

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES VIRTUAL MEETING

REGULAR MEETING

September 14, 2020

The virtual regular meeting of the Burgess and Commissioners of Middletown was called to order on September 14, 2020, by Burgess Miller at 7:00 p.m. Present were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

Sheriff Charles Jenkins – Community Deputy Program – Sheriff Jenkins to provide updates on both the shooting incident at Memorial Park and the Community Deputy Program.

- **Memorial Park Shooting Update** – Sheriff Jenkins wants to reassure the Town Board and the public that this incident is still an active priority investigation. He has spoken with the affected family on several occasions. The scope of the investigation has been narrowed to a residence of interest close to the park. The Sheriff's Office is looking to post a \$2000.00 reward for information. Commissioner Falcinelli asked what the protocol is regarding information to disseminate when incidents like this occur. There was much community angst and speculative information put forth on social media immediately after the shooting occurred. Sheriff Jenkins stated that the protocol is that the investigators provide information to the Public Information Officer who then disseminates information via press releases to the Town and social media. He stated that the Sheriff's Office could have done a better job notifying the public when this occurred.
- **Community Deputy Program** – Sheriff Jenkins asked for the Town Board's feedback on how the Community Deputies are doing. The Town is satisfied with the deputies. With Covid, the deputies were initially instructed to make traffic stops but limit exposure. Calls for service did decrease initially but are beginning to increase in number. There is new leadership for the Community Deputy Program. Sgt. Trevor Hajjar is now supervising the program. Cpl. Welsh is assisting.

CONSENT AGENDA:

- **Budget Amendment 21-01** - This is for the reallocation of funds for additional costs for the Community Deputy Program. The contract was \$6,162.00 more than budgeted for. The Town was notified that Highway User Revenue funds for Middletown for FY2021 were increased an additional \$25,643.44. This will cover the cost of the Community Deputy Program contract increase.

Motion: Commissioner Falcinelli motioned to approve Budget Amendment 21-01 as presented. Seconded by Commissioner Dietrick. Motion carried 5-0.

- **Town Meeting Minutes**
 - *August 24, 2020 – Town Meeting*

Motion: Motion by Commissioner Falcinelli to approve the consent agenda as presented, seconded by Commissioner LaPadula. Motion carried 5-0.

UNFINISHED BUSINESS:

Ordinance 20-08-01 – Building Height Definition Amendment – The Burgess and Commissioners approved of the changes which deletes references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six (36) feet instead of thirty-five feet which is presently the limit in most districts. Thirty-six feet was suggested so the need for variances from the Board of Appeals is decreased. The building height and story definitions used by Frederick City are proposed to be used instead of the Town Code’s current definitions. A public hearing was held on September 3, 2020. Commissioner LaPadula asked if there were any concerns with the Downtown Revitalization Zone and building heights at this time. The Board of Appeals would handle request for building height variance on a case by case basis.

Motion: Motion by Commissioner Falcinelli to approve Ordinance #20-08-01- Building Height Definition Amendment as presented, seconded by Commissioner Goodman. Motion carried 5-0.

Wiles Branch Park Stream Restoration – Design Contract – This project would assist the Town in completing credits towards Maryland’s MS4 requirements. MS4 requires towns to decrease their impervious areas within a town by up to 20%. There is a list of things towns can do to mitigate their impervious surface amounts. This stream restoration project would be completed in multiple phases with the end goal of improving stormwater management quality and water quality of Wiles Branch. This project would meet all MS4-2025 requirements and identify and resolve other issues along the creek bed. The survey and design proposal would investigate the stream area and assist in identifying areas to address. At the last Town Board meeting it was asked if the cost would be less if the engineers only surveyed the creek up to and stopping short of the wastewater treatment plant. At that same meeting it was suggested that the entire area be surveyed and reviewed, including the wastewater treatment plant. Then it can be determined which items will be included with the stream restoration and which items would be included as part of the new wastewater treatment plant. There are normally State and Federal monies available to offset some of the costs of construction of water treatment facilities. At the September Town Board Workshop, the design engineer recommended surveying the entire project and then breaking it down into phases to manage construction costs. He noted that there is much erosion and down cutting along the banks along the walking trail and near the sewer line. The Director of Public Works stated if the engineering is completed now it becomes a project of record with a permit. This permit can be modified as needed in the future to address completing the project in phases. The Town will have to identify the location of the new wastewater treatment plant. It would move upstream 50 feet maximum from its current location. There are limited locations that it can be placed. He recommended the engineers design the whole thing rather than piecemealing it.

Motion: Motion by Commissioner Falcinelli to award the design contract for the Wiles Branch Park Stream Restoration in the amount of \$41,452.00 to Frederick, Seibert and Associates as presented, seconded by Commissioner Goodman. Motion carried 5-0.

Discussion of Off-Site Sale of Liquor – Several parties are interested in the liquor license still available in the Middletown district. Several years ago, there was a draft text amendment developed that would allow liquor sales as a special exception in commercial districts. One of its criteria was that liquor sales could not occur within 1000 feet of a residential area, house of worship, or school property. This limits the location to the Safeway shopping center, Cross Stone Commons, or the Dowd property. A survey question regarding town resident’s interest in off-site liquor sales within town limits will be activated before the end of this week for residents to complete. If town residents want off-site liquor sales within town limits a text amendment would have to be created, a public hearing held, and once approved the licensing would be handled by the Liquor Board.

Bob Smart, 7525 Coblentz Road, suggested publishing a map which identifies where within town limits an off-site liquor store could be located.

Discussion concerning the sale of the property now known as Cross Stone Commons had included statements within the property sales contract prohibiting a liquor store opening on that property. These statements are not included in the deed that was executed. It was asked if it was enforceable at this time. Noel Manalo, Miles and Stockbridge PC, stated that “Doctrine of Merger” is in effect, which is anything agreed upon in the contract but not included in the deed once executed is no longer enforceable. For clarification on the liquor license: The Town determines if off-site liquor sales are permitted within town limits. Frederick County Liquor Board determines who gets the license.

Review of Preliminary Design for Washington Street – 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. The Town Board met with the Town Engineer prior to the September workshop at the Washington Street site to review the project. At that time, the Town Board suggested that the sidewalk from Jefferson Village tie in with the end of Washington Street and Elm Street. They also suggested adding handicap access ramps to the sidewalks at the Washington/South Church Street intersection. These suggestions will be added to the design before the next Town Board meeting. Once the Town Board approves the design neighborhood residents will be notified for input. The Town has received \$240,000.00 in grants for this project.

Comprehensive Plan – Chapter Review - The Town Board was provided draft copies of Chapters 3 and 4 of the 2020 Comprehensive Plan to begin reviewing. Burgess Miller recommended that the Town utilize its social media outlets to remind residents that their input is important in the process. A Comp Plan survey will be available to residents for feedback after the next Planning Commission Workshop. Once active/live, it will be accessed through the town website through the end of October. Town Board members were previously emailed a copy for review. Again, any comments or suggestions on these chapters please get them to the Town Planner. This will be an item on the next joint Town Board/Planning Commission meeting.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

The water reservoir project is moving along. The leak test of the structure is underway. One-half of the structure has been tested, the builder is now shifting to the other side. The committee is reviewing and revising both the 2019 Water Capacity Plan and the 2019 Sewer Capacity Plan. When renewing the discharge permit for the East wastewater treatment plant the Town will be requesting to increase the number of gallons from 250,000 to 350,000 to be in line with its’ design. The Water/Sewer subcommittee is reviewing the Town’s one-time forgiveness every 5 years. It is also discussing tap fee reductions in the downtown economic development zone. Brookridge Pump Station clogged again. This time a t-shirt and other clothing was removed. Residents should only be flushing human waste and toilet paper down their toilets.

PUBLIC WORKS – The Town Administrator reported:

The Town is waiting for all items to be delivered before installing the stop signs and crosswalks along Tobias Run. Signposts being installed along Main Street should be finished this week. Six parking spaces were added on South Church Street across from the fire station. State Highway is being asked to remove many of their signs which were installed as part of the Main Street Streetscape. They are obtrusive and placed very haphazardly.

SUSTAINABILITY – Commissioner Dietrick reported:

The committee did not meet in August. Joyce Tuten, a very integral member of the committee was honored instead. She is moving out of the area. The committee meeting is September 15th via Zoom.

PLANNING COMMISSION – Commissioner LaPadula reported:

The virtual Planning Commission workshop will be held September 16th. They will be reviewing chapters 4 and 5 of the Comp Plan. They will also be reviewing the temporary sign regulation. They have received information from the Town Attorney stating that the Town Code must be content neutral in regard to temporary signs. The Planning Commission will also be reviewing the Downtown Revitalization Zone incentives for comment.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The committee did not meet in August. They would like to meet with the Sustainability Committee for a “field trip” to identify locations along the town walking trails for memorial benches placement. The POS grant application has been submitted. Results will not be unknown until next Summer 2021. If anyone has ideas for future POS projects, please let the committee know. Finally, there are individuals who are interested in identifying the location of the new pickle ball courts and its design.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

As always, town residents are encouraged to sign up with the various town media sources to stay up to date on things happening in town. The next quarterly newsletter will include an insert with directions on how to register.

NEW BUSINESS:

Revitalization Task Force – Preliminary Redevelopment Program Review – At the September Town Board Workshop Commissioner Falcinelli suggested the formation of a workgroup which would address the issues facing the redevelopment of old commercial properties within the downtown historic district. The workgroup, at a minimum, would be chaired by Commissioner Falcinelli and include the Staff Planner, the Main Street Program Manager, and members of the Planning Commission. The task force has met via Zoom on several occasions. They have outlined a proposed Downtown Revitalization Zone Incentive Program. A draft version of this was provided to the Town Board to review. The task force would like guidance from the Town Board as whether this is the direction they would like the task force to continue to take. The district would be the same as the identified Main Street Middletown district, but would be separate from the MainStreet district. A basic tenant to this program would be that economic development is a general fund initiative. Any water/sewer fees waived or discounted would have to be made up for with grants from the General Fund. Qualifications for commercial redevelopers were identified. Incentives could include: waiving the improvement fee, economic development grants could be available to allow discounts on the water and sewer tap fees, deferred payments of the water and sewer tap fees, expedited process with the Planning Commission and/or the board of Appeals, waiving the Planning Commission and/or Board of Appeals fees, etc. Tiered investment incentives were also offered as an option. Discussion occurred as to whether non-water/sewer fees would be covered by these grants. Commercial development regarding apartments and condominiums was discussed. Burgess Miller asked that a paragraph be written which states the goal of the program. The Town Board agreed that the task force is headed in the right direction. It also agreed that a line item should be added to the General Fund specifically for economic development but limit the amount each fiscal year. The Town Administrator reviewed Frederick County’s Capacity Adjustment Factor Form which provides another way to discount costs. Burgess Miller thanked the Task Force members for their time with this idea and asked them to take the comments and suggestions from tonight and revise their proposal.

September is National Recovery Month – 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 have been 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. Town Board members are asked to wear their shirts for the meetings this month.

Changes to the Town's Water & Sewer Billing Policy – With the Covid State of Emergency in effect and knowing that families have been impacted by this epidemic the Water & Sewer Standing Committee wanted to address the issue of those water/sewer accounts which will have large balances once the state of emergency is lifted. The committee recommends having minimum requirements in place prior to the state of emergency being lifted. They suggested that at a minimum a monthly payment must be paid by the resident and that any payment plan granted must be paid in full within a year.

Covid Procedures for Outstanding Water & Sewer Bill Balances – The Water & Sewer Standing Committee provided a draft set of procedures for accounts with outstanding balances over 90 days related to the Governor's prohibition on Water Service Disconnections for the Town Board to review. A draft payment plan agreement for residents was also provided for review and comment. The Town Board liked what was proposed and suggested the sooner this information gets out to the town residents the better.

PUBLIC COMMENTS:

Alternative Broadband Internet Provider – Bob Smart, 7525 Coblenz Road, sent an email to Town Board members regarding a potential alternative broadband internet provider agreement to pursue with Shenandoah Cable. This company has pursued an agreement with the city of Frederick. Burgess Miller will contact the Frederick City mayor for more details.

ANNOUNCEMENTS:

- *Please Complete Your Census Information – If you have not done so already, please complete your census. There is still time.*
- *Middletown Valley Ministerium Community Day of Service – September 12, 2020. There were 130 volunteers. It was a great success. Thanks to all who helped.*
- *Middletown Scarecrow Contest – Is happening this year. On-line registration for the kits begins 9/21/20. Kits will be available for pick-up on 9/28/2020.*
- *Christmas in the Valley is cancelled this year as an event. Ornaments will still be available for purchase. The group is looking at options for the toy drive and to promote downtown businesses.*

Meeting adjourned at 9:27 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager