AGENDA FOR THE TOWN MEETING

Revised

September 8, 2014

7:00 p.m.

Red Indicates –	Action Item
Green Indicates –	Ordinance Introduction
Blue Indicates –	Link to Additional Information

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Town Minutes
  - August 25, 2014 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

- *Presentation of Community Garden Recognition to Youth Gardeners*
- *Andy Mackintosh – AC Jets*

UNFINISHED BUSINESS:

- Ordinance 14-08-03 - Adult Entertainment Business
- Ordinance 14-08-04 – Active Adult Regulations & Cluster Developments
- Design Manual Amendments
- Discussion of Dog Park – Yearly Operational Costs

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- Resolution for Sustainable Maryland Certified Municipal Certification Program
- Proclamation for Constitution Week
- Water Meter Technician – Job Description

PUBLIC COMMENTS:

Please state Name and Address for the Record

ANNOUNCEMENTS:

- *The Town asking for volunteers to serve on the Town's Ethics Commission. Please submit a letter of interest to the Town Office.*

Executive Session – *(If Necessary)*

ADJOURNMENT

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **August 25, 2014**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 25, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Rick Dietrick, Larry Bussard, Jennifer Falcinelli, Tony Ventre and Christopher Goodman.

CONSENT AGENDA
Town Minutes – August 7, 2014 and August 11, 2014
Commissioner Bussard motioned to accept this consent agenda as corrected, seconded by Commissioner Falcinelli and passed unanimously.

PERSONAL REQUEST FOR AGENDA:
Emerson Nerona, 13 Wagon Shed Lane – Mr. & Mrs. Nerona are requesting a $220.97 credit to their account for late fees and disconnect/reconnect fees that were charged to their account. In 2009 the Emerson Nerona purchased 13 Wagon Shed Lane along with Arthur Fisher. At the direction of the title company, the water & sewer bill was placed in the names of Emerson Nerona and Arthur Fisher, 13 Wagon Shed Lane. The Town received notice from the U.S. Pot Office of an address change for Arthur Fisher to P.O. Box 1024, Middletown, MD. The change was made to the account and the bills were paid regularly until 2014.

According to Mr. Nerona, Arthur Fisher is his uncle and lived with him in the home at 13 Wagon Shed Lane until 2014 when he moved out. The Town received no notice from Mr. Nerona or Mr. Fisher regarding this change and continued to send the bills to the P.O. Box until we received a call from the Nerona's after a water service disconnection in February 2014.

The property owner was informed by staff that it appears that this was a case of poor communication between multiple property owners and this is not the responsibility of the Town and rest solely on the property owner to inform the Town of billing address changes.

Mrs. Nerona pleaded her case in this matter for about 35 minutes but it was a unanimous decision by the Board to decline the request.

Unfinished Business:
Dog Park Project – Grant Funds Approved – Burgess Miller stated that the Town has received funding for the Dog Park, the Town's portion of the project would be $11,000. The discussion tonight is to determine if the Board wants to move forward with this project? Commissioner Ventre stated that he feels that a committee should be formed to determine what works and what doesn't work, should a fee be charged, etc. Commissioner Ventre also stated that he spoke with Dr. Bauk and he is willing to help with the committee. Burgess Miller stated that staff will gather information from Frederick County and Frederick City as to their rules and regulations. Drew stated that we have a year to decide or use the grant

money. Drew was also asked to find out any yearly operating costs associated with the Dog Park from the County and the City.

Pam Dietrick with the Middletown Community Garden Association asked that if the Town is going to provide water for the dogs in the dog park could the Garden Assoc. get a water hook-up so that the gardeners don't have to get it from the creek as they have been doing for the last 5 years. Mrs. Dietrick stated that it is very inconvenient and difficult for them to haul the water from the creek. Burgess Miller advised Mrs. Dietrick to fill out the community parks grant application and the Town will be supportive of it.

Review of On-Call Procedures – Cost Analysis – Drew stated that at the last meeting the Board wanted to see the cost analysis for on-call services from $1.50-$2.50/hour. Drew stated that after a review of the surrounding industries such as hospitals, water plants and emergency responders, that provide 24 hour on call services the average monetary compensation varies between $3-$3.75/hour.
Motion by Commissioner Bussard to approve $2.50/hr. additional for the employees who are on-call starting October 1, 2014-June 30, 2015, seconded by Commissioner Falcinelli. Motion carried 6-0.

NEW BUSINESS:
Timeline for Glenbrook Survey & Recommendations – Monthly Billing – Drew provided the Board with a timeline for the survey for the Glenbrook residents……the Board unanimously agreed.

- September 2, 2014 - Surveys included in monthly bills and notice sent out on list serve
- Sept. 2 – Oct. 3, 2014 – Survey period
- October 2014 – Water & Sewer Committee meeting (review results & recommendation to Board)
- November 2014 – Burgess & Commissioners make decision on billing
- December 2014 – Notification to Glenbrook residents of decision

PUBLIC COMMENT: None

ANNOUNCEMENTS:
Water & Sewer meeting September 17, 2014 at 7pm…..Commissioner Falcinelli invited the Board to attend as they will be having a presentation on ebilling.

ADJOURNMENT
With no further business to come before the Board, the regular meeting adjourned at 8:20p.m.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 14-08-03

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO PROVIDE DEFINITIONS FOR THE TERMS "ADULT ENTERTAINMENT ACTIVITIES" AND "ADULT ENTERTAINMENT BUSINESS"; TO AUTHORIZE THE USE OF PROPERTY AS AN ADULT ENTERTAINMENT BUSINESS PROVIDED IT IS NOT LOCATED WITHIN 1,500 FEET OF OTHER PROPERTY USED AS A SCHOOL, PARK, CHILD DAY CARE CENTER, CHURCH OR HOUSE OF WORSHIP, OR ANOTHER ADULT ENTERTAINMENT BUSINESS.

RECITALS

WHEREAS, the Burgess and Commissioners of the Town of Middletown are concerned with the potential adverse secondary effects of adult oriented entertainment businesses which may elect to locate in the Town of Middletown; and

WHEREAS, the Burgess and Commissioners have reviewed the evidence of the adverse secondary effects of adult oriented businesses found in various studies, experiences and reports made available to them and which have been considered by other municipalities and local governments, including but not limited to:

- "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis" Eric S. McCord and Richard Tewksbury; *Crime & Delinquency,* October 2013; vol. 59, 7: pp. 1108-1125., first published on November 29, 2012.

- "Adult Business Study" Town and Village of Ellicottville, Cattaraugus County, New York January 1998.

- Testimony to Illinois State Senate Public Health Committee March 2012 re: Illinois Senate Bill 3348 of Richard McCleary, (Professor of Criminology, Environmental Health Science, and Planning, University of California, Irvine) and Lori Sexton, (Assistant Professor at the University of Missouri, Kansas City).

- "Crime-Related Secondary Effects Of Sexually-Oriented Businesses" - Report To The County Attorney Palm Beach County, Florida ; Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D. August 15, 2007.

- "The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence", Alan C. Weinstein and Richard McCleary Cleveland-Marshall College of Law, Cleveland State University, October 2011.

- A report on the secondary impacts of adult use businesses in the city of Denver January 1998.

- Caroline County, Maryland Ordinance #2005-002 and findings stated therein;

and

WHEREAS, court decisions considering issues relative to the secondary effects of adult oriented businesses hold that such secondary effects are a legitimate basis for regulating such businesses. Such cases include, but are not limited to:

- *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002)

- *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000)

- *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)

- *Steiner v. County Commissioners of Caroline County*, 490 F.Supp.2d 617 (D.Md.,2007)

- *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010)

- *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009);

and

WHEREAS, the material reviewed by the Burgess and Commissioners show that adult oriented businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties and property values, urban blight, litter, and sexual assault and exploitation; and

WHEREAS, the Town of Middletown has a population of 4,136 as of the last census (2010) and is relatively small in size having a geographic area of 1.741 square miles; and

WHEREAS, the Town of Middletown has no police department and must rely upon a resident Frederick County Sheriff's deputy as its primary means of law enforcement, and law enforcement efforts and effectiveness will be increasingly strained with any increase in criminal activity; and

WHEREAS, the Burgess and Commissioners, in an effort to prevent such secondary adverse effects in the Town of Middletown, and to protect and promote the safety, health, morals, and general welfare of the citizens of the Town of Middletown, have determined that the nature of adult oriented businesses requires the enactment of certain zoning restrictions relating thereto and that adult oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17 of the Middletown Municipal Code be, and hereby is, amended as follows.

SECTION I. Title 17, Chapter 17.04, Section 17.04.030, "Definitions" of the Middletown Municipal Code is hereby amended by adding thereto the definition of "Adult Entertainment Activities" and by adding thereto the definition of "Adult Entertainment Business", "Adult Oriented Business" or "Sexually Oriented Business". Said definitions shall be codified and inserted in Section 17.04.030 of the Code alphabetically. The remaining provisions of Section 17.04.030 remain unchanged.

TITLE 17 ZONING

Chapter 17.04

Section 17.04.030 – Definitions

"Adult Entertainment Activities" means:

A. Any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

B. Any performance, conduct, activity, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

1. in which an individual or individuals appear in a state of nudity or partial nudity; or
2. that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
    (a) human genitals in a discernable state of sexual stimulation or arousal; or
    (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
3. consists of contact with animals or inanimate objects.

"Adult Entertainment Business" also known as "Adult Oriented Business" or "Sexually Oriented Business" means a business establishment whose primary business and stock in trade is dependent upon Adult Entertainment Activities. By way of example, and not by way of limitation, the following shall be considered as an adult entertainment business:

A. An arcade or other place to which the public is permitted or invited and where photographs, motion pictures or other image-producing devices are maintained to, for money or other value, show images depicting or describing Adult Entertainment Activities.

B. A bar, club, cabaret, lounge, dance hall, restaurant, or other similar establishment or place of business which features dancers, strippers or similar entertainers or employees that engage in Adult Entertainment Activities, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

C. A motion picture theater or similar commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, CDs, DVDs, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of Adult Entertainment Activities.

D. A retail store or similar commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe Adult Entertainment Activities, and novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with Adult Entertainment Activities.

SECTION II. Title 17, Chapter 17.32, of the Middletown Municipal Code is hereby amended by adding thereto the following as Section 17.32.225.

TITLE 17 ZONING

Chapter 17.32 Design Standards Generally

Section 17.32.225 – Adult Entertainment Business

A. It is the purpose of this ordinance to regulate Adult Entertainment Business in order to promote the health, safety, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Entertainment Business within the town. It is the intent of the Burgess and Board of Commissioners in adopting this ordinance to enact a content neutral ordinance that imposes time, place and manner restrictions in order to address the adverse secondary effects of Adult Entertainment Business. It is not the intent of the Burgess and Board of Commissioners to suppress any speech protected by the First Amendment to the United States Constitution or Article 40 of the Maryland Declaration of Rights. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

b. Adult Entertainment Businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another Adult Entertainment Business. For the purpose of this sub-section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Business is conducted to the nearest property line of the school, park, child day care center, church or house of worship, or other Adult Entertainment Business.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

ORDINANCE NO. 14-08-04

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO AUTHORIZE THE USE OF PROPERTY FOR PURPOSES OF RESIDENTIAL CLUSTER DEVELOPMENT IN THE R-20 ZONING DISTRICT; TO ENACT CHAPTER 17.42 TO ESTABLISH REGULATIONS FOR THE USE OF PROPERTY FOR PURPOSES OF RESIDENTIAL CLUSTER DEVELOPMENT; TO STATE THE PURPOSES FOR AND TO DEFINE CERTAIN TERMS RELATING TO RESIDENTIAL CLUSTER DEVELOPMENTS; TO ESTABLISH CRITERIA FOR DEVELOPMENT AS A RESIDENTIAL CLUSTER DEVELOPMENT; TO STATE THE REQUIREMENTS FOR A SITE DEVELOPMENT PLAN FOR A RESIDENTIAL CLUSTER DEVELOPMENT AND TO ESTABLISH CRITERIA FOR PLANNING COMMISSION REVIEW OF SUCH SITE PLANS; TO REQUIRE THE ESTABLISHMENT OF A HOMEOWNERS' ASSOCIATION FOR A RESIDENTIAL CLUSTER DEVELOPMENT; TO AMEND SECTION 17.48.015 TO AUTHORIZE AN ACTIVE ADULT COMMUNITY TO BE DEVELOPED AS A RESIDENTIAL CLUSTER DEVELOPMENT AS A SPECIAL EXCEPTION UNDER STATED CONDITIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.16, Section 17.16.010 of the Middletown Municipal Code be, and hereby is, amended as follows. Language being deleted is designated by being [~~in brackets and stricken through~~]. New language is designated by being in **BOLD CAPITAL LETTERS.**

TITLE 17 - ZONING

Chapter 17.16 Residential Districts

17.16.010 R-20 district

A. Purpose. The R-20 district is intended to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development; **EXCEPT IN THE CASE OF CLUSTER DEVELOPMENTS IN WHICH DWELLINGS ARE GROUPED TOGETHER ON A SITE,**

THUS SAVING THE REMAINING LAND AREA FOR COMMON OPEN SPACE, CONSERVATION, RECREATION, AND PUBLIC AND SEMIPUBLIC USES.

B. Uses Permitted in the R-20 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Single-family dwellings;
2. Churches, public schools, libraries and parks, playgrounds, family day care homes;
3. Accessory buildings and uses;
4. Home occupations~~[.]~~**;**
5. **RESIDENTIAL CLUSTER DEVELOPMENT.**

C. *{Unchanged}*

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17 of the Middletown Municipal Code be, and hereby is, amended by adding thereto the following as "Chapter 17.42 – Residential Cluster Development". New language is designated by being in **BOLD CAPITAL LETTERS.**

TITLE 17 – ZONING

CHAPTER 17.42 RESIDENTIAL CLUSTER DEVELOPMENT

SECTIONS:

17.42.010 PURPOSE.
17.42.020 DEFINITIONS.
17.42.030 APPLICABILITY; GENERAL PROVISIONS.
17.42.040 CONTENTS OF SITE PLAN.
17.42.050 REVIEW CRITERIA.
17.42.060 HOME OWNER'S ASSOCIATION.

17.42.010 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO PERMIT SUCH FLEXIBILITY AND PROVIDE PERFORMANCE CRITERIA, WHICH CAN RESULT IN RESIDENTIAL CLUSTER DEVELOPMENTS IN ORDER TO:

A. ENCOURAGE CREATIVE AND FLEXIBLE SITE DESIGN THAT IS SENSITIVE TO THE LAND'S NATURAL FEATURES AND ADAPTS TO THE NATURAL TOPOGRAPHY;

B. PROTECT ENVIRONMENTALLY SENSITIVE AREAS OF A DEVELOPMENT SITE AND PRESERVE ON A PERMANENT BASIS COMMON OPEN SPACE AND NATURAL FEATURES;

C. DECREASE OR MINIMIZE NONPOINT SOURCE POLLUTION IMPACTS BY REDUCING THE AMOUNT OF IMPERVIOUS SURFACES IN SITE DEVELOPMENT;

D. PROMOTE COST SAVINGS IN INFRASTRUCTURE INSTALLATION AND MAINTENANCE BY SUCH TECHNIQUES AS REDUCING THE DISTANCE OVER WHICH UTILITIES, SUCH AS WATER AND SEWER LINES, NEED TO BE EXTENDED OR BY REDUCING THE WIDTH OR LENGTH OF STREETS;

E. PROVIDE OPPORTUNITIES FOR SOCIAL INTERACTION AND WALKING AND HIKING IN COMMON OPEN SPACE AREAS; AND

F. PROVIDE A MORE DESIRABLE ENVIRONMENT THAN WOULD BE POSSIBLE THROUGH THE STRICT APPLICATION OF OTHER SECTIONS OF THIS TITLE. A RESIDENTIAL CLUSTER DEVELOPMENT SHALL BE A SEPARATE ENTITY WITH A DISTINCT CHARACTER IN HARMONY WITH SURROUNDING DEVELOPMENT. COMMON OPEN SPACE MUST BE AN ESSENTIAL AND MAJOR ELEMENT OF THE PLAN, WHICH IS RELATED TO AND AFFECTS THE LONG-TERM VALUE OF THE HOMES AND OTHER DEVELOPMENTS.

17.42.020 DEFINITIONS.

AS USED IN THIS ORDINANCE, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS SPECIFIED HEREIN:

"BUFFER" MEANS LAND MAINTAINED IN EITHER A NATURAL OR LANDSCAPED STATE AND USED TO SCREEN AND/OR MITIGATE THE IMPACTS OF DEVELOPMENT ON SURROUNDING AREAS, PROPERTIES, OR RIGHTS-OF-WAY.

"CLUSTER" OR "CLUSTERING" MEANS A SITE-PLANNING TECHNIQUE THAT CONCENTRATES BUILDINGS AND STRUCTURES IN SPECIFIC AREAS ON A LOT, SITE, OR PARCEL TO ALLOW THE REMAINING LAND TO BE USED FOR RECREATION, COMMON OPEN SPACE, AND/OR PRESERVATION OF FEATURES AND/OR STRUCTURES WITH ENVIRONMENTAL, HISTORICAL, CULTURAL, OR OTHER SIGNIFICANCE. THE TECHNIQUES USED TO CONCENTRATE BUILDINGS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, REDUCTION IN LOT AREAS, SETBACK REQUIREMENTS, AND/OR BULK REQUIREMENTS, WITH THE RESULTANT COMMON OPEN SPACE BEING DEVOTED BY DEED RESTRICTIONS FOR ONE OR MORE ELIGIBLE USES.

"CLUSTER DEVELOPMENT, RESIDENTIAL" MEANS A LAND DEVELOPMENT PROJECT IN WHICH THE SITE PLANNING TECHNIQUE OF CLUSTERING DWELLING UNITS IS EMPLOYED.

"COMMON OPEN SPACE" MEANS THE PORTION OF THE SITE SET ASIDE IN PERPETUITY AS OPEN SPACE. THIS AREA MAY INCLUDE WETLANDS, FLOODPLAINS OR FLOOD-HAZARD AREAS, STREAM CORRIDORS, SCENIC VIEWS, HISTORICAL OR CULTURAL FEATURES, ARCHAEOLOGICAL SITES, OR OTHER ELEMENTS TO BE PROTECTED FROM DEVELOPMENT, AS WELL AS EASEMENTS FOR PUBLIC UTILITIES.

"ELIGIBLE USES" MEANS PARKLAND, RECREATIONAL FIELDS, TRAILS, COMMUNITY BUILDINGS OR SIMILAR-TYPE USES OR AS APPROVED BY THE MIDDLETOWN PLANNING COMMISSION.

"GROSS BUILDABLE AREA" MEANS THE TOTAL AREA OF THE SITE MINUS THE AREAS THAT ARE NOT BUILDABLE, SUCH AS WETLANDS, FLOODPLAINS, STEEP SLOPES, BUFFERS AND OTHER ENVIRONMENTAL FEATURES. THIS RESULTING AREA IS USED TO DETERMINE THE MAXIMUM NUMBER OF UNITS TO BE BUILT.

"INFRASTRUCTURE" MEANS THE FACILITIES AND SERVICES NEEDED TO SUSTAIN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND OTHER ACTIVITIES.

"LAND DEVELOPMENT PROJECT" MEANS A PROJECT IN WHICH ONE OR MORE LOTS, TRACTS, OR PARCELS OF LAND ARE TO BE DEVELOPED OR REDEVELOPED AS A COORDINATED SITE FOR A COMPLEX OF USES, UNITS, OR STRUCTURES, INCLUDING, BUT NOT LIMITED TO, PLANNED UNIT DEVELOPMENT AND/OR CLUSTER

DEVELOPMENT FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, RECREATIONAL, COMMON OPEN SPACE, AND/OR MIXED USES AS ARE PROVIDED FOR IN THE ZONING ORDINANCE.

"STREET, PRIVATE" MEANS A LOCAL ROADWAY SERVING ONLY ABUTTING LOTS, NOT PUBLICLY DEDICATED OR MAINTAINED BY THE TOWN BUT MEETING SPECIFIC MUNICIPAL IMPROVEMENT STANDARDS, AND PROVIDING ACCESS FOR SERVICE AND EMERGENCY VEHICLES.

17.42.030 APPLICABILITY; GENERAL PROVISIONS.

A. A RESIDENTIAL CLUSTER DEVELOPMENT SHALL BE PERMITTED IN THE R-20 RESIDENTIAL ZONING DISTRICT. ALL PRINCIPAL AND ACCESSORY USES AUTHORIZED IN THE R-20 DISTRICT SHALL BE ALLOWED IN THE CLUSTER DEVELOPMENT.

B. THE FOLLOWING PROVISIONS SHALL APPLY TO ANY RESIDENTIAL CLUSTER DEVELOPMENT, REGARDLESS OF THE GENERAL REQUIREMENTS OF THE R-20 ZONING DISTRICT:

1. THE MINIMUM AREA OF THE CLUSTER DEVELOPMENT SHALL BE 30 ACRES.
2. TOTAL DENSITY SHALL BE 2 OR FEWER UNITS PER ACRE.
3. A MINIMUM WIDTH OF 60 FEET PER DWELLING UNIT SHALL APPLY UNLESS REQUESTED BY THE APPLICANT AND APPROVED BY THE PLANNING COMMISSION.
4. A MINIMUM SIDE YARD SETBACK OF 5 FEET SHALL BE PROVIDED BETWEEN ALL PRINCIPAL BUILDINGS AND STRUCTURES.
5. A MINIMUM YARD OR COMMON OPEN SPACE OF AT LEAST 25 FEET IN DEPTH SHALL BE PROVIDED AS MEASURED FROM ALL STREETS AND FROM THE SIDE AND REAR LOT LINES AT THE BOUNDARIES OF THE ENTIRE CLUSTER DEVELOPMENT.
6. THE MAXIMUM HEIGHT LIMITATION SHALL BE THAT ESTABLISHED FOR THE R-20 ZONING DISTRICT.

17.42.040 CONTENTS OF SITE DEVELOPMENT PLAN.

A. THE PRELIMINARY AND FINAL SITE DEVELOPMENT PLANS FOR A RESIDENTIAL CLUSTER DEVELOPMENT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

1. THE MAXIMUM NUMBER AND TYPE OF DWELLING UNITS PROPOSED.

2. THE AREAS OF THE SITE ON WHICH THE DWELLING UNITS ARE TO BE CONSTRUCTED AND THEIR BUILDING ENVELOPE SIZE SHOWING THE GENERAL AREA IN WHICH THE DWELLING UNIT IS TO BE LOCATED.

3. THE CALCULATIONS FOR THE PERMITTED NUMBER OF DWELLING UNITS BASED ON GROSS BUILDABLE AREA.

4. THE AREAS OF THE SITE ON WHICH NON-RESIDENTIAL PRINCIPAL AND ACCESSORY USES MAY BE LOCATED AND THEIR SIZE.

5. THE AREAS OF THE SITE DESIGNATED FOR COMMON OPEN SPACE AND THEIR SIZE.

6. THE AREAS OF THE SITE DESIGNATED FOR PARKING AND LOADING AND THE SIZE OF THE SPACES.

7. THE LOCATION OF SIDEWALKS, TRAILS, AND BIKE PATHS.

8. THE PROPOSED LANDSCAPING FOR THE DEVELOPMENT.

9. A PHASING PLAN FOR THE CONSTRUCTION OF THE DEVELOPMENT.

17.42.050 REVIEW CRITERIA.

A. IN REVIEWING A RESIDENTIAL CLUSTER DEVELOPMENT, THE PLANNING COMMISSION SHALL DETERMINE WHETHER:
   1. THE SITE PLAN SATISFIES ALL REQUIREMENTS OF SECTION 17.42.040 ABOVE;
   2. BUILDINGS AND STRUCTURES ARE ADEQUATELY GROUPED SO AT LEAST 25% OF THE TOTAL AREA OF THE SITE IS SET ASIDE AS COMMON OPEN SPACE. TO THE GREATEST DEGREE PRACTICABLE, COMMON OPEN SPACE SHALL BE DESIGNED AS A SINGLE BLOCK AND NOT DIVIDED INTO UNCONNECTED SMALL PARCELS LOCATED IN VARIOUS PARTS OF THE DEVELOPMENT;
   3. PEDESTRIANS CAN EASILY ACCESS COMMON OPEN SPACE;

4. THE SITE PLAN ESTABLISHES, WHERE APPLICABLE, AN UPLAND BUFFER OF VEGETATION OF AT LEAST 50 FEET IN DEPTH ADJACENT TO WETLANDS AND SURFACE WATERS, INCLUDING CREEKS, STREAMS, SPRINGS, LAKES, AND PONDS;
5. INDIVIDUAL LOTS, BUILDINGS, STRUCTURES, STREETS, AND PARKING AREAS ARE SITUATED TO MINIMIZE THE ALTERATION OF NATURAL FEATURES, NATURAL VEGETATION, AND TOPOGRAPHY;
6. EXISTING SCENIC VIEWS OR VISTAS ARE PERMITTED TO REMAIN UNOBSTRUCTED, ESPECIALLY FROM PUBLIC STREETS;
7. THE SITE PLAN ACCOMMODATES AND PRESERVES ANY FEATURES OF HISTORIC, CULTURAL, OR ARCHAEOLOGICAL VALUE;
8. FLOODPLAINS, WETLANDS, AND AREAS WITH SLOPES IN EXCESS OF 25% ARE PROTECTED FROM DEVELOPMENT; AND
9. THE CLUSTER DEVELOPMENT ADVANCES THE PURPOSES OF THIS ORDINANCE AS STATED IN SECTION 17.42.010 ABOVE.

B. THE PLANNING COMMISSION MAY, IN ITS OPINION, APPLY SUCH SPECIAL CONDITIONS OR STIPULATIONS TO ITS APPROVAL OF A RESIDENTIAL CLUSTER DEVELOPMENT AS MAY BE REQUIRED TO MAINTAIN HARMONY WITH NEIGHBORING USES AND TO PROMOTE THE OBJECTIVES AND PURPOSES OF THE COMPREHENSIVE PLAN AND THE ZONING AND SUBDIVISION ORDINANCES.

C. IN APPROVING A RESIDENTIAL CLUSTER DEVELOPMENT, THE PLANNING COMMISSION MAY REDUCE THE PAVEMENT WIDTH OF ANY PUBLIC OR PRIVATE STREETS THAT WOULD OTHERWISE BE REQUIRED BY THE SUBDIVISION REGULATIONS IF THE TOWN ENGINEER IS IN CONCURRENCE. AN APPLICANT WHO WANTS THE REDUCTION OF PAVEMENT WIDTH OF PUBLIC OR PRIVATE STREETS SHALL SUBMIT A STATEMENT OF JUSTIFICATION FOR THE REDUCTION ALONG WITH THE SITE PLAN.

D. COMMON OPEN SPACE. AT LEAST TWENTY-FIVE (25%) PERCENT OF THE ENTIRE TRACT OF LAND TO BE DEVELOPED IN A RESIDENTIAL CLUSTER DEVELOPMENT MUST BE DEVOTED TO COMMON OPEN SPACE PURPOSES. AREAS THAT ARE RESERVED AS COMMON OPEN SPACE SHALL BE SHOWN ON THE PLAT AND APPROVED BY THE PLANNING COMMISSION.

E. PUBLIC UTILITIES AND FACILITIES. PUBLIC WATER AND PUBLIC SEWER MUST BE PROVIDED TO THE DEVELOPMENT. THE PLANNING COMMISSION MAY REQUIRE THE RESERVATION OF DEVELOPMENT SITES FOR OTHER PUBLIC FACILITIES (SCHOOLS, FIRE OR POLICE STATIONS, LIBRARY, ETC.) IF THE NEED OF THE DEVELOPMENT JUSTIFIES THE FACILITIES.

17.42.060 HOMEOWNERS' ASSOCIATION.

A. A HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACES, COMMON AREAS, STORMWATER MANAGEMENT FACILITIES, AND PRIVATE STREETS AND TO ARRANGE FOR PRIVATE WASTE REMOVAL SERVICES, IF REQUIRED, AND SNOW REMOVAL SERVICES FOR PRIVATE STREETS AND DRIVES. THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RESPONSIBILITY TO ENFORCE ALL COVENANTS AND SPECIAL CONDITIONS REQUIRED OF RESIDENTS AND PROPERTY OWNERS IN THE ACTIVE ADULT COMMUNITY. BEFORE ASSUMING ANY RESPONSIBILITY FOR LANDS AND FACILITIES HELD OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION, THE BURGESS AND COMMISSIONERS MAY REQUIRE THAT SUCH LAND AND FACILITIES MEET THE MINIMUM STANDARDS REQUIRED OF SIMILAR FACILITIES FOR WHICH THE TOWN IS GENERALLY RESPONSIBLE.

B. THE PLANNING COMMISSION SHALL REVIEW AND APPROVE THE HOMEOWNERS' ASSOCIATION DECLARATION OF COVENANTS, ARTICLES OF INCORPORATION AND BY-LAWS PRIOR TO FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN FOR A RESIDENTIAL CLUSTER DEVELOPMENT. IN THE EVENT THAT A HOMEOWNERS' ASSOCIATION FAILS, REFUSES OR NEGLECTS FOR ANY REASON TO MAINTAIN, OPERATE OR IMPROVE ALL OR PART OF ANY OF THE FACILITIES, COMMON AREAS, COMMON OPEN SPACES, STREETS, OR OTHER PORTIONS OF THE SUBDIVISION HELD OR CONTROLLED BY IT AND FOR WHICH IT IS RESPONSIBLE, THE TOWN MAY, BUT SHALL NOT BE OBLIGATED TO, FULFILL SUCH OBLIGATIONS, AND UPON DOING SO, THE COSTS AND EXPENSES INCURRED BY THE TOWN SHALL BE PAID BY THE OWNERS OF THE PROPERTIES WHICH ARE SUBJECT TO THE HOMEOWNERS' ASSOCIATION DECLARATION OF COVENANTS. EACH PROPERTY SHALL BE RESPONSIBLE FOR ITS PRO RATA SHARE OF THE EXPENSE BASED UPON THE NUMBER OF PROPERTIES SUBJECT TO THE

HOA COVENANTS, AND SUCH CHARGES SHALL BE A LIEN UPON THE PROPERTY AND MAY BE COLLECTED IN ANY MANNER, INCLUDING THE COLLECTION OF TAXES. IN NO EVENT, HOWEVER, SHALL THE TOWN BE OBLIGATED TO UNDERTAKE THE MAINTENANCE, OPERATION OR IMPROVEMENT OF ALL OR PART OF ANY OF THE FACILITIES, COMMON AREAS, COMMON OPEN SPACES, STREETS, OR OTHER PORTIONS OF THE SUBDIVISION FOR WHICH THE HOMEOWNERS' ASSOCIATION IS RESPONSIBLE.

SECTION III. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.48, Section 17.48.015 of the Middletown Municipal Code be, and hereby is, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through]~~. New language is designated by being in **BOLD CAPITAL LETTERS.**

TITLE 17 - ZONING

Chapter 17.48 Specific Standards for Special Exceptions

17.48.015 Active adult community

AN ADULT ACTIVE COMMUNITY IN ~~[In]~~ the R-20 residential district **IS** ~~[and]~~ subject to the requirements of that district except as modified and provided in this **SECTION** ~~[chapter]~~:

A. An active adult community in the R-20 district **MAY** ~~[must]~~ be developed as an integral component of a larger R-20 zoned subdivision **CONSISTING OF AT LEAST 100 ACRES IN WHICH EVENT THE ACTIVE ADULT COMMUNITY PORTION OF THE DEVELOPMENT** ~~[and]~~ may constitute no more than fifteen (15) percent of the total acreage in the subdivision.

B. ~~[Minimum size of overall R-20 subdivision: one hundred (100) acres.]~~ **ON PARCELS LESS THAN 100 ACRES BUT MORE THAN 30 ACRES, THE ENTIRE PARCEL MAY BE USED FOR AN ACTIVE ADULT COMMUNITY IN ACCORDANCE**

WITH THE CLUSTER DEVELOPMENT CONCEPT AND REGULATIONS IN SECTION 17.42.

C. Minimum lot area per dwelling: three thousand two hundred (3,200) square feet; minimum average lot area per dwelling, five thousand five hundred (5,500) square feet; provided that no more than twenty-five (25) percent of the total number of lots may be less than four thousand (4,000) square feet.

D. The planning commission, at its discretion, may approve reduced yards, subject to the following limitations:

1. The front, rear or side yard setback from any lot fronting on a major town street (arterial or collector) shall be thirty-five (35) feet.

2. Minimum setbacks for lots fronting on interior public or private subdivision streets shall be as follows:

a. Front: ten (10) feet;

b. Rear: fifteen (15) feet;

c. Side: five feet.

3. DRIVEWAYS MUST HAVE A MINIMUM LENGTH OF 20 FEET FROM A PUBLIC OR LOCAL STREET.

E. - I. *{Unchanged}*

SECTION IV. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2014.

PASSED ON THE _____ DAY OF _____, 2014.

EFFECTIVE DATE: _____, 2014.

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

Town of Middletown Planning Department

To: Burgess & Commissioners

Cc: Drew Bowen, Bruce Carbaugh

From: Cindy Unangst, Staff Planner

Date: 6/26/2014

RE: Design Manual Recommended Changes

Below are the recommended changes to the Design Manual in relation to the references to the Planning Commission. The recommended changes are shown in *italics*.

Stormwater Management Design

1.3.1 The stormwater management practices to be used in developing a stormwater management plan must *follow the Frederick County Code and be approved by Frederick County with final determination by the Middletown Director of Public Works.* ~~consist of one or more of the following with the Planning Commission making the final determination as to which method(s) will be permitted:~~

~~a. Flow attenuation by use of open vegetated swales and natural depressions;~~
~~b. Stormwater retention structures; and~~
~~c. Stormwater detention structures.~~

~~1.3.2. For stormwater quality control management only and for drainage areas of less than five (5) acres, the following filtering systems may be used with the Planning Commission making the final determination as to which method(s) will be permitted:~~

~~a. Sand Filters~~
~~b. Open Vegetated Swales~~
~~c. Bioretention Areas with underdrain(s) to storm drain or other outfall acceptable to the Planning Commission~~
~~d. Filter Strips~~
~~e. Submerged Gravel Filters~~
~~f. Stormceptors~~

Storm Drain Design Manual

6.1.1.d. Design Storm Criteria. In the event the Town believes that a greater year storm frequency should prevail for the design of storm drain systems due to concerns over excessive private or public property damage, disruption of public services, flood damage, or other undesirable impacts that may result from implementing the minimum criteria described herein, the Town, at its sole discretion and with the approval of the *Director of Public Works* ~~Planning Commission~~, may require more stringent criteria be followed in the design.

8.1 Guardrails, Fences and Pipe Rails. Safety device~~'s~~ shall be required at all headwalls, as deemed appropriate by the *Director of Public Works.* ~~Planning Commission~~.

Deleted: s

Deleted: d

Streets and Roads Design Manual

1.4 Planning Guidelines. In the event a development is submitted for review to the Planning Commission as a Planned Unit Development (PUD), the Planning Commission *and the Town Board thru the Director of Public Works*, at ~~its~~ *their* discretion, may alter the design standards as they deem appropriate.

2.2.j. Layout of intersections. ~~In certain situations,~~ the design and construction of turning lanes or acceleration/deceleration lanes at intersections *will* ~~may~~ be required to facilitate the movement of traffic through an intersection and improve traffic capacity and level of service *for all intersections on collector, minor and major arterial roads. The Town may alter this requirement as they deem appropriate.* The Planning Commission reserves the right to require additional lanes of roadway for this purpose and to require additional rights-of-way to accommodate the additional lanes. Intersections will be reviewed on a case-by-case basis, and a final determination made by the Planning Commission *and the Town Board (thru the Director of Public Works)* as to the necessity for and the geometric requirements for additional turning lanes.

2.5.1.b. Cul-de-sacs. An 800-foot length shall be the maximum for cul-de-sacs unless otherwise approved by the Planning Commission *with guidance from the Director of Public Works.*

Commented [b1]: I would like to suggest eliminating cul de sacs. They are a problem for snow removal. Removing them also can effectively reduce the maximum number of lots created.

2.5.1.c. The use and design of islands will be at the discretion of the Planning Commission *with guidance from the Director of Public Works.*

2.13 Traffic Control. Crosswalks will be required as dictated by the Planning Commission *with guidance from the Director of Public Works.*

Memorandum

To: Burgess and Commissioners, Middletown

From: Cindy Unangst, Staff Planner

Date: July 16, 2014

RE: SUSTAINABLE MD CERTIFIED DESIGNATION

Sustainable Maryland Certified (SMC) is a relatively new initiative of the Environmental Finance Center at the University of Maryland which is designed to support Maryland's 157 municipalities as we look for cost-effective and strategic ways to protect our natural assets and revitalize our communities. Using best practices in resource areas like water, energy, planning, health, food, and economy, we can earn points toward sustainability certification.

This free and voluntary program, with full support from MML, helps communities choose a direction for their greening efforts; complete their chosen actions with help from program tools, trainings, case studies, and other resources; and be recognized for their accomplishments. According to the Sustainable MD website, SMC helps municipalities:

- Gain access to training, tools, and expert guidance;
- Realize cost savings and improve the bottom line;
- Conserve resources while promoting community viability.

The program is based on a process of earning points for a variety of sustainable actions, a lot of which the Town of Middletown has already done, or does. To achieve certification, municipalities need to complete actions worth a total of 150 points (including two mandatory actions and two of six priority actions) and submit the appropriate documents as evidence that the SMC requirements have been satisfied.

Registering our municipality is the first step toward achieving SMC municipal certification. Registration entails: adopting a resolution that states the municipality's intent to pursue SMC certification; designating a municipal representative to serve as the municipality's agent and contact; and completing the Municipal Registration application.

Certification Benefits include: cost savings (energy, water, waste management); improve efficiency; conserve resources while promoting community viability; stimulate local economies; special priority and notification of incentives and grants. Benefits also include: promotion via the SMC website, publications, press, and promotional events; annual recognition at the MML Conference; and state press attention for efforts.

RESOLUTION NO. 14-02

A RESOLUTION OF THE BURGESS AND COMMISSIONERS OF MIDDLETOWN TO SUPPORT THE PARTICIPATION OF THE TOWN OF MIDDLETOWN IN THE SUSTAINABLE MARYLAND CERTIFIED MUNICIPAL CERTIFICATION PROGRAM AND TO NAME AN AGENT FOR THE TOWN OF MIDDLETOWN FOR THE SUSTAINABLE MARYLAND CERTIFIED MUNICIPAL CERTIFICATION PROCESS.

WHEREAS, a sustainable community means meeting the needs of the present without compromising the ability of future generations to meet their own needs; and

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Burgess and Commissioners of Middletown strive to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Burgess and Commissioners of Middletown hereby acknowledge that the residents of the Town of Middletown desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Burgess and Commissioners of Middletown wish to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Burgess and Commissioners of Middletown are pledging to educate themselves and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Town of Middletown, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW, THEREFORE, BE IT RESOLVED by the Burgess and Board of Commissioners of Middletown that to focus attention and effort within the Town of Middletown on matters of sustainability, the Burgess and Board of Commissioners of Middletown wish to pursue local initiatives and actions that will lead to Sustainable Maryland Certified Municipal Certification.

BE IT FURTHER RESOLVED, by the Burgess and Board of Commissioners of Middletown that we do hereby authorize the Staff Planner, Cindy Unangst, to serve as the Town of Middletown's agent for the Sustainable Maryland Certified Municipal Certification process and authorize her to complete the Municipal Registration on behalf of the Town of Middletown.

BE IT FURTHER RESOLVED that this Resolution shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

Proclamation

WHEREAS: September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, We, the Burgess and Commissioners, by virtue of the authority vested in us as Burgess and Commissioners of Middletown, Maryland, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of Middletown, Maryland to be affixed this 8th day of September in the year of our Lord, two thousand fourteen.

Burgess John Miller	Commissioner Larry Bussard
Commissioner Rick Dietrick	Commissioner Jennifer Falcinelli
Commissioner Christopher Goodman	Commissioner Anthony Ventre

The Town of Middletown, Frederick County, is seeking individuals for full-time employment. The Town of Middletown offers a full benefits package, including major medical, short and long-term disability, dental, eye, prescription card, and pension plan. The following position is available for qualified individuals:

METER TECHNICIAN
Wage: $14.50 per hour (full benefits)
(full-time; 40 hours per week; Monday - Friday; 8 a.m. - 4 p.m.**)

KIND OF WORK:
This semi skilled position performs tasks including installation, maintenance and setup of residential and commercial meters. The technician will collect water meter readings, make repairs and install water meters in new and existing locations. The position requires strong communication and customer service skills and attention to detail. Daily supervision is received from the Office Manager and assistant Director of Public Works.

EXAMPLES OF WORK:
Install water meters in new homes, retrofit existing installations and maintain and repair water meters. Perform routine and on demand meter readings and upload into office computers all information collected on hand-held computers or return route books or hand-hand computers to business offices so that data can be compiled. Verify readings in cases where consumption appears to be abnormal, and record possible reasons for fluctuations. Inspect meters for unauthorized connections, defects, and damage and report to service department any problems or impediments to meter access, including dogs. Effectively communicating and scheduling meter replacement and repairs with customers as well as concerns with meter accuracy. Responsible for water service cutoffs and return to service that may require work after normal hours. This position will occasionally be required to assist with water system leaks and repairs and perform snow removal and deicing operations at any time as required by weather events. Perform other related duties as required.

QUALIFICATIONS AND REQUIREMENTS:
This position requires possession of a valid driver's license and a High School Diploma or GED. Work environment will vary from office presence to outside working in varying temperatures (extreme heat to extreme cold) and any type of precipitation. This position requires occasional weekends and overtime and the ability to drive a truck with a snow plow is required. This is an essential staff position and requires lifting (up to 75 pounds), climbing, and confined space entry into large meter vaults. The position predominantly requires walking or standing and driving or sitting the remainder of the day. Experience and knowledge of residential piping and ability to solder tubing and solvent weld PVC piping. Knowledge of construction site hazards and safety precautions. Thorough knowledge and ability to work with computers and handheld electronic devices. Ability to understand and follow spoken and written (English) instructions, to read, write and maintain clear concise records. Maintain effective working relationships with co-workers and the general public. A satisfactory pre-employment drug test, sexual offender and criminal background check will be conducted. This position is subject to random drug testing,

SPECIAL REQUIREMENTS:

- Able to demonstrate the ability to solder copper tube.
- Ability to obtain a Temporary Class I Water Distribution System certificate as issued by MD Board of Waterworks and Waste Systems Operators within the 6 month probationary period and full licensing within 2 years
- Possession of a valid automobile operator's license
- Required availability for snow removal or other on-call emergency situations at anytime
- Available for special event work that is scheduled in advance

EXAMINATIONS:

The kind of examination for positions announced will vary with each position and may include:
(1) an evaluation of training and experience,
(2) personal and/or group interview(s),
(3) written and/or spoken examination(s),
(4) performance test(s),
(5) a background investigation,
(6) a physical examination* and
(7) a drug test*.

Any portion of the examination may be eliminated. All applicants will be notified as to whether or not they qualify on any examination.
* These examinations are administered after offer of employment.

PROBATIONARY PERIOD:

Employees serve a probationary period of six months before attaining regular status.

A new employee ordinarily starts work at the rate specified in this announcement. The employee normally receives a salary adjustment at the end of the probationary period and end of fiscal year (June 30) as determined by the Burgess and Commissioners of Middletown.

Please contact the Town Office at 31 West Main Street, Middletown, MD 21769 or call at 301 371-6171 for more information.