

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## VIRTUAL TOWN BOARD MEETING MINUTES

### TOWN MEETING

**January 11, 2021**

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on January 11, 2021, 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:

**Danial M. McDougal, Senior Project Manager with Noelker & Hull Associates, Inc. Middletown Library Design** - The architect for the proposed Middletown Library which will be located on East Green Street reviewed the proposed design and the design processes involved in its creation. The Main Street Program Manager stated that the design is beautiful but reflects a contemporary building located in a neo-traditional district. She provided photos of other libraries and buildings whose designs are more fitting with the neo-traditional architecture. Several residents stated they believed the design is too modern and does not reflect the character and architectural style of Middletown. The design and look of other libraries within this region were discussed. This is a preliminary design and both Frederick County and the architect are willing to incorporate changes so that everyone is excited about this project. This will be an item on future meetings.

### CONSENT AGENDA:

- **Financial Statements**
- **2021 Joint Meeting Schedule between the Town Board & Planning Commission**
- **FY2022 Budget Workshop Schedule**
- **Town Meeting Minutes**
  - *December 28, 2020 – Town Meeting*

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

### UNFINISHED BUSINESS:

**Ordinance 20-12-01 for Off-Site Sale of Liquor within Town Limits** - 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 places of worship and schools. Additional language has been added addressing items such as soda machines, ice storage and other accessory items not being 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 modified 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. All interested parties would still have to go through the process of filing a special exception with the Board of Appeals and then the liquor board would determine who would get the one spot available in Middletown. The Staff Planner

recommended changing the term “house of worship” to “place of worship” in keeping with other sections of Town Code. It was suggested that the Ordinance include a section which would address off-site liquor sales and those places of worship that “pop-up” in shopping centers. It was suggested to add a statement addressing when a liquor store may want extended hours at certain times of the year.

Town Board scheduled a public hearing for January 25, 2021 to discuss Ordinance 20-12-01 for Off-Site sale of Liquor within Town Limits and February 8, 2021 to vote on the ordinance.

**Introduction of Ordinance 20-11-01 – Amendments to the Water & Sewer Billing Policies &**

**Procedures** – 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 recommending a new way to calculate these high bills. Currently water/sewer adjustments on high water uses are determined by averaging the 4 quarters previous to the current high-water use and then multiplying that average by 2. If the current water use is higher than this calculation than an adjustment is granted. The proposed change includes an eligibility threshold of water usage that is 40% higher than the average of the previous 4 quarters. The calculation is then simply calculating the cost of the water usage using the base rate (no tiered rate). The property owner would be responsible for the total cost of the total amount of water used. Burgess Miller asked the Town Administrator to provide the Town Board with an example before the next Town Board Meeting. This ordinance will be an agenda item on the Town Board meeting in February.

**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 Town Project Manager created a cost estimate for the Town Board to review. Since the proposed Maintenance Facility is not being constructed currently the cost to the Town would be \$77-78,000.00 to install the pavement at this time as proposed. Once the maintenance facility is constructed there will be additional costs which include widening the road and adding more asphalt.

The Town Board agreed by consensus to continue to pursue the discussion with the Hutchinson’s on this right-of-way.

**Request for Modification of sidewalk requirements for Memar Property** – The developer has requested a waiver from the Town Board for the Design Standard requirement for sidewalks on both sides of the street for the Foxfield Section 6 development citing a reduction in the amount of impervious surface in the development and the development not having children in it. Town Staff does not recommend granting this waiver. The reasons include the concentrated efforts by the Town to make Middletown a walkable community, Town design standards require sidewalks on both sides of the street and if granted there would be safety issues.

**Motion:** Commissioner LaPadula motioned to deny the waiver for sidewalks on one side of all streets in the Foxfield Section 6 development. Seconded by Commissioner Dietrick. Motion approved (5-0).

**Discussion of Recycling drop site at Middletown Park** –The recycling drop site at Middletown County Park was closed years ago due to single stream recycling but residents requested for the dumpster to come back. There have been issues for several years with people dumping junk and overflowing the recycling dumpster. This recycling drop-off site is fairly busy year-round, with the busiest time usually during the holidays. Covid has also produced an increased usage as individuals are ordering more things on-line resulting in more boxes and packaging. The Town Administrator contacted Frederick County Solid Waste to request the costs of adding a second dumpster to the site and if the County would reimburse those costs. Frederick County currently reimburses the Town the costs associated with this recycling site. Signs requesting people break down their boxes have been posted on site. Commissioner Goodman suggested re-locating the dumpsters and fencing to increase visibility of individuals dropping of their items. If this recycle drop off site is removed, there will be more recycling and boxes which would be out during residential recycling days. This could be a hazard if it is windy.

## **REPORT OF COMMITTEES:**

**WATER & SEWER** – Commissioner Falcinelli reported:

Water use for December – 293,083 gal., spring flow for December – 68,898 gal., East WWTP treated 305,000 gals. and the West WWTP treated 199,000 gals. The East WWTP total is over our permitted level. This is a direct result of I&I. The Committee recommend suspending the currently funded I&I project and use those funds to complete an I&I engineering study immediately. This will identify the area(s) contributing to the I&I. The Bay Restoration grant application could include some of these I&I costs. The water reservoir project should be finished in February.

**PUBLIC WORKS** – Commissioner Dietrick reported:

The Brookridge South Pump Station pumps continue to have to be pulled to clear blockages caused by residents flushing flushable wipes and baby wipes. Town staff refurbished an aqua-disk filter at the EWWTP, installed a new ultrasonic meter at the WWTP, dealt with a snow event, and cleaned up the recycling site at the Middletown Community Park. They hung and then later removed the Christmas decorations, fabricated brackets for the military banner poles, and continued the on-going task of hydrant replacements.

**SUSTAINABILITY** – Commissioner Goodman reported:

The committee will meet on January 19, 2021. The group is setting goals for the next year. They include planting 100 additional trees, selling 20 compost bins, 25 rain barrels, provide Green Talks with the library via Zoom, increase the number of pollinator fields in town and hope to have a 2021 Green Expo.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The next Planning Commission workshop is Wednesday, January 13<sup>th</sup> and the Planning Commission meeting is January 18<sup>th</sup>, 2021. Agenda items for the January Planning Commission workshop and meeting include; Foxfield Section 6 Preliminary Forest Conservation Plan review, Foxfield Section 6 Preliminary Plat review, 2020 Comp Plan Chapter 5, Transportation review and the Broad Street Reconstruction Plan review.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

He has noticed many of the town trails being used. If anyone has any future POS ideas, please let him know. Memorial trees and benches can still be purchased to honor a loved one. Any trees ordered now through the Summer of 2021 will be planted in the Fall of 2021.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

The top 5 areas visited on the town website for the month of December were 1. Water/sewer page, 2. Covid information, 3. Email notification sign-up page, 4. Community calendar and 5. Town Business Directory. Residents are reminded to sign up for the Town email distribution and list serve notifications.

**NEW BUSINESS:** None.

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Special Election Nominating Convention, January 12 at 7:00PM – This is a virtual nominating convention, please check the website and Town Facebook page for the zoom meeting details.*
- *Public Hearing for Liquor Ordinance – Monday, January 25, 2021 at 7:00PM. This is a virtual meeting, please check the website and Town Facebook page for the zoom meeting details.*

Meeting adjourned at 8:52PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager