

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

VIRTUAL TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

January 7, 2021

The virtual workshop meeting of the Burgess and Commissioners of Middletown was called to order on January 7, 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: None

STAFF REPORTS:

Deputy Report – A Deputy report was provided to the Burgess and Commissioners prior to the meeting. No Deputy was present to review.

Staff Planner Report – Cindy reviewed her report.

Engineer’s Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report.

Zoning Administrator’s Report – Mark reviewed his report.

CONSENT AGENDA:

- **Financial Statements**
- **Town Meeting Minutes**
 - *December 28, 2020 – Town Meeting*

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 houses of worship and schools. The Town Board added language to the ordinance about 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. The Board stated that 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.

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.

Comprehensive Plan – Chapter Review – Commissioner LaPadula reviewed Chapters 5, 6 and the new Sustainability Chapter of the 2020 Comprehensive Plan. The Town Board was able to review Chapter 5 in both the original format/layout and in a new proposed format/layout. Town Board members were impressed with the new format. The Staff Planner has requested several times that FCPS confirm the numbers they provided regarding student enrollment but has received no answer. Burgess Miller will follow up with his contacts at FCPS. The Main Street Program information should be added to the Comp Plan as part of economic development. Burgess Miller requested that all the Middletown historical designations and designations as related to sustainability also be included in the appropriate sections of the Comp Plan.

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. This topic will be an agenda item at Monday evening’s meeting.

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. 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 and because of Town design standards. 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. Eliminating the sidewalks has minimal effect on MS4 requirements.

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 for more signage and suggestions on what can be done to prevent junk from being dropped off. Discussion occurred considering adding a second dumpster to the site. Frederick County reimburses the Town the costs associated with this recycling site. It was suggested that a sign requesting people break down their boxes be posted on site. 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.

NEW BUSINESS:

2021 Joint Meeting Schedule Between the Town Board & Planning Commission – The Town Administrator reviewed the proposed dates for the joint meetings of the Town Board and the Planning Commission. This agenda item will be added to the consent agenda for Monday evening’s meeting.

FY2022 Budget Workshop Schedule – The Town Administrator reviewed the proposed dates for the FY2022 budget workshops. It was noted that employee compensations total will no longer reflect as a percentage increase as in the past. It will be listed as a dollar amount. This agenda item will be added to the consent agenda for Monday evening’s meeting.

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.*

Workshop adjourned at 8:55PM.

Respectfully submitted,

Annette Alberghini,
Office Manager