

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

TOWN MEETING MINUTES

REGULAR MEETING

January 25, 2021

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on January 25, 2021, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

PUBLIC HEARING

Ordinance 20-12-01 for Off-Site Sale of Liquor within Town Limits – Burgess Miller briefly reviewed the history of how alcohol came to be sold on-site within Middletown. Recently 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. The Town Board agreed it would be allowed in the General Commercial District as a special exception only. This ordinance also 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 hours of operation on Mondays through Saturdays would be 9 A.M. to 10 P.M. The proposed Sunday hours would be 10:00 A.M. to 9:00 P.M.. Hours of operation could be modified for special occasions with Town Board approval. All interested parties would still have to go through the process of filing a special exception with the Board of Appeals and then the Frederick County Liquor Board would determine who would get the one license available in Middletown area.

Commissioner LaPadula stated that the Planning Commission recommends that in Section E if the liquor store is in a stand-alone building that accessory structures are prohibited on the sides of that building as well.

The Commissioners are not in favor of granting modified hours for special occasions, as it is not needed. The local liquor stores in the area do not have extended or modified hours.

The hearing was opened to public comment:

Pam Wilson, 6 Larch Lane, questioned the unscientific survey results because there is no way to verify how many were completed by town residents and how many were completed by others. She questioned who would be responsible for enforcing id checks during alcohol sales to limit under-age drinking. She is against this ordinance as Middletown is already bookended by two liquor stores, one to the east and one to the west of town.

Rachel Depo, 502 Stone Springs Lane, stated she is in favor of the ordinance and has no concerns.

Suzette Thompson, 7310 West Springbrook Court, has no problems with the ordinance and is happy to see Middletown starting to open up with new options for the town. She asked how Fordham Lee Distillery was able to open across the street from Christ Reformed Church.

Fordham Lee Distillery in South Church street is not an operating distillery. There are no public tastings, or a restaurant on site. It is the corporate offices for the business, with little product stored there.

Becky Myers, 2 Woodmere Circle, does not oppose the ordinance as written. This would not detract from the ambiance of the town. She also questioned the unscientific survey results because there was no determination as to who was completing the survey (resident or non-resident).

Suzanne Huffer Lewis, 6521 Holter Road, stated the Town could mandate in the ordinance that employees of the liquor store complete the TIPS certification. This certification teaches employees how to spot fake identification, who to sell to, and how to handle difficult clientele.

Evelyn Holmes, 2 Tiger Way Boonsboro, stated that that training is a requirement for all employees of liquor stores. She warned that there is a delay between date of hire and certification.

Town ordinances tend to cover if a business is allowed and where it can be located in town. The Town does not get involved in business management. That, and enforcement is left to identified County and State officials. Those bodies will handle any violations.

The Town Board is not in favor of including TIPS certification in this ordinance.

The Town Board will review an updated ordinance further review Section E at the February Town Workshop.

The Town Board thanked all individuals for attending this public hearing and providing input.

The Public Hearing adjourned at 7:46 P.M.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *January 7, 2021 – Town Workshop*
 - *January 11, 2021 – Town Meeting*
 - *January 12, 2021 – Nominating Convention*

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

UNFINISHED BUSINESS:

Ordinance 20-11-01- Amendments to the Water & Sewer Billing Policies and Procedures – This ordinance reflects the updates that states credit card payments are accepted and a new payment plan form for high/excessive water use 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. To qualify for an adjustment on a water bill, water usage must be at least 40% higher than the

average of the previous four quarters usage. The revised bill will be calculated by charging the non-tiered rates for the total gallons used. A public hearing is scheduled for February 8, 2021.

Ordinance 21-01-01- Amendments to Establish Expiration Date(s) for All Site Plans – There is a sunset provision within the Town Code which states once a site plan is approved the individual has 3 years to complete the work before the site plan will expire and the site plan would have to come before the Planning Commission again for review and approval. There are two grandfathered properties within town limits with site plans that were approved prior to the approval/addition of sunset provisions to the Town Code in November 2010. Neither property has had any type of action/development taken since the approval. The Town is deciding how to address these properties since substantial improvements have occurred in those areas where these properties are located. If the ordinance is approved, the two property owners would have 3 years from the effective date of this ordinance approval in which to begin work on the property. This will be an agenda item at the February workshop and February 8, 2021 Town Board meeting.

NEW BUSINESS:

Review of Draft Public Works Agreement for Memorial Hall – The Town Board reviewed the draft public works agreement for the Memorial Hall Redevelopment. Modifications to this agreement that comply with the Town's Downtown Redevelopment Zone Policy were suggested and will be made. The developer will be sent the updated public works agreement for review. The Town Board will revisit this item at a February 2021 Town Board meeting.

Discussion of Cable Franchise Agreements – It has been noted that with Xfinity that if an account/family's internet usage goes above a certain tier/level it is no longer unlimited and the account will be charged a penalty. With parents working from home and children attending school virtually, there is an increase in this happening within Middletown. The Town has a franchise agreement with Comcast that does not prohibit entering into franchise agreements with other internet providers. The Town Board agreed by consensus to form a committee to study the issue and identify other alternatives and alternate providers that may be interested in doing business in the Middletown region.

Appointment of Election Judges for Special Election – A list of election judges was presented to the Town Board for approval. There is a larger number of election judges than in the past because of the number of ballots that will be turned in/counted due to an all-mail-in ballot election. Two individuals on the list are not Town residents. Town residency is not a requirement to be a judge. All names listed will be reviewed with the Election Director of the Frederick County Board of Elections to see if they had been past election judges elsewhere. A statement of neutrality will be developed that each will sign. This statement will include that said judge is not related to a candidate, that there is no conflict of interest, that they know the responsibilities of the position and will follow the guidelines set forth by the Frederick County Board of Elections. If they do not meet the neutrality requirements, they cannot be a judge.

Motion: Commissioner Goodman motioned to approve that the individuals interested in being election judges would be reviewed by the Frederick County Board of Elections and will sign and meet the statement of neutrality to be an election judge. Seconded by Commissioner LaPadula. Motion carried. (5-0)

Discussion of Downtown Public Parking – The last Middletown parking study was completed in 2008. The Town Board agreed to complete another Parking Study of the Town. Now is a good time to take an inventory of all the parking within Town limits, both public and private. A committee will be formed to accomplish this. It will also review the information from the 2008 parking study and identify goals and opportunities for the future.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Special Election – Monday, February 22, 2021 – All registered voters within the Town of Middletown will receive an absentee ballot. All absentee ballots must be received by election day, Monday, February 22, 2021.*

The meeting adjourned at 8:57 P.M.

Respectfully submitted,

Annette Alberghini
Office Manager