

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

August 13, 2018

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 13, 2018, by Burgess John Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Jennifer Falcinelli, Tom Catania, and Chris Goodman.

### CONSENT AGENDA

#### *Financial Statements*

#### *Town Meeting Minutes – July 23, 2018 – Town Meeting*

Commissioner Catania motioned to accept this consent agenda as presented, seconded by Commissioner Bussard and passed unanimously.

### PERSONAL REQUESTS FOR AGENDA:

#### **Unfinished Business:**

**Ordinance 18-06-01 – Amendments to the Demolition Ordinance Requirements** – Motion by Commissioner Bussard to approve Ordinance 18-06-01 as presented, seconded by Commissioner Falcinelli. Motion carried 6-0.

**Ordinance 18-06-02 – Amendments to the Storage Container Ordinance Approval Requirements** – Motion by Commissioner Catania to approve Ordinance 18-06-02 as presented, seconded by Commissioner Dietrick. Motion carried 6-0.

**Review of General Fund Capital Improvement Program (CIP) Budget** – Burgess Miller presented the Commissioners with two different budgets one with mill overlay and one with TCS (tar chip & seal). Burgess Miller stated that with the TCS it saves the Town several million dollars in street projects. Public hearing scheduled for Monday, August 27, 2018 at 7pm., with a vote on September 6, 2018.

**Request for a waiver of the water service connection policy for 116 West Main Street** – no action taken on this. Policy will remain as stated 1 meter to 1 property.

**Discussion of establishing petition procedures** – Burgess Miller stated that there is a move afoot to de-annex a 94-acre parcel that the Burgess & Commissioners approved to annex back in April 2018. This property is located off Coblenz Road next to the Middletown Community Park. Burgess Miller stated that it would behoove us to have petition procedures in place, so we can validate the signatures. Burgess Miller stated that we recently had a group called Concerned Citizens of Middletown collect signatures on a petition to bring the annexation to a referendum vote. Unfortunately, the group did not get the required number of signatures which was 722 (20% of the electorate), the group only gathered 646 signatures. After failure to take the issue to referendum, the Concerned Citizen Group have indicated a desire to alter the Town Charter and in essence “detach” the annexed property from the Town, a process that also requires a successful petition and a referendum vote.

Town attorney John Clapp was in attendance to answer any questions and gave us an overview on how the process works on the legal side. Mr. Clapp stated there is not much in the state code that discusses de-annexation. Mr. Clapp stated that a municipality does not have to follow the state law, they can have their own procedures.

David Lake, 24 East Green Street – stated that he did some research on this and could not find much in the MD State law to address this. Mr. Lake stated that he found a document on the Maryland Municipal League website that referred to de-annexing land by a charter amendment.

Jane Weir, 27 East Main Street – stated that the Concerned Citizens Group collected 646 signatures to bring this to a referendum vote, unfortunately we failed to get the required number of signatures to bring to referendum. Ms. Weir stated that the Burgess & Commissioners should be listening to the will of its residents. Ms. Weir stated that she felt by the gathering of 646 signatures was a gift from the community. Ms. Weir stated that it is not their intention to work against the Town but rather to provide the Town with information to you who are elected to serve us to learn what we want.

Ed Berger, 27 East Main Street – stated that there should be a limited time for the vote to occur if a petition was submitted with the appropriate number of signatures was submitted. Mr. Berger also stated that if you believe that the other 85% of residents agree with this annexation, then have the vote otherwise, we see this as a barrier to hearing what the people have to say.

Bruce Dzielinski, 7769 Coblenz Road – stated that electronic signatures are acceptable in the State of Maryland according to their website. Mr. Dzielinski encouraged the Burgess & Commissioners to accept contemporary methods of collecting signatures. Burgess Miller expressed concerned over how such signatures could be validated. Mr. Dzielinski also expressed concern that a referendum coming out of a successful petition would be pushed to the next general election, rather than a more expedited special election. Mr. Dzielinski stated that he was here to witness the Town staff reviewing the signatures and he thanked the Town staff for all their work in trying to validate all signatures collected.

Elizabeth Bauer, 8097 Geaslin Drive – stated that although she lives outside the Town limits she is apart of the Concerned Citizens of Middletown because she feels this development will impact the roads, schools, etc. Ms. Bauer stated that we should be collaborating and not fighting over this. Ms. Bauer stated that if the referendum is not voted on until the next general election the energy dies down and that the voters focus on the candidates and not the referendums. Commissioner Falcinelli stated that our meetings are open to the public and we invite you to come and be apart of the process. What you see here is a draft. The annexation was on the table for fifteen months. We begged people to come voice their concerns but, when you come in at the last minute, you miss the whole fifteen months and all the issues that are considered. Commissioner Falcinelli stated that just because we don't agree doesn't mean we don't value what you have to say.

Bob Smart, 7525 Coblenz Road – stated that he too was present to witness the Town staff laboring over the validation of the petition signatures and he too felt that the staff gave every opportunity to validate the signatures rather than throw them out. Mr. Smart stated that this is a general process and must fully follow the State procedures. Mr. Smart stated that if someone wanted to put a petition out for referendum sooner than the next general election then they make that apart of the petition. Mr. Smart also stated that people get upset when things are approved yet this was on the agenda for 15 months before the Board approved it and no-one had any objection to it then.

Commissioner Dietrick stated that he voted against the annexation but, looking at this from the developer side he will have put time and money into this process, and you are asking him to wait 1-2 years to see if he can develop his property or not. Commissioner Dietrick stated that this is not fair to the developer as he has property rights.

Commissioner Goodman stated that we can't just set this up for a vote with only 18% of signatures. Mr. Clapp stated that would set you up for a law suit that you would lose miserable, the property owner has rights too.

Burgess Miller thanked all who came out tonight and voiced their opinions and concerns. This will be on the next agenda for further discussion.

**Recommendation on Microbrewery Text Amendment** – Burgess Miller stated that he was unable to attend the Joint meeting between the Planning Commission and the Commissioners. There are two (2) options we can add microbreweries as a special exception use in the TC district or add microbreweries as

an already approved use in the TC district under the fabrication, light assembly and storage uses. Cindy stated that the Planning Commission is acceptable with either proposal.

Commissioner Falcinelli stated that if we make it a special exception the adjoining property owner are notified of what is being proposed. Burgess Miller stated that we could make that a condition when the Town receives an application for a proposed business that is acceptable in the TC district that we notify the adjoining property owners to make them aware of what is being proposed. The Board will decide at the August 27, 2018 meeting on how they wish to include microbreweries in the zoning code.

**Parking concerns on Tobias Run Court** - Burgess Miller stated that we received a concern from a resident on Tobias Run Court that with the parking of vehicles along the road entering in the Court emergency vehicles cannot get through if needed. Bruce Carbaugh inspected this and concluded that if cars are in fact parked along the street leading into the Court emergency vehicles could not get through. The Town will be placing no parking signs on both sides of the street. If this continues to be an issue, then the Town will paint the curb yellow.

### **REPORT OF COMMITTEES:**

**WATER & SEWER** – Commissioner Falcinelli reported:

Water use for July – 325,311 gal., spring flow for July – 133,855, East WWTP treated 288,000 gals. and the West WWTP treated 260,000 gals.

I&I Walnut to Jefferson Street – proposal received and executed. Kick off meeting held on 7/12/18.

Waterline project along Main Street – they are in the 200-300 block of West Main Street currently 70% complete. Next phase is from Elm Street to Jefferson Street.

Reservoir Project – Final report Phase 1 forthcoming and Phase 2 has begun. Finalization of the Phase 1 will be with a decision on the type of tank the Town wishes to construct. Staff has visited both style of tanks and has provided photographic review to Water & Sewer Committee.

**PUBLIC WORKS** – Commissioner Bussard reported:

Guys have been re-stripping parking lots and cross walks, trimming tree and shrubs, and repairing valve bolts in water lines.

**SUSTAINABILITY** – Commissioner Dietrick reported:

Green Talks to be held Thursday, August 16 at the Middletown Farmer’s Market from 5-6pm. – Cooking with Local Produce.

Next meeting is Wednesday, August 15<sup>th</sup> at 5pm.

**PLANNING COMMISSION** – Commissioner Catania reported:

Workshop on Wednesday, August 15<sup>th</sup> and regular meeting on Monday, August 20<sup>th</sup> at 7pm.

Commissioner Catania stated that on the agenda is Thomas More Academy wants to add 2 temporary 20x20 buildings.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

Commissioner Goodman stated that he had a request to get a cost on a 4-tier bathroom to see if the MVAA would be interested in splitting the cost.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Community Meetings will be held on the following dates:

- September 6, 2018 at 6pm. at Remsberg Park

Commissioner Falcinelli also encouraged everyone to sign up to receive the email blasts and robo calls from the Town.

### **NEW BUSINESS:**

**Review of Zoning Administrator Job Description** – no comments on this. We will advertise for this position.

**PUBLIC COMMENT:**

**ANNOUNCEMENTS:**

- *Green Talks – Cooking with Local Produce, Thursday, August 16, 2018 from 5-6pm.at the Farmer’s Market*
- *Middletown Pride – Valley Wide Community Pep Rally – Saturday, August 25, 2018 from 5-8pm.*
- *Public Hearing on Capital Improvement Fee Increase – Thursday, September 6, 2018 at 7pm.*

**ADJOURNMENT**

Meeting adjourned at 9:07pm.

Respectfully submitted,

Ann Griffin  
Office Manager