

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

April 12, 2021

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on April 12, 2021, by Burgess Miller at 6:30 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

BUDGET WORKSHOP

FY2022 Water & Sewer Operating Budget – The proposed Water & Sewer operating fund was reviewed for the third time. This proposed budget indicates no water/sewer rate increase and does not include salary increases.

FY2022 – FY2026 Water & Sewer – Capital Improvements Program – The budget was reviewed for the third time. The Town Board was shown how growth impacts the budget by removing tap fees from the spreadsheet. The Capital Improvement quarterly charge would not cover project costs. There has been no discussion regarding a phased rate increase. The I&I Reserve Account was discussed. There are no I&I projects scheduled in FY22. Burgess Miller asked if the Town Board would consider increasing the monies deposited into the Capital Improvement Reserve Account to \$400,000 each year to cover those outyear projects with limited development. The amount can be adjusted yearly as needed.

The budget workshop ended at 6:58 P.M.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *March 22, 2021 – Town Meeting*

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

UNFINISHED BUSINESS:

Ordinance 21-01-01 – 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. 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.

Motion: Commissioner LaPadula motioned to approve Ordinance 21-01-01 – Expired Dates(s) for All Site Plans. Seconded by Commissioner Falcinelli. Motion approved (6-0).

Ordinance 21-03-01 – Expiration of Improvement Plans After Three (3) Years - This ordinance addresses automatic expiration of all approved improvement plans after three years. This ordinance corresponds with proposed updated Ordinance 21-01-01 which established expiration dates for all town approved site plans. There are two grandfathered properties within town limits with improvement 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. 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.

Motion: Commissioner LaPadula motioned to approve Ordinance 21-03-01 – Expiration of Improvement Plans after Three Years. Seconded by Commissioner Falcinelli. Motion approved (6-0).

Comprehensive Plan – Chapter Review – Town Board members reviewed the Growth Boundary Map from Comp Plan 2010. Recommendations from the Town workshop will be applied, and a new growth boundary map will be provided for review at the April 26th meeting. The conservation boundary line is a “ring” of land around the Town in which no development can take place and provides the Town the ability to get additional water if needed. Designated areas J, G and H are long distances to run water and sewer. Designated area K is partially in a flood plain but has 5-7 acres of usable area. The Board recommends focusing on designated areas A, E and F. Once the growth boundary is agreed upon calculations for water and sewer capacities for the identified growth areas will be calculated.

Program Open Space (POS) Projects for FY2022 – Commissioner Goodman is working on quotes for exercise equipment along the walking trails, a 4-person swing at Wiles Branch Park, possible dog park amenities and quotes for a gazebo structure at Wiles Branch Park. Anyone interested in assisting with the design and placement of the pickleball court please contact the Town. Middletown Valley Bank has no interest in selling the property on which Heritage Park sits currently. Frederick County is taking down the siren from the old Middletown fire hall. There is interest in using it to create a memorial at Heritage Park, but no formal discussion has taken place.

AC Jets Annexation Discussion – The Town has received a petition for annexation for the AC Jets property located east of the Hollow Creek Professional Center development property and extends back to Layla Drive and along the west side of Hollow Road. Petitioning the Town for annexation does not necessarily mean it will pass. The Town is obligated by law to address the petition and proceed through the Annexation Review process. This is for 144 acres which was recently zoned agricultural. This designation could be changed later. This petition must go to the Planning Commission for that body to make a recommendation to the Town Board. The Town Board must meet with the petitioner to identify the proposed plans for the property. The property is within the Town’s growth limit. The property owner has submitted 6 petitions for annexation of this property since 1991. Four were withdrawn and two were denied.

Note Much discussion about the AJ Jets Property occurred during the Comprehensive Plan Chapter Review. Those discussion points are summarized here.**

According to the Comp Plan 2010 Growth Boundary Map Frederick County allows the potential development of 82 (R3) lots in designated area F, and 5 lots with the rest to remain agricultural in designated area E of the AC Jets property. There are conflicting plans at Frederick County for the use of this property. Property classification changes can occur every 10 years during Comp Plan development and can occur if the property is annexed. If a property is requested to be annexed, the petitioner must provide water as part of that annexation. This property has drilled wells. If annexed these wells will be

retested by MDE and the water generated will determine the number of units that could be developed. If the property was annexed any development of the property is 10 years out. The Town would negotiate the number of units to be built. Annexation is also dependent upon the impacts to the local schools. The Middletown Primary School is currently at 105% capacity. The Town is required by law to act on any annexation request, which does not mean the property will be annexed. The Town Board is expected to vote on this annexation request late Summer 2021.

Broad Street Reconstruction Project – Design Amendments – The Town Administrator and Project Manager have met with Broad Street residents having concerns about this project, specifically those residents whose properties would have the proposed retaining wall 6 inches to 18 inches tall. All residents prefer the landscape pavers over the concrete wall. There are concerns regarding the required grading of some properties. The Town Board agreed to add the crosswalk at Locust Alley to the design. The Town Board agreed by consensus to send this project out for bid.

Review of Washington Street Streetscape Residents Comments on Preliminary Design - This project will provide a safe walking path along Washington Street from the Elm Street parking lot to the downtown core. It includes replacing all curb, gutter, sidewalks, lighting and replacing the asphalt. There will be some storm drain improvements. All proposed improvements would conform with Town standards. Residents requested parking on both sides of the street. The Director of Public works has stated that the street is not wide enough for that to occur. The request for residential parking permits for this street will be treated as a separate item to move this project forward. The residents would like the sidewalks to stay where they are located and not move them closer or further away from properties. The Town Board agreed by consensus to this request. Commissioner LaPadula invited the Washington Street residents to participate in the parking study being conducted by the Traffic Study Committee. Anecdotal reporting is encouraged.

Closure of the Recycling Center - This is a reminder that the recycling center at the Middletown Community Park will permanently close at the end of the day April 30th.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for March – 297,775 gal., spring flow for March – 144,800 gal., East WWTP treated 281,442 gals. and the West WWTP treated 208,134 gals. The Town is flushing hydrants this week. The West WWTP Draft Discharge permit has been received. The EWWTP Discharge permit has been submitted. Still dealing with flushed wipes at the pump station. Reminder not to flush any wipes, even if listed a “flushable”. Town employees are working on the EWWTP filter refurbishment.

PUBLIC WORKS – Commissioner Dietrick reported:

Town crews have been exercising valves in preparation for hydrant flushing. Work on Garage Alley has begun. Spring access roads have been cleaned up, parks have opened, stormwater ponds have been cleaned. The playing fields at the parks have been aerated and meters have been read.

SUSTAINABILITY – Commissioner Stottleyer reported:

The virtual Green Expo is occurring all month long. For more information, please visit the Sustainability Facebook page and website. The committee is working on the first pollinator garden. They are asking the Town Board to approve the expenditure of \$2000.00 to purchase plants. These plants must be ordered between April 21st and May 8th, with a May 22nd pick-up date. The committee would like to plant this pollinator garden in front of the War Memorial at the triangle of Franklin and Church Street, or between

the War Memorial and the medical center. The Town Administrator will provide a map delineating property lines in that area.

Motion: Commissioner Stottlemyer motioned to approve the \$2000.00 expense to purchase plants for the pollinator garden. Seconded by Commissioner LaPadula. Motion approved (6-0).

A budget amendment will be added as an agenda item at the next Town Board meeting for this expense.

PLANNING COMMISSION – Commissioner LaPadula reported:

The next Planning Commission workshop is Wednesday, April 14th and the Planning Commission meeting is April 19th, 2021. Agenda items for the March Planning Commission workshop and meeting include the Middletown Library Site Plan and architectural rendering reviews, the AC Jets annexation petition, continued work on the Comp Plan and the annual report.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

In addition to the POS items mentioned previously it was suggested that the committee review options for providing shade at the dog park. Native trees could be planted, or a small pavilion that covers areas of both dog parks simultaneously were suggested. Acquisition funds are still available but may be too late to pursue. Commissioner Falcinelli suggested using those funds to possibly purchase 10 to 20 acres from the AC Jets property for a future park.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

The top 5 areas visited on the town website by individuals for the month of March were 1. Water/sewer page, 2. Trash News, 3. News and Announcements, 4. The Parks page and 5. The Business Directory. Residents are reminded to sign up for the Town email distribution and list serve notifications.

NEW BUSINESS:

Martin Bequest – Tabled until the April 26, 2021 Town Board meeting.

Swale Repair – 25 East Green Street – The Director of Public Works met with property owner in the fall of 2020 regarding street runoff entering his driveway apron and running down into his property. The driveway was constructed during the 1995 East Green St Improvement Project. The gutter pan flow follows the curb line and runs down owner's driveway through the property and then onto the downstream property. The runoff carries street debris and has caused erosion issues on the property. Town Engineer stated that they can fix this issue with an asphalt berm, along with making the sidewalk ADA compliant. This method would be more cost efficient than a new apron. The Town Board agreed by consensus for a cost estimate to be determined.

Text Amendment Application – Revisions to Chicken Ordinance – In September of 2012, the Town Board passed an Ordinance that prohibits property owners from keeping and maintaining farm animals within the Town limits. Included in the definitions are chickens. On March 18, 2021 Jonathan Minchoff, 104 Broad Street, filed a Text Amendment to change the Town Code to allow the raising of chickens within the corporate boundaries. The Town Attorney reviewed the documents and recommended that a text amendment is not appropriate for this section of the code. This would be a basic ordinance change instead. The city of Frederick allows chickens. Mr. Minchoff provided a comprehensive text amendment document for review. This included require setbacks from property lines, the use of chicken coops and runs. He believes policing this would be a Town responsibility. Several residents spoke in favor of allowing chickens within Town limits. A resident spoke out against the issue citing his property backing a County property and the owners have chickens that free range to his property and destroying his flower beds, the policing challenges this would entail and the wildlife that now roam through Middletown. Burgess Miller

acknowledged that this is a controversial issue and requires further review. The Town Administrator will contact other municipalities for information. This will be an agenda item at a May Town Board meeting.

Reservoir Project – Crop Damage Reimbursement – The Project Manager and Town Administrator met with Dale Haines to discuss crop damage due to reservoir project. Town Board has damage estimates and photos for review. Mr. Haines is requesting reparation in the amount of \$5074.61.

Motion: Commissioner LaPadula motioned to approve reparations to Mr. Haines in the amount of \$5074.61 for crop damage. Seconded by Commissioner Goodman. Motion approved (6-0).

Review of Inflow & Infiltration Project – Scope of work – The Public Works Department is requesting the Town Board to approve the request to solicit request for proposals for an Inflow and Infiltration (I&I) study of the Cone Branch Drainage Basin. The Board was provided an I&I study proposal for review. Included was the scope of work to be performed. It was suggested that the Town put out public service announcements regarding the illegality of having sump pumps hooked directly to the sanitary sewer.

Appointment of Alternate to the Planning Commission – Burgess Miller nominated Eric Ware for the Alternate position on the Planning Commission. If approved, the Town will advertise for a Temp Alternative via Town social media outlets.

Motion: Commissioner Goodman motioned to approve Eric Ware for the Alternate position on the Planning Commission. Seconded by Commissioner LaPadula. Motion approved (6-0).

If anyone is interested in the Temp alternate position on the Planning Commission, please contact the Town Administrator.

PUBLIC COMMENTS:

Kyle Purdy, 4 Manda Court – Manda Court Tar Chip and Seal (TCS) – Mr. Purdy stated that the TCS on Manda Drive and Manda Court have not held up well. He understands it was a cost saving alternative to mill and overlay, but current conditions are worse than before. He and his neighbors are willing to sign a petition including reasons for it so that Manda Drive and Manda Court can be fixed using mill and overlay. The Director of Public Works and the Town Administrator will review and provide the Town Board costs for the Town Board to review.

ANNOUNCEMENTS:

- *Recycling Center at Middletown Community to Close Permanently – The recycling drop-off site located at the Middletown Community Park will be permanently closed May 1, 2021. The dumpster and fencing will be removed.*

Meeting adjourned at 9:09 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager