

***BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND***

**VIRTUAL TOWN BOARD MEETING MINUTES**

**TOWN MEETING**

**September 27, 2021**

The meeting of the Burgess and Commissioners of Middletown was called to order on September 27, 2021, by Burgess Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Christopher Goodman, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

**PUBLIC COMMENTS:** None.

**PERSONAL REQUESTS FOR AGENDA:** None.

**CONSENT AGENDA:**

- **Request for High School Students Tour East WWTP** – Town staff provided a tour as part of a school field trip a couple of years ago. It was well received. The High School has requested two tours, one in the Fall and one in the Spring. Town staff needs the Town Board approval to schedule both tours.
- **Town Meeting Minutes**
  - *September 2, 2021 – Town Workshop*
  - *September 13, 2021 – Town Meeting*

**Motion:** Commissioner Falcinelli motioned to approve the consent agenda as presented. Seconded by Commissioner Stottlemeyer. Motion approved (5-0).

**UNFINISHED BUSINESS:**

**Comprehensive Plan – Chapter Review** –The Town Board has reviewed this chapter over several meetings. The Board was asked for any final thoughts or suggestions for the Planning Commission to review. If the Board decides to include and pursue affordable dwelling units (ADUs) as presented in the draft chapter, the Town Board will have to address the conflict within the Town code that states any annexation and development must come in zoned as R-20 low density residential. ADUs are considered a higher density residential zoning. The possible impact on water allocation, school impact, and roads and parking impact have been discussed previously. This item was tabled this evening as the Board wanted a discussion with every member present, and Commissioner Goodman had notified the Board that he would be 20 minutes late. This will be an item on the next joint Town Board/Planning Commission meeting in December.

**AC Jets Annexation** –Work began on the development of the annexation agreement as is required by the State for any annexation petition. The Staff Planner provided remarks that the petitioner will have to respond to. The majority of the AC Jets property is located within the Hollow Creek water shed which has been over allocated, meaning no additional water can be allocated from this water shed for future development to include the AC Jets property. Currently the only water allocation AC Jets has is from that portion of the property that falls within the Cone Branch water shed (approximately 13 acres). The

petitioner's council sent a letter with two requests to the Town. One is requesting the Town allocate additional water from the Cone Branch water shed for the development of the AC Jets property. The Town has sufficient capacity for this request. If the Town does not agree to the water allocation from the Cone Branch water shed the petitioner is formally requesting the Town's written support of the petitioner's pursuit of obtaining additional water allocation from the Hollow Creek water shed from the State through the Brinkley Bill. Commissioner LaPadula stated that the AC Jets property would not contribute to sprawl of the Town as it is close to shopping and would be very walkable. The Town's current policy is that any development annexed into to the Town must bring their own water allocation with them and the Town will not pull allocation from one area of the Town (a different aquifer/water shed) to cover the development in another. The Town Administrator reviewed a map showing the locations of the aquifers/water sheds supporting the Town. The County was forced to pull water from the Hollow Creek water shed to support Braddock Heights, creating the over allocation which is affecting the AC Jets property.

Bruce Dean (McCurdy, Dean and Graditor) counsel for the petitioner spoke thanking the Town for its consideration of this annexation. The letter was not to take away the water rights from future potential developers. AC Jets is within the Town's growth boundary and the petition does align with the Town's Comp Plan. They are willing to delay their development but could offer additional housing options as suggested in the draft Comp Plan. Mr. Dean clarified that the AC Jets property is zoned R-3 High Density Residential. Support of the second option would provide additional water allocation but unsure of how much. There is availability in the Cone Branch aquifer of approximately 30,000 gallons per day.

Burgess Miller stated that reallocating water to AC Jets could leave future development in the Cone Branch aquifer in the same predicament current facing AC Jets.

If the Town does not support the annexation the petitioner can approach the County for development which would mean homes with wells and septic systems.

**Motion:** Commissioner Falcinelli motioned to deny request number 1 to allocate additional water from the Cone Branch aquifer to the AC Jets development as requested in the letter dated September 15, 2021. Seconded by Commissioner Stottlemeyer. Motion approved (5-0-1). Commissioner LaPadula abstained.

Request number 2 is being held pending further review at the Town Board workshop in October. The Town Administrator will provide the Burgess and Commissioners with the information regarding the AC Jets water allocation for the acreage located within the Cone Branch Aquifer before the workshop. Allocation is based on acreage not on yield.

**Draft Ordinance for Formula Restaurants** - 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. This is the Town Boards conscious decision not to take up large tracts of Town land for a commercial enterprise. The Town Board reviewed the formula restaurant draft ordinance provided by the Town Attorney. The Town Board agreed by consensus to move forward with the introduction of this draft ordinance. Public hearings will have to be held by both the Planning Commission and the Town Board, to be followed by a vote by the Town Board. This will be formally introduced at the October Town Board Workshop and the public hearings scheduled.

**ARP Supplemental Budget Items - Updated** –The Town has received the first installment of the ARP monies. The monies are being set up under a separate bank account at BB&T. Since it is Federal monies, this will follow single audit procedures. All ARP funds must be obligated by December 31, 2024, and projects must be completed by December 31, 2026. The Town Board reviewed the draft American Rescue

Plan Budget this evening. Most of the projects are water/sewer related. \$3.5 million of the \$4.7 million monies are covered by this budget. Modifications to current contracts are underway by the Director of Public Works so that some of these projects can begin. The Town Board must develop parameters for other projects identified before they can be implemented.

**NEW BUSINESS:** None.

**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. Commissioner Dietrick stated that the Public Works Committee reviewed her request and agreed by consensus to deny it. Commissioner Dietrick spoke with the property owner who would be most affected by the location of the new streetlight. The property owner is against having one there. The Town understands that there is no consistent lighting along South Jefferson Street and many streetlights were placed as an afterthought. When South Jefferson Street is identified for reconstruction in the future, lighting can be looked at during that time.

**Heritage Festival** – The Town Board would like to thank the Heritage Festival Committee for another successful festival this year.

**William Moran Museum** – Has invited the Town Board and the public to attend a ceremony for the new classroom facility. The ceremony is Saturday, October 16, 2021 activities begin at 10:00AM with the unveiling at 1:00PM. This is at 4246 Old National Pike near the Exxon gas station.

**ANNOUNCEMENTS:**

- *March of the Scarecrows – Saturday, October 16, 2021, from 2:00PM – 5:00PM. Kits are available now at town hall.*
- *Middletown Halloween Parade – Saturday October 30, 2021*
- *Christmas in the Valley – Saturday December 4, 2021*
- *The new Christmas in the Valley ornament is now available for purchase. It will be available during the Heritage Festival as well. Stop by the town table to purchase. \$30.00 each.*

Meeting adjourned at 8:25 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager