

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

TOWN MEETING

February 14, 2022

The meeting of the Burgess and Commissioners of Middletown was called to order on February 14, 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:

- **ARPA Project Progress Report** - The ARPA progress report has been updated. Items highlighted in green are projects in progress. Items highlighted in blue are completed projects. Items not highlighted are projects that have had no action taken on them but will be completed using ARPA monies. Items have been removed. Those items will be funded using WS CIP monies.
- **Request for Waiver of Section 13.04.020 – 35 East Main Street** - The property owner of 35 East Main Street is requesting a waiver of section 13.04.020 of the Town Code as it applies to his property. This property currently has 2 water connections servicing the property. One is to the main residence on the property, the second is to a rental apartment at the rear of the property. During the Streetscape project the previous owner was notified of the one connection per property as is required per Town Code. A vault was installed curbside, and the meter to the main residence was moved to there. The second connection (off a second line) was never addressed. The property was sold to the current owners. The new owners were not aware of the requirement. The cost to make the changes to meet the Town Code is large. The Water Sewer Committee has reviewed the request and recommends granting the waiver. Staff also recommend granting the waiver.
- **Financial Statements**
- Budget Amendments
 - **22-06 – Main Street Reimbursement** – During the Covid-19 National Health Emergency Main Street converted funds from its Capital budget and used it for direct business relief. It converted grant funds it received to increase advertising of Middletown restaurants open for takeout during the pandemic for 2 months straight (both digitally and in print). Main Street also converted grant funds used for operational expenses in lieu of capital improvements to 19 West Main Street. This grant was unrestricted in how the monies could be used. There were no events held which could have generated income, and Main Street had a massive loss of revenue generated from the hotel tax. The total amount of the reimbursement request is \$40,275.00. This will be funded using ARPA monies.
 - **22-07 – Safety Lighting at Wiles Branch Park** - With the incidents that occurred at Wiles Branch Park, unlimited park access and limited lighting in the rear of the park property, the Director of Public Works researched lighting options at Wiles Branch Park. He presented his recommendations to the Town Board for review. He recommends installing two 15-foot light poles and fixtures in two 6-foot-deep concrete foundations (one by each parking area) and installing two directional flood lights on the end of pavilion. The cost

would be \$16,875.00. This will be funded using monies from the salvage value of the skid-steer, excess planning and zoning fees, and HUR fees.

- Town Meeting Minutes
 - **January 24, 2022 – Town Meeting**

Motion: Commissioner Dietrick motioned to approve the consent agenda as presented. Seconded by Commissioner Goodman. Motion passed (6-0).

UNFINISHED BUSINESS:

Comprehensive Plan – Municipal Growth Element – This draft was reviewed at both the February town workshop and the February joint meeting. This chapter ties together other chapters within the Comp Plan. Included in this chapter is a detailed breakdown of potential future growth to include specific acreage, possible developments, EDUs, and water elements. The Town Board was asked to review this draft and to provide any further suggestions or questions to the Staff Planner. The Town Board vote on this Comp Plan could take place late summer or early fall.

Ordinance 21-01-01 – Inoperable Vehicles – The public hearing was held February 3, 2022. The existing Town Code is vague and ineffective for enforcement from a zoning standpoint when addressing unregistered/inoperable vehicles on private property. The updated ordinance prohibits unregistered or inoperable vehicles from being parked or stored on private property unless concealed from public view in a fully enclosed garage, shed, barn or similar covered structure. It is also forbidden to use public streets or parking lots for unregistered or inoperable vehicle storage. The Zoning Administrator reviewed the draft ordinance. The effective date of the ordinance will be 6 months after the ordinance is passed to give residents the opportunity to make arrangements to remove the vehicle or construct the required enclosed storage building. Any violations of this ordinance after the effective date, will not have a 6-month grace period. The vehicle will have to be removed while an enclosed structure is being built. Commissioner Stottlemeyer recommended adding “uninsured” to this amended ordinance. It will now read “to prohibit the parking of unregistered, inoperable and/or uninsured motor vehicles” where applicable within this section of the ordinance.

Motion: Commissioner Stottlemeyer motioned to approve Ordinance 21-01-01 as presented with the amended change to include “uninsured vehicles”. Seconded by Commissioner Falcinelli. Motion passed (6-0).

Ordinance 21-01-02 – Fences –

- **History:** This amendment cleans up the Town Code and places almost all fence requirements in one location. Fencing special exceptions and fencing for pools will be referenced in this section but stay in their corresponding sections of the Town Code. This amendment addresses those properties on corner lots with technically two front yards and includes diagrams for clarification. Front yard fencing was raised to not exceed 4 feet in height and must be “see through” in nature such as split rail, wrought iron, or picket. Reference to opaque fencing will be removed. It includes 35-foot triangular/vision safety areas on front yard corners to address line of sight safety issues. Most Town Board members want to keep the current town code height of 3-foot in a front yard. It had been suggested to add new definitions for both “Side Yard Corner Lot” and “Rear Yard Corner Lot” to provide clarification. Both the Zoning Administrator and Town Administrator warned that changing the terminology could have a cascade effect throughout the Town Code and the design manual. It was noted that this does not address those town properties that are corner properties that

are bordered on three sides by streets. That triangular safety area would not apply to the rear of the yard that is on a corner. It was suggested to add a statement that the triangular/vision safety area should be applied to any intersection where it is required. Previously Becky Myers, a town resident, had sent Town Board members a memorandum with comments regarding this proposed ordinance. She included proposed changes. Burgess Miller asked Mrs. Myers to craft an update to this proposed ordinance and provide it to the Zoning Administrator for review. She completed that request.

- **Tonight:** After the public hearing on February 3, 2022 The Zoning Administrator (ZA) updated the proposed ordinance. He returned the proposed front yard fence height to the current 3-foot height. Frederick County has changed the regulations so that swimming pools now require fences that are 54-inches in height. The ZA would like to modify the ordinance so that the front yard #2 fence height from the front corner of the residence to the rear of the property be increased to 54-inches. Mrs. Myers proposed changes affect not just this proposed section of the Town Code but several areas. Since many recommendations proposed by Mrs. Myers affect other areas of the Town Code (and would require public hearings) and would delay zoning certificate approval for those properties on corner lots wanting fences, it was suggested that the Town Board approve the ordinance as proposed by the ZA with the side fence height increased to 54 inches. A work group will be created to review the proposed recommendations put forth by Mrs. Myers that warranted further review and bring the recommendations to the Town Board for review at the March 3rd Town Board workshop.

Motion: Commissioner Stottlemyer motioned to approve Ordinance 21-01-02 as presented with the amended change to section 3 (b) no fences more than 54 inches high may be located, in front yard #2 behind the front corner of the house and the rear property line. Seconded by Commissioner LaPadula. Motion passed (6-0).

West Green Street -Request to Address Safety Concerns – The resident at 303 West Green Street has safety concerns regarding the curb side parking in front of his house. With the Green Street reconstruction, a retaining wall was installed at the front of his property that hampers sight lines when exiting his property. He has experienced several near misses with cars and bicyclists when trying to exit his property. The Burgess, Town Administrator, and Director of Public Works (DPW) have all visited the site and reviewed the issue. The Town Board reviewed the DPW’s recommendations and discussed less expensive options to address the issue.

The Town Board agreed by consensus that the first parking space (closest to the residence driveway) will be striped as “No Parking”, the second space (further east) will be signed “Compact Car Only” and have a 2-hour parking limit when used.

Discussion of In-Person Meetings and Elections – The County has lifted its mask mandate. Town meetings will begin meeting in person effective immediately. The Nominating Convention on February 23, 2022 will be held in-person at the town hall. With the improvements in technology at town hall, it was asked if Board members had to, could they still attend the meeting virtually. It was suggested that if a quorum was still meeting in person, it might be possible. The Town Attorney will have to provide an opinion. The previous Town Attorney had provided an opinion according to state law, since the Town Board is a legislative body, it must meet in person. The Town Board will review its active emergency resolution concerning covid in March.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

For January water use was – 300,936 gal., spring flow was – 85,469 gal., East WWTP treated 241,963 gals. and the West WWTP treated 147,012 gals. The Town received 2.5 inches of rain in January. I&I is underway. A kick off meeting was held 2/11/22. The Town Administrator is contacting residents about easements for the I&I from Walnut to Jefferson. The committee is meeting February 23, 2022.

PUBLIC WORKS – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, town crews are changing valves at the intersection of South Jefferson Street and Washington Street. There was a snow event that staff handled, this included plowing and maintaining/washing equipment after. The EWWTP disk filter was cleaned and inspected. Bathroom closed signs were hung at Wiles Branch Park. The locks at the Food Bank were changed due to security reasons.

SUSTAINABILITY – Commissioner Stottlemeyer reported:

The Potomac Edison tree planting initiative is very successful. all 100 free trees for residents have been spoken for, and tree varieties have been selected. On 4/29/22 the 100 trees for the town will be planted. The Green Expo is scheduled for April 23, 2021, at Memorial Park. The possibility of expanding the Lunch out of Landfills program is being tentatively explored at the Middle School. Signage for the community compost bins at Memorial Park have been ordered.

PLANNING COMMISSION – Commissioner LaPadula reported:

The Planning Commission workshop is scheduled for February 16, 2022. The Planning Commission meeting is scheduled for February 21, 2022. Agenda items include reviewing fencing and sign ordinances, the continued review of the Municipal Growth Element and reviewing the draft 2021 Annual Report.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The next committee meeting is February 16, 2022. The pickle ball courts location at Remsberg Park have been identified. Funds for both the cement chess table at Heritage Park and the handicap swing set at Memorial Park have been received. There is \$5400.00 left for the construction of the West Green Street pocket park.

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 January, the top five town website pages visited were 1. Water & Sewer page, 2. The Business Directory 3. News & Announcements, 4. Town Government and 5. Community Calendar.

Grant applications have been distributed to both the small businesses and non-profit organizations in Town. The first grant checks are being cut this week for the town businesses. It was recommended that the Town hold onto all the applications from the non-profit organizations and then determine the grant awards for all of them once the submission deadline has passed.

NEW BUSINESS:

Annual POS Requests for Projects – Frederick County is asking for submissions of FY2023 POS programs from municipalities. The deadline is Friday, May 6, 2022. Suggested projects included pedestrian level lighting and bathrooms at Remsberg Park. If anyone has other suggestions, please provide them to Commissioner Goodman.

Proposal for Bathroom Improvements at Food Bank – The Town received a proposal from an architect for the expansion of the bathroom at the Food Bank. The proposed cost is \$3160.00. An architect

seal is needed for a permit for any improvements to a public building. This proposal includes code analysis of the building for any future expansion/renovations that may be planned. Since the proposal provided is less than \$10,000.00 the Town is not required to bid the project out.

Motion: Commissioner LaPadula motioned to approve the proposal for the bathroom improvements at the Food Bank as presented. Seconded by Commissioner Goodman. Motion passed (6-0).

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Nominating Convention for Election of Commissioners – Wednesday, February 23, 2022 at 7:00PM*
- *T-Mobil SIM Card Replacement for all Town i-Pads*

Workshop adjourned at 8:53 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager