

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

August 9, 2021

The meeting of the Burgess and Commissioners of Middletown was called to order on August 9, 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.

PERSONAL REQUESTS FOR AGENDA:

Mr. Link Houldsworth, Boy Scout – West Green Street Pocket Park Proposed Plan. – This is an eagle scout project. The proposed designs and projected costs for the park were reviewed. The designs were developed by a landscape architect who is interested in seeing this project finished. Mr. Houldsworth portion of the total project is the extension of the sidewalk around the corner of West Green Street onto Willow Street and the proposed sidewalk entrance into the pocket park. The expectation is that other Eagle Scout projects could continue to further the completion of the pocket park. The total park project will cost approximately \$12,000.00 for a basic design and up to \$40,000 for a more upgraded design. The Town has applied for a grant to help defray the cost. Mr. Houldsworth is hoping to cover costs of his Eagle Scout project portion of the total project through donations if possible.

Motion: Commissioner Goodman motioned to proceed with the West Green Street pocket park project as proposed. Seconded by Commissioner LaPadula. Motion approved (6-0).

CONSENT AGENDA:

- **Annual Planning Report – Information Only**
- **Town Meeting Minutes**
 - *July 206, 2021 – Town Meeting*

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

UNFINISHED BUSINESS:

Comprehensive Plan – Chapter Review –There was discussion concerning the 2010 Comp Plan’s land use map which shows the proposed land use for properties within the growth boundary. In that plan the property north of Middletown Glen is slated for medium density residential which translates to Town R1 and R2 zoning. That conflicts with the Town’s annexation policy of all residential annexations to come in as R20 zoning. Additionally, Town policy requires any development must bring with it their own water allocation to support it. The Town will not utilize other water availability in town to cover a water allocation needed for proposed development. The Town’s universal requirement of 250 gallons of water per day per unit to determine the number of dwellings to be placed within any proposed development assists in providing a “cushion” for those times of low water availability/drought conditions so the Town’s water system is not over-taxed. Differing types of Affordable Dwelling Units (ADU) was discussed to include their potential impact on water usage and sewer. The builder of the Foxfield Section

6 development is being contacted to discuss the possibility of converting some of the proposed homes into duplexes for seniors. It was suggested to possibly investigate programs to redevelop the top floors of downtown buildings. Affordable housing is a county-wide issue More discussion will be needed. This will be an agenda item for the next joint meeting of the Town Board and Planning Commission.

AC Jets Annexation Discussion – Previously the petitioner submitted a letter requesting a formal revision to the petition. The Town has received the revision and the corresponding exhibits. The revision shows a decrease in the amount of commercial zoned acreage in the front and an increase in the amount of residential zoned acreage behind it. The petitioner has requested that the town taxes for this property be waived at its future zoning level and taxed as if it were zoned Agricultural. The Town Board agreed that the request for ad valorem tax should occur once changes to the character of the land has begun, specifically when annexed, instead of waiting for the recordation of the subdivision plats. . This revised petition must go before the Planning Commission to check for consistency with the Town’s Comprehensive Plan.

Work will begin on the development of the annexation agreement as is required by the State for any annexation petition. Updated MDE water allocation for the property must be provided to the Town prior to the annexation agreement meetings taking place. The Town will not look at other water availability in town to cover the development.

Proposal for Delineators for East Green Street at Elementary School Rear Access – Installing delineators on East Green Street at the elementary school rear access will address both the traffic flow into and out of the elementary school at drop off and pick up times, and drivers using the parking lot at Tapias as a cut through to Main Street. The delineators will be placed every five feet on the double yellow line of East Green Street running 110 feet from the center of the elementary school rear entrance east along East Green Street, and 210 feet from the center of the elementary school rear entrance west along East Green Street. The elementary school principal has been notified. The delineators are not a permanent fixture in the street so they can be removed if needed. This agenda item is time sensitive because of the school year beginning soon.

Motion: Commissioner LaPadula motioned to approve the delineator installation along East Green Street at the elementary school rear access as presented. Seconded by Commissioner Goodman. Motion approved (6-0).

Revised Washington Streetscape Plans – 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. The Town Board reviewed the revised plans which included the sidewalk placement as requested by the residents. Once the Town Board formally approves these revisions the plans will be mailed to the Washington Street residents for review and comment. They will have 30 days to respond. The Town Board agreed by consensus to move forward with the Washington Streetscape plan as presented. This was approved by the Town Board to move forward with these plans by general consent.

ARP Supplemental Budget Items - Updated –The updated list of budget items and their projected costs was reviewed. It was agreed that the cost for the purchase of the private collection of Middletown history and memorabilia owned by Larry Bussard would be added to this list as it will be used in the museum as part of economic development and tourism. The Town will budget according to the first round of ARP funds received. Once received these monies be set up under a separate account so that records can be kept of their specific expenditures using the government standard as a single audit.

Capital Improvements Program

- **General Fund CIP** – The proposed FY2022 budget was reviewed. This needs to be approved so that action on these projects can begin as needed. Items highlighted in orange are those items that will be completed ahead of schedule due to freeing up of monies because of ARP funds being used on other projects. It was suggested that this budget be approved as is and modified once ARP funds become available. A public hearing will be scheduled for the evening of September 2, 2021.
- **Water & Sewer Fund CIP** - The proposed budget was reviewed. Like the General Fund CIP budget, this proposed budget needs to be approved so that action on these projects can begin as needed. It was suggested that the Capital Improvement Reserve Account monies increase from \$200,000.00 to \$500,000.00 annually to cover those outyear projects with limited development. The amount can be adjusted yearly as needed. Once ARP monies are received this budget will have to be modified as some projects will be removed from this budget. A public hearing will be scheduled for the evening of September 2, 2021.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for July – 312,871 gal., spring flow for July – 95,242 gal., East WWTP treated 176,000 gals. and the West WWTP treated 144,000 gals. The Town received 2.9 inches of rain in July. The air chain at the EWWTP is being replaced. The booster station project will begin September 1, 2021. There was no sludge hauling for the month of July as the plants are running much more efficiently. The Town is reviewing I&I project proposals.

PUBLIC WORKS – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, new fencing has been erected at the SWM Ponds. The bar screen at the WWTP has been refurbished. Town crews are replacing water valves, staining the walking bridges along the trails, painted all the signposts in Glenbrook, replaced all the EWWTP lights with LED's, installed the Art on Main sign, and assisted with National Night Out. Water valve replacement is occurring because all valves built and installed between 1999 and 2003 have bonnets that have bolts holding them in place under pressure. Those bolts have been found to deteriorate until the bonnet is blown off the valve. Our crews are replacing those original bolts with stainless steel bolts. They replace the bolts in 10-12 valves annually.

SUSTAINABILITY – Commissioner Stottlemyer reported:

The committee is adding spring blooming plants to the Memorial Park pollinator garden to add to the season long blooming. They are developing a plan to address the Foxfield “eyebrow” pollinator planting which takes into consideration sight line safety. They are investigating planting small wildflower and milkweed gardens at Remsburg Park. They are also investigating the idea of a community compost location in town.

PLANNING COMMISSION – Commissioner LaPadula reported:

The Planning Commission workshop is Population and Housing Chapter of the Comp Plan. They will be reviewing the library Improvement Plans. Because of the potential ambiguity that could arise it was suggested that any conditional approvals by the Planning Commission need to be listed on the corresponding site plan and improvement plans. The Town Attorney cautioned that any conditions must also be worded very specifically. The Planning Commission meeting for the month of August has been cancelled.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The committee will be receiving two quotes for items at Wiles Branch Park for the DNR grant application, as well as a quote for a gazebo. The committee would like to take a picture of the donated swing set there and place the picture and the memorial plaque in the museum. The donor will be notified via a letter. The swing set would be scrapped. This will allow the placement of new swings in its place. Also going in are a boulder climbing rock and a couple of spring riders. With the FY2022 LPPI funding many items will be purchased that have been on the Parks & Rec Committee’s wish list. This includes upgrading the pickle ball courts, a chess/checker table at Heritage Park and swings at Remsburg 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 July, the top five town website pages visited were 1. Events page, 2. Parks 3. News and Announcements, 4. Business Directory and 5. Water & Sewer. The committee received prices from the Neighbors of Middletown Magazine regarding placing a monthly Middletown information page in its publication. It was determined that the committee should have a quarterly ad in the magazine which advertises ways to get and stay connected to Middletown information, events, and directs everyone to the Town website. It was decided to make an on-going push the quarterly newsletter to our residents using the town’s social media outlets. The Town Board also suggested having a Citizen Connect banner made to hang when there are no scheduled banners to hang advertising events.

NEW BUSINESS:

Proposal for Formula Restaurant Changes to the Town Code – The Town Board is continuing to look at protecting the small-town character of Middletown by reviewing the possibility of banning “formula restaurants” within town limits. The proposal includes allowing restaurants with fewer than 10 locations in the Mid-Atlantic Region but are not franchised, or eateries that have only walk-up locations, are part of a food court area or are clustered with other similar restaurants. Existing restaurants currently in Middletown that could fall into that formula restaurant category would be grandfathered in.

Commissioner Stottlemeyer proposed an amendment to exemption 2 which states: *Formula restaurants without drive-through service, that are part of a “food court”, or part of a physically connected group of other restaurants or businesses, sharing the same building structure. Formula restaurant gas stations are also limited to a maximum of .60 tenths of an acre (26,136 square feet) in total location site square footage.* It was suggested to separate out the statement concerning formula restaurant gas stations and make it a third exemption.

This is the Town Boards conscious decision not to take up large tracts of Town land for a commercial enterprise. This proposal will be sent to the Town Attorney to be placed into a draft format.

National Recovery Month – Frederick Goes Purple – This is a grass roots initiative within the county to reduce substance abuse related deaths and overdoses and supports those in addiction recovery and their families. This observance will occur during the month of September (National Recovery Month). The purple light bulbs will be installed at the Municipal Center. Everyone is encouraged to wear purple every Friday to bring awareness and understanding of mental health and substance abuse disorders, and to celebrate those living in recovery. Commissioner Goodman will investigate finding purple light bulbs to sell at Heritage Festival.

Request for Suggestions for 2022 Legislative Package – If any Commissioners have ideas for Frederick County’s legislative package for the 2022 General Assembly Session, please send them to the Town Administrator. Ideas must benefit the public at large to be considered. Suggestions tonight included removing the cross wires along downtown Main Street, extending the waterline to Remsburg Park, and possibly obtaining monies for repairs to the Middletown Historical Society building. Commissioner

LaPadula asked if the Town would be interested in supporting other municipalities legislative requests to broaden the State's definition of the term "agency". This is regarding those municipalities interested in using speed cameras. Currently any citations must be issued by local law enforcement. Broadening the definition could allow other designated individuals to issue citations. The Town Board would like a more in-depth discussion once the language on this issue is part of the legislative package.

PUBLIC COMMENTS:

Streetlight on South Jefferson Street – Maddie Remsburg, 336 South Jefferson Street, asked for an update on the status of installing another streetlight on South Jefferson Street. She cited several safety concerns. She will bring a signed survey completed by 13 residents of South Jefferson Street to the town office. The Director of Public Works is reviewing the issue to see if there are any criteria regarding the number of lights and their placement.

Ms. Remsburg also stated she likes the raised cross walks around town but thinks they need to be repainted so that they are more easily seen.

Ms. Remsburg asked if there was a way to move the location where town banners are hung so that it is more easily seen, and to perhaps light it up at night. The location will not change, but the Town will look at possible lighting options.

Ms. Remsburg asked if the Public Comment section could be moved closer to the beginning of the agenda so that a resident did not have to sit through the entire meeting. It was noted that the Planning Commission agendas offer two opportunities for public comment, one at the beginning of the meeting and one later. The Town Board will discuss options.

ANNOUNCEMENTS:

- *Movie Night – Saturday, August 21, 2021 – Remsburg Park – "Trolls"*

Meeting adjourned at 9:30 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager