having covid did occur. It was determined that all employees must use sick leave if off due to covid. The section regarding weekly testing of unvaccinated employees will be removed. A statement that unvaccinated employees must always wear a mask while indoors and when within 6 feet of others when outside will be

added. Discussion occurred concerning what to do in Town emergency situations when an employee has tested positive for covid, is asymptomatic, is in quarantine, but is needed. Commissioner Falcinelli will add a statement to the policy that under emergency situations, with the approval of the Burgess and following strict defined guidelines an employee can be called in to work in an emergency. The Town Board is extending the vaccination incentive pay of \$1000 to unvaccinated staff who get vaccinated.

Purchase of Middletown Historic Artifacts – Previously the Town Board agreed to pursue the purchase of a very large collection of Middletown historical artifacts for the expansion of the Middletown Museum. Former Commissioner Larry Bussard currently owns this large collection. His family is not interested in keeping the collection. Mr. Bussard wants to sell the collection and would like it to be kept together and displayed for future generations to enjoy. He has some unique items. Several pieces would be hard to place a price on. The cost to purchase the collection is \$17,000.00. The Town Board would have to initiate a budget amendment since this cost is not included in any Town budgets. Excess HUR funds can be used to cover the cost. Staff recommends the purchase of the collection as priced.

Motion: Commissioner Dietrick motioned to approve the purchase of the Middletown Historical Artifacts from Mr. Bussard for \$17,000. Seconded by Commissioner LaPadula. Motion passed (6-0).

PUBLIC COMMENTS: None.

Cable Committee Update - Bob Smart reported that the cable committee has spoken with a representative from Shentel regarding a date/timeline when they could proceed with the installation of services in Middletown if an agreement was signed. He reported that 15 months from a signed agreement would have substantial completion. Also, Shentel will provide complimentary internet service to the Middletown Food Bank. The next cable committee meeting is Wednesday January 12th at 1:00PM via Zoom. A Shentel representative will be attending to answer any questions. All are invited to attend.

ARPA Funds for Non-Profits and Businesses – The application forms have been finished. They will be made available to businesses and non-profit organizations as soon as possible. The non-profit form has been modified to state a grant of up to \$10,000. It was suggested that the Main Street Program be reimbursed their money they used during the covid shutdown to support small businesses. In addition, it was suggested that the Main Street Program be allowed to apply for one of those non-profit grants as well.

AC Jets Annexation Petition Withdrawal – The annexation petition has been formally withdrawn by the applicant.

Motion: Commissioner Falcinelli motioned to accept the formal withdrawal of the AC Jets annexation petition. Seconded by Commissioner Stottlemeyer. Motion passed (6-0).

ANNOUNCEMENTS:

- *January 12, 2022, at 5:00PM the Middletown Chamber of Commerce will be meeting at the Maryland National Golf Course.*
- *January 20, 2022, at 2:00PM there is a virtual meeting with the Food Bank representatives to discuss repairs and projects to upgrade the Food bank.*
- *January 13, 2022, 4:00-7:00PM, an art show at Wren's Nest, 100 West Main Street.*

Workshop adjourned at 8:52 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager