

AGENDA

WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863

March 5, 2019

Item #

- 9:00 AM - Vote to Meet In Closed Session in Commissioners' Conference Room - Room 1103
Government Center, One West Market Street, Snow Hill, Maryland
- 9:01 - Closed Session: Discussion regarding hiring a Welcome Center Greeter for Tourism, and a Roads Worker I for the Roads Division of Public Works; considering posting to fill vacancies for a Maintenance Worker II, Plant Operator III, and Water System Supervisor for the Water and Wastewater Division of Public Works; reviewing personnel matters in the State's Attorney's Office; receiving legal advice from Counsel; and performing administrative functions
- 10:00 - Call to Order, Prayer (Arlene Page), Pledge of Allegiance
- 10:01 - Report on Closed Session; Review and Approval of Minutes
- 10:02 - Presentation of Proclamations Recognizing March as Women's History Month and National Social Work Month 1
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- 10:15 - J. Cordova - US Census Bureau: 2020 Census Briefing - Proposed Complete Count Committee 3
- 10:30 - Meet with Town and Ocean Pines Association Officials to Receive FY20 Budget Requests - Pocomoke City, Snow Hill, Berlin, Ocean Pines and Ocean City 4
- 10:40 -
- 10:50 -
- 11:00 - W. Strang-Moya, R. Thaler - Art League of Ocean City: Ocean City Film Festival, March 8-10 5
- 11:10 - Chief Administrative Officer: Administrative Matters 6-23
(New Leases for Postage Machine and Folder/Inserter; Ocean Pines Service Area Expansion and Water and Sewer Plan Amendment Resolutions for AGH Outpatient Center; Priority Funding Area Request for Crabs to Go; Scheduling Public Hearing for Ocean Pines/River Run Expansion and Water and Sewer Plan Amendments; Scheduling Public Hearing for Moore Boats Critical Area Growth Allocation Request; Award of Proposal for Selsey Road Resiliency Project; Bid Specifications for Sewer Line Cleaning and Inspection - West Ocean City Service Area; Continued Groundwater Monitoring and Analytical Services at Central Landfill through 2020; Bowen United Methodist Church Lighting Request; Retention of Surplus Dump Truck and V-Plow; Disposal of Surplus Vehicles, Equipment and Miscellaneous Items; Award of Bids for Blacktop Surfacing, and Slurry Seal Surfacing of County Roads; Pending Board Appointments; Community College Funding Error by State of Maryland; Pending State Legislation on Minimum Wage in Maryland; Informational Town Hall on Offshore Drilling; and potentially other administrative matters)
- 11:20 -
- 11:30 -
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press; County Commissioners Remarks
- Lunch
- 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary) 6-23, continued
- 1:10 -
- 1:20 -
- 1:30 -

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Kelly Shannahan, Asst. CAO.

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!

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Minutes of the County Commissioners of Worcester County, Maryland

January 29-30, 2019

Strategic Planning Work Session

Diana Purnell, President
Joseph M. Mitrecic, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr. (Absent)
James C. Church
Theodore J. Elder
Joshua N. Nordstrom

The Commissioners conducted the first of a two-day strategic planning work session at the Berlin Branch of the Worcester County Library. Also present were The Novak Consulting Group Executive Search Practice Leader Catherine Tuck-Parrish and Morgan Daniel and County staff members Chief Administrative Officer Harold Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, and Public Information Officer Kim Moses.

Commissioner Bunting was absent from the work session.

Ms. Tuck-Parrish reviewed the agenda, norms, and expectations for the work session.

The Commissioners outlined expectations of the County Commissioners and County Administration, with a focus on the working conditions of the Commissioners, Commission expectations, expectations of the president, and expectations of the Chief Administrative Officer (CAO) and Assistant CAO. As a result of their discussion, the Commissioners agreed to schedule “Commissioners Remarks” at the end of each meeting.

The Commissioners recessed for 10 minutes.

Mr. Shannahan provided a brief update on the progress of the top five initiatives outlined in the Commissioners 2017 Strategic Plan.

The Commissioners reviewed input gathered from a department head survey on the County’s strengths, weaknesses, opportunities, and challenges. Following some discussion, the Commissioners unanimously agreed to adopt an “Ask Don’t Task” policy with department directors, whereby they are free to request information, but they will refrain from providing direction to department heads or staff, which will be the responsibility of the CAO in carrying out the policy of the full Board of County Commissioners.

The Commissioners conducted a working lunch to discuss their long-term goals, also

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known as cathedral thinking, regarding the future of the County. Issues identified included the following: funding for Other Post Employment Benefits (OPEB), broadband, access to quality healthcare, and a tournament sports complex. After this, they discussed their beliefs about the future of Worcester County.

The Commissioners identified factors critical to the County's future success. These Critical Success Factors included the following: Exceptional Schools, Natural Resources, Community Leadership, Adaptable Technology, Quality Healthcare, Cultural Opportunities, Safe and Sufficient Transportation, Sustainable County Services, Economic Growth, and Safe and Livable Communities.

Commissioner Elder left the meeting.

From the list of Critical Success Factors, the Commissioners and staff developed an overall vision for the County as follows: Worcester County is a desired location to live, work, and play for year-round residents and visitors. We are a premier tourism destination, known for pristine beaches, bays, and rivers, as well as a safe and relaxed lifestyle. We have a thriving economy, offering diverse, family-sustaining jobs with benefits, access to premier healthcare, and community-minded businesses. We boast a nationally-renowned educational system, which includes post-secondary education and trade schools to benefit future generations, while remaining fiscally conservative and financially sound. Our citizens are proud to call Worcester County home and look forward to sharing the benefits of Eastern Shore living with visiting family and friends.

The Commissioners adjourned to meet again on January 30, 2019, for day two of their strategic planning work session.

On January 30, 2019, the Commissioners reconvened for day two of their two-day strategic planning work session at the Berlin Branch of the Worcester County Library. Also present at the work session were The Novak Consulting Group Executive Search Practice Leader Catherine Tuck-Parrish and Morgan Daniel. County staff at the meeting included Chief Administrative Officer (CAO) Harold Higgins, Assistant Chief Administrative Officer (ACAO) Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Health Officer Becky Jones, Emergency Services Director Billy Birch, Information Technology Director Brian Jones, Warden Donna Bounds, Development Review and Permitting Director Ed Tudor, Library Director Jennifer Ranck, Public Works Director John Tustin, Fire Marshal Jeff McMahan, Economic Development Deputy Director Kathryn Gordon, Finance Officer Phil Thompson, Budget Officer Kathy Whited, State's Attorney Kristin Heiser, Tourism Director Lisa Challenger, Sheriff Matt Crisafulli, Chief Deputy Mark Titanski, Circuit Court Administrator Mike Howard, Recreation and Parks Director Tom Perlozzo, and Environmental Programs Director Bob Mitchell.

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Commissioner Bunting was absent from the work session.

Ms. Tuck-Parrish and the Commissioners provided a recap of actions taken during day one of the work session. Commissioner Mitrecic reviewed the discussion of Commissioner expectations. Mr. Higgins reviewed the discussion of expectations of the CAO and the ACAO and the new “Ask Don’t Task” policy of the Commissioners. He also advised department directors to provide options to the Commissioners to consider rather than specific direction in their memos. Commissioner Purnell reviewed the Commissioners’ discussion on Cathedral Thinking. Commissioner Nordstrom reviewed the current beliefs of the Commissioners. Commissioner Bertino reviewed the Critical Success Factors agreed upon by the Commissioners during day one of the work session. Commissioners Elder and Church expressed satisfaction with the results from day one and looked forward to working with the department directors during their second day of the work session.

The Commissioners and staff reviewed the overall vision statement and agreed to revise the economic development vision statement for the County to read as follows: Worcester County enjoys a diverse economy, primarily based on tourism, agriculture, and burgeoning industrial parks that support the nearby NASA facility on Wallops Island and other regional partners. We have a thriving business community, offering good-paying, year-round jobs with benefits, and we continue to attract new businesses and entice existing businesses to expand in Worcester County thanks to our well-educated workforce and superior services and infrastructure. We may offer an attractive incentive package to encourage business growth and development using a combination of tax deferrals, grants, and low-interest loans. Worcester County offers diverse lodging, restaurant, and retail services to support existing and emerging tourism trends.

The Commissioners and staff discussed steps necessary to achieve the County’s vision.

Each Commissioner outlined their top three priorities among the Critical Success Factors. Commissioner Mitrecic listed solving the Other Post Employment Benefits (OPEB) issue, providing a first-class tournament sports complex, and providing competitive salaries for County employees as his top three priorities. Commissioner Purnell listed economic growth, including a sports complex and affordable housing, public transportation, and supporting local and State education as her top three priorities. Commissioner Church listed economic development, focused on clean industry, quality education, and encouraging controlled growth with a “Can Do” attitude as his top three priorities. Commissioner Bertino listed OPEB, competitive salaries for County staff, and Countywide broadband access as his top three priorities. Commissioner Elder listed broadband as his top one and two priorities, as well as supporting and protecting agriculture. Commissioner Nordstrom listed vocational education, creating career jobs, and high speed internet and mobile communications as his top three priorities.

The Commissioners, with input from County staff, developed specific initiatives for each of the 10 Critical Success Factors.

The Commissioners recessed for lunch.

Commissioner Elder left the meeting.

The Commissioners reviewed, modified, and approved the 10 Critical Success Factors, as well as their goals for each of the Critical Success Factors, as follows:

1. Exceptional Schools - Worcester County provides a wide range of educational opportunities for our citizens, including a solid foundation in public schools that focus on college and career readiness, with diverse trade and post-secondary opportunities.
 - a. Goal: work with the State on an equitable funding method to increase per-student funding
 - b. Goal: increase science, technology, engineering, and math (STEM) partnerships
2. Natural Resources - Worcester County is a desirable location for residents and visitors thanks to our pristine parks, beaches, bays, and rivers, which support our relaxed lifestyle and preserves our rural landscape.
 - a. Goal: protect agriculture and prevent harmful regulations
3. Community Leadership - Worcester County Government provides responsive, effective, and positive leadership, supporting the private sector and encouraging volunteerism to improve the lives of our residents and visitors.
4. Adaptable Technology - Worcester County provides evolving infrastructure, adapting to our changing technological world.
 - a. Goal: develop and implement a plan to provide high-speed internet throughout the County
 - b. Goal: explore incentives for broadband company investment
5. Quality Healthcare - Worcester County enjoys quality healthcare facilities providing services to all ages and stages of life.
6. Cultural Opportunities - Worcester County offers a wide range of museums, theaters, arts and entertainment venues that support an engaged citizenry which preserves the County's cultural heritage.
7. Safe and Sufficient Transportation - Worcester County provides a safe, secure, and affordable public transportation network, addressing the needs of all citizens.
8. Sustainable County Services - Worcester County provides a cost-effective, customer-focused approach to the provision of services to our citizens, businesses, and visitors.
 - a. Goal: identify a funding source for OPEB
 - b. Goal: review County staff salaries
 - c. Goal: identify alternative (non-tax) revenues to support competitive employee wages
9. Economic Growth - Worcester County enjoys a diverse economy, primarily based on tourism, agriculture, and burgeoning industrial and medical parks, which provide career opportunities for our residents. We also maintain a commercial harbor that supports both commercial and recreational fishing industries.
 - a. Goal: move forward with sports complex development
 - b. Goal: offer tuition assistance to incentivize students to learn a trade
 - c. Goal: develop an economic development strategy:
 - i. explore incentives and tax breaks to attract new businesses and jobs
 - ii. add to the economic development team, and provide vision and tools to

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- bring in new business
- iii. remove unnecessary regulations, fees, and other obstructions
- 10. Safe and Livable Communities - Thanks to our exceptional public safety agencies, Worcester County citizens and visitors can rely on a safe, clean, and secure environment.

The Commissioners worked with County staff members in small groups to further develop goals by identifying the problem they were trying to solve, success for the goal, who should take the lead, and any initial steps. Small groups then reported out to the larger group. Following that discussion, the group discussed the next steps to take to achieve their vision and goals. The Strategic Planning report will be presented to the Commissioners for review and approval at a future meeting.

The Commissioners provided closing thoughts and thanked the department directors as well as Ms. Tuck-Parrish, after which they adjourned to meet again on February 5, 2019.

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Minutes of the County Commissioners of Worcester County, Maryland

February 19, 2019

Diana Purnell, President
Joseph M. Mitrecic, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Theodore J. Elder
Joshua N. Nordstrom

The Commissioners attended a ribbon cutting at 9:00 a.m. at the Board of Education (BOE) in Newark, Maryland for the new display honoring the history of this site as the location of the former Worcester High School, which served African American students until 1970 when all Worcester County schools were integrated.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, with Commissioner Bunting momentarily absent, the Commissioners unanimously voted to meet in closed session at 9:41 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: receiving an update on applications for Economic Development Director; reviewing personnel matters in the Sheriff's Office and State's Attorney's Office; receiving legal advice from counsel; and performing administrative functions, including: employee medical leave update; reviewing potential board appointments; finalizing itinerary for Bond Rating Agency visit February 24-26, 2019; receiving the draft Worcester County Strategic Planning Work Session - Project Report.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 10:09 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their February 5, 2019 meeting as presented.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a

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motion by Commissioner Mitrecic, the Commissioners unanimously approved two out-of-state travel requests as follows. Kelly Rados, Special Events & Marketing Coordinator for Recreation and Parks, will attend the National Association of Sports Commission (NASC) Symposium from May 6-9, 2019 in Knoxville, Tennessee at a cost of \$1,275 for registration, flights, lodging and meals. Mr. Perlozzo will attend the S.P.O.R.T.S. Relationship Conference from September 9-12, 2019 in Panama City Beach, Florida at a cost of \$2,890 for registration, flights, lodging and meals. Mr. Perlozzo stated that the two conferences are valuable tools in gaining exposure for Worcester County and booking tournaments. In addition, both Ocean City and Wicomico County officials will be in attendance at both conferences representing Team Maryland and the Mid-Atlantic Amateur Sports Alliance (MAASA). Mr. Perlozzo advised that attendance at the NASC last year resulted in Recreation and Parks attracting three national events to the County, including a fast-pitch softball tournament and the Spartan Race, which is planned for October 5, 2019. He stated that, instead of continuing to send two staff members to one event, he proposed splitting them up between NASC and S.P.O.R.T.S. to increase their opportunities to attract new sports events to Worcester County.

Pursuant to recommendations from Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, with Commissioner Church recusing himself due to a potential conflict of interest, the Commissioners unanimously awarded the low bids for the Diakonia shelter renovation project to N.R. Harrison of Salisbury, Maryland in the amount of \$17,400 for the paving portion of the project, and Palmer's Appliances of Berlin, Maryland in the amount of \$1,598 for the commercial laundry appliances portion of the project. The Commissioners further agreed to rebid the remaining portions of the project, as no further competitive bids were received.

Pursuant to the request of Ms. Reynolds and upon a motion by Commissioner Mitrecic, with Commissioner Church recusing himself due to a potential conflict of interest, the Commissioners unanimously authorized Commission President Purnell to sign a letter of support for an application from Diakonia for a Support Services for Veterans Families program grant from the U.S. Department of Veterans Affairs.

Pursuant to the recommendation of Information Technology Director Brian Jones and upon a motion by Commissioner Bunting, the Commissioners unanimously awarded the best bid for performing Broadband Feasibility Study in the County to Columbia Telecommunications Corporation (CTC) of Kensington, Maryland at a total cost of \$60,000. Mr. Jones explained that CTC is among the most qualified of the seven organizations to bid on this project, has significant experience handling this type of work in Maryland, and comes highly recommended by the Governor's Office of Rural Broadband. Commissioner Elder thanked Mr. Jones for his efforts in putting this project together.

Upon a subsequent motion by Commissioner Bunting, the Commissioners further authorized staff to apply to the Governor's Office of Rural Broadband for a grant to cover up to 50% of the total cost of the feasibility study, which could reduce the cost to the County to \$30,000.

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Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the proposal from J. W. Salm Engineering, Inc. at a total cost of \$3,435 for engineering services to assist the Kitts Branch Board of Viewers to review and provide the Commissioners with recommendations concerning the proposal from Phil Houck, owner of property located in Berlin and identified on Tax Map 25 as Parcel 460, to relocate the Kitts Branch Tax Ditch, so that he may obtain the necessary regulatory permits to develop a commercial warehouse facility on his property. Mr. Mitchell stated that Mr. Houck will be responsible for covering this cost.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review and discuss a revised Building Permit Application form and a draft Single-Family Home Residential Fire Sprinkler Waiver form, which they had requested at their meeting on January 22, 2019 to allow property owners to opt out of the State requirement to install fire sprinklers in all new single-family homes. The Commissioners also reviewed a draft letter to the State advising of the effective date the new opt-out provision would take effect and seeking State comment on the opt-out waiver.

The Commissioners agreed that the decision whether to install fire sprinklers in single-family homes should be left to the homeowner and not mandated by State law, as requiring these systems in a rural county, like Worcester County, where public water supplies are limited, costs individuals building homes thousands of extra dollars in construction costs. These extra costs can prevent a first-time home buyer from purchasing a new home and negatively impact the County's economy, as neighboring states, Virginia and Delaware, do not have a fire sprinkler mandate. The Commissioners further agreed to establish an effective date of July 1, 2019 for the opt-out provision, after which the property owner building a new, single-family home may decide for themselves if they want to install such a system. Mr. Tudor suggested that the County could effectuate this change by having a check-off box on the building permit application for a residential sprinkler system waiver accompanied by a Single-Family Home Residential Fire Sprinkler Waiver form to be completed by the property owner, builder and applicant for a permit for a new single-family home.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a letter to Norman C. Wang, RA, the Building Codes Administration Director for the Division of Labor and Industry within the Maryland Department of Labor, Licensing and Regulation advising of the Commissioners' intent to institute a revised Building Permit Application form and a Single-Family Home Residential Fire Sprinkler Waiver form, which would allow property owners to opt out of the State requirement to install fire sprinklers in all new single-family homes effective July 1, 2019 and seeking State comment on their proposal on or before May 1, 2019.

The Commissioners reviewed and discussed outstanding board appointments.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to submit the name and resume of Martha Bennet of Berlin to Governor Larry J. Hogan for his consideration and appointment to the Worcester County Property Tax Assessment Appeal Board, which currently has one vacancy for a regular member and one vacancy for an alternate member.

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The Commissioners conducted a public hearing to receive public comment on a petition submitted by Attorney Hugh Cropper, on behalf of Silver Fox, LLC and Burbage Melson, Inc., property owners, and Sina Companies, LLC, contract purchaser to expand the Greater Ocean Pines Sanitary Service Area (SSA) to provide service for the proposed Atlantic General Hospital (AGH) Outpatient Center for potable water and sewer service from the Ocean Pines Sanitary Service Area (SSA). Mr. Mitchell advised that the property is located on the east side of MD Rt. 589 (Racetrack Road), north and east of its intersection with Gum Point Road and more specifically identified on Tax Map 21 as Parcel 66, Lots A and B. Mr. Mitchell stated that the expansion would include the purchase of 34 equivalent dwelling units (EDUs) for potable water and sewer service from the Ocean Pines SSA to serve the proposed 98,964-square-foot outpatient center, which according to the applicant's engineer, John Salm, will have no in-patient surgery, hospital beds, institutional beds, laboratory, dialysis, or swimming pool for physical therapy. He advised that the Planning Commission found the planning amendment to be consistent with the Comprehensive Plan, and staff found the application to meet the criteria established in Section PW 5-305 of the Public Works Article of the County Code.

Commissioner Purnell opened the floor to receive public comment.

Mr. Cropper requested the staff report and packet pertaining to the subject property be entered into evidence. He reviewed the proposed project and clarified that, though the outpatient center will not include inpatient surgery, it will provide up to two operating rooms for outpatient surgery. Mr. Cropper also noted that the site plan entered into evidence is for Lot 66A, and all 34 EDUs are to be allocated to this site. He explained that the proposal before them today does not include a site plan for Lot 66B, at this time, and the number of EDUs for that lot is yet to be determined.

In response to questions by Mr. Cropper, Mr. Mitchell confirmed that the Planning Commission and County staff found the project to be feasible from both an engineering and a financial standpoint.

Engineer Stacey Hart of Snow Hill reviewed plans to run a force main on MD Rt. 589 from the Ocean Pines SSA to provide sewer service to the proposed outpatient center.

AGH representatives Toni Keiser and Kim Justice confirmed that AGH is in support of the applicant on the application being considered today.

There being no further public comment, Commissioner Purnell closed the public hearing.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the request to expand the Ocean Pines Sanitary Service Area (SSA) to add the subject properties, on which Lot A is proposed for development of the AGH Outpatient Center with potable water and sewer service from the Ocean Pines SSA as presented, and agreed to sign the resolution at their next meeting on March 5, 2019.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review staff's recommendation to reject the two bids submitted to purchase the former Department of Liquor Control (DLC) warehouse in Snow Hill and to discuss other options to dispose of this property. Mr. Shannahan advised that the property was advertised for sale "as is and with all faults" at an asking price of \$990,000, in accordance with the recent appraisal. He advised that the County still owes a mortgage on this property of approximately \$444,000, and the two bids received were for \$9,000 to \$12,000 per acre from A-1 Mini Storage to purchase the

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vacant land only and for \$75,000 from ZST Rentals, Inc. both of which are substantially less than the asking price and will not even cover what the County owes on the property.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously rejected both bids and agreed to list the property for sale with a commercial real estate agent. In response to a question by Commissioner Bertino, Commissioner Church stated that the property is unique, but he believes it will eventually sell.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Attorney Hugh Cropper on behalf of ES Adkins and Company for allocation of 15 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve the former Island Oasis restaurant, located south of the Ocean City Airport on the east side of Lewis Road, the west side of Stephen Decatur Highway (MD Rt. 611), north of Assateague Road (MD Rt. 376), and directly across from Frontier Town Campground. The property is zoned C-2 General Business District and is designated S-1 (sewer service within two years) in the County Water and Sewerage Plan, but that designation does not guarantee any service or obligate the provision of services in that time frame. Mr. Shannahan stated that the property lies within the Landings SSA where it has a current allocation of 8 EDUs of sewer service to be provided by the Landings Wastewater Treatment Plant (WWTP), which would be sufficient to serve an 80-seat restaurant. The property also lies in an overlay zone within the Mystic Harbour SSA in Area 2 - Airport and South of Airport, East of Rt. 611, but was not planned for service from the Mystic Harbour SSA. Mr. Shannahan reviewed the background regarding the Mystic Harbour WWTP expansion and EDU allocation table. He then stated that there are 32 EDUs reserved for existing developed properties to replace septic systems as follows: Vacant or Multi-Lot properties (2), Assateague Greens Executive Golf Course (6), Bethany United Methodist Church (5), and Single Family Dwellings (19). He pointed out that the Lewis Road sewer extension project, which is planned to be served by the Landings WWTP, is the Commissioners' top Strategic Plan priority, and by eliminating service to the 8 EDUs planned for the subject property, the cost per EDU to serve the remaining properties in the Lewis Road sewer extension project will increase from approximately \$28,000 per EDU to approximately \$32,000 per EDU. This would cause the Lewis Road service area to suffer financially due to lost revenues and a reduction of the customer base needed to support the expansion project.

In response to a question by Commissioner Purnell, Environmental Programs Director Bob Mitchell stated that the original allocation of EDUs to reserve treatment capacity in the Landings WWTP were provided without cost to the Lewis Road area property owners. Commissioner Purnell stated that she could not support the request, as it could jeopardize the Lewis Road sewer extension project and make it financially burdensome to Lewis Road property owners.

Commissioner Bunting stated that he saw no negative effects on granting the request, as it would result in an additional eight EDUs being turned over to the County at the Landings. In response to a question by Commissioner Bunting regarding whether the Commissioners could approve this request by allocating a portion of the EDUs from the north area of the Mystic Harbour SSA, County Attorney Maureen Howarth advised that doing so would require the Commissioners to amend the EDU Allocation Table in the Water and Sewerage Plan. In response

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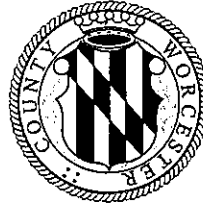
to an additional question by Commissioner Bunting regarding which category to award EDUs from for this project, Mr. Mitchell recommended the Vacant or Multi-Lot Properties category, not the Single Family Dwellings category, which is designated to transfer properties currently served by private septic to public sewer. In response to a question by Commissioner Bertino, Mr. Shannahan confirmed that allocating EDUs from the Mystic Harbour SSA to serve the subject property would negatively effect the Lewis Road sewer extension project, as there would be fewer customers to share the infrastructure cost and result in a higher cost per EDU for each of the remaining customers. He specified that the cost of \$1.76 million to provide the infrastructure to extend services to those properties on Lewis Road must be paid equally by the owners of the 63 EDUs who would benefit from that sewer. By removing eight EDUs from the Lewis Road sewer extension project, the project would then have to be paid equally by the owners of only 55 EDUs.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 5-2, with Commissioners Bertino and Purnell voting in opposition, to approve Option 2 for 15 EDUs of sewer service to be allocated from Area 2 (South) of the Mystic Harbour SSA to serve the ES Adkins and Company property, with 14 EDUs from the Commercial Infill South of the Airport category and one EDU from the Vacant or Multi-Lot Properties category.

Upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to send a letter to Acting Secretary of the Interior David Bernhardt advising that the Commissioners oppose offshore drilling and seismic airgun blasting in the waters off the Delmarva Coast and specifically in the vicinity of Ocean City and Assateague Island State and National Parks and to seek his support to remove the Mid-Atlantic Planning Area from consideration in the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program and to deny any seismic airgun surveys for oil and gas off the Delmarva coast.

The Commissioners answered questions from the press, after which they adjourned to meet again on March 5, 2019.

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JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

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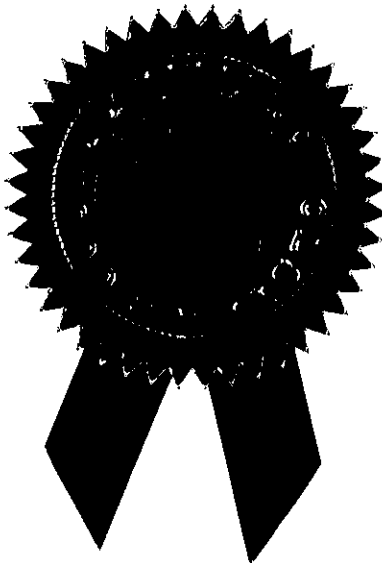
PROCLAMATION

WHEREAS, this Women's History Month, we honor the momentous achievements of American women who have fought to overcome discrimination, challenged injustice, and pioneered policies that benefit women, working families and all to shape a more just society; and

WHEREAS, women, many of whom are the primary breadwinners, account for roughly 50% of the nation's workforce today. In their determination to progress, women fought to secure equal pay for equal work and shattered glass ceilings, to widen the circle of opportunity for all. Their contributions have strengthened our local, state, and national economies and led to diverse advances in areas like math, science, technology, engineering, and politics.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby proclaim March 2019 as **Women's History Month** and encourage the citizens of Worcester County to build upon the legacy of these exemplary mothers, sisters, wives, and daughters who continue to shape our nation.

Executed under the Seal of the County of Worcester, State of Maryland, this 5th day of March, in the Year of Our Lord Two Thousand and Nineteen.



Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

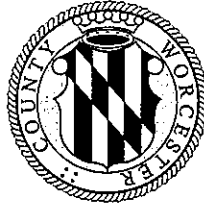
James C. Church

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Citizens and Government Working Together

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JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

PROCLAMATION

WHEREAS, this March, National Social Work Month, we recognize the dedicated professionals serving with the Worcester County Department of Social Services (DSS) whose contributions enhance the well-being and meet the basic needs of all people, especially the vulnerable, oppressed, and impoverished; and

WHEREAS, this year's Social Work Month theme, "Elevate Social Work" serves to spotlight the extraordinary efforts of DSS professionals to empower people, equip them to solve problems, to cope with personal roadblocks, and to obtain needed resources.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby proclaim March 2019 as **National Social Work Month** and honor the Worcester County DSS professionals who are striving to improve lives locally.

Executed under the Seal of the County of Worcester, State of Maryland, this 5TH day of March, in the Year of Our Lord Two Thousand and Nineteen.



Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

Citizens and Government Working Together



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau

Philadelphia Regional Census Center
Philadelphia, PA 19103-1601

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February 14, 2019

Mr. Kelly Shannahan
Assistant Chief Administrative Officer
Worcester County Administration
Room 1103 Government Center
One West Market St.
Snow Hill, MD. 21863

Subject: Request for time on Worcester County Commissioner Meeting Agenda

Dear Mr. Shannahan,

With due respect, it is to say that I, Jillian Cordova represent the U.S. Census Bureau Partnership Specialist program for the 2020 Census. My team and I had the pleasure to meet with Mrs. Kelly Henry on Wednesday February 13th, 2019 to briefly discuss upcoming operations for the 2020 Census. It was recommended that the next best course of action would be to do 2020 Census briefing for the Worcester County Commissioners and other local government representatives, public leaders, civic organization leaders and volunteers to discuss the value in developing a complete count committee. *

Kindly, I am requesting time at the County Commissioners meetings on March 5th if possible. Please do not hesitate to reach out to me to discuss this further.

Thank you so much for your valuable time.

Sincerely,

Jillian Cordova

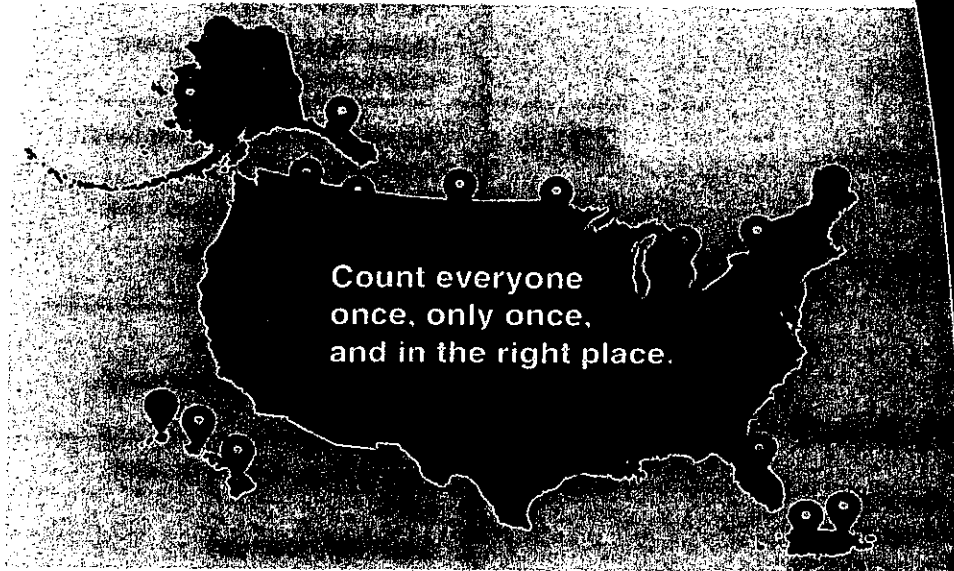
Partnership Specialist

U.S. Census Bureau- Philadelphia Region

Jillian.cordova@2020census.gov

Cell # 443-736-0083

The 2020 Census at a Glance



The U.S. Constitution requires that each decade we take a count—or a census—of America’s population. The 2020 Census goal is to count everyone once, only once, and in the right place.

The census provides vital information for you and your community.

- It determines how many representatives each state gets in Congress.
- Communities rely on census statistics to plan for a variety of resident needs including new roads, schools, and emergency services.
- Businesses use census data to help provide more local jobs and places to shop.

Each year, the federal government distributes hundreds of billions of dollars to states and communities based on U.S. Census Bureau data.

In 2020, we will introduce new technology to make it easier than ever to respond to the census. For the first time, you will be able to respond online, by phone, or by mail. We will use data that the public has already provided to cut down on household visits. And, we are building a more accurate address list and automating our field operations—all while keeping your information confidential and safe.

The Census Bureau is the leading source of statistical information about the nation’s people. We provide snapshots on population size and growth and detailed portraits of our changing communities.

Foundation of a Successful Census



Establish Where To Count

- Using aerial imagery and in-field work to identify new homes and buildings.
- Partner with U.S. Postal Service.
- Local government input through the Boundary Annexation Survey and Local Update of Census Addresses.
- Comprehensive review of all addresses.



Motivate People To Respond

- Partner with community leaders and trusted voices.
- Use tailored messages.
- Encourage self-response.

4 5 6 7 Count The Population

- Respond online, by phone, or by mail.
- Visit households that do not respond.
- Online forms in multiple languages.
- Mailed Individual Census ID is not required for online response.



Release Census Results

- Deliver apportionment counts to the President by December 31, 2020.
- Release counts for redistricting by April 1, 2021.
- Make it easier for the public to access data.

United States
Census
Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov





Become a 2020 Census Partner

Your partnership sends a strong message to your community about the importance of the census and the benefits of being counted. By partnering with the Census Bureau, you can help:

- Assure people that it is important—and safe—to respond to the census.
- Ensure accurate census data, which guide funding decisions for your community and affect your community's representation in Congress.
- Spread the word about temporary census jobs in your community.



Get Involved: What Can You Do Now?

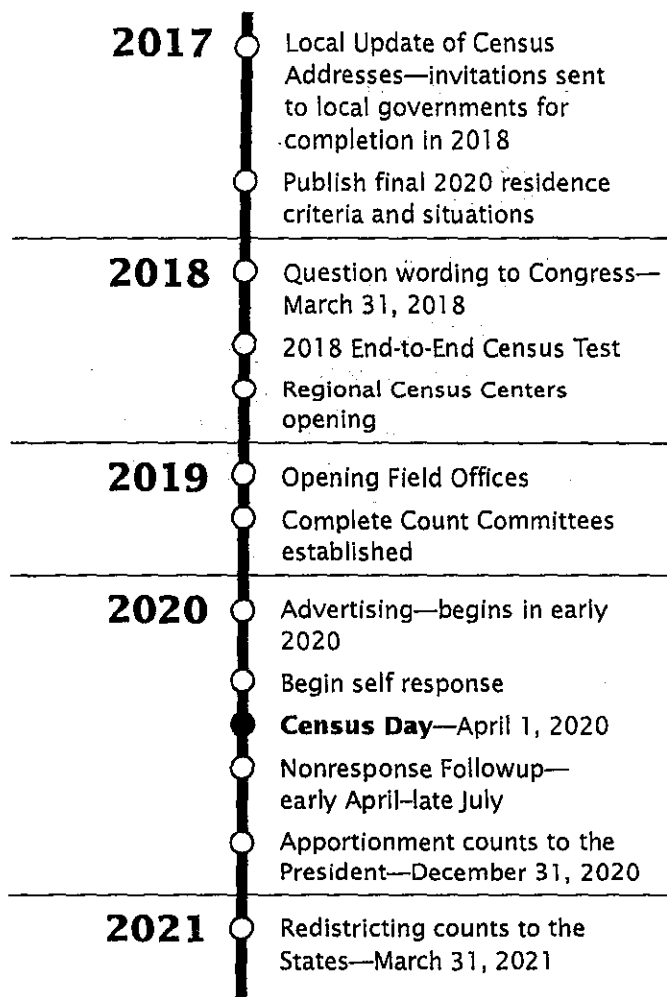
- Create or join a Complete Count Committee and partner with other trusted voices and influential leaders in your area who are committed to increasing census participation. Encourage your peers to get involved too.
- Raise awareness by including census information in newsletters, social media posts, podcasts, mailings, and on Web sites.
- Help recruit census workers when jobs become available.



You can make a difference

As an influential community, business, or organization leader, you can raise awareness and encourage participation.

Key Dates



For more information, go to census.gov.

To get involved in your community, contact us!



County Complete Count Committee

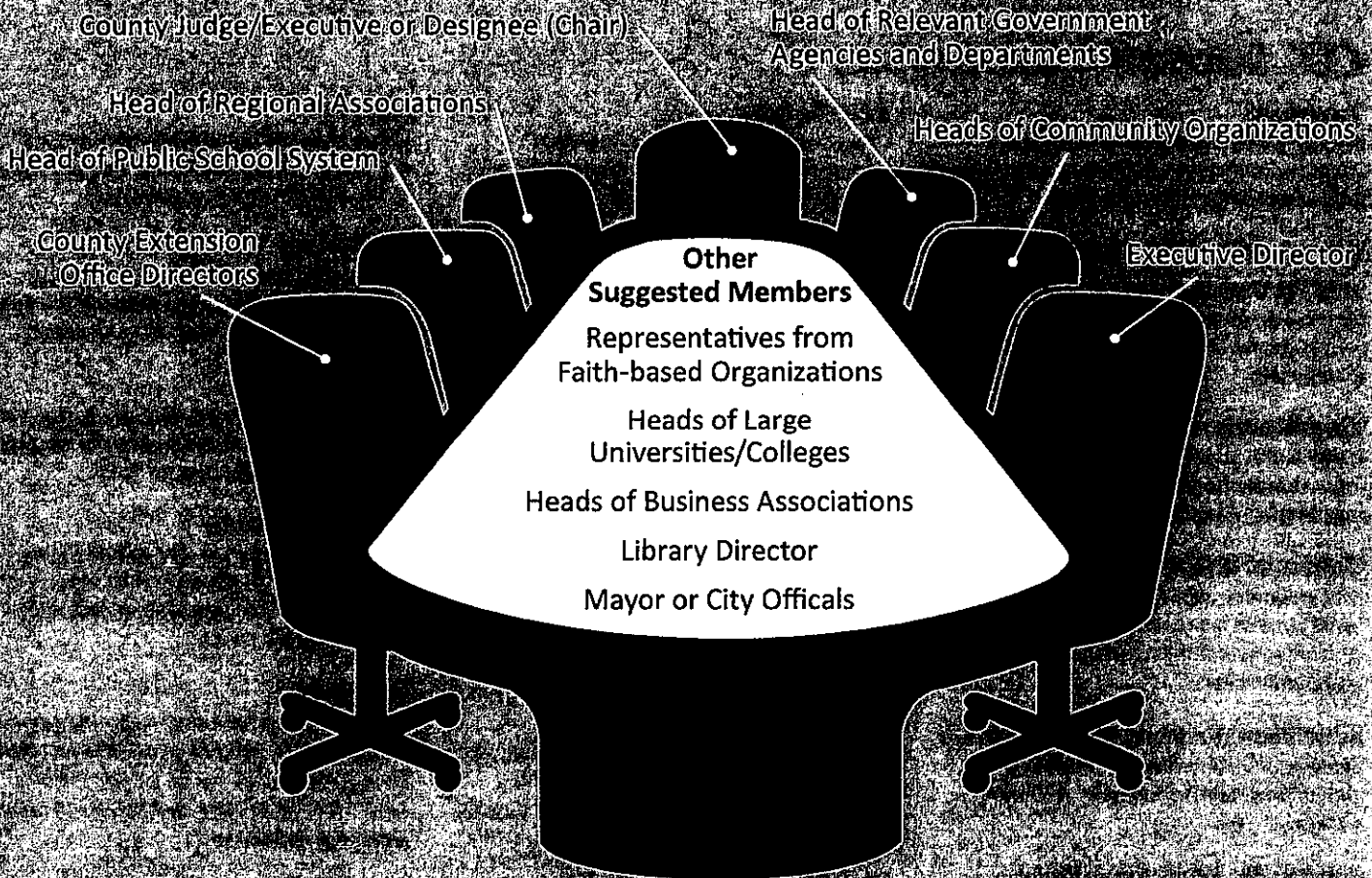
A Complete Count Committee is a mutually beneficial partnership – at the highest level—within each county. The County Judge/Executive often appoints members of the Complete Count Committee (CCC). Committees consist of influential community leaders who are charged with developing a census awareness campaign that:

- Communicates the importance of the census through local messaging.
- Raises awareness of the census throughout the county.
- Motivates every household in the county to participate in the census by completing the questionnaire thoroughly and in a timely manner.
- Increases the county's self-response rate.

The size of the Complete Count Committee is determined by each county. In addition, County Judge/Executive and county officials may allocate funding to support the activities of the CCC. Counties view this funding as a sound investment in the future. Failure to count residents could result in a substantial loss of revenue for the next decade.

Suggested County CCC Membership

Partnership Specialist is advisor and Census Liaison



Key Communications Phases



Education Phase (2018— 2019)

The education phase is often referred to as the “Raising Census Awareness” phase. The message to each community member is that the census is a civic activity that affects people of all ages, races, cultures, and ethnicities. This is the period to strongly emphasize the many uses of census data and highlight specific local examples of how census data benefits a community.

Promotion Phase (April 2019—January 2020)

The promotion phase of the 2020 Census officially starts on April 1, 2019, a year out from Census Day. This phase overlaps with the education phase. The theme of this phase is “The 2020 Census is Coming.” During this period, CCCs implement activities through their government, faith- and community-based organization, business, media, and recruitment partners. An effective strategy guarantees that community residents will encounter census messages during times of work, play, leisure, school, and worship.

Motivation/Action Phase (February 2020—June 2020)

The motivation/action phase starts in February 2020, intensifies in March 2020, and reaches its peak on Census Day—April 1st, 2020. The theme of this phase is “Be Counted for Your Community” and the focus is to motivate each household to take ownership of the census and make a conscious decision to participate. The non-response follow-up operation will be the focus toward the end of this phase, and the message to the community will change, encouraging households to “Cooperate with Census Takers”.

CCC Subcommittee types

Business

Involving a community’s business sector creates a unifying element that touches every household within the community.

Communications, Media and Technology

Assists community organizations in utilizing census toolkit materials and enables them to innovate.

Community Organizations

Community organizations provide outreach opportunities for a broad spectrum of residents of all ages, races and backgrounds.

Data and Maps

Understanding where hard-to survey areas exist is important to direct subcommittee activities toward the correct populations and geographic areas.

Education (Preschool – Grade 12)

Reaches U.S. households through schools and helps create a generation of future self-responders.

Education (Post Secondary)

Works with university housing to obtain administrative records for group quarters; educates off-campus students to participate accurately.

Ex-offender

The ex-offender population is sizable and is often disenfranchised from the community and hard to track.

Faith-based

Faith-based organizations are found in every community and maintain interactive and ongoing communications with their members.

Government

Leveraging the ability of local government to provide knowledge of the population, organizations, and institutions is essential to an accurate count.

Group Quarters

Because of the limited access to most group quarters, cooperation from the institutions is vitally important to achieve an accurate count.

Homeless

In the 2010 Decennial Census, the count was 209,325 for persons counted at shelters, outdoor locations, soup kitchens and mobile food vans.

Immigrant

One of the serious challenges for a Census enumerator is encountering housing units where no one in the household speaks English.

Library

Urban Libraries Council says libraries are the “most trusted government entity”, poised to be pivotal for civic engagement.

Recruiting

Reaching all members of the workforce community enhances the ability of the Census to plug into existing recruiting resources.

Senior Citizen

Although a high responding group, the trend towards reduced home ownership may create enumerating challenges for field.

Special Housing

The rental population will exceed a third of the entire U.S. population by 2020. No matter the housing type, access is vital for an accurate count.

Veterans

Over 22 million veterans living in the United States present a sizable population distributed throughout the 50 states. Former military personnel can provide leadership and excellent recruiting assistance.

The 2020 Census is almost here!

The 2020 Census provides an opportunity for everyone to be counted. Tribal, state, and local governments; community-based organizations; faith-based groups; schools; businesses; the media; and others play a key role in developing partners to educate and motivate residents to participate in the 2020 Census.

When community members are informed, they are more likely to respond to the census. Through collaborative partnerships, the U.S. Census Bureau and community leaders can reach the shared goal of counting EVERYONE in 2020.

The Complete Count Committees (CCC) program is key to creating awareness in communities all across the country.

- CCCs utilize local knowledge, influence, and resources to educate communities and promote the census through locally based, targeted outreach efforts.
- CCCs provide a vehicle for coordinating and nurturing cooperative efforts between tribal, state, and local governments; communities; and the Census Bureau.
- CCCs help the Census Bureau get a complete count in 2020 through partnerships with local governments and community organizations.

Get Started

WHO?

Tribal, state, and local governments work together with partners to form CCCs to promote and encourage response to the 2020 Census in their communities. Community-based organizations also establish CCCs that reach out to their constituents.

WHAT?

A CCC is comprised of a broad spectrum of government and community leaders from education, business, healthcare, and other community organizations. These trusted voices develop and implement a 2020 Census awareness to encourage a response campaign based upon their knowledge of the local community.

WHEN?

The formation of CCCs is happening NOW! Leaders are identifying budget resources and establishing local work plans. In 2020, they will implement the plans and lead their communities to a successful census count.

WHY?

The primary goal of the 2020 Census is to count everyone once, only once, and in the right place.

Community influencers create localized messaging that resonates with the population in their area. They are trusted voices and are best suited to mobilize community resources in an efficient manner.

HOW?

It's up to all of us! CCCs know the best way to reach the community and raise awareness. Some activities could include:

- Holding CCC kickoff meetings with media briefings.
- Participating in Census rallies or parades.
- Coordinating Census unity youth forums.
- Hosting Interfaith breakfasts and weekend events.
- Encouraging the use of Statistics in Schools classroom resources.
- Incorporating census information in newsletters, social media posts, podcasts, mailings, and websites.
- Helping recruit census workers when jobs become available.

Contact Information

For additional information about the Complete Count Committees program, please contact your regional census office.

Complete Count Committees

2020 Census Timeline

2018

- Tribal leader, governor, or highest elected local official or community leader determines Complete Count Committees (CCCs) structure.
- CCCs receive 2020 Census training.

2019

- Continue establishing CCCs.
- Open field offices.
- CCCs develop strategy and work plan.

2020

- CCCs begin community organization mobilization.
- 2020 Census advertising campaign begins in early 2020.
- CCCs support the 2020 Census.
- CCCs encourage self-response.

April 1, 2020 – CENSUS DAY

- CCCs urge households who do not respond to cooperate with census takers.

Please contact:

ATLANTA
Atlanta.rcc
.partnership
@2020census.gov

CHICAGO
Chicago.rcc
.partnership
@2020census.gov

DALLAS
Dallas.rcc
.partnership
@2020census.gov

LOS ANGELES
Los.Angeles.rcc
.partnership
@2020census.gov

NEW YORK
NewYork.rcc
.partnership
@2020census.gov

PHILADELPHIA
Philadelphia.rcc
.partnership
@2020census.gov

If you reside in:

Alabama, Florida,
Georgia, Louisiana,
Mississippi,
North Carolina,
and South Carolina

Arkansas, Illinois,
Indiana, Iowa,
Michigan, Minnesota,
Missouri, and
Wisconsin

Arizona, Colorado,
Kansas, Montana,
Nebraska, New
Mexico, North
Dakota, South
Dakota, Oklahoma, Texas,
Utah, and Wyoming

Alaska, California,
Hawaii, Idaho,
Nevada, Oregon,
and Washington

Connecticut, Maine,
Massachusetts, New
Hampshire, New Jersey,
New York, Rhode Island,
Vermont, and Puerto Rico

Delaware, District of
Columbia, Kentucky,
Maryland, Ohio,
Pennsylvania, Tennessee,
Virginia, and West Virginia



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TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



4

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
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Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 28, 2019

TO: County Commissioners
Harold L. Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer *Kathy*
RE: FY2020 Budget Requests- Municipalities and Ocean Pines

Attached please find the Fiscal Year 2020 letters from the Towns and Ocean Pines: Pocomoke City, Snow Hill, Berlin and Ocean Pines Association. We have scheduled to meet with the Towns and Ocean Pines Association at 10:30 a.m. on Tuesday, March 5, 2019 to discuss their grant requests.

Also included is the following:

- Page 2 Attachment A: -FY19 tax rates for the municipalities
- Page 3 Attachment B: -FY20 constant yield tax rates for municipalities as provided by Maryland Department of Assessments & Taxation
- Page 4 Attachment C: FY20 letter sent in January, 2019 (Pocomoke City attached)
- Behind each Town and Ocean Pines Association letter is a worksheet which summarizes the FY19 total paid County grants and pass thru monies and FY20 Request:
Page 5 Pocomoke City
Page 8 Town of Snow Hill
Page 12 Town of Berlin
Page 14 Ocean Pines Association
Page 18 Ocean City

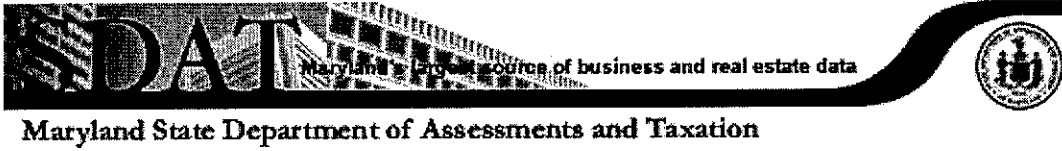
:kw
Attachments

H:\FY20 Budget\Towns\townrequest meeting memo to comm.doc

Citizens and Government Working Together

1

Attachment A



Below is a list of counties in Maryland, and their property tax rates in effect on July 1, 2018. *All rates are shown per \$100 of assessment.

Municipal Tax Rates

	FY2019		
JURISDICTION	REAL	PERSONAL	UTILITY
Berlin	.68	1.70	1.70
Ocean City	.4656	1.29	1.29
Pocomoke City			
Owner	.9375	0	0
Non-Owner	1.1311	2.0	2.40
Snow Hill	.86	1.82	1.82
STATE	.112	0	.28

CONSTANT YIELD TAX RATE 2019

This is a summary of the constant yield tax rate certification (CYTR) sheets that were emailed to local governments on Tuesday, February 14, 2019. The constant yield tax rate is the tax rate that a jurisdiction would have to impose in order to obtain the same amount of property tax revenue in fiscal year 2020 as it received in fiscal year 2019. If a jurisdiction plans to set a tax rate higher than the constant yield rate, the jurisdiction must advertise the tax increase and hold a public hearing before setting the tax rate for fiscal 2020. Municipalities are exempt from these requirements if maintaining the same tax rate would raise less than \$25,000 more revenue in fiscal 2020 than in fiscal 2019. In some parts of some counties, there may be additional taxes levied for special purposes. These tax levies are not included in these tax rates.

Jurisdiction	7/1/2018 Net Assessable Real Property Base		7/1/2018 Tax Rate	=	7/1/2018 Potential Revenue	÷	7/1/2019 Net Assessable Real Property Base	=	7/1/2019 Constant Yield Tax Rate
Berlin	428,374,870	X	0.6800	=	2,912,949	÷	436,263,101	=	0.6677
Ocean City	8,826,691,044	X	0.4656	=	41,097,074	÷	8,963,818,247	=	0.4585
Pocomoke City -Owner Occupied	95,638,448	X	0.9375	=	896,610	÷	95,656,266	=	0.9373
Pocomoke City -NonOwner Occupied	143,501,395	X	1.1311	=	1,623,144	÷	143,527,320	=	1.1309
Snow Hill	106,469,003	X	0.8600	=	915,633	÷	109,000,012	=	0.8400

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



Attachment C

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
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COUNTY COMMISSIONERS

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CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 10, 2019

Mr. Robert L. Cowger Jr., Town Manager
Pocomoke City Mayor & Council
P. O. Box 29
Pocomoke City, MD 21851

Dear Mr. Cowger:

The County Commissioners cordially invite you and the Mayor and Council to our usual meeting with municipal officials to discuss grant requests on Tuesday, March 5, 2019 at 10:30 a.m. in the Commissioners Meeting Room of the County Government Center.

We recognize the County's obligation to provide a certain level of service to the citizens of Worcester County and it is our hope to be able to provide some level of funding to each of the municipalities. Please submit your request for any County grant funding to our Budget Officer, Kathy Whited, by Friday, February 22, 2019.

The Commissioners and I will do our very best to ensure that the financial resources available to the County are allocated in a manner, which will bring about the best possible service to all of the people.

Sincerely,

Diana Purnell
President

DP/kw

POCOMOKE CITY, MARYLAND

MAYOR

BRUCE A. MORRISON

mayormorrison@pocomokemd.gov

CITY MANAGER

ROBERT L. COWGER, JR.

bobby@pocomokemd.gov



CITY COUNCIL

DIANE DOWNING

TODD J. NOCK

GEORGE TASKER

ESTHER TROAST

DALE TROTTER

Worcester County Commissioners

Budget Request FY 19/20

Dear Harold;

Kathy

We thank you again for the opportunity to present our budget requests for County Funding for the FY 19/20. The Mayor and Council of Pocomoke City certainly understand and relate to the difficulties in trying to fund requests with limited revenues. Therefore, our requests from the County for this coming year will be limited to our past level of funding assistance as described below.

- In unrestricted grant money the County approved \$465,000.00 for the FY 18/19, the City would like to request you match that amount again. These funds are extremely important to the City General Fund expenditures that help support our Police Dept., Public Works Department, and the future Economic and Development of our City.
- In restricted Fire grant of \$55,000.00 based on the number of out of town fire calls, the City would like to request you match that grant amount again. This funding is a much needed additional source of revenue that is important to the Pocomoke City Fire Department to assist in funding of much needed equipment and supplies.
- Ambulance Grant based on the County funding formula, the City would like to request you match that grant again. This funding is a very vital part of the operations of our Ambulance Company. The City would not be able to provide the quality of service to the community without this funding.
- The Commissioners have in the past approved a grant for \$40,000.00 to the Discovery Center and \$15,000.00 to the Marva Theater which continues to provide a very vital service to visitors and residents of Pocomoke City. We would appreciate you considering again funding these 2 requests.

In addition to these past level of funding items we would like to enlighten the commissioners on a few other projects the City has taken on and doing as in

"Friendliest Town on the Eastern Shore"

CITY HALL • P.O. BOX 29 • POCOMOKE CITY, MARYLAND 21851
PHONE 410.957.1333 • FAX 410.957.0939 • www.pocomokemd.gov

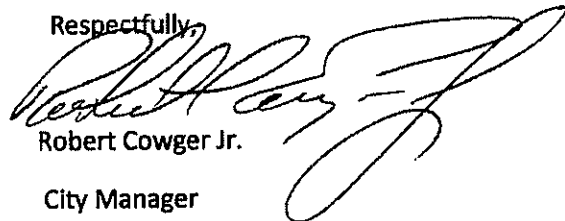
house funding on these projects due to emergency situations that time prohibits us to apply and wait for possible grant funding.

- The City is doing emergency lift station repairs on 4 of its major lift stations in town. These lift stations move the majority of the sewage waste across town to the main pumping station then to the waste water plant. The four lift stations under emergency repair and to get repaired and replaced over the next 6-8 months will be costing the City approximately \$400,000.00. If these lift stations are not repaired immediately the City could acquire large fines from MDE and a major contamination of sewage running down our streets. The drawings are done and permits applied for. Construction will begin immediately when permits are approved.
- The river side boardwalk along the restaurant is experiencing major erosion to its banks. This erosion is washing out under the restaurant and deck areas. When the boardwalk was installed 30 + years ago no bulkhead was installed prior. Now the entire boardwalk needs removing and bulkhead installed then the boardwalk replaced. An emergency permit due to public safety has been applied for and is waiting approval. Cost of this construction is approximately \$360,000.00. Grant approval would take a minimum of 1 year for approval.

The City certainly does not expect the County to be able to fully fund these projects however any assistance that could be considered would be greatly appreciated.

Again, on behalf of the Mayor and Council of Pocomoke City we thank you very much for your past support and assistance to our City and we hope to continue to work together to improve the quality of life for the residence of Pocomoke and Worcester County. We look forward to meeting with the Commissioners on March 5, 2018 so we can discuss these funding requests with you in more detail.

Respectfully,



Robert Cowger Jr.

City Manager

**GRANTS TO TOWNS - FY2020
Request - Feb 2019**

	<u>Pocomoke City FY19 Approved</u>	<u>Pocomoke City FY20 Request</u>
COUNTY GRANTS TO TOWNS		
Unrestricted Grant	465,000	465,000
Lift Station Repairs		
River side boardwalk bulkhead		
Ambulance Grant- Vol Fire Co ***Included in 1105 Budget	471,769	472,989
Restricted Fire Grant	28,000	56,000
	964,769	993,989
* Cnty Grant Vol. Fire Dept - based on code	206,214	212,159
(1) Supplemental Cnty Grant Vol. Fire Dept	43,786	37,841
Sub-Total County Grants & Debt	1,214,769	1,243,989
Tourism Marketing On-Behalf	4,500	4,500
SHARED REVENUES		
* Income Tax	245,000	245,000
* Liquor License Distribution	7,031	7,031
	252,031	252,031
STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	31,895	33,219
* Fire Co. Aid-State Pass Thru Towns-est	869	887
TOTAL	\$ 1,504,064	\$ 1,534,626

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY19 and FY20 Request



MAYOR AND COUNCIL OF SNOW HILL

February 20, 2019

Ms. Diana Purnell, President
Worcester County Government Building
One W. Market Street
Snow Hill, Maryland 21863

Dear Commissioner Purnell:

Thank you for the opportunity to present our requests for County Funding for FY19-20. We recognize that small municipalities are economically restricted; however, as the County Seat we feel it is a priority for us to provide the best service to our citizens and to offer a viable community for visitors and prospective residents. These efforts are made possible through your generous assistance.

We would like to request the following funding amounts for Fiscal Year 2019-2020:

- \$500,000 in unrestricted grant funding
- \$175,000 payment in lieu of taxes
- \$100,000 – one-time grant to assist with infrastructure needs, to be used toward road paving projects
- \$75,000 – one-time grant to assist with the establishment of the butterfly house in Sturgis Park

Unrestricted Grant - Our grant request this year is slightly more than that of years before, using monies toward significant ventures, such as infrastructure repair and the addition of necessary projects, such as reduction of vacant and blighted houses.

Payment In-Lieu of Taxes – The Town of Snow Hill currently has ninety-two (92) tax-exempt properties, 23 of which are owned by Worcester County. We greatly appreciate the \$150,000 that you provided last year in-lieu of taxes; however, the actual total taxes that we would receive from the County-owned properties would be \$320,209.82. This is a deficit that would significantly assist the town with the infrastructure projects that we need to proceed with, which is why we are requesting an increase in the amount by \$25,000 over last year.

Paving Projects - Street repairs and water/sewer line replacement continue to be a main focus in town to provide the citizens safe roadways for travel and reliable infrastructure to meet everyone's needs. Road safety is a main priority, as Snow Hill has many daily travelers for work

and business needs, as well as the visitors that frequent downtown and our public parks. Last year you generously provided \$63,425 toward the paving project on Coulbourne Lane and this year we would like to focus on another large section of roadway that needs to be repaved and have the water and sewer lines replaced. An average road costs \$300,000 to fully repair and replace lines and repave. Your contribution would allow us to continue toward our goal of overall street safety in town for travelers.

Native Butterfly House – The Town of Snow Hill and the Lower Shore Land Trust have partnered on a project designed to educate community members and visitors to the town about the importance of pollinators and their associated habitat through signage, educational programming and the installation of a pollinator habitat and native butterfly house in Sturgis Park. This project will not only bring visitors to the town, as this will be the only butterfly house in our area, but it will educate and encourage people to use native plantings, rain barrels, and rain gardens. The butterfly house will accommodate tours for the local schools and various groups. We believe this will be a significant tourism enhancement for Snow Hill and Worcester County. *(Please see attached photographs from Ladew Gardens in Monkton, Maryland, as an example of our vision).*

We continue to champion that the Video Lottery Grants, currently distributed in northern Worcester County, should include Snow Hill and Pocomoke. Having this legislation changed would afford all the municipalities to benefit financially.

We are very appreciative of the funding you continue to provide to Snow Hill. It greatly assists us with many of the functions that are necessary to maintain our municipality, namely infrastructure and downtown revitalization. Of course, if the amount provided to local governments is increased in the future, we request that Snow Hill be included.

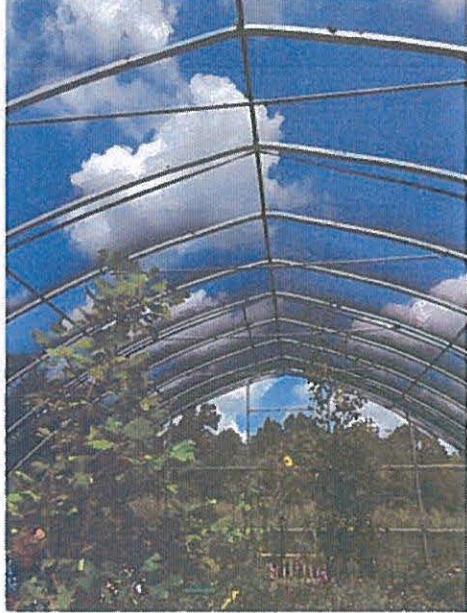
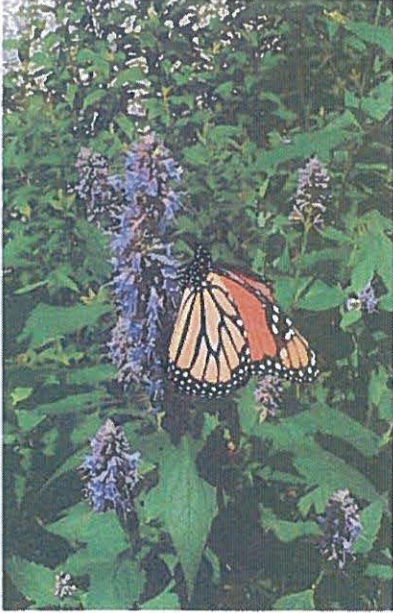
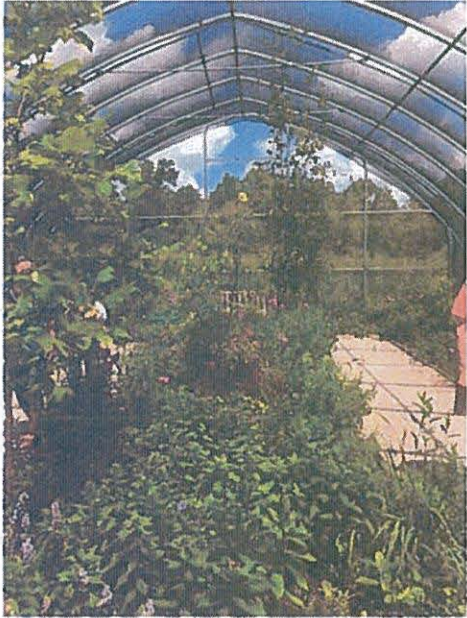
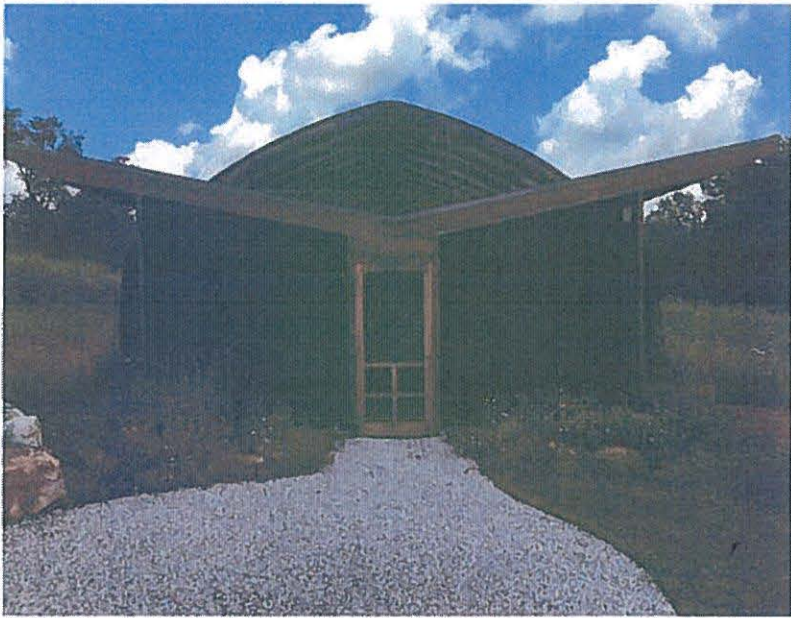
On behalf of the Town Council and myself, we thank you for your time and consideration of this request. We look forward to meeting with you on March 5, 2019 to discuss our request in more detail and answer any questions that you may have.

Sincerely,



Stephen R. Mathews
Mayor

Butterfly House
Ladew Gardens – Monkton, Maryland



GRANTS TO TOWNS - FY2020
Request - Feb 2019

	Snow Hill FY19 Approved	Snow Hill FY20 Request
<u>COUNTY GRANTS TO TOWNS</u>		
Unrestricted Grant	465,000	500,000
Other Grants - in lieu	150,000	175,000
Coulbourne Lane Paving	63,425	-
Infrastructure - Road Paving		100,000
Sturgis Park Butterfly house	-	75,000
Restricted Fire Grant	68,000	79,000
	746,425	929,000
* Cnty Grant Vol. Fire Dept	206,214	212,159
(1) Supplemental Cnty Grant Vol. Fire Dept	43,786	37,841
Ambulance Grant- Vol Fire Co ***Included in 1105 Budget	492,292	472,989
	742,292	722,989
Sub-Total County Grants & Debt	1,488,717	1,651,989
Tourism Marketing On-Behalf	4,500	4,500
<u>SHARED REVENUES</u>		
* Income Tax	125,000	125,000
* Liquor License Distribution	4,688	4,688
	129,688	129,688
<u>STATE AID PASS THRU</u>		
* Fire Co. Aid-State Pass Thru Vol Fire-est	31,895	33,219
* Fire Co. Aid-State Pass Thru Towns-est	818	37
TOTAL	\$ 1,655,618	\$ 1,819,433

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY19 and FY20 Request



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



'America's Coolest Small Town'

Mayor
Wm. Gee Williams, III

Vice President
Elroy Brittingham, Sr.

Council Members
Dean Burrell, Sr.
Troy Purnell
Thomas L. Gulyas
Zackery Tyndall

Town Attorney
David Gaskill

Town Administrator
Laura Allen



February 22, 2019

Hon. Diana Purnell, President
Worcester County Commissioners
1 Market St. Room 1103
Snow Hill, MD 21863

Dear Commissioner Purnell:

I am writing on behalf of the Mayor and Council to make the Town of Berlin annual request for grant funding from the Worcester County Commissioners for Fiscal 2020.

We appreciate the financial support we have received from Worcester County and feel that our ongoing investments in infrastructure, public safety and public facilities has been money well spent.

In addition to these continuing obligations and opportunities the Town of Berlin is under significant financial stress as we contend with ever increasing costs for these very essential needs. The demands on our budget have accelerated during the past year as we spent much money and time seeking to work with the Berlin Fire Company on helping them meet greatly increasing cost in providing Emergency Medical Services to the citizens and property owners of Berlin.

In our current budget (FY 19) our annual grant to the Berlin Fire Company was increased from \$400,000 to \$605,000. To be able to continue this level of funding plus address increasing cost of other essential services, the Town of Berlin is instituting increases in our municipal property tax rates, and the fees for our sewer, water and stormwater utilities.

We are also cutting our operational budgets by at least 10 percent across the board. Even with the additional commitment from our town taxpayers and utility customers the Town of Berlin needs an increase in our annual grant from Worcester County. We respectfully request an annual grant of \$500,000 from the County Commissioners for our FY 20 budget.

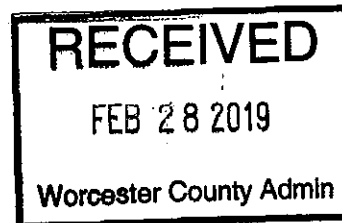
As always, we are all committed to creating economic opportunities, responsibly maintaining our infrastructure and our absolute commitment to public safety (police, fire and EMS) while also maintaining a quality of life which has been the result of generations of effort and we continue to believe is our greatest asset.

Thank you for your consideration of this year's grant request.

Sincerely,

Wm. Gee Williams, III
Mayor

Cc: Town Council Members
Laura Allen, Town Administrator
Natalie Saleh, Finance Director



GRANTS TO TOWNS - FY2020
Request - Feb 2019

	Berlin FY19 Approved	Berlin FY20 Request
COUNTY GRANTS TO TOWNS		
Unrestricted Grant	465,000	500,000
Restricted Fire Grant	234,000	195,000
	699,000	695,000
* Cnty Grant Vol. Fire Dept	206,214	212,159
(1) Supplemental Cnty Grant Vol. Fire Dept	43,786	37,841
Ambulance Grant- Vol Fire Co ***Included in 1105 Budget	626,452	652,164
	876,452	902,164
Sub-Total County Grants & Debt	1,575,452	1,597,164
Tourism Marketing On-Behalf	4,500	4,500
SHARED REVENUES		
* Income Tax	422,000	422,000
* Liquor License Distribution	20,438	20,438
	442,438	442,438
STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	31,895	33,219
* Fire Co. Aid-State Pass Thru Towns-est	14,050	9,281
TOTAL	\$ 2,068,335	\$ 2,086,602

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY19 and FY20 Request



OCEAN PINES ASSOCIATION, INC.

239 Ocean Parkway • Ocean Pines, Maryland 21811
Telephone: 410-641-7717 • Fax: 410-641-5581

February 21, 2019

Ms. Kathy Whited, Budget Officer
Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863

Dear Ms. Whited:

This request is being submitted to you in accordance with the letter from President Diana Purnell. President Purnell asked that the Association provide information on funding requests as a beginning step to developing the Worcester County Budget for the coming fiscal year.

Ocean Pines contains 8,452 properties with a year-round population of about 12,000, and thus represents a significant percentage of the overall county population. In addition to the county residents that live and own property in Ocean Pines, the Association shares the use of its physical assets with thousands of guests who come to the area to visit each year. These physical assets include our eighty-two miles of road and associated bridges, five pools, golf course, restaurants, and multiple parks and playgrounds. There are also many services that the Association provides to the residents of the county when they are in Ocean Pines – public safety services, and parks & recreation programming, including dozens of classes for physical fitness and wellness as well as educational forums.

The summary information noted above is the references regarding our request for funding. We believe the Commissioners and other members of the leadership team can recognize the Association for the asset that it is to the County through its consideration of funding for this upcoming year.

To better relate our funding request to the County's budget structure, the requests fall into three categories: Public Safety, Roads and Bridges, and Tourism/Parks and Recreation.

Public Safety

The County has consistently provided grant funding for the dedicated purpose of supporting the Ocean Pines Police Department. We appreciate this financial support and request that the County continue to provide a level of funding commensurate with the importance of this public safety service.

Service calls generated by citizens and police personnel in the field included both criminal and non-criminal incidents. The annual OPPD report shows that there was a 10 percent increase in calls from 2017 to 2018 – from 12,277 calls in 2017 to 13,589 in 2018 – which represents the largest number of calls for service workload on record.

Continued growth on the Route 589 corridor and the unfortunate rise of the opioid crisis had contributed significantly to our response needs over the past two years. Your help in providing much needed funding is imperative to meet the related and growing demands on manpower, training, and time.

To assist us in meeting the current and increasing demands on our police force, we respectfully request Public Safety funding in the form of a grant in the amount of \$525,000 and ask for your consideration.

Roads & Bridges

There are 82 miles of roads in Ocean Pines which provide passage for thousands of vehicles every day. We have 4 bridges and 387 pipes that cross under existing roads; 16 of which are currently in dire need of replacement. We also must maintain each of the driveway pipes throughout our community of 8,452 homeowners.

Ocean Pines needs to be more proactive in maintaining and repairing our roadways and enforcing proper roadway cuts for new housing and piping replacement. Furthermore, OPA is pursuing a much more aggressive posture in dealing with drainage problems. A developer could not build a community like Ocean Pines today, especially with regard to drainage and run-off issues, as the legal requirements of handling such matters are very different today than they were when Boise-Cascade was originally granted permitting. We have over 200 miles of drainage ditches, a high-water table, very little incline/decline to create appropriate drainage. We need new pipes to replace old, as well as new piping where we have none. If funding were to be made available, these projects could be done and would alleviate significant problems that currently impact many of our property owners. Additionally, Ocean Pines is very interested in participating in any discussions the County has regarding the issuance of available Casino funds and any impact associated with the implementation of table games that could potentially allow us to share benefits with the County residents in Ocean Pines.

To assist us in meeting the infrastructure needs of our portion of the county, we respectfully request additional funding in the amount of \$100,000 and ask for your consideration.

Tourism / Parks & Recreation

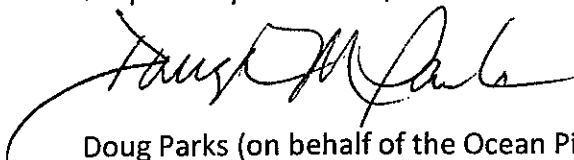
Tourism is a vital part of the economic engine of Worcester County and the assets of Ocean Pines play a key part in helping the county achieve its tourism goals. Thousands of tourists stay and/or play in Ocean Pines throughout the year, not just during the summer. They are drawn by our proximity to the beach as well as by our many amenities – marinas, pools, golf course, parks, racquet courts; in addition, they are drawn to our many programs, sporting events, and special events. One of those events is our Fourth of July celebration. This celebration includes a firework show that is one of the best in the area and draws over 20,000 spectators, many from other parts of Worcester County and beyond.

Our Recreation & Parks Department operates seven days a week, year-round, to meet the needs of our residents, visitors, and tourists. We offer many no-fee amenities and activities, including concerts and movies in the park, holiday events, basketball courts, soccer fields, playgrounds, a skate park, walking trails and other special event programs that are open to the public and well attended by residents and non-residents alike. However, there are considerable maintenance and operational costs associated with these “free” amenities; most of which is considerably borne by the residents.

To assist us in continuing to execute high-quality events and programming for the community at-large and our visiting guests to the county, we respectfully request Tourism funding in the amount of \$25,000 and Recreation & Parks funding in the amount of \$40,000.

We appreciate your consideration of our funding request and look forward to continuing the role that the Ocean Pines Association has in the overall success and quality of life achieved in Worcester County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug Parks", written in a cursive style.

Doug Parks (on behalf of the Ocean Pines Board of Directors)
President, Ocean Pines Association

GRANTS TO TOWNS - FY2020
Request - Feb 2019

	Ocean Pines FY19 Approved	Ocean Pines FY20 Request
COUNTY GRANTS TO TOWNS		
County Street Grants By Agreement	56,880	123,856
Recreation Grant	10,000	40,000
Roads & Bridge Repairs	-	100,000
Tourism - July 4 celebration	10,000	25,000
Police Aid	475,000	525,000
Restricted Fire Grant	36,000	47,000
	587,880	860,856
* Cnty Grant Vol. Fire Dept	206,214	212,159
(1) Supplemental Cnty Grant Vol. Fire Dept	43,786	37,841
Ambulance Grant- Vol Fire Co ***Included in 1105 Budge	396,555	425,110
	646,555	675,110
Sub-Total County Grants & Debt	1,234,435	1,535,966
STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	31,895	33,219
TOTAL	\$ 1,266,330	\$ 1,569,185

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY19 and FY20 Request



TOWN OF OCEAN CITY

The White Marlin Capital of the World

February 28, 2019

Mrs. Diana Purnell
President
Worcester County Commissioners
Government Center
One West Market Street - Room 1103
Snow Hill, MD 21863-1195

Dear Honorable President Purnell and Distinguished Worcester County Commissioners:

The Mayor and Council look forward to meeting with the County Commissioners on March 20, 2019 to discuss grants for FY20. In order to allow you time to prepare for our meeting, please find the summation of our requests.

We would first like to thank you for the 2.5% increase we received last year in our Undesignated Grants. This Undesignated Grant goes toward offsetting the cost of services that Ocean City provides in lieu of the County providing these services. We would like to request that this grant be increased again by 2.5% in FY20. We further request that the grants for Recreation, the Convention Bureau and the Park and Ride be continued to be funded as they were in FY19.

For FY20 we request that you increase the grant for Tourism by \$200,000 to be used for destination marketing. The number of hotel rooms in West Ocean City has increased dramatically, now approaching 700 rooms, and this has not only increased the amount of room tax received by the county but also increased the need for additional marketing to fill these rooms. The onus of advertising the resort destination and the 21842 area falls on the Advertising Budget of Ocean City. Increasing the occupancy of all hotel rooms benefits the entire County.

We would also like to address the administrative fees the Town pays Worcester County to collect the room tax and the food tax. The County, by law, can charge up to 1% of the total room tax collected and 5% of the total food tax collected to administer these collections. This formula results in the county collecting 1% or \$157,285 from the room tax collections and 5% or \$75,054 from the food tax collections in FY19. This total of \$232,339 exceeds the cost to the county to provide this service. We would propose that the room tax percentage be reduced to ½% and the food tax percentage be reduced to 2.5%. This would result, based on last year's numbers, of a total payment to the County of \$116,170 to provide this service.

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

DENNIS W. DARE
ANTHONY J. DELUCA
JOHN F. GEHRIG, JR.
MATTHEW M. JAMES
MARK L. PADDACK

CITY MANAGER
DOUGLAS R. MILLER

CITY CLERK
DIANA L. CHAVIS, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



2001

City Hall - (410) 289-8221 • FAX - (410) 289-8703

Page Two

In a recent meeting with the County Administrator Harold Higgins we discussed the program the County uses to keep track of the room tax and food tax collections and discovered that the program currently in place to track this information, and to provide for a method to collect past due accounts, is outdated and inadequate. In fact there is no program in place to follow up on past due accounts or nonpayment of either tax. We would suggest that this program be replaced, or as an alternative, the County authorize the Town to collect the room tax and food tax in Ocean City and be responsible for all collections including past due accounts. This would alleviate the responsibility and expense on the County side, and would provide Ocean City with the means to administer its second biggest revenue source.

The Town of Ocean City, and the other Municipalities in Worcester County, continue to be faced with increased costs to provide fire and ambulance service to our residents and visitors. In Ocean City the costs within city limits have increased and the call volume and service to West Ocean City continues to increase dramatically as well. We request that the County Commissioners adopt the funding recommendations made at the Worcester County Commissioners 2019 Funding meeting held on 2/5/19 and attended by the Fire Chiefs and Ambulance Captains of Worcester County. This would increase the grant funding to Ocean City by \$370,000 and allow us to hire additional personnel. I have asked Ocean City Fire Chief Chris Larmore to be available to discuss this in detail and answer any questions the Commissioners may have on this request. Public safety is our #1 Priority and this funding is essential for us to continue to provide the service our residents expect and deserve.

Our last request would be that the Commissioners fund the purchase of pagers for our Ocean City Fire Company. The town is transferring from its current pager system for emergency responders to a digital paging system that will interface with the new radio system. Within 2 years the Town will discontinue the current pager system and must convert all current pagers to the digital format. We are requesting funding for 100 digital pagers, 28 for Career Personnel and 52 for Volunteer Personnel, at a cost of \$80,000.

Page Three

The issue of tax differential remains very important to Ocean City taxpayers and remains to be resolved. In the interim the above grants provided in lieu of tax differential will be applied to the Town's FY20 budget to provide relief for Ocean City taxpayers.

We believe the above requests are reasonable and important and we look forward to meeting with you to discuss these vital issues.

Sincerely


Richard W. Meehan
Mayor

GRANTS TO TOWNS - FY2020
Request - Feb 2019

	<u>Ocean City FY19 Approved</u>	<u>Ocean City FY20 Request</u>
<u>COUNTY GRANTS TO TOWNS</u>		
Convention Bureau	50,000	50,000
Recreation Grant	100,000	100,000
Ocean City Unrestricted Grant	2,490,000	2,552,250
Tourism Marketing	300,000	500,000
Other Grants - Park & Ride	80,000	80,000
100 Digital Pagers - Ocean City Fire Co. @ \$800	-	80,000
Fire & Ambulance Service increased rates	-	370,000
Downtown Redevelopment	100,000	100,000
Restricted Fire Grant	123,000	287,000
	3,243,000	4,119,250
Ocean City MOU Additional Request	-	-
Sub-Total	3,243,000	4,119,250
Ambulance Grant ***Included in 1105 budget	1,266,499	1,221,438
* Cnty Grant Vol. Fire Dept-General Fund Bgt	206,214	212,159
(1) Supplemental Cnty Grant Vol. Fire Dept	43,786	37,841
Ambulance Grant- Vol Fire Co	n/a	n/a
<u>DEBT SERVICE FOR BENEFIT OF OCEAN CITY</u>		
Beach Maintenance-DNR Fund	450,000	450,000
	1,966,499	1,921,438
Sub-Total County Grants & Debt	5,209,499	6,040,688
Tourism Marketing On-Behalf	270,000	270,000
<u>SHARED REVENUES</u>		
* Income Tax	1,208,000	1,208,000
* Bingo License Receipts	3,100	3,100
* Liquor License Distribution	299,813	310,000
	1,510,913	1,521,100
<u>STATE AID PASS THRU</u>		
* Fire Co. Aid-State Pass Thru Vol Fire-est	31,895	33,219
* Fire Co. Aid-State Pass Thru Towns-est	47,198	31,394
TOTAL	\$ 7,069,505	\$ 7,896,401

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY19 and FY20 Request

Kelly Shannahan

From: Elaine Bean <elaine@artleagueofoceancity.org>
Sent: Thursday, February 28, 2019 2:35 PM
To: Kelly Shannahan
Cc: Rina Thaler
Subject: Film Festival confirmation
Attachments: NEW FF~Letterposter.pdf

Scheduled for
11:00 to 11:10 AM

5

Hi, Kelly,

We are confirmed to have representatives from the Ocean City Film Festival at the County Commissioners meeting on March 5 at 11 a.m., presenting between 11 am and 11:30 am.

Representing the Film Festival will be William Strang-Moya, creative director of the festival, accompanied by Rina Thaler of the Art League, the festival's sponsor. At that time, they will present to each of the commissioners one All-Access Pass lanyard for the Film Festival, and invite their participation.

A flyer for the festival is attached.

Thank you so much for fitting us in the agenda. If you need more information, please let me know.

Kind regards,
Elaine

Elaine Bean
Publicity & Marketing Coordinator
Art League of Ocean City
Ocean City Center for the Arts
cell 443-944-3398



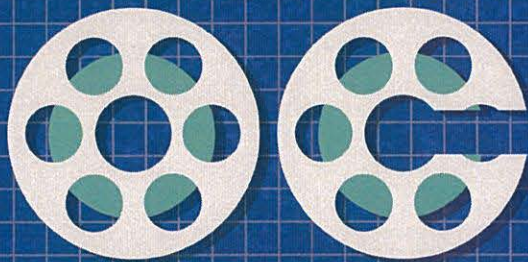
**Feature films. Short films.
Local films. Funny films.
Documentaries. Social films.
Plus parties, workshops
& informal get-togethers.**

**100+ films.
8 venues.
3 great days.**

SCREENINGS at ▪ Fox Gold Coast
▪ Princess Royale ▪ Clarion Resort
▪ Francis Scott Key ▪ Carousel
Hotel ▪ Performing Arts Center

PARTIES at ▪ Seacrets ▪ Princess
Royale. **WORKSHOPS at** ▪ Ocean
City Center for the Arts

*3-Day All-Access Pass includes all films,
all parties, and all workshops - \$79
3-Day Film-Only Pass - \$49
1-Day Film-Only Pass - \$20
Parties - \$25 each Workshops - \$10 each*

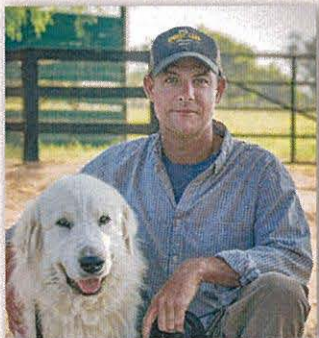


**OCEAN CITY
FILM FESTIVAL
March 8 - 10**

Tickets: OCMDFilmFestival.com

**The Delmarva premiere!
Saturday, March 9 ~ 2 pm
OC Performing Arts Center**

**Personal appearances by
the Director & Executive Producer**

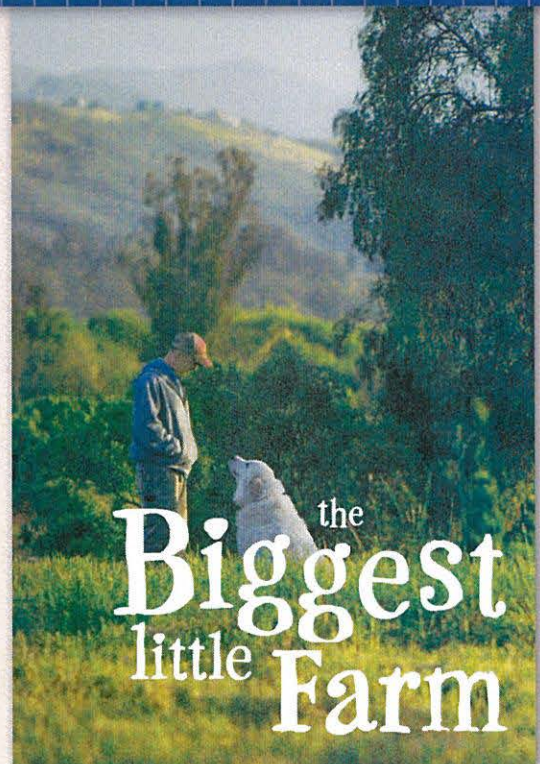


JOHN CHESTER



ERICA CRAMER MESSER

Admission included with Saturday 1-Day Film Pass





OFFICE OF THE TREASURER

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1105

P.O. Box 248

SNOW HILL, MARYLAND

21863

TEL: 410-632-0686
FAX: 410-632-3003

PHILLIP G. THOMPSON, CPA
FINANCE OFFICER

JENNIFER C. SWANTON, CPA
ASSISTANT FINANCE OFFICER

6

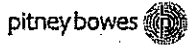
TO: Harold L. Higgins, Chief Administrative Officer
FROM: Phillip G. Thompson, Finance Officer
DATE: February 27, 2019
SUBJECT: New Leases for Folder/Inserter and Postage Machine

As you are aware, the Treasurer's Department utilizes a folder/inserter machine as well as a postage machine in our daily operations. This equipment is used to process the more than 100,000 bills the Department sends out annually for taxes, utility bills, landfill invoices, and routine correspondence. The leases on our current machines have expired and as a result, I am asking for approval of new leases for this equipment. The postage machine lease will total \$315.74 per month, which is \$ 35.21 less than the previous lease for this equipment. The postage machine is used by all of the County Departments. However, it is located next to the Treasurer's Office and we are responsible for this equipment. The charge for the folder/inserter is \$461.59 per month, which is \$113.97 more than the lease for the prior unit it is replacing. The increase for the folder/inserter relates to a more efficient machine that includes a higher capacity stacker that will allow us to do higher volume during our busy periods. As a result, I am asking for your signature on the attached lease documents so that we can move forward with replacing this equipment. Funding for this expenditure currently exists in the budget for these replacements.

P.2

P.6

Should you have any questions, or require additional data, please do not hesitate to contact me.



NASPO ValuePoint FMV Lease Agreement (Option C)

New Postage Machine

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Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee Tax ID # (FEIN/TIN)

OFFICE OF THE TREASURER WORCESTER COUNTY

Sold-To: Address

1 W. MARKET ST, GOVERNMENT CENTER RM 1105, SNOW HILL, MD, 21863-1085, US

Sold-To: Contact Name

PHILLIP G THOMPSON

Sold-To: Contact Phone #

(410) 632-0686 x1215

Sold-To: Account #

0017214728

Bill-To: Address

PO BOX 248, SNOW HILL, MD, 21863-0248, US

Bill-To: Contact Name

Tina Litten

Bill-To: Contact Phone #

(410) 632-0686 x1210

Bill-To: Account #

0017214727

Bill-To: Email

tlitten@co.worcester.md.us

Ship-To: Address

1 W. MARKET ST, GOVERNMENT CENTER RM 1105, SNOW HILL, MD, 21863-1085, US

Ship-To: Contact Name

Tina Litten

Ship-To: Contact Phone #

(410) 632-0686 x1210

Ship-To: Account #

0017214728

PO #

Your Business Needs

Qty	Item	Business Solution Description
1	SENDPROSERIES	SendPro P Series
1	1FWW	5 lb Interfaced Weighing Unit
1	4W00	Connect+ /SendPro P Series Meter
1	APK2	SendPro P Series Basic Label Printer Pac
1	APKE	SendPro P Receiving Feature
1	APKF	SendPro P Shipping Feature Access
1	AZBE	SendPro P Series Mono Print Module
1	AZBG	Black Graphics Upgrade
1	AZCG	SendPro P1500 Series Bundle (145/70 Lpm)
1	M9SS	Mailstream Intellink Services
1	MSD1	10" Color Touch Display
1	MW90007	SendPro P Series Drop Stacker
1	MW96000	Weighing Platform
1	PTJ1	Postal Shipping

2



Shipping & Mailing
Postage Meters



SendPro™ P1500

Be more productive by making your job simpler.

Streamline your office workflow.

Shipping and receiving packages and sending daily letter mail are all a necessary part of doing business. Yet, these seemingly simple tasks can be complicated processes that demand proper attention.

The SendPro P1500 simplifies the process by integrating mailing, shipping and receiving into a single system. With this integration, the P1500 provides a simpler, more streamlined way to send letter mail and large envelopes as well as ship packages using your USPS®, FedEx® and UPS® business accounts. With the receiving application, you can accurately log all of your incoming packages' information so that you have a history of every package that has been delivered to your office.

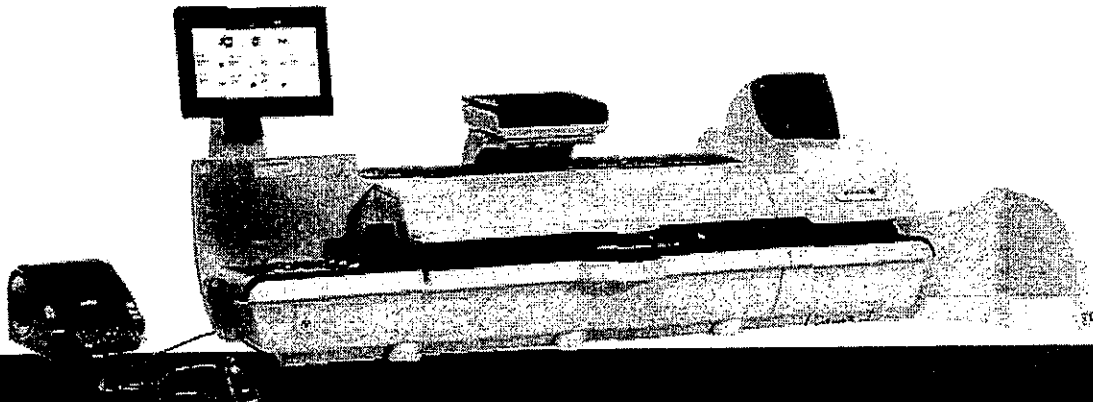
Plus, with sending costs rising and shipping becoming more complex, the P1500 can also quickly improve productivity and cost efficiency in your office.

Mail, ship and track with ease.

For letter mail, the SendPro P1500 will seal and print postage for your short and longer runs. It can automatically process up to 5/8" thick at up to 120 letters per minute.

With the Weigh-on-the-Way® feature, sorting mixed size mail is no longer necessary. The P1500 can process a stack of mixed size mail at up to 60 letters per minute applying the correct postage for each piece.

For package shipments, the P1500 allows you to review services provided by USPS, FedEx or UPS in order to pick which one is best for you. With the integrated scale and label printer, you can weigh, rate and ship right from your system. Now, you can get your packages delivered with the best cost and delivery options available.



For more information, visit us online: pitneybowes.com

Desktop shipping

The SendPro™ P1500 enables users outside the mail area to ship packages from their individual PCs. Office workers simply log in to send or track a package delivery. The optional integrated scale and label printer allow your office staff to weigh, rate and print professional shipping labels. No matter how many people in your office ship, equip them all with desktop capabilities that link to a central, controlled account that captures shipping history, carrier spend and package tracking details.

Manage inbound deliveries.

Automate and streamline the receipt and management of incoming packages using your P1500 and its integrated barcode scanner. The P1500 instantly logs package information, including carrier, recipient, sender, tracking number and date and time of receipt, keeping a history report of all your incoming packages so you know when each package was delivered. You also have the option to automatically alert the intended recipient with email notifications, making the entire process more accurate and efficient.

Simple user display

The modern, color touch screen display of the P1500 enables anyone in your office to pick the ideal service and complete each job quickly and accurately. The system guides the user with its easy-to-follow menus for processing mail and shipments with each of the three carriers: USPS®, FedEx® and UPS®.

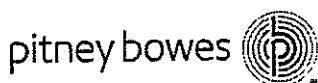
Flexible printing

The P1500 also gives you unique control over envelope printing. From any desktop PC, you can upload your graphics to print a business logo, return address, or promotional

message in full color on outbound envelopes. Print just one or print a thousand. The savings add up. Its quick changeover gives you printing flexibility and can eliminate the premiums you pay for special envelope stock.

Specifications

Max processing speed (letters per minute)	Up to 60 WOW, and 120 non-WOW
Weigh-on-the-Way® (WOW)	Standard: Up to 16 oz. (500 g). Shape based rating is automatic.
Envelope processing	Thickness: feed and seal up to 5/8" Media size: 3 1/2" x 5" up to 10" x 14" Envelope flap depth: min. 1", max. 3 1/8"
Shipping: USPS-approved 1Mpb label printing	Standard: Print USPS shipping labels from attached adhesive label printer using Commercial Base Pricing discounts.
Shipping: Integrated FedEx and UPS	Optional: FedEx and UPS with existing business account. Print shipping labels from attached adhesive label printer.
Shipping: Desktop access	Optional: Integrated scale and printer attach to any PC with a USB connection.
Receiving: Inbound Package Management	Included: integrated software with reporting from base system. Optional: Scanning hardware, number of recipients, email notification capability.
Full color printing	Optional: Print return address, custom logo or promotional message. CMYK @ 1200 dpi
Envelope sealing system	Pump-fed pad; closed flap feeding. Seal only mode.
Weighing (large envelopes and packages)	10 lb. Standard. Additional options up to 70 lb. Differential weighing optional.
Postage accounting	Optional: Up to 100, 500, 1000, 2000, 3000 max accounts for postal meter analytics.
Expanded analytics	Optional: INVIEW® Analytics (web-based), Business Manager, SendSuite® shipping solutions
Package tape printing	Adhesive roll tape (for large envelopes and packages using non-discounted USPS Retail rates)
Color touch screen display	Standard: 10.2" (WSVGA); Optional: 15" detachable display (XGA)
Peripheral hardware options	Account barcode scanner, laser report printer, wireless keyboard (for quick alpha-numeric entries)
Dimensions	53"L x 25"D x 24"H (with Basic Apps Display). Drop Stacker adds 12" to L. Color adds 6.5" to L. 15" Display adds 2" to H.

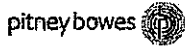


United States
3001 Summer Street
Stamford, CT 06926-0700

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165MB01718_US



Sourcewell (formerly known as NJPA) State & Local FMV Lease

New Folder/Inserter

--	--	--	--	--	--	--	--

ement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee Tax ID # (FEIN/TIN)

OFFICE OF THE TREASURER WORCESTER COUNTY

Sold-To: Address

1 W. MARKET ST, GOVERNMENT CENTER RM 1105, SNOW HILL, MD, 21863-1085, US

Sold-To: Contact Name	Sold-To: Contact Phone #	Sold-To: Account #
PHILLIP G THOMPSON	(410) 632-0686 x1215	0010266867

Bill-To: Address

PO BOX 248, SNOW HILL, MD, 21863-0248, US

Bill-To: Contact Name	Bill-To: Contact Phone #	Bill-To: Account #	Bill-To: Email
Tina Litten	(410) 632-0686 x1210	0015070905	tlitten@co.worcester.md.us

Ship-To: Address

1 W. MARKET ST, GOVERNMENT CENTER RM 1105, SNOW HILL, MD, 21863-1085, US

Ship-To: Contact Name	Ship-To: Contact Phone #	Ship-To: Account #
Tina Litten	(410) 632-0686 x1210	0010266867

PO #

Your Business Needs

Qty	Item	Business Solution Description
1	RELAY4000	Relay 4000 Inserting System
1	DI90012	Power Stacker Localization Kit
1	F790042-01	Power Cord
1	STDSLA	Standard SLA-Equipment Service Agreement (for Relay 4000 Inserting System)
1	TI40	TI40 - Relay 4000 Inserting System
1	TIRS	TIRS - Vertical Power Stacker

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 461.59	\$ 1,384.77

*Does not include any applicable sales, use, or property taxes which will be billed separately.

- Tax Exempt Certificate Attached
- Tax Exempt Certificate Not Required
- Purchase Power® transaction fees included
- Purchase Power® transaction fees extra

6

Your Signature Below

Non-Appropriations. You warrant that you have funds available to make all payments until the end of your current fiscal period, and shall use your best efforts to obtain funds to make all payments in each subsequent fiscal period through the end of your lease term. If your appropriation request to your legislative body, or funding authority ("Governing Body") for funds to make the payments is denied, you may terminate this lease on the last day of the fiscal period for which funds have been appropriated, upon (i) submission of documentation reasonably satisfactory to us evidencing the Governing Body's denial of an appropriation sufficient to continue this lease for the next succeeding fiscal period, and (ii) satisfaction of all charges and obligations under this lease incurred through the end of the fiscal period for which funds have been appropriated, including the return of the equipment at your expense.

By signing below, you agree to be bound by all the terms and conditions of this Agreement, including the NJPA Contract Number 041917-PIT, effective date May 17, 2017 and the State and Local Fair Market Value Lease Terms (including the Pitney Bowes Terms) (Version 4/17) which is available at <http://www.pb.com/states/njpa> and is incorporated by reference (the "Agreement"). You acknowledge that, except for non-appropriation, you may not cancel this lease for any reason and that all payment obligations are unconditional. This lease will be binding on us after we have completed our credit and documentation approval process and have signed below. This lease requires you to either provide proof of insurance or participate in the ValueMAX® requirement protection program (see Section 6 of the State and Local Fair Market Value Lease Terms) for an additional fee. If software is included in the Order, additional terms apply which are available by clicking on the hyperlink for that software located at <http://www.pitneybowes.com/us/license-terms-of-use/software-and-subscription-terms-and-conditions.html>. Those additional terms are incorporated by reference.

Not Applicable

State/Entity's Contract#

Lessee Signature

Print Name

Title

Date

Email Address

Pitney Bowes Signature

Print Name

Title

Date

Sales Information

Jamillah Crooks

jamillah.crooks@pb.com

Account Rep Name

Email Address

PBGFS Acceptance

7



Mailing
Inserting

Relay® 4500 folder inserter



Folding and inserting made fast and accurate

Increase your productivity and improve the accuracy of your mailing process with the Relay 4500 folder inserter. Designed on a tried and tested platform, the reliable Relay 4500 is able to finish up to 42,500 mail pieces per month. Features including the high-capacity envelope

feeder and cascading feeding from the sheet feeders maximise efficiency by minimising time spent loading materials. Gain confidence knowing that your largest critical mailings are finished on time, every time, without errors.

The Relay 4500 folder inserter gives you simple, accurate and reliable mail assembly.



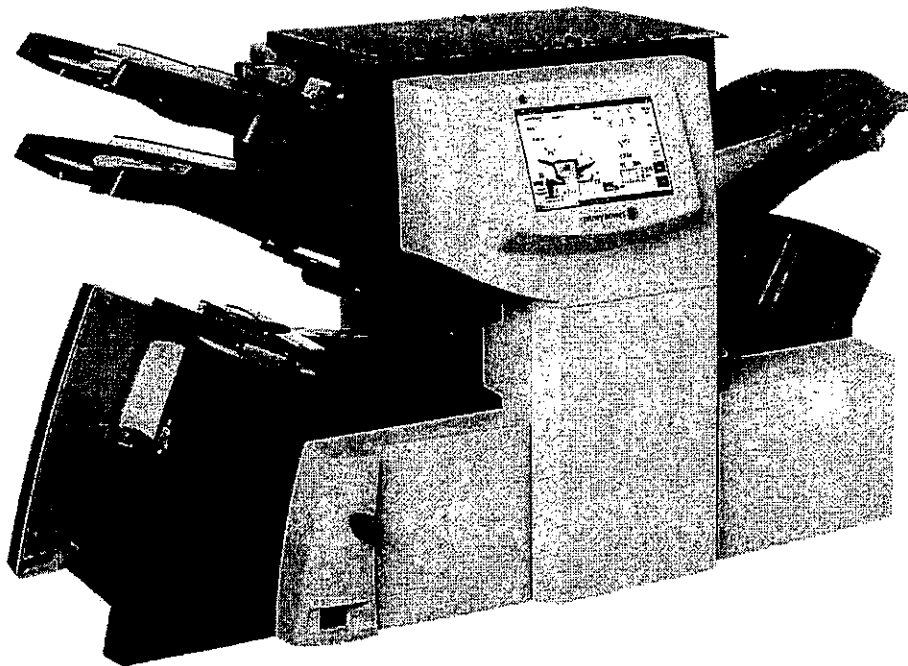
Simplicity
Thoughtfully designed for any user.



Accuracy
Eliminate costly delays due to manual errors.



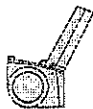
Productivity
Keep mail process moving with fast, uninterrupted performance



For more information, visit us online: pitneybowes.com/uk

Specifications for Relay 4500

System	Relay 4500
Cycle speed	3,500 per hour
Colour touchscreen UI	Standard
Monthly capacity	Up to 42,500/month
Feeder configuration	2 sheet feeders, 1 insert feeder, high-capacity outer envelope feeder
Fold options	C, Z, Half (V), Double
Integrity options	OMR, 2D
Cascade from sheet feeders	Yes
Envelope sealing	Standard
Accumulate before folding	
C or Z fold	up to 5 sheets*
Half fold	up to 10 sheets (2 groups of 5)*
Double Fold (US Legal Paper)	up to 3 sheets*
Sheet Feeder Tray(s)	
Capacity per tray	325 sheets 75 gsm/20 lb paper (650 sheets total)
Paper sizes	Minimum: 178 mm (7") Width x 178 mm (7") Length Maximum: 229 mm (9") Width x 406 mm (16") Length
Paper weights	Minimum: 75 gsm/20 lb Maximum: 120 gsm/32 lb
Insert Feeder Tray	
Capacity	300
Media sizes	Minimum: 127 mm (5") Width x 82 mm (3.25") Length Maximum: 230 mm (9") Width x 152 mm (6") Length
Media weights	Minimum: 75 gsm/20 lb (non-folded cut sheet), 60 gsm/16 lb (folded material) Maximum: 180 gsm/50 lb (single sheet) maximum compressed thickness of 2 mm (.078")
Envelope specifications	
Capacity	up to 300
Envelope Sizes	Minimum: 88 mm (3.5") Deep x 220 mm (8.5") Wide Maximum: 164 mm (6.5") Deep x 242 mm (9.5") Wide
Envelope weights	Minimum: 65 gsm (17 lb) Maximum: 100 gsm (26 lb)
Programmable jobs	20
Physical specifications	
Tabletop Dimensions	991 mm L x 533 mm W x 635 mm H (39" x 21" x 25")
Full Installed dimensions	1067 mm L x 533 mm W x 635 mm H (42" x 21" x 25")
Weight	72 kg (156 lb)
Accessory Physical specifications	



Vertical Power Stacker
Installed Length: 356 mm / 14 inches
Height: 610 mm / 24 inches
Drop Stacker
Installed Length: 267 mm / 10.5 inches

*Based on 75 gsm/20 lb



United Kingdom
Building 5, Trident Place
Hatfield Business Park
Mosquito Way
Hatfield
Hertfordshire AL10 9UJ

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TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



7

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 28, 2019

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Resolutions Amending the Water and Sewerage Plan and Expanding the Ocean Pines Sanitary Service Area for AGH Outpatient Center

Attached for your review and approval, please find the draft resolutions to formally amend the County Water and Sewerage Plan as conceptually approved on December 18, 2018 and to expand the Ocean Pines Sanitary Service Area to provide public water and sewer service to the Atlantic General Hospital (AGH) Outpatient Center as approved on February 19, 2019.

DRAFT

RESOLUTION NO. 19 - ____

RESOLUTION AMENDING THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR WORCESTER COUNTY TO RECLASSIFY THE WATER AND SEWER PLANNING AREAS OF THE OCEAN PINES SANITARY SERVICE AREA TO PROVIDE PUBLIC WATER AND SEWER SERVICE TO ATLANTIC GENERAL HOSPITAL OUTPATIENT CENTER

WHEREAS, the County Commissioners of Worcester County, Maryland (County Commissioners) adopted a Comprehensive Water and Sewerage Plan for Worcester County (the Plan) on August 23, 1994, pursuant to Section 9-503 of the Environment Article of the Annotated Code of Maryland; and

WHEREAS, the County Commissioners have received a petition filed by Hugh Cropper, IV, attorney, on behalf of Burbage/Melson, Inc., and Silver Fox, LLC, property owners, and Sina Companies, LLC, contract purchaser, applicant, to amend the Plan by reclassifying the water and sewer planning areas in the Ocean Pines Sanitary Service Area (OPSSA) for two adjacent properties identified on Worcester County Tax Map 21 as Parcel 66, Lots A and B, and to accommodate a proposed outpatient center on Lot A; and

WHEREAS, the proposed amendment seeks to change the water designations for the properties from W-6 (no planned service) to W-1 (planned to be served within two years) and the sewer designations for the properties from S-6 (no planned service) to S-1 (planned to be served within two years) with an anticipated allocation of thirty-four (34) equivalent dwelling units (EDUs) of water and sewer service for the 99,912 square foot medical office complex; and

WHEREAS, the Worcester County Planning Commission, at its November 1, 2018 meeting, reviewed the proposed amendment to the Plan and found the proposal consistent with the *Worcester County Comprehensive Plan*; and

WHEREAS, the cost of any sewer or water infrastructure improvements will be the sole responsibility of the property owners served by the facilities; and

WHEREAS, the County Commissioners held a duly advertised public hearing on December 18, 2018 to consider the petition for these requested changes within the Ocean Pines Sanitary Service Area; and

WHEREAS, the County Commissioners reviewed the recommendation of the Planning Commission and staff report and as a result of their investigation and evaluation of the proposal in accordance with the provisions of Section 9-503 et.seq. of the Environment Article of the Annotated Code of Maryland, determined that the proposed amendment to the Worcester County Comprehensive Water & Sewerage Plan to reclassify the water and sewer planning areas as proposed, is desirable.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that:

1. The Comprehensive Water and Sewerage Plan for Worcester County (the Plan) is hereby amended to reclassify the water and sewer planning area designations for the subject properties identified on Worcester County Tax Map 21 as Parcel 66,

DRAFT

Lots A and B, more specifically described as follows:

- a. The water designations for the subject properties will be reclassified from W-6 (no planned service) to W-1 (planned to be served within two years) and the sewer designations for the subject properties will be reclassified from S-6 (no planned service) to S-1 (planned to be served within two years) and this amendment will include the relevant informational updates for the Ocean Pines planning area in The Plan for the Ocean Pines Sanitary Service Area (OPSSA).
- b. The proposed outpatient center will consist of 99,912 square feet of medical offices servicing different medical specialties. A total of thirty-four (34) Equivalent Dwelling Units (EDUs) of water and sewer capacity from the Ocean Pines Sanitary Service Area (OPSSA) will be needed to serve the proposed facilities, which can be provided by the forfeited EDUs from Ocean Downs.
- c. Any improvements to the infrastructure to connect the subject properties to the OPSSA sewer collection and water distribution systems will be the sole responsibility of the property owners served by the facilities and all costs for said improvements will be borne by said property owners.

AND BE IT FURTHER RESOLVED that these proposed amendments to The Plan shall be forwarded to the Maryland Department of the Environment (MDE) for their review and approval in accordance with the provisions of Section 9-507 of the Environment Article of the Annotated Code of Maryland and that said amendments shall be officially incorporated into the Worcester County Comprehensive Water and Sewerage Plan upon said approval by MDE.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

DRAFT

RESOLUTION NO. 19 - ____

RESOLUTION EXPANDING THE OCEAN PINES SANITARY SERVICE AREA FOR THE ATLANTIC GENERAL HOSPITAL OUTPATIENT CENTER

WHEREAS, the County Commissioners of Worcester County, Maryland (County Commissioners) established the Ocean Pines Sanitary Service Area in which all public water and sewer facilities serving the Ocean Pines community are owned and operated by the County Commissioners; and

WHEREAS, in accordance with the provisions of Section PW 5-305 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners have received a petition filed by Hugh Cropper, IV, attorney, on behalf of Burbage/Melson, Inc, and Silver Fox, LLC, property owners, and Sina Companies, LLC, contract purchaser, for expansion of the Ocean Pines Sanitary Service Area to include the proposed Atlantic General Hospital (AGH) Outpatient Center on Lot A and future development on Lot B on properties located on the east side of Racetrack Road (MD Route 589) north and east of its intersection with Gum Point Road in Berlin, Maryland, which will be delineated on service area maps adopted by the County Commissioners. The sanitary service area expansion includes the following properties: Worcester County Tax Map 21, Parcel 66, Lots A & B, Tax Account I.D. # 03-169855 and #03-169863, located south and west of the current boundary of the Ocean Pines Sanitary Service Area; and

WHEREAS, the petitioners have proposed that the sanitary services for the expanded area be provided by the purchase of thirty-four (34) equivalent dwelling units (EDUs) of potable water service and wastewater treatment capacity from the Ocean Pines Sanitary Service Area to serve the proposed outpatient center and that the sanitary facilities will consist of privately-owned, low-pressure sewerage pump stations and a public low-pressure force main along with public water mains connect to the existing Ocean Pines system infrastructure, onward to the Ocean Pines collection and water distribution systems, all of which will be constructed by the developer of the project at their sole cost; and

WHEREAS, the request specifies that the construction of the facilities will begin after the Water and Sewer Plan amendment and the Service Area Expansion applications are approved and all other permits are issued; and

WHEREAS, the County Commissioners held a duly advertised public hearing on February 19, 2019 to hear public comment on the proposed expansion of the Ocean Pines Sanitary Service Area; and

WHEREAS, as a result of their investigation and evaluation of the proposal in accordance with the provisions of Section PW 5-305 (Sanitary service areas, sub-areas and amendments) of the Code of Public Local Laws of Worcester County, Maryland the County Commissioners have determined that the proposed expansion of the service area is desirable and in the best interests of the comfort, convenience, health, safety and general welfare of the people who will be served by the facility as well as the best interests of public health, safety and welfare of the residents of the County in general, and that the facilities do not appear to be unduly detrimental to the environment of the County, and that the construction, operation, and design of the facilities are in accordance with all required permits and applicable standards, and are feasible from both an engineering and economic standpoint.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that:

1. The Ocean Pines Service Area is hereby expanded to include the petitioned area owned by Burbage/Melson, Inc, and Silver Fox, LLC to be purchased by Sina Companies, LLC for construction of the proposed Atlantic General Hospital (AGH) Outpatient Center on

DRAFT

Lot A and future development on Lot B on the subject properties located on the east side of Racetrack Road (MD Route 589) north and east of its intersection with Gum Point Road in Berlin, Maryland, as identified on Worcester County Tax Map 21, Parcel 66, Lots A & B, Tax Account I.D. # 03-169855 and #03-169863, and as shown on the service area maps attached hereto; and

- 2. Sanitary services for the expanded service area will be provided by a re-assignment of thirty-four (34) equivalent dwelling units (EDUs) of potable water and sewerage treatment capacity to be assigned to Lot A from the pool of forfeited EDUs previously allocated for the expansion of uses on the Ocean Downs Casino property in the Ocean Pines Sanitary Service Area to serve the proposed outpatient center. The sanitary facilities will consist of privately-owned, low-pressure sewerage pump stations and a public low-pressure force main along with public water mains connect to the existing Ocean Pines system infrastructure, onward to the Ocean Pines collection and water distribution systems, all of which will be constructed by the developer at their sole cost and turned over to the County for operation. EDU's for Lot B will be determined at a later date subject to site plan approval and the availability of EDU's to serve that portion of the petitioned area at that time.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

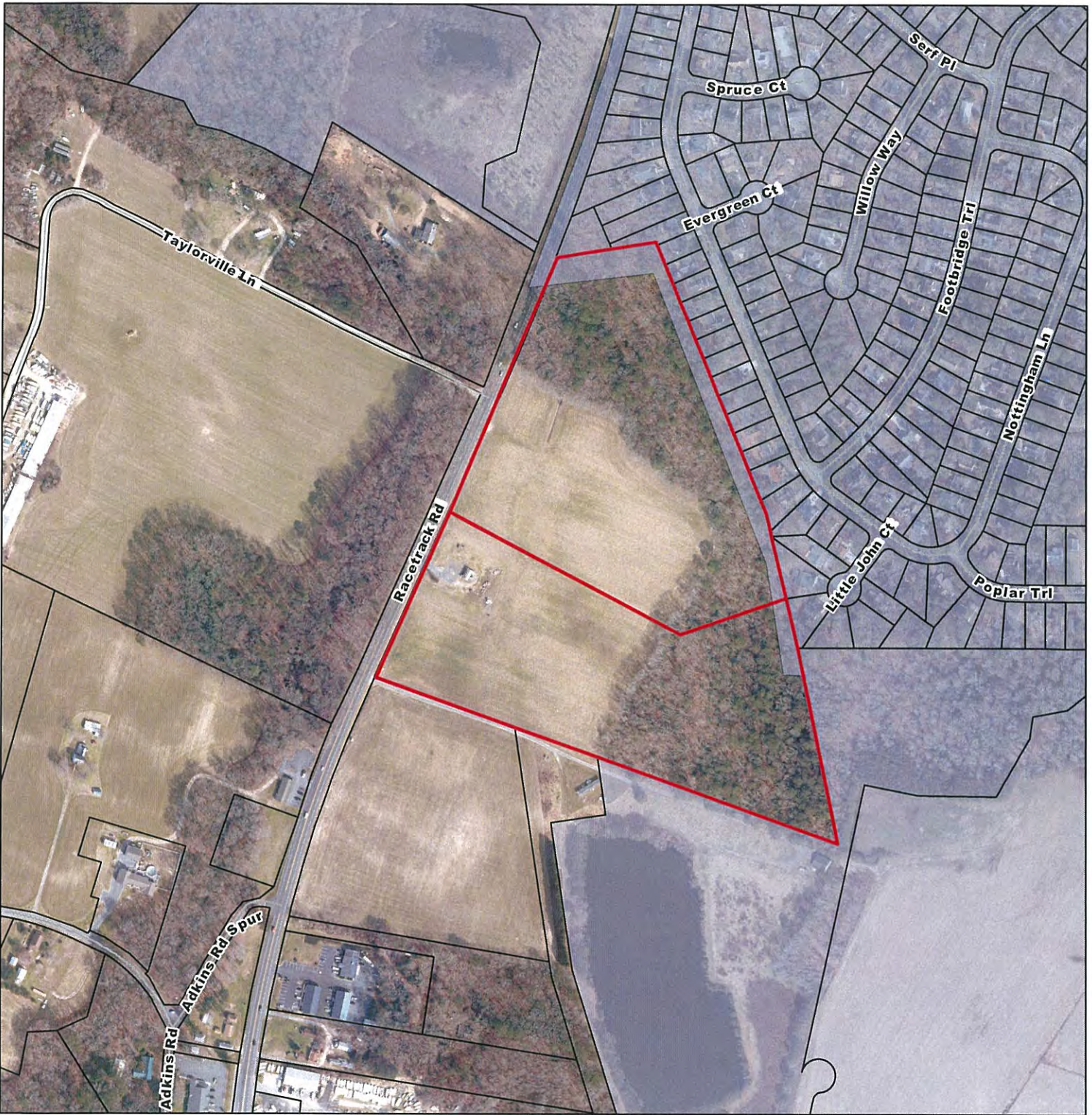
Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom



Legend

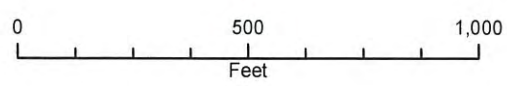
- Proposed W-1 Expansion
- Ocean Pines Water Service Area - W-1

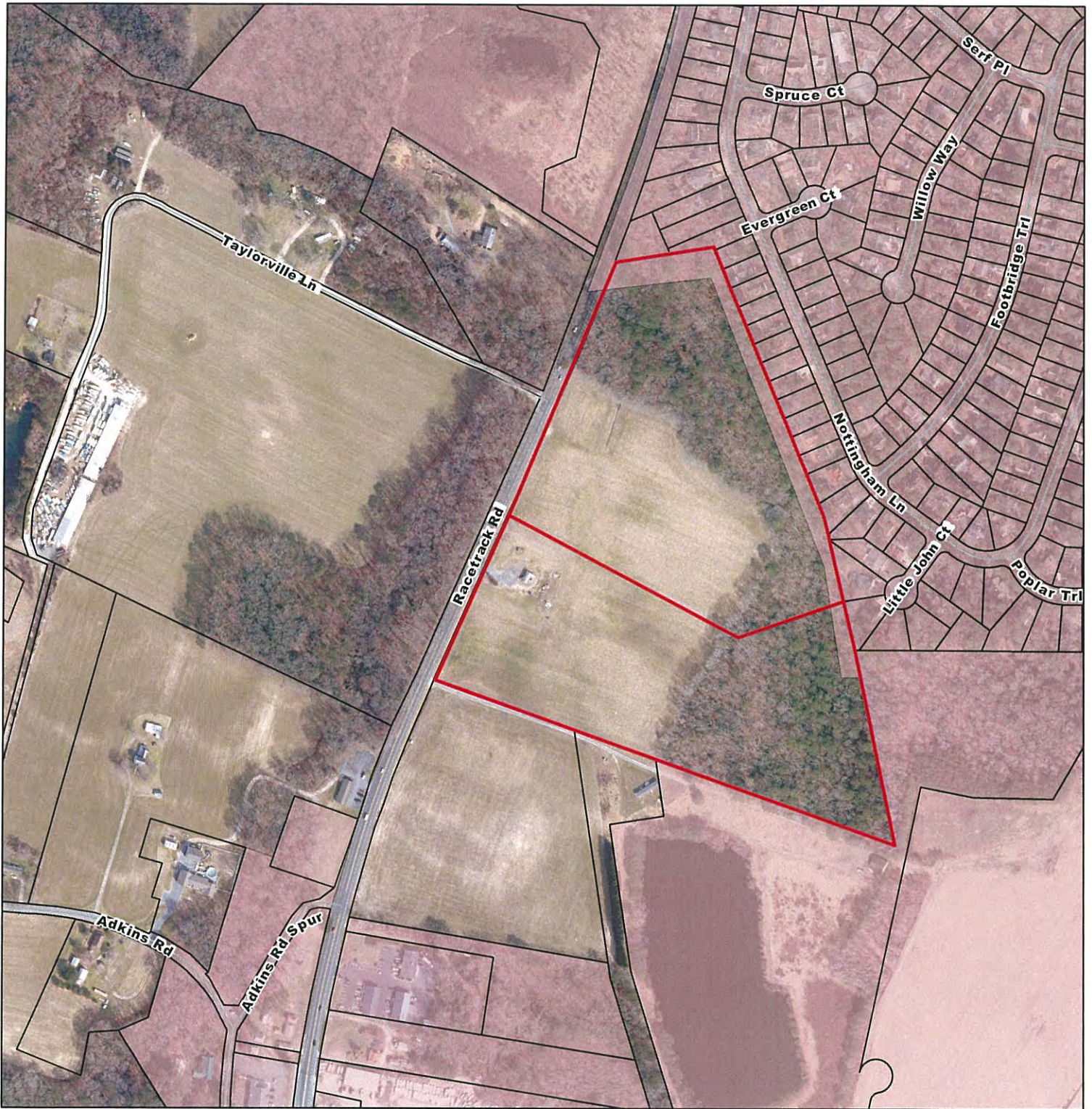
Water Service Areas

Tax Map: 21
 Parcel: 66-A & 66-B
 Proposed Expansion of Sanitary Service Area
 W-1, W-1 Proposed



Prepared by Worcester County Environmental Programs, October 26, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image 2016.





Legend

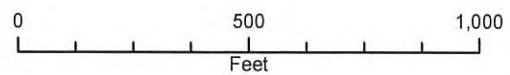
- Proposed S-1 Expansion
- Ocean Pines Sewer Service Area - S-1

Sewer Service Areas

Tax Map: 21

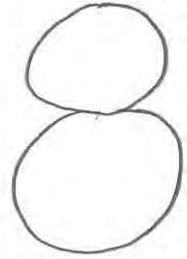
Parcel: 66-A & 66-B

Proposed Expansion of Sanitary Service Area
S-1, S-1 Proposed



Prepared by Worcester County Environmental Programs, October 26, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image 2016.






Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS 
Director, Environmental Programs

Subject: **Crabs to Go Commercial Area**
Priority Funding Area Request

Date: February 26, 2019

Priority Funding Areas (PFA's) are existing communities and places designated by local governments indicating where they want state investment to support future growth. Growth-related projects covered by the state legislation (Smart Growth Act of 1997) include most state programs that encourage or support growth and development. The 1997 planning law recognizes the important role of local governments in managing growth and determining the locations most suitable for state-funded projects.

Counties may designate areas as Priority Funding Areas that meet guidelines for intended use, availability of plans for sewer and water systems and permitted residential density. Areas eligible for county designation include existing communities and areas where industrial or other economic development is desired.

The Crabs to Go commercial properties meet the qualifications for designation as a PFA. They have been designated as an S-1 (immediate to two years) area in the *Master Water and Sewerage Plan*, they are presently developed and have appropriate commercial zoning classifications, and were established with commercial uses prior to the passage of the 1997 planning law.

In the submission of a PFA exemption application to utilize a Bay Restoration Fund (BRF) grant for partial assistance on a sewer connection project for these properties, the regional office of the Maryland Department of Planning (MDP) contacted me on this matter. They recommended changing the request from an exemption to an actual request for PFA certification and provided a draft letter. I reviewed this information with Ed Tudor and we both agree that these properties merit PFA designation. There have been local requests submitted for PFA additions since the establishment of the original PFA certified areas for Worcester County. The inclusion of these properties would be in line with our prior supported requests.

Citizens and Government Working Together

I would respectfully recommend that the County Commissioners agree to send a letter requesting this certification to MDP. A draft letter for this request is attached. I also prepared a map utilizing MDP's online tool to demonstrate the addition requested. These properties are adjacent to an existing PFA area.

As always, if you have any questions or require any additional information, please do not hesitate to contact me.

Attachments

cc: Ed Tudor, Director, DRP

February , 2019

DRAFT

Secretary Rob McCord, Secretary
Maryland Department of Planning
301 West Preston Street
Baltimore, Maryland 21201

RE: PFA Certification of Worcester County Crabs To Go Commercial Area
Intersection of MD U.S. Route 50 and MD Route 589

Dear Secretary McCord:

The Worcester offer this letter as certification that the following properties meet the qualifications for designation as a Priority Funding Area (PFA) under the Smart Growth Areas Act of 1997, and as amended by House Bill 1141:

Tax Map 0021; Parcel 153; 1.00 acre
Tax Map 0021; Parcel 154; 12,196 square feet
Tax Map 0021; Parcel 155; 32,670 square feet
Tax Map 0021; Parcel 156; 21,780 square feet
Tax Map 0021; Parcel 170; 1.18 acres

We conclude that these properties meet the qualifications for designation as a PFA for the following reasons:

1. The properties are developed and zoned C-2 Commercial and, as such, are considered “commercial employment uses”;
2. The properties are designated as S-1 “existing” service area in the Worcester County Comprehensive Water & Sewerage Plan; and,
3. The properties were established with commercial uses prior to January 1, 1997.

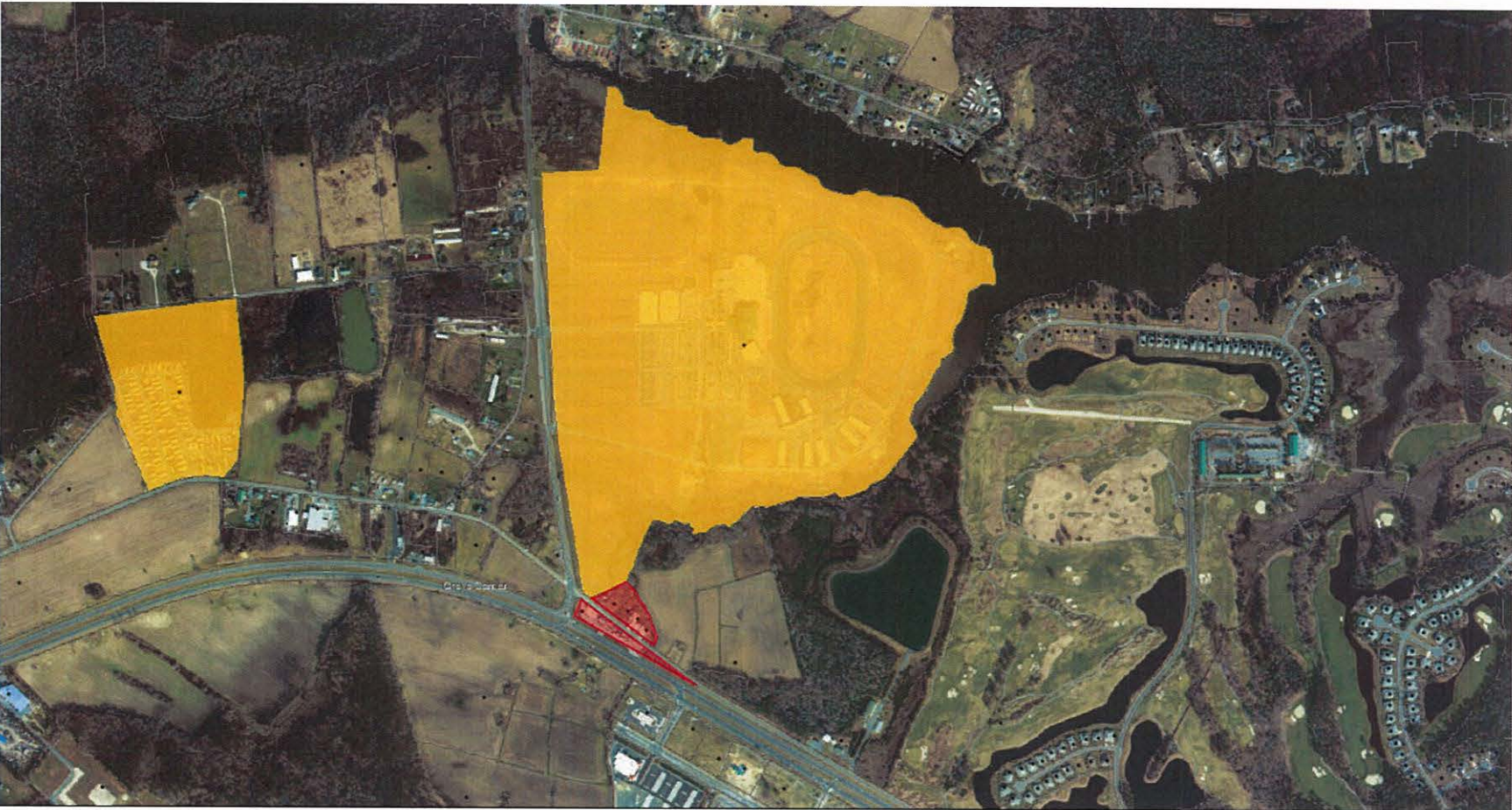
We trust that your office will review our certification and concur with our determinations. However, should you have any questions or require additional information, please contact Edward A. Tudor, Director of Development Review and Permitting, at (410) 632-1200 or Robert J. Mitchell, Director of Environmental Programs at (410) 632-1220.

Sincerely,

Diana Purnell
President

cc: Edward Tudor, DRP Director
Robert Mitchell, EP Director
Tracey Gordy, Senior Regional Planner, MDP

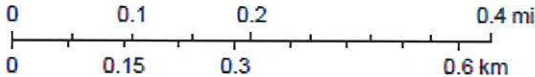
CRABS TO GO COMMERCIAL AREA



Priority Funding Areas

Priority Funding Areas

-  Heritage Area in Locally Designated Growth Areas
-  PFA
-  PFA Comment Area
-  *crabs to go*






9

Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS Director 

Proposed Public Hearing
on April 2, 2019

Subject: **Request to Schedule Public**
Amendment of Master Water and Sewerage Plan
Ocean Pines Sanitary Service Area and
River Run Sanitary Service Area
Reclassification of Water and Sewer Planning Area Designations

Date: February 26, 2019

The Department is in receipt of a request for amendment to the County’s Comprehensive Water & Sewerage Plan submitted by Mr. Mark Cropper, on behalf of the River Run Development Associates, LLC (River Run) and Nichols-Neff Properties, LLC. The purpose of the amendment is to change planning area designations in conjunction with expanding the River Run Sewer Planning Area and the Ocean Pines Water Planning area to serve a proposed residential development on the dormant Pine Shore North Golf course.

The amendment application was reviewed by the Worcester County Planning Commission at their January 3, 2019 meeting and was found to be consistent with the County’s Comprehensive Development Plan. The Planning Commission therefore forwards a favorable recommendation on the application.

Attached is the amendment package and I have also included the Sanitary Service Area staff report for expansion of the River Run Sanitary Area for sewer and the Ocean Pines Sanitary Area for water. We would like to schedule a joint public hearing on the matter at the next available meeting of the County Commissioners. A draft ad for the hearing will be sent electronically to Kelly Shannahan, Assistant Chief Administrative Officer.

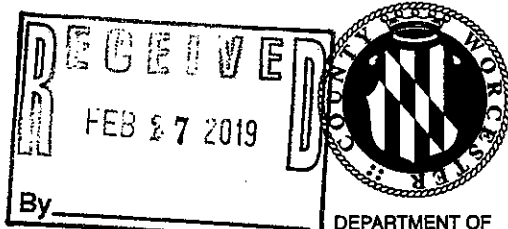
p.34

As always, I am available at any time for the presentation and to answer any questions on this matter.

Attachments

cc: WS File – River Run/Ocean Pines, SW 2018-4

Citizens and Government Working Together



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 / FAX: 410-632-2012

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT & EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
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WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

December 27, 2018

Worcester County Planning Commission
Worcester County Courthouse
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage Plan Amendment –River Run Sanitary Area and Ocean Pines Sanitary Area – Reclassification of Water/Sewer Planning Area Designations – Pine Shore North Golf Course Property
TM 15 Parcels 127, 259
(SW-2018-4)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise the water and sewer planning classifications for the dormant Pine Shore North golf course property. Ocean Pines Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* (“Application for Amendments”), the applicant submitted a complete application and we have attached it.

River Run Development Associates, LLC (River Run) and Nichols-Neff Properties, LLC (Nichols) are the joint applicants for this amendment. This amendment seeks to reclassify the sewer and water planning areas for two adjacent parcels comprising the dormant golf course from S-6/W-6 (no planned service) to S-1/W-1 (within two years) and include this change within the appropriate sewer and water planning area information in *The Plan*. The reclassification of the sewer planning area will be for the River Run Sanitary Area and service to the properties will be from the River Run WWTP. The reclassification of the water planning area will be for the Ocean Pines Sanitary Area and service to the properties will be from the Ocean Pines water treatment and distribution system.

The applicant is requesting a change in the water and sewer service classifications in order to serve a proposed residential subdivision. The subject properties are located on the northwesterly side of Beauchamp Road, to the northeast of the junction with Racetrack Road (MD Route 589). The

properties are more specifically identified on Tax Map 15 as Parcels 127 and 259. The proposed development will consist of a residential subdivision consisting of ninety (90) single-family homes. The applicant is planning an initial utilization of ninety (90) EDUs of public sewer from the River Run Sanitary Area and ninety (90) EDUs of public water from the Ocean Pines Sanitary Area to serve the proposed development. The sewer capacity is available to the property by way of a developer's agreement that allows the River Run developer the ability to reassign sewer capacity, provided that planning and other local and state approvals are obtained. This was done under a previous amendment in November of 2000 to provide sewer capacity for the Most Blessed Sacrament School on Route 589. The River Run developer has excess capacity within their system that will not be utilized as a part of any future development of housing units within their community. They have contracted with the owner of the subject property to provide this capacity for the proposed development. The water is proposed to be provided to the development from capacity obtained directly from the Ocean Pines Sanitary Area.

The applicant is proposing to connect to the sewer collection system by connecting to appropriate location(s) within the River Run infrastructure. They will connect to the Ocean Pines water distribution system by way of connection at a point authorized by the County on the existing water main in place on Beauchamp Road. Where system components will be maintained and serviced by Worcester County, the developer-constructed infrastructure will be built under a Public Works agreement and will be turned over upon inspection and acceptance of the construction and materials by County personnel.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with The Comprehensive Plan. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

Comprehensive Plan Policies

The Comprehensive Plan assigns two (2) land use designations for this property within the River Run and Ocean Pines sewer and water planning areas. These designations are:

1. Existing Developed Area
2. Agriculture

Existing Developed Areas are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

Agricultural Areas are defined (p.18) as follows:

- Reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Two, "Land Use", under Watershed Analysis states:

- For this planning period, the location of growth has been shifted away from the MD 589 corridor to avoid more transportation problems (p. 27)
- MD 589 has been designated as currently "impacted" and unsuitable for development beyond infill of existing lots in accordance with current zoning (p.27).

Chapter Three, "Natural Resources", under Total Maximum Daily Loads (TMDLs) states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).
- To address the county's responsibility, all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Require new development "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Zoning

The current River Run and Ocean Pines *Planning Areas* have already been approved under various amendments and are appropriately zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject properties presented in this reclassification amendment. The proposed expansion properties, which total approximately 95.08 acres in area, have a single zoning designation. They carry an R-1 (Rural Residential District) zoning classification. This district is intended to protect and preserve the low-density rural residential areas of the County which are not generally planned for substantial population growth, but this district does contemplate development for which limited public services are available or planned. The specific uses and density proposed by this applicant are consistent with what is permitted in this zoning district.

Department of Public Works Comments

The Department of Public Works had no comments on this amendment.

Staff's Comments

Staff comments are submitted below for your consideration.

1. The River Run WWTP and Ocean Pines water system have adequately available sewer (River Run) and water capacity (Ocean Pines) to handle this proposed development.
2. The *Planning Area's* zoning classification permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program and other local and state regulatory requirements.
3. The *Planning Area's* land use designation of existing developed area permits the proposed uses. The part of the properties that carries a land use designation of agriculture is an inconsistency that tagged these properties with two different land use designations under the *Comprehensive Plan*, where the golf course was a common use across both properties. Both properties carried an Estate land use designation in the prior (1989) land use map, but they were given the dual land use designations under the current (2006) plan. The properties were successfully rezoned from E-1 (Estate) to a more intensive classification of R-1 (Rural Residential) in 2016. These properties are surrounded by land use designations of existing developed, save for the agricultural fields for historically farmed property to the rear (and northwest) of the property. The provision of sewer capacity from the neighboring subdivision downsizes their build-out potential while supplying the sanitary capacity for this proposed subdivision. Since the River Run system has a limited amount of capacity under their groundwater discharge permit, the net effect is no residential unit gain in the immediate area with this capacity transfer between the existing River Run community and this adjacent proposed community. The proposed development will be located across both properties in the same manner as the golf course was constructed across the lot lines.
4. This proposal, while expanding the original service area, does not require the expansion of water or sewer treatment facilities other than there will be a more complete build out of planned phases for the River Run spray system to realize the capacity needed to serve these EDUs as authorized under the River Run groundwater discharge permit. Additional public infrastructure, where publically operated and maintained, will be constructed by the applicant and turned over to the County for connections to existing River Run (sewer) and Ocean Pines (water) systems.
5. The County's preferred method of discharge is spray irrigation. This amendment proposes connection to the River Run WWTP, which is a spray plant, so it will not add to any remaining point source discharges in the area. Also, our septic records for the property file indicate a capacity of 4,200 gallons per day from three (3) separate systems for onsite sewage for the dormant golf course. Retirement of this septic capacity will be a benefit to the St. Martins River watershed and will help protect the unconfined water supply in this area.
6. The properties are shown in the Source Water Assessment Report for Ocean Pines as falling within the Zone #2 area for Well #4 of the Ocean Pines Sanitary Area Water Supply. One of the planning measures for this water system is to have the wellhead protection area properties sewered. This is especially important as the Ocean Pines water supply in this area is sourced from an unconfined aquifer. This property also falls within the St. Martins River/Ocean Pines Water Management Strategy Area. As a property located entirely within this area, it would be in the public interest to convert users of the unconfined water table to the public water system. This would help mitigate stress on the unconfined Pleistocene (Columbia) aquifer serving the area and supplying the public water supply wells in North Ocean Pines. These properties would abandon their existing wells and extinguish their water appropriation permit for groundwater withdrawal.

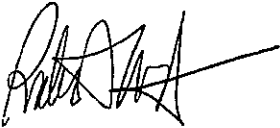
WS Amendment Case No. 2018-4
December 27, 2018

7. Appropriate zoning was provided in this area for densities and uses consistent with the character that is normally present in an Existing Developed Area (EDA). This will provide for orderly infill development within this EDA at the northern border of the Ocean Pines community. Minimal residential and other incompatible uses are permitted and were contemplated for Agricultural Area land use designations, where appropriate. This is a Rural Residential (R-1) district
8. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. Other than an explained land use designation matter described and commented on above, as proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

If you need further information, please contact us.

If you need any additional information or have any questions, please do not hesitate to contact me at (410) 632-1220.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2018-4)

Attachment 1

Application

Application for Amendment of the
Comprehensive Water and Sewerage Plan
Worcester County, Maryland

Date: October 30, 2018

Applicant (name, mailing address, phone and FAX number):

Name: River Run Development Associates, LLC
Address: 11805 Masters Lane Contact Person: Dane Bauer
Berlin, MD 21011 Telephone: 410.812.9109

Amendment Type: ___ Water X ___ Sewer ___ Other
Amendment Character: ___ Addition ___ Deletion X ___ Change

Please complete all the applicable forms included in this package. If a system does not already exist, the "Existing System" sheet is not required. Include a map of the area to be served at a scale of at least 1" = 2,000'. Return the completed application to:

Department of Environmental Programs
1 West Market Street Room 1306
Snow Hill, Maryland 21863

The fee for major amendment (adding or deleting service capacity or area(s)) is \$500.
Minor amendments (not adding or deleting service) are \$100.
Note: Modification of this form will void the application.

Property Identification:

Tax Map 15 & 16 Parcel Number(s): 126, 271 | 99, 100, 101, 102, 110, 114, 118, 264
Town/Community Name: River Run

Location Description:

The entrance to River Run is on the north side of Beauchamp Road across from Ocean Pines.

Property Owner Signature:  11/29/18

Property Owner Signature:  Date: 11/29/18

Applicant Signature:  Date: 11/29/18

(If other than property owner)

Applicant Signature:  Date: 11/29/18

(If other than property owner)

Nichols-Neff Properties, LLC - Water Amendment

**NOTE - Notwithstanding the adoption of the County Comprehensive Water and Sewer Plan and approval of the Service Area Expansions by the Worcester County Commissioners which authorizes the transfer of EDUs from the River Run to Pine Shores North, the actual transfer of EDUs cannot take place until all conditions of the EDU Agreement between the parties have been fully satisfied at which time a "transfer document" in the form annexed hereto will be delivered from RRDA, LLC to Nichols-Neff Properties, LLC with a copy to the County Attorney

Worcester County Department of Environmental Programs Application for Plan Amendment Application 09/07

Initial Here:  

**Water and Sewerage Plan Amendment Application
 Worcester County, Maryland
 Proposed Uses**

* Please provide as much detail as possible on the proposed uses and review Worcester County zoning provisions for permitted uses.

RIVER RUN

<u>Tax Map</u>	<u>Parcel</u>	<u>Zoning</u>	<u>Proposed Use*</u>	<u>EDU's Needed (Approx.)</u>
15	126	R-1	Residential Housing	
15	271	R-1	Residential Housing	
16	99	R-1	Residential Housing	
16	100	R-1	Residential Housing	
16	101	R-1	Residential Housing	
16	102	R-1	Residential Housing	
16	110	R-1	Residential Housing	
16	114	R-1	Residential Housing	
16	118	R-1	Residential Housing	
16	264	R-1	Residential Housing	
SUBTOTAL				358

NICHOLS-NEFF

<u>Tax Map</u>	<u>Parcel</u>	<u>Zoning</u>	<u>Proposed Use*</u>	<u>EDU's Needed (Approx.)</u>
15	127	R-1	Residential Housing	
15	259	R-1	Residential Housing	
SUBTOTAL				90

TOTAL

448

[Handwritten Signature]
 Initial Here:

April 13, 2004

Water and Sewerage Plan Amendment Application Worcester County, Maryland Existing Sewer System

System Parameters

Date: 30-Oct-18
System Name: River Run
System owner: Worcester County
System operator: Worcester County
Priority/Sewer and
Water Plan Category S-1
Service area: River Run Sanitary Service Area
[Tax Map and parcel(s)]

	<u>2018</u>	<u>Year</u> <u>2020</u>	<u>2025</u>
<u>Population served:</u>			
EDU's served (and committed)	<u>335</u>		<u>448</u>
EDU's unserved	<u>113</u>		<u>0</u>
GPD per EDU	<u>250</u>		<u>250</u>

System capacity

Demand (MGD)	<u>0.084</u>		<u>0.112</u>
Planned (MGD)	<u>0.028</u>		<u>0</u>
Permitted (NPDES/groundwater)	<u>0.112</u>		<u>0.112</u>

Collection system description: A system of gravity sewers, pump stations and forcemains.

Treatment Plant

Location (N/E): 38.398338, -75.180954 (11515 River Run Lane)
Type: Activated sludge followed by storage and spray irrigation
Site area (acres): Occupied area: Unused area:
Current Capacity (MGD): Secondary: 0.112 Advanced:
Potential Capacity (MGD): Secondary: 0.112 Advanced:
Existing flow (MGD): 0.050 Average: 0.050 Est Peak: 0.200
Sludge disposal: Pump and haul to Ocean Pines / dewatered sludge to landfill

Discharge:

Type: Spray irrigation on golf course
Location: River Run Golf Course
NPDES/groundwater permit number: 13-DP-2394

Comments (planned expansion; alteration, abandonment if interim [indicate date], or other changes; problems; etc.)

Map change to show River Run Sewer Service Area being extended to the adjacent property owned by Nichols-Neff Properties, LLC.

Initial Here:

**Water and Sewerage Plan Amendment Application
 Worcester County, Maryland
 Planned Sewer System**

Date: 10/30/2018

System Name: River Run
Area Served: River Run Sewer Service Area to be expanded for Nichols-Neff Properties LLC
Owner: River Run Development Associates, LLC
Operator: Worcester County

Population and Capacity	2018	2020	2025	2030
Population Served (EDU):(and committed)	335		448	448
Population Unserved (EDU):	113		0	0
GDP per EDU:	250		250	250
System Capacity Demand (MGD)	0.084		0.112	0.112
System Capacity Planned:	0.112		0.112	0.112
Permitted Capacity (MGD):	0.112		0.112	0.112

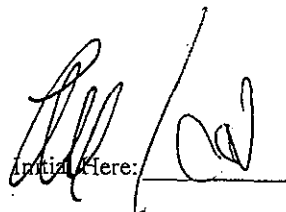
Collection System
Type (circle one): Combined Separate
Description: A system of pump stations, gravity sewers, and forcemains
Condition of Transmission facilities: Facilities in good condition and maintained by Worcester County.

Treatment Facility
Location (MD coordinates): 38.398338, -75.180954
Type: Activated sludge followed by storage and spray irrigation
Total Site Size (acres): _____ **Occupied by facility:** _____
Design Flow (MGD) 0.112
Existing Flow (MGD): Average: 0.05 **Peak:** 0.2
Sludge disposal method: Pump and haul to Ocean Pines / dewatered sludge to landfill

Discharge
Type: Spray irrigation on golf course
Location: River Run Golf Course
NPDES permit # & expiration date: 13-DP-2394 | Exp - November 30, 2019

Op., Maint., and Replacement Costs: Owned and operated by Worcester County
Funding Source: Rate payer utility fees.

Comments: The purpose of the amendment is to transfer 90 EDUs of excess capacity from River Run Development Associates, LLC to Nichols-Neff Properties, LLC.

Initial Here: 

April 13, 2004

Water and Sewerage Plan Amendment Application Worcester County, Maryland

Existing Water System

Date: October 30, 2018

System name: Ocean Pines
System owner: Worcester County
System operator: Worcester County DPW
Priority/Sewer and
Water Plan Category: _____
Service area: W-1

	Year		
	2018	2020	2025
<u>EDU's Population served:</u>			
Served	8,425	8,700	9,000
Unserved	1,575	1,300	1,000
GPD per EDU	250	250	250

<u>System capacity</u>			
Demand (MGD)	1.09	1.2	1.35
Planned (MGD)	1.5	1.5	1.5

Production Wells

Well number: 2, 3, 4, 5, 10
Aquifer: Columbia
Location: North side OP
Depth: 100'-125'
Diameter: 8"
Max. yield: 450-500 gpm
Pumping capacity: 2,500 gpm
Water quality: Exceptionally high

Treatment

Water source: Columbia
Treatment - pH adjustment,
Type: disinfection
Location: At well heads
Rated Capacity: 3 MGD with one well out of service
Average production: 1.1
Max. peak flow: 2.5 MGD
1.4 MG (500,000 tower, 250,000 tower, 250,000 ground level storage tank, and Riddle Farm connection)
Storage capacity: _____
Sludge disposal: None

Comments (expansion plans [MGD/dates]; problems; planned improvements; etc.)
No expansion plans.

Initial Here: [Signature]

April 13, 2004
Water and Sewerage Plan Amendment Application
Worcester County, Maryland
Planned Water System

Date: 30-Oct-18
 System Name: Ocean Pines
 System Owner: Worcester County
 System Operator: Worcester County DPW

Sewer/Water Plan proposed category: W-1 (W-1, W-2, W-3)

Service area: TM 15, Parcels 127 and 259
 [Tax Map and parcel(s)]

	Year		
	2018	2020	2025
Population served: (EDU's served)	90	90	90

Gallons per EDU: 250

Constructed by: Water interconnection from Ocean Pines to Nichols-Neff Properties, LLC to be provided by the purchaser under a EDU Purchase/Turnover Agreement with Worcester County.

Planned Distribution System: Water interconnection to Ocean Pines and system of water distribution pipes to 90 single family residential units.

System parameters:

Well location: North side of OP
 Well depth/aquifer: 100'-125'
 Treatment facilities: pH adjustment, disinfection
 Storage facilities: 1.4 MG ((500,000 tower, 250,000 tower, 250,000 ground level storage tank, and Riddle Farm connection)
 Distribution system: System of pipes and pumps connected to storage facilities.
 Pumping capacity: 2,500 gpm
 System Cost: N/A
 Funding source: Interconnection to be funded by private party

Construction schedule:

Start: 2019
 Complete: 2020

Comments: Nichols-Neff Properties, LLC proposed to be developed using River Run sewer service and Ocean Pines water service for 90 proposed single family units.

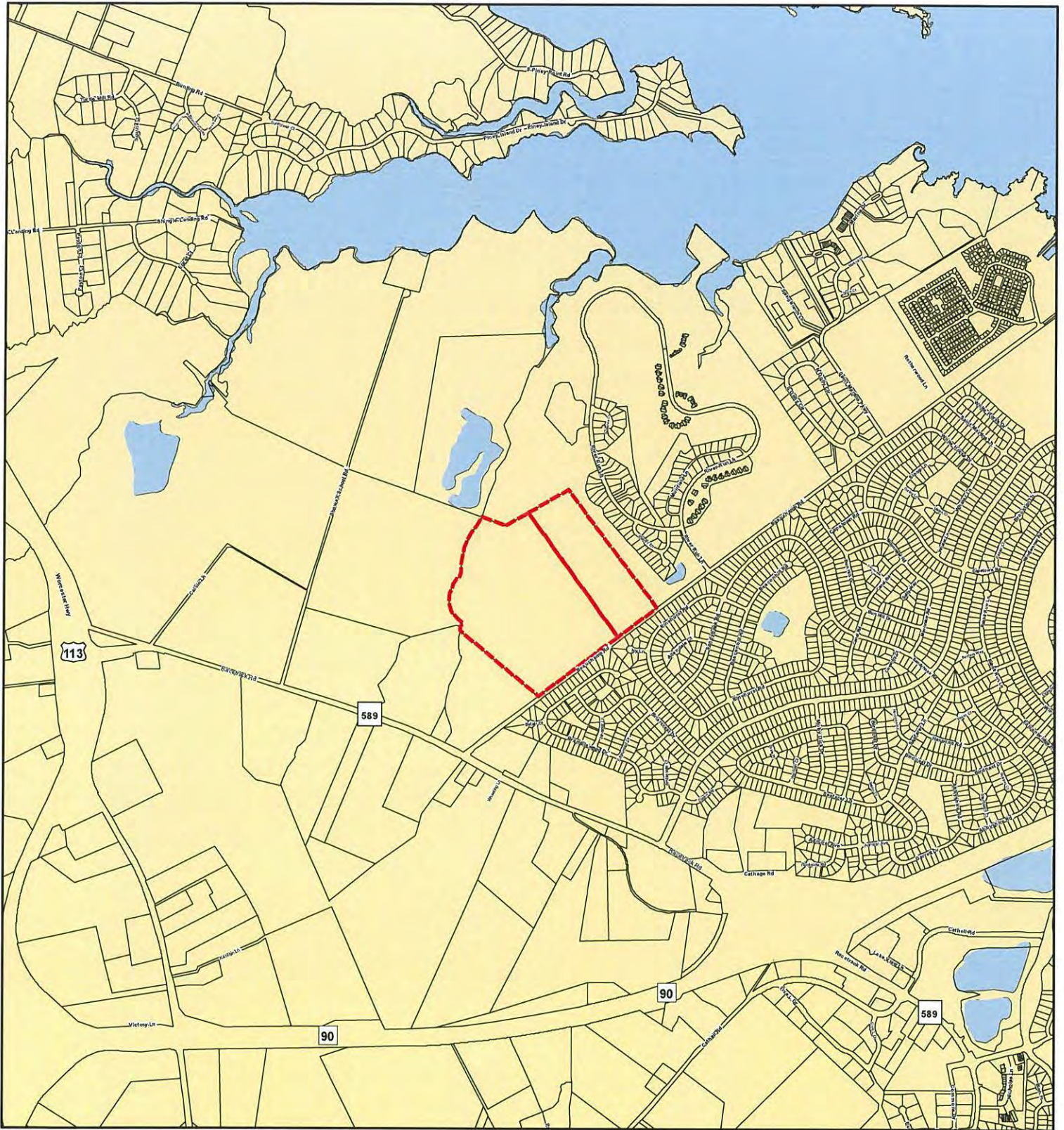
Agreement, Policies: EDU Purchase Agreement from County and Small Project Agreement for the interconnection

Allocation: 90 EDUs

Initials: 

Attachment 2

Maps





0.3 0.15 0 0.3 Miles

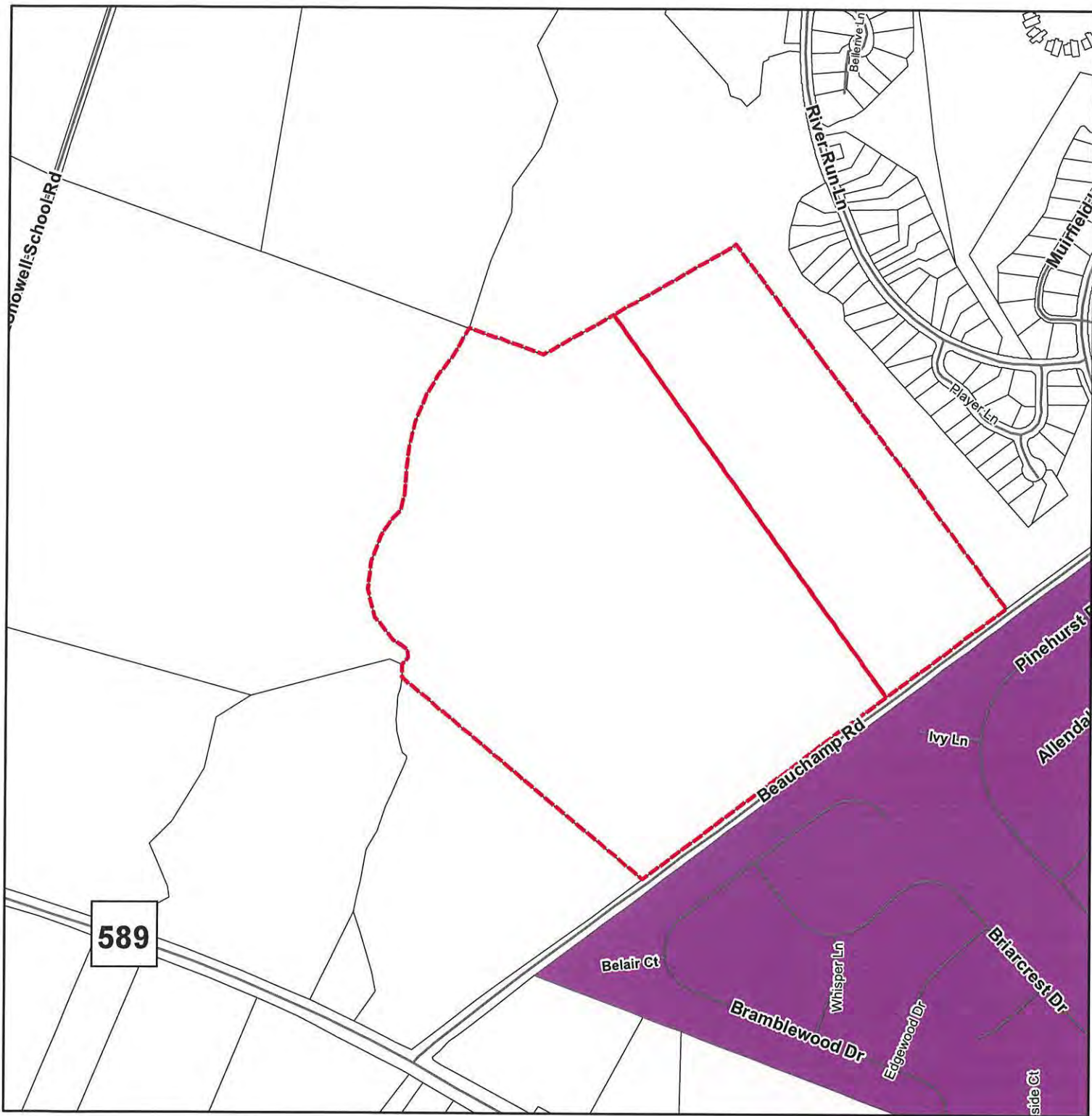


General Location

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

	Property Boundary
	Parcel

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.



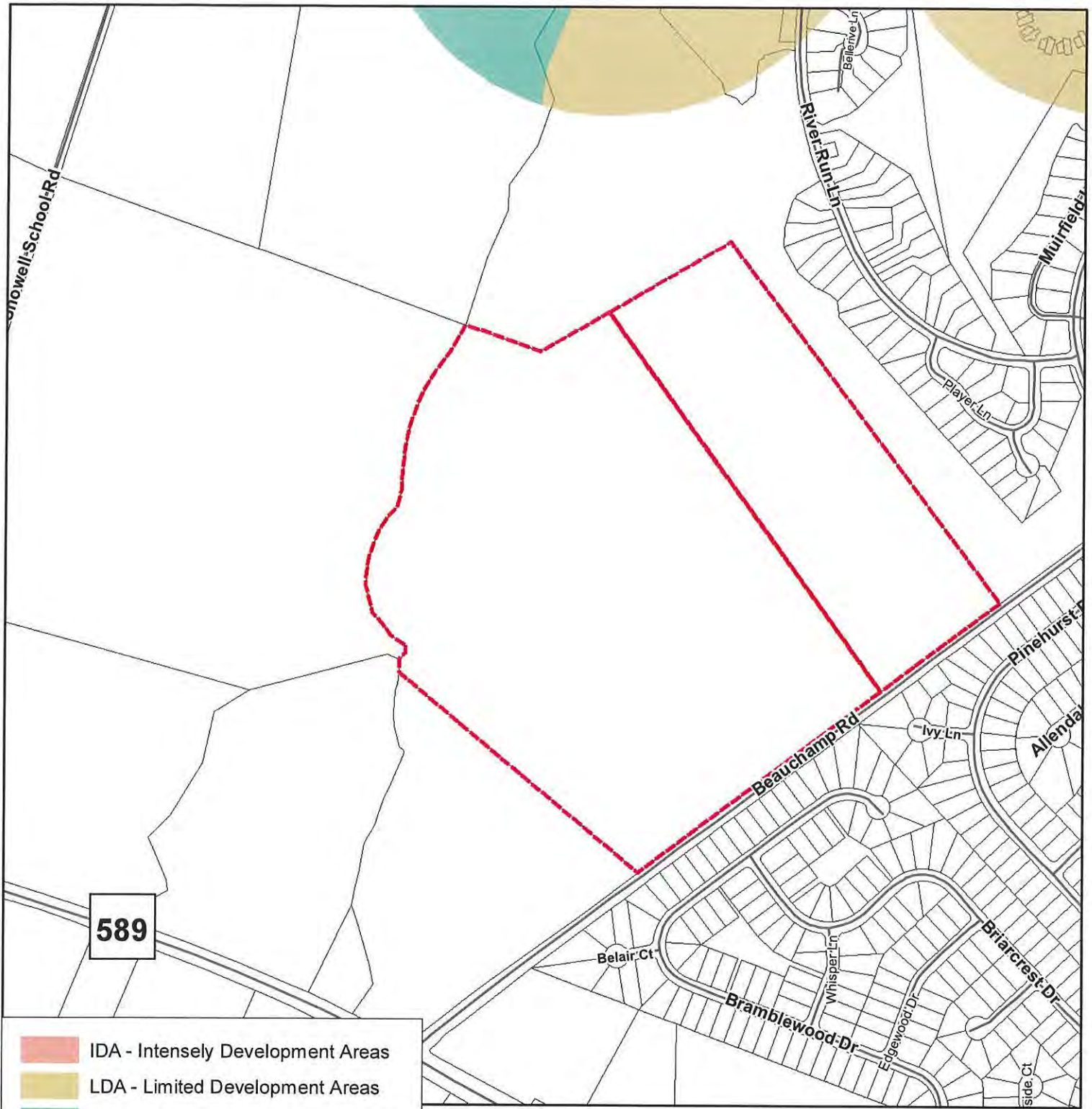
0.1 0.05 0 0.1 Miles



Priority Funding Area

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: Worcester County



589

- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Out of Program
- Tidally Influenced Areas
- Property Boundary
- Parcel



Critical Area

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Critical Area data: MD DNR/Worcester County.



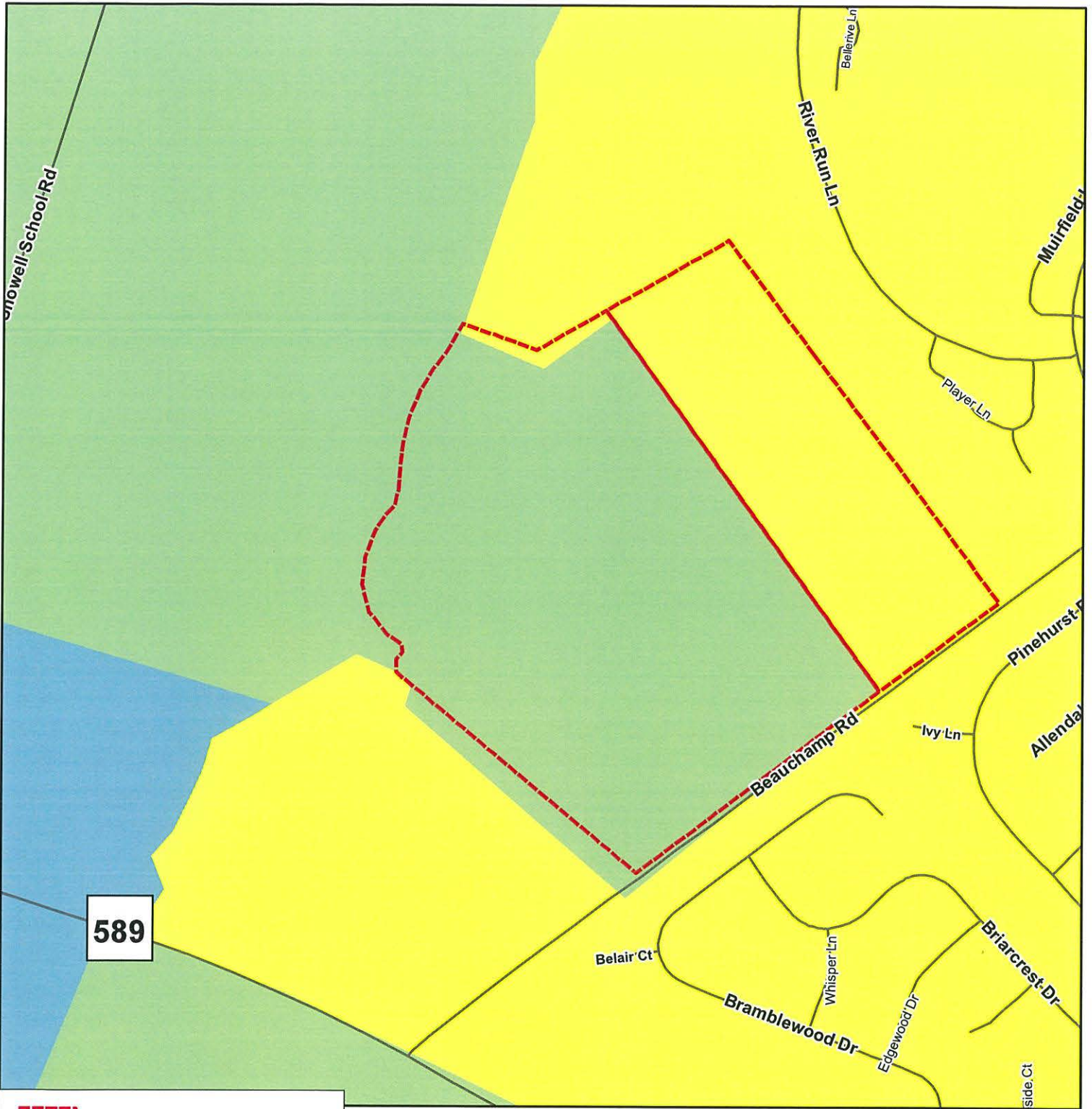
0.1 0.05 0 0.1 Miles



Floodplain

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: FEMA



589

 Property Boundary

Land Use Plan

-  Agriculture
-  Existing Developed Centers
-  Institutional




2006 Land Use Plan

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: Worcester County



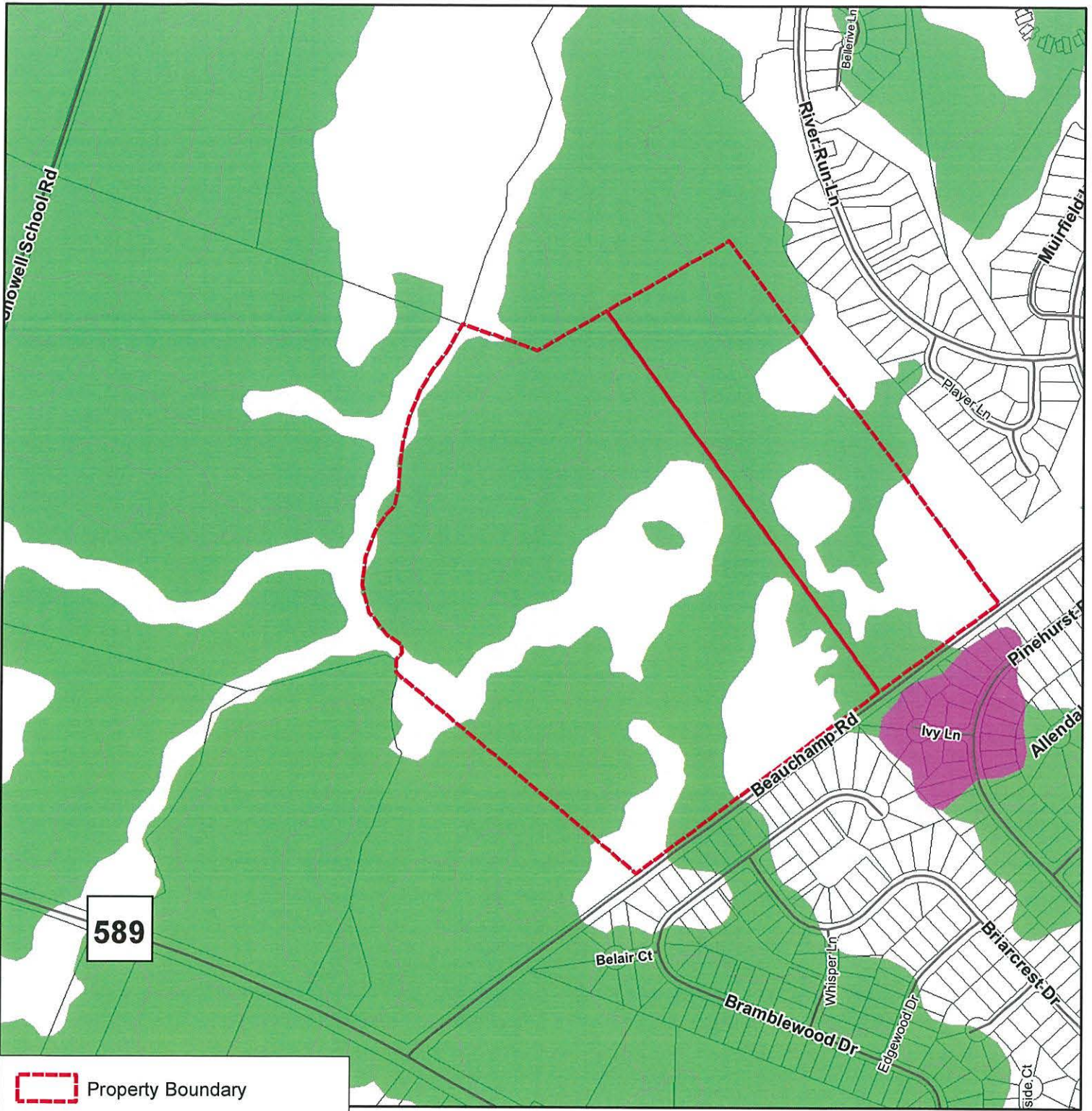
589

 Property Boundary

0.1 0.05 0 0.1 Miles


Aerial Image (2016)

Nichols Neff Properties, LLC
S-1 Proposed
Case 2018-4



589

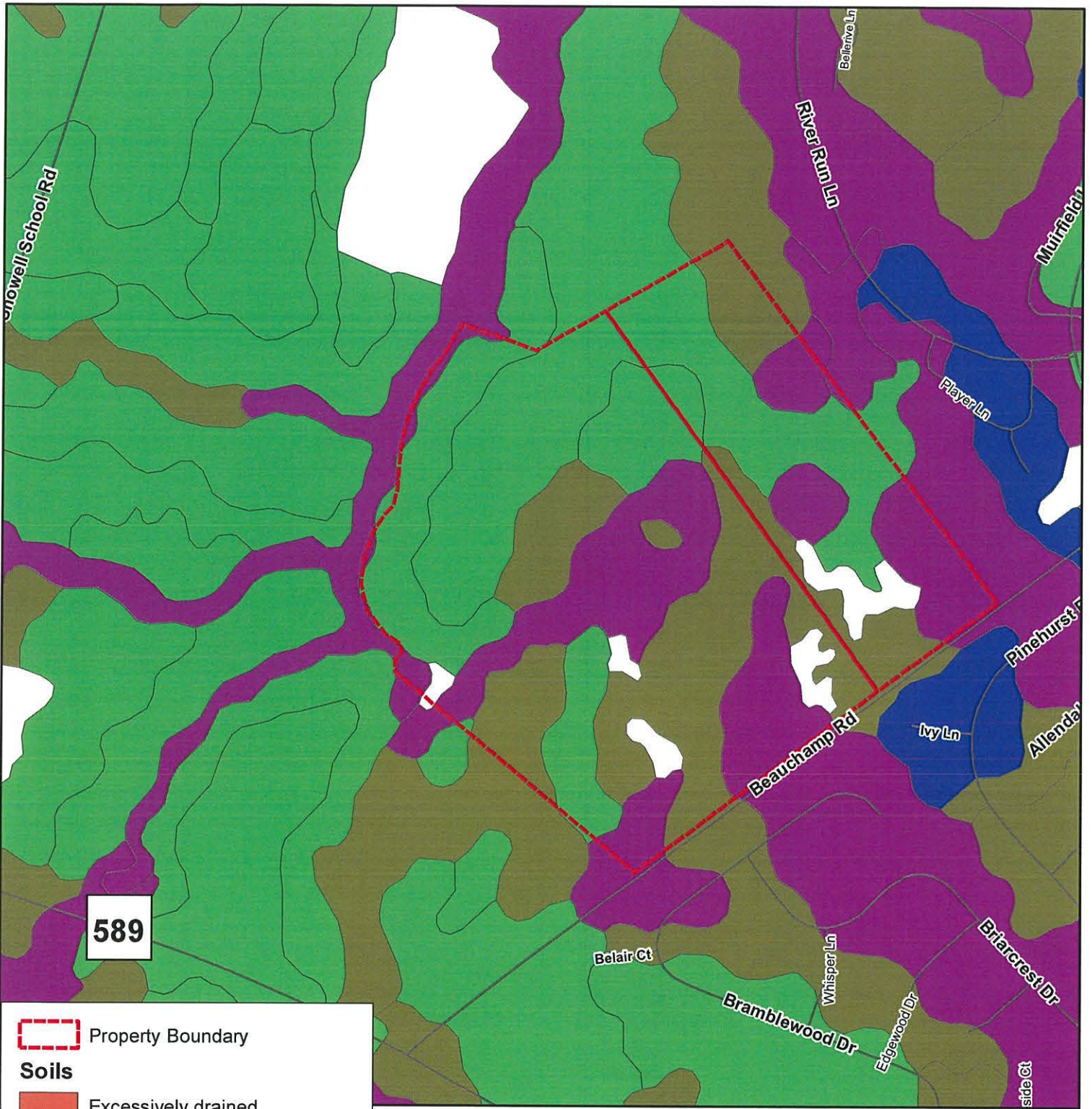
- Property Boundary
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if irrigated
- Parcel



Soils: Prime Farmland

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Soils data: MDA/NRCS.



589



Property Boundary

Soils



Excessively drained



Moderately well drained



Poorly drained



Somewhat excessively drained



Very poorly drained



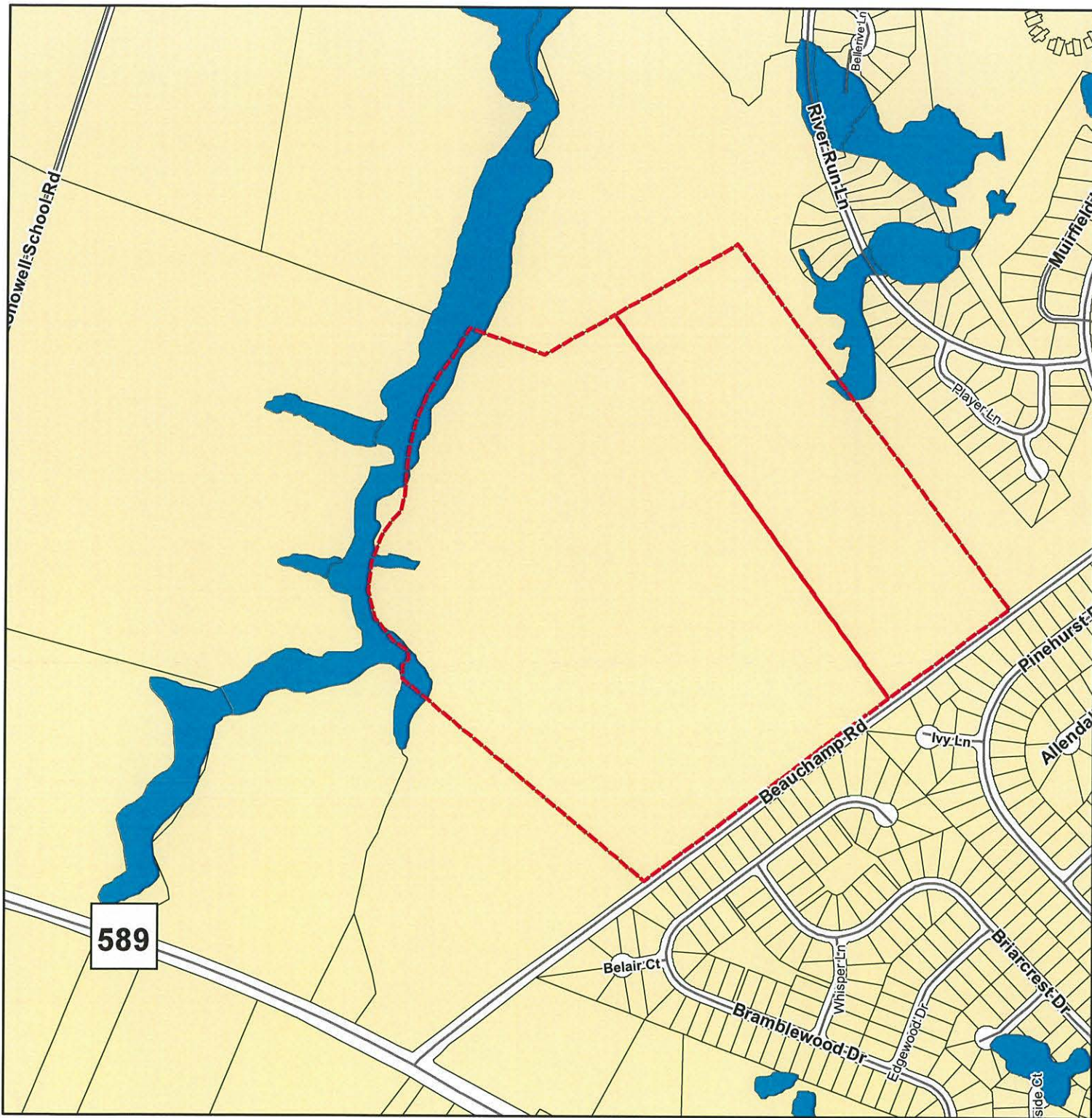
Well drained



Soils: Drainage

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

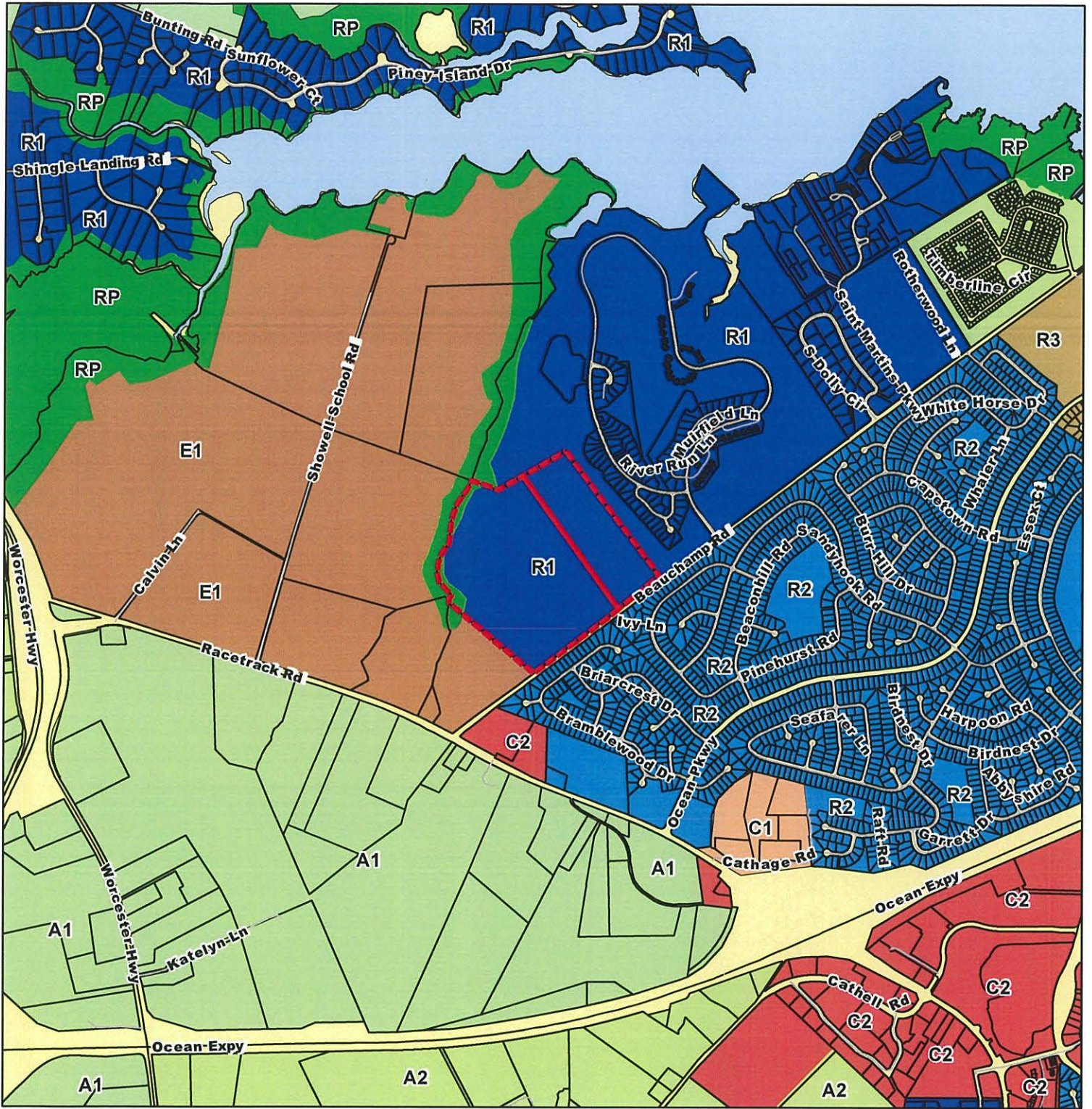
Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: MDA/NRCS



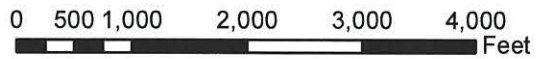
Wetlands Guidance Map

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by the Worcester County Department of Environmental Programs, October 25, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: MD/DNR



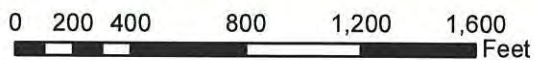
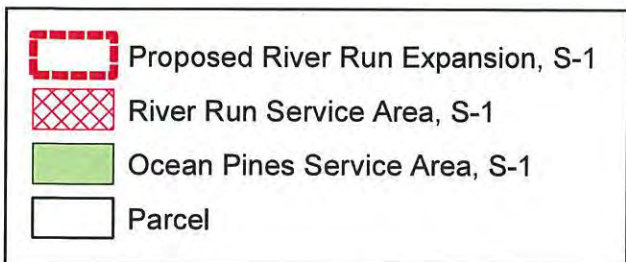
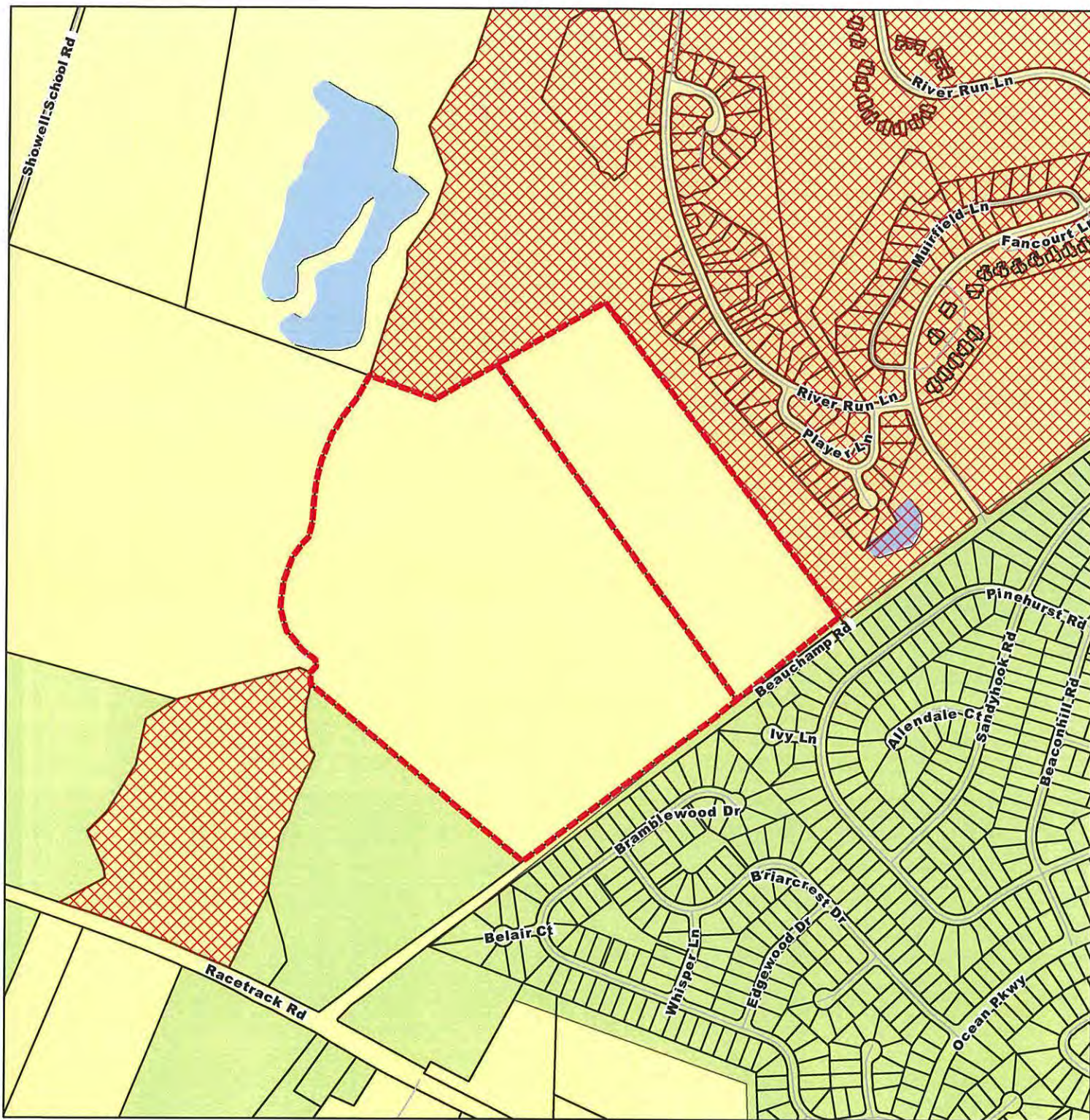
Property Boundary
 Parcel



Zoning

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

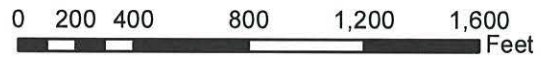
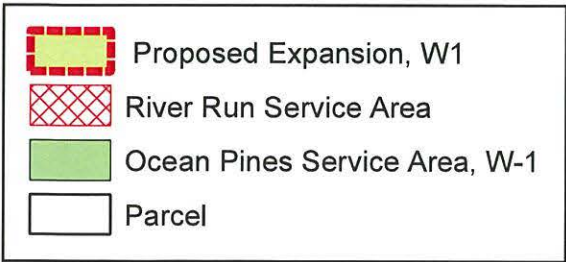
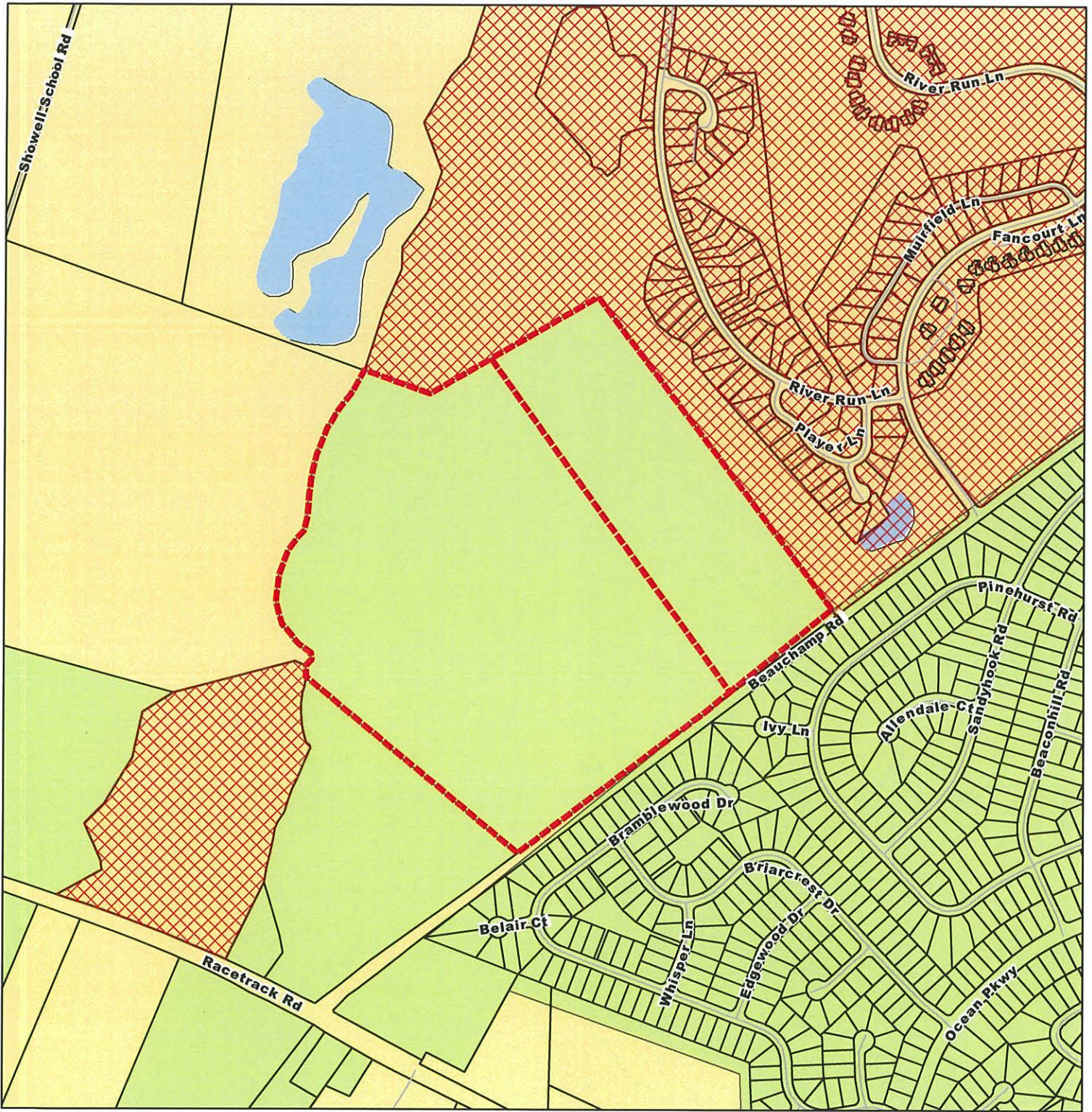
Prepared by Worcester County Environmental Programs, December 27, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.



River Run Sewer Planning Area

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by Worcester County Environmental Programs, December 27, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Ocean Pines Water Planning Area

Nichols Neff Properties, LLC
 W-1 Proposed
 Case 2018-4

Prepared by Worcester County Environmental Programs, December 27, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.

Attachments

Planning Commission
Minutes

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: January 3, 2019

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Betty Smith

Jerry Barbierri

Staff

Jennifer Keener, Zoning Administrator

Bob Mitchell, Director, Dept. of Env. Programs

Katherine Munson, Planner V, Dept of EP

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, November 1, 2018 — As the first item of business, the Planning Commission reviewed the minutes of the November 1, 2018 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Mr. Barbierri and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, January 10, 2019 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for January 10, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Public Hearing - Revised Draft Land Preservation, Parks and Recreation Plan

As the next item of business, the Planning Commission held a public hearing on the revised draft Land Preservation, Parks and Recreation Plan. Mr. Diffendal opened the public hearing at 1:03 P.M. Katherine Munson, Planner V, Environmental Programs, Bill Rodriguez, Parks Superintendent, Department of Recreation and Parks, and Tom Perlozzo, Director, Department of Recreation and Parks were present.

Ms. Munson referred to a packet sent to the members in December, which included ten (10) pages from the 2017 plan (adopted February 20, 2018) edited to clarify recreational land deficiencies. She stated the new proposed draft has also been available on the county website. She explained that these changes are proposed in response to the state (Program Open Space) review of the adopted plan. She stated that although Program Open Space approved the 2017 Land Preservation, Parks and Recreation Plan submitted in February 2018, Program Open Space determined that the county had a recreational land deficit, based on information presented in the plan. Counties with recreational land deficiency are penalized with a significantly reduced

Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to forward a favorable recommendation to the County Commissioners for approval and adoption of the draft plan with the proposed edits presented by staff.

IV. Water and Sewerage Plan Amendment

As the next item of business, the Planning Commission reviewed an application associated with the addition of certain informational items in the Master Water and Sewerage Plan (The Plan) for the Ocean Pines Sanitary Service Area and the River Run Sanitary Service Area (SW 2018-4). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Mark Cropper, attorney, was present on behalf of the applicant, River Run Development Associates, LLC (River Run) and Nichols-Neff Properties, LLC (Nichols), who are joint applicants for this amendment.

Mr. Mitchell explained that the applicant is requesting this amendment to reclassify the sewer and water planning areas for two adjacent parcels comprising the dormant golf course from S-6/W-6 (no planned service) to S-1/W-1 (within two years) and include this change within the appropriate sewer and water planning area information in The Plan. The reclassification of the sewer planning area will be for the River Run Sanitary Area and service to the properties will be from the River Run WWTP. The reclassification of the water planning area will be for the Ocean Pines Sanitary Area and service to the properties will be from the Ocean Pines water treatment and distribution system. This revision is to provide public sewer and water to serve a proposed residential subdivision on the dormant golf course.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning classification for the properties. He explained the land use inconsistency for one of the two parcels and noted the preexisting use developed on the entirety of both properties that spanned land use designations given to the properties in successive Comprehensive Plans. Also discussed was the nature of the surrounding properties being existing developed and the point that the development of these properties would be done in exactly in the same manner as the golf course that was previously constructed across the property line.

Mr. Mitchell noted that the connections to the River Run Sanitary Area's sewer collection system and the Ocean Pines water distribution system would be in accordance with the Department of Public Works' (DPW) design approval and any installed infrastructure would be turned over to the County upon inspection and acceptance by DPW staff. He also noted that the properties have an existing onsite sewage system capacity that would be abandoned, fall within St. Martins River/Ocean Pines Water Management Strategy Area and Ocean Pines wellhead protection areas, and that the connection to public sewer and water was much more preferable than developing the property on well and septic. He also noted the connection to the spray plant

at River Run would not add flow to the area's point source discharge from the Ocean Pines WWTP.

Mr. Cropper concurred with staff's findings on this report and offered that the land use designation area for these properties and all environmental and planning aspects for future development were discussed and examined thoroughly during the recent rezoning of the properties.

He also introduced Dane Bauer, a consultant, from Hall and Bauer, who testified on the project. Mr. Bauer testified that in his opinion the public sanitary capacity and public water capacity was present to serve the development and that it was economically and technically feasible to do so. He also noted the specifics of the build out phasing for the permitting spray irrigation facility at River Run were more appropriate to be detailed in a Public Works agreement and the Sanitary Service Area expansion done under the local procedures according to the Public Works Article.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott and carried unanimously to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

VI. Adjourn – The Planning Commission adjourned at 1:28 P.M.

Betty Smith, Secretary

Jennifer K. Keener, AICP

expansion or enlargement of water production, treatment, or distribution facilities or any sewage treatment, disposal, or collection facilities as may be necessary to accommodate the new developments.

1.4 PROCEDURES FOR PLAN AMENDMENTS

1.4.1 General

Proposed amendments to the Water and Sewerage Plan will be considered by the County Commissioners only if the amendments are consistent with the provisions of the Comprehensive Development Plan and existing zoning classification. If a proposed water or sewage project is not consistent with the existing zoning classification, the amendment may be proposed in conjunction with an application for zoning reclassification. In such event the Water and Sewerage Plan amendment hearing shall be conducted jointly with the rezoning hearing.

1.4.2 Application for Amendments

All applications for amendments to the Comprehensive Water and Sewerage Plan shall be filed with the Department of Planning, Permits and Inspections. Applications shall contain such information and shall be submitted on such forms as promulgated by the Department (see Appendix D). In addition to the information required, the Department may require such additional information as determined necessary to properly evaluate the application. A fee, as set by Resolution of the County Commissioners, shall be submitted with the application.

1.4.3 Review

The application shall be reviewed by the Environmental Programs Section and the Planning Section of the Department of Planning, Permits and Inspections and shall be submitted to the Planning Commission for its review. If appropriate, the application shall also be forwarded to the Department of Water and Wastewater Services for review and comments. If additional technical review is required the Department of Planning, Permits and Inspections may, with the approval of the County Commissioners, arrange for independent technical advice on the application. The applicant shall be notified of the need for such additional technical advice and shall be required to reimburse the County for the cost of such. The Department of Planning, Permits and Inspections shall submit the application, along with the recommendation and comments of the Environmental Programs Section, the Planning Section and Planning Commission, to the County Commissioners for a public hearing.

1.4.4 County Commissioners' Approval

Upon submission of the application and recommendations, a public hearing on the requested amendment shall be advertised as required by law and regulation. Notices shall be sent to any affected municipality, the Department of Water and Wastewater Services, and the State Department of the Environment. The County Commissioners may approve, disapprove, or approve with amendments and conditions the requested amendments to the Comprehensive Water and Sewerage Plan. The approved amendments shall be forwarded to the State Department of the Environment for review and approval by that agency. Upon notification from the State Department of the Environment that the amendment has been approved by the State it shall be incorporated into the Worcester County Comprehensive Water and Sewerage Plan.

Amendments which do not pertain to the addition or deletion of water or sewer systems and which are considered to be relatively minor revisions, such as the upgrading of a water service area from W-3 to W-1, can be processed by administrative procedures delegated to the Department of Planning, Permits and Inspections as opposed to requiring a public hearing before the County Commissioners. Such minor amendments must go through the same review process at the local level as major amendments, as described in 1.4.3. They must be considered by the Planning Commission and found to be consistent with the County's Comprehensive Development Plan and must subsequently be reviewed and approved by the County Commissioners. The County Commissioners' Resolution officially approving such minor amendments as well as the pertinent revised narrative, charts, tables or maps, must be forwarded to the State Department of the Environment annually.

1.4.5 Biennial Update

As required by State regulation, the Water and Sewerage Plan shall be updated biennially. The Department of Planning, Permits and Inspections shall supply data forms to all owners and operators of water and sewerage systems for the submission of amendments or changes as may be required.

All amendments and changes shall be reviewed by the Department of Planning, Permits and Inspections, the Planning Commission and the Department of Water and Wastewater Services if appropriate. The County Commissioners shall hold a public hearing on the update and proposed changes.

(q) *Water supply system.* — (1) "Water supply system" means a publicly or privately owned or operated:

(i) Source and the surrounding area from which water is supplied for drinking or domestic purposes; and

(ii) Structure, channel, or appurtenance used or intended to be used to prepare water for use or to deliver water to a consumer.

(2) "Water supply system" does not include the plumbing system inside any building that is served by the water supply system. (1983, ch. 542, § 2; 1984, ch. 762; 1992, ch. 295.)

Revision of subtitle. — Chapter 542, Acts 1983, effective July 1, 1983, repealed former §§ 9-501 through 9-517 and the subtitle heading "County Plans" and enacted present §§ 9-501 through 9-521 to be under the new subtitle heading "County Water and Sewerage Plans."

University of Baltimore Law Review. — For comment concerning federal, State and local regulation of hazardous and nonhazardous waste management, see 17 U. Balt. L. Rev. 114 (1987).

Grant of authority to adopt or amend plan. — This subtitle does not authorize a

county council itself to adopt or amend a county's solid waste management plan. That authority is granted to the "county governing body" or the "governing body of the county." *County Council v. Maryland Reclamation Assocs.*, 328 Md. 229, 614 A.2d 78 (1992).

Stated in Ad + Soil, Inc. v. County Comm'rs, 307 Md. 307, 513 A.2d 893 (1986).

Cited in Sugarloaf Citizens Ass'n v. Northeast Md. Waste Disposal Auth., 323 Md. 641, 594 A.2d 1115 (1991); *Gregory v. Board of County Comm'rs*, 89 Md. App. 635, 599 A.2d 469 (1991).

§ 9-502. Scope of subtitle.

(a) *Systems not requiring water for human or animal consumption.* — Unless the operation of a water supply system would interfere with a cleanup or remediation action of the Department, this subtitle does not prohibit the installation or operation of a water supply system that is used only to supply water for purposes other than human or animal consumption.

(b) *Counties exempt from subtitle.* — If a county is exempt from the provisions of this subtitle, the county may not receive funds from the sanitary facilities fund.

(c) *Conflict with other laws, rules, or regulations.* — Any rule or regulation adopted under this subtitle does not limit or supersede any other county, municipal, or State law, rule, or regulation that provides greater protection to the public health, safety, or welfare. (1983, ch. 542, § 2; 1989, ch. 25.)

Quoted in Ad + Soil, Inc. v. County Comm'rs, 307 Md. 307, 513 A.2d 893 (1986).

Stated in Holmes v. Maryland Reclamation Assocs., 90 Md. App. 120, 600 A.2d 864, cert.

dismissed sub nom. County Council v. Maryland Reclamation Assocs., 328 Md. 229, 614 A.2d 78 (1992).

§ 9-503. County plans — Required; review by governing body of county; revision or amendment.

(a) *Requirement.* — Each county shall have a county plan or a plan with adjoining counties that:

(1) Is approved by the Department;

(2) Covers at least the 10-year period next following adoption by the county governing body; and

(3) Deals with:

(i) Water supply systems;

(ii) Sewerage systems;

(iii) Solid waste disposal systems;

(iv) Solid waste acceptance facilities; and

(v) The systematic collection and disposal of solid waste, including litter.

(b) *Review by governing body of county.* — Except as provided in § 9-515 of this subtitle, each county governing body shall review its county plan at least once every 3 years in accordance with a schedule set by the Department.

(c) *Revision or amendment.* — Each county governing body shall adopt and submit to the Department a revision or amendment to its county plan if:

(1) The governing body considers a revision or amendment necessary; or

(2) The Department requires a revision or amendment.

(d) *Public hearing prior to adoption.* — (1) Before a county governing body adopts any revision or amendment to its county plan or adopts a new county plan, the governing body shall:

(i) Conduct a public hearing on the county plan, revision, or amendment that may be conducted jointly with other public hearings or meetings; and

(ii) Give the principal elected official of each municipal corporation that is affected notice of the county plan, revision, or amendment at least 14 days before the hearing.

(2) (i) Notice of the time and place of the public hearing, together with a summary of the plan, revision, or amendment, shall be published in at least 1 newspaper of general circulation in the county once each week for 2 successive weeks, with the first publication of notice appearing at least 14 days before the hearing.

(ii) Notice of the public hearing may be a part of the general notice listing all other items to be considered during the public hearing or meeting. (1983, ch. 542, § 2; 1985, ch. 224; 1988, ch. 101; 1989, ch. 820; 1990, ch. 6, § 2; 1994, ch. 661, § 2.)

EXPLANATION

Section 9-503 (b) of the Environment Article requires counties to conduct at least a biennial review of their ten-year plans concerning water and sewage systems and solid waste facilities. Staff recommends this requirement be

modified to require review at least every three years. The Department of the Environment has agreed with this change; the triennial review would be consistent with the review of several other programs under the Department


33



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS 
Director, Environmental Programs

Subject: **Expansion of River Run and Ocean Pines
Sanitary Service Areas**
Pine Shore North Golf Course
Staff Report

Date: 2/26/19

A valid request for Sanitary Service Area expansion has been received for expansion of the River Run and Ocean Pines Sanitary Areas from Mr. Dane Bauer, on behalf of the property owners of the subject properties: River Run Development Associates, LLC (River Run) and Nichols-Neff Properties, LLC (Nichols). This request seeks to expand the River Run and Ocean Pines service areas for two adjacent parcels comprising the dormant Pine Shore North golf course in order to serve a proposed residential subdivision. The proposed expansion of the service areas will be for the River Run Sanitary Service Area to provide sewer service from the River Run WWTP and for public water service to be provided from the Ocean Pines Sanitary Service Area's water treatment and distribution system. This determination was made pursuant to Section §PW 5-305 (b)(1)(A.) of the Public Works Article.

The proposed water and sewer service area boundary expansions are shown on the enclosed maps. The area will be provided with ninety (90) EDUs of sewer and water service from the River Run Sanitary Area (sewer) and Ocean Pines Sanitary Service Area (water).

The expansion properties are located on the northwesterly side of Beauchamp Road, to the northeast of the junction with Racetrack Road (MD Route 589). The properties are more specifically identified on Tax Map 15 as Parcels 127 and 259.

The applicant is proposing to connect to the sewer collection system by connecting to appropriate location(s) within the River Run infrastructure. They will connect to the Ocean

Pines water distribution system by way of connection at a point authorized by the County on the existing water main in place on Beauchamp Road. Where system components will be maintained and serviced by Worcester County, the developer-constructed infrastructure will be built under a Public Works agreement and will be turned over upon inspection and acceptance of the construction and materials by County personnel.

Along with County staff, I have investigated and evaluated the request for the expansion of these service areas for sewer and water service. In order to evaluate the proposal, I met with and solicited comments from Mr. John Ross of the Department of Public Works (DPW) and Ms. Jennifer Swanton, Assistant Finance Officer with the Worcester County Treasurer's Office.

DPW staff looked into the expansion of the service area as it pertains to engineering feasibility and determined the project is feasible from an engineering standpoint and will be in accordance with County standards. DPW will review the design and construction of these facilities to conform that they are in compliance with required permits and standards.

Finance examined the financial feasibility of this project and based on the fact the developer is proposing to purchase the required water and sewer capacity and will fund the construction of the necessary infrastructure to connect to the collection and distribution systems, this project is determined to be financially feasible.

After reviewing all of the applicable information and discussing the same with staff, the findings listed below are the results of the evaluation of this request under the requirements of Section § PW 5-305 of the Public Works Article:

A. Expansion is desirable for the health, safety and welfare of the property owners and their customers in the expanded area and for the environment because:

- a. The removal of existing onsite sewage flow from multiple systems within the proposed sewer expansion area will reduce nitrogen discharges to the shallow groundwater and ultimately the surface waters of the bays.
- b. The provision of public sewer services to the proposed service area would provide a much greater degree of comfort and convenience for the current and future proposed facilities. There exists sufficient sewer capacity in the River Run service area to serve the proposed project and the River Run Developer has committed such capacity.

B. The construction and operation is feasible from an engineering and economic standpoint:

- a. The construction will be paid for by the applicant and the future customers of the expanded service area. Operations will be done by the Department of

Public Works, paid for by the multiple commercial users in both sanitary areas.

- b. DPW has determined the project to be feasible from an engineering standpoint.

C. The proposal is in the best interest of the public health, safety and welfare of all the residents of the county:

- a. The removal of conventional (without treatment for nitrogen) onsite sewage flow from multiple septic systems within the proposed expanded service area is in the best interest of the residents of the County.
- b. The provision of a reliable public water supply along with fire flow service to this proposed community is in the best interest of the residents of the County.

D. The proposal will not be unduly detrimental to the environment or the county:

- a. Nitrogen discharges to the shallow groundwater and ultimately the Atlantic Coastal Bays will be reduced as a result of the connection multiple existing septic systems to public sewer. Other contaminants will also be eliminated as they will be treated in a WWTP with an ENR (Enhanced Nutrient Reduction) level of treatment.
- b. The properties are shown in the Source Water Assessment Report for Ocean Pines as falling within the Zone #2 area for Well #4 of the Ocean Pines Sanitary Area Water Supply. One of the planning measures for this water system is to have the wellhead protection area properties sewered. This is especially important as the Ocean Pines water supply in this area is sourced from an unconfined aquifer. This property also falls within the St. Martins River/Ocean Pines Water Management Strategy Area. As a property located entirely within this area, it would be in the public interest to convert users of the unconfined water table to the public water system. This would help mitigate stress on the unconfined Pleistocene (Columbia) aquifer serving the area and supplying the public water supply wells in North Ocean Pines. These properties would abandon their existing wells and extinguish their water appropriation permit for groundwater withdrawal.

E. The design and operation of the infrastructure serving this area is in accordance with all required permits and applicable standards:

- a. The applicant is responsible for all costs associated with design and permitting of the connection infrastructure. The County Department of Public Works will be responsible for operations, with those costs being paid

by the service area. DPW will also inspect all construction before final approval and acceptance.

Water & Sewer Amendment

The Water & Sewer Amendment for expansion of the water & sewer planning areas was approved by the Planning Commission at their meeting on January 3, 2019. They found the proposed amendment is consistent with the *Comprehensive Plan* and local land use and zoning.

Summary

As detailed above, this petition was investigated according to Section § PW 5-305 of the Public Works Article and found to be in conformance with the standards we examine in processing such requests. Staff has found no reason to find that the proposed expansion of the River Run and Ocean Pines Sanitary Service Areas, under our local laws, would be unfeasible from a technical or financial standpoint.

In accordance with § PW 5-305 (b) (3), I would respectfully request that a hearing be scheduled for the expansion of this service area.

I will be available, along with Mr. Ross and Ms. Swanton, to discuss the matter with either you or the County Commissioners at your convenience. Should you have any questions or require future information in the interim, please do not hesitate to contact me.

Enclosures

1. Service Area Expansion Request from HB Solutions, LLC with owner's endorsements
2. Proposed Service Area Maps for Water and Sewer Service

cc: John Ross, Deputy Director, Public Works
Jennifer Swanton, Assistant Finance Officer
SSA-2018-03

Attachments

Expansion Request



H&B Solutions, LLC
37534 Oliver Drive
Selbyville, DE 19975
Tel: 410.292.4385

October 30, 2018

Worcester County Government Center
Department of Environmental Programs
1 West Market Street, #1306
Snow Hill, MD 21863

Attn: Mr. Robert Mitchell, RS
Director

Re: River Run
Service Area Expansion Request
Comprehensive Water and Sewer Plan Amendment
Project No: 14015.00

Dear Bob:

Consistent with ongoing discussions between Mr. Lewis Meltzer, President, River Run Development Associates, LLC (RRDA, LLC) and Ms. Maureen Howarth, Esq. regarding the proposed extension of public sewer from the River Run Sanitary Service Area and water service from Ocean Pines to the previous Pine Shores North Golf Course (Nichols-Neff Properties, LLC), H&B Solutions, LLC (H&B) represents RRDA, LLC with regards to the Comprehensive Water and Sewer Plan Amendment as well as the Service Area Expansion request.

Service Area Expansion Request:

Specifically, this serves as the necessary petition of the Owner pursuant to § PW 5-305 (b)(1) to request the Worcester County Commissioners authorize an addition to the River Run Sanitary Service Area and Ocean Pines Water Service to accommodate a request to purchase ninety (90) equivalent dwelling units (EDUs) to support a new subdivision proposal at the previous Pine Shores North Golf Course property.

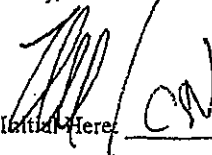
1. *The proposed expansion would be desirable for the comfort, convenience, health, safety, and welfare of the people who will be served by the proposal.*

One of the underlying objectives of this request is to eliminate the need to rely on onsite sewage disposal systems to meet the future needs of this proposed subdivision in keeping with the industry standards and consistent with the various goals and objectives of public health, environmental protection, and the general welfare of the community.

The County, through an accounting of EDUs remaining, has confirmed that there are sufficient water and sewer EDUs available to meet the ninety (90) EDUs requested to support the proposed Pines Shores North project.

2. *The operation and construction is certainly feasible from both the engineering and economic standpoints.*

A County owned wastewater treatment plant (WWTP), a system of forcemains, pump stations, and gravity sewer already exist to serve River Run. Similarly, the Ocean Pines

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water service contains a system of five (5) wells within inline treatment and storage. This Project would include the infrastructure needed to affect this Sewer Service Area Expansion using an interconnection and associated pump station with discharge to a County approved interconnection location. Similarly, the Water Service Area Expansion would require an interconnection at a point authorized by the County.

The public infrastructure will be designed by Pine Shores North in accordance with engineered plans reviewed by the Department of Public Works. The Department will inspect all water and sewer improvements before the turnover to the County.

The expansion area where the public water and sewer extension is proposed by this request/petition, to be identified as Tax Map 15, Parcels 127 and 259.

- 3. The proposal is in the best interest of the public health, safety, and welfare of the residents of the County.*

This project is in the best interest of the public health, safety, and welfare to the residents of Worcester County. It is to everyone's benefit to promote the use of public sewer for new development in lieu of septic systems which contribute significantly to non-point source nitrogen loading to the intercoastal embayment areas. Similarly, the health and welfare of the community will be best served by developing the ninety (90) single family units on public water as opposed to individual wells.

- 4. The proposal will not be unduly detrimental to the environment of the County.*

The expansion will not be unduly detrimental to the environment of the County, and in fact, it is preferable for subdivisions to proceed on public sewer as opposed to onsite septic systems.

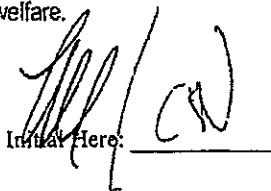
- 5. The design and operation of the facility will be completed according to State and County Guidelines.*

The design and operation of the facilities will be completed according to State and County Guidelines and all construction plans will be reviewed and inspected by Worcester County Department of Public Works.

Comprehensive Water and Sewer Plan Amendment:

Commensurate with the service area expansion, included herein is an application to amend the County Comprehensive Water and Sewer Plan. This application defines the existing treatment and collection system capacity, existing and remaining EDUs, and distribution of the EDUs to both RRDA, LLC and Nichols-Neff Properties, LLC. The EDU availability has been reviewed and approved by the County Attorney's Office which confirms the request to assign ninety (90) EDUs to the previous Pines Shores North Golf Course property are "adequate and available". As noted above, developing a subdivision on public sewer is more environmentally protective, in the interest of public health and welfare, is economically feasible and cost-effective, the interconnection will be appropriately permitted and installed at the expense of Nichols-Neff Properties, LLC, and overall is consistent with the underlying principals guiding Water and Sewer Plan Amendments. Using public water in lieu of individual wells is also to the benefit of public health and welfare.

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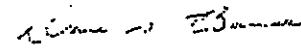
Notwithstanding the above, and the adoption of the County Comprehensive Water and Sewer Plan and approval of the Service Area Expansions by the Worcester County Commissioners which authorizes the transfer of EDUs from the River Run to Pine Shores North, the actual transfer of EDUs cannot take place until all conditions of the EDU Agreement between the parties have been fully satisfied at which time a "transfer document" in the form annexed hereto will be delivered from RRDA, LLC to Nichols-Neff Properties, LLC with a copy to the County Attorney. Similarly, pursuant to Environment Article 9-512, required State/local permits and approvals to support the installation of required infrastructure cannot occur until the Water and Sewer Plan Amendment is adopted, the Service Area Expansion is approved, and the conditions of the EDU Agreement have been satisfied.

A check in the amount of \$500.00 has been enclosed associated with the Water and Sewer Plan Amendment Request. A check in the amount of \$500.00 associated with the Water and Sewer Service Area Expansion Request is also enclosed.

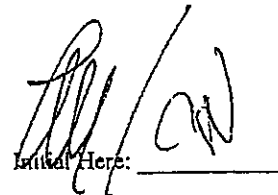
Please advise should you need anything further in these regards.

Sincerely,

H&B Solutions, LLC

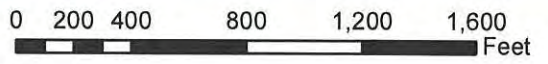
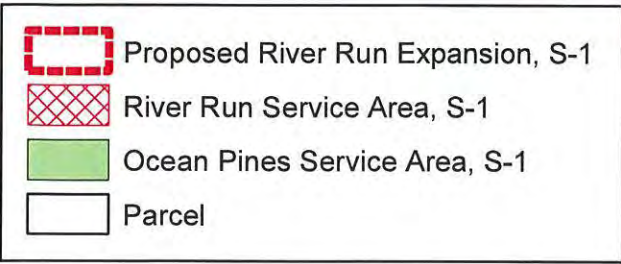
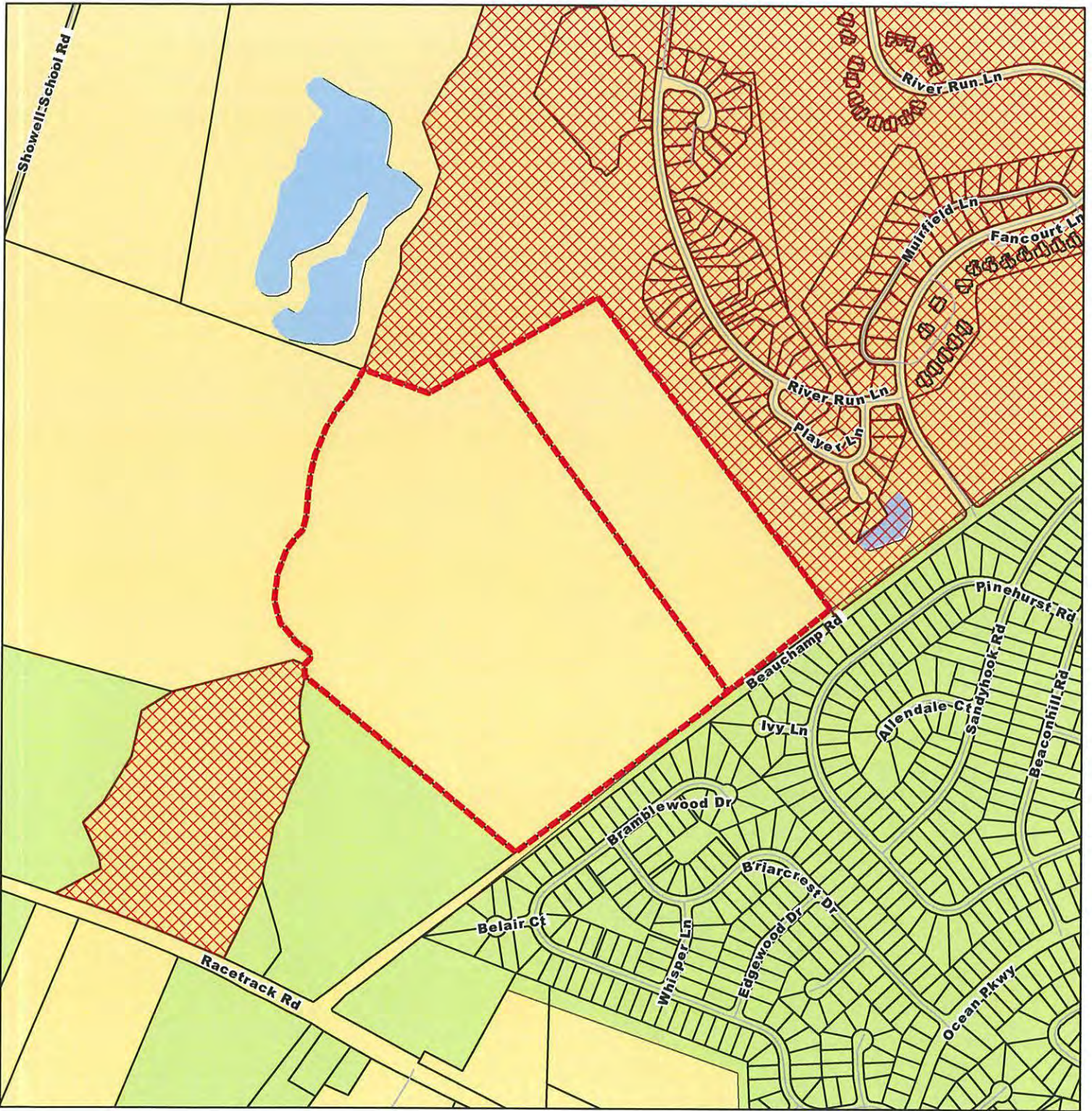

Dane S. Bauer
Member

Cc: Mr. Lew Meltzer (w/ enclosures)
Mr. Charles Nichols (w/ enclosures)
Mrs. Melissa Hall (w/ enclosures)


Initial Here: _____

Attachment 2

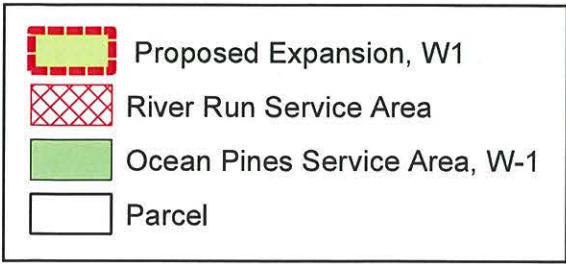
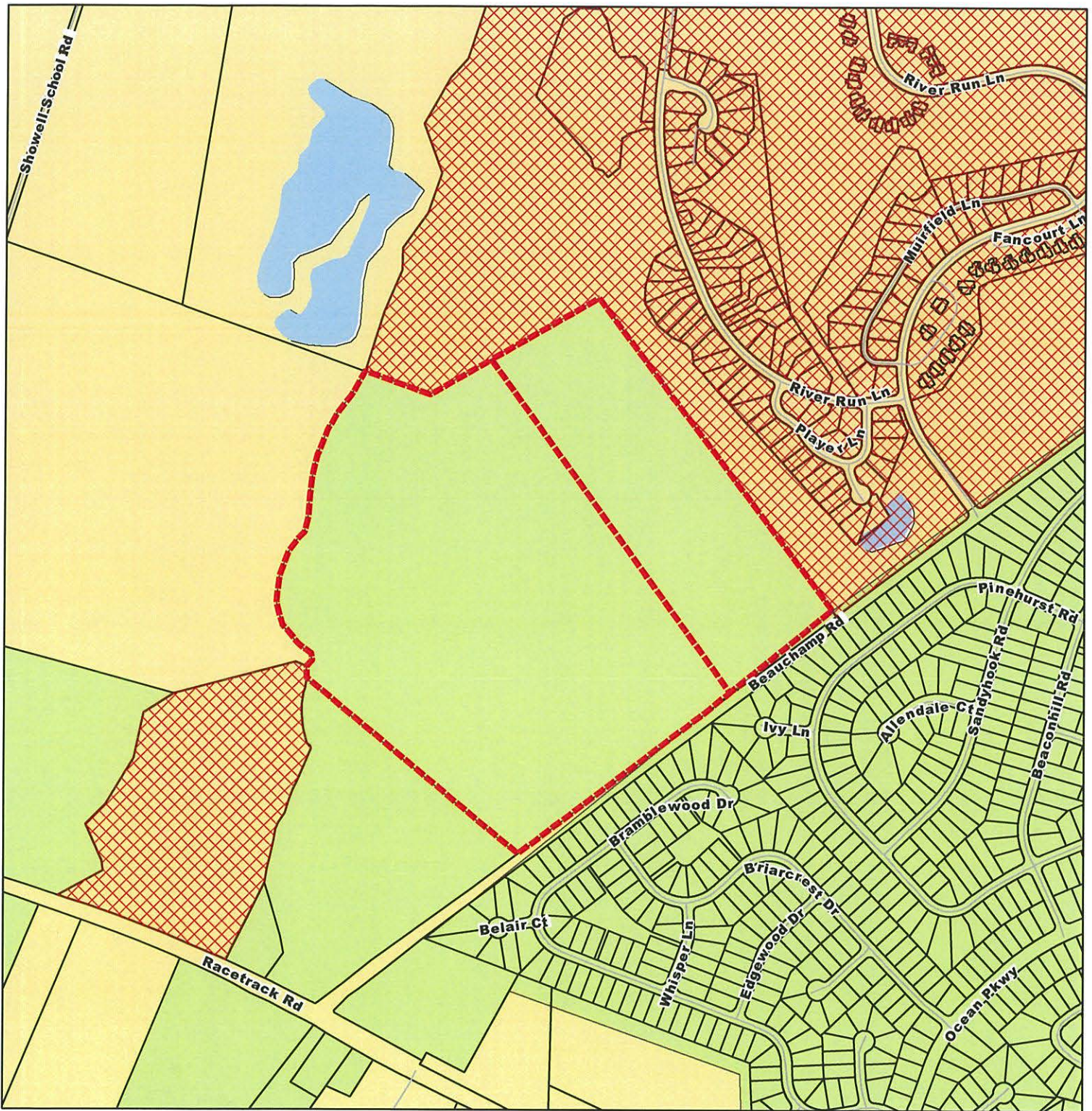
Maps



River Run Sewer Planning Area

Nichols Neff Properties, LLC
 S-1 Proposed
 Case 2018-4

Prepared by Worcester County Environmental Programs, December 27, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Ocean Pines Water Planning Area

Nichols Neff Properties, LLC
 W-1 Proposed
 Case 2018-4

Prepared by Worcester County Environmental Programs, December 27, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.

§ PW 5-305. Sanitary service areas, sub-areas and amendments.

- (a) Criteria for establishment. A sanitary service area may be created only if it can be demonstrated, and the County Commissioners find that the establishment is (1) necessary for the existing or future health, safety and welfare of the public in general or is in the best interest of the county at large, and (2) feasible financially and from an engineering standpoint. A sanitary service area may include non-contiguous parcels. Parcels wholly within the boundaries of a service area may be excluded from the service area.
- (b) Procedure. The procedure for the establishment of a sanitary service area, sub-area or amendment thereto shall be as follows:
- (1) Initiation of the process for sanitary service areas or sub-areas to be established or amended may be by petition or by action of the County Commissioners as follows:
 - A. By petition. The owner or owners of property may petition the County Commissioners for the establishment of a sanitary service area to serve that sub-area or amendment thereto. The petition must describe the geographic area proposed for the sanitary service area, sub-area or amendment. The petition shall be on such forms as prescribed by the County Commissioners and must be signed by not less than 67% of the property owners in the proposed service area, sub-area or amended area. The petition shall be accompanied by a plat of the proposed service area, drawings, maps, plans, studies, construction information and other information as may be required by the County Commissioners.
 - B. By action of the County Commissioners. If the County Commissioners determine that the establishment of a sanitary service area, sub-area or amendment thereto may be desirable in accordance with the criteria in this Subtitle, then the Commissioners may pass a resolution providing for an investigation of such proposed sanitary service area, sub-area or amendment.
 - (2) Action on Petition or Resolution. The Commissioners shall make an investigation and evaluation of the proposal set forth in the petition or resolution. In evaluating the proposal, the Commissioners shall consider the following:
 - A. Desirability of the facility for comfort, convenience, health, safety and welfare of the people who will or in the future may be served by the proposal.
 - B. Feasibility of construction and operation from an engineering standpoint as well as from an economic standpoint of the proposal.
 - C. Whether or not the proposal is in the best interest of the public health, safety and welfare of all residents of the county.
 - D. Whether or not the proposal will not be unduly detrimental to the environment of the county.
 - E. Whether or not the design and operation of any facility included in the proposal is in accordance with all required permits and applicable standards.

- (3) Hearing. The Commissioners shall hold at least one public hearing on the proposed establishment of a sanitary service area, sub-area or amendment thereto which shall be advertised at least once per week for two consecutive weeks prior to the hearing in a newspaper of general circulation in the area of the proposed action. The public hearing may be held in conjunction with any other public hearing required for the approval of the proposal.
- A. (Reserved)⁸
- (4) Approval/Disapproval. Following the public hearing the Commissioners may approve the proposal and establish a service area, sub-area or amend the same by resolution. The resolution shall specify and include: (1) the name of the service area or sub-area; (2) a geographic description of the service area or sub-area; (3) a description of the proposed sanitary facilities and a plan and schedule for the construction of the facilities; (4) the number of equivalent dwelling units to be served in the sanitary service area or sub-area; (5) an allocation of the equivalent dwelling units for existing parcels and for parcels planned for development; and (6) such other matters as the County Commissioners may deem appropriate. A copy of the resolution agreement implementing same and a plat of the boundaries of the service area or sub-area shall be recorded among the land records of the county. The County Commissioners may deny the proposal if it is found that the proposal is not necessary for the existing or future health, safety and welfare of the public in general or if the proposal is not feasible financially or from an engineering standpoint. Should construction of any facilities fail to commence within ten years from the date of the resolution, the County Commissioners may dissolve the service area or sub-area as herein provided. The decision of the County Commissioners shall be final. The resolution shall establish a special taxing district.
- (5) Cost and fees. In the case of a petition, all costs expended and fees, as from time to time prescribed by the County Commissioners, shall be paid by the petitioners at such time as demanded by the County Commissioners, provided, however, that the County Commissioners may determine that in a case where the petition is for the correction of existing conditions which are hazardous to the public health and the environment, the Commissioners may waive the fees or costs. In addition, the County Commissioners may pay such fees and costs and charge them to the service area or sub-area upon its establishment. Nothing herein shall preclude the County Commissioners from making other expenditures for studies or evaluations necessary to protect the health, safety and welfare of the people of the county and the environment.

8. Editor's Note: Former Subsection (b)(3)A, which provided special provisions for hearings in the Ocean Pines Sanitary Service Area, was repealed 9-16-2003 by Bill No. 03-9.

§ PW 5-306. Services outside service area. [Amended 8-16-2005 by Bill No. 05-11; 12-20-2005 by Bill No. 05-15]

- (a) Extension of services outside service area. The County Commissioners may allow sanitary services to be extended outside the boundaries of a service area to provide service by contract to another sanitary service area, shared sanitary facility, County project or facility, as determined by the County Commissioners. In all such cases the recipient of such service shall fairly compensate the sanitary service area providing service for maintenance and operation cost and for a proportionate share of the value, as determined by the County Commissioners, of the sanitary facilities required to provide the service. In emergency circumstances, service may be provided to an individual property. In the case of providing service to an individual property, the Commissioners must determine that such service is required because of a bona fide health or environmental emergency. The procedure for providing service outside the service area shall be the same as the procedure for an amendment to a sanitary service area set forth in § PW 5-305 of this Article based upon a petition filed by the owner or owners of the property requesting service or by action of the County Commissioners. The County Commissioners, in order to provide service outside the sanitary service area by contract, shall make all of the factual findings required by § PW 5-305, and the proposal must meet with all of the requirements of this section as well as the requirements of § PW 5-305. In cases where services are provided by contract outside of a sanitary service area the County Commissioners may establish rates and fees at the time of the resolution providing for such service. Such rates may be higher or lower than the rate charged within the sanitary service area providing service as determined by the County Commissioners for good cause. All rates and fees shall be subject to the annual budgetary process of § PW 5-310.
- (b) Temporary services. Upon a recommendation by the Department of Public Works, in cases where it is determined necessary, appropriate, or desirable by the County Commissioners, temporary treatment of wastewater generated in one sanitary service area may be provided in another sanitary service area and/or potable water may be supplied from one sanitary service area to another sanitary service area, provided such temporary arrangement does not exceed three hundred sixty-five consecutive days and provided an agreement shall be entered into between the service areas and executed on behalf of the County Commissioners by the Department of Public Works. No arrangement for inter-service area wastewater treatment or supply of potable water shall be made in cases where the wastewater treating area or potable water supplying area lacks sufficient capacity for such service.

§ PW 5-307. Construction of sanitary facilities.

- (a) Construction by developer. Where the proposed sanitary facilities are intended to serve land which is substantially vacant and undeveloped, the developer shall be required to enter into an agreement with the County Commissioners to provide for the construction of the facilities. The agreement shall provide: (1) that the developer shall secure all necessary permits for the benefit of the county, and which may not be modified without the consent of the county, and shall construct the facilities in accordance with all required permits and applicable standards; (2) that the developer shall deed to the county

free and clear of all encumbrances, at the time of the recordation of any subdivision plat or final approval of any site plan all parcels reserved for construction of sanitary facilities; (3) that the developer shall warrant the construction and performance of the sanitary facilities for a period of not less than two years from the date of acceptance by the county and shall post construction and maintenance bonds in an amount to guarantee the warranty which in the case of a maintenance bond shall be no more than 50% of the actual cost of all equipment; (4) that upon completion of the facility and final inspection, approval and acceptance by the county, the developer shall transfer all permits and all those portions of the facility which are not already county property to the county free and clear of all liens and encumbrances and the county shall then assume operational control of the sanitary facilities; (5) for a cash deposit, if required by the resolution establishing the service area, for not less than one year of operation including reasonable reserves for replacement; (6) such requirements for payment of contractors and suppliers as may be required; (7) for any construction bond required by any applicable law or regulation; (8) for any reimbursement to developer for service provided from the facility to third parties and any formula relating thereto; and (9) for such other matters as may be determined by the County Commissioners to be necessary and appropriate. The agreement shall be recorded in the land records of Worcester County at the expense of the developer. Any sanitary facilities constructed by the developer must be of such a capacity to provide service for each equivalent dwelling unit reflected on the developer's subdivision plats or site plans. The County Commissioners may require a developer to construct sanitary facilities of a size and capacity greater than that necessary to serve the proposed development when that additional capacity is needed to serve other existing parcels within the service area. In such a case, those existing parcels shall be established as a sub-area and the sub-area shall be liable for reimbursing the developer for its proportionate share of the costs of the sanitary facilities constructed by the developer.

- (b) Construction by county. Where a sanitary service area or sub-area has been established, the sanitary facilities shall be constructed, expanded or upgraded by the county in accordance with the following procedures.
- (1) The County Commissioners shall cause to be made such studies, plans and specifications as may be necessary to solicit bids and determine the actual cost for the construction and operation of the proposed sanitary facilities.
 - (2) The County Commissioners shall hold a public hearing on the cost of the project, which hearing shall be advertised at least once per week for two weeks prior to the hearing in a newspaper of general circulation in the area of the proposed service area. At the hearing the Commissioners may ask for the vote of each property owner in the service area as to whether the project should be constructed but shall not be bound by said vote.
 - (3) Following the public hearing the County Commissioners may approve or reject the project for construction. If approved, the County Commissioners may advance funds or may issue bonds as may be authorized by Public General Law, for the construction of the project. The costs incurred in constructing the project shall be considered a debt of the sanitary service area which debt shall be repaid through the levying of and payment of assessments as provided for in this Subtitle.

- (c) Standards. The County Commissioners may, by resolution, adopt codes and standards for the construction, operation and use of sanitary facilities.

§ PW 5-308. Operation of sanitary facilities.

Sanitary facilities shall be operated by the Worcester County Department of Public Works, provided that the County Commissioners may contract with qualified private operators or enter into leases with private operators to operate sanitary facilities.

§ PW 5-309. Plat approval and building permits. [Amended 7-13-1999 by Bill No. 99-4]

- (a) Conditions of approval and permit issuance. No subdivision plat may be recorded or site plan finally approved for any development in a sanitary service area until the sanitary facilities have either been completely constructed and in operation or the construction is provided for by agreement with the County Commissioners and has been adequately bonded to the county. No building permit for any structure in a sanitary service area shall be issued until the county shall determine that the construction of the sanitary facilities is substantially completed as determined by the County Commissioners upon the advice and the recommendation of the County Environmental Programs Administrator and, if the facilities are being constructed by a developer, that the remaining work is adequately bonded to the county. No occupancy permit shall be issued for any structure in a sanitary service area until the sanitary facilities are completed and are operating to the satisfaction of the county and have been transferred to the county.
- (1) Notwithstanding the provisions contained in Subsection (a) above, permits for no more than four model homes may be issued for any subdivision where the proposed water supply system and/or sewage disposal system have been approved by the Department of the Environment but not constructed, subject to the following:
- A. The water supply system and/or sewage disposal system have been bonded in their entirety to the satisfaction of the County Commissioners.
 - B. There shall be no water supply extended to the model homes.
 - C. All plumbing shall terminate at the building foundation.
 - D. Model home owners/developers shall utilize the model homes only for display purposes and they must not be either sold or occupied for any purpose until the water supply system and/or sewage disposal system are available to serve them. Agreements to this effect must be signed by all owners/developers, contractors and lienholders and recorded in the land records of Worcester County.

§ PW 5-310. Budget, assessments and charges.

- (a) Service area budget. The County Commissioners shall each year, by resolution, approve and adopt a budget for each service area which shall specify estimated expenses of the

service area or sub-area and the assessment, user charge and accessibility rates, as well as any other authorized fees and charges, necessary to balance estimated expenditures. The County Commissioners may also approve and adopt such supplemental budgets and assessments and charges in accordance with the procedures set forth in this section, as may be necessary to meet emergency or unexpected conditions and expenses, including partial year budgets and levies. The expenses of the service area may also include a portion of any consolidated administrative, financial, engineering and maintenance expenses which are allocated to the service area on a proportionate basis.

- (b) Assessments. The County Commissioners shall levy assessments by resolution on all properties within the sanitary service area or sub-area for the sole purpose of raising funds to retire any indebtedness of the service area or sub-area incurred for the purpose of acquiring or constructing sanitary facilities. The assessments shall be levied uniformly on an equivalent dwelling unit basis. If no new assessment is made, then the prior year assessment shall continue for the ensuing year. Each parcel within the service area shall annually, by resolution, be assigned an equivalent dwelling unit rating based upon its actual use or, in the case of vacant land, be assigned a one equivalent dwelling unit rating unless the vacant land has been approved for a greater number of equivalent dwelling units either by site plan approval, preliminary plat approval, or other development plan approval allowing for an allocation of water or sewer service, or other contracted agreement providing for water or sewer service, in which case the rating shall be based upon the number of equivalent dwelling units provided for in such approval, plat, plan or agreement. The County Commissioners may make adjustments in assessments in cases of lots which are determined by the County Commissioners to be lots not intended for sewer or water facilities or where water or sewer facilities provided in the service area or sub-area are not planned to be extended to such lot. In the case of unplatted areas subject to assessment on account of any such approval, the resolution may provide for a charge per equivalent dwelling unit of less than one hundred percent. The County Commissioners shall make a semiannual assessment levy, at one-half the annual rate, for parcels which first become subject to assessment or for which the equivalent dwelling unit rating is changed, after the beginning of the levy year and before the 180th day of the year. The assessment rate per equivalent dwelling unit shall be made each year, by resolution, such that the total assessment levy for that year is sufficient, but not in excess of the amount necessary except allowing for a reasonable reserve for uncollected assessments, to pay the indebtedness due for that year.
- (c) User charges. The County Commissioners shall levy, by resolution, user charges for all customers in the service area or sub-area actually connected to sanitary facilities. The user charges shall be based upon the best available determination of the volume of water used or wastewater discharged. The user charges shall be set on an annual basis in an amount, when added to any accessibility charges collected, sufficient to pay all operating and maintenance costs of the sanitary service area or sub-area including reasonable reserves for replacements.
- (d) Special service fees. The County Commissioners may establish, by resolution, and charge special service fees required to be paid for special services provided by the county. Such fees shall be based upon the cost to the county to provide any such service.

- (e) Accessibility charges. Where the customer base is insufficient to generate sufficient user charges to reasonably pay annual maintenance and operation expenses, the County Commissioners may levy, by resolution, accessibility charges for all parcels in the service area which are not yet actually connected to sanitary facilities. The Commissioners shall classify parcels based upon the degree to which the sanitary facilities are considered to be readily accessible.
- (f) Late fees and interest. The County Commissioners may also establish, by resolution, late fees and administrative charges required to be paid and interest charges for any assessments, charges or fees which are not paid in the time prescribed.
- (g) Contract charges. Where there is an existing agreement as described in § PW 5-313 hereof with respect to sewer or water services in any service area, then in such event, any charges as agreed to, authorized by, or set forth in such agreement, including any charges agreed to be made to persons similarly situated and not parties to any such agreement and specifically including all charges included in an agreement between Worcester County Sanitary District, County Commissioners of Worcester County, institutional service corporation, Maryland Marine Utilities, Inc., and 589 Corporation, dated July 14, 1987, and all exhibits thereto may be made by the County Commissioners within that service area pursuant to such agreement. Any such charges authorized by an amendment to such agreement may also be made.
- (h) Discontinuance of water services. If any bill for water service remained unpaid (1) after sixty days from the date of mailing for annual and semiannual bills; or (2) after thirty days from the date of mailing for all other bills, the department shall give written notice, left upon the premises or mailed to the last known address of the owner, that the water service will be terminated in ten (10) days and not reinstated until said bill, late fees, interest and a reconnect fee of fifty dollars have been paid.
- (i) Collection of unpaid charges. Unpaid assessments, charges and fees shall be collected in the same manner as real estate taxes, shall constitute liens in the same manner as real estate taxes, and shall be subject to all laws with respect to real estate taxes.
- (j) Public hearing. Before adopting any resolution establishing or changing any assessment rate, user charge rate or availability charge rate, the County Commissioners shall hold a public hearing, which hearing shall be advertised at least once per week for two weeks prior to the public hearing in the area of the service area, on said rates at which hearing the property owners and customers shall have an opportunity to be heard regarding the service area budget or the proposed rates.
- (k) Interim forms of assessments and charges. In addition to the other powers set forth in this section, the County Commissioners may, in lieu of assessments based upon equivalent dwelling units as provided for under Subsection (b) hereof, levy benefit assessments, in the West Ocean City Sanitary Service Area, for the year 1994/95, by resolution, based upon front footage in accordance with existing formulae or systems.
- (l) Continuation of budgets and assessments. In the event the County Commissioners do not adopt a budget or make an assessment for a service area or service areas, the prior year budget and assessment shall continue for the ensuing year in that service area.

- (m) Assessment appeals. Any person alleging an error in the application of the criteria or standards used in determining the number of equivalent dwelling units assessed, or in the calculation of some other method of assessment allowed under the provisions of this section, or the procedures adopted to implement the assessment system, shall be entitled to appeal, in individual cases, such assessments to the County Commissioners within such time periods and in accordance with such procedures as the County Commissioners may from time to time adopt by resolution. There shall be no appeal from the assessment methods or procedures. In the event of a reduction in assessment, the property owner shall be entitled to a refund for the then current year only.

§ PW 5-311. Dissolution.

Where the County Commissioners determine that a sanitary service area or sub-area is no longer necessary based upon the criteria set forth in § PW 5-305(b)(2)A through § PW 5-305(b)(2)E, the sanitary service area or sub-area may be dissolved in accordance with the procedures in this Subtitle for establishment.

§ PW 5-312. Additional provisions.

Nothing contained in this Subtitle shall be construed to limit or diminish any other powers or authority relating to the provision of water or wastewater service granted to the county under the Environment Article of the Annotated Code of Maryland or any other provisions of public general law. Where such other powers are in conflict with provisions of this Subtitle then the provisions of this Subtitle shall govern without any such limitation.

§ PW 5-313. Effect on existing agreements.

Nothing in this Subtitle shall abrogate or amend any such terms of any legally enforceable agreement entered into between any developer or sanitary service area and the Worcester County Sanitary District or the County Commissioners enforceable and in effect on the effective date hereof (including, but not limited to, the agreement made on the 25th day of November, 1997, by and between MH Utilities Corporation, Mystic Harbour Water and Wastewater Services, Inc. and the Worcester County Commissioners) to the extent that the provisions of this Subtitle are in conflict with matters specifically and directly addressed in said terms, otherwise the provisions of this Subtitle shall apply. Specifically, however, where such agreements provide for transfer of facilities, expansion of service areas, or service outside service areas, then the provisions of the agreement shall govern.

§ PW 5-314. Decision of Commissioners to be final.

Any person who has been denied a permit, license or approval by any county department or official acting pursuant to this Subtitle may, in writing within 30 days of such action, apply to the County Commissioners for a review of such action. The Commissioners shall provide the applicant with a right to be heard thereon upon at least 15 days notice. The decision of the Commissioners shall be final and not subject to any appeal to any board or court.



Worcester County
Department of Environmental Programs

10

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS *RM*
Director, Environmental Programs

Subject: **Critical Area Growth Allocation Request**
Moore Boats

Date: February 26, 2019

Proposed For Public Hearing
on April 2, 2019

The Department is in receipt of the request from Moore Boats for the award of Atlantic Coastal Bays Critical Area Growth Allocation of 4.71 acres to accommodate a proposed warehouse at their facility on North Piney Point Road in Bishopville. This request has been reviewed by the Planning Commission and given a favorable recommendation. As a result, I would respectfully recommend that the County Commissioners schedule the required public hearing for this application.

In addition to a draft advertisement for the required public hearing, you will find applicable staff correspondence, the Planning Commission report and minutes, and pertinent mapping and planning documents. These documents have been supplied digitally to Mr. Kelly Shannahan as well.

As always, if you have any questions or require any additional information, please do not hesitate to contact me.

Attachments

cc: David Bradford, Deputy Director, DEP
Jenelle Gerthoffer, Natural Resources Administrator

Citizens and Government Working Together

DRAFT

NOTICE OF PUBLIC HEARING REQUEST FOR GROWTH ALLOCATION ATLANTIC COASTAL BAYS CRITICAL AREA

Pursuant to Section NR 3-112(c)(4) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, a request has been submitted to the Worcester County Commissioners by Hugh Cropper IV Esquire on behalf of Moore Boat LLC for the reclassification of 4.71 acres of land from Resource Conservation Area to Limited Developed Area. The subject property is located along the eastern side of North Piney Point Road in Bishopville and is shown on Worcester County Tax Map 10, Parcels 4, 171, 304.

Pursuant to Section NR 3-112(c)(4) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners will hold a

PUBLIC HEARING
on
TUESDAY, _____, 2019
at _____
in the
COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101
WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the request for an award of growth allocation for the above referenced property, any staff reports and recommendations, comments of other agencies, the recommendation of the Planning Commission, and testimony offered before them.

The file containing the request for reclassification and other pertinent information which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Environmental Programs, Worcester County Government Center, One West Market Street, Room 1306, Snow Hill, Maryland 21863-1070 during regular business hours.



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

MEMORANDUM

DATE: February 26, 2019

TO: Robert Mitchell, Director, Environment Programs

FROM: Jenelle Gerthoffer, Natural Resources Administrator (JG)

SUBJECT: Moore's Boatyard Growth Allocation Request

.....

This memo is a request to schedule a public hearing for growth allocation for the Moore's Boatyard property located on North Piney Point Road, as shown on Worcester County Tax Map 10, as Parcels 4, 171, and 304. The applicant is proposing to erect a 46,000 square foot warehouse. The request is to re-designate 4.71 acres of Resource Conservation Area to Limited Development Area to accommodate the proposed warehouse. Currently, in the Atlantic Coastal Bays Critical Area, 373.89 acres of growth allocation is available.

As you are aware, Growth Allocation Requests are to be reviewed by the Worcester County Planning Commission then forwarded to the County Commissioners. This request received a favorable recommendation from the Worcester County Planning Commission at their February 7, 2019 regular meeting. If approved by the County Commissioners, the Maryland Critical Area Commission must hear and ultimately approve the request.

Attached, please find a proposed site plan, environmental plan and report, concept Stormwater plan, and the Staff Report submitted to the Worcester County Planning Commission with pertinent supplemental documentation. Also included is a draft ad to advertise the public hearing.

Once the request is scheduled, all applicable site plans and supplemental documentation will be submitted to the County Commissioners prior to the public hearing.

Thank you for your attention in this matter. If you need any additional information, please feel free to contact me.

Attachments

Moore Boat Map
PC Memo
PC Memo Attachments
PC Minutes
ACBCA Report
MDE Heritage
Phase 1 Model P-1
Environmental Features EF
Planting Plan PL-1
11c. 10% Worksheets
11.a and 11b. Project Sheets 1 and 2



Growth Allocation Request
 Moore Boat LLC
 Tax Map 10, Parcels 4, 304, 171



2016 Imagery
 Map generated by the Dept. of Environmental Programs
 Natural Resources Division
 February 25, 2019



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County



GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

MEMORANDUM

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

TO: Worcester County Planning Commission

FROM: Jenelle Gerthoffer; Natural Resources Administrator 
Katherine Munson, Planner V 

DATE: January 31, 2019

SUBJECT: Planning Commission Meeting, February 7, 2019, Growth Allocation Request
Moore's Boatyard, Tax Map 10, Parcels 4, 171, and 304

The following comments are provided for the above referenced request:

The subject property for this request is identified as Tax Map 10, Parcels 4, 171, and 304 consisting of 9.34 acres, all of which is within the limits of the Atlantic Coastal Bays Critical Area. There are 4.63 acres currently classified as a Limited Development Area (LDA) and 4.71 acres currently classified as a Resource Conservation Area (RCA). The property presently contains a garage/storage building, a dwelling, and a previously used dredge spoil site within its boundaries. Existing industrial uses on the property were approved prior to the implementation of the Atlantic Coastal Bays Critical Area Law, and per §NR 3- 108(c)(4), may remain in use. Also within and along the parcels' boundaries, non-tidal wetlands, tidal wetlands, and a blue line stream are present. For your reference, attached is a copy of the Atlantic Coastal Bays Critical Area Program Map Sheet 10, highlighting the subject property.

This proposal is for reclassification of 4.71 areas of RCA to LDA, resulting in the proposed use of 4.71 acres of Growth Allocation. The applicant is proposing to construct a 46,000 square foot long-term warehouse and associated parking area. Currently the proposed industrial use cannot be approved within the RCA. As noted under §NR 3- 108(c)(5), "*new commercial, industrial, and institutional uses shall not be permitted in the Resource Conservation Areas.*" The proposed warehouse will further support the existing industrial use of the property.

As the Planning Commission is aware, Growth Allocation is the process to reclassify land use designations within the Critical Area. Under §NR 3-112(c)(2) of the Worcester County Code of Public Local Laws (County Code), “[a]ll applications for growth allocation shall be forwarded to the Planning Commission for review and shall include comments and recommendations from the staff. The Planning Commission shall consider the growth allocation request prior to making a recommendation on the proposal to the County Commissioners.”

GENERAL COMMENTS:

1. Attached you will find copies of the Critical Area Site Plan, Phase One Plan, and Critical Area Report, all of which were supplied by the Applicant as part of this request.

GROWTH ALLOCATION STANDARDS §NR 3-112(b):

The Critical Area Law provides guidelines in considering Growth Allocation. Below is an analysis of the applicable guidelines for consideration of requests for reclassification to Limited Development Area (LDA).

§NR 3-112(b)(2) New Limited Developed Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas.

This proposal meets this guideline as the property is adjacent to an existing area currently classified as a Limited Development Area.

§NR 3-112(b)(4) No more than one-half of the allocated expansion may be located in RCA except as provided in paragraph (b)(9) below.

As this request is for 4.71 acres within the RCA, this acreage does not exceed one-half of the allocated expansion provisions of the Ordinance. Attached is a copy of the Summary of Growth Allocation to date of the Atlantic Coastal Bay Critical Area.

§NR 3-112(b)(5) New Intensely Developed Areas and Limited Development Areas should be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle and in an area and in a manner that optimizes benefits to water quality.

The Planning Commission should consider the applicant’s Critical Area Report and Critical Area Site Plan and testimony in determining if this guideline has been met.

- Applicant maintains in the Report that the stormwater management system for the development of the site will meet the three phase stormwater management process (concept plan, site development plan, and final stormwater management plan) for all new

impervious surfaces proposed. In addition, the applicant is proposing to remove/convert 2,810 square feet of impervious cover currently within the 100' Buffer into rain gardens or other environmental site design Best Management Practices (BMPs). This will provide treatment for currently untreated runoff from existing structures and impervious areas.

- There is no proposed removal of forest onsite. Onsite forest totals 2.11 acres, or 22.6 percent of the total site area. There is additional developed woodland to be retained onsite and .05 acres of developed woodland that will be cleared to develop the building and associated parking.

- The applicant is proposing to remove invasive phragmites and bamboo currently located within and adjacent to the 100' Buffer. It is anticipated that removal of these invasive species will take two to three years, after which, the planting of native species in the eradicated areas will occur.

- The letter from Maryland DNR Wildlife and Heritage Service regarding the presence or lack thereof of rare, threatened or endangered species is attached to the Environmental Report.

- Also, as the growth allocation request is for reclassification to LDA, there will be impervious surface limitations. Pursuant to §NR 3-107(c)(8): *"Except as otherwise provided in this subsection, for stormwater runoff, impervious areas, shall be limited to fifteen percent of the site."* Applicant has calculated the proposed total impervious surface coverage within the Critical Area will be 14.9 percent of the site.

§NR 3-112(b)(7) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least three hundred feet landward of the limits of tidal wetlands or tidal waters.

The 100' Buffer from tidal wetlands/mean high water has been demarcated on the proposed site plan. The applicant is seeking approval of the Growth Allocation without proving a 300' Buffer. As note in COMAR 27.01.02.06-3(E)(4), a new LDA within a previous RCA must be located *"at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources."*

The applicant claims that the 300' Buffer provision would prohibit development on the property due to the small size of the property and due to having two sides of the property that would need to comply with the Buffer provision. As noted in the Critical Area Report, the applicant notes the following to justify the reduced buffer size:

- Remove 2,810 square feet of existing impervious surface from the 100' Buffer. Also, remove 1,686 square feet of impervious surface that is located outside the 100" Buffer, but would be located within the 300' Buffer.
- Provide water quality treatment via rain gardens to existing impervious surfaces within the 100' Buffer and 300' Buffer.
- The existing and proposed septic systems will be installed/upgraded to provide the most up to date nitrogen removal technology. Retrofitting of the existing system is not a requirement of the growth allocation.
- Eradicate 37,000 square feet of phragmites and bamboo in tidal wetlands, then plant in accordance with a Buffer Management Plan.
- Plantings, exceeding any required due to Buffer Establishment or tree removals, will be provided.
- There is limited use of public infrastructure proposed for the project.
- The project is extensively buffered from adjacent RCA uses by existing and proposed uses. The project is at the end of a dead end road with no impact to RCA areas south of the project.

§NR 3-112(b)(8) New Intensely Developed or Limited Development Areas shall conform to all criteria of the Department for such areas, shall be so designated on the County's Atlantic Coastal Bays Critical Area Maps and shall constitute an amendment to this Program subject to review and approval by the Planning Commission, the County Commissioners and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

The proposed site, should it receive Growth Allocation, will meet all, but the 300' Buffer requirement noted in §NR 3-112(b)(7), requirements of the Critical Area Law with respect to the development standards of LDA as found in the Natural Resource Article of the Worcester County Code of Public Local Laws. Furthermore, should this project successfully proceed through the Planning Commission, receive County Commissioners approval, and approval from the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the critical area maps will be changed to reflect the new designation.

§NR 3-112(b)(9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in paragraphs (b)(1) and (2) above within or adjacent to existing IDA or LDA, then that portion of the allocated expansion which cannot be so located may be located in the RCA in addition to the expansion allowed in (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this paragraph.

The proposed request is adjacent to existing LDA.

ADDITIONAL FACTORS OF CONSIDERATION:

1) Consistency with the local jurisdictions Comprehensive Plan (Plan) and whether the proposed growth allocation would implement the goals and objectives of the plan:

Parcel 171 is currently primarily designated as “Existing Developed Area”, with a small portion “Agriculture”; Parcel 304 is partly designated “Existing Developed Area” and partly “Agriculture”; Parcel 4 is designated as “Agriculture” on the land use map contained in the Worcester County Comprehensive Plan. The parcels are zoned “E-1” (“Estate”), with the shoreline of Parcel 4 zoned “RP” (“Resource Protection”). See attached maps.

The following is relevant from the Land Use Chapter of the Comprehensive Plan:

“Existing Developed Areas”—This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted. Not designated as growth areas, these areas should be limited to infill development. Caution should be exhibited within these areas to protect green infrastructure and sensitive areas.

“Agriculture”—This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.

The proposed project is consistent with this, in that the site has a history of use as a boatyard that preceded the Comprehensive Plan, which is recognized by the “Existing Developed Areas” designation. While this designation does not extend to the entire site, it includes a portion of this existing use. This use, being located on a peninsula and adjacent to existing development, will have minimal impact on farming, forestry or related industries.

The Comprehensive Plan calls for elimination of the “Estate” category, for both the land use plan and as a zoning category, because it created an over-supply of land for residential use in environmentally sensitive areas. While the zoning of these parcels remains “E-1”, the proposed use is non-residential, and building upon an existing use on part of the site, not contributing to sprawl. The shoreline which is zoned “R-P” is proposed to be protected with a vegetative buffer, which is consistent with that zoning category. (The property owner has applied to re-zone these parcels to “I-1” (“Light Industrial”).)

The primary goal stated in Chapter 2 (Land Use) is that “Worcester County will maintain its rural and coastal character, protect its environment and natural resources,

and locate planned development for new residences in designated growth areas...". The re-development/expansion of an existing boatyard at this site, with appropriate environmental protections, is consistent with this statement. The project will not impinge upon the rural and coastal character of the area and inappropriate residential development is not involved.

The proposed project is consistent with relevant objectives stated in Chapter 2 (Land Use): "Locate...all industrial development in areas having adequate arterial road access or near such roads", "Limit rural development to uses compatible with agriculture and forestry". The proposed project has adequate access and is in location that will not cause conflict with agriculture or forestry.

Chapter 3 (Natural Resources) identifies general recommendations for new development. The proposed site design is consistent with all recommendations as it minimizes impervious surfaces, including removing impervious surface, proposes a rain garden which will improve stormwater management on the site, and will be using native species for all planting areas. No forest is proposed to be removed. Bamboo/*Phragmites* eradication is proposed, which is specifically consistent with objective "C", for new development, described on page 53 of the Chapter (enhancement of reduced or lost environmental functions). This Chapter also recognizes that growth in the Critical Area may be accommodated.

Chapter 4 (Economy) calls for maintaining an inventory of suitable locations for appropriate industries to locate within the county (page 59). The proposed site, which contains an existing use in an appropriate waterfront location, is consistent with this statement.

Chapter 6 (Public Infrastructure) states that nutrient reduction technologies should be applied to on-site septic systems. The proposed project will retrofit existing septic systems with best available nitrogen removal technology, and will use a nitrogen removal systems for all new systems.

Chapter 7 (Transportation) does not note any roadway capacity issues that anticipated demand of this use would have any impact upon.

2) For a map amendment involving a new limited development area whether the development is:

a.) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technologies:

This project will be served by upgraded and new nitrogen removal systems.

b.) Is a completion of an existing subdivision and is clustered:

No, this is not a completion of an existing subdivision.

3) Uses public infrastructure where practical:

As described in the report, the site proposes little use of public infrastructure other than the use of County roads.

4) Is consistent with State and Regional environmental protection policies regarding the protection of rare and threatened endangered species in need of conservation:

As described in the report and confirmed in the letter there are no rare, threatened or endangered species present on the site.

5) Impacts on priority preservation areas as defined under section 2-518 of the Agricultural Article:

The proposed project is not within a Priority Preservation Area, nor would this project have an impact on one.

6) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams:

As noted in the report the site will utilize nitrogen removal septic systems. The site also proposes approval for a stormwater management plan that incorporates environmental site design to the maximum extent practicable by utilizing rain gardens, grass channels, and disconnects to buffers to treat the Stormwater prior to discharging into tidal wetlands and waters.

7) Environmental impacts associated with location in coastal hazard area or an increased risk of severe flooding attributable to the proposed development:

This project is proposed within a coastal hazard area. Flood zones on the proposed development area are X and AE as depicted on the attached National Flood Hazard Layer FIRMette map.

STATE CRITICAL AREA COMMENTS

Comments from the State Critical Area Commission Staff are attached.

ACTION OF THE PLANNING COMMISSION:

The Planning Commission is requested to forward a favorable or unfavorable recommendation to the County Commissioners regarding the applicant's request for an award of 4.71 acres of Growth Allocation, by designating a portion of the subject critical area property as a Limited Development Area (LDA). Once the Planning Commission has made this recommendation, the applicant shall

address and revise the concept plan according to any comments and/or recommendations before proceeding further. In addition, Stormwater Concept Plan Approval, along with accompanying calculations, and a more detailed planting plan will be required by this Department prior to review by the County Commissioners. Pursuant to §NR 3-112(c)(3), the growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.

ADDITIONAL APPROVAL STEPS:

The County Commissioners shall hold a public hearing pursuant to §ZS 1-114 of the Zoning and Subdivision Control Article on the request and any revisions to the concept Plan.

The County Commissioners may establish conditions of approval that are consistent with the intent of the Critical Area Program. Pursuant to §NR 3-112(c)(11), as a condition of approval, the County Commissioners may require that the project approved for the use of growth allocation demonstrate that it has been substantially completed within three (3) years of the date of growth allocation approval by the Commission. Substantially completed is defined as projects in which all public improvements such as roads, sewer and/or water facilities, etc. have been built and approved as required by the County Commissioners.

If the request is approved by the County Commissioners, it shall be forwarded to the State Critical Area Commission. Thereafter, the additional approval steps will be applied as set forth in §NR 3-112(c)(6) thru (10).

* * * * *

Should you have any questions or need additional information, please do not hesitate to contact us at (410) 632-1220:

Jenelle Gerthoffer- ext. 1147, jgerthoffer@co.worcester.md.us

Katherine Munson- ext. 1302, kmunson@co.worcester.md.us

- Attachments: Growth Allocation Summary;
Critical Area Commission Letter;
Critical Area GIS Map;
Critical Area Program Map Sheet;
FEMA Map;
Land Use Map

Worcester County
Atlantic Coastal Bay Critical Area
TENTATIVE SUMMARY OF GROWTH ALLOCATION

Per §NR3-112 - Total acreage classified as RCA upon County adoption of Ordinance(11/19/02) - 16,379 acres - 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA – 819 acres.

Refinements/Amendments since adoption of Law:

- Bali-Hi RV Park (M10 P32) - 23.63 acres
St. Martin's Neck Rd. Bishopville
Resolution 02-44 passed to correct mapping
Error (RCA to IDA)
- Riverview Mobile Home Park (M9 P268) - 24.32 acres
Shell Mill Rd. Bishopville
Resolution 02-44 passed to correct mapping
Error (RCA to IDA)
- Peterson et al. (M26 P132,133,134,383) - 6.32 acres
Ocean Gateway, West O.C.
Resolution No. 08-07 & 08-19 passed to correct mapping
Error (RCA to IDA)
- Rios (M10 P 28, 29, 48, 249, 302) - 35.74 acres
Resolution No. 08-06 passed to correct
mapping error – (Acreage out of c.a. boundary)
- Tony Russo / Irving Lynch (M21 – Numerous Parcels) - 113.92 acres
Resolution No. 09-22 passed to correct mapping error)

Adjustment to RCA acreage amount (16,379 acres – 203.93 acres) = 16,175.07 – 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA = 808.75 acres.

“Interim Period” Projects:

Preliminary Plat approval prior to 6/1/02 and recorded within one year from State adoption of law (June 1, 2002):

- Equestrian Shores (M73 P123,124,125) - 79.85 acres
- Coves at Isle of Wight (M22 P410 L3&4) - 32.74 acres
- Cropper Island Estates (M40 p/oP93) - 20.30 acres
- Anderson Property (M16 P36&81) - 14.00 acres
- Figgs Landing (M73 P53) - 22.54 acres
- Melson Tract (M9 P 161) - 60.72 acres

Residential Planned Communities (RPC's) – received Step III approval and 3 of 4 State permits prior to 6/1/02:

- The Landings RPC (M33 P281) - 11.86 acres

RPC's, meeting above criteria, which include an inland marina (85% of total units comply with 100' buffer & remaining 15% have 50' buffer):

- Glenn Riddle PUD (M26 P1) - 122.73 acres.

SUBTOTAL = 364.74

Summary:

Acres available for allocation - 808.75 acres
 Less "Interim Period" Projects - 364.74 acres
 Remaining Growth Allocation - 444.01 acres

Projects receiving Growth Allocation since adoption of Law:

Baypoint Plantation (M21 P257) - 38.0 acres
 Total site area - 181.46 acres
 RCA to IDA - 38 acres
 Resolution 04- _____
 Balance remaining RCA 143.46 acres
 100 acres of which in restrictive easement

George Mount Property (M73 P28&42)
 Total Site area - (8.1 acres ±)
 RCA to LDA - entire parcel
 Approved in 2004 with condition of confirmation of exact acreage based on State vs. Private wetland determination. *On May 13, 2007 owner gave written request to not pursue request. On July 3, 2007, Resolution No. 07-19 was signed to revoke award of G.A. Accepted by CAC on August 1, 2007.*

Proposed YMCA (M21 P118)
 Site Area 9.46 acres
 RCA to IDA w/condition project must be substantially complete by 6/28/08 or growth allocation is reversed. *No Permit issued or activity on property as of 6/28/08- acreage reverts back to RCA.*

Steen & Associates (M21 P67&74) - 32.12 acres
 Total Site Area w/in CA - 55.39 (Total site 92.03ac)
 RCA to LDA - 32.12 acres
 Remaining RCA - 20.74 acres

To date: Balance of acres available for Growth Allocation: 444.01 acres
 Less Approved G.A. projects - 70.12 acres

TOTAL REMAINING FOR GROWTH ALLOCATION 373.89 acres

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

January 31, 2019

Mr. David Bradford
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: **Moore's Boat Yard
Growth Allocation**

Dear Mr. Bradford:

Thank you for forwarding information on the above-referenced project. The applicant is requesting growth allocation in order to expand a commercial use. The site is approximately 9.34 acres, split between approximately 4.71 acres of Resource Conservation Area (RCA) and 4.63 acres of Limited Development Area (LDA). If the request is approved, the RCA portion will be re-classified as LDA, thus accommodating the expanded commercial use. It is also our understanding that the applicant eventually would like to pursue an Intensely Developed Area (IDA) designation, in order to exceed the 15% lot coverage limitation.

In order for the Commission to accept an application for growth allocation, the County must provide all information in accordance with the Commission's growth allocation submittal requirements (COMAR 27.01.02.06-1). This includes a determination by the Worcester County Commissioners that the growth allocation meets the locational standards listed under Natural Resources Article 8-1808.1(c)(2) and COMAR 27.01.02.06-3.E and information that addresses the factors to be considered found in Natural Resources Article 8-1808.1(c)(4) and COMAR 27.01.02.06-3.G.

In order for the growth allocation submittal to be accepted for processing by the Critical Area Commission, it must meet the submittal requirements per COMAR 27.01.02.06-1. Based on the information I have received to date, the following additional information is required to meet the regulations:

1. Preliminary stormwater management plans, including calculations that provide information on how the project will meet the State's requirement for Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP) are required per COMAR 27.01.02.06-2.A(6) and (7). Please note, given the applicant is also offering 10% pollutant reduction as an offset to the 300-foot setback, the stormwater management plans should include supporting information for this proffer.
2. Copies of the letters from U.S. Fish and Wildlife, as well as from the Maryland Department of Natural Resources per COMAR 27.01.02.06-1.A(6).

3. A proposed development Plan and supporting information that identifies all proposed, existing, and removed lot coverage by phase per COMAR 27.01.02.06-1.B, existing and proposed forest and developed woodland clearing and any required mitigation.
4. Information regarding the factor of environmental impacts associated with coastal hazard areas and increased risk of severe flooding per COMAR 27.01.02.06-3.G(8), and how the site will address this factor.
5. A map showing the proposed location of the new LDA, as well as a calculation of the amount of growth allocation acreage proposed and the County's existing total allotment of growth allocation that will remain, per COMAR 27.01.02.06-1.A(8).
6. A stand-alone Buffer Management Plan demonstrating compliance with COMAR 27.01.09 and 27.01.02.06-1.B(27).

Additionally, we have the following preliminary comments for the Planning Commission:

Proposed Development Plan

1. A lot coverage table should be included, broken out by structure and surface area, such as driveways, walkways, parking, etc. As currently labeled and described, it is difficult to verify the information provided.

Buffer Impacts and Preliminary Buffer Management Plan


1. COMAR 27.01.03.03 requires nonwater-dependent structures or operations associated with a water-dependent project to be located outside the Buffer, insofar as possible. Given the applicant is re-designing the entire site it would appear there is opportunity to remove additional lot coverage, currently labeled for parking, from within the Buffer, and further offset impacts to the Buffer. The site is also vulnerable to coastal flooding, increasing the likelihood of pollutants from vehicles entering the waterway during storm events.
2. Based on the provided plans, it appears that almost all of the phragmites and bamboo that are proposed to be eradicated (approximately 0.85 acres) are within the 100-foot Buffer. However, the preliminary planting plan shows only 0.64 acres will be planted in the Buffer in accordance with COMAR 27.01.09.01-2. It would appear additional planting to meet the establishment standards is required.

Additional Information related to Standards and Factors

1. The Planning Commission may want to consider additional information regarding how this proposed LDA is located in a manner that minimizes its impacts to the defined land uses of the RCA in accordance with COMAR 27.01.02.06-3.E. The applicant has provided information related to stormwater management and invasive species control. The defined land uses of the RCA are described in COMAR 27.01.02.05.
2. The Planning Commission should address how the project is consistent with its adopted Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan, as the Critical Area Commission is required to consider this factor per Natural Resources Article 8-1808.1(c)(4). The applicant has provided information citing the objectives of Chapter 2 and Chapter 4 of the Comprehensive Plan.

Thank you for the opportunity to provide comments on this growth allocation. We look forward to working with the County, the property owner, and his consultant as this project moves forward through the growth allocation process. If you would like to set up a time to meet and discuss this project and to ensure that all required application materials are provided, or if you have any other questions, please contact me at kathryn.durant@maryland.gov or (410)260-3477.

Sincerely,



Kathryn Durant
Natural Resources Planner

cc: Jack Burbage, Blue Water Development Corporation
Robert Hand, R.D. Hand and Associates, Inc.
Chris McCabe, Coastal Compliance Solutions, LLC
Kate Charbonneau, Critical Area Commission
Nick Kelly, Critical Area Commission

File: WC 683-18



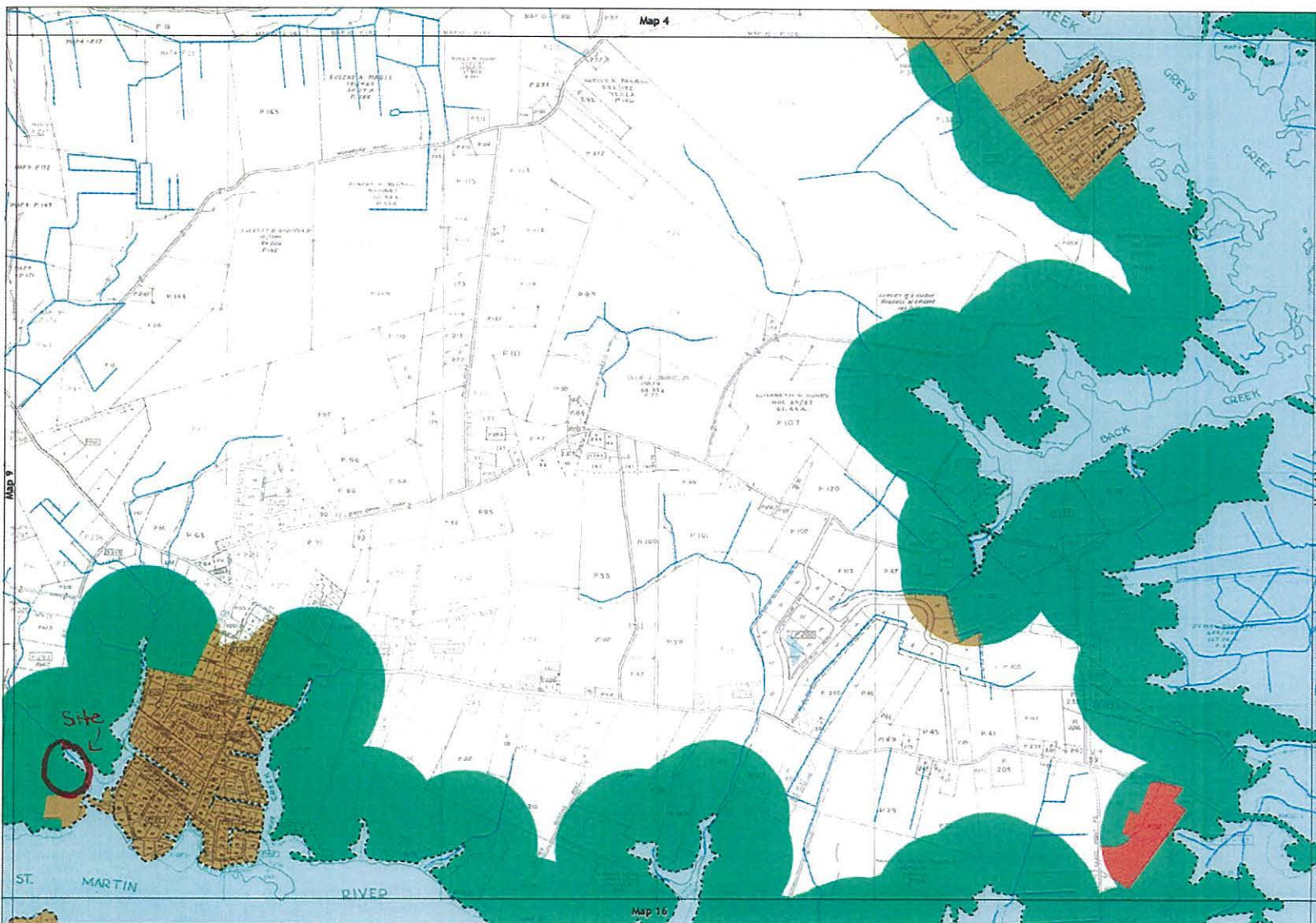
Growth Allocation Request
 Moore Boat LLC

↳ Tax Map 10, Parcels 4, 304, 171



2016 Imagery
 Map generated by the Dept. of Environmental Programs
 January 31, 2019

Atlantic Coastal Bays Critical Area Program Map Sheet 10



Legend

- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Out of Program
- Initial Development Exempt From Program (Color under cross hatching indicates the land classification)
- Tidally Influenced Areas (Cross Hatch and Tide Marker)
- Stream

The Worcester County Critical Area Boundary was established by Worcester County in compliance with the Atlantic Coastal Bays Protection Act. This data set was reviewed, updated and converted to digital format by the Maryland Department of Natural Resources and the Worcester Regional GIS Program.

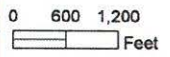
The tidal wetland boundary lines depicted on this map are for guidance purposes only. The State of Maryland does not recognize these boundaries in Worcester County. Maps depicting the State's regulatory jurisdictions may be viewed by contacting the Worcester County Department of Development Review and Permitting.

The first 100' landward measured from mean high water line to tidal waters, tidal wetlands and tributary streams is called "THE BUFFER". No alterations, vegetation removal, grading, paving, or building can take place within "THE BUFFER", without additional approvals. The line 100' landward is not mapped hereon. A field survey may be required to accurately establish this line. See program for additional information.

These maps are designed for use as a planning tool and not a primary regulatory tool. The information shown is a compilation from various information sources and maps. Field verification will be required.

N

This Box Represents Twenty Acres



Source: Worcester County Commissioners.
 Adopted: November 19, 2002.
 Revised: January 9, 2009.
 Revisions approved: _____
 Prepared by the Worcester County Department of Comprehensive Planning
 Stream data provided by the USDA Natural Resource Conservation Service (NRCS), 1997.
 2001 tax maps by the Maryland Department of Planning.

20

National Flood Hazard Layer FIRMette



38°25'11.91"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR	Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X	Future Conditions 1% Annual Chance Flood Hazard Zone X	Area with Reduced Flood Risk due to Levee. See Notes. Zone X	Area with Flood Risk due to Levee Zone D

OTHER AREAS	Area of Minimal Flood Hazard Zone X	Effective LOMRs	Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall

OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation	Coastal Transect	Base Flood Elevation Line (BFE)	Limit of Study	Jurisdiction Boundary	Coastal Transect Baseline	Profile Baseline	Hydrographic Feature

MAP PANELS	Digital Data Available	No Digital Data Available	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/31/2019 at 8:02:43 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

USGS The National Map: Orthoimagery. Data refreshed October, 2017.

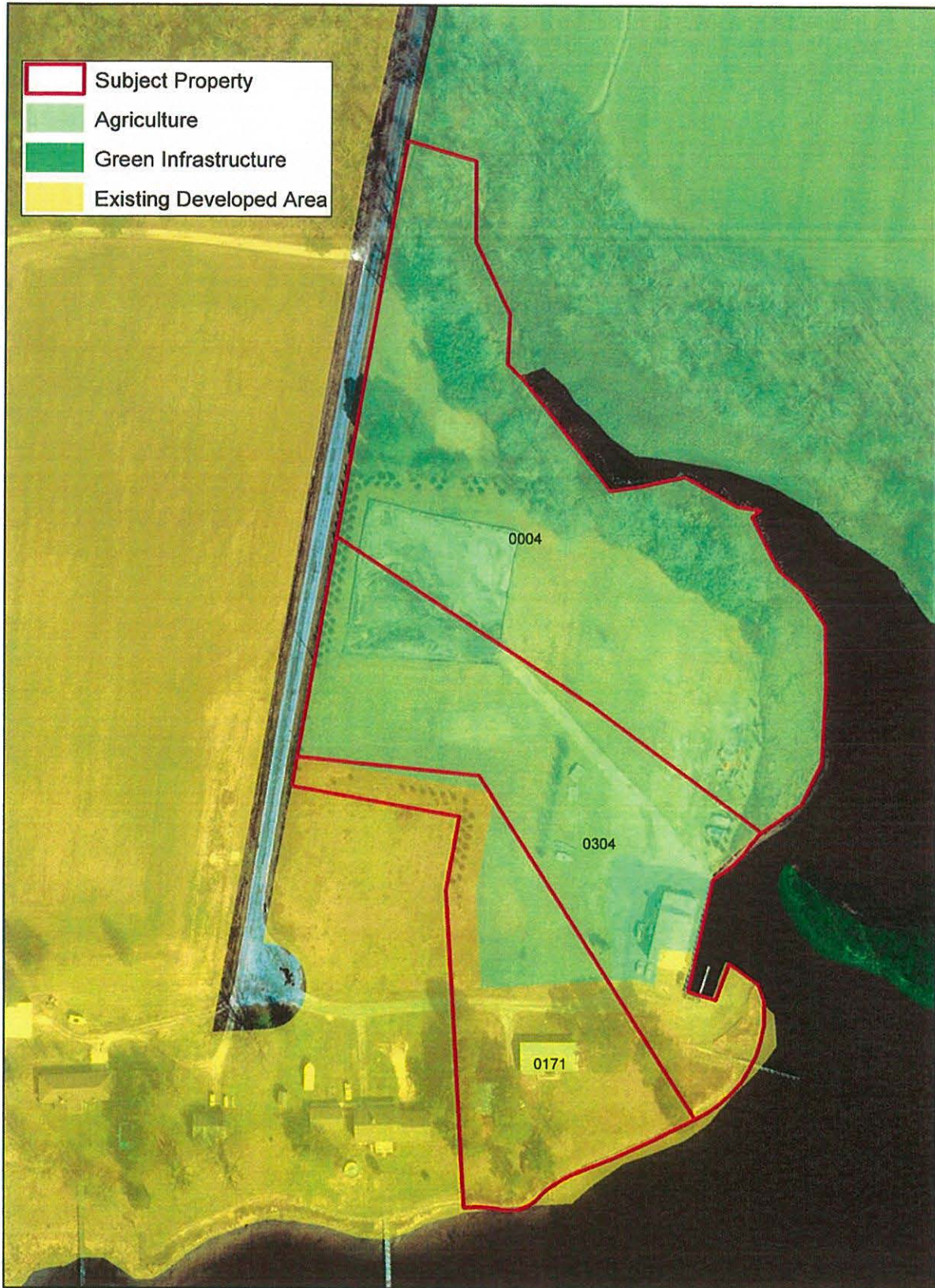
0 250 500 1,000 1,500 2,000 Feet 1:6,000

38°24'43.71"N

75°10'11.61"W



21



2016 Imagery

0.06 0.03 0 Miles

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: February 7, 2019

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierrri

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Cathy Zirkle, DRP Specialist II

Jessica Casey, Customer Service Representative

Bob Mitchell, Director, Dept. of Env. Programs

David Bradford, Deputy Director, EP

Jenelle Gerthoffer, Natural Resources Admin., EP

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, January 3, 2019 — As the first item of business, the Planning Commission reviewed the minutes of the January 3, 2019 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Ms. Ott and carried unanimously to approve the minutes as submitted. Mr. Wells abstained.

B. Board of Zoning Appeals agenda, February 14, 2019 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for February 14, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. §ZS 1-325 Site Plan Review – Atlantic General Hospital Medical Center

As the next item of business, the Planning Commission reviewed a site plan for the proposed construction of a 99,912 square foot medical office building, located on the east side of MD Route 589 (Racetrack Road), north of Adkins Spur Road, Tax Map 21, Parcel 66A, Tax District 3, C-2 General Commercial District. Mr. Knerr recused himself from the review of this project. Present for the review were Hugh Cropper, IV, Esquire, John Salm, engineer, and Kent Doss, architect. Mr. Cropper explained that the developer of the property was Sina Companies, who primarily develop medical offices around the country. The current proposal is a design, build and lease agreement with Atlantic General Hospital (AGH). The goal for AGH is to consolidate their various doctors and services into one central location. AGH is moving in the direction of providing more outpatient services, such as the ambulatory surgery center that will be located in this building. Mr. Cropper stated that they have attempted to design the building to comply with

10. As a condition of approval, the applicant must all necessary approvals associated with the water and sewer service.

Mr. Knerr returned for the review of the next agenda item.

IV. Atlantic Coastal Bays Critical Area Growth Allocation Request

As the next item of business, the Planning Commission reviewed an application associated with an Atlantic Coastal Bays Critical Area Growth Allocation request for Moore Boats LLC. Tax Map 10, Parcels 4, 171, 304. Request to reclassify 4.71 acres of LDA to RCA. Jenelle Gerthoffer, Natural Resources Administrator and Katherine Munson, Planner V, prepared the staff report that was submitted to the Planning Commission. Hugh Cropper, attorney, presented on behalf of the applicant, Leighton Moore.

Mr. Cropper made the opening presentation to the Commission and submitted photos and detailed specifics on past boat operations at the property. Three photos were submitted as exhibits: the first, was a 1988 aerial picture of existing boat building and repair, the second was a 2005 aerial showing the same type of operations while the third was another 1988 aerial showing additional details on operations at the site. He explained his client would really like to continue the boat building and repair at the site.

Mr. Cropper reviewed and agreed with the staff report and requested those comments be incorporated into the Commission's findings along with comments from the state Critical Area Commission. He requested a 300 ft buffer be waived to 100 feet for this application by providing additional mitigation, SWM improvements, removal of existing portions of lot coverage, and removal of invasive plants. He introduced Mr. Chris McCabe, their consultant, who detailed the planned removal of phragmites and bamboo, proposed SWM upgrades, removal of existing lot coverage, additional mitigation plantings, and the upgrade of the septic to BAT for pre-treatment for nitrogen reduction. Mr. Cropper also introduced Mr. Bob Hand, their landscape architect, who described the site plan and specifically defined the extent of the work planned at the site.

Mr. Cropper concurred with staff's findings on this report and closed with the request for an approval of the Growth Allocation noting that there is ample Growth Allocation remaining for the Atlantic Coastal Bays Critical Area. He also requested approval of the waiver to reduce the 300 ft setback down to 100 ft. Mr. Cropper also mentioned a future request to an IDA designation would be forthcoming shortly after the conclusion of this growth allocation process

Following the discussion, a motion was made by Mr. Barberri, seconded by Ms. Ott and carried unanimously to find this application consistent with the Comprehensive Plan, approved the waiver as well, and recommended that they forward a favorable recommendation for both to the County Commissioners provided they address comments from the Environmental Programs Department and the Critical Area Commission.

Atlantic Coastal Bays Critical Area Growth Allocation
Environmental Report
Moore's Boatyard
July 16, 2018
Rev. February 22nd, 2019

12301 Piney Point Road
TAX MAP 10, PARCELS 4, 171 & 304
SDAT 5-021448,009030,019184

Prepared for:
Moore's Boat L.L.C.
C/O Leighton Moore
117 49th St.
Ocean City, MD 21842

Prepared By:
R.D Hand and Associates INC.
12302 Collins Road
Bishopville MD 21813

Coastal Compliance Solutions LLC
P.O. Box 66
Fruitland, MD 21826

Introduction:

In accordance with the requirements of the Chesapeake and Atlantic Coastal Bays Critical Area Law (CA), Regulations and Local Program, this report has been prepared to address standards as defined in Code of Maryland Annotated Regulations (COMAR), most specifically in section 27.01.02.06-2 *Environmental Report, NR 3-112 Worcester County Code of Public Local Laws*. As detailed below, this report will specify and describe the proposed development project and how each item is addressed. Further, details on limiting impacts to existing habitat and resources, coupled with a specific understanding of why this growth allocation request is needed and warranted.

Current Conditions:

The property subject to this request is now known as the Moore's boatyard. It was purchased in 2010. The site is an active boat repair facility. The site is also used to construct boats for commercial and governmental users.

The site has been in operation for the 50+ years. Attached are various Google Earth images that show the business has been active back to 1989 at a minimum.

The site area is +/- 9.34 acres, all of which is located within the landward limits of the CA. +/- 4.71 acres are designated RCA and +/- 4.63 acres are designated LDA. This application is proposing to reclassify the +/- 4.71 acres of RCA to LDA.

Project Description:

The proposed project will be construction of buildings for long term dry storage. The first storage building will be two story +/- 46,000 square feet with associated parking adjacent to the building.

Development History:

Walter J. Hudson acquired the original waterfront parcel on January 5, 1894. After Mr. Hudson's death, his wife, Eva Hudson, conveyed the property to their son, also Walter J. Hudson, on June 27, 1940. Walter Hudson's son and daughter in law, Walter J. Hudson, Jr. and Judy Hudson, acquired title to the original waterfront parcel. Mr. and Mrs. Hudson acquired additional lands for a total of 9.4 acres. The property remained in the Hudson family from 1894 until September 30, 2005, when it was sold to John H. Burbage, Jr.

The Hudson Family were commercial waterman, and they were in the boat repair/maintenance/building business. Walter J. Hudson, Jr. operated Hudson's Marine Railway for many years. Back in the 1980's business was robust. Large boats were pulled from the St. Martins River by a marine railway, which was backed down into the water. This was one of the very few launch/haul-out facilities in the area.

Large portions of the property were covered with storage boats. These boats were maintained, bottoms painted, zincs replaced, engines repaired, etc.

Mr. Hudson was also in the boat building business. Mr. Hudson built a sportfishing boat which was more than 50 feet in length on the property. Mr. Hudson built numerous Chincoteague scows, typically from 18 feet to 22 feet in length.

Mr. Hudson provided heavy repairs for vessels. Mr. Hudson and his son repaired all types of boats damage, including fiberglass work. They replaced propellers, shafts, rudders, zincs, etc. There was also a retail business. Mr. Hudson sold bottom paint, boat parts, etc. Large boats were frequently moored at the property.

Mr. Hudson's business waxed and waned over the years. The use of the marine railway became antiquated, and Mr. Hudson purchased a travel lift. The travel lift was a large structure on tires, which lifted vessels from the water with large straps. Mr. Hudson lifted vessels up to 50 or 60 feet in length.

Unfortunately, the Hudson Family business began to suffer when several marinas in West Ocean City acquired travel lifts. However, Mr. Hudson's repair and maintenance business remained vibrant. He continued to build boats, typically wooden vessels reinforced with fiberglass cloth and resin.

Moore Boat, LLC acquired the property on September 2, 2008, and it took over the fabrication and maintenance of boats. The business had declined over the previous years due to Mr. Hudson's failing health. Moore Boat, LLC constructed and repaired boats at the property. There was an active business in place on November 3, 2009, the date of our last Comprehensive Rezoning, as well as at the time of the drafting of the Critical Area maps.

Change in Critical Area designation

The current land use designation in the Critical Area is Limited Development Area (LDA) and Resource Conservation Area (RCA). This application proposes to amend that RCA designation to LDA through the award of growth allocation (GA). The LDA that is immediately to the south on the site meets the adjacency requirement for growth allocation. This request is to reclassify approximately +/- 4.71 acres of RCA to LDA to facilitate expansion of the industrial use.

The project is in conformance with Natural Resources article 8-1808 (c)(2) *Standards for locating new intensely developed or limited development areas:*

(ii) It is a new limited developed area adjacent to an existing limited development area.

(iii) By providing stormwater in excess of what is required and elimination of existing invasive plant species the project minimizes impacts to areas and optimizes benefits to water quality

(iv) the project proposes alternate measures, instead of a 300' setback beyond the landward edge of tidal wetlands, for enhancement of water quality and habitat that provide greater benefits to the resources. These measures include enhanced buffer plantings, upgraded septic systems for existing and proposed uses, stormwater management for existing impervious areas, and stormwater treatment for new impervious structures in excess of required by meeting 10% pollutant removal criteria.

Consistency with Worcester County Comprehensive Plan

The site is currently zoned E-1, Estate District. On January 2, 2018, the property owner filed an Application for Amendment of the Official Zoning Map with respect to all three parcels, requesting a rezoning to I-1, Light Industrial District. The application has been assigned Rezoning Case No. 418. After considerable discussion with Worcester County Staff, the property owner has asked that that rezoning be placed on hold to pursue Growth Allocation as described herein.

To address Natural Resources Article 8-1808.1 (c)(4)

The project is consistent with the Objectives of Chapter 2, of the Comprehensive Plan. The project proposes extensive buffering meeting the Objective of Item 4 "Preserve and protect natural resources and their ecological functions". (Page 8). The project expands industrial uses meeting the Objective of Item 5 "Facilitate the county's economic activity". (Page 8)

The site is located partially in the Existing Developed Area and Agriculture designations of the Comprehensive Land Use plan. The plan, Chapter 2-pages 13 and 14, call for...infill development. Density, height, bulk and site design should be consistent with EDA's existing character".

Additionally, by retrofitting the existing septic systems with best available nitrogen removal technology, this proposal is consistent with objective 9, chapter 6, page 73 of the Comprehensive plan as well as 1-1808.1 (c)(4)(ii)2 A of the Natural resources Article : Will be Served by a septic system that uses the best available nitrogen removal technology.

The project is consistent with Objective of Chapter 4, *Industrial Development*, Item 1 "Continue the industrial development program to retain existing industries and emphasize light

industry to expand the county's research/product development, manufacturing, health and high-tech sectors.

As noted in the Worcester County Comprehensive Plan (pages 20 and 26) the elimination of the Estate Zone is encouraged and reclassifying to something more appropriate is suggested. Further, Worcester County has a strong track record of encouraging redevelopment in places where appropriate.

Soils:

The Boxiron soils are very deep and very poorly drained. They formed in thin moderately decomposed organic deposits derived from salt tolerant vegetation overlying silty marine and estuarine sediments. They are not considered prime agricultural soils.

The Fort Mott soils are very deep and well drained. They formed in sandy and loamy fluvio-marine sediments. They are not considered prime agricultural soils unless they are irrigated.

The Hambrook soils are very deep and well drained. They formed in loamy fluvio-marine sediments. They are considered prime agricultural soils.

The Indiantown soils are very deep and very poorly drained. They formed in loamy alluvial deposits overlying sandy alluvial and marine sediments. They are not considered prime agricultural soils.

The Woodstown soils are very deep and are moderately well drained. They formed in loamy fluvio-marine sediments. They are considered prime agricultural soils.

Topography:

The site is relatively flat. The site generally slopes to the adjacent tidal water. There is an existing dredge spoil disposal onsite that is proposed to be graded out over the site and stabilized with turf grasses.

Forest Identification and Protection:

There is no proposal to clear any forest onsite. Onsite forest consists of +/- 2.11 acres.

This represents +/- 22.6% of the total site area. In addition, there is +/- 0.36 acres of developed woodland that will be retained onsite. +/- 0.05 acres of the existing developed woodland will be cleared to develop the building and associated parking.

The current existing forest is a mix of upland and non-tidal wetland species with scattered dense stands of Bamboo and Phragmites. Dominant species include Sweet Gum (*Liquidambar Styraciflua*), Red Maple (*Acer Rubrum*), Willow Oak (*Quercus phellos*), Loblolly Pine (*Pinus Taeda*) and Eastern Red Cedar (*Juniperus Virginiana*). Scattered throughout are also shrub species and an intensive stand of Greenbriar. In the transition zone from forested non-tidal wetlands to tidal wetlands, a fringe of Phragmites is densely present. This, along with the invasive bamboo should be treated and removed. Additionally, there are some fringe grasses, mostly panicum along the meadow forest edge.

Predominant tree sizes range from 36-inch caliper to 44-inch caliper, with the majority in the 22 inch to 30-inch caliper range.

Storm water Management:

The existing site was developed prior to modern storm water management being required. Untreated runoff from the existing buildings and impervious surfaces discharge directly into adjacent tidal wetland and waters. As part of the proposed storm water management +/- 4,496 sf of existing impervious areas, of which +/- 2,810 sf (+/- 63%) are in the 100' buffer, will be removed/converted to rain gardens or other environmental site design bmps . These areas will provide treatment for currently untreated runoff from existing structures and impervious areas.

All new development onsite will be required to meet the MDE three phase storm water management process. The first, concept plan will identify areas of conservation and utilize environmental site design (ESD) to the maximum extent practicable (MEP). The second submission will be the site development plan, which will identify the chosen suite of BMP's proposed for the site. And lastly the final stormwater management plan will bring components of the concept and site development plan together to mesh into the final selected plan.

It is anticipated that the final storm water design will consist of grass channels, rain gardens and disconnects to buffers to treat the storm water prior to discharge to tidal wetlands and waters

Soil Erosion and Sediment Control:

Erosion and sediment control will be implemented at the beginning phase of the project and continue through construction. All new development will be required to submit and obtain erosion and sediment control approval from the local soil conservation district. Further, any Disturbance exceeding one acre will require obtainment of the MD NPDES General Permit authorization for construction activities. To ensure compliance onsite during construction, weekly and rainfall event self-inspections will be performed as mandated by the NOI.

Lot Coverage:

The current site coverage is +/-33,896 sf. The proposed site coverage is +/- 31,363 sf. As part of this proposal the applicant is proposing to remove +/- 4,496 sf of existing coverage. The total post development lot coverage will be +/- 60,763 sf which equates to 14.9% coverage. LDA growth allocation if approved will be 205,168 sf or 4.71 acres.

Buffer Management Plan

The preliminary buffer management calls for landscape planting of (24)-2" diameter Bald Cypress and (24)-2" diameter Red Maple along the existing forested edge of the 100' critical area buffer. This accounts for 9,600 sf (0.22 acres) of credit or 10% of the total plantings. Survivability requirement for these plantings is 100% for 2 years.

The balance of the plantings will consist of bare root seedling or whip plantings at a density of 700 seedlings per acre for a total of 1,400 seedlings. This accounts for 1.96 acres of credit or 90% of the plantings. Survivability requirements for the seedling plantings is 50% for 5 years.

A total of 2.18 acres will be planted, in accordance with Comar 27.01.09.01-2. The planting consists of 0.64 acres inside the 100' buffer, 0.69 acres outside of the 100' buffer and 0.89 acres in the eradicated areas. The final detailed buffer management plan will be prepared once the extent of invasive eradication is quantified.

Phragmites and Bamboo Eradication Plan:

As noted, Phase 1 plan all phragmites and bamboo are proposed to be eradicated. Phragmites eradication will be done via herbicide (Habitat or Rodeo) with a 4-year monitoring period. Typical timeframe will be during late August and September when seed head is present on the plant. Also, once the plant starts to die, it will be immediately mowed to help with impacting its return the following growing season.

Regarding the bamboo, it will be directly injected with heavy Gysophate. Spraying will not directly eradicate the bamboo and with its close proximity to the wetland area, direct injection will prove most effective. Once the bamboo starts to show signs of death, mechanical removal of the plant and the root system will be recommended. This will allow for opening in the canopy to allow for planting of native plants for buffer establishment and also regeneration of native plants that seed banks near the area can provide.

It is anticipated that it will take 4 years to eradicate the invasive species onsite and within the buffer. Planting of these areas of the buffer with native species will have to be delayed until the invasives have been eradicated. Anticipated start date is August 2019 with completion in 2023.

Habitat Protection Areas:

Habitat protection areas onsite include the 100-foot buffer, contiguous forest area along the water and a small non-tidal depression. The buffer management plan will enhance the 100' buffer. The contiguous forest will not be impacted except for eradication of invasives. This should enhance the forest areas.

Attached is an assessment of the property from Fish and Wildlife that confirms that there are no endangered, threatened or anadromous fish habitat onsite. Additionally, the attached letter dated August 17,2018 from the Maryland Department of Natural resources, Wildlife and Heritage Division via Lori Byrne, shows no indication of rare, threatened or endangered species in the area.

Other Additional Factors:

- 1) This proposal will expand an existing business.
- 2) There are no known rare, threatened or endangered species onsite.
- 3) Impacts on Priority Preservation Areas: This proposed redevelopment site is outside of the adopted Worcester County Priority Preservation Area.
- 4) Impacts associated with wastewater and stormwater to tidal wetlands and waters, non-tidal wetland and tributary streams: As described in this report this project will provide storm water management upgrades for existing structures (to the greatest extent practicable) and proposed impervious areas. Water quality associated with stormwater will improve as part of this development project. The existing septic systems onsite will be upgraded to provide the best available nitrogen removal technology.

- 5) Environmental Impacts Associated with Coastal Hazard Areas and Increased Flooding Potential: The current FEMA maps the property in the flood zone AE with an elevation of 5', 6' and 7' and flood zone X. Any proposed construction must meet the floodplain requirements for construction. Other portions of the site are shown as "Other Flood Areas" with no elevation requirement. All development project must comply with the floodplain requirements. As noted on the latest MD Department of Natural Resources Sea Level Rise inundation mapping the project area has 0-2, 2-5 and 5-10 foot potential sea level rise impact potential. The plan as designed allows for establishment of the 100 foot buffer allowing the natural transgression of existing marsh to migrate landward, with no structures located within the area. Within the 300 foot setback, which as noted is proposed to be reduced, however with significant plantings and limiting impervious surface on the site within the 300 foot setback, impacts on the floodplain via sea level rise is minimized as much as practically able, considering the existing developed area onsite and the traditional use.

COMAR 27.01.02.06-3 (E) 4 States— *"Locate a new intensely developed area or limited development area in a resource conservation area at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources"*

-Provision of the 300' setback on this small property would prohibit development on the property due to having the setback on 2 sides of the property which would eliminate any area for development.

-2,810 sf of existing impervious area within the 100' buffer will be removed. 1,686 outside the 100' but within the proposed 300' buffer will be removed. -Existing impervious to remain in the 100' buffer and 300' setback will have water quality treatment via rain gardens and will provide 10% pollutant removal design. This is above and beyond what is required by current best management practices.

-The existing and proposed septic systems will be installed /upgraded to provided with the most up to date nitrogen removal technology. Retrofitting of the existing systems is not a requirement of current growth allocation.

-There will be a total of +/- 37,000 sf of eradication of existing invasive phragmites and bamboo in the tidal wetlands, non-tidal wetlands and upland areas within and adjacent to the 100' buffer onsite. The eradicated areas will be planted in accordance with Buffer management criteria. This is in excess of growth allocation requirements.

-There is limited use of public infrastructure, except for county roads, proposed for the project.

-The project is extensively buffered from adjacent RCA uses by existing and proposed uses. Additionally, the project is at the end of dead-end road with no impact to RCA areas south of the project.

August 17, 2018

Mr. Christopher P. McCabe
Coastal Compliance Solutions, LLC
P.O. Box 66
Fruitland, MD 21826

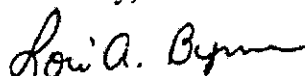
RE: Environmental Review for 12303 North Piney Point Road, Bishopville, Worcester County, Maryland.

Dear Mr. McCabe:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2018.1153.wo
Cc: C. Shearin, CAC

SITE DATA

TAX MAP 10, PARCELS 4, 171 & 301
 2301 FINNEY POINT ROAD
 WASHINGTON, MD 21133

PROPERTY OWNERS

MOORE INVEST, LLC
 110 48th STREET
 OCEAN CITY, MD 21842

SITE AREA

± 8.34 ACRES

CRITICAL AREA EXISTING

± 4.63 ACRES IDA
 ± 4.71 ACRES NCA

CRITICAL AREA PROPOSED

± 9.34 ACRES IDA

ZONING

EXISTING
 E-1, ESTATE
 SETBACKS: FRONT = 50'
 REAR = 50'
EXISTING PROPOSED
 P-1, LIGHT INDUSTRIAL
 SETBACKS: FRONT = 50'
 REAR = 50'

USES

EXISTING TO REMAIN
 ± 2,200 SF BOAT REPAIR/CONSTRUCTION
 PROPOSED
 ± 46,000 SF LONG TERM WAREHOUSE 2 STORY

MINIMUM PARKING

EXISTING TO REMAIN
 12 SPACES BOAT REPAIR AT 10 SPACES AND 1 PER BAY
 PROPOSED
 12 SPACES LONG TERM WAREHOUSE AT 1 SPACE/4,000 SF

COVERAGE

33,999 SF = EXISTING
 10,000 SF = PROPOSED
 63,293 SF = TOTAL
 7,810 SF = TO BE REMOVED WITHIN 100' BUFFER
 1,686 SF = TO BE REMOVED OUTSIDE OF BUFFER
 60,793 SF = TOTAL PHASE 1 = 14.5%

NEW PLANTINGS

0.64 ACRES PLANTINGS IN 100' BUFFER
 0.89 ACRES PLANTINGS OUTSIDE OF 100' BUFFER
 0.85 ACRES TOTAL PLANTINGS IN ERADICATION AREAS WITHIN 100' BUFFER
 2.18 ACRES TOTAL PLANTINGS TO COMPLY WITH "MITIGATION AND PLANTING STANDARDS"

PRIORITY FUNDING

THIS SITE IS NOT WITHIN A PRIORITY FUNDING AREA

FLOOD PLAIN

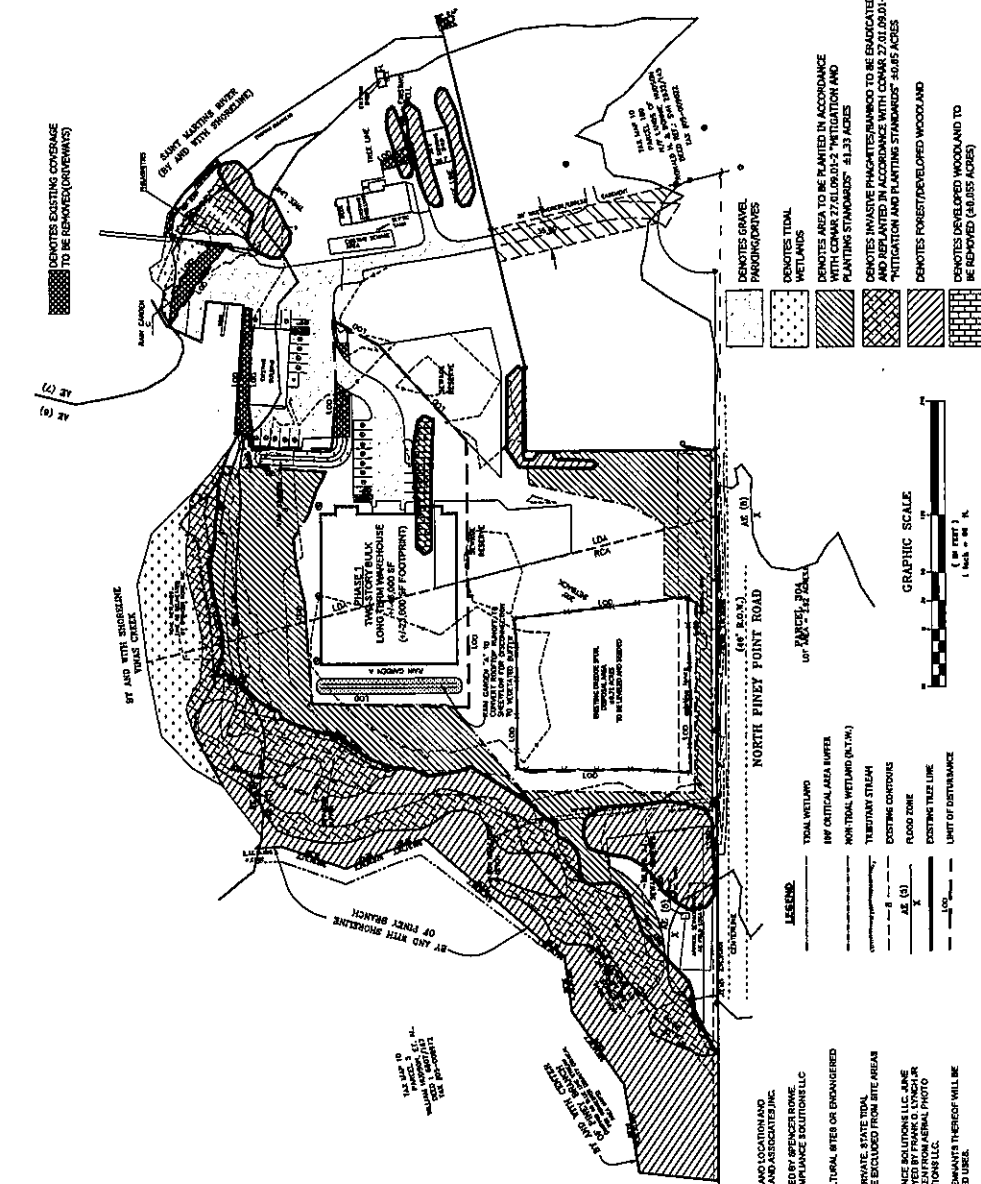
THIS SITE IS LOCATED WITHIN FLOOD ZONES AE (EL. 5'-7' AND 7') AND ZONE X PER FEMA COMMUNITY PANEL 2404400404H DATED 7-16-15

LIMIT OF DISTURBANCE

427,547 SF = 9.71 ACRES

COVERAGE TABLE

3,395 SF = EXISTING HOUSE AND SHEDS
 17,000 SF = EXISTING STRUCTURE
 23,000 SF = NEW STORAGE STRUCTURE
 31,168 SF = PARKING DRIVES AND WALKWAYS
 60,763 SF = TOTAL PHASE 1 = 14.5%



- LEGEND**
- TOTAL WETLAND
 - NON-TOTAL WETLAND (ULTM)
 - TRIBUTARY STREAM
 - EXISTING DRIVEWAY
 - FLOOD ZONE
 - EXISTING TREE LINE
 - LIMIT OF DISTURBANCE
 - LOD
 - AS (B)
 - AS (C)
 - AS (D)
 - AS (E)
 - AS (F)
 - AS (G)
 - AS (H)
 - AS (I)
 - AS (J)
 - AS (K)
 - AS (L)
 - AS (M)
 - AS (N)
 - AS (O)
 - AS (P)
 - AS (Q)
 - AS (R)
 - AS (S)
 - AS (T)
 - AS (U)
 - AS (V)
 - AS (W)
 - AS (X)
 - AS (Y)
 - AS (Z)

- NOTES:**
- EXISTING CONDITIONS, TOPOGRAPHY, WETLAND LOCATION AND BOUNDARY PROVIDED BY FRANK LYNCH, JR. AND ASSOCIATES, INC. IN 2016 AND RECORDED BY COASTAL COMPLIANCE SOLUTIONS LLC IN SEPTEMBER 2016.
 - TOTAL AND NON-TOTAL WETLANDS DEMONSTRATED BY SERVICES DONE IN 2016 AND RECORDED BY COASTAL COMPLIANCE SOLUTIONS LLC IN SEPTEMBER 2016.
 - THERE ARE NO STEEP SLOPES (> 15%), CULTURAL, WET OR ENDANGERED SPECIES ON-SITE.
 - ALL TOTAL WETLANDS & NON-TOTAL ARE PRIVATE, STATE, LOCAL OR FEDERAL PROPERTY AND ARE NOT TO BE DISTURBED.
 - FORESTS BELONGING TO COASTAL COMPLIANCE SOLUTIONS LLC, ARE 20% NORTHERN FOREST SOLELY MANAGED BY FRANK O. LYNCH, JR. AND ASSOCIATES, SOUTHERN FOREST MANAGED BY FRANK O. LYNCH, JR. AND ASSOCIATES. SOUTHERN FOREST MANAGED BY FRANK O. LYNCH, JR. AND ASSOCIATES. SOUTHERN FOREST MANAGED BY FRANK O. LYNCH, JR. AND ASSOCIATES. SOUTHERN FOREST MANAGED BY FRANK O. LYNCH, JR. AND ASSOCIATES.
 - EXISTING ROWS, EASEMENTS, RIGHTS OF WAY AND RIGHTS THEREOF WILL BE MAINTAINED TO BE UTILIZED BY THE PROPOSED WORK.

ENVIRONMENTAL FEATURES TAX MAP 10-PARCELS 4, 171 & 301 WORCESTER COUNTY MARYLAND



SITE DATA

PARCEL DESCRIPTION
 TAX MAP 10, PARCELS 4, 171 & 301
 12301 PINEY POINT ROAD
 FIFTH TAX DISTRICT
 BERRYVILLE AND 21813

PROPERTY OWNERS
 MOORE BOAT, LLC
 C/O LEIGHTON MOORE
 117 99th STREET
 OCEAN CITY, MD 21842

SITE AREA
 ± 9.34 ACRES

CRITICAL AREA
 4-1.63 ACRES LDA
 4-4.71 ACRES PCA

AREA RECLASSIFICATION
 ± 0.33 ACRES PRIVATE TIDAL WETLANDS
 ± 0.33 ACRES PRIVATE NON-TIDAL WETLANDS
 ± 2.73 ACRES PM AWA
 ± 9.34 ACRES TOTAL SITE

COVERAGE
 ± 6,504 SF STRUCTURES
 ± 27,396 SF DRIVEWAYS/PARKING
 ± 33,096 SF TOTAL COVERAGE

EXISTING ZONING
 E-1, ESTATE
 SETBACKS: FRONT = 30'
 SIDE = 50'
 REAR = 50'

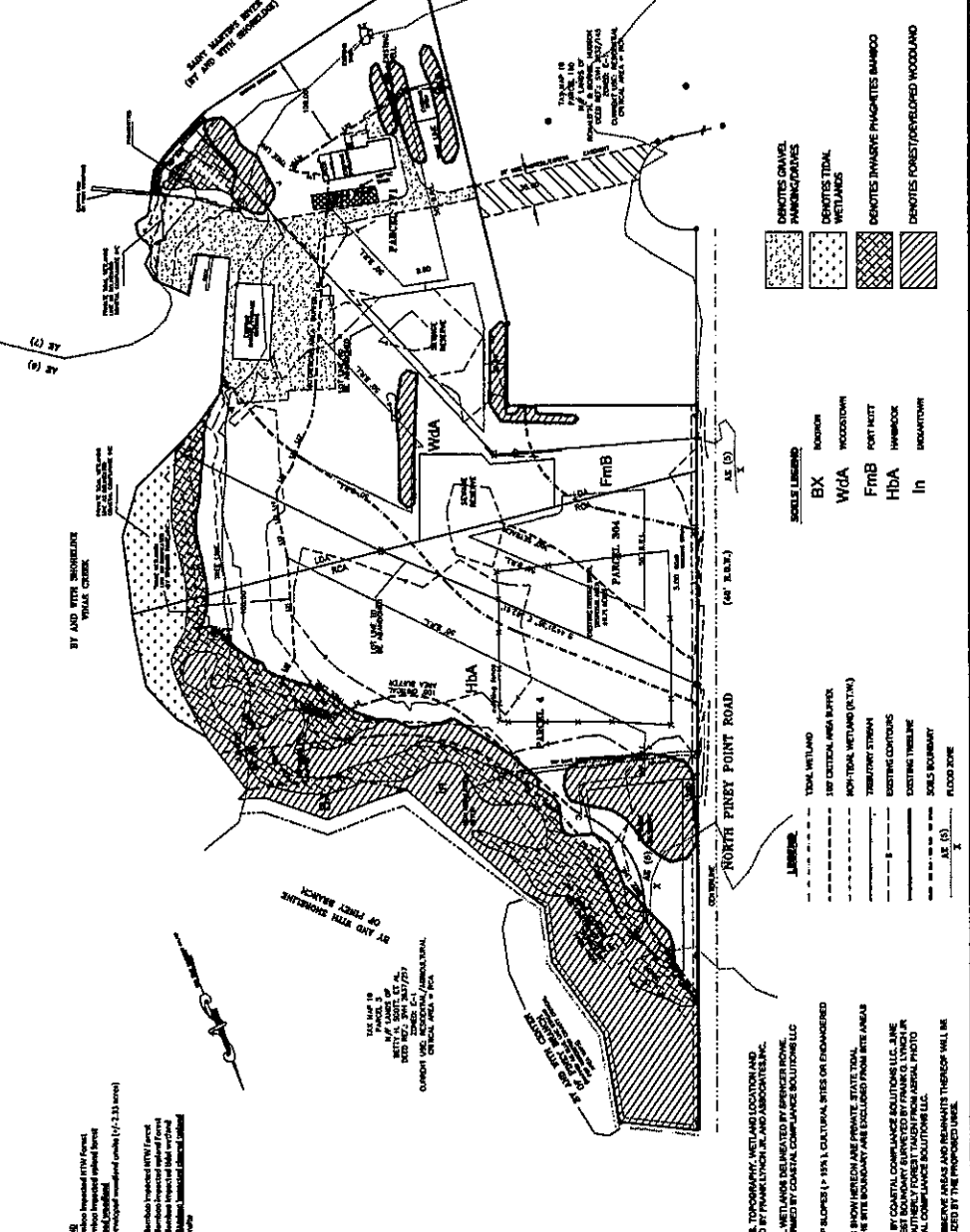
FORESTRY
 THERE IS ± 2.33 ACRES OF FOREST ON THE NORTH AND EAST SIDES OF THE SITE. THERE ARE 5 STAMPS OF DECIDUED WOODLAND ON THE SOUTH SIDE OF THE SITE TOTALING 465 ACRES.

WATER SHED
 OCEAN COASTAL

SUB WATER SHED
 21810-21814

PRIORITY FLOODING
 THIS SITE IS NOT WITHIN A PRIORITY FLOODING AREA

FLOOD PLAIN
 THIS SITE IS LOCATED WITHIN FLOOD ZONES AE (1, 2, 3, 4, 5, 6, 7) AND XOMX FOR FEMA COMMUNITY PANEL 200407000H DATED 7-16-15



LEGEND

SOILS LEGEND
 BX BOGSON
 WGA WOODSTOWN
 FmB FORT WERT
 H1A HAWKWOOD
 In INDIANWOOD

LEGEND
 TIDAL WETLAND
 100' CRITICAL AREA BUFFER
 NON-TIDAL WETLAND (LTM)
 TIMBER STRIP
 EXISTING CONTIGUOUS FOREST
 EXISTING TIMBERLINE
 SOILS BOUNDARY
 FLOOD ZONE
 AE (1) X
 AE (2) X

NOTES

- EXISTING CONDITIONS, TOPOGRAPHY, WETLAND LOCATION AND BOUNDARY PROVIDED BY FRANKLYNCH, JR. AND ASSOCIATES, INC.
- TIDAL AND NON-TIDAL WETLANDS DELINEATED BY SPENCER ROWE, INC. AND ACCOMPANIED BY COASTAL COMPLIANCE SOLUTIONS LLC.
- EXISTING CONTIGUOUS FOREST AND TIMBERLINE PROVIDED BY FRANKLYNCH, JR. AND ASSOCIATES, INC.
- ALL TIDAL WETLANDS WITHIN THE SITE BOUNDARY ARE EXCLUDED FROM THE AWAAS ± 8.01 ACRES.
- FOREST DELINEATED BY COASTAL COMPLIANCE SOLUTIONS LLC, LINE AND BOUNDARY DELINEATED BY FRANKLYNCH, JR. AND ASSOCIATES, INC. AND ACCOMPANIED BY COASTAL COMPLIANCE SOLUTIONS LLC.
- EXISTING TIMBERLINE, INVASIVE AREAS AND REMNANTS THEREOF WILL BE RETAINED TO BE UTILIZED BY THE PROPOSED USER.

DATE: 10/15/2015
BY: J. H. HARRIS
SCALE: AS SHOWN

Worksheet A: Standard Application Process

Calculating Pollutant Removal Requirements¹

Step 1: Calculate Existing and Proposed Site Imperviousness

A. Calculate Percent Imperviousness

- 1) Site Area within the Critical Area IDA, A = 9.34 acres
- 2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)

	(a) Existing (acres)	(b) Proposed (acres)
Roads		
Parking lots		
Driveways	0.629	0.723
Sidewalks/paths		
Rooftops	0.151	0.677
Decks		
Swimming pools/ponds		
Other		
Impervious Surface Area	0.78	1.40

3) Imperviousness (I)

Existing Imperviousness, I_{pre} = Impervious Surface Area / Site Area
 = (Step 2a) / (Step 1)
 = $(\frac{0.78}{9.34})$
 = 8.35 %

Proposed Imperviousness, I_{post} = Impervious Surface Area / Site Area
 = (Step 2b) / (Step 1)
 = $(\frac{1.40}{9.34})$
 = 14.99 %

B. Define Development Category (circle)

- 1) New Development: Existing imperviousness less than 15% | (Go to Step 2A)
- 2) Redevelopment: Existing imperviousness of 15% | or more (Go to Step 2B)
- 3) Single Lot Residential Development: Single lot being developed or improved; single family residential development; and more than 250 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements).

¹ NOTE: All acreage used in this worksheet refers to areas within the IDA of the Critical Area only.

Step 2: Calculate the Predevelopment Load (L_{pre})

A. New Development

$$\begin{aligned}
 L_{pre} &= (0.5) (A) \\
 &= (0.5) (\underline{9.34}) \\
 &= \underline{4.67} \text{ lbs/year of total phosphorus}
 \end{aligned}$$

Where:

- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
- 0.5 = Annual total phosphorus load from undeveloped lands (lbs/acre/year)
- A = Area of the site within the Critical Area IDA (acres)

B. Redevelopment

$$\begin{aligned}
 L_{pre} &= (R_v) (C) (A) (8.16) \\
 R_v &= 0.05 + 0.009 (I_{pre}) \\
 &= 0.05 + 0.009 (\underline{\hspace{2cm}}) = \underline{\hspace{2cm}} \\
 L_{pre} &= (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (8.16) \\
 &= \underline{\hspace{2cm}} \text{ lbs/year of total phosphorus}
 \end{aligned}$$

Where:

- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
- R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff
- I_{pre} = Pre-development (existing) site imperviousness (i.e., $I = 75$ if site is 75% impervious)
- C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l
- A = Area of the site within the Critical Area IDA (acres)
- 8.16 = Includes regional constants and unit conversion factors

Step 3: Calculate the Post-Development Load (L_{post})**A. New Development and Redevelopment:**

$$L_{post} = (R_v) (C) (A) (8.16)$$

$$R_v = 0.05 + 0.009 (I_{post})$$

$$= 0.05 + 0.009 (14.99) = 0.1849$$

$$L_{post} = (0.1849) (0.30) (9.34) (8.16)$$

$$= 4.228 \text{ lbs/year of total phosphorus}$$

Where:

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff

I_{post} = Post-development (proposed) site imperviousness (i.e., $I = 75$ if site is 75% impervious)

C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l

A = Area of the site within the Critical Area IDA (acres)

8.16 = Includes regional constants and unit conversion factors

Step 4: Calculate the Pollutant Removal Requirement (RR)

$$RR = L_{post} - (0.9) (L_{pre})$$

$$= (4.228) - (0.9) (4.67)$$

$$= 0.025 \text{ lbs/year of total phosphorus}$$

Where:

RR = Pollutant removal requirement (lbs/year)

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)

Section 4.0 Standard Application Process

Step 5: Identify Feasible BMP(s)

Select BMP Options using the screening matrices provided in the Chapter 4 of the 2000 Maryland Stormwater Design Manual. Calculate the load removed for each option.

BMP Type	(L _{post})	x	(BMP _{RE})	x	(% DA Served)	=	LR
RAIN GARDEN "A" BIO-RETENTING	4.228	x	50%	x	0.028	=	0.059 lbs/year
RAIN GARDEN "B"	4.228	x	50%	x	0.048	=	0.10 lbs/year
RAIN GARDEN "C"	4.228	x	50%	x	0.021	=	0.044 lbs/year
DRY SWALE	4.228	x	65%	x	0.028	=	0.059 lbs/year
Load Removed, LR (total) =							0.262 lbs/year
Pollutant Removal Requirement, RR (from Step 4) =							0.025 lbs/year

Where:

- Load Removed, LR = Annual total phosphorus load removed by the proposed BMP (lbs/year)
- L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)
- BMP_{RE} = BMP removal efficiency for total phosphorus, Table 4.8 (%)
- % DA Served = Fraction of the site area within the critical area IDA served by the BMP (%)
- RR = Pollutant removal requirement (lbs/year)

If the Load Removed is equal to or greater than the Pollutant Removal Requirement computed in Step 4, then the on-site BMP complies with the 10% Rule.

Has the RR (pollutant removal requirement) been met? Yes No

STORM WATER NARRATIVE

EXISTING SITE

THERE IS CURRENTLY 33,896 SF OF IMPERVIOUS LOT COVERAGE. THE PLAN IS TO CONVERT 4,496 SF OF THAT TO PERVIOUS. THIS LEAVES 29,400 SF OF EXISTING LOT COVERAGE. THE DRIVEWAY SERVING THE EXISTING SINGLE FAMILY HOME, THE DWELLING AND OUTBUILDINGS ARE ALL PRESENTLY BEING TREATED BY GRASSED DISCONNECTS. THE EXISTING BUILDING AND ADJACENT PARKING AND DRIVEWAY ARE ABOUT THE WATERWAY AND LIE WHOLLY WITHIN THE CRITICAL AREA 100' BUFFER. THESE AREAS HAVE NO FORMAL PRE-TREATMENT PRIOR TO DIRECT DISCHARGE. THIS PLAN PROPOSES TO INSTALL RAIN GARDENS TO INTERCEPT STORM WATER FLOWS AND PROVIDE AS MUCH WATER QUALITY TREATMENT AS THE AVAILABLE ROOM WILL ALLOW. ALL PRE-EXISTING DRIVEWAY AND PARKING AREAS WILL NOW HAVE SOME LEVEL OF PRE-TREATMENT WHERE NONE EVER EXISTED BEFORE. I OFFER THAT ESD HAS BEEN IMPLEMENTED TO THE MEP.

NEW DEVELOPMENT

THE NEW DEVELOPMENT CONSISTS OF A 23,000 SF BUILDING FOOTPRINT WITH ASSOCIATED PARKING AND DRIVE. THE CONCEPT TO COMPLY WITH APPLICABLE STORM WATER MANAGEMENT REGULATIONS AND THE CRITICAL AREA 100' RULE IS TO IMPLEMENT METHODS TO CONVERT THE IMPERVIOUS AREAS TO BE CONSIDERED PERVIOUS AREAS AND TO ROUTE AS MUCH AS POSSIBLE TO RAIN GARDENS AND GRASS DISCONNECTS AS WELL AS TO WOODED CONSERVATION AREAS SUCH AS THE 100' CRITICAL AREA BUFFER.

SITE DATA

PARCEL DESCRIPTION
TAX MAP 10, PARCELS 4, 171 & 304
12301 PINEY POINT ROAD
FIFTH TAX DISTRICT
BISHOPVILLE, MD 21813

PROPERTY OWNERS
MOORE BOAT L.L.C.
C/O LEIGHTON MOORE
117 49th STREET
OCEAN CITY, MD 21842

ZONING

EXISTING
E-1, ESTATE
SETBACKS: FRONT = 50'
SIDE = 50'
REAR = 50'

EXISTING/PROPOSED
I-1, LIGHT INDUSTRIAL
SETBACKS: FRONT = 35'
SIDE = 20'
REAR = 20'

USES

EXISTING TO REMOVED
± 3,200 SF BOAT REPAIR/CONSTRUCTION
PROPOSED
± 46,000 SF LONG TERM WAREHOUSE (TWO STORY)

PERVIOUS AREAS

EXISTING TO REMOVED
12 SPACES BOAT REPAIR AT 10 SPACES AND 1 PER BAY
PROPOSED
12 SPACES LONG TERM WAREHOUSE AT 1 SPACE/4,000 SF

COVERAGE

33,896 SF = EXISTING
31,363 SF = PHASE 1
65,259 SF = TOTAL
2,810 SF = TO BE REMOVED WITHIN 100' BUFFER
1,686 SF = TO BE REMOVED OUTSIDE OF BUFFER
60,763 SF = TOTAL PHASE 1 = 14.9%

FLOOD PLAIN

THIS SITE IS LOCATED WITHIN FLOOD ZONES AE (EL. 15' AND 7') AND ZONE X PER FEMA COMMUNITY PANEL 240047C0045H DATED 7-16-15

LIGHT OF DISTURBANCE

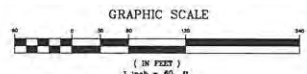
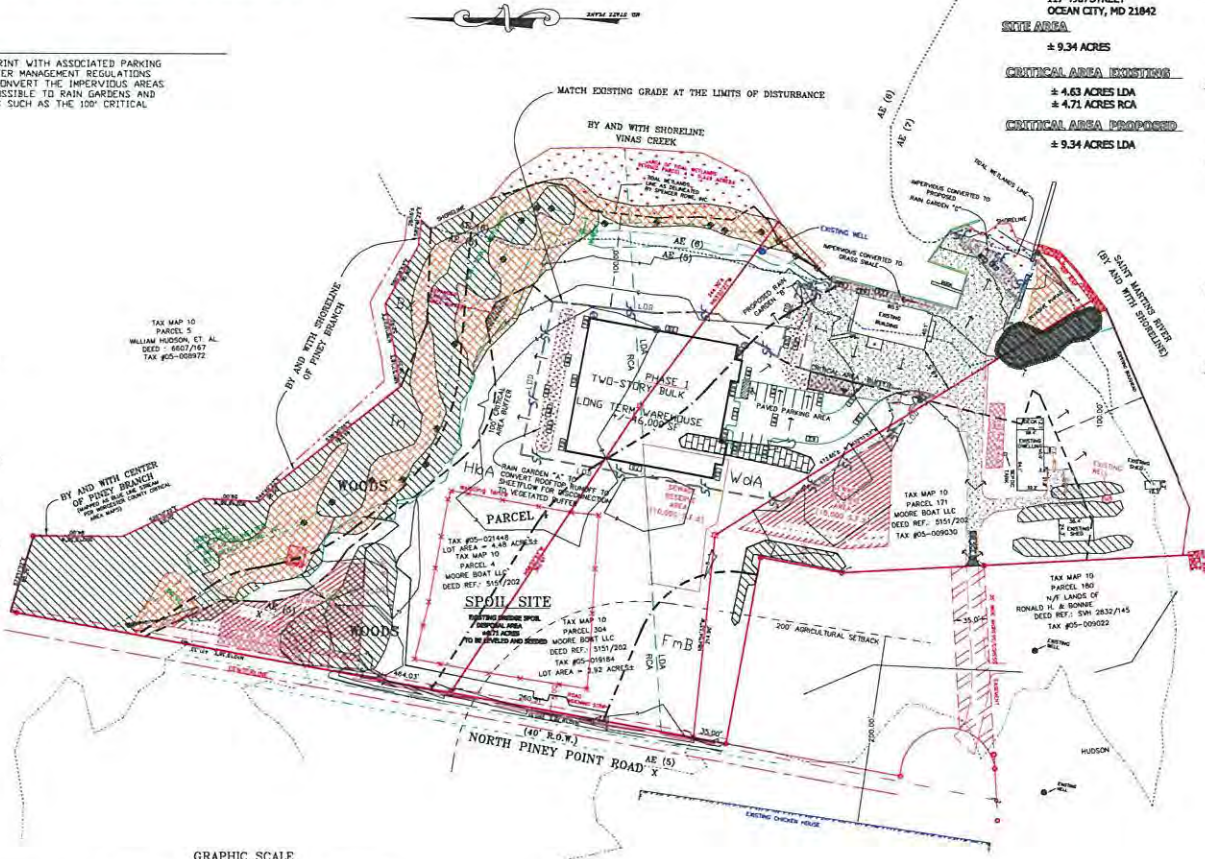
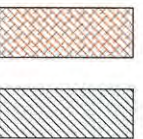
±56,665 SF = ±1.30 ACRES

LEGEND

- DENOTES EXISTING COVERAGE TO BE REMOVED
- - - DENOTES LIMITS OF DISTURBANCE = 50.885 SF
- DENOTES EXISTING POINT
- DENOTES IRON PIPE FOUND
- DENOTES IRON ROD SET
- △ DENOTES UNMARKED POINT
- ▲ DENOTES FOREST PROTECTION SIGN
- - - DENOTES SOILS BOUNDARY
- - - DENOTES SOIL FENCE
- - - DENOTES LIMITS OF DISTURBANCE
- - - DENOTES PROPOSED CONTOUR ELEVATION HAVD 1988
- - - DENOTES EXISTING CONTOUR ELEVATION HAVD 1988
- DENOTES PROPOSED ELEVATION HAVD 1988
- DENOTES EXISTING SPOT ELEVATION HAVD 1988
- DENOTES DISTURBED AREA
- DENOTES POST CONSTRUCTION FLOW PATTERN

NOTES

1. EXISTING CONDITIONS, TOPOGRAPHY, WETLAND LOCATION AND BOUNDARY PROVIDED BY FRANK LYNCH JR AND ASSOCIATES, INC.
2. TIDAL AND NON-TIDAL WETLANDS DELINEATED BY SPENCER ROWE IN 2005 AND RECONFIRMED BY COASTAL COMPLIANCE SOLUTIONS, LLC IN SEPTEMBER 2018.
3. THERE ARE NO STEEP SLOPES (> 15%), CULTURAL SITES OR ENDANGERED SPECIES ONSITE.
4. ALL TIDAL WETLANDS SHOW HEREON ARE PRIVATE, STATE TIDAL WETLANDS WITHIN THE SITE BOUNDARY ARE EXCLUDED FROM SITE AREAS ± 0.07 ACRES
5. FOREST DELINEATED BY COASTAL COMPLIANCE SOLUTIONS, LLC & JUNE 2018 NORTHERN FOREST BOUNDARY SURVEYED BY FRANK G. LYNCH JR AND ASSOCIATES. SOUTHERLY FOREST TAKEN FROM AERIAL PHOTO PROVIDED BY COASTAL COMPLIANCE SOLUTIONS, LLC.
6. EXISTING SEWAGE RESERVE AREAS AND REMNANTS THEREOF WILL BE RETAINED TO BE UTILIZED BY THE PROPOSED USES.



REFERENCE

- DENOTES CONC. MON. FOUND
- DENOTES IRON PIPE FOUND
- DENOTES IRON ROD FOUND
- DENOTES IRON ROD SET
- △ DENOTES I.P.E. NAIL SET

BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 240047C0045H DATED 7-16-2015 THIS SUBDIVISION IS LOCATED IN ZONE AE (B.F.E. 5 48)

#	REVISION	DATE	CHKD	PROJECT	TITLE
1	ADDED WOODS AND PHRAG PER DATA FROM CHRIS MCCABE	11-9-2019			

PARCELS 4, 171, AND 304
FIFTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

CONCEPT
STORMWATER MANAGEMENT,
SOIL EROSION AND
SEDIMENT CONTROL PLAN

PROFESSIONAL SEAL

Frank G. Lynch, Jr. & Associates, Inc.
SURVEYING - LAND PLANNING
16505 BACKLICKER ROAD - NEELAN, MARYLAND 21811
(410) 641-5503 - 641-9775

DESIGNED BY: N/A SUPERVISED BY: FGL/JRT FILE NO.: 11753-18
DRAWN BY: F.G.L. JR. DATE: 7-22-2019 SCALE: 1" = 80' SHEET 2 OF 2
CHECKED BY: FRANK G. LYNCH DATE: 7-21-2020

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- (f) Conditions and mitigation. The Board of Zoning Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the Atlantic Coastal Bays Critical Area Law is maintained, including, but not limited to, the following:
- (1) Adverse impacts resulting from the granting of the variance shall be mitigated by the planting of trees and shrubs on the site at an amount equal to not less than three times the square footage of the area of disturbance allowed by the variance or as recommended by the Department.
 - (2) New or expanded structures or impervious surfaces shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, non-tidal wetlands, or steep slopes.

§ NR 3-112. Growth allocation.

- (a) Description. The upland area of the County within the Atlantic Coastal Bays Critical Area comprises about twenty-two thousand nine hundred and fifty-five acres. Within the Atlantic Coastal Bays Critical Area, three thousand four hundred and sixty acres of land are classified as Intensely Developed Area and three thousand one hundred sixteen acres as Limited Development Area. The remaining sixteen thousand three hundred and seventy-nine acres are classified as Resource Conservation Area. The Atlantic Coastal Bays Protection Act permits the County Commissioners to allocate five percent of this area, or eight hundred nineteen acres, for use for future growth as either Intensely Developed Areas or Limited Development Areas. This acreage shall be used for the expansion of existing or the creation of new Limited Development Areas and Intensely Developed Areas under the following general guidelines:
- (1) The total area of expansion of Intensely Developed or Limited Development Areas, or both, shall not exceed eight hundred nineteen acres.
 - (2) When permitting future expansion of Intensely Developed and Limited Development Areas within one mile of an incorporated municipality, the Department shall notify the appropriate local officials to allow them an opportunity to comment on how the expansion may affect the municipality.
- (b) Requirements. When locating new Intensely Developed or Limited Development Areas the County Commissioners shall use these guidelines:
- (1) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
 - (2) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
 - (3) New Intensely Developed Areas shall be at least twenty acres in size unless:
 - A. They are contiguous to an existing Intensely Developed Area or Limited Development Area; or

- B. They are a grandfathered commercial or industrial use which was permitted and legally existing as of the date of local Program approval. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
- (4) No more than one-half of the allocated expansion may be located in Resource Conservation Areas except as provided in Subsection (b)(9) below;
 - (5) New Intensely Developed Areas and Limited Development Areas should be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle and in an area and in a manner that optimizes benefits to water quality;
 - (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
 - (7) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least three hundred feet landward of the limits of tidal wetlands or tidal waters;
 - (8) New Intensely Developed or Limited Development Areas shall conform to all criteria of the Department for such areas, shall be so designated on the County's Atlantic Coastal Bays Critical Area Maps and shall constitute an amendment to this Program subject to review and approval by the Planning Commission, the County Commissioners and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
 - (9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in Subsections (b)(1) and (2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the allocated expansion which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in Subsection (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this subsection.
- (c) Process. Applicants for growth allocation shall submit a request for growth allocation in accordance with the provisions of § NR 3-110 hereof which shall be accompanied by appropriate plans and environmental reports in accordance with the following process:
- (1) All applications for growth allocation shall be submitted to the Department. Requests shall be accompanied by a concept plan and appropriate environmental reports and studies so as to provide sufficient information to permit the Planning Commission to review the application for consistency with the County's Atlantic Coastal Bays Critical Area regulations and the Comprehensive Plan. The subdivision history of parcels designated as Resource Conservation Area must be provided as part of the growth allocation application. The date of June 1, 2002, is the date used for the original Atlantic Coastal Bays Critical Area mapping and shall be used as a beginning point of analysis.

- (2) All applications for growth allocation shall be forwarded to the Planning Commission for review and shall include comments and recommendations from the staff. The Planning Commission shall consider the growth allocation request prior to making a recommendation on the proposal to the County Commissioners.
- (3) The applicant shall address the Planning Commission's comments and recommendations and may revise the concept plan accordingly. The growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.
- (4) The County Commissioners shall hold a public hearing following due notice in accordance with § ZS 1-114 of the Zoning and Subdivision Control Article on the request for growth allocation and any revisions to the concept plan.
- (5) The County Commissioners may establish conditions of approval that are consistent with the intent of the County's Atlantic Coastal Bays Critical Area Program.
- (6) Upon approval of the growth allocation request by the County Commissioners, the County Commissioners shall send a request to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to utilize a portion of their growth allocation. The request shall be accompanied by pertinent plans and environmental reports and studies. Upon receipt of the request from the County Commissioners, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays shall notify the County Commissioners regarding the processing of the request as an amendment or refinement to the County's Program. Refinements shall be acted on within thirty days of the Commission's notification to the County Commissioners of a complete submission. Amendments shall be acted on within ninety days of the Commission's notification of a complete submission.
- (7) Following approval of the growth allocation request by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the County Commissioners shall implement the change and the applicant may proceed to the preparation of the final site plan or subdivision plat for recording in the County land records.
- (8) Prior to approving the final site plan or subdivision plat, the Planning Commission or its designee shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, etc.
- (9) Final subdivision plats and site plans shall be processed in accordance with the requirements of this Subtitle and the County's subdivision regulations.
- (10) The County's official Atlantic Coastal Bays Critical Area Maps shall be amended to reflect the new land classification area and a copy of the new map shall be provided to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
- (11) As a condition of approval, the County Commissioners may require that any project approved for the use of growth allocation shall demonstrate that it is

substantially completed within three years of the date of growth allocation approval by the Commission. Substantially completed is defined as projects in which all public improvements such as roads, sewer and/or water facilities, etc. have been built and approved as required by the County Commissioners.

- (d) Standards. Applicants for growth allocation shall demonstrate that the following design standards will be met or exceeded by the proposed project:
- (1) All requirements of the County's Atlantic Coastal Bays Critical Area Program, Zoning Ordinance, and subdivision regulations can be met.
 - (2) In addition to meeting the minimum requirements of the Atlantic Coastal Bays Critical Area regulations, the project design shall enhance the habitat value or improve water quality in the area.
 - (3) For residential development, where possible a community pier shall be provided rather than individual piers.
- (e) Deduction methodology. The following standards shall be used to determine the area of growth allocation to be deducted when the designation of a parcel or a portion of a parcel is changed through the growth allocation process:
- (1) Subdivision of any lot of record existing as of June 1, 2002, and which is classified as Resource Conservation Area or Limited Development Area, where all or part of the parcel is identified by the County Commissioners as a growth allocation area, shall result in the acreage of the entire parcel, excluding tidal wetlands, being deducted from the jurisdiction's growth allocation, unless the development envelope concept outlined in Subsection (e)(2) below is used.
 - (2) In order to allow some flexibility in the use of growth allocation when development is only proposed on a portion of the property, the following methodology may be used for parcels designated as Resource Conservation Area. On a parcel proposed for the use of growth allocation, a single development envelope may be specified and the acreage of the development envelope rather than the acreage of the entire parcel shall be deducted from the County's growth allocation if the development envelope meets the following criteria:
 - A. The development envelope shall include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. The required buffers refer to the minimum one-hundred-foot buffer and the twenty-five-foot non-tidal wetlands buffer.
 - B. Only one development envelope shall be established per parcel of land.
 - C. If a development envelope is proposed in the Resource Conservation Area, a minimum of twenty acres must remain outside of the development envelope or the acreage of the entire parcel must be deducted. If the original parcel in the Resource Conservation Area is less than twenty acres, then the acreage of

the entire parcel must be deducted. If there is a permanently protected Resource Conservation Area (an area protected by recorded easement) adjacent and contiguous to an undeveloped remainder which totals less than twenty acres and which together will result in a minimum twenty-acre undeveloped area, then only that portion of the parcel which is to be developed has to be deducted.

D. The minimum twenty-acre undeveloped remainder outside of the development envelope may be developed at an Resource Conservation Area density unless some type of permanent protection exists that restricts development.

- (3) For growth allocation proposed in the Resource Conservation Area, a three-hundred-foot naturally vegetated buffer is strongly encouraged and where it is provided, it shall not be deducted even if the buffer does not meet the twenty-acre requirement.

§ NR 3-113. Intrafamily transfers.

- (a) Applicability. The Department shall permit bona fide intrafamily transfers to be made only from parcels of land that:
- (1) Were of legal record on June 1, 2002; and
 - (2) Are seven acres or more and less than sixty acres in size.
- (b) Required subdivision. A bona fide intrafamily transfer from a portion of a parcel of land shall be a subdivision of the parcel of land that is subject to approval under the Subdivision Regulations of the County.
- (c) Approval of subdivision of parcels. The Department may approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer and may not approve any greater subdivision of the parcel of land or any portion of it as follows:
- (1) A parcel that is seven acres or more and less than twelve acres in size may be subdivided into two lots.
 - (2) A parcel that is twelve acres or more and less than sixty acres in size may be subdivided into three lots. The lots may be created at different times.
- (d) Conditions of approval. As a condition of approval the Department shall require that:
- (1) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant approved by the County Commissioners stating that the lot is created subject to the provisions of Natural Resources Article § 8-1801, Annotated Code of Maryland, as from time to time amended; and
 - (2) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under provisions set forth in Subsection (e) of this section.

- C. Posting shall not be required for proposed sectional or comprehensive map amendment procedures or for proposed amendments to the text of this Title.
- (2) All proceedings under the terms of this Title requiring a public hearing shall be advertised at least once in one newspaper of general circulation in the County not less than fifteen days prior to the date such proceeding is scheduled for hearing, which advertisement shall state the following:
 - A. The date, time and place of such hearing.
 - B. A summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding and the relief sought by the initiator of the proceeding.
 - C. The location of the property involved, if any, the name of the owner and the file or case number of the proceeding and the name of the governmental body before which such proceeding is to be conducted.
 - D. Any other information deemed necessary to adequately inform the public of the proceeding.
- (3) Whenever the application of this Title requires the holding of a public hearing, a notice of the time and place of such hearing shall be mailed to the initiator of the proceeding, to each incorporated municipality within one mile of the property affected by the proposed change, to the owners of all property contiguous to the property with which the hearing is concerned and to all properties opposite the property with which the hearing is concerned. Opposite properties are measured at right angles to the center line of any intervening roads. Such mailed notices shall be sufficient if directed to such qualifying property owners as shown on the tax records of the County, at the address to which the real estate tax bill on the property is sent, and as shown on the current property tax records for the County. Such notice shall contain the same information as the published notice required by this subsection and shall be mailed not less than fifteen days prior to the date of the hearing. An affidavit of compliance with this section shall be made a part of the record. Posting or notification of property owners shall not be required for proposed sectional or comprehensive map amendment procedures or for proposed amendments to the text of this Title.
- (b) Responsibility for public notice. It shall be the responsibility of the Department to ensure that the provisions of Subsections (a)(1) and (a)(3) hereof are fully complied with for all matters that come before the Board of Zoning Appeals, the Planning Commission or the County Commissioners relative to matters regulated by this section.

§ ZS 1-115. Permits and zoning/occupancy certificates.

- (a) Permit. It shall be unlawful to:
 - (1) Erect or locate or begin the construction, reconstruction, extension, renovation, demolition or alteration, including the excavation thereof, of any building or structure until a permit for such work has been issued by the Department; or



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Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS *ATZ*
Director, Environmental Programs

Subject: **Recommendation for Award**
Selsey Road Resiliency Project

Date: February 26, 2019

The Department has completed our review of the attached proposals for the design portion of the Selsey Road Resiliency Project in West Ocean City. This review was extensive and included a meeting in our Snow Hill office and phone conferencing with senior Maryland Department of Natural Resources (DNR) staff. As the attached memorandum from Katherine Munson details, this offering follows a grant agreement between the County Commissioners and DNR to fund the design and permitting services for the project. This project will be a demonstration project for the State of Maryland and will garner additional support and guidance from DNR in both the design and construction phases.

The review included an examination of the qualifications of the firms and their specific design proposal in accordance with the criteria in the RFP. As Ms. Munson detailed, the review committee scored the proposals according to the weighting in the RFP and those scoring totals revealed the low bidder also has the highest technical score.

In noting the above review and examinations of these proposals, we would respectfully recommend that the County Commissioners award this project to Coastline Design in the amount of \$43,603.

X
P. 5

As always, if you have any questions or require any additional information, please do not hesitate to contact me.

Attachments

cc: David Bradford, Deputy Director, DEP
Katherine Munson, Planner V, DEP

Citizens and Government Working Together



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE COMMISSION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

Memorandum

TO: Robert Mitchell, Director
FROM: Katherine Munson, Planner v *KM*
SUBJECT: Selsey Road Resiliency Project--Design Proposals
DATE: February 25, 2019

In September 2018, the county commissioners entered a grant agreement, for \$50,000.00, with MD Department of Natural Resources for funding of the design and permit acquisition for a shoreline stabilization and marsh restoration project using natural features, adjacent to Selsey Road in Cape Isle of Wight community. The goal of the project is a nature-based project that minimizes recurrent road and community flooding and flood damage, and incorporates local dredged material.

Historically about 7.5 acres of privately owned marsh, beach and upland, directly north of the road, provided flood protection. Over the last 20 years this has eroded, leading to more frequent and severe flooding of the road and community during storm events. The project will serve as a demonstration of the use of nature-based systems for protection of infrastructure and beneficial use of dredge material.

The work will be conducted primarily on private land; the landowner is interested in participating in this restoration project, and has reviewed the top two ranking proposals. He has stated that he is in favor of the top-ranking proposal.

The following bids were received for the design of the Selsey Road Resiliency Project:

JMT	\$90,000
Underwood & Associates	\$65,070.12
J. Stacey Hart & Associates	\$48,000
Coastline Design	\$43,603
Unity Landscape	\$64,360

With input from MD DNR staff, Environmental Programs staff reviewed and scored the proposals as follows:

JMT, 27 points

Experience 2/10

Cost 10/50

Innovation 5/20

Feasibility 10/20

Underwood & Associates/Sustainable Design, 65 points

Experience 10/10

Cost 30/50

Innovation 10/20

Feasibility 18/20

J. Stacey Hart & Associates, 53 points

Experience 5/10

Cost 30/50

Innovation 8/20

Feasibility 10/20

Coastline Design, 80 points

Experience 10/10

Cost 50/50

Innovation 10/20

Feasibility 20/20

Unity Landscape, 53 points

Experience 8/10

Cost 30/50

Innovation 10/20

Feasibility 5/20

It is our recommendation therefore that Coastline Design be offered a contract to complete this project.

Please do not hesitate to contact me for any further information.

cc: David Bradford, Deputy Director
Attachments

Competitive Bid Worksheet

Item: Design of Selsey Road Resiliency Project

Bid Deadline/Opening Date: 1:00 P.M., Monday, January 28, 2019

Bids Received by deadline = 5

Vendor's Submitting Bids

Lump Sum Fee

Page

JMT

40 Wight Avenue
Hunt Valley, MD 21030

* 90,000

68

Underwood & Associates

901-A Commerce Road
Annapolis, MD 21401

* 65,070.12

72

J. Stacey Hart & Associates, Inc.

P.O. Box 6
Snow Hill, MD 21863

* 48,000

35

Coastline Design PC

3065 Holiday Marina Road
Hayes, VA 23072-4436

* 43,603

5

Unity Landscape Design/Build Inc.

3621 Church Hill Road
Church Hill, MD 21623

* 64,360

76

Request for Proposals

82

Coastline Design PC

P.O. Box 157

Achilles, VA 23001

Katherine Munson

Worcester County Dept. of Environmental Programs

1 West Market St. Suite 1306

Worcester County Government Center

Snow Hill, MD 21863

January 25, 2019.

Dear Ms. Munson:

Please find enclosed our bid-package for the SelseyRoad Resiliency Project, Worcester County, project No. CRP 05-19. This package includes:

- 1) Cover letter -- 1 page
- 2) Bid Form/Cost Proposal- 3 pages
- 3) Design Narrative and Figures -- 5 pages
- 4) Appendix A- Previous Project and contact information
- 5) Conceptual Design
- 6) Personnel Costs and Tasks
- 7) Resumes of Principals: C. Scott Hardaway, Jr. P.G. and Glenn G. Gass, PE.

Please call with questions

Sincerely,



C. Scott Hardaway, Jr.

President

(757) 288-9062 c

Coastline Design PC

P.O. Box 157

Achilles, VA 23001

Selsey Road Resiliency Project: CRP-05-19

Design Narrative:

Introduction

The Selsey Road Resiliency Project (SRRP) is located on Isle of Wight Bay in Worcester County, MD. According to Worcester County RRP dated December 18, 2018, the goal of the project is to design a climate-resilient living shoreline and marsh restoration project to protect residential infrastructure and reduce road flooding. The project length is 900 feet along the Isle of Wight coast. The SRRP and Selsey Road proper are located on very low ground. Figure 1 is Lidar data for the area relative to NAVD88 in meters. The idea that the proposed shoreline project will have significant impact to tidal flooding is unreasonable. However, a shoreline project will be able to arrest shoreline erosion along the project coast, reduce wave impacts to upland properties and may reduce some tidal flooding to Selsey Road.

Site Setting

The SRRP shoreline roughly faces NNE with fetch exposures to the N, NNE and NE of 2, 6 and 3 miles, respectively. Wind driven waves from those directions operate across a very shallow Isle of Wight Bay which restricts the development of significant waves except during storms and associated storm surge. Storm frequency at for Isle of Wight Bay at Mallard Island just in side Ocean City Inlet north is 4.6 ft, 5.4 ft and 5.5 ft MLW for the 10, 50 and 100 year return intervals. The mean tide range at Ocean City Inlet is 2.1 feet and NAVD88 is 1.4 ft above MLW. However, the tide range and storm surge become less progressing northward and into up Isle of Wight Bay. Relative Sea Level Rise Trend at Ocean City is about +5.6 mm/yr. With a minimum project life of 15 years, sea level will be 84 mm high that today or about 0.28 feet. We expect migration of the low marsh upper and lower boundaries to trend landward about 3 feet across the sand grade. Other SLR estimates will be evaluated.

The SRRP coast consists of about 400 feet of eroding tidal marsh shoreline (Reach A) that transitions across a tidal creek and marsh island near Selsey Road (Reach B), about 280 feet and then to old eroding peat fronted by a narrow beach down the to end Selsey Road that has be hardened with stone revetments (Reach C), another 460 feet. The actual shoreline length is more like 1,140 feet. Historical shoreline change has been significant (Figure 2) where long term erosion from 1850 to 2017 is about -0.8ft/yr, -0.7ft/yr and -2.5 ft/yr for Reach A, B and C, respectively.

In order to provide a conceptual plan three observations/assumptions are presented:

- 1) Although the use of sandy dredge material is part of the Suggested Project Type, none has been identified and the closest federal channel is over a mile away and already has a disposal site at Dog and Bitch Islands. Therefore, the plan for beach sand will come by road from upland sources which may be from other dredge disposal sites. The material must meet specifications provided.
- 2) The eroding shoreline and protection of upland properties from storm wave impacts is very important and if some reduction in tidal flooding of Selsey Road is accomplished, that is even better.
- 3) The small tidal creek is an issue because MDE will probably not let it be blocked or piped. This is the weak link in the design but we have chosen to allow it to remain open. Also, our proposal will, except for the tidal creek, will provide a continuous sand dune barrier/marsh along the entire project shoreline, interfacing with existing marsh and rock structures.

Following the Suggested Project Type in the RFP we propose a series of sills along Reach A and B followed by headland breakwaters along Reach C. See Attached Plan and Cross-sections. We converted vertical datum to MLW = 0.0 ft

Reach A: The sills are +3.0 to +3.5 feet with a low and high marsh planting terrace that is bounded by a +4.5 dune/berm. The sill system overlaps the existing marsh by 20 feet so to minimize bayward encroachment. However, the system can be moved offshore, if allowed, to accommodate more sand fill and minimize existing marsh encroachment.

Reach B: The small tidal creek channel, the boundary between Reach A and B is set between two sills in order to maintain flow. Reach B consists of a continuation of the sill system leaving the once tidal pond "stranded". A flow mechanism can be established with a rock channel through the system if need be for that.

Reach C: The Reach B sill transitions to a headland breakwater system along Reach C. The +4.5 dune/berm continues to and intersects the existing stone revetments toward the eastern end of the reach. It is important to thoroughly eradicate the existing Phragmites stand to avoid its invasion into the new dune/berm.

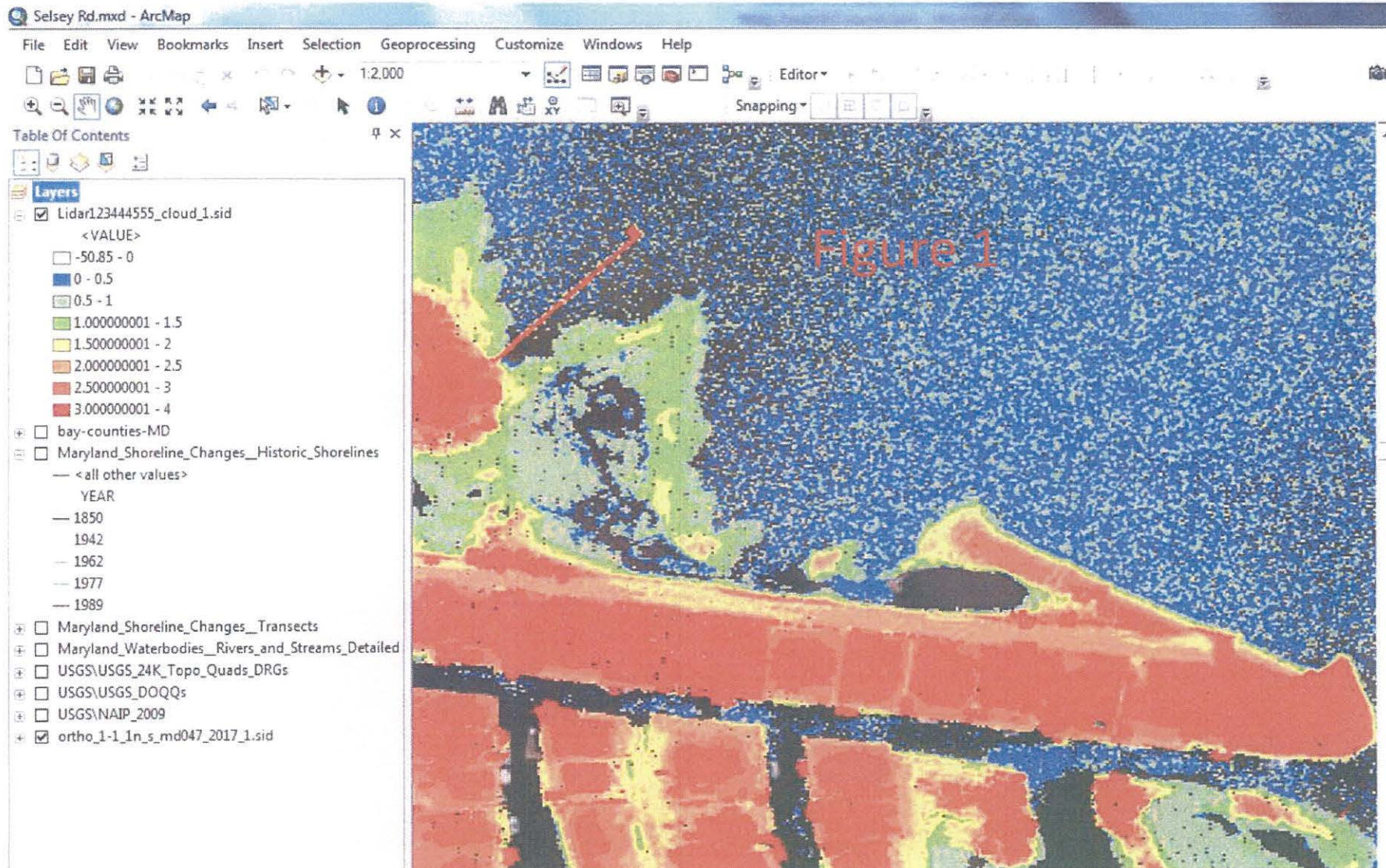
Constructability:

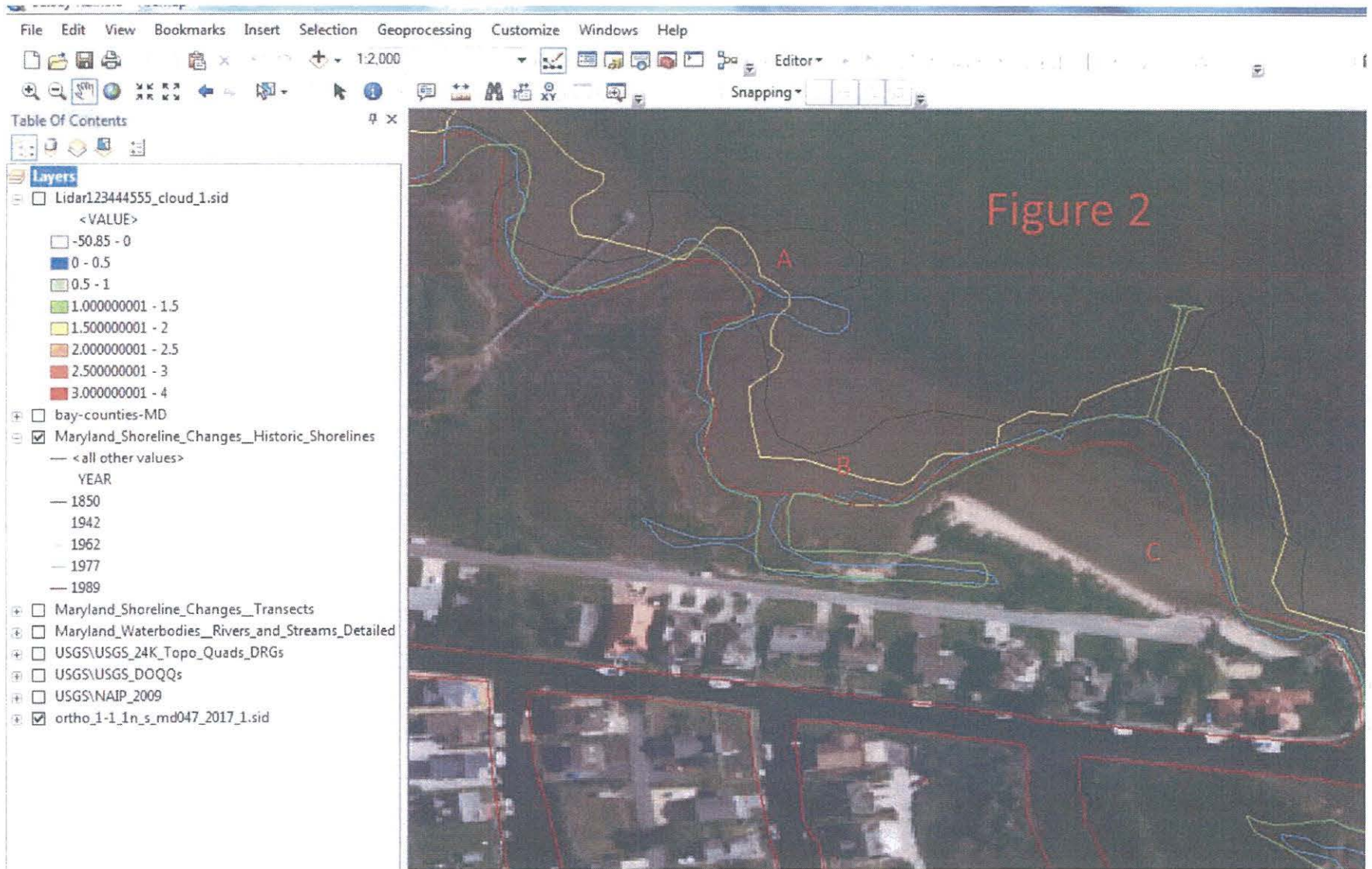
Access to Reach B and C is pretty straight forward since they are close to Selsey Road. However, access to Reach A will require access across the small tidal inlet (will require temporary steel pipe and matting). Then moving north along the Reach A shoreline with a sand access path that will extend to the north limit of the reach. Both rock and sand will be taken alongshore and installed. The sand will be reworked to grade as contractor exits the reach. A similar process was done along Martin Island and Rhodes Point except it was done from a single

barge port instead of road access. (Appendix A). Of course marsh grasses will be planted on final grades

Costs:

This project as proposed will cost in the order of \$1,000,000 with many unknowns. It will require about 7,200 cy of sand fill. Moving the systems further offshore will accommodate more sand with an increase in project cost unless cheaper suitable sand is found.





BID FORM

PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: JAN 25, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services** proposal for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

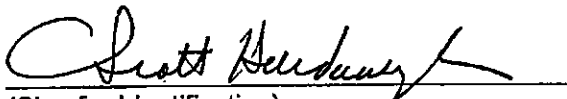
In accordance with your written request, we are pleased to submit a proposal in connection with the design of the necessary climate resiliency project for the above-referenced property.

Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

Forty three thousand six hundred thirty DOLLARS (\$ 43,603)
(Words) (Numbers)


(Sign for Identification)

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, prior to submitting for state and federal permits.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in 340 calendar days.

14544
Professional Engineer's License Number

July 1985
Date Issued

MARYLAND
Place of Issuance

N/A
Construction Firm License Number

Date Issued

Place of Issuance

Identification: (Enter Applicable Number)

Federal Employer Identification Number: 54-1770403

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: CSgt HAZDAWAY Telephone No. (757) 288,9062
Address: PO BOX 157, Achilles, VA 23001

CSgt HAZDAWAY
(Sign for Identification)

Acknowledgement of receipt of Addendum #1, issued January 16, 2019:

CSgt HAZDAWAY
Authorized Signature

Key Personnel: (List two individuals essential to the design/build services)

1. Glenn Gass P.E.
2. C. Scott Hardaway Jr. P.G.
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: C. Scott Hardaway Jr.

FIRM: COASTLINE DESIGN PC

SIGNED: C. Scott Hardaway

In Presence of Witness: Donna Miller

ADDRESS: 7211 Deer Run Rd Gloucester, VA

TELEPHONE: 804-815-5321

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

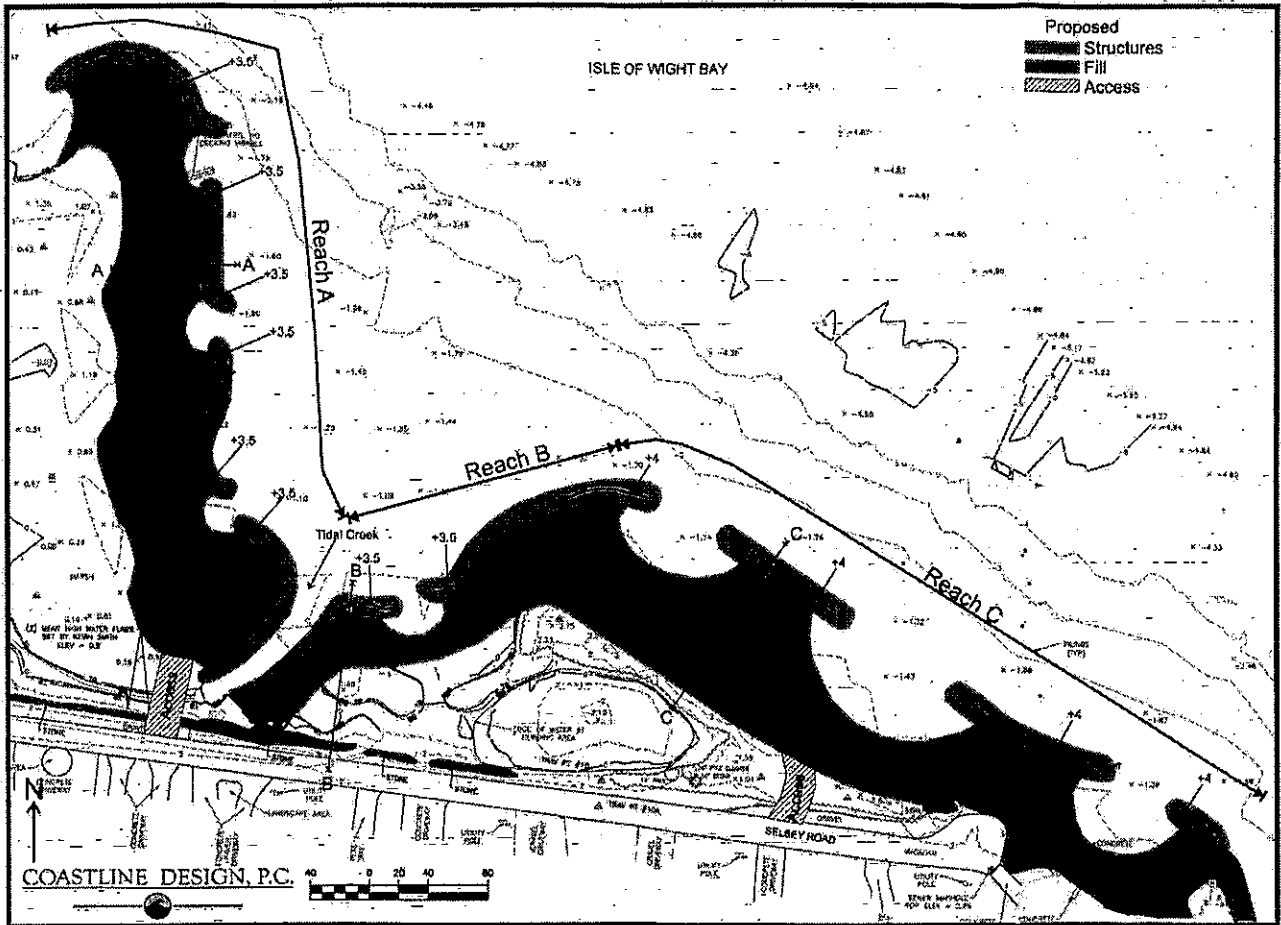
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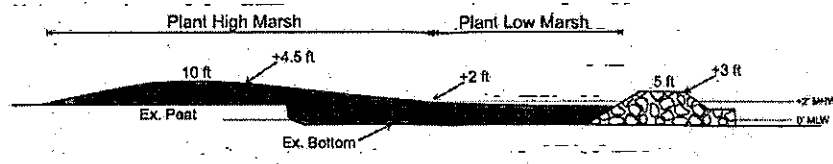
SIGNED: _____

In Presence of Witness:

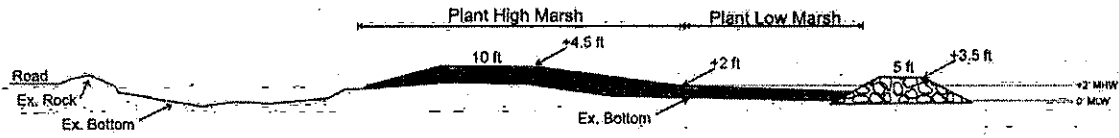
ADDRESS: _____

TELEPHONE: _____

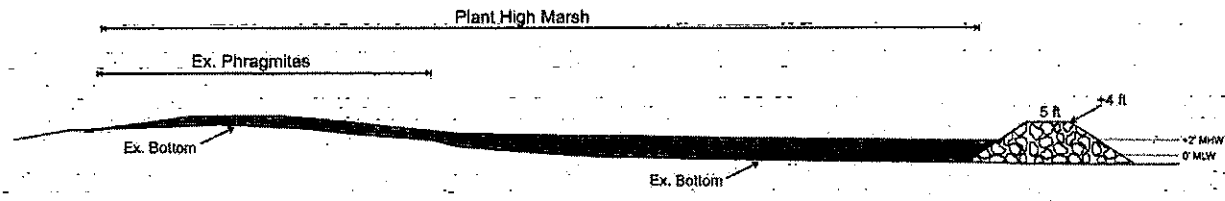




Typical Cross-section
AA



Typical Cross-section
BB



Typical Cross-section
CC

COASTLINE DESIGN, P.C.

C. Scott Hardaway, Jr.

.....
Geologist/Geomorphologist

.....
Mr. Hardaway has maintained a research position with the Virginia Institute of Marine Science, Gloucester Point, Virginia for 39 years where he conducts studies on wave climate analysis, sediment transport processes, coastal plain geology/geomorphology and the long-term effectiveness of breakwaters and beach nourishment for shore protection. Mr. Hardaway has developed empirical relationships for shoreline parameters in the Chesapeake Bay for breakwater and sill systems and has been involved in the design and implementation of more than 80 shore protection systems (breakwaters and sills, aka Living Shorelines).

C. Scott Hardaway, Jr.
1995-2005: Vice-chairman of the ASCE committee on Shore Protection Standards.
2006: Served on National Academy of Science's "Committee on Mitigating Shore Erosion on Sheltered Coasts".

Mr. Gass has been Design Engineer on all Indian Head and Smith Island shoreline projects and serves as Design Engineer for the firm. Licensed Profession Engineer PE, MD #14544.

Mr. Hardaway is President and owner of Coastline Design, P.C., founded in 1995. He has more than 40 years of experience in research and analysis of shoreline erosion processes and development of shoreline protection strategies in the Chesapeake Bay area.

Coastline Design, P.C. has designed numerous shoreline projects including the following:

The Navy Recreation Center at Solomons, Calvert County, MD A \$3.0 million breakwater system that utilized adjacent sandy bank material to create stable pocket beach planforms in the lee of a series of 12 breakwaters and spurs. Marsh and dune vegetation was established in the lee of each breakwater and across the backshore respectively. Several of these beaches are currently used for recreational activities including swimming, volleyball and launching small boats. The project was completed in 1999 and covers more than 4,000 feet of shoreline on the Patuxent River. The dominant fetch exposure was over 9 miles to the northwest.

Jefferson Patterson Park and Museum, Calvert County, MD. This project covers more than one mile of estuarine shoreline on the Patuxent River and consists of a series of breakwaters, sills, beach nourishment and marsh creation. Significant archeological resources in the eroding bank required the project be designed around those resources, meaning the banks could not be graded and all work had to be performed from a rig barge. The project was completed in 1999 at a cost of \$1.3 million.

Patuxent River Naval Air Station, Fuel Pier, St. Mary's County, MD The project consists of a system of 5 headland breakwaters with beach sands obtained from the adjacent 60-foot sandy upland banks to create a series of stable pocket beaches. Dune vegetation was planted to help support the tombolos and backshore regions. There is a bimodal wave climate of 4 miles to the northwest and over 12 miles to the northeast. The project spans approximately 2,200 feet of shoreline at a total cost of \$900,000. The site took a direct hit from Hurricane Isabel with no significant impacts.

Patuxent Naval Air Station, Gate 4, St. Mary's County, MD Gate 4 was a shoreline segment including part of the West Basin seawall and part eroding

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- Hardaway, Jr., C.S. and Byrne, R.J., 1999. Shoreline Management in Chesapeake Bay. Special Report in Applied Marine Science and Ocean Engineering No. 356. Virginia Institute of Marine Science, College of William & Mary, Gloucester Point, Virginia.
- Hardaway, Jr. C.S. and Gunn, J.R., 1999a. Chesapeake Bay: Design, Installation, and Early Performance of Four (4) New Headland Breakwater/Composite Systems. In Proceedings Beach Preservation Technology 1998. Florida Shore and Beach Preservation Association, pp. 1-18.
- Hardaway, Jr., C.S., and Gunn, J.R., 1999b. Chesapeake Bay: Design and Early Performance of Three Headland Breakwater Systems. In Proceedings Coastal Sediments '99. American Society of Civil Engineers, pp. 828-843.
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Additional related publications:

- Francese, R.S., C.S. Hardaway, D.A. Milligan 2011: **Hampton Beachfront and Storm Protection Management Plan**. Contract Report prepared for the City of Hampton, Va. 118 pp.
- Hardaway, Jr. C.S., D.A. Milligan and K. Duhring, 2010. **Living Shoreline Design Guidelines for Shore Protection in Virginia's Estuarine Environments**. Special Report in Applied Marine Science and Ocean Engineering #421. Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Va
- Hardaway, Jr., C.S., D.A. Milligan, C.H. Hobbs, C.A. Wilcox, K.P. Obrien and L. Varnell, 2010. **Mathews County Shoreline Management Plan** Special Report in Applied Marine Science and Ocean Engineering #417. Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Va
- Hardaway, Jr., C.S., D. A. Milligan, K.P. Obrien, C.A. Wilcox, J. Shen, C.H. Hobbs, 2009. **Encroachment of Sills onto State-Owned Bottom: Design Guidelines for Chesapeake Bay**. Contract report for the Virginia Department of Environmental Quality's Coastal Resource Program. Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Va
- Hardaway, Jr., C.S. W.G. Reay, J. Shen, S. Lerberg, D.A. Milligan, C.A. Wilcox, K.P. Obrien, **Performance of Sills: St. Mary's City, St. Mary's River, Maryland**. Contract report for the Virginia Department of Environmental Quality's Coastal Resource Program. Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Va
- Hardaway, Jr., C.S., D.G. Burke, D.A. Milligan, 2007. **South River Shoreline Management Plan for South River, Anne Arundel County, Maryland**. Contract report to the Chesapeake Bay Foundation, Annapolis MD.
- Hardaway, Jr., C.S. and D.A. Milligan, 2006. **Colonial National Historical Park: Shoreline Management Plan for York River and Swann Point, James River Shorelines**. Special Report in Applied Marine Science and Ocean Engineering, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Va.
- Hardaway, Jr., C.S., L.M. Varnell, D.M. Milligan, W.I. Priest, G.R. Thomas and R.H. Brindley, 2002. **An Intergrated Habitat Enhancement Approach to Shoreline Stabilization for A Chesapeake Bay Island Community**. Wetlands Ecology and Management, Vol. 10, No. 2, August 2002. p. 289-302.
- Hardaway, C.S. and J.R. Gunn, 2000. **Shoreline Protection: Design Guidelines for Pocket Beaches in Chesapeake Bay, USA**. Proceedings, Carbonate Beach 2000. ASCE, December 5-8, 2002, Key Largo, FL. p. 126-139.
- Hardaway, Jr. C.S., and R.J. Byrne, 1999. **Shoreline Management in Chesapeake Bay**. Special Report in Applied Marine Science and Ocean Engineering No. 356. Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia. 54 p.
- Hardaway, Jr., C.S., D.A. Milligan, C.H. Hobbs, III, G.R. Thomas, R.C.H. Brindley, S. Dewing, and M.H. Hudgins, 1999. **Colonial National Historical Park Shoreline Management Plan for Jamestown Island**,

Powhatan Creek, Sandy Bay, Back River, The Thorofare, and James River Shorelines. Technical Report prepared for National Park Service, Colonial National Historical Park, Yorktown, Virginia. Virginia Institute of Marine Science, 59 pp + app.

Hardaway, Jr., C.S., D.A. Milligan, and G.R. Thomas, 1998. **Shoreline Management Plan, City of Hampton, Virginia, Phase I: Wave Climate Analysis and Shoreline Change Assessment using GENESIS.** For City of Hampton, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia.

Hardaway, Jr., C.S. and D.A. Milligan, 1997. **The City of Newport News Shoreline Management Plan, Hampton Roads Reach.** Contract Report to Virginia Public Beach Board, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia.

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Glenn G. Gass PE
38071 Dukeharts Creek Road
Colton's Point, MD 20626
M 240-925-3370
glenn.gass1@gmail.com

GLENN G. GASS

Formal Employment

2012-Present AMELEX Corp. (DoD Contractor)

- Webster Field – Senior Engineer for Facilities issues and 4.11.5 programs
- Assigned to Webster Field for Coordinating Facility Work under the standup of the 4.11 – Rapid response Command in Feb. 2013
- Program Execution Specialist for Navy Facilities at both NAWC-AD, Webster Field & Patuxent River, Md.
- Expedite Research & Development Programs through acquisition and construction processes
- Oversee the campus type operation of RDT&E facilities including over fifty occupied buildings – developing the applicable Work Requests, Service Orders and related documentation to secure maintenance, repair and renovation of physical assets
- Coordinate the securing and tracking of projects with NAVFAC which requires a working knowledge of NAVFAC systems including e-project and MAXIMO

2012 – Present Coastline Design, LLC.

- Senior Engineer
- Coastline protection programs
- Construction Management including the development of plans, specifications and bid documents
- Coordinate the Owner response for contracting actions including the data to satisfy the RFI process (request for information) and comment for the address of the change order process
- Bid Administration
- Stream restoration projects and wetlands conversions
- Living shoreline development
- Member of the technical team performing the initial MS-4 (TMDL) program for Charles County Maryland

2007-Present US Department of Agriculture-Soil Conservation Service – Consultant Engineer

- Engineer of record for Code 378 Pond Reviews in Southern Maryland
- Engineer of Record tasked with addressing Maryland Dam Safety Division (DSD) requirements for the classification of high hazard dams
- Design Engineer for major pond reconstruction and rehabilitation projects for the Southern Maryland Soil Conservation Districts
- Design Engineer support to Districts for Urban Land Practices

- Design Support to Districts for Agricultural Best Management Practices (BMPS)
- Shoreline Stabilization-design review, plan development, specifications, bid packages and cost estimating
- Project Manager – Naval Support Facility – Indian Head (NSFIH), Phases I through III Shoreline Stabilization Program
- Project Design Engineer – NRL Chesapeake Beach Shoreline Stabilization, NRL High Bank Reconstruction and SWM Pond Rehab Projects
- Project Design Engineer – Naval Annex Solomon’s – Shore Stabilization projects (2)
- Project Manager – Tidewater (Va.) RC&D – Range 21 at Dahlgren NSF site shoreline stabilization
- Design Engineer for projects at Jefferson-Patterson Park including major trail projects and Boardwalk/Pier reconstruction
- Lead review agent - Calvert Cliffs Reactor III, site grading and SWM Plan (project estimated value of \$11 Billion)
- Lead review agent – Dominion Gas Plant Expansion, site grading and SWM Plan (project actual construction value of \$4 Billion)
- Lead review Agent – Southern Maryland (SMECO) Reliability Loop Program, site grading and SWM (project actual construction value of \$29 Million)
- Design of Wetland conversion projects to serve as wetlands ‘banks’ for mitigation
- Site Manager for Theadolite and Fuel Facility Shore Stabilization Projects

2016 Contract Consultant, Virginia Institute of Marine Science, College of William and Mary

- Concept Planning for Shoreline protection at the Blossom Point Facility, Charles County, Maryland

2006 Great Mills Construction Co & Great Mills Trading Post

- Project Engineer
- Land Development Design Engineer
- Estimator for major Navy and Public Construction Programs
- Permit and Presentation Specialist

1994-2006 Jahn Corporation

- (DOD Contractor) NAWC-AD, Patuxent River, Maryland
- Facilities Planner – Navy
- Lead Project Engineer – Capital Projects during BRAC build out
- Site Manager – Contract Facilities Team assigned to the NAS Public Works Department for BRAC Construction Activities
- Developed plans, scopes of work, estimates, etc. for Navy PW projects

- 1989-1994 NGO Engineering, Inc. (Partner)
- Full Service, design, project management and engineering firm, specializing in Land Development, Zoning and Environmental Planning
- 1987-1989 St. Mary's County & County Building Authority
Project Manager – Owners Representative for Capital Projects
- Adult Detention Center
 - State Office Building Complex
 - County Landfill and related tipping fee Program
 - Turnkey project management for programs having a total value of over \$17 Million
 - Negotiations and recommendations for contract award and all follow on elements including the processing of contract change orders
- 1984-1987 Compliance Corporation – Navy Planner
- (DOD Contractor)
 - NESEA – St. Inigoes, MD
 - Facility Planner - Navy
- 1975-1984 St. Mary's County Government
Office of the County Engineer (now DPW&T)
- Plans Examiner
 - Highway Engineer
 - Capital Projects Manager
- 1974-1975 Free State Surveying
- Computing Draftsman
- 1973-1974 C.R. "Bob" Moore Surveying
- Field Survey Party Chief
 - Office Computing Draftsman

Education

- 1967 Ryken H.S. Leonardtown, MD
- 1967-1973 St. Mary's College of Maryland
St. Mary's City, MD
BS Mathematics 1973
- 1976-1978 Charles County Community College (now College of Southern Maryland)
La Plata, MD
Engineering Program
- 1975 University of Maryland
1978-1981 College Park, Maryland
BS Civil Engineering – 1981
- 1985-1987 Florida Institute of Technology
Patuxent River Campus
15 credits toward MBA Program

Professional Registration

- 1981 EIT Maryland
- 1985 Professional Engineer Maryland #14544
- 2010 Professional Engineer District of Columbia # PE905887
- 1976 Notary Public – Maryland
- 2017 NAVFAC Construction Quality Management for Contractors (#784)

Special Training & Short Courses

- Hills Construction Claims Seminar
- R.S. Means Estimating
- Franklin Institute-Technical Writing
- University of Maryland-T2 Traffic Short Course
- University of Maryland-T2 Storm Water Management
- MDE-"Green Card" Training-No 8937
- MDE-Design of Sand Mound Systems
- Computer Operations (Microsoft Office, Word, Excel, etc.)
- MD SCS Pond Design Seminar
- TR-55 Training
- MD SHA-"Yellow Card" Certification #08-672
- USACOE – Construction Quality Management for Contractors (2017)

Military – Maryland National Guard 1971-1977 (121st Combat Engineer BN.)

- Demolition Expert Sp-5

Concurrent with Formal Employment

1985-Present Independent Consultant Engineer

- Engineering & Site Design
- Zoning Cases
- Surface Mining and Permitting
- I&A Sewer Designs
- Sediment Control Plans
- Building Permit Packages
- Environmental Plans, Permits & Studies
- Sanitary Systems including mound designs
- Cost Estimates – civil projects
- Environmental Permitting (COE, MDE, etc.)
- Oil industry reporting (SPCC, OPA 90, etc.)
- Construction Industry Support (Surface Mining, Concrete Production, etc.)
- Public Hearings – Presentations and Technical document development
- Construction Bidding and Awards

Independent Cost Estimating Services

1989-Present Quantities take-offs and Quantities/Cost Estimates for Excavation and Site and Utility Work.

Personal

- Former Sports Official (Softball & Basketball) Inducted into the St. Mary's County Umpires Hall of Fame
- Basketball Coach – Middle School and various AAU/R&P (Boys & Girls) Teams
- Past Member-St. Mary's Ryken HS Board of Directors – Chairman of the Plant Committee (2003-2012)
- Seventh District and Leonardtown Rescue Squads - Building Committees

Computer Skills

Microsoft Office, including Word, Excel, Outlook, etc.
Design Programs including TR-55

References are available upon request.

Appendix A: Coastline Design: Breakwaters/Sills

Pax River NAS: Webster Field, St. Mary's River (fetch = 10 miles to S), St. Mary's County, MD. Designed by Coastline Design PC. Project Length = 2,200 ft. Sills and Breakwaters with marsh creation. Installed summer 2003.

Martin NWR: Chesapeake Bay (fetch 30 to 50 mile to NW and SW). Somerset County, MD. Designed by Coastline Design PC.. Project Length = 20,000 ft. Headland breakwater with sand/berm creation across marsh shoreline. Installed fall of 2015.

Rhode Point: Chesapeake Bay (fetch 30 to 50 mile to NW and SW). Somerset County, MD. Designed by Coastline Design PC, Project Length = 5,000 ft. Headland breakwaters with sand/berm creation across marsh shoreline. Interfaced with USACE dredging project at Sheep Pen Gut. Installed fall of 2016

Indian Head Phase 1-3: Potomac River (fetch= 8 miles to SW), Charles County, MD. Designed by Coastline Design PC.. Project Length = 7,100 ft. Sills and marsh creation along existing road and infrastructure. Installed 2008-2012

Webster Field Annex



US Navy
Installed April 2003

Google earth

© 2014 Europa Technologies
© 2014 Google

Sand fill with stone sills and marsh plantings at Webster Field Annex, St. Mary's County, Maryland



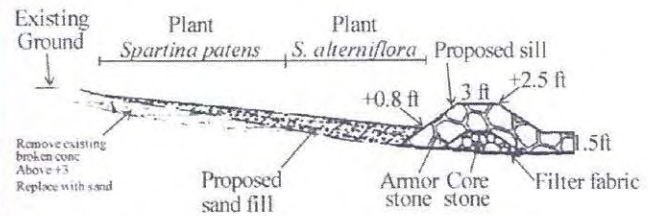
before installation



after installation but before planting



after four years



the cross-section used for construction.

Webster Field: 2014



November 2014



Martin Island Reach B

Rhodes Point





Rhodes Pt interfacing with Sheep Pen Gut
Dredging November 2018

Indian Head



Project Contacts/References

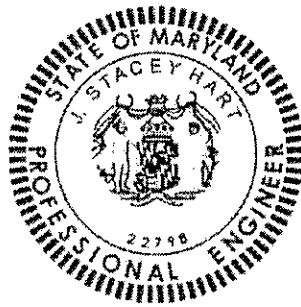
- **Pax River NAS:** Jackie Smith, NAFAC Pax River NAS; 301-904-8839
- **Martin NWR:** Matt Whitbeck, Project manager; 410-221.2034
- **Rhodes Point:** Gary Pusey, Somerset County Planning Depart; 443-614.0424
- **Indian Head Phase 3:** Seth Berry, NAVFAC, Indian Head Naval Base; 703-229-7114

Proposal for:

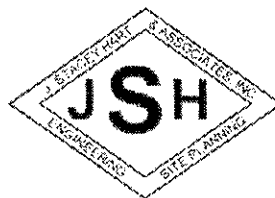
DESIGN OF SELSEY ROAD
RESILIENCY PROJECT
WEST OCEAN CITY

Presented to:

WORCESTER COUNTY



JANUARY 28, 2019



J. STACEY HART & ASSOCIATES, INC.
POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
FAX: 877-646-4365
CELL: 410-430-4169

CONTENTS

Cover Letter

Bid Form

Concept Plan:

- Project Approach
- Narrative
- Plan

Resume:

- J. Stacey Hart, P.E.
- Spencer Rowe

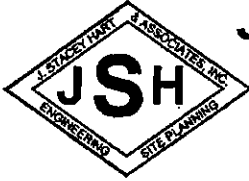
Qualifications:

- Shoreline Protection Projects
- Photographs

References

Additional Information:

- PE Firm License
- PE License
- Insurance Certificate
- MBE Certification



J. STACEY HART & ASSOCIATES, INC.

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
FAX: 877-646-4365

January-28, 2019.

Office of the County Commissioners
Worcester County Government Center
One West Market Street – Room 1103
Snow Hill, MD 21863

Re: Request for Proposals
Design of Selsey Road Resiliency Project
JSH Proposal # 2019-006

Dear Sir/Madam:

In response to Worcester County's request, we are pleased to submit this proposal for Engineering Services for the Selsey Road Project. Our firm has teamed with Spencer Rowe, Inc. We have worked together on numerous local shoreline projects over the past fifteen (15) years. The small size of the two (2) companies affords the opportunity that each will personally be working on the project. Each person brings to the project their own unique area of expertise.

We propose to perform the outlined Scope of Work provided for the lump sum price of \$48,000. All work is to be performed in accordance with our *Standard Terms and Conditions* which are attached to this proposal and incorporated into this contract. The attached were marked-up previously by the County attorney for another contract we have performed. If you find this proposal acceptable, please sign and return to us which will serve as our notice to proceed.

Sincerely,

J: STACEY HART & ASSOCIATES; INC:

J. Stacey Hart, P.E.
President

SIGNED AND ACCEPTED

Name: _____

Title: _____

Date: _____

GENERAL TERMS AND CONDITIONS

1. SCOPE OF WORK

J. Stacey Hart & Associates, Inc. (JSH) shall perform the services described in the attached letter. The price shown is valid for fourteen (14) days unless otherwise stated. All fees are subject to renegotiations if the original scope of service is changed or if services are not completed within one (1) year of the date of the original contract.

JSH will provide services beyond those outlined in the Scope of Work, if requested by the Client, and invoice the Client for those additional services in accordance with the hourly rates or at a cost negotiated at the time of the request for the additional services. Services not expressly set forth in writing in the contract are excluded from JSH's scope of work and JSH assumes no duty to the Client to perform such services.

2. HOURLY RATE SCHEDULE

Compensation for services will be billed in accordance with the following fee schedule:

Principal Engineer	\$.100-150/hour	CADD	\$.80/hour
Licensed Surveyor	\$125/hour	Survey Crew	\$135/hour
Project Mgr./Engineer	\$100/hour	Expert Witness	\$250/hour
Designer	\$85/hour	Project Support	\$65/hour

3. INVOICES

JSH invoices monthly in accordance with the fee schedule or compensation as outlined in the contract. Hourly projects will be billed for the hours accumulated for the month. Fixed fee projects will be billed based on the percentage of work complete. Payment is due upon receipt. All outstanding balances beyond 30 (thirty) days will have interest charged at the rate of 1.5% per month, with a minimum of \$25. JSH will not issue drawings for any phase of the project where payment for prior service is past due.

JSH reserves the right to stop work on the project upon ten (10) days written notice to the Client for non-payment. JSH's stoppage of work shall be without liability for consequential or other damages resulting from the stoppage.

4. DELAYS IN WORK

JSH will pursue the work in an efficient and expeditious manner consistent with good quality practices. JSH will not be responsible for delays in the work caused by the Client or its agents, consultants, government entities, contractors, or subcontractors.

6. REPRODUCTION EXPENSES

In-house reproduction expenses incurred will be billed in accordance to the following:

CAD Plots	11x17	\$ 2.00	\$ 5.00
	18x24	\$ 5.00	\$ 15.00
	24x36	\$ 10.00	\$ 20.00
Photocopies	8 1/2 x 11	\$ 0.25	\$ 2.50
	8 1/2 x 14	\$ 0.35	\$ 3.00
	11x17	\$ 0.50	\$ 4.00
Blueprints	18x24	\$ 3.00	
	24x36	\$ 4.00	
Myliars	18x24	\$ 10.00	
	24x36	\$ 12.50	

6. REIMBURSABLE EXPENSES

Expenses incurred in the interest of the project, including but not limited to, mileage, postage, overnight deliveries, tolls, reproduction, communications, other consultants, parking, etc. will be billed at cost plus 10 percent.

7. GOVERNMENT AGENCY AND REVIEW FEES

This contract does not include fees imposed by other agencies, such as application fees, review fees, tap-in fees, permit fees, recording fees, impact fees, front foot assessments, bonds, etc. The Client shall pay directly the cost of these and any other fees at the direction of JSH.

8. OWNERSHIP OF DOCUMENTS

All documents (plans, reports, specifications and other related items) prepared by JSH are instruments of Professional Service to which JSH retains the exclusive common law and statutory copyright. The documents resulting from JSH's services are intended for the sole use by the Client. Electronic format documents will not be released without the appropriate Release Forms being signed. The Client may provide the documents generated by JSH to outside parties; however, the contents thereof may not be used or relied upon by any other party, without the express written consent and authorization of JSH. So long as the Client is not in breach of its obligations pursuant to this contract, JSH grants to Client a nonexclusive license to use such instruments of Professional Service for the project for which the services are rendered and for no other project. The Client will indemnify JSH for any claims arising from the improper use of the documents.

Should the Client solicit proposals from contractors utilizing preliminary drawings or plans which have not received approval from the pertinent governmental agencies, he does so at his own risk. The Client shall inform the bidding parties that the documents are preliminary and incomplete.

Client may furnish JSH data, studies, plans, specifications, documents, and other information necessary for proper performance of JSH's services. JSH may rely upon documents provided by the Client or other third parties in performing the services under this contract; however, JSH will not conduct an independent evaluation of the accuracy or completeness of such information, and shall not be responsible for any errors or omissions contained in such information. JSH will retain copies of all documents and information provided by the Client.

Normal distribution is two (2) copies of the plans to the Client for their use. There will be a charge if additional copies are requested, either at the original time of completion or after. These costs will be billed in accordance with this contract. The distribution of plans to a party other than the Client does not infer reliance on the plans by that third party, unless expressed in writing by JSH.

9. INSURANCE/GENERAL LIABILITY

JSH represents and warrants that it and its staff are protected by workers' compensation insurance and that JSH has such coverage under public liability and property damage insurance policies which JSH deems to be adequate. Certificates for all such policies of insurance shall be provided to the Client upon request in writing. Liability of JSH for any service performed under this agreement is limited to the amount of the fee charged.

JSH will not be responsible for any loss, damage or liability arising from acts by the Client, its agents, staff and other consultants employed by the Client.

10. STANDARD OF CARE

JSH will perform our services as an independent engineering and surveying consultant and will be responsible for the means and methods of providing our services. Services performed by JSH under this contract will be conducted in accordance with industry standards and generally accepted professional practices in the same or similar localities related to the nature of the work accomplished at the time the services are performed. No other warranty, express or implied, is made.

11. COLLECTION

If it is necessary to enforce collection on any amount past due under this contract, JSH shall be reimbursed for all costs, legal or otherwise, related thereto, plus 25 percent.

12. FORCE MAJEURE

Neither party to this contract will be liable to the other party in performing the services nor for the direct or indirect cost resulting from such delays that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophe or any other cause beyond the reasonable control or contemplation of either party.

13. CONFLICTS

Should any element of these General Terms and Conditions be deemed in conflict with any element of the contract, unless the contract clearly voids the conflicting element in the General Terms and Conditions, wording of the General Terms and Conditions shall govern. Any element of this agreement later held to violate a law or regulation shall be deemed void, but all remaining provisions shall continue in force.

14. DISPUTE RESOLUTION

Claims, disputes or other matters in questions between the parties arising out of or relating to this agreement or breach thereof which involve, either individually or in the aggregate, monetary claims less than twenty-five thousand dollars (\$25,000) shall be subject to and decided by the Maryland Court System. Additionally, claims, disputes or other matters in questions between the parties arising out of or relating to this agreement or breach thereof which involve, either individually or in the aggregate, monetary claims greater than twenty-five thousand dollars (\$25,000) shall be subject to and decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect.

15. ASSIGNMENT

Neither the Client nor JSH may delegate, assign, subcontract or transfer its duties or interest in this contract without the written consent of the other party.

16. TERMINATION

Either party may terminate this contract upon seven (7) days written notice in the event of substantial failure to the other party through no fault of the terminating party. If this contract is terminated, it is agreed that JSH shall be paid for total charges for labor performed to the termination notice date plus reimbursable charges.

17. GOVERNING LAW

The terms and conditions of this contract are to be governed by the laws of the State of Maryland, unless otherwise noted.

18. FRIVOLOUS SUIT

If the Client asserts a claim against JSH but fails to prove such claim, the Client shall pay all costs incurred by JSH, legal or otherwise, in the defense of such action. Any liability on the part of JSH with others shall be joint and not several.

19. STATUTE OF LIMITATIONS

Any cause of action between the parties pertaining to acts or failure to act, whether based on breach of contract, negligence or otherwise, shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the last date on which JSH provides services pursuant to this proposal or agreement.

BID FORM
PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: _____, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services** proposal for the following:

Proposed **CLIMATE RESILIENCY PROJECT** at **Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

In accordance with your written request, we are pleased to submit a proposal in connection with the design of the necessary climate resiliency project for the above-referenced property.

Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

Forty-eight thousand _____ DOLLARS (\$ 48,000)
(Words) (Numbers)

J. Tracy Hart
(Sign for Identification)

Key Personnel: (List two individuals essential to the design/build services)

1. J. Stacey Hart (410-430-4169)
2. Spencer Rowe (410-726-1193)
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: J. Stacey Hart, P.E.

FIRM: J. Stacey Hart & Associates, Inc.

SIGNED: J. Stacey Hart

In Presence of Witness: Dandra Nock

ADDRESS: PO Box 6, Snow Hill, MD 21863

TELEPHONE: 410-430-4169

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness: _____

ADDRESS: _____

TELEPHONE: _____

Project Approach

1. Pre-Application Site Meeting

We will coordinate a site meeting with the various permitting agencies, including Worcester County, Maryland Department of the Environment (MDE), Department of Natural Resources (DNR), Army Corps of Engineers (ACOE), and others as necessary. We will utilize the information provided by the various agencies for the project design and permitting requirements.

2. Topography and bathymetry surveys

We will verify the DNR survey data provided and collect additional topographic and bathymetric survey data that are essential for design. In addition, the topographic survey data shall include ample information from the canal side of the residential dwellings to determine the lowest and average elevations, which will be important for flood control design. The bathymetric survey shall include the area further out (north and northeast) from the site to determine water depths at an ample distance for estimating wave heights. We will also note and record elevations of the existing healthy plant species as reference for proposed plantings.

Property lines shall be based on existing deeds and plats of record. If insufficient property line markers exist in the field or if existing markers prove to be in error or in conflict with the recorded property line data, the County shall be notified.

All work will be performed using the latest data collection techniques and equipment with a Base Map processed and presented in an AutoCAD drawing format.

3. Soil borings

Soil borings and geotechnical analysis will be performed channelward of Mean High Water (MHW) as required for the placement of stone material.

4. Design - Concept

Selsey Road Coastal Resiliency Project Overview of Concept Plan

1) Site history and future trends

Note 1: Many references to data and imagery sources have been omitted from this Summary. All such sources are available upon request.

Note 2: All elevations are in NAVD1988.

Selsey Road is part of the Cape Isle of Wight community first established in the 1960s in West Ocean City. Development of the community was limited by the high failure rate of on-site septic systems, and there were few houses—mostly summer beach cottages—along Selsey Road for many years. By the 1970s, few new septic systems were permitted. That changed in 1983, when the EPA funded an expansion of the public sewer system to service the community.

Although the EPA grant prohibited access to public sewer in certain areas of wetlands, as mapped by the Fish & Wildlife Service and the EPA, all the platted lots along the north side of Selsey Road became eligible for public sewer. Development of the lots followed, and today only two of the lots on the road remain undeveloped, with homes on every property in the vicinity of the project area. Most of these homes, and indeed most of the homes in the entire community of Cape Isle of Wight, are now year-round residences.

Historical shoreline imagery from Maryland DNR, USGS topographic maps, along with historical Google Earth imagery, shows that the shoreline once extended about 200' channelward of its present location along the eastern portion of the subject area. In 1989 there was still a considerable marsh that projected channelward some 100'. Sometime between 1989 and 2005, the shoreline reached the general configuration seen today, with periodic accretion and retreat.

Historical mapping and on-site evidence of submerged organic shelves shows that the cordgrass marsh is steadily eroding, due most likely to sea level rise and constant battering from the northeast in storm events. The shoreline is subject to a long fetch to the northeast.

Numerous tidal studies by Spencer Rowe, Inc., and others indicated that Mean Higher High Water (MHHW) in the area is about 0.06'. This is consistent with data from the NOAA tidal station (Keydash) at Ninth Street and Edgewater Avenue in Ocean City.

Mean High Water (MHW) is about 0.4', a value that is consistent with an analysis of holophytic vegetation zonation and elevation done by the Corps of Engineers in 1995 in the vicinity of Norwich and Rumgate Roads about two tenths of a mile south of the project area. Spencer Rowe, Inc. assisted with that study, and the data are available at their offices.

(Data from the NOAA tidal station at the Ocean City show Sea Level Rise (SLR) of about 4mm/year, so in the 23 years from the Corps' Rumgate study until now, SLR has been about 92mm (0.3') in Isle of Wight Bay. For current purposes, data from the Corps study have been adjusted to account for the new values.)

The Isle of Wight Bay is subject to several storms a year resulting low pressure systems off the Mid-Atlantic Coast (Nor'easters). The project area is protected from wind events from all

directions except the northeast.

A brief perusal of the historical tide and weather day shows that the large majority of northeast storms produce water levels around 1.3 to 1.5' above astronomical tides.

Of course many such storms produce water levels far in excess of the mean. For example, in March of 2013, NOAA data show that levels reached about 3' above the mean. The Great March Storm of 1962, which caused much property damage in the area, caused water levels to reach about 6' above average.

Very little can be done to lessen habitat damage in the project area from such storms, although it may be that the structures proposed offshore of Selsey Road will provide some protection. For property owners, such infrequent storms are Evacuation Events.

Although we are not aware of any studies that speak to average wave heights at locations in the Coastal Bays that result from such storms, the authors have several decades of experience working and boating in the area, and our best estimate of the average wave height at the project site during a northeast storm is about one foot.

Our concept is aimed to protect and enhance existing habitat while protecting nearby properties by designing to the mean tide levels and wave heights of storms from the northeast, with adjustments for future SLR.

2) Existing habitat

The project site contains extensive areas of *Spartina spp.* marsh, although the northeast-facing edges of the marsh are eroding due to the high wave energy. Within the marsh are unvegetated tidal pools, some connected to open water and some isolated. Except for the eroding edges, the marsh appears healthy and stable; providing all the known benefits of marine animal habitat and carbon sequestering.

The submerged soils appear sandy to at least 200' offshore. Submerged soils with high percentages of organic material are found in the protected tidal pools. In 1998 an extensive eelgrass bed was mapped a couple hundred feet offshore by the Virginia Institute of Marine Sciences. No areas of submerged aquatic vegetation have been mapped since then, although the sandy substrate is a typical soil needed to support eelgrass. Since monitoring of water quality by the Maryland Coastal Bays Program shows no dramatic decrease over the last few years, we can only suspect that the absence (or reduction) of eelgrass is due to storm events in this high energy area.

A nearly 300'-long sandy beach faces perpendicular to the prevailing storm winds. Smaller sandy beaches are found in the lee edge of the longer beach. These sandy areas are prime habitat for horseshoe crabs and terrapins. In the spring, horseshoe crabs are readily observed in the shallows. Terrapins are seen nesting among the reeds and along the higher parts of the beaches, and the deeper tidal pools provide nearly ideal turtle mating areas.

3) Design to meet project goals

Coastal Resiliency Projects often incorporate the building of living shorelines, i.e., tidal marshes, but we are wary of such an approach for the Selsey Road area for two reasons.

First, building tidal marshes is not difficult in areas of low energy, although dealing with settlement of the fill can add complexity in even the most benign of environments. However, protecting a newly-built marsh from the frequent high winds and storm energy on the site is problematic. Repeated corrective actions would be needed.

We strongly believe that attempting to build more marsh in the project area could be a recurring maintenance issue and possible failure.

Secondly, any newly created marsh will cover existing habitat for terrapins and horseshoe crabs and will impede access to nesting beaches.

There are better ways to spend the allocated money for this project. Protecting the existing marsh should take priority, and we propose this can best be accomplished by a stone sill placed about 3' offshore of the existing marsh, with the height set above MHHW. The height would be set at a calculated elevation above MHHW such that wave energy would dissipate before reaching the marsh. The elevation would account for SLR. However, the base of the stone could be wide enough to allow for additional height in future years should it be necessary.

Also high of high priority is enhancing the existing habitats for horseshoe crabs and terrapins, which is best accomplished by retaining and expanding the existing sandy beach by means of replenishment with appropriate sandy material from nearby dredging projects. Retaining of the dredge spoil in place is best accomplished by the placement of stone groins/breakwaters as shown on the concept drawing.

Curving one of the breakwaters as shown would also provide a sheltered lee that would be an ideal space for establishment of an eelgrass bed. Planting of eelgrass could be a project that involved the neighbors along Selsey Road, under the supervision of a suitable entity like the County Department of Environmental Programs, DNR, or the Maryland Coastal Bays Program.

Replenishing the beach would allow for continued recreational use by the neighboring property owners.

Landward of the beach additional dredge spoil could be added to the higher areas to create a protective barrier in the form of a vegetated dune. Planting of the dune could be done by a contractor, but we propose that this would be another opportunity for community involvement.

In 1995, Spencer Rowe, Inc., did a vegetation and elevation study of Skimmer Island in the Isle of Wight Bay just north of the Rt. 50 bridge. The highest elevations of the island were vegetated by coastal panic grass, dune grass, sea side goldenrod and others. The Selsey dune could mimic the plant community of Skimmer Island, helping to stabilize the dune and possibly encouraging use by birds.

Such a dune would protect the existing tidal pool and attendant beaches in the lee, while also protecting storm surges from reaching the properties along Selsey Road.

To protect properties west of the proposed dune, the existing stone barrier could be lengthened and raised to a calculated elevation above the typical Nor'easter. We could also investigate materials used on other successful projects.

4) Multiplying the Project Benefits

It has been our experience over the decades that public awareness of the benefits of environmental regulations and initiatives has accomplished as much or more than any single regulation or project.

Without an informed citizenry, environmental projects, no matter how worthy, are often misunderstood or maligned.

This need not be, especially in the digital age when video documentaries can reach so many people.

With this in mind, last year Spencer Rowe contacted Mr. Rob Garner, Academic Advisor, Fulton School of Liberal Arts at Salisbury University, to ask if the university's communication department would be interested in creating a documentary of an environmental project. Mr. Garner expressed enthusiasm for the idea, but Mr. Rowe decided to wait for a more interesting project than the wetland creation he was then designing.

That interesting project has now appeared, and Mr. Rowe contacted Mr. Garner recently to outline the Selsey Road Coastal Resiliency Project. Mr. Garner is very supportive and is contacting both the university's communications department and those responsible for environmental internships.

We imagine a video documentary that begins with interviews of officials from DNR and Worcester County explaining the goals of the project, interspersed with views of the project area with the built-up Ocean City skyline in the background. The visuals are striking, and nothing could do more to highlight the need for balancing measures to protect both property and habitat, especially in our time of rising seas.

Interviews with designers, engineers, contractors, all within an action context of examining the site by land and water, with construction to follow, will make for a compelling video.

Monitoring and planting of vegetation could be accomplished by student interns, under the supervision and guidance of Spencer Rowe, Inc, and J. Stacey Hart & Associates, Inc. Coordination with interns and community volunteers could be organized by the Worcester County Department of Environmental Programs.

There will be benefits all around. First would be the hands-on learning by SU students and the recognition of their talents by a wider audience, followed by the use of the video in schools and at environmental conferences. In the age of Youtube, it could garner a nationwide audience.

Such a video and student involvement could multiply the many benefits of protecting habitats and properties at this single project site.

We propose to act as advisors for this effort on an as-needed basis, sharing insights into the history and ecology of the Coastal Bays.

J. Stacey Hart, P.E.
President

EDUCATION

B.S. Civil Engineering, 1992
University of Maryland

M.B.A. 1996
Wilmington College

REGISTRATIONS

- P.E. MD # 22798
- P.E. DE # 10755
- P.E. VA # 32967
- P.E. NCEES # 16066
- MD E&S Certification #27241
- MBE #15-151

MEMBERSHIPS

- American Society of Civil Engineers

CIVIC ORGANIZATIONS

- Wor-Wic Community Foundation

PROFESSIONAL SUMMARY

Ms. Hart has over 26 years of experience in site design and civil engineering. Major areas of responsibility have included the design and management of engineering projects on the Eastern Shore. Design responsibilities have included all aspects of site development, including stormwater management, grading, sediment control, utilities, marine engineering, structural, drainage, roads and parking lots.

SPECIAL PROJECT EXPERIENCE

- **White Marlin Marina, Ocean City, MD** – base mapping, including bathymetric survey for the permitting, bidding and construction documents for dredging and the proposed overall repairs/reconstruction of the marina. Bidding and construction administration of the marine improvements.
- **Town of Ocean City, Phase V Canal Dredging** – bathymetric survey of canals for permitting and bid/construction documents.
- **James C. Motsko Residence, Ocean City, MD** – design and permitting of failed steel bulkhead with new steel bulkhead.
- **Macky's Bayside Restaurant, Ocean City, MD** – permitting of dredging of the canal and rehabilitation of the existing living shoreline.
- **Whitehorse Park, Berlin, MD** – permitting and design of marine repairs, including living shoreline, dredging, piers and bulkheading. Bidding and construction administration and oversight during re-construction phase.
- **Fish Tales, Ocean City, MD** – design of bulkhead and finger pier repair; bathymetric surveys for maintenance dredge permit applications.
- **Seaside Village, West Ocean City, MD** – bathymetric survey for maintenance dredge permit applications.
- **Runk Residence, West Ocean City, MD** – bathymetric and topographic surveys for marine improvements, including dredging, soft shoreline/marsh creation, ramp replacement, bulkhead repair, etc.



SPENCER ROWE, INC.
12430 Fleetway Drive
Ocean City, Maryland 21842
410-213-0127 www.wildbay.com

wetland delineation and permitting forestry complete site evaluation

Stacey Hart
J. Stacey Hart & Associates, Inc.
P.O. Box 6
Snow Hill, MD 21863
Dear Stacey:

Thank you for selecting Spencer Rowe, Inc. to be part of your team working on the Selsey Road Coastal Resiliency Project.

We offer this overview of our qualifications that would be of value:

- Some of the living shorelines and/or marsh creation projects in the Coastal Bays:
 - 1) Macky's Bayside Restaurant, 53rd St. Project consisting of marsh creation and shoreline stabilization as outlined in an educational graphic that was created by the Maryland Department of Natural Resources and placed in that agency's Annapolis headquarters and on site. The State graphic can be viewed [here](#).
 - 2) Rivendale marsh restoration and shoreline stabilization consisting of grading of degraded marsh and shoreline and planting native tidal and non-tidal vegetation. (Rivendale condominium, 73rd St..)
 - 3) Seacrets high marsh and dune stabilization 49th St.
 - 4) Approximately 300' of living shoreline and marsh creation at Baypoint Plantation at the end of Gum Point Road.
 - 5) Approximately 200' of living shoreline and marsh creation on Ayers Creek on the property of Mr. and Mrs. Dean Jenkins.
 - 6) Protection of eroding shoreline using marsh creation on the property of Joseph Hofbauer at an unnamed canal off Rungate Road in Cape Isle of Wight.
- To our knowledge, Spencer Rowe, Inc., was the first company to design and install a living shoreline in the Coastal Bays using coco-fibre logs and marsh vegetation. This purpose of this project was to protect the Mystic Harbor sewer plant outfall road.
- As a wetland delineator with nearly 30 years experience with both non-tidal and tidal wetland delineations in the Coastal Bays and their watersheds, we have performed over 1,000 wetland delineations.
- Certified wetland delineator by the U.S. Army Corps of Engineers

- As one of the original members of the Scientific and Technical Advisory Committee of the Coastal Bays Program, we wrote the goals for tidal and non-tidal wetland creation that are part of the long-term management plan for the Coastal Bays.
- We have completed numerous Mean High Water studies to establish the legal boundaries of tidal wetlands and Private and State wetland boundaries. These studies were approved by the Maryland Board of Public Works and other permitting agencies.
- We have performed numerous studies on emergent marsh vegetation, submerged aquatic vegetation, and essential fish and benthic habitat as part of the permitting process for dredging and marsh creation projects in the coastal bays.
- In 2001 we were awarded a Governor's Citation for our work in restoring and creating two acres of tidal and non-tidal wetlands at Fleetway Drive on Herring Creek.

Sincerely,

Spencer Rowe, President

Qualifications – Shoreline Protection Projects:

The two principals have worked singly or in combination on numerous projects that have components that will be necessary to complete the scope of services, including bathymetric surveys, living shorelines/tidal marsh creation, and design of shoreline stabilization structures in the Coastal Bays and its canals. Some of these projects include:

1. Client: Walter "Macky" and Pam Stansell
11708 Gum Point Road
Berlin, MD 21811
443-614-3535
wmstansell@aol.com

Project: Macky's Bayside, Isle of Wight Bay
Description: Dredge permitting – canal
Marsh Creation/Living Shoreline
(see attached as featured on DNR website)
Living Shoreline Repairs after Hurricane Sandy, utilizing dredge spoil for repairs

Project: Private Residence, Turville Creek
Description: Bulkhead/Boathouse Repair Design & Permit
Dredge Permit
Pier & Boat lift Permit

2. Client: J. Ross Wilde
PO Box 540
Ocean City, MD 21842-0540
410-430-5205
jrwbest@gmail.com

Project: Private Property – Stray Fox Subdivision, Lot 15
Description: ~150 lf Living Shoreline – Trappe Creek
Design, Permit & Construction Administration
(see attached photographs)

3. Client: Town of Ocean City
Paul B. Masuer, P.E.
301 Baltimore Avenue, Room 118
Ocean City, MD 21842
410-289-8790

PMauser@oceancitymd.gov

Project: Phase V Dredging
Description: Bathymetric surveys & permitting of multiple canals within the Town Design of low-profile stone sill and soft shoreline for Canal 56 wetland enhancement
(Permits have been issued and the dredging/construction is being performed in phases during the off-season)

Project: Reedy Island Restoration
Description: Design and permitting of placement of ~3,000 c.y. of dredge spoil to be placed on Reedy Island from Canal 26, including the design of a stone groin
(NOTE: Project is still being reviewed by DNR for permit submission)

4. **Client:** Stephen T. Gordon/Shell Game, LLC
PO Box 57
Snow Hill, MD 21863
410-726-1862
Shellgame4248@gmail.com

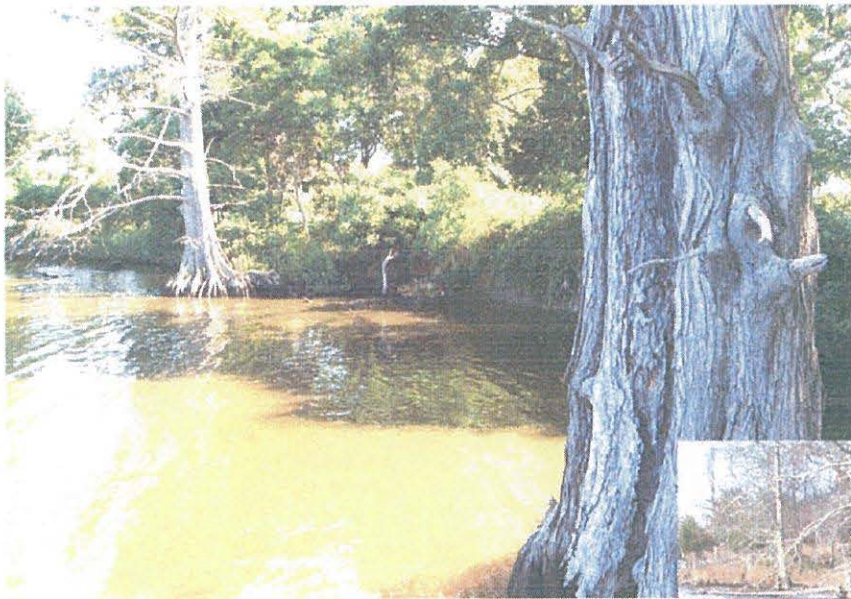
Project: Public Landing/Carryback Road – Chincoteague Bay
Description: ~300 lf of shoreline stabilization
Design, permitting and construction administration of staggered low profile rip rap of along existing failed bulkhead alignment

Project: George Island Landing / aquaculture – Parker Bay
Description: Design and permitting of the rehabilitation of a dilapidated shucking house facility; included bulkhead, stone sills, dredging, soft shorelines, etc.

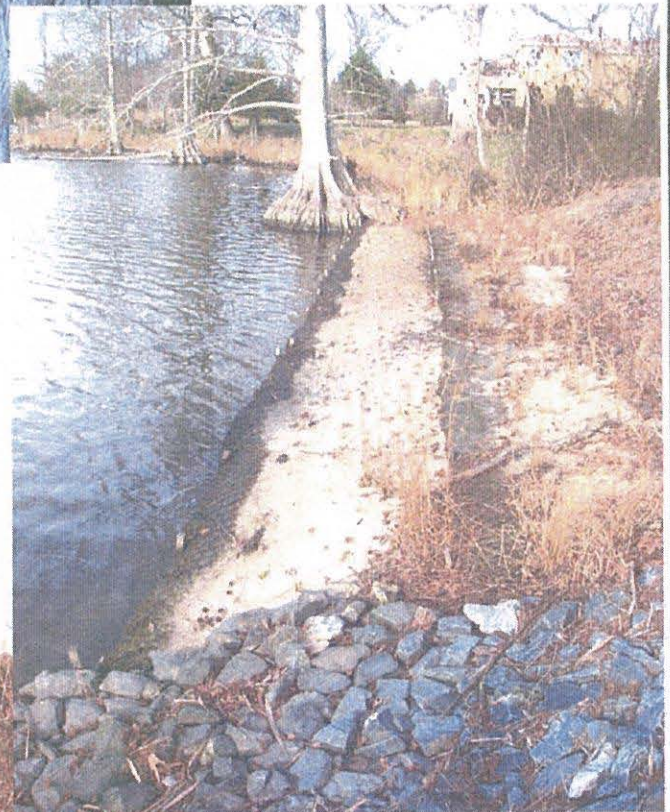
Project: 6727 George Island Landing Road – Parker Bay (Permit 13-WL-0921)
Description: design and permitting of the rehabilitation of existing deteriorated marine improvements along the residential dwelling; including breakwaters, soft shoreline, low profile sill, kayak launch/beach stabilization

5. Client: Robert Joyce
1303 Noble Heron Way
Naples, FL 34105
330-242-0996
Robertjoyce1969@gmail.com

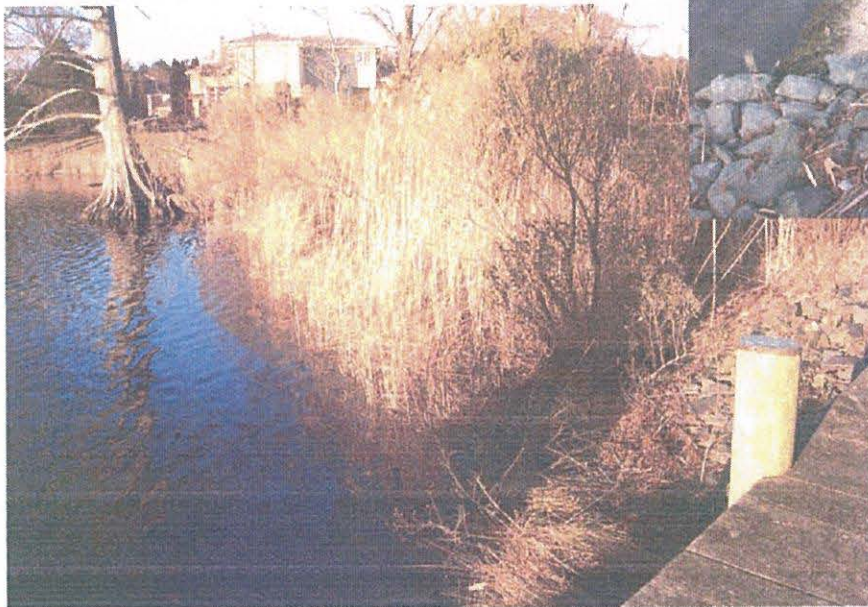
Project: Private Residence – 9802 Martha's Landing Drive
Description: Design, permitting and construction administration of ~100 lf of shoreline stabilization of failing rip rap; including steel sheeting with concrete mats.
(NOTE: Sheeting has been driven and mats have been placed – plantings are being done this season)
(see attached photographs)



2009 - BEFORE



~2010 - CONSTRUCTION



2019

WILDE RESIDENTIAL
STRAY FOX, LOT 15

J. STACEY HART & ASSOCIATES, INC.		SELSEY ROAD COASTAL RESILIENCY PROJECT West Ocean City	JOB #: Selsey - PPL DATE: 1/28/2019
PO Box 6, Snow Hill, MD 21863 PHONE: (410) 390-8096	stacey@staceyhart.com FAX: (877) 646-4365		PAGE: 1



BEFORE:
Photo's of the rip rap,
showing the slope failure



JOYCE RESIDENTIAL
9802 Martha's Landing

<p>J. STACEY HART & ASSOCIATES, INC.</p>	<p>SELSEY ROAD COASTAL RESILIENCY PROJECT West Ocean City</p>	<p>JOB #: Selsey - PPL</p>
<p>PO Box 6 Snow Hill, MD 21863 stacey@staceyhart.com PHONE: (410) 390-8096 FAX: (877) 646-4365</p>		<p>DATE: 1/28/2019</p>
		<p>PAGE: 2</p>

CONSTRUCTION:
 Photo showing the
 steel bulkhead
 installed above
 MHW



JOYCE RESIDENTIAL
 9802 Martha's Landing

J. STACEY HART & ASSOCIATES, INC.	SELSEY ROAD COASTAL RESILIENCY	JOB #: Selsey - PPL
PO Box 6, Snow Hill, MD 21863 PHONE: (410) 390-8096	PROJECT West Ocean City	DATE: 1/28/2019
stacey@staceyhart.com FAX: (877) 646-4365		PAGE: 3

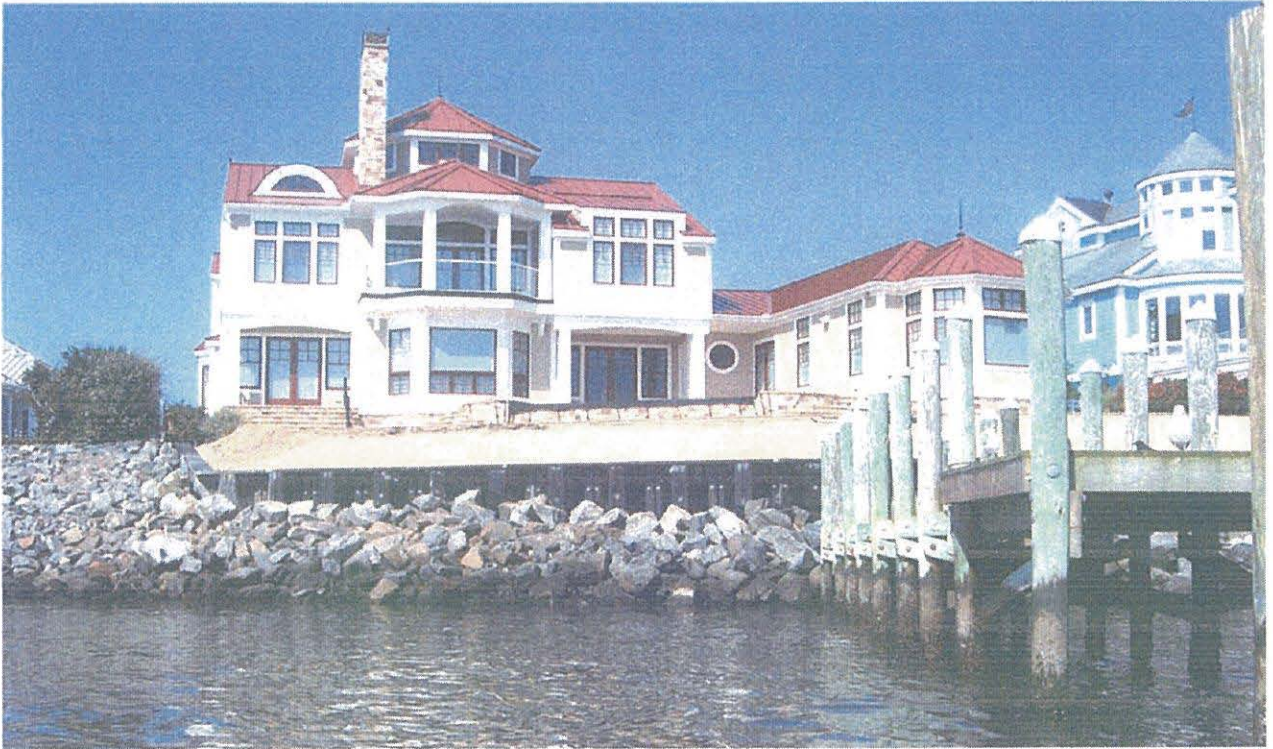


Photo showing the steel sheeting and clean backfill material before placement of the concrete mats



Photo showing the mats installed behind the steel bulkhead; the mats will receive plantings this season

JOYCE RESIDENTIAL
9802 Martha's Landing

<p>J. STACEY HART & ASSOCIATES, INC.</p>	<p>SELSEY ROAD COASTAL RESILIENCY</p>	<p>JOB #: Selsey - PPL</p>
<p>PO Box 6, Snow Hill, MD 21863 stacey@staceyhart.com</p>	<p>PROJECT</p>	<p>DATE: 1/28/2019</p>
<p>PHONE: (410) 390-8096 FAX: (877) 646-4365</p>	<p>West Ocean City</p>	<p>PAGE: 4</p>

Living Shorelines, Naturally



Living shorelines help protect the shoreline from erosion. Photo by John C. Silliman, University of Maryland System.



Marsh grasses with low profile help environment protect ovens and upland plantings. Dunes Cove, Talbot County.

Who can resist the lure of the water? Shorefronts draw us—as launches for our work or play on river or bay, as quiet zones of beauty and tranquility.

This intertidal fringe between the high-water and low-water lines is also a fragile place, increasingly degraded by an array of intrusions: construction



and development, shoreline "hardening" with seawalls and other structures, boat wakes, storms, and rising sea level. The result? Shoreline destabilization spurred by hurricanes and by the slow, steady assaults of human intervention.

Living shorelines, however, offer effective techniques for protecting and managing waterfront exposed to wave energy in the low to medium range—especially if their design addresses the specific problems of each piece of shore.

How do they work? Living shorelines control erosion by protecting, restoring, or enhancing existing habitat without disrupting natural functions of a shoreline ecosystem, such as sediment trapping and nutrient reduction. Treatments may use stone or sand fill to create low-profile sills or breakwaters that slow wave energy—and plantings of marsh flora, shrubs, or trees to hold the land in place. Whatever the design, a living shoreline recreates coastal systems, benefiting wildlife and improving water quality.

It takes a community to manage erosion of our shorelines. All of us who share this resource also share responsibility for its stewardship, particularly in the face of rapid change.

First Person



Macky Stansell

Owner, Macky's Bayside Bar and Grill
Ocean City

"YOU GET MORE VISITORS. THAT CHANGES how the shoreline. In the summertime, most of the wind come out of the southwest and they can blow in this way. Some days the tide will be out and it'll be moderate just that taking them. In a coastal waterway, you have the tide and flow of the tide—and that will not really have that if you get more coming out of the west. It can be devastating. They've taken over half of the beach area. We have been flooded underneath the building here on these

beach and that way from hurricanes offshore. This shore was a fourth the size when we moved out here. Over the years, in the summertime, with the wind pushing everything this way, the sand was building up and closing off this small gut. I started rearing it around 1999 and it was probably 10 feet wide here (that is a right now). I realized that if the sand eventually raised this off and the water couldn't flow in and out, it would kill all the marine life. It would dry up in one summer's time

and become a bog—and it would stink. We've had ones like this happen in Ocean City. So we hired Spencer Row in 2005 to design the marsh.

"Whatever it takes to keep this tidal area viable is all we want. If that basin dries up and stinks, then I've got a major problem with my customers."

—Macky Stansell, owner, Macky's Bayside Bar and Grill, Ocean City

"One restaurant owner funded this. It shows what one property owner can do vs. a large developer. In the past, they might have put in a stone groin. Now all that will be left here is a bit of stone and natural marsh. The rest will decompose."

—John C. Silliman, University of Maryland System

The problem: Migrating sand was accreting north of the beach, threatening to choke off the inlet and tidal pool and destroy habitat for terrapin, horseshoe crabs, and many other creatures.



Sand dune and narrow gut in tidal pool before marsh creation.

The solution: Create a marsh and extend it 35 feet into open water to block sand accretion on the north side and encourage it on the south.



Marsh bed created with coarse sand fill double-staked bivalve back the-groin sills.



New marsh grasses, Spartina alterniflora and papyrus, planted through coastal Ebbert shell.

The design: Construct low-profile riprap silted marsh toe to protect against prevailing wind and waves. Install rock (prolonged head) biodegradable bags behind the riprap and use mesh to stabilize sand during storms. Plant cordgrass plugs through the mesh. Preserve open beach along the back side as habitat.



Accrete sand in channel, with flats of Spartina alterniflora and metal-staked bivalves.

The retrofit: Bivalves, improperly sited with metal reinforcement bars, broke loose, resulting in scouring at the edge of the marsh and plant loss. Larger bags were installed and filled with wood and rock. The tops of marsh were replanted with Spartina alterniflora and papyrus.



Frank Rowe regards shifted and broken bivalves and washed-out marsh vegetation.



After one growing season, widened channel shows evidence of scouring by tidal action, which prevents buildup of sand. Biodegradable bags behind with wooden stakes and cause after removal of metal bars.

Photo: Copyright by Spencer Row Inc., of Ocean City, with Joe Kinnard, MD Department of the Environment. Planning began in April 2006. The "before" photos were taken in 2005 and early 2006.

GET RETROFIT

Erosion is changing the Chesapeake and its coastal bays. Shorelines are losing ground at a quickening rate, sending silt into the water, where it mingles with runoff from farms and cleared lands, clouding the bay and blocking sunlight from seagrass beds. As waterfront development continues, builders and residents who want to save their shorefront face some tricky choices.

Traditionally, property owners have stabilized their shorefront and managed erosion the *hard* way: They built riprap (rock) revetments, erected bulkheads, or installed other structural barriers. These approaches may protect against erosion—but at a cost: Installing seawalls usually requires removing plants from the buffer or the intertidal zone, robbing birds and other wildlife of food



Riprap built with piled rocks.

and shelter. Clearing plant cover from the upland buffer reduces the filtering of storm-water runoff.

Over time, wave energy bouncing off hard barriers can scour submerged land along the shoreline. Vertical structures created with fill can keep marshes and beaches from forming. Hard barriers can also block the drift of sandy sediment along the shore, turning downstream beach nourishment into beach erosion.

What can you do with your hard shoreline? Think natural—and retrofit. Got bulkhead? Take it out. Slope too steep? Ease the grade from the upland to the water. Backed with riprap? Move the rock offshore and create a sill or protective marsh toe.

When you replace hard structures with a softer, nature-based living shoreline, you cut down erosion, create habitat, and improve water quality—benefits that ripple across the entire bay.



Shoreline hardened with silted bivalve shell structures.

Shoreline stabilization is a complex process that requires a variety of techniques and materials. The design and construction of a living shoreline should be based on a site-specific assessment of the shoreline's condition and the local environment. For more information, visit www.livingshores.org.



References:

Additional reference projects:

1. Client: White Marlin Marina, Inc.
205 Somerset Street
Ocean City, Maryland
610-496-4023, James Miller, JDMillerConst@msn.com
410-289-6156; Igor Conev or Buck Mann (Mann Properties)
igor@ocmannproperties.com, buck@ocmannproperties.com
Project: White Marlin Marina
Description: Marina repairs - dredge, bulkhead, piers & other permitting
Development of construction documents, bid documents, bidding,
selection and construction administration and oversight

2. Client: Harbor Lights Condominiums
Old Bridge Road
West Ocean City, Maryland
410-298-2600; Scott Dorsey, sdorsey@merritt-companies.com
410-289-6156, Igor Conev or Buck Mann (Mann Properties)
igor@ocmannproperties.com, buck@ocmannproperties.com
Project: Shoreline Stabilization
Description: Coordinate topographic and hydrographic surveys for the permitting and
design documents for the rip rap slope failure and new steel bulkhead.

3. Client: de Lazy Lizard
305 N 1st Street
Ocean City, Maryland
443-823-1832, Wayne Odachowski
Project: de Lazy Lizard
Description: Dredge, bulkhead & pier permitting.
Bulkhead repairs

4. Client: Brittingham Construction & Landscaping/Fisher Marine Construction
Hopetown Road
West Ocean City, Maryland
443-235-6446; Bill Brittingham, info@brittinghaminc.com
443-497-2170, Mike Daisey, mdaisey800@verizon.net
Project: Marsh Harbor Dredging
Description: Pre & post dredge soundings/survey

Project: Friendship Road Spoil Site
Description: Topographic survey, stormwater and erosion control plans & permits

- Project: Willards Spoil Site
Description: Topographic survey and erosion control plans and permits
5. Client: Kevin McCabe – contact
13032 North Shore Road
West Ocean City, MD 21842
443-497-0846
Kmmcabe21@comcast.net
- Project: Captain's Hill
Description: bathymetric survey of existing canal and private properties for permitting of ~3,000 c.y. of dredge spoil
(NOTE: project is currently being permitted)
6. Client: Rusty Management/Consultant LLC
PO Bbox 1415
Ocean Pines, MD 21811
410-251-4021, Monica, rustymgmt@aol.com
- Project: Seaside Village
Description: bathymetric survey of existing marina for permitting of ~1,000 c.y. of dredge spoil
(NOTE: project is currently being permitted)
7. Client: Michael Runk
1180 Legos Choice Court
Westminster, MD 21157
410-365-5285, mlrunk2@aol.com
- Project: 13056 Riggan Ridge Road
Description: Bathymetric & topographic survey of existing private canal and boat basin for dredging and design of shoreline improvements, including re-construction of timber ramp, soft shoreline, marsh creation using bio-coir logs and/or low stone sills, bulkhead repair, boat lifts, etc.
(NOTE: project is near design completion for permitting, but pre-application meeting with County and MDE has been coordinated)
8. Client: Lisa Hudgins
5378 Woodland Drive
Chincoteague, VA 23336
757-894-3426; hudginscrew@verizon.net
- Project: The Village Restaurant
Description: coordination of wetland delineation, tidal study, bathymetric survey for permitting proposed deck expansion over Eel Creek and tidal marsh area; plans included an eradication plan for phragmites australis for mitigation
(NOTE: project just received permit approvals and is being bid)

9. Client: Roseann Schwaderer
6913 Ridgedale Court
McLean, VA 22101
703-932-8288
Project: Marsh Light LLC – Sheepshead Creek, Piney Island, VA
Description: bathymetric survey for dredging existing boat basin, bulkhead repair and mitigation plan with creation of low sill with plantings
10. Client: Creekside Harbor
7604 East Side Road
Chincoteague, Virginia
973-714-2926, Ken Hunter
Project: Creekside Harbor Townhomes
Description: Dredge Permit
11. Client: Sunset Bay Condominiums/Ocean Point Ltd
Main Street
Chincoteague, Virginia
Connor Braniff, 410-524-0390
Project: Sunset Bay Condominiums
Description: Dredge permitting
12. Client: Tom's Cove Park
8128 Beebe Road
Chincoteague, Virginia
410-251-4223, Dean Fisher (Fisher Marine Construction)
Project: Tom's Cove Campground
Description: Dredge permitting - boat basin



Mitigation area 2018 - constructed in 2012

Marsh Light, LLC
Chincoteague

<p>J. STACEY HART & ASSOCIATES, INC.</p>	<p>SELSEY ROAD COASTAL RESILIENCY PROJECT West Ocean City</p>	<p>JOB #: Selsey - PPL</p>
<p>PO Box 6, Snow Hill, MD 21863 stacey@jstaceyhart.com PHONE: (410) 390-8096 FAX: (877) 646-4365</p>		<p>DATE: 1/28/2019</p>
		<p>PAGE: 5</p>

STATE BOARD FOR PROFESSIONAL ENGINEERS

23 05 22798 J. STACEY HART

6360 06-25-2018

MESSAGE(S):

JUST A REMINDER. EFFECTIVE 1/15/2018 THE NUMBER OF REQUIRED PDH'S HAS BEEN REDUCED FROM 24 TO 16. ALSO THERE IS NO CATEGORY A OR B. TECHNICAL, RESEARCH, ANALYTICAL, OR DESIGN ASPECTS OF ENGINEERING; LAWS AND REGULATIONS APPLICABLE TO THE PRACTICE OF ENGINEERING IN MARYLAND; ENGINEERING-RELATED COMPUTER HARDWARE AND SOFTWARE TOPICS; STANDARDS OF PRACTICE OR CARE; PROFESSIONAL ENGINEERING ETHICS; PROJECT MANAGEMENT, RISK ASSESSMENT AND MANAGEMENT, OR EMERGENCY AND DISASTER MANAGEMENT; OR SIMILAR TOPICS AIMED TO MAINTAIN, IMPROVE, OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO THE LICENSEES FIELD OF PRACTICE. A MINIMUM OF 1 PDH IN EACH BIENNIAL LICENSING TERM SHALL BE EARNED FROM THE PARTICIPATION IN THE COMPLETION OF QUALIFYING PROGRAMS WITH CONTENT RELATED TO THE FOLLOWING: ETHICAL CONCERNS AND CONFLICTS RELATED TO ENGINEERING FAMILIARITY WITH CODE OF CONDUCT, STANDARDS OF PRACTICE OR MARYLAND LAW



LICENSE * REGISTRATION * CERTIFICATION * PERMIT

Lawrence J. Hogan, Jr. Governor
Royal K. Rutherford Lt. Governor
Kelly M. Schulz Secretary

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

STATE BOARD FOR PROFESSIONAL ENGINEERS

CERTIFIES THAT:

J. STACEY HART

IS AN AUTHORIZED: 05 - PROFESSIONAL ENGINEER

LIC/REG/CERT 22798 EXPIRATION 08-10-2020 EFFECTIVE N/A CONTROL NO. 5205855

Kelly M. Schulz
Secretary DLLR

Signature of Bearer

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

23 05 22798

5,205,855

23 05 22798
STATE BOARD FOR PROFESSIONAL ENGINEERS
500 N. CALVERT STREET
BALTIMORE, MD 21202-3651

J. STACEY HART
P.O. BOX 6

SNOW HILL MD 21863

LICENSE * REGISTRATION * CERTIFICATION * PERMIT

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

Lawrence J. Hogan, Jr. Governor
Royal K. Rutherford Lt. Governor
Kelly M. Schulz Secretary

STATE BOARD FOR PROFESSIONAL ENGINEERS
CERTIFIES THAT:
J. STACEY HART

IS AN AUTHORIZED: 05 - PROFESSIONAL ENGINEER

LIC/REG/CERT 22798 EXPIRATION 08-10-2020 EFFECTIVE N/A CONTROL NO. 5205855

Kelly M. Schulz
Secretary DLLR

Signature of Bearer

11/04/2015

4,768,088

STATE BOARD FOR PROFESSIONAL ENGINEERS

23 07 47688
MESSAGE(S):

J. STACEY HART & ASSOCIATES, INC.

6126 11-03-2015



LICENSE * REGISTRATION * CERTIFICATION * PERMIT

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

STATE BOARD FOR PROFESSIONAL ENGINEERS
CERTIFIES THAT:

J. STACEY HART & ASSOCIATES, INC.

Lawrence J. Hogan, Jr.
Governor
Boyd K. Rutherford
Lt. Governor
Kelly M. Schulz
Secretary

IS AN AUTHORIZED: 07 - PE FIRM - CORPORATION

LIC/REG/CERT
47688

EXPIRATION
11-03-2017

EFFECTIVE
N/A

CONTROL NO
4768088

Signature of Bearer

Secretary DLRR

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

23 07 47688

4,768,088

STATE BOARD FOR PROFESSIONAL ENGINEERS
500 N. CALVERT STREET
BALTIMORE, MD 21202-3651

J. STACEY HART & ASSOCIATES, INC.
PO BOX 6

SNOW HILL

MD 21863



LICENSE * REGISTRATION * CERTIFICATION * PERMIT

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

Lawrence J. Hogan, Jr.
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Boyd K. Rutherford
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Kelly M. Schulz
Secretary

STATE BOARD FOR PROFESSIONAL ENGINEERS
CERTIFIES THAT:

J. STACEY HART & ASSOCIATES, INC.

IS AN AUTHORIZED: 07 - PE FIRM - CORPORATION

LIC/REG/CERT
47688

EXPIRATION
11-03-2017

EFFECTIVE
N/A

CONTROL NO
4768088

Signature of Bearer

Secretary DLRR



**Professional Liability and Pollution Incident Liability Insurance
Policy Declaration**

POLICY DECLARATIONS

NOTICE: THIS PROFESSIONAL LIABILITY AND POLLUTION INCIDENT LIABILITY INSURANCE POLICY IS WRITTEN ON A "CLAIMS-MADE AND REPORTED" BASIS AND APPLIES ONLY TO THOSE CLAIMS FIRST MADE AGAINST AN INSURED AND REPORTED TO THE INSURER IN ACCORDANCE WITH THE SECTION OF THE POLICY ENTITLED CONDITIONS, THE CONDITION ENTITLED THE INSURED'S DUTIES IF THERE IS A CLAIM.

POLICY INFORMATION	PRODUCER INFORMATION
Prefix: SFH Policy Number: 276197247 Insurance is Provided by: Continental Casualty Company 333 S. Wabash Ave., Chicago IL 60604	Agency: 056124 Branch: 970

NAMED INSURED AND ADDRESS

Named Insured: J. Stacey Hart & Associates, Inc.	Address: P.O. Box 6 Snow Hill, MD 21863
--	--

POLICY TERM **KNOWLEDGE DATE**

10/15/2017 to 10/15/2020 at 12:01 a.m. Standard Time at the Named Insured's address shown above. 10/15/2006

DEDUCTIBLE

\$1,000	Purchased Deductible
N/A	Deductible Credit
\$1,000	Per claim Deductible (including claim expenses)
N/A	Aggregate Deductible per policy year (including claim expenses)

LIMITS OF LIABILITY

\$1,000,000	Each claim Limit of Liability (including claim expenses)
\$2,000,000	Aggregate Limit of Liability per policy year (including claim expenses)
\$1,000,000	Each design defect circumstance Limit of Liability
\$2,000,000	Aggregate design defect circumstance Limit of Liability per policy year
\$1,000,000	Each claim death or disability and non-practicing extended reporting period Limit of Liability (including claim expenses)
\$2,000,000	Aggregate death or disability and non-practicing extended reporting period Limit of Liability (including claim expenses)

Form No: CNA79035XX (09-2014)	Page 1 of 2	Policy No: SFH276197247
Policy Declaration		Policy Effective Date: 10/15/2017
Underwriting Company: Continental Casualty Company		Policy Page: 2 of 24
333 S. Wabash Ave., Chicago IL 60604		



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary

April 11, 2018

J. STACEY HART
J. STACEY HART & ASSOCIATES, INC.
PO BOX 6
SNOW HILL, MD 21863

Re: ANNUAL REVIEW

Dear J. STACEY HART (Cert # 15-151):

We are pleased to inform you that your company is eligible to continue participation in the programs and services on the attached Programs and Services List.

Your current certification status can be found in the Maryland Department of Transportation's (MDOT) Directory of certified firms available online at <http://mbe.mdot.state.md.us/directory>. MDOT's online Directory is the official record of your firm's certification status. It is important that you review the accuracy of your listing in the Directory.

If you wish to expand the area(s) of work for which your firm is currently certified, you may request an expansion of services. The application for an expansion of services can be found at http://www.mdot.maryland.gov/Office_of_Minority_Business_Enterprise/ExpansionCover.html. Please submit your expansion application to:

Maryland Department of Transportation
Office of Minority Business Enterprise
7201 Corporate Center Drive
Hanover, MD 21076
410-865-1309 (fax)

Your firm must complete the annual review to maintain its certification. The OMBE will provide notification when it is time to begin the next annual review. If you have any questions regarding your certification status please contact the OMBE at 410-865-1269 or 1-800-544-6056.

Please review the attached Minority Business Resources. If you are not already registered with Maryland's Small Business Reserve Program and *eMarylandMarketplace*, I strongly encourage you to learn more about these programs and complete the free, online registration at your earliest convenience.

The Governor's Office of Small, Minority & Women Business Affairs has oversight of the State's Minority Business Enterprise (MBE) Program. As a coordinating office under Governor Larry Hogan, they connect small businesses to greater economic opportunities. Visit their website at www.goMDsmallbiz.maryland.gov for information on business development and training events, and to access a wide range of small business resources.

Sincerely,

Sabrina Bass
Director, Office of Minority Business Enterprise
April 11, 2018



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary

J. STACEY HART & ASSOCIATES, INC.
PO BOX 6
SNOW HILL, MD 21863

CERTIFICATION NUMBER: 15-151

PROGRAMS AND SERVICES LIST

Your firm is currently certified in the below programs and services. If you have any questions or concerns regarding the below information please contact the Maryland Department of Transportation's Office of Minority Business Enterprise at 410-865-1269 or 1-800-544-6056.

CERTIFICATION: MBE/DBE/SBE
NAICS CODE: 237110
**SERVICE(S): WATER AND SEWER LINE AND RELATED
STRUCTURES CONSTRUCTION**

CERTIFICATION: MBE/DBE/SBE
NAICS CODE: 237990
**SERVICE(S): OTHER HEAVY AND CIVIL ENGINEERING
CONSTRUCTION**

CERTIFICATION: MBE/DBE/SBE
NAICS CODE: 541330
SERVICE(S): ENGINEERING SERVICES

CERTIFICATION: MBE/DBE/SBE
NAICS CODE: 541370
**SERVICE(S): SURVEYING AND MAPPING (EXCEPT
GEOPHYSICAL) SERVICES**



Design of Selsey Road Resiliency Project

West Ocean City, Worcester County, Maryland
Request for Design Proposal

Project #CRP 05-19

Submitted to:

Worcester County, Maryland



JMT.

BID FORM

PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: January 28, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services** proposal for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

In accordance with your written request, we are pleased to submit a proposal in connection with the design of the necessary climate resiliency project for the above-referenced property.

Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

Ninety Thousand DOLLARS (\$ 90,000)
(Words) (Numbers)

Russell C Ruffin
(Sign for Identification)

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, prior to submitting for state and federal permits.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in 460 calendar days.

47437 Nancy Lehr, PE
Professional Engineer's License Number
Maryland
Place of Issuance

10/30/2015
Date Issued

*assuming regulator,
permits can be
obtained within a
reasonable time
frame.*

Construction Firm License Number
Place of Issuance

Date Issued

Identification: (Enter Applicable Number)

Federal Employer Identification Number: 52-0963531

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: Russell C. Ruffing, QP Telephone No. (443) 662-4241
Address: 40 Wight Avenue, Hunt Valley, MD 21030

Russell C. Ruffing
(Sign for Identification)

Acknowledgement of receipt of Addendum #1, issued January 16, 2019:

Russell C. Ruffing
Authorized Signature

Key Personnel: (List two individuals essential to the design/build services)

1. Nancy Lehr, PE, APMP
2. Russell Ruffing, QP
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

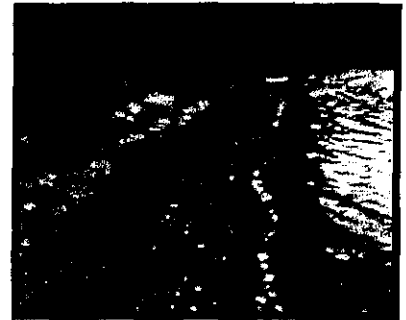
ADDRESS: _____

TELEPHONE: _____

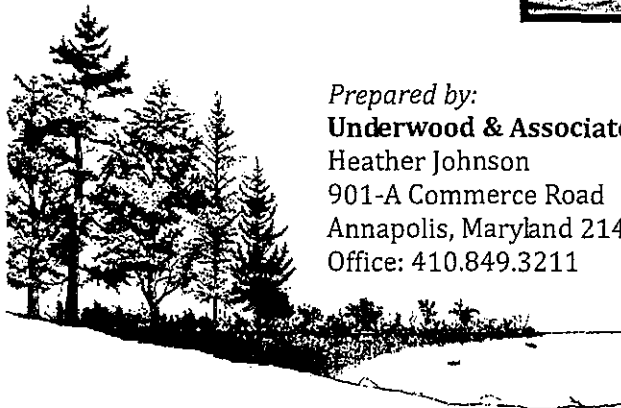
Design Proposal

Selsey Road Resiliency Project

*Prepared for
Worcester County DEP
in response to
Request for Proposals
for CRP 05-19*



Proposal # 18-026



Prepared by:
Underwood & Associates, Inc.
Heather Johnson
901-A Commerce Road
Annapolis, Maryland 21401
Office: 410.849.3211



January 28, 2019

BID FORM

PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: January 28, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services** proposal for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

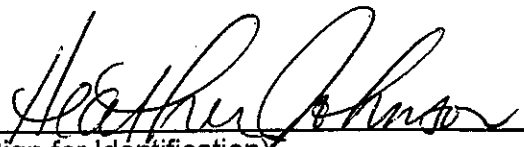
In accordance with your written request, we are pleased to submit a proposal in connection with the design of the necessary climate resiliency project for the above-referenced property.

Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

Sixtyfivethousand-seventy dollars and twelve cents DOLLARS (\$) 65,070.12
(Words) (Numbers)


(Sign for Identification)

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, prior to submitting for state and federal permits.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in 450 calendar days.

11466 05/28/2018
Professional Engineer's License Number Date Issued
Maryland
Place of Issuance

02310722 04/12/2018
Construction Firm License Number Date Issued
Annapolis, Maryland
Place of Issuance

Identification: (Enter Applicable Number)

Federal Employer Identification Number: 30-0808514

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: Heather Johnson Telephone No. (410)-849-3211
Address: 901-A Commerce Road, Annapolis, MD 21401

Heather Johnson
(Sign for Identification)

Acknowledgement of receipt of Addendum #1, issued January 16, 2019:

Heather Johnson
Authorized Signature

Key Personnel: (List two individuals essential to the design/build services)

1. Keith Underwood
2. Albert McCullough
3. Keith Binsted
4. Chris Becraft

INDIVIDUAL PRINCIPAL

NAME: Keith Underwood

FIRM: Underwood & Associates, Inc.

SIGNED: 

In Presence of Witness:

ADDRESS: 901-A Commerce Road, Annapolis, MD 21401

TELEPHONE: 410 -849-3211

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____



January 28, 2019

Office of the County Commissioners
Worcester County Government Center
One West Market Street – 1103
Snow Hill, MD 21863

DESIGN OF SELSEY ROAD RESILIENCY PROJECT CONTRACT SUBMITTAL

County Commissioners, Staff and Project Stakeholders –

Good day and thank you for the opportunity to submit a proposal for the Design of Selsey Road Resiliency Project. This is an exciting improvement to the Selsey Road community, as well as to the coastal bays of Worcester County, and I am confident that Unity Landscape is the top choice for the project.

Understanding that time is of the essence for the project completion due to the impending washout of Selsey road, a dedicated Unity team, partnered with Davis, Bowen, and Friedel will be focused on meeting the deadline while ensuring the project is designed with the utmost care and sustainability. Unity Landscape Design/Build has designed and constructed several projects up and down the eastern shore. Combining design and construction services under one roof allow for a comprehensive design team to produce successful solutions.

Forming the team alongside me is Michael Jensen, the founder and licensed marine contractor of Unity Landscape and project partner Ken Eaton the senior project manager at Davis, Bowen, and Friedel. We will be working closely to head this project to completion. I have also retained the services of Gil Dissen, president of Dissen and Juhn and industry leader to provide the construction estimate that is also included.

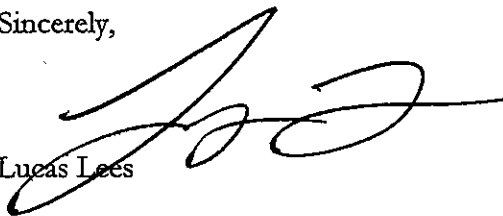
Going into the project we have a clear understanding that one of the main goals of this project is to incorporate the use of local dredge material. Each one of these planted sills/islands could receive several hundred cubic yards of dredge material. This means that we can adjust the size and shapes of these islands to meet everyone's needs and is flexible enough that it can be

build in stages or on a more realistic timeline when the dredge becomes available. We are confident that our concept plan provides a strong, flexible, and sustainable system that has both ecological and recreational benefits. These large proposed marsh islands provide ample protection for wildlife seeking asylum, and the spacing of these planted islands are conducive to kayaking and paddle boarding in and throughout this forward thinking design. There are volunteer opportunities in which volunteers can assist with the planting of these new habits. This flexible design can be altered to accept more dredge and its layout can be altered to reach all aesthetic and environmental goals as well. We recognize that this project is on a budget so this design is conducive to constructing in stages, or all at once, whichever the future budget allows.

Included in the bid packet is an estimated cost breakdown of the base bid and an Add Alt item for the re-survey of the restoration area if we find discrepancies or major changes in the existing conditions since the time the provided site survey was performed.

Having spent the time necessary to review the project in its entirety and with personal familiarity with the site having grown up spending time in this part of Ocean City for many summers, I am submitting my bid proposal with full confidence that Unity Landscape Design/Build and Davis Bowen & Friedel bring the complete scope of expertise, experience, and ability necessary to design the Selsey Road Resiliency Project. This is a very exciting project for Worcester County, and the Maryland Department of Natural Resources Shoreline Conservation Service and the Selsey Road community as we strive to move towards more unique and groundbreaking shoreline restoration practices and techniques. We know that this will be a collaborative effort so together we can work to achieve these goals and have a positive impact on the resiliency of the Selsey Road community.

Sincerely,



Lucas Lees

BID FORM

PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: January 28, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services proposal** for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

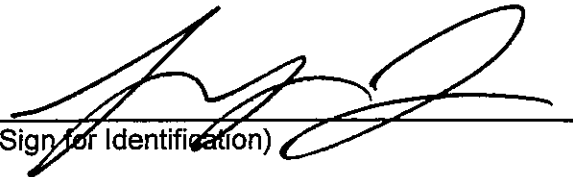
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Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

Sixty four thousand three hundred & sixty DOLLARS (\$) 64,360
(Words) (Numbers)


(Sign for Identification)

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, prior to submitting for state and federal permits.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in _____ calendar days.

Jason P. Loar 31100
Professional Engineer's License Number
Maryland
Place of Issuance

01-21-2021
Date Issued ~~EXP.~~

Construction Firm License Number

Place of Issuance

Date Issued

Identification: (Enter Applicable Number)

Federal Employer Identification Number: 02-0665520

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: Lucas Lees (ULDIS) Telephone No. 410 356-6010
Address: 3621 Church Hill Rd Church Hill, MD 21623

(Sign for Identification)

Acknowledgement of receipt of Addendum #1, issued January 16, 2019:

Authorized Signature

Unity Landscape Personnel

Key Personnel: (List two individuals essential to the design/build services)

1. Lucas Lees
2. Michael Jensen
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: Lucas Lees

FIRM: Unity Landscape Design/Build

SIGNED: _____

In Presence of Witness: Sylvia A. Christian

ADDRESS: 3621 Church Hill RD Chesapeake

TELEPHONE: 410-556-6010



CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness: _____

ADDRESS: _____

TELEPHONE: _____

Davis, Bowen, & Friedel Personnel

Key Personnel: (List two individuals essential to the design/build services)


- 1. KEN EATON, DBF
- 2. STACY STEVENSON, DBF
- 3. _____
- 4. _____

INDIVIDUAL PRINCIPAL

NAME: Jason P. Loar, P.E.

FIRM: Davis, Bowen & Friedel, Inc.

SIGNED: 

In Presence of Witness: 

ADDRESS: 106 North Washington Street; Easton, MD 21601

TELEPHONE: 410.770.4744

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

FIRM: _____

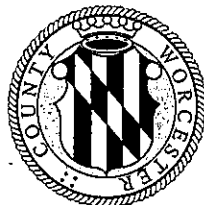
SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

December 19, 2018

FAXED
12/19/18 @ 6:30 pm

TO: *The Daily Times Group and Ocean City Today Group*
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on December 27, 2018. Thank you.

REQUEST FOR PROPOSALS

Design of Selsey Road Resiliency Project West Ocean City, Worcester County, Maryland

The Worcester County Commissioners are currently seeking proposals for design engineering services for the Selsey Road Resiliency Project. Proposals for Design Engineering Services shall also include a Statement of Qualifications and a Concept Plan. The project goal is to design a climate-resilient living shoreline and marsh restoration project to protect residential infrastructure and reduce road flooding. The project is located at the end of Selsey Road on the Isle of Wight Bay in West Ocean City. We anticipate hiring a firm that has significant experience in designing successful living shoreline projects and can provide quality work in a timely fashion for a reasonable cost. Proposal specification packages and bid forms may be picked up from the Office of the County Commissioners, Worcester County Government Center, One West Market Street - Room 1103, Snow Hill, Maryland 21863, obtained online at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. Interested professionals are required to attend a **MANDATORY Pre-bid Meeting on site at 10:00 AM on Wednesday, January 9, 2019**, at the east end of Selsey Road in the Cape Isle of Wight subdivision in West Ocean City. In the event of inclement weather the meeting will be moved to January 16, 2019 at the same time and location. **Sealed proposals will be accepted until 1:00 PM, Monday, January 28, 2019** in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Proposal for Selsey Road Resiliency Project Design**" in the lower left-hand corner. After opening, proposals will be forwarded to the Department of Environmental Programs for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the proposal, the Commissioners reserve the right to reject any and all proposals, waive formalities, informalities and technicalities therein, and to take whatever proposal they determine to be in the best interest of the County considering lowest or best proposal, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Katherine Munson, Planner V, at 410-632-1220, ext. 1302 or by email at kmunson@co.worcester.md.us.

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DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE CONSTRUCTION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

December 18, 2018

RE: Selsey Road Resiliency Project
Worcester County
Project No.: CRP 05-19
REQUEST FOR DESIGN PROPOSAL

To Whom It May Concern:

Worcester County is seeking proposals for design engineering services, for the above-referenced project. We hope that your firm will submit a price proposal for this work.

It is our goal to design a climate-resilient living shoreline and marsh restoration project to protect residential infrastructure and reduce road flooding. The project is located at the end of Selsey Road on the Isle of Wight Bay as shown on the attached aerial photo. We anticipate hiring a firm that has significant experience in designing successful living shoreline projects and can provide quality work in a timely fashion for a reasonable cost. A copy of the "Scope of Work for Coastal Resiliency Project" is enclosed detailing the requirements of the project including the proposed performance schedule and the proposed project start date.

To help facilitate the preparation of your firm's proposal, a **MANDATORY** site meeting has been scheduled at the end of Selsey Road on: **Wednesday, January 9, 2019 at 10 a.m. (In the event of inclement weather the meeting will be moved to Jan 16, 2019).**

Your firm's proposal will be due on **January 28, 2019 at 1 p.m.**

Please note that you must provide a **statement of qualifications** and a **Concept Plan**, along with the "*Proposal for Design Engineering Services*" when you submit your proposal. The successful bid will be awarded based on cost, innovation, feasibility, firm experience.

Thank you for your cooperation in this matter. If you have any questions or concerns, please contact me by telephone (410.632.1220 ext 1302) or email (kmunson@co.worcester.md.us).

Sincerely,

Katherine Munson
Planner V

SCOPE OF WORK FOR COASTAL RESILIENCY PROJECT

IDENTIFICATION:

Project Name: SELSEY ROAD RESILIENCY PROJECT- DESIGN

Project Number: CRP 05-19

County: WORCESTER

PURPOSE: To design a coastal practice that replicates and enhances natural features to provide resiliency and long-term protection of Selsey Road, a county-owned and maintained road, and adjacent private properties, served by the road, from tidal flooding damage. The design and eventual construction shall produce a complete, functional and economic coastal resilient living shoreline and marsh restoration type project, having a life expectancy of a minimum of 15 years. The project design shall incorporate scientifically-accepted sea-level rise and storm predictions for Maryland.

DESCRIPTION:

Duties & Responsibilities: Design of the project, attainment of all necessary permits and approvals, and preparation of Project Drawings and Specifications and related bid documents.

Supervision and Acceptance of Work: The work shall be accomplished under contract with the County Commissioners of Worcester County and the supervision of Worcester County Department of Environmental Programs, or their assigns. The work shall be complete in all its parts and ready for use in the time specified and in strict accordance with the terms and conditions of the Contract. Any deviation shall be subject to approval of Worcester County Department of Environmental Programs and Maryland Department of Natural Resources.

Project Funding and Sponsorship: This project is being funded by the Maryland Department of Natural Resources, Coastal Resiliency Program (CRP).

Location: Tidal marsh, beach and open water of the Isle of Wight Bay, adjacent to Selsey Road, Cape Isle of Wight/West Ocean City, Worcester County, Maryland (approximately 38o21'32.3454" N, -75. The work will be primarily conducted on private land adjacent to the road: Map 21, Parcel 28.

Suggested Project Type: A nature-based, climate-resilient project that incorporates living shorelines, beach and tidal marsh restoration to provide enhanced protection for Selsey Road and adjacent community. The design will incorporate local sandy dredged material to demonstrate cost-savings by integrating local dredged material into restoration efforts. The successful bidder will provide a concept plan that incorporates climate resiliency and habitat enhancement while providing stability to the shoreline which maximizes environmental benefits.

Estimated Construction Cost: \$600,000 - \$ 1,000,000 (*subject to budget approvals*)

Ranking Criteria: The successful bid will be awarded based on ranking criteria - Cost (50%), Innovation (20%), Feasibility (20%) and Experience (10%). This Ranking Criteria shall be used in evaluating the proposals and shall be the basis for the Award of the Contract.

Timing: All work associated with this phase of the project shall be completed by July 31, 2020.

PROJECT SPECIFICS and CONSIDERATIONS:

The conditions below may be modified as part of the contract for the purpose of providing a complete and functional project.

1. An investigation of opportunities to identify and treat stormwater runoff at the site is recommended for this project.
2. Topography and bathymetry survey have been completed for this project. However, it is the responsibility of the Design Firm to verify the accuracy of those surveys.
3. Standard soil borings, as necessary, will be required channelward of the mean high water.
4. The Design Firm's evaluation of the existing project site should include consideration of, but not be limited to, the following factors: fetch, seasonal wind patterns, wave climate, tidal range, storms frequency, storm tides and surges, near-shore and off-shore depths, sea level rise predictions for the area, erosion history and patterns, natural shoreline profiles, and access.
5. The shoreline should be largely vegetated with the appropriate species of native vegetation.
6. The dredged sand for this project shall conform to the following minimum specification:

Sand material shall contain less than 10% passing the number 100 sieve, not more than 10% by weight retained on a number 4 sieve, with no stone having a diameter greater than one-half inch. The material shall consist of rounded or semi-rounded grains with a median diameter of 0.6 mm (+/- 0.25 mm). No frozen material, trash, roots or other organic material will be permitted in the fill.
7. The Design Firm shall determine the finished grade elevations and appropriate slope for the sand fill placement. In general, sand fill should be placed on a gentle slope, such as a 10-ft. horizontal to 1-ft. vertical slope (10:1), and no slope shall be steeper than an 8-ft. horizontal to 1-ft. vertical (8:1) unless otherwise the Firm could provide sound reasoning to the project partners.
8. The Design Firm shall investigate the project area for construction access, staging and stockpile areas, which will minimize the need for disturbance of existing vegetation and other improvements.
9. The Design Firm shall provide "Key Project Data" from the plan on the first (Title) page (i.e.: sq. ft. of marsh created, area of disturbance, etc).
10. The Design Firm shall also provide details on their plans as to how they have incorporated Climate Resiliency within the proposed project. The project design shall incorporate scientifically-accepted sea-level rise and storm predictions for Maryland

11. The Design Firm shall provide an overlay of the most recent SAV's map on the design plan *(if SAVs are present in the project area)*
12. Property lines, right-of-ways, easements and community boundaries shall be shown on the Project Drawings for orientation only. A complete property line survey is not required.
13. The Design Firm shall coordinate all phases of this project with the Worcester County Department of Environmental Programs and the project partners.
14. Prior to submitting the Joint Federal/State Permit Application, a pre-application meeting shall be held on-site with the MDE Tidal Wetlands Division Agent, US Army Corps of Engineers, MD Department of Natural Resources, State Critical Area Commission, and Worcester County Department of Environmental Programs to discuss the proposed project.
15. Community feedback on a preliminary design shall be obtained through a community meeting convened by Worcester County Department of Environmental Programs. Community feedback will be integrated into the project design as deemed reasonable and possible.
16. The Design Firm shall provide the necessary design computations for the proposed project and a detailed construction cost estimate, which quantitatively breaks-out labor and material costs for the individual items of work being proposed.
17. All other conditions that may become evident during the course of the work shall also be considered. Any proposed changes to the overall intent of the project shall be discussed with the project partners.

Guidelines for Project Drawings and Specifications

For living shoreline projects, it is required that a topographic survey in sufficient detail be conducted so that cross sections of the shoreline can be plotted at approximately 50 foot intervals. The survey notes will be plotted and project Drawings developed to include:

- a) The location of all surveyed elevations in feet relative to 0' Mean Low Water (MLW). The Mean High Water (MHW) line will be shown on the Drawings. The survey will locate any property lines within 50 feet of the site.
- b) The proposed work shall be drawn to scale and shown in the plan view labeled to show: limit of contract; top and bottom of existing bank; existing vegetated areas; area to be vegetated; limit of planting; area of contractor's access; area for stockpiling fill, timber and brush; offshore bottom contours; areas of cut and fill; and location of any proposed fill containment measures, other protective devices, and sediment control practices.
- c) The Drawings (2' x 3' standard size sheets) shall also include the following information: the mean tidal range in feet; the method used to establish horizontal control; the method used to establish vertical control; and the date on which topographic and hydrographic information was collected.
- d) Cross sectional views and profiles, drawn to scale (same scale horizontally and vertically), of any proposed fill containment measures, other protective devices, and sediment control practices.
- e) Typical shoreline cross sections, drawn to scale (same scale horizontally and vertically), showing existing ground and shoreline; limit of fill and grading; limits of proposed marsh plantings; limits of tree clearing and pruning; reseeding and/or stabilization of disturbed areas; any sediment control and stormwater management practices; and the limit of contract.

ENDORSEMENTS: Approvals and concurrence must be obtained from the following entities:

U.S. Army Corps of Engineers	X
MDE Tidal Wetlands Division	X
MDE Non-Tidal Wetlands Division	
MDE-Water Quality Certification	X
MDE-Sediment & Stormwater Admin.	X
State Critical Area Comm. Approval	X
Maryland Historical Trust	
DNR-Shoreline Conservation Service	X
DNR-Heritage Service	
DOT-Maryland Port Administration	
Soil Conservation District	X
County Permit (s)	X
Local Critical Area Certification	
City/Town Permit Division	
Community Association	
Project Property Owners	X
Adjacent Property Owner (s)	X
Other: Selsey Road Community	X

LOCATION MAP



**ISLE OF WIGHT BAY
WORCESTER COUNTY
MARYLAND**

GENERAL WORK SCHEDULE

The following items of work shall be accomplished within the assigned time periods. Based on this general timeframe, a formal work plan and schedule showing exact dates for completing work items will be developed for the project by the Design Firm.

This schedule will be subject to the approval of the Worcester County Department of Environmental Programs

- | | | |
|----|---|---------------|
| 1. | Design Contract issued | February 2019 |
| 2. | Verify survey, perform geotechnical work, prepare preliminary plans and specs; hold Pre-App meeting, hold preliminary community meeting | April 2019 |
| 3. | Submit for State license, Federal permit and Shoreline Approvals /Critical Areas Buffer Management Plan | June 2019 |
| 4. | Obtain State and Federal permits | June 2020 |
| 5. | Submit for Local permits and approvals | June 2020 |
| 6. | Obtain Local permits and approvals | July 2020 |

**BID FORM
PROPOSAL FOR DESIGN ENGINEERING SERVICES**

DATE: _____, 201_

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863;

Dear Ms. Munson:

We hereby submit our **Design Engineering Services proposal** for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

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Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BID MUST BE SIGNED TO BE VALID

DESIGN/BUILD LUMP SUM FEE

_____ DOLLARS (\$ _____)
(Words) (Numbers)

(Sign for Identification)

Printed Name

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, as well as submitting for local, state and federal permits.
4. Performance bond is required.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in _____ calendar days.

Professional Engineer's License Number

Date Issued

Place of Issuance

Construction Firm License Number

Date Issued

Place of Issuance

Identification: (Enter Applicable Number)

Federal Employer Identification Number: _____

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: _____ Telephone No. (_____) _____

Address: _____

(Sign for Identification)

Printed Name

Key Personnel: (List two individuals essential to the design/build services)

1. _____
2. _____
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____

CO-PARTNERSHIP PRINCIPAL (*as necessary*)

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____



Worcester County
Department of Environmental Programs

Memorandum

To: Notice to Prospective Consultants

From: Katherine Munson *KM*
Planner V, Environmental Programs

Re: Request for Proposals – Design of Selsey Road Resiliency Project,
Worcester County, MD
Addendum #1

Date: January 16, 2019

A pre-proposal meeting was held at the Selsey Road project location on January 9, 2019 at 10 AM. During this meeting, there were questions raised by the attendees and a few issues discussed. We are sending the following response to all firms/individuals who provided contact information at the meeting:

ITEM- 1: Design Only RFP

Delete "Design/Build" where it appears in the original RFP: *Bid Form Proposal for Design Engineering Services* should read "Design Lump Sum Fee" instead of "Design/Build Lump Sum Fee". A revised form will be available on the county website. <http://www.co.worcester.md.us/departments/commissioners/bids>

ITEM- 2: Last day for questions

If the prospective design firms have any questions or need clarifications from the Project Team, all questions have to be addressed to Katherine Munson (kmunson@co.worcester.md.us) on or before January 21, 2019. The Team will try to respond to the entire group by COB on January 23, 2019.

Citizens and Government Working Together

ITEM-3: Engineering Firm's Qualifications

In order for the Project Team to evaluate the expertise/experience of the design firms bidding on the project, the following points are recommended:

- A thorough description of 3-5 similar projects
- Contact information of the Client
- A list of references
- Very clear photos of the completed projects.

ITEM- 4: Sand

The scope of this design engineering services mainly focuses on the quantity of sand required for the implementation of the restoration project. The Project Team will attempt to get suitable dredged material (sand that meets the Sand Specification mentioned in the original RFP). If that is not feasible, then sand might have to be trucked for this restoration project.

ITEM-5: SURVEY

A detailed bathymetric and topographic survey was done by MD DNR on March 30, 2018. The pdf version of this survey is attached with this Addendum.

ITEM-6: PAYMENT SCHEDULE

The Payment Schedule shown below shall be followed by the Engineer. The billing format shall be as per sample invoice supplied by the County.

1. Payment of 50 percent of the contract price shall be made upon completion of the field survey and delivery of the complete Preliminary Submittal, including permit applications, and acceptance by Worcester County of the items submitted.
2. Payment of 25 percent of the contract price shall be made upon delivery and acceptance by the Worcester County of the Pre-Final Submittal.
3. Payment of 25 percent of the contract price shall be made upon delivery and acceptance by the Worcester County of the Final Submittal.

ITEM-7: LIMIT OF THE PROJECT



The project extends approximately 900 LF east from the point as shown above.

ITEM-8: STOCKPILE AND STAGING AREAS

The Engineer shall investigate the project area for construction access, staging and stockpile areas, which will minimize the need for disturbance of existing vegetation and other improvements. It is intended that construction access shall be located from land. The Engineer shall coordinate with the owner to obtain approval for the use of these areas during construction.

ITEM-9: PERFORMANCE BOND

Delete #4 in the "*Bid Form- Proposal for Design Engineering Services*". See revised form, attached, and at <http://www.co.worcester.md.us/departments/commissioners/bids>

ITEM- 10: NUMBER OF MEETINGS

The Design Firm will be expected to attend at least 3 meetings during the course of this Contract. The Engineer shall be responsible for coordinating all design phases of the project with the Property Owner/s and Permit Agencies. The Engineer shall be responsible for making informal progress reports to the Property Owner/s from time to time prior to the Final Submittal. The Engineer shall also be responsible for the following formal meetings to be held at the project site:

1. Preliminary: to obtain approval from the permitting agencies at the pre-app meeting on the concept of the project (alignment, type of structure, grading and other major details) for the purpose of applying for permits.
2. Pre-final: to review the details of the project and the requirements of the State and Federal permits, present the concept drawing to the Community and obtain the signature(s) of the Property Owner/s on the original Drawings.
3. Final: to submit all completed documents and review complete status of project including field stakeout data, permits, etc.

ALL OTHER CONDITIONS OF THE CONTRACT DOCUMENTS REMAIN UNCHANGED.

Please acknowledge receipt of Addendum 1 by initialing the appropriate section on the *Cost Proposal Page* of the RFP package.

Attachments:

Bathymetric and topographic survey of the project site by MD DNR (pdf document)
Revised Bid Form (pdf document)

Citizens and Government Working Together

BID FORM

PROPOSAL FOR DESIGN ENGINEERING SERVICES

DATE: _____, 2019

RE: NAME: Selsey Road Resiliency Project

COUNTY: Worcester

PROJECT NO: CRP 05-19

Worcester County Department of Environmental Programs
Attn: Katherine Munson, Project Manager
1 West Market St, Suite 1306,
Worcester County Government Center,
Snow Hill, MD 21863

Dear Ms Munson:

We hereby submit our **Design Engineering Services proposal** for the following:

Proposed **CLIMATE RESILIENCY PROJECT at Selsey Road, Worcester County, Maryland**, along approximately 900 linear feet (L.F.) of shoreline, involving the construction of a living shoreline type project.

In accordance with your written request, we are pleased to submit a proposal in connection with the design of the necessary climate resiliency project for the above-referenced property.

Based on an inspection of the project site, having carefully reviewed the Scope of Work together with the General Work Schedule, and other supporting documents, and having received clarification on any conflicting item, it is proposed to provide the required design/build services for the stipulated sum of...

BIDS MUST BE SIGNED TO BE VALID

DESIGN LUMP SUM FEE

_____ DOLLARS (\$) _____)
(Words) (Numbers)

(Sign for Identification)

Other conditions of this Proposal are as follows:

1. This Proposal does not include construction stakeout.
2. Formal progress reports will be made to Worcester County Department of Environmental Programs on a monthly basis up to the Final Submittal.
3. The Design Firm will be required to provide a formal presentation to the Worcester County Department of Environmental Programs and the adjacent Community on the proposed preliminary plans, specifications and permits application submittal, prior to submitting for state and federal permits.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned is notified of the acceptance of this proposal within this time period, he/she agrees to execute a contract for the above stated compensation and supply all required documents within ten (10) calendar days of notification, and to guarantee the completion of this work in _____ calendar days.

Professional Engineer's License Number

Date Issued

Place of Issuance

Construction Firm License Number

Date Issued

Place of Issuance

Identification: (Enter Applicable Number)

Federal Employer Identification Number: _____

or if not an employer, Social Security Number: _____

Contract Representative: (List individual with authority to act for firm)

Name: _____ Telephone No. (____) _____

Address: _____

(Sign for Identification)

Acknowledgement of receipt of Addendum #1, issued January 16, 2019:

Authorized Signature

Key Personnel: (List two individuals essential to the design/build services)

1. _____
2. _____
3. _____
4. _____

INDIVIDUAL PRINCIPAL

NAME: _____

FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____

CO-PARTNERSHIP PRINCIPAL (as necessary)

NAME: _____

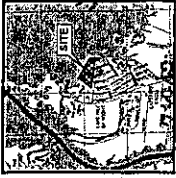
FIRM: _____

SIGNED: _____

In Presence of Witness:

ADDRESS: _____

TELEPHONE: _____



VICINITY MAP
SCALE: 1" = 1 MILE



IMAGE 25
View of Riverbank



IMAGE 24
View of Riverbank

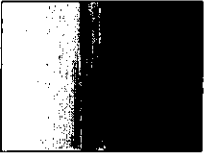


IMAGE 23
View of Riverbank



IMAGE 22
View of Riverbank



IMAGE 21
View of Riverbank

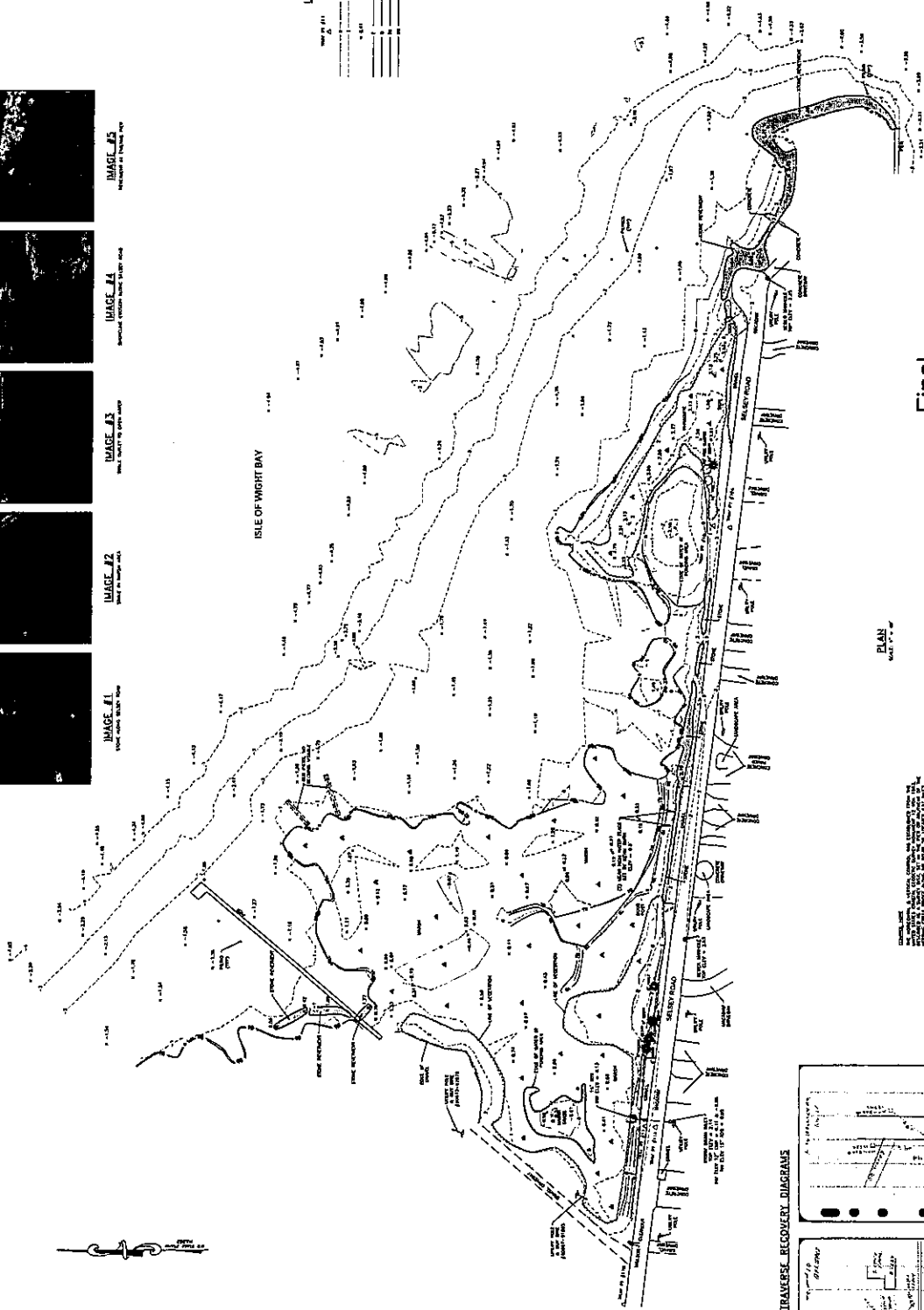
SITE PHOTOS

NO.	DATE	DESCRIPTION	BY
1	10/15/88	FIELD SURVEY	J. W. HARRIS
2	10/15/88	FIELD SURVEY	J. W. HARRIS
3	10/15/88	FIELD SURVEY	J. W. HARRIS
4	10/15/88	FIELD SURVEY	J. W. HARRIS
5	10/15/88	FIELD SURVEY	J. W. HARRIS
6	10/15/88	FIELD SURVEY	J. W. HARRIS
7	10/15/88	FIELD SURVEY	J. W. HARRIS
8	10/15/88	FIELD SURVEY	J. W. HARRIS
9	10/15/88	FIELD SURVEY	J. W. HARRIS
10	10/15/88	FIELD SURVEY	J. W. HARRIS
11	10/15/88	FIELD SURVEY	J. W. HARRIS
12	10/15/88	FIELD SURVEY	J. W. HARRIS
13	10/15/88	FIELD SURVEY	J. W. HARRIS
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49	10/15/88	FIELD SURVEY	J. W. HARRIS
50	10/15/88	FIELD SURVEY	J. W. HARRIS



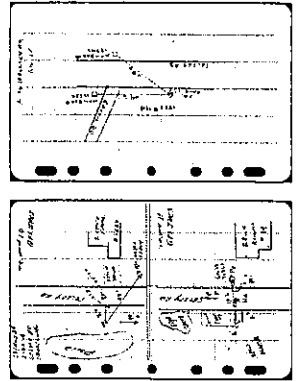
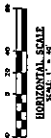
LEGEND

SYMBOL	DESCRIPTION
(Symbol)	TRAVEL CONTROL POINT
(Symbol)	EXISTING CONTOUR
(Symbol)	EXISTING ELEVATION
(Symbol)	PROPOSED ELEVATION
(Symbol)	TOP OF BANK
(Symbol)	EDGE OF BANK
(Symbol)	EDGE OF DUNE



PLAN
SCALE: 1" = 100'

Final
3/30/78



STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES Engineering & Construction		PROJECT NO. 3300718 SHEET NO. 1 DATE: 3/30/78 DRAWN BY: J. W. HARRIS CHECKED BY: J. W. HARRIS	TOPOGRAPHIC & HYDROGRAPHIC SURVEY SCALE: 1" = 100' SHORELINE TOPOGRAPHY CAPE ISLE OF WIGHT WEST OCEAN CITY WORCESTER COUNTY, MARYLAND V.1 OF 1
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12

Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 27, 2019
SUBJECT: Bid Request – Sewer Line Cleaning and Inspection
West Ocean City Service Area

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

**FLEET
MANAGEMENT**
TEL: 410-632-5675
FAX: 410-632-1753

**WATER AND
WASTEWATER**
TEL: 410-641-5251
FAX: 410-641-5185

.....
Attached for your review and approval are bid documents and a bidder's list for sewer line cleaning and inspection services. The work is being proposed for gravity sewer lines in West Ocean City Service Areas. This is a continuation of a multi-year program to evaluate the condition of sewer lines in the service area and funding was included the 2018/19 budget in account number 580.9010.090 in the amount of \$50,000.

We are requesting that the Commissioners authorize the Department to proceed with bidding this work.

Should you have any questions, please feel free to call me.

Attachments

cc: John S. Ross, P.E. Deputy Director
Jessica Wilson, Enterprise Fund Controller

DRAFT

NOTICE TO BIDDERS

CONTRACT NUMBER 580-19-01
Sewer Line Cleaning and Internal Inspection
West Ocean City Service Area
Worcester County, Maryland

The Worcester County Commissioners are accepting sealed bids for sewer line cleaning and internal inspection in the West Ocean City Service Area, for the Worcester County Department of Public Works - Water and Wastewater Division. Bid specification packages and bid forms are available from the Office of the County Commissioners, Worcester County Government Center, One West Market Street, Room 1103, Snow Hill, Maryland 21863. Bids will be accepted until 1:00 p.m., Monday, April 8, 2019, in the office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Sealed envelopes will be marked "Bid for Contract Number 580-19-01, Sewer Line Cleaning and Internal Inspection - West Ocean City" in the lower left-hand corner. The work includes cleaning and internal inspection of approximately 25,000 LF of gravity sewer lines in the West Ocean City Service Area. After opening, bids will be forwarded to the Public Works Department for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Gary Serman or John Ross at 410-641-5251.

REQUEST FOR PROPOSALS

I. General

1. The Worcester County Commissioners are accepting sealed bids for cleaning and internal inspection of gravity sewer lines in the West Ocean City Service Area, for the Worcester County Department of Public Works - Water and Wastewater Division.
2. For this project, the terms "OWNER" and "ENGINEER" are defined as the Worcester County Department of Public Works.

II. Bid Submittal

1. Bids should be mailed or hand-carried to be received in the Office of the County Commissioners by or before 1:00 p.m. on April 8, 2019. Bids received after the appointed time will not be considered. Bids should be submitted in sealed envelopes clearly marked in lower left-hand corner "Bid for Contract Number 580-19-01, Sewer line cleaning and internal inspection.
2. Bids must be delivered to the following location:
The Office of the County Commissioners
Worcester County Government Center
One West Market Street, Room 1103
Snow Hill, MD 21863
3. Bids received after the date and time listed above will be returned unopened.

III. Bid Forms

1. Bids are to be submitted on the forms provided in this package. Bid forms are to be completed in their entirety and all requested information provided. Where indicated, bids are to be signed by an individual authorized by the bidding company. Incomplete or unsigned bid forms are cause for rejection of the bid.

IV. Bonds and Insurance Requirements

1. The following bonds are required for this work:
Bid Bond – In the amount Of 10% of the amount bid
Performance Bond – In the amount of 100% of the bid
Payment Bond – In the amount of 100% of the bid
2. Insurance Requirements
 - a) The successful bidder shall maintain Workers' Compensation and Employer's Liability Insurance coverage during the entire life of the Contract

Contractor shall obtain Workers' Compensation Insurance as required by statute. The Workers' Compensation coverage shall cover a sole proprietor, all employees, partners, officers, members, leased employees and any other person working for or with the

contractor. Contractor shall provide County a certificate of Workers' Compensation insurance before beginning the Work.

- b) Employer's Liability Insurance with limits of:
 - \$100,000 accident/\$100,000 disease each employee/and
 - \$500,000 disease policy limit
- c) Commercial General Liability Insurance: The successful bidder's Commercial General Liability policy shall be on an occurrence basis and shall include:
 - Policy limits not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate.
 - Coverage for Premises/Operations, Actions of Independent Contractors, Products/Completed Operations; Contractual Liability and Personal Injury.
 - Coverage shall include explosion, collapse, or underground (XCU) hazards as applicable to classification.
- d) Business Automobile Liability: The successful bidder shall provide insurance coverage for any owned, hired, or non-owned motor vehicles. The policy limits shall not be less than:
 - \$1,000,000 combined single limit or \$1,000,000 bodily injury and \$1,000,000 property damage each accident.
 - The policy will provide \$1,000,000 of uninsured or underinsured motorist coverage and include contractual liability coverage.
- e) If any portion of the project is subcontracted, the successful bidder shall require all of the Subcontractors to maintain the same policy limits in workers' compensation and employer's liability insurance required for the successful bidder.

V. Taxes

- 1. The Contractor shall review applicable tax laws related to sale and use taxes charged to Governmental Entities. Based upon that review, the Contractor shall include any applicable use sales and use taxes in the bid price submitted.

VI. Contact Information

- 1. For any questions or to inspect the site of the proposed work, please contact Gary Serman or John Ross at 410-641-5251 between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday.

VII. Qualifications

- 1. Bidding contractors shall provide evidence of their qualifications to complete the work described. A minimum of five (5) years of comparable experience shall be deemed adequate

to be awarded this contract. A listing of relevant project experience is to be submitted with the bid.

VIII. Award of Contract

1. Bids will be opened by the Chief Administrative Officer or Assistant Chief Administrative Officer in the Office of the County Commissioners and read aloud at 1:00 p.m. on April 8, 2019.
2. The Department of Public Works shall prepare a tabulation of said bids and a recommendation to the County Commissioners for approval of bid award by the Commissioners at a future meeting of the Commissioners.
3. In awarding the bids, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities herein, and to take whatever action in awarding the contract as they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate.

IX Scope of Work and Technical Requirements

1. Scope of Work - The base contract work will consist of light cleaning and Internal Closed Circuit Television (CCTV) inspection of the sanitary sewers shown on Exhibit A – CCTV Inspection Map which includes approximately 15,000 LF of 8" diameter sanitary sewer lines.
 - a) The successful bidder will be provided with an Excel spreadsheet with the name of each sanitary sewer pipe to be CCTV inspected that includes the Upstream Manhole Name, Downstream Manhole Name, Pipe Length (per as-built drawings), Pipe Diameter, and Pipe Material prior to the start of work. This information shall be used by the contractor during preparation of any reports
 - b) The successful bidder will also be provided with digital GIS files with sewer manhole and sewer pipe data including the same data as on the Excel spreadsheet.
2. Sewer Cleaning and CCTV Requirements
 - f) Light cleaning is included as part of the CCTV inspection bid items. Light cleaning is defined as up to three (3) passes with a jet rodder.
 - g) Heavy cleaning is included as a separate bid item. Heavy cleaning is defined as greater than three (3) passes with a jet rodder, root cutting, and grease removal.
 - h) All CCTV inspection must follow National Association of Sewer Service Companies (NASSCO) Pipeline Assessment & Certification Program (PACP) standards and be performed by PACP-certified personnel.
3. Performance of Work
 - a) The contractor shall immediately notify the Owner of any blockages, pipe breaks, or

other conditions that appear to be in imminent danger of causing a sanitary sewer overflow.

- b) CCTV inspection shall be performed from upstream to downstream unless site constraints or other conditions prevent access to downstream in which case the inspection can be performed from downstream to upstream with Owner's permission.
- c) CCTV inspection shall not be performed on pipes that are greater than 25% full based on depth.
- d) CCTV inspection camera must be above flow depth at all times with the exception of defects such as debris or sags that cause backups for short lengths.
- e) The contractor may request brief shut-downs of sewage pumping stations which would be performed by the Owner's personnel although there are no guarantees that such requests will be approved.
- f) The work shall take place Monday through Friday between 8:00 AM and 5:00 PM local time excluding County holidays. The contractor may request permission to work at other days or times but there are no guarantees that such requests will be approved although requests citing site specific advantages such as lower sewer flows at night or less traffic may be viewed more favorably.
- g) If night-time work is approved by the County, the contractor shall not set up his operation within 500 ft of any residence.
- h) For sewer pipes that either do not drop below the 25% full based on depth or cannot be CCTV inspected at night, the Contractor shall provide bypass pumping under the Bypass Pumping (Contingent) bid item.
- i) The County will make water available at a County-owned fire hydrant for the duration of the contract. Contractor shall provide all necessary fittings backflow preventers or air gaps for protection of the County Water System.
- j) The contractor shall collect and remove any material dislodged as part of the sewer cleaning process which may be disposed of at no charge to the Contractor at the following location during normal business hours:

Worcester County Central Landfill
7091 Central Site Lane
Newark, MD 21841

4. Maintenance of Traffic

- a) Contractor shall note that the majority of the work takes place on public roads and shall include the cost of Maintenance of Traffic (MOT) in their proposal. At a minimum MOT shall include "Work Area Ahead" signs and traffic cones without flaggers for light-traffic roadways such as residential streets. Where roadway lanes are closed and additional traffic control measures are needed, they shall be included at no additional cost.
- b) For heavy-traffic roadways or Maryland State Highway Administration (SHA)

roadways, the Contractor shall provide Maintenance of Traffic (MOT) measures meeting SHA requirements.

- c) The cost for MOT shall be included in the Maintenance of Traffic bid item.

5. CCTV Inspection Video and Database Format

- a) Contractor shall provide CCTV inspection videos on DVD or other approved media with Owner's permission.
- b) CCTV inspection videos shall be in .MPEG file format or other approved file format with Owner's permission.
- c) CCTV inspection database shall be provided in WinCan or other approved PACP-compliant database with Owner's permission.
- d) Contractor shall utilize asset designations as provided by the Owner in referencing all manholes and sewer pipes.
- e) CCTV inspection videos shall be named the same as the sewer pipe asset designation.

6. Bid Items - Bid items shall consist of the following:

- a) Mobilization and Demobilization shall be paid 50% upon initiating the CCTV work and 50% upon completion of all work including providing the video results of the inspection.
- b) Light Cleaning and CCTV Inspection shall be paid by linear feet as measured along the centerline of the sewer line cleaned and inspected by CCTV.
- c) Payment for Heavy Cleaning (Contingent) shall be a paid by hour at the rate provided in the bid form.
- d) Traffic Control (Contingent) by Day
- e) Bypass Pumping of up to 1 MGD shall be paid by the day at the contingent price bid
- f) Contractor's pricing shall include activities required to complete the identified inspections and provide the final results.
- g) Contingent bid items may not be engaged without prior authorization from the Owner.

7. Schedule

- a) All CCTV inspection field work shall be completed and all CCTV inspection videos and data shall be submitted to the Owner based on the following schedule:
- b) No later than 60 calendar days after the Notice-To-Proceed (NTP), all internal inspection work shall be completed
- c) No later than 90 calendar days after NTP, video logs and condition report shall be submitted.
- d) Failure to complete the work in the time listed will result in the assessment of liquidated damages in the amount of \$500 for each calendar day that the project extends beyond the completion date.

X. Progress Payment

1. The Contractor shall submit applications for payment on a monthly basis for work completed on the project. Payment shall be based on the value of work completed and accepted by the Owner. Requests for progress payments shall be made on forms showing the total value of the work, the portion completed to date, less prior payments. Application shall be signed by the Contractor and approved by the Resident Project Representative of the Owner. Payment shall be made for 90 percent of the amount requested, with 10 percent retained until the work is determined to be complete.
2. When 50% of the work is complete, the Contractor may request the amount retained be reduced to 5% of the work in place. This request will be approved only if the Contractor can further document that the project is proceeding on schedule and will be completed within the specified time.

XI. Final Payment and Project Close-out

1. When the work is determined to be essentially complete, the Contractor shall request a final inspection of the work. Work items determined to be needed at the time of the final completion will be itemized on a punch-list and shall be completed by the Contractor prior to release of final payment. In addition to completion of the work, the Contractor shall furnish the following:
 - a) Affidavit that all subcontractors and suppliers have been paid.
 - b) Certification that there are no outstanding liens against the work.
 - c) Certification that there are no other payments required under the contract.

**WORCESTER COUNTY COMMISSIONERS
CONTRACT NUMBER 580-19-01
Sewer Line Cleaning and Internal Inspection
West Ocean City, Maryland**

PROPOSAL FORM

Made this _____ day of _____, 20_____

by _____

Business Address _____

We/I the undersigned Bidder declare that the only person, firm, or corporation, or persons, firms, or corporations, that has or have any interest in this Proposal, or in the Contracts proposed to be taken, is or are the undersigned; that this Proposal is made without any connection or collusion with any other person, firm, or corporation making a Proposal for the same work; the undersigned further certifies that they have received Drawings, Specifications, Addenda (if any), and copy of this Proposal and that they constitute all instruments for bidding this contract, and that the Specifications, form of contract and the Drawings, therein referred to, have been carefully examined and are understood; that as careful an examination has been made of the worksite as is necessary to become informed as to the character and extent of the work required; and that is proposed and agreed, if the Proposal is accepted, to Contract with Worcester County, Maryland, in the form of contract hereto attached, to do the required work in the manner set forth in the Specifications and as shown by the Drawings.

If this Proposal shall be accepted by Worcester County, Maryland and the undersigned shall refuse or neglect, within ten (10) days after receiving the Contract for execution, to execute the same and to give the stipulated Bond, then said County may, at its option, determine that the Bidder has abandoned the Contract, and thereupon the Proposal and the acceptance thereof shall be null and void, and the deposit accompanying the Proposal shall be forfeited and paid as liquidated damages to the County. The base bid, unit prices and alternatives on the attached and signed Proposal Form are to include and cover the furnishing of all necessary machinery, tools, apparatus and means for performing the work, and the doing of all the abovementioned work, in the manner set forth, described and shown in the Specifications and on the Contract Drawings within the prescribed number of consecutive calendar days after service of written notice from the Owner to proceed with the work.

The successful Bidder shall be required to submit a list containing all parties to which he intends to subcontract any portion of the work. The list shall contain the subcontractor's name, address, work to be sublet and business telephone number.

(NOTE: The Bidder or Bidders must sign here and the address of each must be given. In the case of firms, the firm name must be signed and subscribed to by at least one member. In the case of corporations, the corporate name must be signed by some authorized officer or agent thereof, who shall also subscribe his name and office. The seal of the corporation shall be affixed and telephone number to be listed).

The names and addresses of all members of a firm or the names, addresses and titles of every officer of a corporation, or duly authorized agent, as the case may be, must be given here by the member of the firm or by the officer or agent of the corporation who signs the Proposal.

We/I submit herewith as part of this Proposal, the Experience and Equipment Certification specified and further understand and are/am aware that the work will be awarded to an approved organization which is properly constituted in experience, capital and equipment.

Prior to, or following, the award of this Contract, the Owner or Engineer may request that they be supplied with whatever information is needed in order to become better familiarized with any of the subcontractors and/or equipment suppliers. It is further stipulated that no change in the names of those persons or organizations will be made unless written application is made with justification and prior approval is granted. It is further agreed that the apparent low bidder will submit within 10 days of bid opening a detailed list of all subcontractors and equipment suppliers including anticipated dollar values.

We/I agree to accept as full compensation the unit prices stipulated for the contingent construction items that are incorporated into the work by direction of the Engineer in the field.

Acknowledgement of Addenda:

This is to certify that I/we have received the following addenda and the bid price submitted reflects the changes in work created by the requirements contained therein.

<u>Addendum Number</u>	<u>Acknowledgement</u>
_____	_____
_____	_____
_____	_____

Total Time for Completion is 90 calendar days

Liquidated damages are \$500 per day.

The following is a detailed breakdown of unit prices, which shall be used for the basis of developing the total contract price.

BASE BID ITEMS BREAKDOWN

Item	Description	Unit	Est. Quantity	Unit Price	Total Price
1	Project mobilization and Demobilization.	LS	1		
2	Light Cleaning and CCTV Inspection	LF	14,705		
3	Maintenance of Traffic	LS	1		
	Total Bid	XX	XXX	XXXXXXXXXX	

CONTINGENT BID ITEMS

(Written in figures)

Item	Description	Unit	Est. Quantity		Total Price
1	Heavy Cleaning	HOURS	4		
2	Bypass Pumping up to 1 MGD	DAYS	4		
	Total Bid	XX	XXX	XXXXXXXXXX	

TOTAL BID PRICE SUMMARY:

Total Base Bid Items \$ _____

Total Contingent Items \$ _____

TOTAL BID \$ _____

(Written in words)

CERTIFICATION: We hereby certify that I/we have carefully examined the project site and the contract documents including plans, specifications and contract addendums and have prepared this bid for the work described therein. The work has been adequately defined and the bid submitted is for a complete and operable project. I/we agree to accept the unit prices bid as full compensation for the work.

BIDDER'S NAME

BIDDER'S ADDRESS

EMAIL ADDRESS

BIDDER'S TELEPHONE

Name of Person/Company Officer Submitting Bid

Title of Person Submitting Bid

Date

Signature of Person/Company Officer Submitting Bid

BID MUST BE SIGNED TO BE VALID

WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS

BIDDERS LIST

SEWER LINE CLEANING AND INSPECTION SERVICES

HYDROSTRUCTURES

4717 Washington Blvd. Suite A
Arbutus, MD 21227
(410) 398-7432
Vince.duobinis@hydrostructures.com

ATLANTIC PUMPING

PO Box 395
Bishopville, MD. 21813
410-641-1617
atlanticpumping@verizon.net

SAVIN ENGINEERS, P.C.

Mr. Jeff Nold
3111 Hubbard Rd.
Landover, MD 20785
(301) 341-0100
jnold@savinengineers.com

CLARK ENVIRONMENTAL SERVICE

David Banks
29631 Foskey Lane
Delmar, MD 21875
(410) 742-2718
david@cesvac.com

REYBOLD CONSTRUCTION

116 East Scotland Drive
Bear, DE 19701
302-392-4491
reybold.construction@reybold.com

MOBILE DREDGING & VIDEO PIPE, INC.

11420 Old Baltimore Pike
Beltsville, MD 20705
Toll Free: 877-777-9114
Phone: 301-931-0707
Fax: 301-931-0990

REVIERA ENTERPRISES, INC.

7600 Penn Belt Drive
Forestville, MD 20747
Phone (301) 420-7197
Fax (301) 420-0317
zconnie@reidrayco.com

PIPE AND PLANT SOLUTIONS, INC.

325 South Kresson St.,
Baltimore, MD 21224
888-978-8264
Fax: 866-977-2642
info@pipeandplant.com
www.pipeandplant.com

Insight, LLC

14707 A Willard Road.
Chantilly, VA 20151
703-378-9008
Fax: 703-378-9033
insight@insightdmv.com

**Worcester County Department of
Public Works
Water and Wastewater Division
1000 Shore Lane
Berlin, MD 21811**

SPECIFICATIONS FOR:

**WEST OCEAN CITY
SERVICE AREA
SEWER LINE CLEANING AND
INTERNAL INSPECTION**

CONTRACT NUMBER 580-19-01

WORCESTER COUNTY, MARYLAND

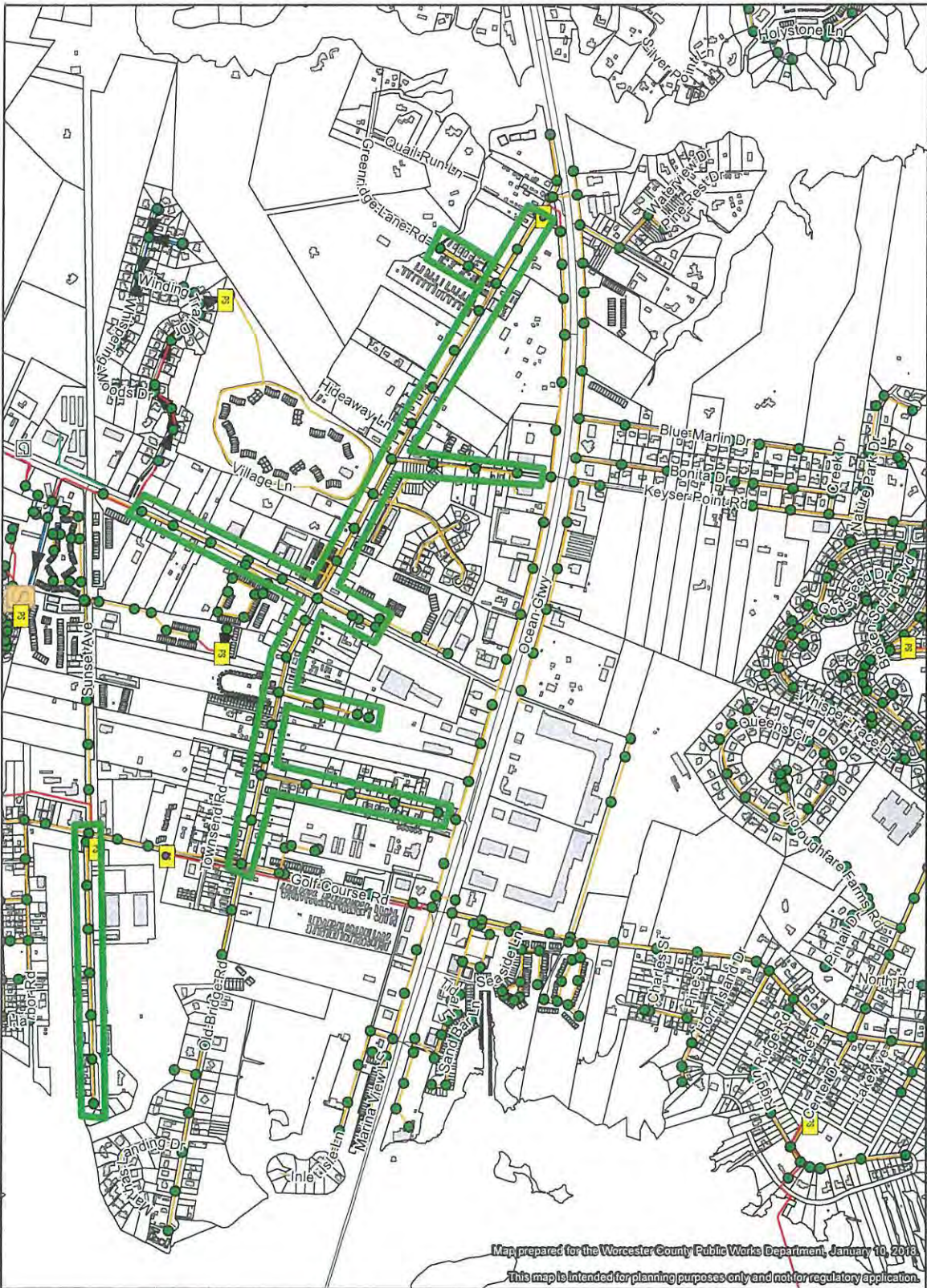
Prepared: February, 2019
Bids Due: April 8, 2019

Contract Number 580-19-01
Sewer Line Cleaning and Internal Inspection
West Ocean City Service Area
March, 2019

LISTING OF LINES TO BE CLEANED AND INSPECTED

<u>Street</u>	<u>Upstream MH #</u>	<u>Down stream MH#</u>	<u>Length (feet)</u>	<u>Pipe Diameter</u>	<u>Material</u>
Old Bridge Road	251	250	335	8"	PVC- SDR35
Old Bridge Road	250	249	325	8"	PVC- SDR35
Old Bridge Road	249	248	340	8"	PVC- SDR35
Old Bridge Road	248	247	340	8"	PVC- SDR35
Old Bridge Road	247	246	350	8"	PVC- SDR35
Old Bridge Road	246	245	360	8"	PVC- SDR35
Old Bridge Road	245	244	355	8"	PVC- SDR35
Old Bridge Road	244	243	400	8"	PVC- SDR35
Old Bridge Road	243	242	280	8"	PVC- SDR35
Old Bridge Road	242	241	350	8"	PVC- SDR35
Old Bridge Road	241	240	350	8"	PVC- SDR35
Old Bridge Road	354	353	350	8"	PVC- SDR35
Old Bridge Road	353	352	310	8"	PVC- SDR35
Old Bridge Road	352	351	280	8"	PVC- SDR35
Old Bridge Road	351	350	290	8"	PVC- SDR35
Old Bridge Road	350	349	150	8"	PVC- SDR35
Old Bridge Road	349	348	390	8"	PVC- SDR35
Old Bridge Road	348	301	400	8"	PVC- SDR35
Stephen Decatur Hwy.	256A	256	360	8"	PVC- SDR35
Stephen Decatur Hwy.	256	255	320	8"	PVC- SDR35
Stephen Decatur Hwy.	255	254	340	8"	PVC- SDR35
Stephen Decatur Hwy.	254	253	335	8"	PVC- SDR35
Stephen Decatur Hwy.	253	252	340	8"	PVC- SDR35
Stephen Decatur Hwy.	252	251	330	8"	PVC- SDR35
Stephen Decatur Hwy.	257	251	415	8"	PVC- SDR35
Keyser Point Road	279	278	370	8"	PVC- SDR35
Keyser Point Road	278	277	370	8"	PVC- SDR35
Keyser Point Road	277	247	360	8"	PVC- SDR35
Green Ridge Lane Road	276	275	280	8"	PVC- SDR35
Green Ridge Lane Road	275	242	280	8"	PVC- SDR35
Savage Road	LH360	360	100	8"	PVC- SDR35
Savage Road	360	359	340	8"	PVC- SDR35
Savage Road	359	352	350	8"	PVC- SDR35
Elm Street	358	357	380	8"	PVC- SDR35
Elm Street	357	356	380	8"	PVC- SDR35
Elm Street	356	355	380	8"	PVC- SDR35
Elm Street	355	349	390	8"	PVC- SDR35
Sunset Ave	312	311	370	8"	PVC- SDR35
Sunset Ave	311	310	380	8"	PVC- SDR35
Sunset Ave	310	309	370	8"	PVC- SDR35
Sunset Ave	309	308	380	8"	PVC- SDR35
Sunset Ave	308	307	380	8"	PVC- SDR35
Sunset Ave	307	306	380	8"	PVC- SDR35
Sunset Ave	306	295	70	8"	PVC- SDR35

Total Length 14,705



**Worcester County
Maryland
Route 50
West Ocean City
Sewer Lines**

- Sewer Manhole
- Force Main
- ▶ Gravity Main
- Low Pressure
- Sewer Main
- Vacuum Main

Department of Development
Review and Permitting
Technical Services Division

Drawn By: MDD Reviewed By: KLH

0 — 1,000
Feet
1 inch = 1,000 feet
Map prepared on February 22, 2019.



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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET
MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND
WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director of Public Works *JHT*
DATE: February 21, 2019
SUBJECT: West Ocean City Pump Station 4 - Pump Purchase

.....
The 2018/19 Water and Wastewater budget included funding for a purchase of 2 new pumps at Pump Station 4 in West Ocean City. Account number 580.6110.390 included \$40,000 for this purpose.

As previously presented to the Commissioners on several occasions, we have standardized the manufacturer of the pumps used in these stations for maintenance purposes, using Flygt Pumps throughout the County Stations. Flygt pumps have proven themselves to be very reliable, durable and operator friendly.

Attached is a proposal from the local Flygt pump supplier, Sherwood –Logan, for the pumps for Station 4 in the amount of \$37,625.00. We are requesting that the County Commissioners waive the formal bidding requirements for the reasons outlined above and allow the Department to purchase the required pumps directly from the supplier.

If you have any questions, please do not hesitate to contact me.

cc: John S. Ross, P.E. Deputy Director
Jessica Wilson, CPA Enterprise Fund Controller

SHERWOOD-LOGAN & ASSOCIATES, INC.

11/28/18

Attn: Mr. Gary Serman
Collections System Supervisor
Worcester County DPW
1000 Shore Lane
Berlin, MD 21811

RE: Pump Station 4: Proposal for Qty. 2 Flygt NT3153.185-MT submersible pumps

Mr. Serman,

Sherwood-Logan & Associates is pleased to provide you with the following Flygt NT3153 submersible pump proposal as per your request;

Quantity Two (2) – Flygt NT3153.185 MT with 436-impeller per the attached data sheets. Each pump to include 15HP/200V/3phase motor, 6” discharge, 50’ of cable, integral stainless-steel cooling jacket, FLS & the following options/accessories;

- factory testing (14-699513)
- DN150x8” ANSI cast iron inlet below with 360degree rotation (7858226)
- T-stand kit for dry-pit application (7682400)

Total Price including estimated freight & 1-day of factory authorized start-up services: \$37,625.00

Notes/Comments:

- Delivery: 10 - 12 weeks ARO
- Each pump has a drilled volute bottom
- 1 day of factory authorized start-up services have been excluded
- Freight has been included in the above price
- T-stand kit includes connection plate, ring & hardware
- Concrete/support stand is not included
- Excludes mini-cas modules for leakage & temperature monitoring

Exclusions: Lifting chain, davit crane, hoist, ancillary hardware not specified above, XP rating, controls/control panel & installation.

Please feel free to contact me at the number below if you have any questions or require additional information & thank you the opportunity, we're grateful for your continued business.

Sincerely,

John Logan
2140 Renard Court
Annapolis, MD 21401
Phone: 410.841.6810 ext. 326
logan.j@sherwoodlogan.com



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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 22, 2019
SUBJECT: Groundwater Monitoring and Analytical Services at the Central Landfill, Calendar Years 2019/2020

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET
MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND
WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

Attached for your review is a January 28, 2019 proposal from EA Engineering for continued groundwater monitoring and analytical services at the Central Landfill facility for calendar years 2019/2020. This work will be performed in accordance with the same terms and conditions as EA has completed in the past. This proposal is a natural extension of EA's involvement in the solid waste program at the Central Landfill as they have been your consultant for this effort for many years. The proposed lump sum of these services is \$145,621.38 (\$72,810.69 annually) an increase of 17% from 2017-2018 sampling costs.

It is requested that the County Commissioners review and approve EA's proposal for this work as required by the Refuse Disposal Permit issued by Maryland Department of the Environment. Funding is available and will be included in current and future Solid Waste Operating Budgets for this required effort.

As an FYI, while such professional services are not required to be bid, we competitively bid the same type of groundwater monitoring services at the 3 closed landfills in the past and EA's bid came in substantially lower than other competitors for the same work. I believe the same would be true if we were to bid this work for the Central Landfill requirements.

Should you have any questions in the meantime, please do not hesitate to contact me.

Attachment

cc: Mike Mitchell



EA Engineering, Science,
and Technology, Inc., PBC

225 Schilling Circle, Suite 400
Hunt Valley, MD 21031
Telephone: 410-584-7000
Fax: 410-771-1625
www.eaest.com

January 28, 2019
Proposal No. 0791139A

Mr. John Tustin, P.E., Director
Worcester County Department of Public Works
6113 Timmons Road
Snow Hill, Maryland 21863

**Re: Proposal for Groundwater Monitoring and Analytical Services at the Central
Landfill Facility - Calendar Years 2019-2020**

Dear Mr. Tustin:

EA Engineering, Science, and Technology, Inc., PBC (EA) is once again pleased to submit this proposal to the Worcester County Department of Public Works for sampling and reporting of groundwater, surface water, and leachate at the Central Landfill Facility (CLF) located in Worcester County. The work described under this proposal will be performed in accordance with the same terms and conditions as our previous work with Worcester County. The work under this contract will be performed over a two-year period, consisting of four semi-annual monitoring events. All work will be completed by December 2020.

The scope of services for the ongoing groundwater monitoring and statistical analysis (Task 1) and reporting (Task 2) covered by this proposal includes: sampling of the required 33 on-site wells, two potable wells, two surface water locations, and four leachate collection points on both an Annual and Semi-Annual basis for a period of two years at the Central Landfill Facility as described in Attachment A. The required sampling and reporting will be performed in accordance with the attached Scope of Work (Attachment A) established by the County and the existing Central Landfill Groundwater and Surface Water Monitoring Plan prepared by EA, March 2014, Revised December 2017. EA will perform the sampling events utilizing low-flow sampling techniques for the entire site. The groundwater monitoring, analysis, and reporting for these wells and surface water bodies has been required by the Maryland Department of the Environment (MDE) for maintaining compliance with the MDE's regulations for solid waste landfill operations under the overall groundwater monitoring program for the CLF.

On behalf of Worcester County, EA will utilize the analytical laboratory services of Microbac Laboratories, Inc. located in Baltimore, Maryland, to perform the required analytical services. The laboratory that had been used for the last few events has increased pricing significantly. This laboratory is very cost-effective to the County and EA has developed a strong working relationship with them. EA has utilized this laboratory for groundwater analysis at Worcester for the closed landfill groundwater monitoring program. The laboratory has agreed to hold the competitive pricing provided previously for the next two years.

The cost of this effort has increased over our prior contract mainly due to the increased cost associated with laboratory analytical services, as well as increasing labor costs of field personnel and reporting requirements with MDE. As a result of Assessment Monitoring, groundwater



protection standards were developed in 2017 as required by the MDE. In addition to that statistical analysis previously performed, additional statistics are now performed to determine statistical increases over groundwater protection standards each event. The additional effort for these statistics and reporting over the four sampling events is reflected in our cost proposal. We continue to utilize experienced field personnel from other EA offices whom perform groundwater sampling and monitoring regularly, in an effort to reduce labor costs and improve efficiency.

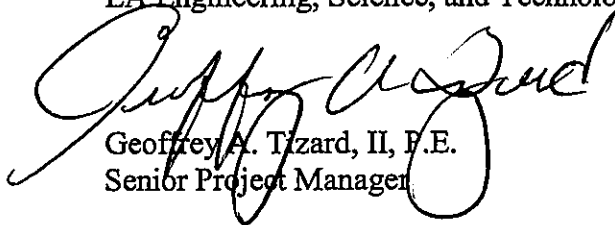
Enclosed for your consideration is the lump sum cost for these services of \$145,621.38 and is presented in a detailed breakdown in Attachment B.

The services proposed herein are a natural extension of EA's previous involvement with the Central Landfill Facility and Worcester County. We wish to thank you for this opportunity to help you meet your solid waste objectives and continue to look forward to working and supporting you on this project.

It is our sincere desire to continue to be of service at this and other facilities in Worcester County. If you have any questions, do not hesitate to give me a call at (410)-329-5133.

Sincerely,

EA Engineering, Science, and Technology, Inc.



Geoffrey A. Tizard, II, P.E.
Senior Project Manager

Enclosures

cc: D. Kolar, P.E. (EA)
L. Oakes, P.E. (EA)

ATTACHMENT A

Scope of Services

Worcester County Central Landfill Facility

Sampling and Reporting of Groundwater, Surface Water, and Leachate

Task 1 – Field Sampling and Analysis

EA will perform two semi-annual and two annual groundwater sampling events during calendar years 2019 and 2020 at the Worcester County Central Landfill in accordance with the Facility's Refuse Disposal Permit (RDP) No. 2012-WMF-0663 and the existing approved Central Landfill Groundwater and Surface Water Monitoring Plan prepared by EA, March 2014, revised December 2017. EA will perform the sampling events utilizing low-flow sampling techniques for the entire site.

The semi-annual sampling event will occur during the spring each year and will include monitoring and sampling of 22 shallow monitoring wells (MW-03S, MW-04S, MW-05SR, MW-07S, MW-08S, MW-10S, MW-11S, MW-13S, MW-14S, MW-15S, MW-16S, MW-17S, MW-18S, MW-19S, MW-20S, MW-21S, MW-22S, MW-501A, MW-502A, MW-503A, MW-504A, and MW-505A), three intermediate monitoring wells (MW-501M, MW-504M, and MW-505M), two potable wells (PW-1 and PW-2), two surface water locations (SW-1 and SW-2), and four leachate samples (Cell 1, 2, 3 and 4). Groundwater, surface water, and potable water samples will be analyzed for the parameters shown in Table I and II of the RDP (see attached). In addition to the Table I and II parameters, leachate will also be analyzed for semi-volatiles, pesticides, polychlorinated biphenyls (PCBs), cyanide, and sulfide. Groundwater analysis will be performed by a certified independent laboratory.

The annual sampling event will occur during the fall each year and will include monitoring and sampling of 33 shallow, intermediate, and deep wells (MW-3S, MW-3M, MW-3D, MW-4S, MW-4M, MW-4D, MW-5SR, MW-7S, MW-7M, MW-8S, MW-8M, MW-8D, MW-10S, MW-10M, MW-11S, MW-13S, MW-14S, MW-15S, MW-16S, MW-17S, MW-18S, MW-19S, MW-20S, MW-21S, MW-22S, MW-501A, MW-501M, MW-502A, MW-503A, MW-504A, MW-504M, MW-505A, and MW-505M), two potable wells (PW-1 and PW-2), two surface water locations (SW-1 and SW-2), and four leachate samples (Cell 1, 2, 3 and 4). Groundwater, surface water and potable water samples will be analyzed for the parameters shown in Table I and II of the RDP (see attached). In addition to the Table I and II parameters, leachate will also be analyzed for semi-volatiles, pesticides, PCBs, cyanide, and sulfide. Groundwater analysis will be performed by a certified independent laboratory.

In accordance with the updated Central Landfill Groundwater and Surface Water Monitoring Plan and as a result of assessment monitoring, quality control samples are required by MDE for groundwater sampling of the monitoring well network at the CLF.

Quality control samples will include:

- 1 rinsate blank per sampling event

- 1 field blank per sampling date (assume 5 per event)
- 1 field duplicate sample per 10 samples (assume 4 per event)
- 1 trip blank to stay at the lab for analysis (assume 1 per event)
- 1 trip blank per sampling date (assume 5 per event)

Duplicate samples will be collected utilizing low-flow sampling techniques. The samples will be analyzed for the parameters identified in Tables I and II, as required.

In addition to sampling, EA will perform gauging of each well prior to sample collection.

Task 2 – Preparation of Groundwater Contour Maps, Statistical Analysis, Reporting, and Annual Meetings

EA will prepare four semi-annual reports on water quality containing a summary of findings and interpretive discussion of groundwater and surface water analytical results for the sampling event. The report will include the following:

- Narrative/Summary
- Statistical Analysis
- Historical Data Tables (time series format)
- Groundwater Elevations and Contour Map (historical)
- Laboratory Analytical Data (laboratory reports)
- Field Records of Well Gauging, Purging, and Sampling
- Chain of Custody
- Leachate Management Records

As a result of Assessment Monitoring, groundwater protection standards were developed in 2017 as required by the Maryland Department of the Environment (MDE). In addition to that statistical analysis previously performed, additional statistics are now performed to determine statistical increases over groundwater protection standards each event.

In the semi-annual report, EA will include leachate analytical data for the event, along with leachate management and monitoring records required under the RDP, to be provided by the County. Per the RDP, the County will also provide monthly gauging records of monitoring wells to be included in the semi-annual report. EA will utilize depth to water levels (gauging) recorded prior to sampling at each well to develop a groundwater contour map for each sampling event.

EA will submit one copy of the report to the MDE on behalf of the County and two copies of the report to the County for each sampling event (four events total). Reports will be submitted to MDE in accordance with the permit, 90 days following the end of the first quarter (June 30th) and 90 days following the end of the third quarter (December 31st) reporting period, unless otherwise agreed upon.

Attachment B
Worcester County Central Landfill Facility
Groundwater Monitoring and Statistical Analysis
Calendar Years 2019-2020 (Two [2] Annual and Two [2] Semi-Annual Groundwater Events)

Total Tasks 1 and 2

EA Labor	Hours	Rate	Effort	
Senior Technical Review	10	\$170.00	\$1,700.00	
Project Manager	14	\$226.00	\$3,164.00	
Senior Civil Engineer	38	\$146.00	\$5,548.00	
Senior Geologist	0	\$142.00	\$0.00	
Geologist	320	\$72.00	\$23,040.00	
Senior Scientist	0	\$143.00	\$0.00	
Mid Level Engineer	64	\$120.00	\$7,680.00	
Staff Engineer	216	\$83.00	\$17,928.00	
Engineering Technician	16	\$84.00	\$1,344.00	
CADD	10	\$85.00	\$850.00	
Clerical	12	\$62.00	\$744.00	
Word Processing	8	\$125.00	\$1,000.00	
Total Personnel Effort	708			\$62,998.00
Other Direct Costs				
Office Equipment (Fax, telephone, etc.)			\$150.00	
Copies	0 pages	\$0.20	\$0.00	
Color Copies	0 pages	\$1.64	\$0.00	
Report Preparation	32 inches	\$24.92	\$797.44	
Shipping	25 ea	\$200.00	\$5,000.00	
Auto	2 days	\$67.59	\$135.18	
Auto mileage	600 miles	\$0.26	\$156.00	
Truck	24 days	\$120.00	\$2,880.00	
Truck Mileage	1280 miles	\$0.42	\$537.60	
Generator	24 days	\$82.68	\$1,984.32	
CADD	0 hours	\$15.00	\$0.00	
2" Submersible Pump	24 days	\$42.16	\$1,011.84	
Water Quality Meter	24 days	\$159.00	\$3,816.00	
Water Level Indicator	24 days	\$31.80	\$763.20	
Supplies	4 ls	\$200.00	\$800.00	
Total Other Direct Costs				\$18,031.58
Analytical				
Water Quality Analysis - Wells	116 each	\$295.00	\$34,220.00	
Water Quality Analysis - Surface Waters	8 each	\$295.00	\$2,360.00	
Water Quality Analysis - Potable Wells	8 each	\$295.00	\$2,360.00	
Water Quality Analysis - Leachate w/SVOCs	16 each	\$576.00	\$9,216.00	
Water Quality Analysis - Trip Blanks	24 each	\$65.00	\$1,560.00	
Water Quality Analysis - Appendix II Metals	16 each	\$295.00	\$4,720.00	
Water Quality Analysis - Appendix II Sulfide	4 each	\$295.00	\$1,180.00	
Water Quality Analysis - Appendix II SVOCs	20 each	\$295.00	\$5,900.00	
Subtotal Analytical			\$61,516.00	
Mark-up on Analytical @ 5%			\$3,075.80	
Total Analytical				\$64,591.80
		TOTAL TASK		\$145,621.38

Attachment B
Worcester County Central Landfill Facility
Groundwater Monitoring and Statistical Analysis
Calendar Years 2019-2020 (Two [2] Annual and Two [2] Semi-Annual Groundwater Events)

Task 1 Field Sampling and Analysis

EA Labor	Hours	Rate	Effort
Senior Technical Review	0	\$170.00	\$0.00
Project Manager	0	\$226.00	\$0.00
Senior Civil Engineer	0	\$146.00	\$0.00
Senior Geologist	0	\$142.00	\$0.00
Geologist	320	\$72.00	\$23,040.00
Senior Scientist	0	\$143.00	\$0.00
Mid Level Engineer	26	\$120.00	\$3,120.00
Staff Engineer	0	\$83.00	\$0.00
Engineering Technician	16	\$84.00	\$1,344.00
CADD	0	\$85.00	\$0.00
Clerical	0	\$62.00	\$0.00
Word Processing	0	\$125.00	\$0.00
Total Personnel Effort	362		\$27,504.00
Other Direct Costs			
Office Equipment (Fax, telephone, etc.)			\$50.00
Copies	0 pages	\$0.20	\$0.00
Color Copies	0 pages	\$1.64	\$0.00
Report Preparation	0 inches	\$24.92	\$0.00
Shipping	24 ea	\$200.00	\$4,800.00
Auto	0 days	\$67.59	\$0.00
Auto mileage	0 miles	\$0.26	\$0.00
Truck	24 days	\$120.00	\$2,880.00
Truck Mileage	1280 miles	\$0.42	\$537.60
Generator	24 days	\$82.68	\$1,984.32
CADD	0 hours	\$15.00	\$0.00
2" Submersible Pump	24 days	\$42.16	\$1,011.84
Hydrolab	24 days	\$159.00	\$3,816.00
Water Level Indicator	24 days	\$31.80	\$763.20
Supplies	4 ls	\$200.00	\$800.00
Total Other Direct Costs			\$16,642.96
Analytical			
Water Quality Analysis - Wells	116 each	\$295.00	\$34,220.00
Water Quality Analysis - Surface Waters	8 each	\$295.00	\$2,360.00
Water Quality Analysis - Potable Wells	8 each	\$295.00	\$2,360.00
Water Quality Analysis - Leachate w/SVOCs	16 each	\$576.00	\$9,216.00
Water Quality Analysis - Trip Blanks	24 each	\$65.00	\$1,560.00
Water Quality Analysis - Duplicates	16 each	\$295.00	\$4,720.00
Water Quality Analysis - Rinsate Blanks	4 each	\$295.00	\$1,180.00
Water Quality Analysis - Field Blanks	20 each	\$295.00	\$5,900.00
Subtotal Analytical			\$61,516.00
Mark-up on Analytical @ 5%			\$3,075.80
Total Analytical			\$64,591.80
TOTAL TASK			\$108,738.76

Attachment B
Worcester County Central Landfill Facility
Groundwater Monitoring and Statistical Analysis
Calendar Years 2019-2020 (Two [2] Annual and Two [2] Semi-Annual Groundwater Events)

Task 2 Preparation of Groundwater Contour Maps, Statistical Analysis, Reporting, and Annual Meetings

EA Labor	Hours	Rate	Effort
Senior Technical Review	10	\$170.00	\$1,700.00
Project Manager	14	\$226.00	\$3,164.00
Senior Civil Engineer	38	\$146.00	\$5,548.00
Senior Geologist	0	\$142.00	\$0.00
Geologist	0	\$72.00	\$0.00
Senior Scientist	0	\$143.00	\$0.00
Mid Level Engineer	38	\$120.00	\$4,560.00
Staff Engineer	216	\$83.00	\$17,928.00
Engineering Technician	0	\$84.00	\$0.00
CADD	10	\$85.00	\$850.00
Clerical	12	\$62.00	\$744.00
Word Processing	8	\$125.00	\$1,000.00
Total Personnel Effort	346		\$35,494.00
Other Direct Costs			
Office Equipment (Fax, telephone, etc.)			\$100.00
Copies	0 pages	\$0.20	\$0.00
Color Copies	0 pages	\$1.64	\$0.00
Report Preparation	32 inches	\$24.92	\$797.44
Shipping	1 each	\$200.00	\$200.00
Auto	2 days	\$67.59	\$135.18
Auto mileage	600 miles	\$0.26	\$156.00
Truck	0 days	\$120.00	\$0.00
Truck Mileage	0 miles	\$0.42	\$0.00
Generator	0 days	\$82.68	\$0.00
CADD	0 hours	\$15.00	\$0.00
2" Submersible Pump	0 days	\$42.16	\$0.00
Hydrolab	0 days	\$159.00	\$0.00
Water Level Indicator	0 days	\$31.80	\$0.00
Supplies	0 ls	\$200.00	\$0.00
Total Other Direct Costs			\$1,388.62
		TOTAL TASK	\$36,882.62

Attachment B
 Worcester County Central Landfill Facility
 Groundwater Monitoring and Statistical Analysis
 Calendar Years 2019-2020 (Two [2] Annual and Two [2] Semi-Annual Groundwater Events)

Task 1: Field Sampling and Analysis

	Senior Technical Reviewer	Project Manager	Mid Level Engineer	Staff Engineer	Engineering Technician	CADD	Geologist
Ground Water Gauging Events	0	0	10	0	0	0	100
Ground Water Quality Testing	0	0	16	0	16	0	220
Total - Task 1	0	0	26	0	16	0	320

Task 2: Preparation of Groundwater Contour Maps, Statistical Analysis, Reporting, and Annual Meetings with Department of Public Works

	Senior Technical Reviewer	Project Manager	Mid Level Engineer	Staff Engineer	CADD	Clerical	Word Processing
Statistical Analysis	4	4	12	120	0	0	0
Ground Water Contour Plan	2	2	2	16	10	0	0
Ground Water Report	4	4	12	80	0	12	8
Annual Meeting with DPW	0	4	12	0	0	0	0
Total - Task 2	10	14	38	216	10	12	8



CONSULTING SERVICES CONTRACT

Contract # _____

Date: _____

EA as used herein means **EA Engineering, Science, and Technology, Inc., PBC**

Client as used herein means the other party to this contract.

WHEREAS, EA provides an extensive range of integrated and comprehensive consulting, engineering, scientific, and analytical services; and

WHEREAS, Client desires to utilize EA's services.

NOW, THEREFORE, for good and valuable consideration, EA agrees to provide the professional services described herein, and Client agrees to accept and pay for such services, all in accordance with the following terms and conditions:

1. Definitions The following terms shall have the meanings set forth below whenever they are used in this Agreement:

- a) "Scope of Work" (SOW) shall mean the description of the services to be provided by EA as mutually agreed upon by EA and Client, and will be performed on either a firm fixed price (FFP) or time and materials (T&M) basis. The SOW and the Price will be set out in the attached Exhibit "A"(s) (or EA's Proposal) as described below, incorporated by reference into this Agreement.
- b) "Documentation" shall mean deliverable documentation as described in the SOW.
- c) "Equipment" shall mean all indoor and outdoor equipment used by EA at Client sites for the purpose of providing services as described in the SOW.
- d) "Proprietary Information" shall mean all data, information, manuals, materials, trade secrets, patents, products, processes, plans, whether in written, graphic or oral form, and similar proprietary know-how of EA.

2. Ordering EA services sought by the Client shall be ordered as follows:

- a) In response to either a written or verbal request from Client, EA will prepare a written proposal that shall minimally contain a SOW, cost and form of compensation (FFP or T&M).
- b) Each EA Proposal shall be dated and sequentially numbered as Exhibit A1, A2, A3, etc. and reference this EA Consulting Service Agreement contract number.
- c) If acceptable, the Client will sign and date the EA proposal acknowledging acceptance of the costs of the services to be rendered by EA

3. Compensation / Billing EA's invoices will be issued at least monthly and are payable upon receipt. Invoices shall reference the appropriate EA Proposal

Letter or Exhibit A numbers. Balances thirty (30) days past due are subject to interest at 1.5% per month. EA may suspend services under any Client Agreement until all past due accounts have been paid.

The SOW is often not fully definable prior to the execution of this Agreement as investigation may uncover additional facts and information requiring an alteration in the SOW and/or the Price for the services. For services on a time and materials basis, the proposed fees are EA's best estimate of the charges required to complete the SOW. EA will inform Client of any material changes to either the SOW or the Price that may be required and which may alter the terms of this Agreement.

Costs and schedule commitments are subject to renegotiation for unreasonable delays caused by Client's failure to provide free access to sampling areas, specified facilities, or information, or for delays caused by unpredictable occurrences, or force majeure, such as fires, floods, strikes, riots, unavailability of labor or materials or services, acts of God or of the public enemy, or acts or regulations of any governmental agency. Temporary work stoppage caused by any of the above may result in additional cost beyond that outlined in this Agreement.

In the event EA is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a proceeding to which it is not a party, Client shall reimburse EA for its costs and compensate EA at its then standard rates for the time spent gathering information and documents. Client agrees to compensate EA at the rate of one and one-half times EA's then current hourly rates for time spent in any deposition, hearing, proceeding or trial.

For services provided on a time-and-materials basis, the minimum time segment is four (4) hours for field work is and one (1) hour for office work. The rental or use of EA's Equipment will be charged to the project in accordance with EA's "Corporate Equipment Rate Billing Schedule" which is either incorporated into the rates shown in Exhibit B, or is available upon Client's request. Equipment rates are subject to annual adjustment each September. EA's labor rates for services provided on a time-and-materials basis are fixed for one year with annual adjustment upon notice to Client.

Expenses related to the services and reimbursable by Client ("Other Direct Costs") include without limitation, travel and living expenses, phone, FAX, overnight delivery services, postage, shipping, and production costs; identifiable drafting and word processing supplies; equipment usage and rental fees; and expendable materials and supplies. Other Direct Costs are reimbursable by Client and are billed at EA's cost plus 20 percent.



CONSULTING SERVICES CONTRACT

Contract # _____

Date: _____

Subconsultant and/or subcontractor costs are reimbursable by Client and are billed at EA's cost plus 20%. Where applicable, any local or state taxes or fees (except state income taxes) are in addition to any quoted price/cost.

- 4. **Termination** This Agreement may be terminated by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party. Such termination is effected upon providing: (1) not less than thirty (30) calendar days written notice, and (2) an opportunity for consultation with the terminating party prior to termination. Client will be responsible for all services and direct expenses associated with the project through the effective date of cancellation, plus reasonable fee(s) and/or expenses for reallocation and demobilization of personnel and equipment.

- 5. **Confidential Information / Inventions** All Proprietary Information furnished by EA in connection with this Agreement, but not developed as a result of work under this Agreement or under prior agreements between Client and EA, shall be held confidential by Client, and returned to EA within thirty (30) days of the completion of the services or conclusion of the litigation wherein EA's services were provided.

All inventions, techniques, and improvements held by EA to be proprietary or trade secrets of EA prior to any use on behalf of Client, as well as all inventions, techniques, and improvements developed by EA independent of the services rendered to Client under this Agreement, remain the property of EA. Documents provided by Client will remain the Client's property, but EA may retain one confidential file copy.

- 6. **Standard of Care** EA will prepare all work and provide services in accordance with generally accepted professional practices ordinarily exercised by reputable companies performing the same or similar services in the same geographic area. **NO WARRANTIES OR GUARANTIES, EXPRESS OR IMPLIED, ARE MADE WITH RESPECT TO ANY GOODS OR SERVICES PROVIDED UNDER THIS AGREEMENT, AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.**

Client shall furnish documents and information reasonably within Client's control and deemed necessary by EA for proper performance of its services. EA may rely upon Client-provided documents and information in performing the services required under this Agreement and EA assumes no responsibility or liability for their accuracy.

Client agrees to advise EA, no later than upon the execution of this Agreement, of any hazardous substance or any condition, known or that reasonably should be known by Client, existing in, on, or near the

site where EA's services are to be performed, that presents a potential danger to human health, the environment, or EA's equipment. Client agrees to a continuing obligation to provide EA related information as it becomes available to the Client. By virtue of entering into this Agreement or providing services hereunder, EA does not assume control of, or responsibility as an operator, waste generator or otherwise for the site or the person(s) in charge of the site, or undertake responsibility for reporting to any federal, state or local public agencies any conditions at the site that may present a potential danger to public health, safety or the environment. Client agrees to notify the appropriate federal, state or local public agencies as required by law; or otherwise to disclose, in a timely manner, any information that may be necessary to prevent damage to human health, safety, or the environment.

Upon Client's request, EA's work product may be provided on magnetic media. By such request, Client agrees that the written copy retained by EA in its files shall be the official base document. The Client will retain one conformed written copy. EA makes no warranty or representation to Client that the magnetic copy is accurate or complete. Any modifications of such magnetic copy by Client shall be at Client's sole risk and without liability to EA. Such magnetic copy is subject to all conditions of this Agreement.

- 7. **Indemnification** Each party shall indemnify, defend and hold harmless the other party from and against all liability, loss, cost, expense, or damage caused by the indemnifying party's negligent acts or negligent omissions in the performance of this contract. However in the event of any loss, damage or liability, whether to person or to property, arising out of the sole negligence of either EA or Client, such party will assume full responsibility for any liability arising thereof and hold harmless the other party. EA and Client further agree that if either EA or Client engages in willful misconduct, such party shall assume full responsibility for any liability arising thereof irrespective of the nature and degree of the other party's negligence, and will indemnify and hold harmless the other party. In no event shall EA be liable for any special, incidental, economic, or consequential damages whatsoever, regardless of the legal theory under which such damages may be incurred. In no event will EA's liability under this provision or Agreement exceed the lesser of the fees actually paid to EA under this Agreement or \$50,000.

For claims related to or involving pollution, toxic substances or hazardous wastes or for any other claims arising from underground hidden or undisclosed hazards, Client agrees to release, defend, indemnify and hold harmless EA and its officers, directors, employees, agents, consultants, and subcontractors from all claims, damages, losses, and expenses, including, but not limited to, reasonable fees and expenses of attorneys and



CONSULTING SERVICES CONTRACT

Contract # _____

Date: _____

consultants, and court costs, arising out of the performance of this Agreement. Such indemnification and release includes claims which arise out of the actual, alleged, or threatened dispersal, escape, or release of chemicals, wastes, liquids, gases or any other material, irritant, contaminant or pollutant regardless of the legal theory under which such damages may be incurred.

EA's field personnel will avoid hazards or utilities that are visible to them at the site. EA is not responsible for any damage or loss to property owned by Client or third parties due undisclosed or unknown surface or subsurface conditions, except to the extent such damage or loss is a direct result of EA's gross negligence.

- 8. **Severability** If any term or provision of this Agreement is held or deemed to be invalid or unenforceable, in whole or in part, by a court of competent jurisdiction, this Agreement shall be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement.
- 9. **Third Party Rights** EA's services under this Agreement are being performed solely for the benefit of Client, and no other entity shall have any claim against EA because of this Agreement or the performance or nonperformance of services provided by EA hereunder.
- 10. **Entire Agreement** This Agreement contains the entire agreement of the parties. It may not be modified or terminated orally. Any modification to these terms and conditions without the written approval of EA shall be null and void. In no event will the terms of any purchase order, work order or any other document provided by Client modify or amend this Agreement, even if it is signed by EA, unless EA signs a written statement expressly indicating that such terms supersede the terms of this Agreement. Any such terms are expressly rejected by EA.
- 11. **Assignment** EA reserves the right to assign this Agreement to its affiliates, subsidiaries, or successors as necessary in order to effectively carry out and complete the services specified by this Agreement.
- 12. **Governing Law** This Agreement shall be deemed made in, and in all respects interpreted, construed, and governed by, the laws of the State of Maryland, U.S.A. All disputes arising hereunder are to be resolved in the state and federal courts having jurisdiction of such disputes sitting in the State of Maryland or hearing appeals therefrom. Both parties consent to the jurisdiction of such courts over them for the purposes of this Agreement, and agree to accept service of process by registered mail.

ATTACHMENTS

Exhibit A Statement of Work
(May be added by reference to EA Proposal Letter(s))

Exhibit B EA Price Schedule, and/or
EA Labor Rates and,
EA Equipment Cost Rate Schedule
(May be added by reference to EA Proposal Letter(s))

**EA ENGINEERING, SCIENCE, AND TECHNOLOGY,
INC., PBC**

By: _____

Name: _____

Title: _____

Date: _____

CLIENT

By: _____

Name: _____

Title: _____

Date: _____



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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

MEMORANDUM

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 15, 2019
SUBJECT: Bowen United Methodist Church Lighting

TEL: 410-632-5623
FAX: 410-632-1753

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

**FLEET
MANAGEMENT**
TEL: 410-632-5675
FAX: 410-632-1753

**WATER AND
WASTEWATER**
TEL: 410-641-5251
FAX: 410-641-5185

As requested, I have reviewed the letter dated February 6, 2019, from Sally Molnar representing the Board of Trustees of Bowen United Methodist church in which she is requesting a street light be installed on Mill Street to provide additional lighting to their back parking lot. Some feel it is just too dark and dangerous when exiting after a night meeting.

I have attached photos in the area which clearly indicate a street light at the intersection of Mill Street and Newark Road (photo1), a private pole (photo 2) in the back parking area on church property where a private security light could be mounted by the church and a pole on Mill Street (photo 3 note the proximity of the house across the street) to which DP& L could install a cobra head street light for about \$20/month.

Commissioner's options to address their issue would be:

- Option 1 - deny the request and suggest the church investigate the mounting of a security light on their property;
- Option 2 - request DP&L install a new fixture on the pole across from the private residence, overflow lighting may affect his property.

Should you have any questions in the mean time, please do not hesitate to contact me.

Attachments

cc: Frank Adkins

Info-pending



Bowen United Methodist Church

P.O. BOX 27

NEWARK, MARYLAND 21841

Copy: John Tushin
For review and
recommendation

Feb. 6, 2019

Dear Commissioners,

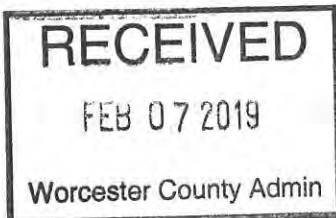
Bowen United Methodist Church in Newark, Md. is requesting a street light to be placed on Mill Street. It is very dark in this area. We feel it is dangerous for people attending church functions at night.

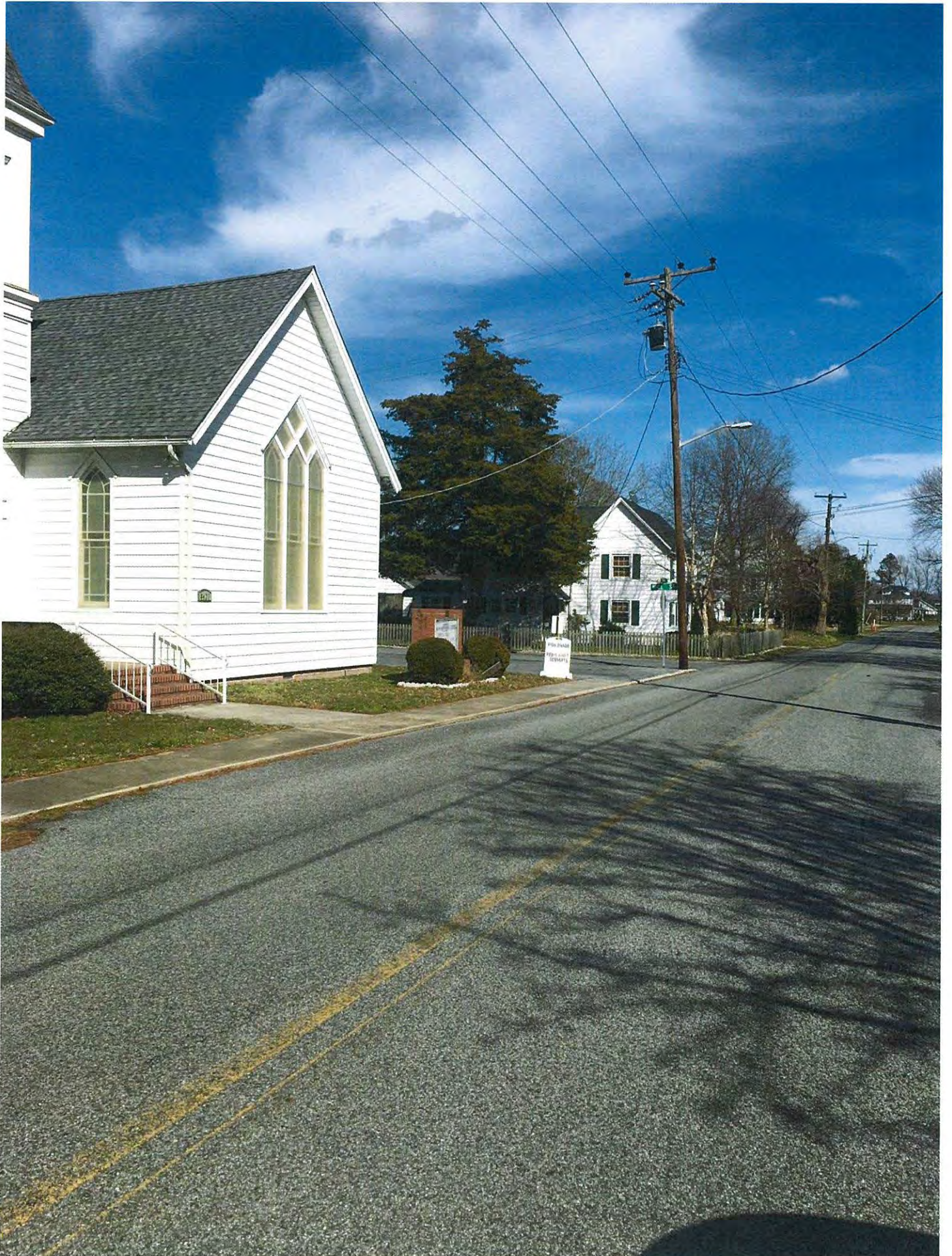
Thank You,
Bowen U. M. Church
Sally A. Molnar
(Chair of Trustees)



S A Molnar
7967 Libertytown Rd.
Berlin, MD 21811-2138

Phone: 410.641.4634
E-Mail: SALLYANNE.MOLNAR
@AOL.COM











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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 20, 2019
SUBJECT: FY19 Vehicle Replacements

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

**FLEET
MANAGEMENT**
TEL: 410-632-5675
FAX: 410-632-1753

**WATER AND
WASTEWATER**
TEL: 410-641-5251
FAX: 410-641-5185

.....
At their meeting of June 5, 2018, the County Commissioners approved the FY19 DPW – Roads budget which included the replacement of a 1997 dump truck (#130) and a 1989 grader with V-plow (#125). Since the adoption of the budget, we have discovered that both vehicles would be valuable assets in training new employees; therefore, we would like to request approval to retain these vehicles for future training tools within this Division.

Should you have any questions, please do not hesitate to contact me.

cc: Frank J. Adkins

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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

RECEIVED
FEB 27 2019
By

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 22, 2019
SUBJECT: Surplus Vehicles, Equipment and Miscellaneous Items

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185



Attached for your approval and to comply with Worcester County's Code of Public Local Laws, is a list of County-owned property proposed to be declared as surplus. The list must be advertised once a week for three consecutive weeks to notify, receive public comment and to schedule the required Public Hearing regarding the surplus government owned equipment and subsequent sale of the equipment on the Gov Deals auction site. Once the Public hearing has been held and the County Commissioners agree to declare the equipment as surplus, DPW Fleet Management will begin the process of arranging the on-line auction of the surplus property.

Should you have any questions in the mean time, please feel free to call me.

Attachments

cc: Derrick Babcock
Kathy Whited, Budget Officer

**WORCESTER COUNTY
SURPLUS VEHICLE & EQUIPMENT LIST - 2019**

VEHICLES

ITEM #	YEAR	MAKE	MODEL	VIN #	MILEAGE	DEPARTMENT	COMMENTS
1	2005	DODGE	STRATUS	1B3EL46R25N606874	93,926	HUMAN RESOURCES	OLD AGE, RUST ISSUES
2	2005	CHEVROLET	SILVERADO 1500	1GCEC14V65Z253948	175,908	DRP	AGE AND HIGH MILES
3	2004	CHEVROLET	SILVERADO 1500	1GCEC14VX4Z270279	152,771	DRP	AGE AND HIGH MILES
4	2004	CHEVROLET	SILVERADO 1500	1GCEC14X747220702	193,143	DRP	AGE AND HIGH MILES
5	2006	DODGE	STRATUS	1B3EL46RX6N108701	100,204	DRP	AGE AND HIGH MILES
6	2004	CHEVROLET	BLAZER	1GN1T13X94K115074	138,065	DRP	FRONT DIFFERENTIAL BAD
7	2004	CHEVROLET	CAVALIER	1G1J52F847272134	130,696	DRP	AGE AND HIGH MILES
8	2004	CHEVROLET	G3500 VAN	1GCHG35U141213132	98,500	JAIL	AGE, RUST
9	2007	DODGE	RAM 1500 4X4	1D7HU16P67J541615	152,669	WCPW MAINTENANCE	TRANSMISSION ISSUES, MILES, RUST
10	1991	CHEVROLET	1500	1GCDC14H9ME137932	190,788	WCPW ROADS	AGE AND HIGH MILES
11	1997	FORD	F-800	1FDYF80EXVVA08902	208,166	WCPW ROADS	AGE AND HIGH MILES
12	1992	FORD	F-800	1FDXK84A4NVA13706	212,399	WCPW ROADS	AGE AND HIGH MILES
13	1988	FORD	F150	1FTEF14N9JNA73551	188,090	WCPW ROADS	AGE AND HIGH MILES
14	2003	CHEVROLET	S10	1GCCS14H438126395	133,316	MOSQUITO CONTROL	AGE AND HIGH MILES
15	2004	CHEVROLET	C1500	1GCEC14X94Z336631	168,335	MOSQUITO CONTROL	AGE AND HIGH MILES
16	1992	FORD	RANGER	1FTCR10AXNTA42702	121,108	REC	AGE, HIGH MILES, RUST
17	2006	FORD	EXPEDITION	1FMPU16596LA25123	190,810	REC	AGE,HIGH MILES, RUST
18	1997	FORD	RANGER	1FTCR10UXVTA39163	97,017	REC	AGE, HIGH MILES, RUST
19	2006	CHEVROLET	SILVERADO 1500	1GCEC14X06Z112036	148,000	PARKS	FY18 HOLDOVER, AGE, MILES, LEAKING TRANS LINES
20	2002	CHEVROLET	SILVERADO 1500	1GCEC14X93Z114279	129,083	PARKS	TRANSMISSION FAILURE
21	2006	CHEVROLET	SILVERADO 1500	1GCEC14X16Z111736	152,932	PARKS	EXCESSIVE OIL USE, HIGH MILES, AGE
22	2008	FORD	F150	1FTRF12W38KC27499	207,575	ANIMAL CONTROL	FY2018 HOLDOVER, AGE, RUST, MILES
23	2009	FORD	F150	1FTPF12V39KB02888	194,100	ANIMAL CONTROL	AGE, HIGH MILES, RUST
24	2005	CHEVROLET	SILVERADO 1500	1GCEK14V95E248723	163,000	ANIMAL CONTROL	AGE, HIGH MILES, RUST
25	2011	FORD	CROWN VIC	2FABP7BV9BX104065	200,793	SHERIFF	AGE,HIGH MILES
26	2011	FORD	CROWN VIC	2FABP7BV7BX104064	205,000	SHERIFF	AGE, HIGH MILES, MAJOR ENGINE FAILURE
27	2006	FORD	CROWN VIC	2FAFP71W96X108943	195,000	SHERIFF	AGE,HIGH MILES
28	2006	FORD	CROWN VIC	2FAFP71W76X108942	200,000	SHERIFF	AGE,HIGH MILES
29	2008	FORD	CROWN VIC	2FAFP71V68X141103	216,000	SHERIFF	AGE,HIGH MILES
30	2007	DODGE	CHARGER	2B3KA43GX7H666750	208,000	SHERIFF	AGE,HIGH MILES
31	2006	CHEVROLET	SILVERADO 1500	1GCEC12XX6Z111413	207,000	WCPW WWW	AGE,HIGH MILES
32	2004	CHEVROLET	SILVERADO 1500	1GCEC14X94Z223245	190,000	WCPW WWW	HIGH MILES, FUEL PUMP INOP, FLYWHEEL BROKEN
33	2000	FORD	F-350	1FTSF30L4YEE07854	199,900	WCPW WWW	AGE,HIGH MILES, RUST ISSUES
34	2001	FORD	RANGER	1FTYR10U91TA72302	198,700	WCPW WWW	AGE,HIGH MILES
35	2007	DODGE	RAM 1500	1D7HA16K17J541406	212,000	WCPW WWW	AGE,HIGH MILES
36	1996	CHEVROLET	S-10	1GCCS14X1TK203508	178,823	WCPW FLEET	AGE, HIGH MILES
37	2002	FORD	F250	1FTNF20L32EA52013	242,000	WCPW SOLID WASTE	AGE, HIGH MILES, RUST, DRIVERS DOOR DAMAGED
38	2007	FORD	F150	1FRTRX12W07NA38982	112,883	STATES ATTORNEY	AGE,DENT, HIGH MILES, NO LONGER NEEDED

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EQUIPMENT

ITEM #	YEAR	MAKE/ DESCRIPTION	MODEL	SERIAL/ VIN #	HOURS	DEPARTMENT	COMMENTS
39		JOHN DEERE	670B	523732	8,800	WCPW ROADS	OLD AGE, REPLACED WITH NEW
40		GENERATOR	POWERGARD DLC20	E942660	N/A	WCPW WWW	NO LONGER IN SERVICE, OLD AGE
41		GENERATOR	30KW KOHLER	267741	N/A	WCPW WWW	NO LONGER IN SERVICE, OLD AGE
42	1988	JCB FORKLIFT	JCB 930-2	608268	1,773	WCPW WWW	NO LONGER IN SERVICE. OLD AGE.
43	1992	CASE	580 SUPER K BACKHOE	JAB0021004	N/A	WCPW MAINTENANCE	NO LONGER IN SERVICE. OLD AGE, BOOM ARM BROKEN
44	1995	PEQUEA	TR616 TRAILER	4JAUS1621RG000058	N/A	WCPW MAINTENANCE	OLD AGE, REPLACED WITH NEW

MISCELLANEOUS

ITEM #	NO.	DESCRIPTION	DEPARTMENT	COMMENTS
45		ALUMINUM TOOL BOX (TRUCK)	WCPW FLEET	NO LONGER IN USE, AGE
46		LOT OF SPARE WHEELS AND TIRES	WCPW FLEET	NO LONGER NEEDED IN STOCK
47		ELECTRIC TABLETOP DRILL PRESS	WCPW FLEET	NO LONGER IN USE, AGE, INOP
48		TRICO WIPER BLADE DISPLAY CART	WCPW FLEET	NO LONGER IN USE
49		ROTARY SM12 VEHICLE LIFT (12,000LBS)	WCPW FLEET	OLD, WORN LOCKS, REPLACED WITH NEW
50		(1) BUCKET OF USED WHEEL WEIGHTS	WCPW FLEET	USED
51		MISC. SHOP TOOLS	WCPW FLEET	NO LONGER IN USE, BROKEN, INOP EQUIPMENT
52		CRAFTSMAN ROLLING TOOL BOX WITH TOP BOX	WCPW FLEET	NO LONGER IN USE, WORN OUT
53		CONFERENCE TABLE	WCPW FLEET	NO LONGER IN USE
54		LEAF BLOWERS (2)	WCPW MAINTENANCE	DO NOT RUN, REPLACED WITH NEW, OLD
55		(2) 400 WATT HANGING SHOP LIGHTS	WCPW MAINTENANCE	NO LONGER IN USE
56		(2) BICYCLES	WCPW MAINTENANCE	OLD
57		PL920 SUBSURFACE CAMERA	WCPW MAINTENANCE	NO LONGER IN USE
58		5 FOOT TRACTOR 3-POINT SCRAPER BLADE	WCPW MAINTENANCE	NO LONGER IN USE
59		6 FOOT TRACTOR 3-POINT SCRAPER BLADE	WCPW MAINTENANCE	NO LONGER IN USE
60		GARAGE DOORS AND TRACKS	WCPW ROADS	REPLACED WITH NEW, OLD
61		PORTABLE AIR COMPRESSOR	WCPW ROADS	DOES NOT RUN
62		ROBINAIR A/C MACHINE MODEL-34800, SERIAL 01202	WCPW ROADS	INOP, OUT OF SERVICE, OLD
63		REFRIDGERATOR	WCPW ROADS	WORKS, NO LONGER NEEDED
64		GAS AUGER WITH 8 BITS	WCPW ROADS	DOES NOT RUN, NO LONGER NEEDED, OLD
65		STEEL ANGLE IRON	WCPW ROADS	OLD, GARAGE DOOR REPLACEMENT
66		HOMELITE GAS OPERATED TRASH PUMP	WCPW ROADS	DOES NOT RUN, NO LONGER NEEDED, OLD
67		(2) FULL LENGTH TRUCK BEACON LIGHTS,	WCPW ROADS	OUT OF DATE, NO LONGER USED, INOP
68		(2) STEEL CONCRETE CURB FORMING BOARDS	WCPWROADS	NO LONGER IN USE
69		WOODEN TABLES, (1) 5 FEET, (4) 6 FEET	WCPW ROADS	OLD AGE, NO LONGER NEEDED
70		MCCULLOCH MITE-E-LITE GENERATOR, SMALL	WCPW ROADS	DOES NOT RUN, NO LONGER NEEDED
71		SMALL MOUTABLE TRAFFIC AAROW	WCPW ROADS	DOES NOT WORK, OUT DATED, NO LONGER USED
72		(2) SAFCO MOBILE BLUEPRINT RACK	WCPW ROADS	NO LONGER IN USE
73		OLD STYLE BRIDGE NAILS	WCPW ROADS	NO LONGER USED
74		KIDS TABLE AND (4) WOOD CHILDRENS CHAIRS	LIBRARY	NO LONGER IN USE
75		PIANO WITH BENCH	LIBRARY	NO LONGER IN USE
76		PA SYSTEM	LIBRARY	NO LONGER IN USE/BROKEN

3

MISCELLANEOUS

ITEM #	NO.	DESCRIPTION	DEPARTMENT	COMMENTS
77		FILING CABINETS (2)	HUMAN RESOURCES	NO LONGER IN USE
78		COFFEE POTS AND MISC OFFICE	HUMAN RESOURCES	NO LONGER IN USE
79		COMPUTERS (40) DELL OPTIPLEX	IT	ALL TAKEN OUT OF SERVICE IN 2018
80		(1) IPHONE 5S	IT	REPLACED WITH NEW, OLD
81		(2) IPHONE 6S	IT	REPLACED WITH NEW, OLD
82		TABLES, (3) FOLDING CARD TABLES, (1) REGULAR TABLE, (1) FOLDABLE ROLLING TABL	HEALTH	NO LONGER NEEDED
83		FILING CABINETS, (1) 5 DRAWER, (1) 2 DRAWER, (3) 4 DRAWER	HEALTH	NO LONGER NEEDED
84		WOODEN STORAGE CABINET ON WHEELS	HEALTH	NO LONGER NEEDED
85		(4) 4 DRAWER FILING CABINETS	STATES ATTORNEY	NO LONGER NEEDED
86		(2) LEATHER CHAIRS	STATES ATTORNEY	NO LONGER USED, OLD
87		WOOD COFFEE TABLE	STATES ATTORNEY	NO LONGER IN USE
88		(1) 2 DRAWER FILING CABINET	STATES ATTORNEY	NO LONGER IN USE
89		(1) JOHN DEERE SX85 30 INCH RIDING LAWNMOWER	PARKS	NO LONGER NEEDED, RUNS, NEEDS BATTERY
90		(2) 3.5 HP 22 INCH PUSH LAWNMOWERS	PARKS	NO LONGER NEEDED, INOP
91		(2) TRASH RECEPTACLE HOLDERS FOR 50 GALLON RECEPTACLES	PARKS	NO LONGER IN USE
92		(6) ROLLING TRASH RECEPTACLES 64 GALLON	PARKS	NO LONGER IN UES
93		STAINLES STEEL 3 SINK FOOD PREP TABLE	REC	NO LONGER NEEDED, 1 SMALL HOLE IN SINK.

SUBTITLE IV
County Real and Personal Property and County Buildings

§ CG 4-401. Title to County property.

Title to all County property, both real and personal, transferred to Worcester County, the County Commissioners or any agency department or branch thereof by way of purchase, grant, gift, dedication or anyway whatsoever shall be titled to the County Commissioners of Worcester County unless otherwise specifically provided in individual cases by a resolution of the County Commissioners.

§ CG 4-402. Management of real and personal property and buildings.

Management authority and responsibility for all County property and buildings is vested in and charged to the County Commissioners, and all decisions with regard to the use of the same and contracts with regard thereto, be they for acquisition, improvement or in any way connected therewith, shall be by resolution of the County Commissioners or as may be provided by law or regulation. The County Commissioners may, at their option, by resolution or as provided by appropriate law and regulation, delegate the authority and responsibility as prescribed by this section by franchise, lease or other appropriate executive or legislative act.

§ CG 4-403. Disposition of County property when no longer used by County.

(a) Generally. Unless otherwise provided by law, whenever the County Commissioners propose to dispose of any County-owned property or any rights incidental thereto by reason of the fact that such property is no longer required for County use, they shall first advertise the same at least once a week for three successive weeks in one or more newspapers of general circulation in said County inviting competitive bids to be made upon such terms and conditions as the County Commissioners may deem appropriate, including, without limitation, the right to accept or reject any and all bids as they see fit with regard to the disposal of such property and giving an opportunity for objections to any such disposal.

(b) For other public use. When any County-owned property is no longer needed for use by the County Commissioners and the County Commissioners propose to dispose of the same by lease, grant or otherwise for a public purpose, as such public purpose may be from time to time determined by a five-sevenths majority vote of the County Commissioners, the Commissioners shall, prior to adopting a resolution for the disposal of such property, advertise the proposed disposal once a week for three successive weeks in one or more newspapers of general circulation in said County stating the terms of such disposal and the compensation to be received therefor and giving opportunity for objections thereto. [Amended 8-20-2002 by Bill No. 02-11]

(c) Where bidding impractical. The County Commissioners may, by a five-sevenths majority vote, determine that it may be impractical to dispose of County-owned property or rights incidental thereto for nonpublic purposes by competitive bidding. In such cases, the County Commissioners shall, prior to adopting a resolution for the disposal of such property, advertise the proposed disposal once a week for three successive weeks in one or more newspapers of general circulation in said County stating the terms of such disposal and the compensation to be received therefor and giving opportunity for objections thereto. [Amended 8-20-2002 by Bill No. 02-11]

(d) Exceptions. The provisions of this section shall not apply to the closing of public roads within the County or easements for public utilities or to property titled to other bodies corporate or politic of the County.



18

Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

RECEIVED
FEB 27 2019
By

JOHN H. TUSTIN, P.E.
DIRECTOR

MEMORANDUM

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 26, 2019
SUBJECT: Bid Recommendation
FY19 Blacktop Surfacing of County Roadways

TEL: 410-632-5623
FAX: 410-632-1753

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

Bids were received and opened on February 25, 2019 for the blacktop resurfacing of approximately 13.59 miles of County roadway (Part A-1/A-2), approximately 12,220 square yards of paving fabric (Part B), and 1.9 miles of road for the Solid Waste Division (Part C). Attached for your review and approval are the five bids received along with a summary of cost listed below.

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13
16
19
22

Vendor	Part A-1/A-2 Per Ton	Total Estimated Cost - Part A-1/A-2	Part B - Per Sq Yd	Total Estimated Cost - Part B	Part C - Per Ton	Total Estimated Cost - Part C
Allan Myers, Dover, DE	\$71.90	\$1,020,692.40	\$4.55	\$55,601	\$69.00	\$160,908
Chesapeake Paving & Sealing Salisbury, MD	\$75.00	\$1,064,700.00	\$5.65	\$69,043	\$75.00	\$174,900
George & Lynch, Inc., Dover, DE	\$79.65	\$1,130,711.40	\$5.55	\$67,821	\$73.95	\$172,451.40
ECM Corporation Jessup, MD	\$92.50	\$1,313,130.00	\$3.00	\$36,660	\$92.50	\$215,710
Del-mar-va Paving, LLC Easton, MD	\$99.75	\$1,416,051.00	\$8.25	\$100,815	\$107.00	\$249,524

Bid Specifications

Upon review, it was determined that all five bids received did meet the required specifications; therefore, it is requested that the Commissioners approve and accept the low bid of \$71.90 per ton for Part A-1/A-2, \$4.55 per square yard for Part B, and \$69.00 per ton for Part C submitted by Allan Myers. Due to bids coming in higher than estimated, we will monitor the paving schedule and make any necessary adjustments reflect in our fall paving schedule as a priority.

Funding in the amount of \$1,000,000.00 for road resurfacing projects was approved in the current FY19 operating budget in the general fund account 100.1202.6140.010. In addition, funding in the amount of \$500,000.00 is available in the Assigned Fund Balance. Separate funding in the amount of \$175,000 has been set aside and will be utilized for the resurfacing of Central Site Lane for the Solid Waste Division.

Should you have any questions, please don't hesitate to call me.

Attachments

cc: Frank Adkins
Mike Mitchell

Competitive Bid Worksheet

Item: Blacktop Surfacing of County Roadways - 2019

Bid Deadline/Opening Date: 1:00 P.M., Monday, February 25, 2019

Bids Received by deadline = 5

<u>Vendor's Submitting Bids</u>	Part A-1 and A-2 Blacktop Surfacing 13.59 miles of Roads 14,196 Tons± of Superpave 9.5mm Bituminous Concrete <u>Fixed Price per Ton</u>	Part B Paving Fabric 12,220 Sq Yds Hatelit G-50 Paving Fabric <u>Fixed Price Sq. Yd.</u>	Part C Blacktop Surfacing 1.9 miles of Roads 2,332 Tons± of Superpave 9.5mm Bituminous Concrete <u>Fixed Price per Ton</u>
George & Lynch, Inc. 150 Lafferty Lane Dover, DE 19901	79.65	5.55	73.95
Del-mar-va Paving, LLC. P.O. Box 1519 Easton, MD 21601	99.75	8.25	107.00
Chesapeake Paving & Sealing Inc 2445 W. Zion Road Salisbury, MD 21801	75.00	5.65	75.00
Allan Myers 440 Twin Oaks Drive Dover, DE 19904	71.90	4.55	69.00
ECM Corporation 7704 Race Road Jessup, MD 20794	92.50	3.00	92.50

BID FORM
Part A-1 and A-2
"FY19 – Blacktop Bid"

Part A-1: I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,838 tons± of Superpave 9.5mm Bituminous Concrete (**1-1/2 inches±** compacted depth) to approximately 12.57 miles± of roads at various locations in Worcester County.

Part A-2: I/We hereby propose to furnish and apply I/We have reviewed the specifications and provisions for furnishing and applying approximately 1,358 tons± of Superpave 9.5mm Bituminous Concrete (**two inches±** compacted depth) to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

14,196 Tons± Bituminous Concrete @ \$ 71.90 fixed price per ton = \$ 1,020,692.40

Work is to be completed by **June 14, 2019.**

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/19

Signature: Richard W. Dungan

Typed Name: Richard W. Dungan

Title: President

Firm: Allan Myers MD, Inc.

Address: P.O. Box 278, Fallston, MD 21047

Phone: 410-776-2015

BID FORM
Part B
"FY19 – Fabric"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,220 square yards± of Hatelit G-50 paving fabric with performance grade asphalt and labor to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

12,220 Sq Yds± Paving Fabric @ \$ 4.55 fixed price per sq yard of fabric = \$ 55,601.00

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/19

Signature: Richard W. Dungan

Typed Name: Richard W. Dungan

Title: President

Firm: Allan Myers MD, Inc.

Address: P.O. Box 278, Fallston, MD 21047

Phone: 410-776-2015

BID FORM
Part C
"FY19 – Blacktop Bid"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 2,332 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 1.9 miles± of road for the Solid Waste Division of Public Works. I/We hereby propose to furnish and apply:

2,332 Tons± Bituminous Concrete @ \$ 69.00 fixed price per ton = \$ 160,908.00

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/19

Signature: Richard W. Dungan

Typed Name: Richard W. Dungan

Title: President

Firm: Allan Myers MD, Inc.

Address: P.O. Box 278, Fallston, MD 21047

Phone: 410-776-2015

PROPOSED PAVING FY19 – Part A-1

<i>1-1/2 inches± compacted depth</i>		<u>Length</u>	<u>Width</u>	<u>Tons</u>
Back Creek Road	St Martins Neck Rd - MB #11743	1.74	21'	1786
Bunting Road - South	All	0.62	21'	647
Church Street	All	0.14	16'	110
Danzi Road	All	0.06	22'	65
Danzi Road	All	0.14	36'	246
Danzi Road	cul-de-sac 44' radius			169
Industrial Park Road	Caterpillar Road - Tel Ped #5	0.30	25'	367
Payne Road	Critchler Rd - Va Line	0.32	17'	266
Pennewell Road	All	1.91	19'	1,774
Pitts Road	Old Rt 113 - Church St	0.11	42'	226
Pocomoke Beltway	joint N of RRxng - joint S of Broad St	0.06	40'	117
Sheephouse Road	Buck Harbor Rd - MB #3540	0.62	22'	707
Sheppards Crossing Road	Rt 610 -Shavox Church Road	1.65	19'	1,573
Sheppards Crossing Road	Shavox Church Rd - Nelson Road	1.73	18'	1,522
South Piney Point Road	All	0.65	23'	731
South Piney Point Road	cul-de-sac 38' radius			126
Whitesburg Road	MB 6641 - guardrail at bridge	1.97	20'	1,966
Whitesburg Road - loop	All	0.55	16'	440

Total 12.57 12,838

Proposed FY19 Paving - Part A-2

<i>2 inches± compacted depth</i>		<u>Length</u>	<u>Width</u>	<u>Tons</u>
Dunn Swamp Road	start @ MB 614 towards New Bridge Rd	0.09	22'	129
New Bridge Road	start at MB 1848 to Ped #5	0.17	19'	211
New Bridge Road	start at MB 1217 to Ped #6	0.03	19'	37
New Bridge Road	start at Ped #16 towards Hillman Rd	0.02	18'	23
New Bridge Road	start at MB 1542 towards Dunn Swamp Rd	0.24	19'	297
New Bridge Road	start at MB 1775 towards Hillman Rd	0.17	19'	211
Tulls Corner Road	start at Dunn Swamp Road towards Rt 13	0.30	23'	450

Total 1.02 1,358 7

PROPOSED FABRIC FY19 – Part B

		<u>Length</u>	<u>Width</u>	<u>Sq Yds of Fabric</u>
Dunn Swamp Road	start @ MB 614 towards New Bridge Rd	0.09	22'	1,162
New Bridge Road	start at MB 1848 to Ped #5	0.17	19'	1,895
New Bridge Road	start at MB 1217 to Ped #6	0.03	19'	334
New Bridge Road	start at Ped #16 towards Hillman Rd	0.02	18'	211
New Bridge Road	start at MB 1542 towards Dunn Swamp Rd	0.24	19'	2,675
New Bridge Road	start at MB 1775 towards Hillman Rd	0.17	19'	1,895
Tulls Corner Road	start at Dunn Swamp Road towards Rt 13	0.30	23'	4,048

Total 1.02

12,220

PROPOSED PAVING FY19 – Part C

<i>1-1/2 inches± compacted depth</i>		<u>Length</u>	<u>Width</u>	<u>Tons</u>
Central Site Lane	Rt 113 – Cell 5	1.80	25'	2,200
Central Site Lane	Approach	.04	26'	54
Central Site Lane	Approach	.06	26'	78

Total 1.90 2,332

BID FORM
Part A-1 and A-2
"FY19 – Blacktop Bid"

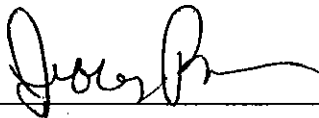
Part A-1: I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,838 tons± of Superpave 9.5mm Bituminous Concrete (**1-1/2 inches±** compacted depth) to approximately 12.57 miles± of roads at various locations in Worcester County.

Part A-2: I/We hereby propose to furnish and apply I/We have reviewed the specifications and provisions for furnishing and applying approximately 1,358 tons± of Superpave 9.5mm Bituminous Concrete (**two inches±** compacted depth) to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

14,196 Tons± Bituminous Concrete @ \$ 75.⁰⁰ fixed price per ton = \$ 1,064,700

Work is to be completed by **June 14, 2019.**

BID MUST BE SIGNED TO BE VALID.

Date: 02-25-19 Signature: 

Typed Name: Jeff Brown

Title: Owner

Firm: Chesapeake Paving & Sealing

Address: 2445 N. Zion Rd
Salisbury Md 21801

Office - 410 742-2330
Cell - 410 430-2559
Phone: Fax - 443-978-8176

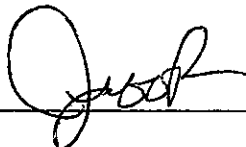
BID FORM
Part B
"FY19 – Fabric"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,220 square yards± of Hatelit G-50 paving fabric with performance grade asphalt and labor to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

12,220 Sq Yds± Paving Fabric @ \$ 5.45 fixed price per sq yard of fabric = \$ 69,043

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 02-25-19 Signature: 

Typed Name: Jeff Brown

Title: Owner

Firm: Chesapeake Paving & Sealing

Address: 2445 N. Zion Rd
Salisbury Md 21801

Office - 410 742-2330

Cell - 410 430-2559

Phone: Fax 443-978-9176

BID FORM
Part C
"FY19 – Blacktop Bid"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 2,332 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 1.9 miles± of road for the Solid Waste Division of Public Works. I/We hereby propose to furnish and apply:

2,332 Tons± Bituminous Concrete @ \$ 75.⁰⁰ fixed price per ton = \$ 174,900

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 02-25-19

Signature: 

Typed Name: Jeff Brown

Title: Owner

Firm: Chesapeake Paving & Sealing

Address: 2445 N. Zion Rd

Salisbury Md 21801

office - 410 742-2330

cell - 410 430-2559

Phone: fax 443-978-8176

BID FORM
Part A-1 and A-2
"FY19 – Blacktop Bid"

Part A-1: I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,838 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 12.57 miles± of roads at various locations in Worcester County.

Part A-2: I/We hereby propose to furnish and apply I/We have reviewed the specifications and provisions for furnishing and applying approximately 1,358 tons± of Superpave 9.5mm Bituminous Concrete (two inches± compacted depth) to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

14,196 Tons± Bituminous Concrete @ \$ 79.65 fixed price per ton = \$ 1,130,711.40

Work is to be completed by **June 14, 2019**.

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/2019

Signature:  

Typed Name: Leonard J. Brooks, Jr

Title: Vice President

Firm: George & Lynch, Inc.

Address: 150 Lafferty Lane
Dover, DE 19901

Phone: 302-736-3031

BID FORM
Part B
“FY19 – Fabric”

I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,220 square yards± of Hatelit G-50 paving fabric with performance grade asphalt and labor to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

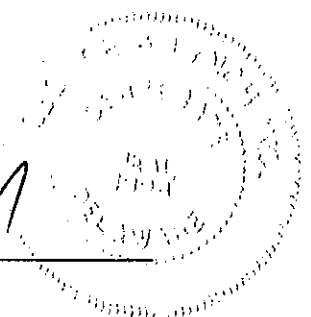
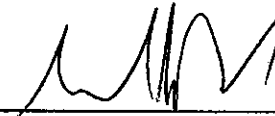
12,220 Sq Yds± Paving Fabric @ \$ 5.55 fixed price per sq yard of fabric = \$ 67,821.00

Work is to be completed by **June 14, 2019.**

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/2019

Signature: _____



Typed Name: Leonard J. Brooks, Jr

Title: Vice President

Firm: George & Lynch, Inc.

Address: 150 Lafferty Lane

Dover, DE 19901

Phone: 302-736-3031

BID FORM
Part C
“FY19 – Blacktop Bid”

I/We have reviewed the specifications and provisions for furnishing and applying approximately 2,332 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 1.9 miles± of road for the Solid Waste Division of Public Works. I/We hereby propose to furnish and apply:

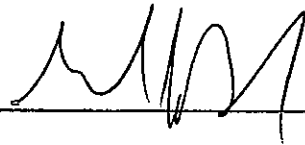
2,332 Tons± Bituminous Concrete @ \$ 73.95 fixed price per ton = \$ 172,451.40

Work is to be completed by **June 14, 2019.**

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/2019

Signature: _____



Typed Name: Leonard J. Brooks, Jr

Title: Vice President

Firm: George & Lynch, Inc.

Address: 150 Lafferty Lane

Dover, DE 19901

Phone: 302-736-3031

BID FORM
Part A-1 and A-2
“FY19 – Blacktop Bid”

Part A-1: I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,838 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 12.57 miles± of roads at various locations in Worcester County.

Part A-2: I/We hereby propose to furnish and apply I/We have reviewed the specifications and provisions for furnishing and applying approximately 1,358 tons± of Superpave 9.5mm Bituminous Concrete (two inches± compacted depth) to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

14,196 Tons± Bituminous Concrete @ \$ 92.50 fixed price per ton = \$ 1,313,130⁰⁰

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/2019

Signature: _____

Typed Name: Diana B. Hernandez

Title: President

Firm: ECM Corporation

Address: 7704 Race Road
Jessup MD 20794

Phone: 301-880-9729 ext 101
hernandezd125@gmail.com
laraso@ecmutilities.com

BID FORM
Part B
"FY19 – Fabric"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,220 square yards± of Hatelit G-50 paving fabric with performance grade asphalt and labor to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

12,220 Sq Yds± Paving Fabric @ \$ 3⁰⁰ fixed price per sq yard of fabric = \$ 36,660⁰⁰

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2-25-19

Signature: _____

Typed Name: Diana B. Hernandez

Title: President

Firm: ECM Corporation

Address: 7704 Race Road

Jessup MD 20794

301-880-9729 ext 101

Phone: hernandezd125@gmail.com

lazaroeecmutilities.com

BID FORM
Part C
“FY19 – Blacktop Bid”

I/We have reviewed the specifications and provisions for furnishing and applying approximately 2,332 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 1.9 miles± of road for the Solid Waste Division of Public Works. I/We hereby propose to furnish and apply:

2,332 Tons± Bituminous Concrete @ \$ 92.50 fixed price per ton = \$ 215,710⁰⁰

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2/25/19

Signature: _____

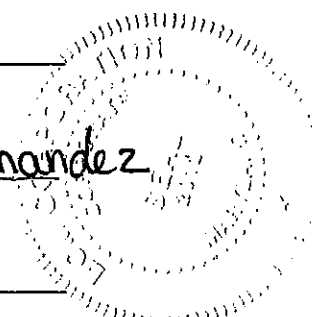
Typed Name: Diana B. Hernandez

Title: President

Firm: ECM Corporation

Address: 7704 Race Road
Jessup MD 20794

Phone: 301-880-9729 ext 101
hernandezd125@gmail.com
lazar0@ecmutilities.com



BID FORM
Part A-1 and A-2
“FY19 – Blacktop Bid”

Part A-1: I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,838 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 12.57 miles± of roads at various locations in Worcester County.

Part A-2: I/We hereby propose to furnish and apply I/We have reviewed the specifications and provisions for furnishing and applying approximately 1,358 tons± of Superpave 9.5mm Bituminous Concrete (two inches± compacted depth) to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

14,196 Tons± Bituminous Concrete @ \$ 99.75 fixed price per ton = \$ 1,416,051.00

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: February 25, 2019

Signature: 

Typed Name: John M. Nossick

Title: Manager/Estimator

Firm: Del-Mar-Va Paving L.L.C.

Address: P.O. Box 366
Seaford, DE 19973

Phone: (302) 629-7995

BID FORM
Part B
"FY19 – Fabric"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 12,220 square yards± of Hatelit G-50 paving fabric with performance grade asphalt and labor to approximately 1.02 miles± of roads at various locations in Worcester County. I/We hereby propose to furnish and apply:

12,220 Sq Yds± Paving Fabric @ \$ 8.25 fixed price per sq yard of fabric = \$ 100,815.00

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: February 25, 2019

Signature: 

Typed Name: John M. Nossick

Title: Manager / Estimator

Firm: Del-Mar-Va Paving L.L.C.

Address: P.O. Box 366
Seaford, DE 19973

Phone: (302) 629-7995

BID FORM
Part C
“FY19 – Blacktop Bid”

I/We have reviewed the specifications and provisions for furnishing and applying approximately 2,332 tons± of Superpave 9.5mm Bituminous Concrete (1-1/2 inches± compacted depth) to approximately 1.9 miles± of road for the Solid Waste Division of Public Works. I/We hereby propose to furnish and apply:

2,332 Tons± Bituminous Concrete @ \$ 107.00 fixed price per ton = \$ 249,524.00

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: February 25, 2019

Signature: _____

Typed Name: John M. Nossick

Title: Manager / Estimator

Firm: Del-Mar-Va Paving L.L.C.

Address: P.O. Box 366
Seaford, DE 19973

Phone: (302) 629-7995

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
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OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

February 6, 2019

FAXED
2/6/19 @ 6:11 pm

TO: *The Daily Times* Group and *Ocean City Today* Group
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*.

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on February 14, 2019. Thank you.

NOTICE TO BIDDERS

Blacktop Surfacing of Roadways Worcester County, Maryland

The Worcester County Commissioners are currently accepting bids for county-wide surfacing of various sections of roadways in Worcester County to be completed by June 14, 2019 and requiring approximately 14,196 Tons of Superpave 9.5 mm Bituminous Concrete for paving of roughly 13.59 miles of road and to furnish and install roughly 12,220 square yards of Hatelit G-50 paving fabric with performance grade asphalt to approximately 1.02 miles of road for the Roads Division of the Worcester County Department of Public Works. The work will also include approximately 2,332 Tons of Superpave 9.5 mm Bituminous Concrete for paving of roughly 1.90 miles of road for the Solid Waste Division of Public Works. Bid specification packages and bid forms are available from the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, obtained online under the "Bids" drop-down menu in the lower right hand side of the home page at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. **Sealed bids will be accepted until 1:00 PM, Monday, February 25, 2019** in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Blacktop Bid**" in the lower left-hand corner. After opening, bids will be forwarded to the Department of Public Works for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Frank Adkins, Roads Superintendent, at 410-632-2244, Monday through Thursday, 6:00 am to 4:30 pm.

Bid Specifications

The Worcester County Commissioners are currently accepting bids on Bituminous Concrete. Sealed bids will be accepted until **1:00 PM, Monday, February 25, 2019**, at the Worcester County Commissioners Office, Room 1103, Worcester County Government Center, One West Market Street, Snow Hill, MD 21863 at which time they will be opened and publicly read aloud. After opening, bids will be forwarded to the Department of Public Works for tabulation, review and recommendation to the County Commissioners for award at a future date. **Envelopes must be marked in lower left corner with "Blacktop Bid"**.

The work is to be completed by **June 14, 2019**. No bid bond is required. If all work is not completed as specified within liquidated damages shall be imposed as stated. **A pre-construction meeting will be required within five (5) days prior to commencement of work.**

ITEM I - BLACK TOP SPECIFICATIONS:

All paving will be done in accordance with the requirements and covenants of the Maryland State Highway Administration's Specifications of March 1968 and all subsequent addenda thereto, the plans of the proposed improvements and the special provisions contained herein.

The contractor will provide, erect and maintain all necessary barricades, danger signals and signs provide sufficient number of **certified flaggers** and take all necessary precaution for the protection of the work and safety of the public.

Part A-1 and Part C - The contractor will use Bituminous Concrete Material Surface Course which will be placed at approximately **one and one-half (1-1/2)** inches± compacted depth, Superpave 9.5mm. Quantities are approximate and unit prices shall apply regardless of any increase or decrease in the estimated quantities.

Part A-2 - The contractor will use Bituminous Concrete Material Surface Course which will be placed at approximately **two (2)** inches± compacted depth during the installation of paving fabric as described in item 2, Superpave 9.5mm. Quantities are approximate and unit prices shall apply regardless of any increase or decrease in the estimated quantities.

This item, "Bituminous Concrete", shall be paid for on a per ton basis, which price and payment shall constitute full compensation for furnishing, hauling and placing, preparation of all materials and for all labor, equipment, tools and incidentals necessary to complete this item. All milling of joints are to be included in bid price which include but not limited to driveways, intersections, curbing, etc. Milled joints are to be adequately signed and shall not be milled more than 1 day prior to paving. Any wedging of roads to be paved shall be determined by the inspector or Roads Superintendent. The tons of bituminous concrete required for wedging shall be deducted from the total tons required for paving "said road" or will be deducted from the total tons required for the entire project.

A materials laboratory under the direction of a competent laboratory technician or engineer shall be available at the plant site at all times during the mixing of bituminous concrete. Bitumen extraction, marshall, stability tests and aggregate gradation will be required at the discretion of the engineer. This will not be a pay item and considered as incidental to the construction.

Miscellaneous: **No work will be performed on weekends or holidays.**

Warranty:

All work and materials shall be warranted for a period of one year. This shall include but not be limited to slippage or tearing.

Description:

The project requires the furnishing and application of all specified asphalt and Aggregate cover materials. The contractor provides all necessary labor, equipment and materials, including maintenance of traffic items.

Asphalt distributing equipment per SHA specifications.

Power broom required. See following section below.

The contractor shall use two (2) 12-15 ton steel wheel rollers. Anything less will **not** be accepted.

Contractor shall assign a sufficient number of trucks to each job site to allow for continuous paving of each road without affecting the efficiency of the paving process. The amount of trucks will be determined sufficient by either the inspector or the Roads Superintendent. If the amount of trucks is determined to be insufficient, then the operation will cease until these corrections are made.

Contractor shall ensure that a sufficient of employees is on-site to complete the job in a safe and efficient manner. This will be determined by the inspector or Roads Superintendent. If it is determined that the number of employees are insufficient, then the operation will cease until these corrections are made.

All other equipment per SHA specifications or as required for successful prosecution of the work.

Weather:

Referenced SHA section 503.03.02

Foundation Preparation:

The County will trim the shoulders of roads to be paved.

The County will patch all ruts or potholes as deemed necessary.

The contractor shall power broom the surface to remove all loose and foreign materials prior to application of the asphalt. The power broom, operator, fuel, maintenance, and traffic control will not be paid for directly, and is considered incidental to the pay items in the schedule of prices.

Verification:

The type, quantity, and temperature of asphalt material applied must be verified to the satisfaction of the inspector.

Maintenance, Protection and Performance of the Work:

The contractor shall exercise control of the delivery and application of asphalt materials to prevent damage to the roadway surface. Contractor shall be responsible for all delivery trucks and operators to assure no damage is done to recently laid mat. Delivery drivers will not be allowed to use diesel fuel for the purpose of cleaning dump bodies of the trucks in area where new mat is to be laid.

Communication: Any communication efforts with manufacturer and/or subcontractors need to be coordinated by the successful bidder.

ITEM II – PAVING FABRIC SPECIFICATIONS – Part B:

Description:

This work consists of furnishing and placing high strength geosynthetic reinforcement within the pavement structure.

The contractor will provide, erect and maintain all necessary barricades, danger signals and signs provide sufficient number of **certified flaggers** and take all necessary precaution for the protection of the work and safety of the public.

A manufacturer's representative must be present, at minimum, for the first day of installation of the pavement interlayer and available thereafter upon request by the contractor or Department of Public Works Director or Roads Superintendent.

References:

American Society for Testing and Materials (ASTM)

1. D 4354 Practice for Sampling of Geosynthetics for Testing
2. D 6637 Test method for tensile properties of geogrids
3. D 4759 Practice for determining the specification conformance of geosynthetics
4. D 4873 Guide for identification, storage, and handling of geotextiles

Definitions:

Minimum Average Roll Value (MARV): Property calculated as typical minus two standard deviations. Statistically, it yields a 95.0% degree of confidence that any sample taken during assurance testing will exceed value reported.

Submittals:

The contractor shall provide to the Roads Superintendent a certificate stating the name of the manufacturer, product name, style number, chemical composition of the product and other pertinent information to fully describe the geosynthetic. The certification shall state that the furnished geosynthetic meets MARV requirements of the specification as evaluated under the manufacturer's quality control program.

Manufacturer Qualifications:

The manufacturing facility shall be ISO 9001 registered.

Delivery, Storage, and Handling:

- A. Contractor shall inspect the roll goods upon delivery to ensure that the proper material has been received.
- B. During all periods of shipment and storage, the rolls shall be wrapped in a protective poly wrap and not exposed to temperatures exceeding 150°F. General storage and handling of the rolls shall be in accordance with procedures identified in ASTM D 4873. Product labels shall clearly show the manufacturer or supplier name, style number, and roll number.

Product:

Materials – Geosynthetic Pavement Interlayer

The pavement interlayer shall consist of continuous fiberglass filaments with a bituminous asphalt coating and a lightweight polypropylenes nonwoven fabric bonded to the glass grid. The material shall conform to the physical properties in Table 1. All values are Minimum Average Roll Values (MARV) based on a 95% confidence level unless a range is indicated.

TABLE 1 – Physical Properties for Pavement Interlayer	
Property	Units
Mass/Unit Area, oz/yd² (ASTM D 5261)	9.5
Aperture Size, inches (measured)	1.2 x 1.2
Open Area of Grid, (CWO 22125)	>80%
Tensile Strength-Single Rib, lb/ft (ASTM D 6637)	3,425 x 3,425
Elongation at Break, % (ASTM D 6637)	<3%
Identification of Fibers, °F (°C) (ASTM D 276)	490 (255)
Asphalt Retention, (ASTM D-6140)	0.10 gal/yd ²
Roll Size, feet	12.8 x 492.1

Acceptable products for this specification are Hatelit G50 from Huesker, Inc., Charlotte, NC or equivalent.

Geogrid delivered to the site shall be subject to sampling and testing to verify specification conformance. Sampling for conformance testing shall be in accordance with ASTM D 4354 and performed at the contractor’s expense. Conformance of the geogrid material shall be established in accordance with ASTM D 4759 and Table 1 physical properties.

Geosynthetic Installer Qualification:

Geosynthetic asphalt reinforcement material shall be installed using a manufacturer’s approved certified installer.

The manufacturer certified installer shall submit a proven record of at least 1 million square yards of installed geosynthetic reinforcement material in the last 5 years.

Preparation:

Surface Preparation: The material must always be installed between bituminous surfaces. A non-bituminous surface should be covered with a bituminous regulating surface. The surface upon which the material is to be placed shall be free of all loose milled asphalt, dirt, gravel, water, and vegetation. Any cracks wider than ¼ of an inch shall be sealed with an asphalt sealer meeting the requirements of the asphalt sealer specifications. Repair larger cracks, potholes, depressions, and irregularities. A leveling course may be required should irregularities be excessive.

The County will trim the shoulders of roads to have G50 Hatelit Paving Fabric installed and paved. The County will patch all potholes as deemed necessary.

Application of Tack Coat: A tack coat must be applied uniformly and without streaking to the pavement surface prior to installation of the Geogrid reinforcement. Tack coat shall be 100% of performance grade asphalt binder (Example PG64-22). Tack coat shall be applied per manufacturer’s installation guidelines and based on project site-specific conditions

Installation:

Material Placement: The geogrid shall be placed directly onto the tack coat, with the geotextile fabric facing down and the geogrid facing up. The geogrid shall be installed taut, without any folds or creases.

Overlap shall be six (6) inches on roll edges and ten (10) inches at roll ends. Overlap the geogrid in a shingle fashion so that the paving train does not lift the leading edge of the overlap.

At all geogrid-to-geogrid overlaps at roll ends or curves, spray additional hot tack coat between the geogrid layers and seal tight.

Asphalt Overlay: Place a minimum of 1.5 inches of compacted hot mix asphalt above the geogrid or in accordance with project specifications. The paver and delivery vehicles should move carefully over the geogrid-covered surface to avoid displacement. Sharp turns, rapid changes in speed and hard braking should be avoided.

Technical Support: During the initial phases of installation of pavement reinforcing geogrid, a manufacturer's representative can be requested to be available on site to provide technical support, supervision, and instruction.

Weather: Proper weather conditions for installation of G50 Hatelit paving fabric to be determined by manufacturer.

Communication: Any communication efforts with manufacturer and/or subcontractors need to be coordinated by the successful bidder.

Warranty: All work and materials shall be warranted for a period of one year. This shall include but not be limited to slippage or tearing.

ITEM I AND II – SPECIFICATIONS:

POC:

The contractor shall designate a contact person and telephone number for the handling of complaints or claims of the public due to the contractor's operation.

Mail and paper box care:

The contractor's attention is called to mail or paper boxes on this project that may be within the limit of work. These boxes if required to be moved for equipment shall be the contractor's responsibility. They shall be moved to a suitable location that mail and papers may be received as usual. When construction in a given area has reached the stage that there is no more conflict with such boxes, they shall be placed permanently at or near their original location to conform to U.S. postal requirements. If these boxes or their supports are damaged by the contractor during construction of this project, they shall be repaired or replaced in kind at the contractor's expense. No additional payment will be made to the contractor for adjustments to the existing mail and or paper boxes, but will be considered incidental to other pay items.

MAINTENANCE OF TRAFFIC

Conformance requirements:

SHA "Standard Specifications for Construction and Materials" (SHA Standard Specifications)
section 104
SHA "Book of Highway Standards"
FHA "Manual on Uniform Traffic Control Devices" (MUTCD)

The contractor must maintain traffic at all times throughout the entire length of the project, including public and private and commercial entrances, street intersections, etc.

Traffic Manager (TM) - Traffic Control Plan (TCP)
Referenced SHA section 104.02.03

The contractor shall appoint a Traffic Manager responsible for Maintenance of Traffic conformance requirements. This individual shall develop and submit to the County a Traffic Control Plan suitable to his plan of construction for a given location. This plan will be reviewed with the project inspector and jointly agreed upon prior to starting the work. If during the course of the work adjustments are necessary to traffic control measures the contractor shall take corrective action as required or directed.

Temporary Traffic Signs (TTS):

The contractor shall furnish and install all necessary TTS as required by Sec. 6B of the MUTCD.

Cones:

Cones shall meet the requirements of Sec. 104.14 SHA Standard Specifications.

Flaggers-Pilot Vehicles-Radio Communication:

The contractor shall furnish all necessary MD SHA Certified flag persons in conformance with Section 6F of the MUTCD and Sec. 104.15 of the SHA Standard Specifications. Flaggers shall use STOP/SLOW paddles. Two-way radios or pilot vehicles shall be used whenever flaggers are not within sight distance of each other, or when directed by the Engineer. If there are not enough Certified Flaggers, the paving operation will cease until adequate safety concerns are addressed.

Basis of Payment:

All aforementioned items under this section Maintenance of Traffic will NOT be paid for directly and shall be considered incidental to the other pay items.

MOBILIZATION:

Movement of personnel and equipment to and from the project sites and staging equipment will not be paid for directly and shall be considered incidental to the other pay items.

METHOD OF MEASUREMENT AND BASIS OF PAYMENT

All correspondence and invoices are to be sent to the Worcester County Department of Public Works, Roads Division, 5764 Worcester Highway, Snow Hill, MD 21863. **Please note Part C will need to be billed separately.**

The County Commissioners shall be the sole judge as to whether or not any bid meets specifications. The County Commissioners reserve the right to accept or reject any bid in the best interest of the County.

1. **LIQUIDATED DAMAGES** - For each day that the work shall remain uncompleted after the time specified for completion, the sum per day, given in the following schedule shall be deducted by the County from monies due the Contractor, not as a penalty, but as liquidated damaged.

<u>Amount of Contract</u>	<u>Amount of Liquidated Damages per Day</u>
Less than \$10,000	\$ 80.00
\$10,000 and less than \$50,000	\$160.00
\$50,000 and less than \$100,000	\$240.00
Greater than \$100,000	\$400.00

2. **CONTRACTOR'S INSURANCE** - The contractor shall take out and maintain during the life of this contract, Workmen's Compensation Insurance for all of his or any subcontractor's employees employed at the site of the work; and such Public Liability and Property Damage Insurance as shall protect him from claims which may arise from operations under this contract for personal injury (including accidental death) as well as for property damage - whether such operations are by himself or by any subcontractor, or by anyone directly employed by them.

Public Liability Insurance shall be in the amount not less than \$500,000 for injuries, including wrongful death to any one person; and, subject to the same limit for each person, in an amount not less than \$1,000,000 on account of one accident.

Property Damage Insurance shall be in an amount not less than \$500,000 for damages on account of any one accident, and in an amount not less than \$1,000,000 for damages on account of all accidents.

MEASUREMENT AND PAYMENT

1. **MEASUREMENT OF QUANTITIES** - The Engineer shall make final measurements to determine the quantities of various items of work performed as the basis of final settlement. Pay weight for all items to be paid for by weight shall be determined by actual certified scale weight, certified shipping weight, or by computed weight as specified herein. Materials specified for measurement by tallying of vehicles shall be hauled only in approved units, the carrying capacity of which has been pre-determined. Each hauling unit shall be marked to designate its approved capacity.
2. **PARTIAL PAYMENTS** - **Partial payments shall be made monthly in an amount not greater than 90% of the money earned during the pay month. The Contractor shall prepare the application for payment in form satisfactory to the Engineer. Process time shall be thirty (30) days upon receipt.**
3. **ACCEPTANCE AND FINAL PAYMENT** - When in the opinion of the Engineer, the Contractor has completed the work in a satisfactory manner in accordance with the terms of the contract, the Engineer shall make final inspection of the entire project and shall certify in writing to the County as to the completion of the work submitting with this report the final estimate showing the amount of each item of work performed as the value thereof.
4. **RELEASE OF LIENS** - The Contractor shall deliver (in a form satisfactory to the owner) a written report to the effect that all bills for labor, materials, and supplies have been paid or satisfactorily secured.
5. **CONSENT OF SURETY** - Projects bonded by a surety bond will require written **CONSENT OF SURETY FOR FINAL PAYMENT.**



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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

MEMORANDUM

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 26, 2019
SUBJECT: Bid Recommendation
FY19 Slurry Seal Surfacing of County Roadways

TEL: 410-632-5623
FAX: 410-632-1753

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

Bids were received and opened on Monday, February 25, 2019, for slurry seal surfacing of approximately 12.73 miles (186,666 square yards) of County roads. Attached for your review and approval are the two bids received along with a summary of cost listed below.

Vendor	Cost / Sq. Yard	Total Estimated Cost
Asphalt Paving Systems Inc., Hammonton, NJ	\$2.49	\$464,798.34
Slurry Pavers, Inc., Richmond, VA	\$2.55	\$475,998.30

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5

Bid Specifications

Upon review by the Department of Public Works, Roads Division, it was determined that both bids received did meet the required specifications; therefore, it is requested that the Commissioners approve and accept the low bid of \$2.49 per square yard totaling \$464,798.34 submitted by Asphalt Paving Systems, Inc. Funding in the amount of \$1,000,000 for road resurfacing projects was approved in the current FY19 general fund account 100.1202.6140.010. In addition, funding in the amount of \$500,000 for road resurfacing projects is available in the Assigned Fund Balance.

Should you have any questions, please don't hesitate to call me.

Attachments

Competitive Bid Worksheet

Item: Slurry Seal Surfacing of County Roadways - FY 19

Bid Deadline/Opening Date: 1:00 P.M., Monday, February 25, 2019

Bids Received by deadline = 2

Slurry Seal Surfacing
12.73 miles of Roads
186,666 square yards± of Slurry Seal
Fixed Price per Square Yard

Vendor's Submitting Bids

Slurry Pavers Inc.
3617 Nine Mile Road
Richmond, VA 23223

2.55

Asphalt Paving Systems, Inc.
P.O. Box 530
Hammonton, NJ 08037

2.49

BID FORM

"FY19 – Slurry Seal"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 186,666 square yards ± of Slurry Seal to approximately 12.73 miles ± of roads at various locations in Worcester County and understand said requirements. I/We hereby propose to furnish and apply.

186,666 Square Yards ± Slurry Seal @ \$ 2.49 per square yard = \$ 464,798.34

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: February 25, 2019

Signature: _____

Typed Name: Robert Capoferri

Title: President

Firm: Asphalt Paving Systems, Inc.

Address: PO Box 530
Hammonton, NJ 08037

Phone: (609) 561-4161

BID FORM

"FY19 – Slurry Seal"

I/We have reviewed the specifications and provisions for furnishing and applying approximately 186,666 square yards ± of Slurry Seal to approximately 12.73 miles ± of roads at various locations in Worcester County and understand said requirements. I/We hereby propose to furnish and apply.

186,666 Square Yards ± Slurry Seal @ \$ 2.55 per square yard = \$ 475,998.30

Work is to be completed by June 14, 2019.

BID MUST BE SIGNED TO BE VALID.

Date: 2-25-19

Signature:  _____

Typed Name: Phillip P. Tarsovich

Title: President

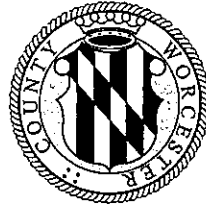
Firm: Slurry Pavers, Inc.

Address: 3617 Nine Mile Road

Richmond, VA 23223

Phone: 804-264-0707

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET 1 ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 6, 2019

FAXED
2/6/19 @ 6:11pm

TO: *The Daily Times Group and Ocean City Today Group*
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on February 14, 2019. Thank you.

NOTICE TO BIDDERS

Slurry Seal Surfacing of Roadways Worcester County, Maryland

The Worcester County Commissioners are currently accepting bids for county-wide slurry seal surfacing of various sections of roadways in Worcester County to be completed by June 14, 2019 and requiring approximately 186,666 square yards of Slurry Seal for roughly 12.73 miles of road for the Roads Division of the Worcester County Department of Public Works. Bid specification packages and bid forms are available from the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, obtained online under the "Bids" drop-down menu in the lower right hand side of the home page at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. **Sealed bids will be accepted until 1:00 PM, Monday, February 25, 2019** in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Slurry Seal Bid**" in the lower left-hand corner. After opening, bids will be forwarded to the Department of Public Works for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Frank Adkins, Roads Superintendent, at 410-632-2244, Monday through Thursday, 6:00 am to 4:30 pm.

Bid Specifications

The Worcester County Commissioners are currently accepting bids on Slurry Seal. Sealed bids will be accepted until **1:00 PM, Monday, February 25, 2019**, at the Worcester County Commissioners Office, Room 1103, Worcester County Government Center, One West Market Street, Snow Hill, MD 21863 at which time they will be opened and publicly read aloud. After opening, bids will be forwarded to the Department of Public Works for tabulation, review and recommendation to the County Commissioners for award at a future date. **Envelopes must be marked in lower left corner with "Slurry Seal Bid"**.

The work is to be completed by **June 14, 2019**. No bid bond is required. If all work is not completed as specified within liquidated damages shall be imposed as stated. **A pre-construction meeting will be required within five (5) days prior to commencement of work.**

ITEM I – SLURRY SEAL SPECIFICATIONS:

Miscellaneous: **No work will be performed on weekends or holidays.**

WARRANTY: All work and materials shall be warranted for a period of one year.

DESCRIPTION

This work shall consist of the application of a single course of slurry surface treatment on various roads located in Worcester County in accordance with the attached schedule.

The project requires the furnishing and application of all specified slurry seal treatment. The contractor provides all necessary labor, equipment and materials, including maintenance of traffic items and public notification.

DEFINITION OF TERMS

Single Seal Treatment is defined as one application of slurry seal treatment.

SPECIFICATIONS

All work on this project shall be done in accordance with the Maryland Department of Transportation State Highway Administration Section 507 Slurry Seal and Micro-surfacing dated August 6, 2013.

MATERIALS, APPLICATIONS, and APPLICATION RATES

Referenced SHA section 507.03.07

See Section 507.03.07(a) for Slurry Seal application.

CONSTRUCTION

SHA 507 governs as applicable

Equipment:

Referenced SHA section: 507.03.02 and 507.03.03

All other equipment per SHA specs. or as required for successful prosecution of the work.

Weather:

Referenced SHA section 507.03.01

Surface Preparation:

The County will trim the shoulders of roads to be resurfaced.

The County will patch all ruts or potholes as deemed necessary.

The contractor shall power broom the surface to remove all loose and foreign materials prior to application of the slurry seal. The power broom, operator, fuel, maintenance, and traffic control will not be paid for directly, and is considered incidental to the pay items in the schedule of prices.

Protect manholes, valve boxes, drop inlets and other service/utility entrances from the asphalt emulsion seal by a suitable method, as approved.

Clean the existing surface and remove all objectionable materials. Ensure the pavement surface is free of standing or pooling water prior to applying tack coat and asphalt emulsion seal.

Seal treatment:

Referenced SHA section 507.03.09 (b) (c) (d) (e)

Tie-Ins for Entrances and Connecting Roads:

Make tie-ins at entrances and connecting roads as directed.

Certification:

Furnish certified weigh tickets daily for the emulsion, residual asphalt content, latex emulsion, aggregate, and mineral filler. The weigh tickets will be used to determine in-place application rates.

Rolling:

Rolling is required for parking facilities only. Roll parking facilities using a self-propelled, 10-ton (maximum) pneumatic-tire roller equipped with a water spray system, as directed. Do not commence rolling until the asphalt emulsion seal has cured sufficiently, as determined.

Maintenance, Protection and Performance of the Work:

The contractor shall exercise control of the delivery and application of the surface treatment materials to prevent damage to the roadway surface. The speed of the delivery equipment and pilot truck shall be limited as directed by the inspector. The maintenance and protection shall include, but not be limited to, the placement of signs; the use of flaggers and pilot trucks. In the event a failure occurs prior to acceptance, the contractor shall repair or replace the failed treatment as directed by the Engineer.

POC:

The contractor shall designate a contact person and telephone number for the handling of complaints or claims of the public due to the contractor's operation.

Mail and paper box care:

The contractor's attention is called to mail or paper boxes on this project that may be within the limit of work. These boxes if required to be moved for equipment shall be the contractor's responsibility. They shall be moved to a suitable location that mail and papers may be received as usual. When construction in a given area has reached the stage that there is no more conflict with such boxes, they shall be placed permanently at or near their original location to conform to U.S. postal requirements. If these boxes or their supports are damaged by the contractor during construction of this project, they shall be repaired or replaced in kind at the contractor's expense. No additional payment will be made to the contractor for adjustments to the existing mail and or paper boxes, but will be considered incidental to other pay items.

MAINTENANCE OF TRAFFIC

Conformance requirements:

Referenced SHA section 507.03.13

SHA "Standard Specifications for Construction and Materials" (SHA Standard Specifications) section 104

SHA "Book of Highway Standards"

FHA "Manual on Uniform Traffic Control Devices" (MUTCD)

The contractor must maintain traffic at all times throughout the entire length of the project, including public and private and commercial entrances, street intersections, etc.

Traffic Manager (TM) - Traffic Control Plan (TCP)

Referenced SHA section 104.02.03

The contractor shall appoint a Traffic Manager responsible for Maintenance of Traffic conformance requirements. This individual shall develop and submit to the County a Traffic Control Plan suitable to his plan of construction for a given location. This plan will be reviewed with the project inspector and jointly agreed upon prior to starting the work. If during the course of the work adjustments are necessary to traffic control measures the contractor shall take corrective action as required or directed.

Temporary Traffic Signs (TTS):

The contractor shall furnish and install all necessary TTS as required by Sec. 6B of the MUTCD.

Cones:

Cones shall meet the requirements of Sec. 104.14 SHA Standard Specifications.

Flaggers-Pilot Vehicles-Radio Communication:

The contractor shall furnish all necessary MD SHA Certified flag persons in conformance with Section 6F of the MUTCD and Sec. 104.15 of the SHA Standard Specifications. Flaggers shall use STOP/SLOW paddles. Two-way radios or pilot vehicles shall be used whenever flaggers are not within sight distance of each other, or when directed by the Engineer.

Basis of Payment:

All aforementioned items under this section Maintenance of Traffic will NOT be paid for directly and shall be considered incidental to the other pay items in the schedule of prices for Slurry Seal Treatment.

MOBILIZATION:

Movement of personnel and equipment to and from the project sites and staging equipment will not be paid for directly and shall be considered incidental to the other pay items.

Any specifications not listed in this bid packet please refer to SHA Section 507 Slurry Seal and Micro-surfacing.

METHOD OF MEASUREMENT AND BASIS OF PAYMENT

Slurry Seal Treatment will be measured and paid for at the Contract unit price per square yard for one or more of the items listed in the schedule of prices in the bid proposal. The payment will be full compensation for mobilization, maintenance of traffic, preparation, furnishing, hauling, placing all required materials, public notification, and for all labor, equipment, tools, and incidentals necessary to complete the work.

All correspondence and invoices are to be sent to the Worcester County Public Works Department, Roads Division, 5764 Worcester Highway, Snow Hill, MD 21863.

The County Commissioners shall be the sole judge as to whether or not any bid meets specifications. The County Commissioners reserve the right to accept or reject any bid in the best interest of the County.

1. **LIQUIDATED DAMAGES** - For each day that the work shall remain uncompleted after the time specified for completion, the sum per day, given in the following schedule shall be deducted by the County from monies due the Contractor, not as a penalty, but as liquidated damaged.

<u>Amount of Contract</u>	<u>Amount of Liquidated Damages per Day</u>
Less than \$10,000	\$ 80.00
\$10,000 and less than \$50,000	\$160.00
\$50,000 and less than \$100,000	\$240.00
Greater than \$100,000	\$400.00

2. **CONTRACTOR’S INSURANCE** - The contractor shall take out and maintain during the life of this contract, Workmen’s Compensation Insurance for all of his or any subcontractor’s employees employed at the site of the work; and such Public Liability and Property Damage Insurance as shall protect him from claims which may arise from operations under this contract for personal injury (including accidental death) as well as for property damage - whether such operations are by himself or by any subcontractor, or by anyone directly employed by them.

Public Liability Insurance shall be in the amount not less than \$500,000 for injuries, including wrongful death to any one person; and, subject to the same limit for each person, in an amount not less than \$1,000,000 on account of one accident.

Property Damage Insurance shall be in an amount not less than \$500,000 for damages on account of any one accident, and in an amount not less than \$1,000,000 for damages on account of all accidents.

MEASUREMENT AND PAYMENT

1. **MEASUREMENT OF QUANTITIES** - The Engineer shall make final measurements to determine the quantities of various items of work performed as the basis of final settlement.

Pay weight for all items to be paid for by weight shall be determined by actual certified scale weight, certified shipping weight, or by computed weight as specified herein.

Materials specified for measurement by tallying of vehicles shall be hauled only in approved units, the carrying capacity of which has been pre-determined. Each hauling unit shall be marked to designate its approved capacity.

2. **PARTIAL PAYMENTS** - Partial payments shall be made monthly in an amount not greater than 90% of the money earned during the pay month. The Contractor shall prepare the application for payment in form satisfactory to the Engineer. Process time shall be thirty (30) days upon receipt.
3. **ACCEPTANCE AND FINAL PAYMENT** - When in the opinion of the Engineer, the Contractor has completed the work in a satisfactory manner in accordance with the terms of the contract, the Engineer shall make final inspection of the entire project and shall certify in writing to the County as to the completion of the work submitting with this report the final estimate showing the amount of each item of work performed as the value thereof.
4. **RELEASE OF LIENS** - The Contractor shall deliver (in a form satisfactory to the owner) a written report to the effect that all bills for labor, materials, and supplies have been paid or satisfactorily secured.
5. **CONSENT OF SURETY** – Projects bonded by a surety bond will require written **CONSENT OF SURETY FOR FINAL PAYMENT**.

BID FORM

“FY19 – Slurry Seal”

I/We have reviewed the specifications and provisions for furnishing and applying approximately 186,666 square yards ± of Slurry Seal to approximately 12.73 miles ± of roads at various locations in Worcester County and understand said requirements. I/We hereby propose to furnish and apply.

186,666 Square Yards ± Slurry Seal @ \$ _____ per square yard = \$ _____

Work is to be completed by **June 14, 2019**.

BID MUST BE SIGNED TO BE VALID.

Date: _____

Signature: _____

Typed Name: _____

Title: _____

Firm: _____

Address: _____

Phone: _____

PROPOSED FY19 SLURRY SEAL

		<u>Miles</u>	<u>Width</u>	<u>Sq Yds</u>
Bayscape Drive		0.06	19'	669
Bent Creek Court		0.03	24'	422
Bent Creek Court	cul-de-sac 42' radius			154
Bent Creek Road		0.22	37'	4,775
Bent Creek Road		0.22	24'	3,098
Blue Heron Circle		0.32	24'	4,506
Blue Heron Court		0.03	23'	405
Blue Heron Court	cul-de-sac 35' radius			107
Breakwater Court		0.02	37'	434
Breakwater Court	cul-de-sac 45' radius			177
Broken Sound Blvd	2 lanes	0.74	24'	10,420
Broken Sound Blvd	accel/decel lane	0.06	9'	317
Broken Sound Blvd	accel/decel lane	0.05	9'	264
Cedar Creek Road		0.22	23'	2,969
Cedar Creek Road	cul-de-sac 35' radius			107
Coastal Marsh Drive		0.46	21'	5,667
Commons Drive		0.09	24'	1,267
Deer Point Circle		0.34	24'	4,787
Deer Point Circle	cul-de-sac 40' radius			140
Deer Point Circle	entrance - 2 lanes	0.04	12'	282
Deer Point Circle	accel/decel lane	0.05	16'	469
Dune Grass Drive		0.14	24'	1,971
Egret Court		0.04	23'	540
Emory Drive		0.14	24'	1,971
Gateway Court		0.02	24'	282
Gateway Court	cul-de-sac 41' radius			147
Godspeed Drive		0.16	24'	2,253
Godspeed Drive	cul-de-sac 41' radius			147

		<u>Miles</u>	<u>Width</u>	<u>Sq Yds</u>
Habitat Court		0.05	19'	557
Habitat Court	cul-de-sac 35' radius			107
Harbor Lights Drive		0.13	24'	1,830
Harbor Lights Drive	cul-de-sac 40' radius			140
Hidden Bay Drive	Coastal Marsh Dr - Hidden Bay Dr	0.03	19'	334
Hidden Bay Drive	Coastal Marsh Dr - Landings Blvd	0.21	21'	2,587
Hidden Bay Drive	Coastal Marsh Dr - Landings Blvd	0.71	21'	8,747
Hollyberry Circle		0.06	21'	739
Indian Trail Drive		0.10	24'	1,408
Indian Trail Drive	cul-de-sac 40' radius			140
Iron Gate Court	cul-de-sac 41' radius			147
Kennebunk Court	2 lanes	0.02	12'	140
Kennebunk Court		0.14	24'	1,971
Kennebunk Court	cul-de-sac 40' radius			140
Lakeview Drive		0.23	24'	3,238
Landings Blvd		0.39	21'	4,805
Longview Court		0.01	37'	217
Longview Court	cul-de-sac 45' radius			177
Madison Avenue		0.49	37'	10,636
Madison Avenue	cul-de-sac 43' radius (end) / cul-de-sac 44' radius			330
Misty Shore Drive		0.12	24'	1,690
Misty Shore Drive	(2) cul-de-sacs 41' radius			294
Mountain Laurel Court		0.09	24'	1,267
Mountain Laurel Court	cul-de-sac 40' radius			140
Nantucket Court	44' radius			169
North Park Drive		0.10	15'	880
Ocean Reef Drive		0.58	26'	8,847
Ocean Reef Drive	cul-de-sac 41' radius			147

		<u>Miles</u>	<u>Width</u>	<u>Sq Yds</u>
Ocean Reef Drive	2 lanes	0.04	12'	282
Ocean Reef Drive	accel/decel lane	0.03	8'	141
Ocean Vista Drive		0.13	19'	1,449
Pennington Place		0.17	24'	2,394
Pennington Place	(2) cul-de-sac 40' radius			280
Peyton Court		0.16	23'	2,159
Peyton Court	cul-de-sac 40' radius			140
Piney Island Drive		1.35	23'	18,216
Piney Island Drive	cul-de-sac 54'			127
Shadow Pond Court		0.02	37'	434
Shadow Pond Court	cul-de-sac 40' radius			140
Shady Grove Court		0.05	24'	704
South Park Drive		0.11	15'	968
Sugar Hill Court		0.10	24'	1,408
Sugar Hill Court	cul-de-sac 40' radius			140
Sunflower Court		0.18	23'	2,429
Ten Point Court		0.19	24'	2,675
Ten Point Court	cul-de-sac 40' radius			140
Timberlake Court		0.02	24'	282
Timberlake Court	cul-de-sac 41' radius			147
Timberneck Drive		0.17	24'	2,394
Timberneck Drive	cul-de-sac 45' radius			177
Turtle Court		0.02	37'	434
Turtle Court	cul-de-sac 40' radius			140
Turtle Mill Road		0.17	23'	2,294
Turtle Mill Road	cul-de-sac 40' radius			140
Whisper Trace Drive		0.69	26'	10,525
Whisper Trace Drive		0.41	37'	8,900
Whispering Woods Dr	entrance - 2 lanes	0.14	20'	1,642

		<u>Miles</u>	<u>Width</u>	<u>Sq Yds</u>
Whispering Woods Dr	entrance Rt 611 - MB 12613	0.01	15'	88
Whispering Woods Dr	MB 12613 - cul-de-sac	0.50	24'	7,040
Whispering Woods Dr	cul-de-sac 40' radius			140
White Crane Drive		0.17	24'	2,394
Willow Dale Court		0.02	24'	282
Willow Dale Court	cul-de-sac 42' radius			154
Winding Creek Drive		0.29	24'	4,083
Winding Creek Drive	cul-de-sac 45' radius			177
Winding Trail Drive		0.29	24'	4,083
Windswept Drive		0.23	24'	3,238
Windswept Drive	cul-de-sac 40' radius			140
Wood Cove Drive		0.04	23'	540
Wood Cove Drive	cul-de-sac 34' radius			109
Woodsman Point Road		0.12	23'	1,619
Woodsman Point Road	cul-de-sac 36' radius			113
Yellow Banks Court		0.02	37'	434
Yellow Banks Court	cul-de-sac 44' radius			169
	Totals	12.73 Miles		186,666 Sq Yds

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



20

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

February 25, 2019

TO: Worcester County Commissioners
FROM: Karen Hammer, Office Assistant IV
SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2019

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (6) which have current or upcoming vacancies (12 total). They are as follows: Economic Development Advisory Board (2), Board of Library Trustees (2), Property Tax Assessment Appeal Board (2), (with 3 nominees to Governor for each seat = 6 total nominees), Solid Waste Advisory Committee (2), Water and Sewer Advisory Council - Mystic Harbour (1), Commission for Women (3). I have circled the members whose terms have expired or will expire on each of these boards.

Please note that Liz Mumford, Co-Chair for The Worcester County Commission for Women is still seeking to fill 3 positions, Ms. Teola Brittingham (Berlin) resigned, Ms. Alice Jean Ennis (Pocomoke) is a non-renewal, Ms. Lauren Mathias Williams (Berlin) has also resigned. The Worcester County Library Board of Trustees, and Jennifer Ranck, Library Director, have two trustees who have resigned, Vivian Pruitt (Girdletree) and Rosemary Keech (Ocean Pines), Ms. Vicki O'Mara has been nominated to replace Ms. Rosemary Keech (see attached letter). Please note that Ms. Martha Bennett, upon your nomination, has submitted her online application to the Governor's Office to fill the vacancy created by Mr. Larry Fry's resignation as a regular member for the Worcester County Property Tax Assessment Appeal Board. There will still be one vacancy on this Board, the alternate Mr. Flater has resigned.

P.5

Most of these Boards and Commissions specify that current members' terms will expire on December 31st. Current members will continue to serve beyond their term until they are either reappointed or a replacement is named. Please consider these reappointments or new appointments during March.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom

p. 9 - Commission for Women (Alice Jean Ennis - At-Large) - 3-year

District 2 - Purnell

p. 9 - Commission for Women - Resignation of Teola Brittingham

p. 9 - Commission for Women (Lauren Mathias Williams) - 3-year

District 3 - Church

p. 8 -Water & Sewer Advisory Council-Mystic Harbour- Bay Vista I and Carol Ann Beres - Ocean Reef - 4 year

District 4 - Elder

p. 7 - Solid Waste Advisory Committee (George Dix) - 4-year

District 5 - Bertino

p. 3 - Economic Development Advisory Board (Tom Terry) - 4-year

p. 7 - Solid Waste Advisory Committee (James Rosenberg) - 4-year

District 6 - Bunting

All District Appointments Received. Thank you!

Please consider nominations for At-Large positions listed below - "All Commissioners"

District 7 - Mitrecic

p. 3 - Economic Development Advisory Board (Greg Shockley) - 4-year

All Commissioners

p. 6 - (2) Property Tax Assessment Appeal Board (Gary M. Flater - alternate-Snow Hill has resigned, Mr. Larry Fry has resigned - O.P.) - must submit 3 nominees for each seat to Governor for his consideration in making these appointments - 5-year

All Commissioners - (continued)

p. 8 - (1) Water and Sewer Advisory Council - Mystic Harbour (Carol Ann Beres - Ocean Reef) - 4-year

p. 9 - (1) Commission for Women (Alice Jean Ennis - At-Large-Pocomoke,)

All Commissioners (Awaiting Nominations)

p. 4 - (2) Board of Library Trustees - resignation of Vivian Pruitt (Girdletree), resignation of Rosemary Keech (Ocean Pines) - Nomination of Vicki O'Mara to replace term ending of Ms. Rosemary Keech, upon nominations from Library Board - 5-year

ECONOMIC DEVELOPMENT ADVISORY BOARD

Reference: County Commissioners' Resolutions of March 1976, 4/16/85, 9/16/97, 5/4/99 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Provide the County with advice and suggestions concerning the economic development needs of the County; review applications for financing; review Comprehensive Development Plan and Zoning Maps to recommend to Planning Commission appropriate areas for industrial development; review/comment on major economic development projects.

Number/Term: 7/4-Year - Terms expire December 31st

Compensation: \$50 per meeting as expense allowance

Meetings: At least quarterly, more frequently as necessary

Special Provisions: One member nominated by each County Commissioner
Members may be reappointed

Staff Contact: Economic Development Department - Kathryn Gordon (410-632-3112)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Term(s)</u>
Greg Shockley	D-7, Mitrecic	Ocean City	14-18
Natoshia Collick Owens	D-2, Purnell	Ocean Pines	*15, 15-19
Tom Terry	D-5, Bertino	Ocean Pines	15-19 <i>Resigned</i>
Marc Scher	D-1, Nordstrom	Pocomoke	*19-20
John Glorioso	D-3, Church	West Ocean City	08-12-16, 16-20
Ralph Shockley	D-4, Elder	Snow Hill	*08-09-13-17, 17-21
Robert Fisher	D-6, Bunting	Snow Hill	87-92-97-01-05-09-13-17, 17-21

Prior Members: Since 1972

George Gering	Mary Humphreys	Michael Avara (99-03)
Margaret Quillin	Theodore Brueckman	Annette Cropper (00-04)
Robert W. Todd	Shirley Pilchard	Billie Laws (91-08)
Charles Fulton	W. Leonard Brown	Anne Taylor (95-08)
E. Thomas Northam	Charles Nichols (92-97)	Mary Mackin (04-08)
Charles Bailey	Jeff Robbins (97-98)	Thomas W. Davis, Sr. (99-09)
Terry Blades	Colleen Smith (94-98)	Mickey Ashby (00-12)
Roy Davenport	Tommy Fitzpatrick (97-99)	Priscilla Pennington-Zytkowicz (09-14)
M. Bruce Matthews	John Rogers (92-98)	Barbara Purnell (08-15)
Barbara Tull	Jennifer Lynch (98-99)	Timothy Collins (03-15)
Tawney Krauss	Don Hastings (92-99)	Joshua Nordstrom (12-16)
Dr. Francis Ruffo	Jerry Redden (92-00)	William Sparrow (16-18)
William Smith	Keith Mason (98-00)	
Saunders Marshall	Bob Pusey (99-00)	
Elsie Marshall	Harold Scrimgeour (00-02)	
Halcolm Bailey	Scott Savage (98-03)	
Norman Cathell	Gabriel Purnell (91-03)	

* = Appointed to fill an unexpired term

BOARD OF LIBRARY TRUSTEES

Reference: PGL Education 23-403, Annotated Code of Maryland

Appointed by: County Commissioners (from nominees submitted by Board of Library Trustees)

Function: Supervisory
Responsible for the general control and development of the County library system. Oversees management of the libraries, assists in preparation of library budget and other fiscal matters, arranges for an annual audit, makes an annual report to the County Commissioners, make recommendations to the County Commissioners regarding library acquisitions/development.

Number/Term: 7/5 years
Terms expire December 31st

Compensation: None

Meetings: 1 per month except June, July, and August

Special Provisions: Nominees submitted by Library Board; Maximum 2 consecutive terms

Staff Contact: Library Director - Jennifer Ranck (410) 632-2600

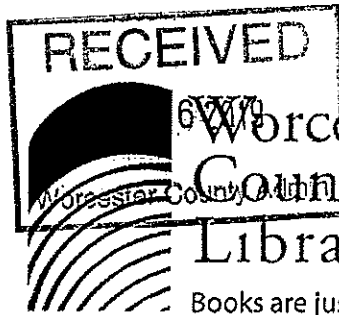
Current Members:

<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>	
Ron Cascio	Berlin	09-14, 14-19	
Vivian Pruitt	Girdletree	09-14, 14-19	Resigned
Holly Anderson	Newark	*10-11-16, 16-21	
Nancy Howard	Ocean City	16-21	
Donald James Bailey	Pocomoke	16-21	
Rosemary S. Keech	Ocean Pines	12-17, 17-22	Resigned
Leslie Mulligan	Snow Hill	*17-18, 18-23	

Prior Members: Since 1972

Herman Baker	Jere Hilbourn	Leola Smack (99-02)
Lieselette Pennewell	Janet Owens	Jean Tarr (94-04)
Edith Dryden	Ruth Westfall	Lois Sirman (01-06)
Clifford D. Cooper, Jr.	Helen Farlow	Amanda DeShields (00-07)
Klein Leister	Judy Quillin	David Nedrow (04-09)
Evelyn Mumford	Gay Showell	Belle Redden (99-09)
Ann Eschenburg	Susan Mariner	Beverly Dryden Wilkerson (06-10)
Barbara Ward	Jacqueline Mathias	John Staley (97-11)
Donald F. McCabe	Ann S. Coates (88-97)	James Gatling (01-11)
Fannie Russell	Jim Dembeck (91-97)	Shirley Dale (02-12)
Stedman Rounds	Bill Waters (88-98)	Edith Barnes (07-13)
Donald Turner	Geraldine Thweatt (97-98)	Richard Polhemus (11-16)
Sarah Dryden	Martha Hoover (87-99)	Richard Warner Davis (11-16)
L. Richard Phillips	Eloise Henry-Gordy (98-00)	Frederick Grant (13-17)
Barbara Bunting	William Cropper (91-01)	
Joanne Mason	Ms. Willie Gaddis (89-01)	

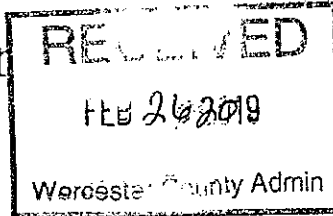
* = Appointed to fill an unexpired term



RECEIVED

62179
Worcester
County
Library

Books are just the beginning.



To: Harold Higgins, Chief Administrative Officer
From: Jennifer Ranck *JR*
Date: February 26, 2019
Re: Library Board of Trustees

The Worcester County Library Board of Trustees recommends the following person to be considered for the position on the board that was held by Rosemary Keech, who resigned from the library board in September 2018:

Vicki O'Mara
3 Burr Hill Drive
Ocean Pines, MD 21811
410-456-1409

Thank you and the County Commissioners for your consideration of the Trustees' recommendation.

Copy: Kelly Shannahan

PROPERTY TAX ASSESSMENT APPEAL BOARD

Reference: Annotated Code of Maryland, Tax-Property Article, §TP 3-102

Appointed by: Governor (From list of 3 nominees submitted by County Commissioners)
- Nominees must each fill out a resume to be submitted to Governor
- Nominations to be submitted 3 months before expiration of term

Function: Regulatory
- Decides on appeals concerning: real property values and assessments, personal property valued by the supervisors, credits for various individuals and groups as established by State law, value of agricultural easements, rejection of applications for property tax exemptions.

Number/Term: 3 regular members, 1 alternate/5-year terms
Terms Expire June 1st

Compensation: \$15 per hour (maximum \$90 per day), plus travel expenses

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

Staff Contact: Department of Assessments & Taxation- Janet Rogers (410-632-1196)
Ext:112

Current Members:

Larry Fry	Ocean Pines	*10-14(alt.), 14-18	Resigned
Gary M. Flater (Alternate)	Snow Hill	13-18	Resigned
Arlene C. Page	Bishopville	18-23	
Steven W. Rakow	Ocean Pines	*19-23	

C) = Chairman

Prior Members: Since 1972

Wilford Showell	Mary Yenny (98-03)
E. Carmel Wilson	Walter F. Powers (01-04)
Daniel Trimper, III	Grace C. Purnell (96-04)
William Smith	George H. Henderson, Jr. (97-06)
William Marshall, Jr.	Joseph A. Calogero (04-09)
Richard G. Stone	Joan Vetare (04-12)
Milton Laws	Howard G. Jenkins (03-18)
W. Earl Timmons	Robert D. Rose (*06-17)
Hugh Cropper	
Lloyd Lewis	
Ann Granados	
John Spurling	
Robert N. McIntyre	
William H. Mitchell (96-98)	
Delores W. Groves (96-99)	

* = Appointed to fill an unexpired term

SOLID WASTE ADVISORY COMMITTEE

Reference: County Commissioners' Resolution 5/17/94 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Review and comment on Solid Waste Management Plan, Recycling Plan, plans for solid waste disposal sites/facilities, plans for closeout of landfills, and to make recommendations on tipping fees.

Number/Term: 1 1/4-year terms; Terms expire December 31st.

Compensation: \$50 per meeting expense allowance, subject to annual appropriation

Meetings: At least quarterly

Special Provisions: One member nominated by each County Commissioner; and one member appointed by County Commissioners upon nomination from each of the four incorporated towns.

Staff Support: Solid Waste - Solid Waste Superintendent - Mike Mitchell - (410-632-3177)
Solid Waste - Recycling Coordinator - Mike McClung - (410-632-3177)
Department of Public Works - John Tustin - (410-632-5623)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
George Dix	D-4, Elder	Snow Hill	*10-10-14, 14-18
James Rosenberg	D-5, Bertino	Ocean Pines	*06-10-14, 14-18
Mike Poole	D-6, Bunting	Bishopville	11-15, 15-19
Michael Pruitt	Town of Snow Hill		*15, 15-19
Bob Augustine	D-3, Church	Berlin	16-20
Granville Jones	D-7, Mitrecic	Berlin	*15-16, 16-20
George Tasker	Town of Pocomoke City		*15-16, 16-20
Wendell Purnell	D-2, Purnell	Berlin	97-09-13-17, 17-21
Jamey Latchum	Town of Berlin		*17, 17-21
Steve Brown	Town of Ocean City		*10-13-17, 17-21
George Linvill	D-1, Nordstrom	Pocomoke	14-18, 18-22

ReAppoint

Prior Members: (Since 1994)

Ron Cascio (94-96)	Richard Malone (94-01)	John C. Dorman (07-10)
Roger Vacovsky, Jr. (94-96)	William McDermott (93-03)	Robert Hawkins (94-11)
Lila Hackim (95-97)	Fred Joyner (99-03)	Victor Beard (97-11)
Raymond Jackson (94-97)	Hugh McFadden (98-05)	Mike Gibbons (09-14)
William Turner (94-97)	Dale Pruitt (97-05)	Hank Westfall (00-14)
Vernon "Corey" Davis, Jr. (96-93)	Frederick Stiehl (05-06)	Marion Butler, Sr. (00-14)
Robert Mangum (94-98)	Eric Mullins (03-07)	Robert Clarke (11-15)
Richard Rau (94-96)	Mayor Tom Cardinale (05-08)	Bob Donnelly (11-15)
Jim Doughty (96-99)	William Breedlove (02-09)	Howard Sribnick (10-16)
Jack Peacock (94-00)	Lester D. Shockley (03-10)	Dave Wheaton (14-16)
Hale Harrison (94-00)	Woody Shockley (01-10)	

* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
MYSTIC HARBOUR SERVICE AREA**

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 7/4-year terms
Terms Expire December 31

Compensation: Expense allowance for meeting attendance as authorized in the budget.

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
John Ross - (410-641-5251)

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Carol Ann Beres	Ocean Reef	14-18
Joseph Weitzell ^c	Mystic Harbour	05-11-15, 15-19
Bob Huntt	Deer Point	*06-11-15, 15-19
David Dypsky	Teal Marsh Center	*10-12-16, 16-20
Stan Cygam	Whispering Woods	*18-20
Martin Kwesko	Mystic Harbour	13-17, 17-21
Richard Jendrek ^c	Bay Vista I	05-10-14-18, 18-22

Prior Members: (Since 2005)

John Pinnero^c (05-06)
Brandon Phillips^c (05-06)
William Bradshaw^c (05-08)
Buddy Jones (06-08)
Lee Trice^c (05-10)
W. Charles Friesen^c (05-13)
Alma Seidel (08-14)
Gerri Moler (08-16)
Mary Martinez (16-18)

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COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 11/3-year terms; Terms Expire December 31

Compensation: None

Meetings: At least monthly (3rd Tuesday at 5:30 PM - alternating between Berlin and Snow Hill)

Special Provisions: 7 district members, one from each Commissioner District
 4 At-large members, nominations from women's organizations & citizens
 4 Ex-Officio members, one each from the following departments: Social Services, Health & Mental Hygiene, Board of Education, Public Safety
 No member shall serve more than six consecutive years

Contact: Liz Mumford and Tamara White, Co-Chair
 Worcester County Commission for Women - P.O. Box 1712, Berlin, MD 21811

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Alice Jean Ennis	At-Large	Pocomoke	14-17
Lauren Mathias Williams	At-Large	Berlin	*16-18, resigned
Teola Brittingham	D-2, Purnell	Berlin	*16-18, resigned
Hope Carmean	D-4, Elder	Snow Hill	*15-16, 16-19
Mary E. (Liz) Mumford	At-Large	Ocean City	*16, 16-19
Julie Phillips	Board of Education		13-16, 16-19
Shannon Chapman	Dept of Social Services		*17-19
Tamara White	D-1, Lockfaw	Pocomoke City	17-20
Vanessa Alban	D-5, Bertino	Ocean Pines	17-20
Terri Shockley	At-Large	Snow Hill	17-20
Kelly O'Keane	Health Department		17-20
Cristi Graham	Public Safety - Sheriff's Office		17-20
Bess Cropper	D-6, Bunting	Berlin	15-18, 18-21
Elizabeth Rodier	D-3, Church	West Ocean City	18-21
Kimberly List	D-7, Mitrecic	Ocean City	18-21

Prior Members: Since 1995

Ellen Pilchard ^c (95-97)	Carole P. Voss (98-00)	Gloria Bassich (98-03)
Helen Henson ^c (95-97)	Martha Bennett (97-00)	Carolyn Porter (01-04)
Barbara Beaubien ^c (95-97)	Patricia Ilczuk-Lavanceau (98-99)	Martha Pusey (97-03)
Sandy Wilkinson ^c (95-97)	Lil Wilkinson (00-01)	Teole Brittingham (97-04)
Helen Fisher ^c (95-98)	Diana Purnell ^c (95-01)	Catherine W. Stevens (02-04)
Bernard Bond ^c (95-98)	Colleen McGuire (99-01)	Hattie Beckwith (00-04)
Jo Campbell ^c (95-98)	Wendy Boggs McGill (00-02)	Mary Ann Bennett (98-04)
Karen Holck ^c (95-98)	Lynne Boyd (98-01)	Rita Vaeth (03-04)
Judy Boggs ^c (95-98)	Barbara Trader ^c (95-02)	Sharyn O'Hare (97-04)
Mary Elizabeth Fears ^c (95-98)	Heather Cook (01-02)	Patricia Layman (04-05)
Pamela McCabe ^c (95-98)	Vyoletus Ayres (98-03)	Mary M. Walker (03-05)
Teresa Hammerbacher ^c (95-98)	Terri Taylor (01-03)	Norma Polk Miles (03-05)
Bonnie Platter (98-00)	Christine Selzer (03)	Roseann Bridgman (03-06)
Marie Velong ^c (95-99)	Linda C. Busick (00-03)	Sharon Landis (03-06)

* = Appointed to fill an unexpired term
 c = Charter member

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)	Michelle Bankert *(14-18)
Dee Shorts (04-07)	Nancy Fortney (12-18)
Ellen Payne (01-07)	
Mary Beth Quillen (05-08)	
Marge SeBour (06-08)	
Meg Gerety (04-07)	
Linda Dearing (02-08)	
Angela Hayes (08)	
Susan Schwarten (04-08)	
Marilyn James (06-08)	
Merilee Horvat (06-09)	
Jody Falter (06-09)	
Kathy Muncy (08-09)	
Germaine Smith Garner (03-09)	
Nancy Howard (09-10)	
Barbara Witherow (07-10)	
Doris Moxley (04-10)	
Evelyne Tyndall (07-10)	
Sharone Grant (03-10)	
Lorraine Fasciocco (07-10)	
Kay Cardinale (08-10)	
Rita Lawson (05-11)	
Cindi McQuay (10-11)	
Linda Skidmore (05-11)	
Kutresa Lankford-Purnell (10-11)	
Monna Van Ess (08-11)	
Barbara Passwater (09-12)	
Cassandra Rox (11-12)	
Diane McGraw (08-12)	
Dawn Jones (09-12)	
Cheryl K. Jacobs (11)	
Doris Moxley (10-13)	
Kutresa Lankford-Purnell (10-12)	
Terry Edwards (10-13)	
Dr. Donna Main (10-13)	
Beverly Thomas (10-13)	
Caroline Bloxom (14)	
Tracy Tilghman (11-14)	
Joan Gentile (12-14)	
Carolyn Dorman (13-16)	
Arlene Page (12-15)	
Shirley Dale (12-16)	
Dawn Cordrey Hodge (13-16)	
Carol Rose (14-16)	
Mary Beth Quillen (13-16)	
Debbie Farlow (13-17)	
Corporal Lisa Maurer (13-17)	
Laura McDermott (11-16)	
Charlotte Cathell (09-17)	
Eloise Henry-Gordy (08-17)	

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HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 28, 2019

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Community College Funding Error by State of Maryland

Attached, please find an email and other support materials from Dr. Ray Hoy, President of Wor-Wic Community College, regarding an error in their funding from the State of Maryland in FY20 which resulted in a shortage of about \$322,400. Dr. Hoy has written our Local Delegation in Annapolis and requested that they contact the Governor's Office in support of an adjustment to the State funding for FY20 to correct the error. Please advise if you would like to send a letter to the Governor as well in support of the requested adjustment for Wor-Wic Community College in FY20.

Kelly Shannahan

From: Hoy, Ray [rhoy@worwic.edu]
Sent: Wednesday, February 27, 2019 4:14 PM
Subject: Community College Funding Error

Members of the Delegation,

Last Friday, I testified in support of Aid to Community Colleges in the Senate Budget & Tax - Education, Business and Administration Subcommittee. In my preparation for the testimony, I reviewed the Department of Legislative Services Analyst's report (R62I0005), which revealed a mistake indicating that community colleges are being underfunded by almost \$9.3 million in the FY 2020 budget. The discrepancy occurred when the \$42.9 million salary increase budgeted for the 10 selected public colleges used to determine community college funding was not included in the calculation of State funding per student at those institutions. That funding per student figure is the basis for community college funding through the Cade formula.

In the FY 2020 budget, community college funding is established at 24% of the funding per student at the 10 selected four-year public colleges. The mistake will cost Wor-Wic Community College about \$322,400. Our total State Aid increase without a correction is \$362,103. So, you can see how significant this is to us.

The Maryland Association of Community Colleges has written a letter to Governor Hogan, which I have attached, requesting a Supplemental Budget Appropriation to correct this error. I hope you will contact the Governor's office in support of this adjustment.

You will also find the narrative and charts from the DLS analysis that highlights this issue, along with my comments to the Senate committee.

Thank you for your support and consideration of this very important matter.

Ray

Dr. Ray Hoy
President
Wor-Wic Community College
32000 Campus Drive
Salisbury, MD 21804
410-334-2810
www.worwic.edu

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February 27, 2019

The Honorable Lawrence J. Hogan, Jr.
Office of the Governor
State House
100 State Circle
Annapolis, MD 21401-1925

Dear Governor Hogan,

The Maryland Association of Community Colleges representing all of Maryland's 16 community colleges expresses our sincere appreciation for your continued support of our colleges. We are especially appreciative of your administration's intent to provide funding for our community colleges to establish budgets with predictability in concert with the tie to select universities in our State. However, during our community college aid hearings last week, the Department of Legislative Services analyst indicated that the projected allocations for our community colleges were incorrectly calculated if the administration's intent was to adhere to the CADE formula.

Apparently, the CADE calculation did not include the \$42.9 Million for general salary increases for employees at the selected four-year institutions upon which our CADE formula is calculated. Revised calculations would additionally appropriate approximately \$9.1 Million for community colleges funding that we desperately need, especially since full CADE funding has never been realized since the inception of the formula. This represents the corrections and adjustments to CADE funding and Small College funding.

We have enclosed the analyst's narrative (page 2) and exhibits 9, 10 and 14 from the report indicating this shortfall. Please understand that MACC did not receive the analyst's report until last week, just prior to our hearings on Wednesday and Friday, otherwise, we would have brought this to your attention sooner.

We realize this is somewhat late in the session to request this funding. However, we offer two possible solutions. We request that you consider either a supplemental appropriation or funding through a deficiency allocation.

MACC stands ready to discuss possible solutions. Again, thank you for your continued support and we look forward to hearing your response.

Respectfully,

A handwritten signature in black ink, appearing to read "Bernie Sadusky". The signature is written in a cursive, flowing style.

Bernie Sadusky, Ed.D.
Executive Director

MARYLAND ASSOCIATION OF COMMUNITY COLLEGES 60 West Street Suite 200 • Annapolis, MD 21401

Key Observations

- ***Persister Rates Signify Importance of Completing Developmental Coursework:*** The 2013 cohort of students attending Maryland’s community colleges have successfully persisted at a rate of 70%. Students who complete developmental coursework persist at a rate of 83%, while those who do not persist at a rate of only 40%. This shows the importance of community college students completing developmental coursework. For the fall 2013 cohort, 76% required developmental coursework; of these students, only 59% completed the coursework.
- ***Revising Community College Formula Calculations:*** In the fiscal 2020 allowance, various formula programs for community college funding have been calculated in such a way that they could receive more funding under different considerations. The most significant issue is that the allowance calculation for the Cade formula does not include \$42.9 million for general salary increases for employees at selected four-year institutions. Under revised calculations, Maryland community colleges could receive approximately \$9.3 million in additional funding in fiscal 2020.
- ***Community College Students Receiving More Financial Aid:*** Even though statewide attendance continued to drop for Maryland’s community colleges in fiscal 2018, community colleges are reporting an increase in aid provided to students. This includes an increase in institutional aid (\$1.7 million), and, for the first time since fiscal 2013, an increase in Pell grant aid (\$1.8 million). Maryland plans to implement a statewide promise scholarship program for the first time for the 2019-2020 academic year. However, due to delays, it is likely that awards will not be made until the spring 2020 semester. In the meantime, several counties in Maryland are already implementing their own versions of promise scholarships.

Operating Budget Recommended Actions

1. Adopt narrative requesting that the Maryland Higher Education Commission’s annual Managing for Results submissions on gap analysis for the graduation and transfer rates of community college minority students be compared to White students instead of all students.

R6210005 – Aid to Community Colleges

However, the basis for the funding for the Cade formula in fiscal 2020 did not include \$42.9 million for the fiscal 2020 3% general salary increase and annualization of the 0.5% general salary increase at the selected four-year institutions, which are budgeted centrally in the Department of Budget and Management and are not included in the institutions' allowance. There is also a slight error in the total number of community college FTES for the formula. The calculation for the allowance as compared to the calculation including the fiscal 2020 salary funding and revised community college FTES data is shown in **Exhibit 9**. With the revision, the overall Cade formula funding would increase by an additional \$9.1 million, and all community colleges in the State would receive an increase in funding in fiscal 2020 when compared with fiscal 2019. Therefore, no community colleges would require statutory hold harmless funding, unlike under the allowance that requires \$20,534 in hold harmless funding for Cecil College (\$8,035) and Chesapeake College (\$12,499). **Exhibit 10** shows the college-by-college distribution of funding from the Cade formula in fiscal 2019 and 2020 under the allowance and revised formula. As shown, community colleges statewide receive a 3.9% increase in formula funding under the allowance but receive a 7.6% increase in formula funding under the revised formula. It is worth noting that regardless of whether or not the Cade formula is calculated with the \$42.9 million included for the selected four-year institutions in fiscal 2020, this amount will be built into the base for the formula calculation in fiscal 2021. Therefore, even if community colleges do not receive the additional increase in fiscal 2020 under the revised formula, it will be included in the fiscal 2021 formula calculation.

Exhibit 9
Cade Formula Calculation
Fiscal 2020

	<u>2020</u> <u>Allowance</u>	<u>2020</u> <u>Revised</u>	<u>Difference</u>
Selected Public Four-year State Funds	\$1,175,639,496	\$1,218,549,307	\$42,909,811
Selected Public Four-year FTES	95,826	95,826	0
Selected Public Four-year State Funds Per FTES	\$12,268.48	\$12,716.27	\$447.79
Statutory Cade Percentage	23%	23%	0
Cade Per FTES Funding	\$2,821.75	\$2,924.74	\$102.99
Community College FTES	88,491.01	88,490.98	-0.03
Cade Appropriation	\$249,699,507	\$258,813,107	\$9,113,600
Hold Harmless	\$20,534	\$0	-\$20,534
Total	\$249,720,041	\$258,813,107	\$9,093,066

Cade: Senator John A. Cade funding

FTES: full-time equivalent student

Source: Department of Budget and Management; Department of Legislative Services

Exhibit 10
Cade Funding Growth by College
Allowance and Revised Calculation
Fiscal 2019-2020

Analysis of the FY 2020 Maryland Executive Budget, 2019

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R6210005 - Aid to Community Colleges

<u>College</u>	<u>Working Appropriation 2019</u>	<u>Allowance 2020</u>	<u>Allowance Difference</u>	<u>Allowance Percent Change</u>	<u>Revised 2020</u>	<u>Revised Difference</u>	<u>Revised Percent Change</u>
Allegany	\$4,943,714	\$5,189,503	\$245,789	5.0%	\$5,378,912	\$435,198	8.8%
Anne Arundel	28,834,252	29,544,083	709,831	2.5%	30,622,397	1,788,145	6.2%
Baltimore County	40,599,741	42,451,319	1,851,578	4.6%	44,000,727	3,400,986	8.4%
Carroll	7,612,538	7,685,147	72,609	1.0%	7,965,643	353,105	4.6%
Cecil	5,400,962	5,400,962	0	0.0%	5,589,761	188,799	3.5%
College of Southern Maryland	13,996,422	14,386,506	390,084	2.8%	14,911,591	915,169	6.5%
Chesapeake	6,142,473	6,142,473	0	0.0%	6,353,709	211,236	3.4%
Frederick	10,295,437	11,154,005	858,568	8.3%	11,561,110	1,265,673	12.3%
Garrett	2,817,581	2,867,621	50,040	1.8%	2,972,232	154,651	5.5%
Hagerstown	8,195,651	8,532,323	336,672	4.1%	8,843,739	648,088	7.9%
Harford	11,884,995	12,092,899	207,904	1.7%	12,534,272	649,277	5.5%
Howard	18,658,046	19,809,410	1,151,364	6.2%	20,532,424	1,874,378	10.0%
Montgomery	43,926,845	45,255,118	1,328,273	3.0%	46,906,862	2,980,017	6.8%
Prince George's	29,514,627	31,245,263	1,730,636	5.9%	32,385,667	2,871,040	9.7%
Wor-Wic	7,624,026	7,963,409	339,383	4.5%	8,254,061	630,035	8.3%
Total	\$240,447,310	\$249,720,041	\$9,272,731	3.9%	\$258,813,107	\$18,365,797	7.6%

Cade: Senator John A. Cade funding

Note: Does not include Small Community College, English for Speakers of Other Languages, or Mountain grants.

Source: Department of Budget and Management; Department of Legislative Services

Local Maintenance of Effort

A county government is required to maintain or increase the total dollar support for its local community college or risk losing an increase in State support, including the hold harmless grant. This concept is known as Maintenance of Effort (MOE). Exhibit 13 shows local support for community colleges from fiscal 2014 through the 2019 working appropriation. For the fiscal 2019 working appropriation, local support increases statewide by \$14.9 million, or 3.6%. Every institution has received an increased local appropriation from their county governments in fiscal 2019 except Allegany College of Maryland, whose appropriation is unchanged. However, MHEC reports that because Garrett County did not meet MOE in fiscal 2015 and 2016, it subsequently withheld Garrett College's fiscal 2018 Cade funding increase of \$33,213. **MHEC should explain to the budget committees how and when it determines whether or not county governments meet MOE and why Garrett College did not have its Cade funding increase withheld until fiscal 2018 when Garrett County did not meet its MOE requirements in years prior.**

Small Community College Grant

Under the fiscal 2020 allowance, the seven community colleges eligible for the Small Community College Grant receive an increase of \$159,040 compared to the fiscal 2019 working appropriation, resulting in total funding of approximately \$6.1 million. However, errors in the calculation have resulted in underfunding of the Small Community College Grant in the fiscal 2020 allowance. Exhibit 14 compares the underfunded calculation in the allowance with the revised calculation. The Small Community College Grant is increased annually based on the growth factor for the selected four-year institution per FTES funding. As shown, the allowance uses a growth factor based on a per FTES amount of \$11,950 for fiscal 2019. However, this amount is \$58 too high, as it includes ineligible costs under the Cade and Joseph A. Sellinger programs, which subsequently impacts the growth factor used in fiscal 2020. Additionally, there is a slight discrepancy in the amounts due to rounding in the growth factors, as the allowance amount is not rounded, while the corrected amount uses a percentage rounded to two decimal places, as has historically been used for this program. These factors result in the Small Community College Grant being underfunded by \$29,862.

It is worth noting that under the revised fiscal 2020 Cade calculation, the fiscal 2020 per FTES amount for the selected four-year institution increases from \$12,268 to \$12,716. This results in a growth factor of 6.93% for the Small College Grant Calculation and subsequently would fund the program at \$6,372,065 in fiscal 2020, a \$253,925 increase over the allowance.

Exhibit 14
Small Community College Grant Formula Calculation
Fiscal 2020

	<u>2020</u> <u>Allowance</u>	<u>2020</u> <u>Revised</u>	<u>Difference</u>
Fiscal 2019 Small College Grant Per Institution	\$851,300	\$851,300	\$0
Fiscal 2019 Selected Four-year State Funds Per FTES	11,950	11,892	-58
Fiscal 2020 Selected Four-year State Funds Per FTES	12,268	12,268	0
Growth Factor	2.6689%	3.1700%	0.5011%
Fiscal 2020 Small Community College Grant Per Institution	874,020	878,286	4,266
Total Fiscal 2020 Small College Grant	\$6,118,140	\$6,148,002	\$29,862

FTES: full-time enrollment student

Note: Seven community colleges qualify for the Small Community College Grant in fiscal 2020. The revised fiscal 2020 selected four-year State funds per FTES in the exhibit are based on funding for the Cade formula provided in the fiscal 2020 allowance. If the per FTES amount from the fiscal 2020 revised amounts shown in Exhibit 9 of this analysis were used instead for this calculation, the resulting total difference would be \$253,925.

Source: Department of Budget and Management; Department of Legislative Services

Other Changes in State Funding

Funding increases in the fiscal 2020 allowance for faculty and staff retirement contributions by approximately \$1.6 million due to increased salaries for employees in the community college system, a larger contribution rate for the State, and a smaller share of administrative costs being covered by local governments.

Various programs receive decreased funding under the fiscal 2020 allowance. Most significantly, a supplemental grant that provided \$2.0 million for community colleges in fiscal 2019 who increased their tuition by no more than 2% is not included in the fiscal 2020 allowance. Funding for ESOL decreases by approximately \$325,000 in comparison to fiscal 2019 due to fewer eligible students enrolling. The Somerset County reciprocity grant is funded at approximately \$356,000 in fiscal 2020, a decrease of \$28,000, while the Garrett College/West Virginia reciprocity grant is funded at approximately \$20,000 in fiscal 2020, a decrease of approximately \$35,000.



32000 Campus Dr. • Salisbury, MD 21804
(410) 334-2800 • www.worwic.edu

**Senate Budget and Tax
Education, Business and Administration Subcommittee**

Testimony Supporting Aid to Community Colleges

**Dr. Ray Hoy, President
Wor-Wic Community College
February 22, 2019**

Thank you for this opportunity to testify in support of the community college funding in Governor Hogan's budget and thank you for all of your past support of Maryland's community colleges. I also want to thank Mr. Siefering for his analysis.

I especially appreciated the reference on page 13 regarding the fact that the Cade formula in fiscal 2020 does not include \$42.9 million, which represents the 3% general salary increase and annualization of the 0.5% general salary increase provided to the selected four-year institutions.

The Cade formula, which links community college student funding to the funding per FTE of the ten selected 4-year public institutions, has been in place since 1998. That link has never been achieved and will not in FY 2020, twenty-two years later. In 2008 legislation, the funding link was adjusted down from 30% to 29% as part of a process of "truing up" the formula. "Truing-up" meant that instead of using prior year funding to establish the Cade appropriation, current year funding would be used. It was argued at the time that the community colleges would receive an unintended windfall from "truing-up" if the funding link remained at 30%, so it was reduced by 1%.

In FY 2020, the link will be 24%. In the 28 years since the implementation of the Cade formula, community colleges still have never received the appropriate level of funding due to seven instances of rebasing over the last decade. What is possibly even more disheartening is the fact that, as Mr. Siefering pointed out in Exhibit 9 on page 13, community colleges are losing approximately \$9.1 million because of incorrect calculations.

I respectfully request that you ask for a supplemental appropriation to correct this error. This is meaningful to every community college but particularly to two of our institutions that are receiving no increase in State aid above their FY 2019 appropriation.

Without the level of State support that was originally intended, and with the reductions in support that occurred during the recession—rebasing Cade seven times—students have had to pick up the funding shortfall. Today, tuition and fee revenue represents 38% of community college funding. The State share is only 22%. This is nowhere near the State’s goal of shared financial responsibility for its community colleges with each partner (State, County and Student) funding one-third of the operating budget.

I know that you are all supportive of Maryland’s community colleges and we sincerely appreciate your past support and hope for your continuing support.

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22

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CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

February 28, 2019

SB280 - p. 4
Fiscal Policy Note - p. 22

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Position on State Minimum Wage Bills - HB166/SB280 (Fight for Fifteen)

Ocean City Chamber of Commerce Executive Director Melanie Pursel has inquired whether you wish to take a position on House Bill 166/Senate Bill 280 (Labor and Employment - Payment of Wages - Minimum Wage (Fight for Fifteen) which generally increases Maryland's minimum wage by \$1.00 per hour over the next 5 years to \$15.00 per hour by July 1, 2023. According to Ms. Pursel, the Ocean City Chamber of Commerce has testified in opposition in both the House and Senate. It has passed the House with amendments, but they are trying to get the Senate to amend a regional/geographical carve out for the rural counties (as designated by the Maryland Department of Labor, Licensing and Regulation - DLLR) which would include Worcester County. I understand that the regional carve out amendment is in drafting process and will be offered in the Senate Finance Committee next week. Please advise if you wish to join other rural counties in opposing the bill as written and instead supporting the bill with amendments to include the regional carve out.

Kelly Shannahan

Subject: FW: Min Wage

Hb166 / Sb280. Regional carve out Amendment is in drafting process and will be offered in Senate Finance Committee next week.

From: Kelly Shannahan

To: Melanie Pursel <melanie@oceancity.org>

Cc: Dennis Rasmussen <dfr@rasmussengrp.net>; G. Hale Harrison <ghaleharrison@harrisongp.com>

Subject: RE: Min Wage

Melanie,

What are the Bill numbers so I can add copies to the Commissioners' meeting package? Also, do you have a copy of the amended bills and/or proposed language to carve out the rural counties?

Kelly Shannahan

Assistant Chief Administrative Officer

Melanie,

I will add this issue to the Commissioners March 5 meeting package for their review and consideration.

Thanks, Kelly

Sent from my iPhone

On Feb 26, 2019, at 11:41 AM, Melanie Pursel <melanie@oceancity.org> wrote:

Hi Kelly,

Is the county taking a position on the proposed increase in minimum wage to \$15 per hour? We have testified in opposition in both the house and senate. It has passed the house with amendments, but we are trying to get the senate to amend a regional/geographical carve out for the rural counties (as designated by DLLR). Garrett County Council and Economic Development are supporting this amendment and I am working on other Eastern Shore counties, but wanted to see where Worcester stood first.

I look forward to hearing from you!

Sincerely, Melanie

Kelly Shannahan

From: Melanie Pursel <melanie@oceancity.org>
Sent: Tuesday, February 26, 2019 10:21 AM
To: Kelly Shannahan
Subject: Fw: Garrett County Government

This is just some back up for the email that I sent. Thanks so much!

From: Nicole Christian <Nicole@garrettchamber.com>
Sent: Tuesday, February 26, 2019 9:46 AM
To: Melanie Pursel; Dennis Rasmussen; Stu Czapski
Subject: RE: Garrett County Government

This is the breakdown from DLLR's website on Living Wage:

Living Wage Rate

Current Living Wage Rate

The Living Wage rates change each year based upon the changes in the Consumer Price Index. New rates are published at the beginning of the state's fiscal year in July and become effective 90 days from the end of the state fiscal year in June. View [exemptions](#).

Therefore, effective 12:01 a.m. on September 28, 2018, the Living Wage rates will be adjusted to \$13.96 per hour in Tier 1 areas and \$10.49 in Tier 2 areas, depending on the location where the services are being performed or on the location benefiting from the work.

Area Breakdown

1. Tier 1: Anne Arundel County, Baltimore City, Baltimore, Howard, Montgomery, and Prince George's Counties
2. Tier 2: Any county in the State not included in the Tier 1 area for each hour you work on that contract.

That means the following counties would be Tier 2:

Allegany
Calvert
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Garrett
Harford
Kent
Queen Anne's
St. Mary's
Somerset
Talbot
Washington
Wicomico
Worcester

Kelly Shannahan

Subject: FW: Min Wage
Attachments: OC Chamber of Commerce -Final Opposition SB280 Min Wage.docx

From: Melanie Pursel [mailto:melanie@oceancity.org]
Sent: Friday, March 1, 2019 8:46 AM
To: Kelly Shannahan <kellys@co.worcester.md.us>; Dennis Rasmussen <dfr@rasmussengrp.net>
Cc: G. Hale Harrison <ghaleharrison@harrissonp.com>
Subject: RE: Min Wage

Also, here is the call to action that I sent to our members as well as our testimony. Some of these provisions were amended in the house, but could be reversed in the senate, so we are staying on top of it!

(1)OPPOSE - (SB 280) Labor and Employment - Payment of Wages - Minimum Wage and Enforcement (Fight for Fifteen). Specifying the State minimum wage rate that is in effect for certain time periods; increasing, except under certain circumstances, the State minimum wage rate based on the annual growth in the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area; specifying the tip credit amount that is in effect for certain time periods; prohibiting an employer, beginning July 1, 2027, from including the tip credit amount as part of the wage of certain employees; etc. Please view a copy of the bill
<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0280F.pdf>

Raising Maryland's minimum Wage to \$15 per hour (incrementally each year) by 2023 and then tie it to the CPI each year thereafter, will essentially devastate our small businesses. Even the tipped wage will be raised. We need to have Business Owners, CEOs, GMs and HR Personnel come out to this bill hearing and voice how this would impact business, workforce and even service levels. There are a number of unintended consequences that the committee needs to hear first-hand from you the job creators...this bill is a job killer!

I have attached a toolkit form the Maryland Chamber with some excellent guidance, facts and figures. Please write letters, send emails, make calls and let me know if you can come in person to the hearing before the Senate Finance Committee on **February 21st at 1:00pm in Annapolis**. A list of committee members emails are below.

Maryland's minimum wage is currently 39% higher than the federal minimum wage rate and at least 15% higher than our neighboring states of Delaware, Virginia, West Virginia and Pennsylvania that all are at \$8.75 or below. If the minimum wage is increased to \$15 per hour, jobs will be lost, employee hours will be cut, benefits and raises will be reduced or eliminated, barriers to employment will be greater and Maryland will find itself at a regional disadvantage. In order to improve competitiveness and attract businesses, the cost of doing business in Maryland needs to be reasonable and remain on par with our neighboring states.

HB 166/SB 280 Summary

Schedule of minimum wage increases:

- July 1, 2019, \$11.00 per hour
- July 1, 2020, \$12.00 per hour
- July 1, 2021, \$13.00 per hour

- July 1, 2022, \$14.00 per hour
- July 1, 2023, \$15.00 per hour
- Beginning July 1, 2024 will be indexed to inflation for that 12-month period and every year thereafter

Other changes to current law:

- Eliminates tip credit after 2026 (means tips will no longer count towards wages & tipped employees will be paid same minimum wage as everyone else)
- Eliminates training wage (6 months lower wage while in training)
- Eliminates lower wage for amusements not open year-round (i.e. Six Flags)
- Eliminates straight commission for non-outside sales
- Eliminates lower wage for employees engaged in canning, freezing, 2packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood
- Changes to agriculture workers' wages and basically eliminates reduced wages for all those except hand-harvest laborers.



**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

**TESTIMONY OFFERED ON BEHALF OF
THE GREATER OCEAN CITY CHAMBER OF COMMERCE**

IN OPPOSITION OF

**SB 280 Labor and Employment- Payment of Wages- Minimum Wage and
Enforcement (Fight for Fifteen)**

**BEFORE THE
Senate Finance Committee
February 21, 2019**

The Greater Ocean City Chamber of Commerce, representing more than 900 regional businesses and job creators from over a dozen industries, strongly opposes **SB 280- Labor and Employment- Payment of Wages Minimum Wage and Enforcement (Fight for Fifteen)**. This bill, raising Maryland's minimum wage to \$15 per hour by 2023 and then tie it to the CPI each year thereafter, will essentially devastate our rural, small and seasonal businesses. Maryland's minimum wage is currently 39% higher than the federal minimum wage rate and at least 15% higher than our neighboring states of Delaware, Virginia, West Virginia and Pennsylvania that all are at \$8.75 or below. If the minimum wage is increased to \$15 per hour, jobs will be lost, employee hours will be cut, benefits and raises will be reduced or eliminated, barriers to employment will be greater and Maryland will find itself at a regional disadvantage. In order to improve competitiveness and attract businesses, the cost of doing business in Maryland needs to be reasonable and remain on par with our neighboring states.

Specifically in Ocean City, where we employ upwards of 12,000 often very young seasonal workers, college students and international students, this increase in wage would cost employers thousands of additional dollars for employees that are here just to earn money for college, pay their rent and have an enjoyable summer.

In addition, being located on the lower shore puts at us a tremendous disadvantage. We have one of the highest unemployment rates and one of the lowest living wages in the state; we simply cannot afford to pay the same wages for entry level jobs as Montgomery County. Further, in restaurants, paying tipped employees the same minimum wage as "back of the house" staff will have a devastating effect on the employee, the business and ultimately the customer.

Eunice Q. Sorin Visitor & Conference Center

12320 Ocean Gateway, Ocean City, Maryland 21842 • 410-213-0144 • Fax 410-213-7521

www.oceancity.org • info@oceancity.org



**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

When I surveyed our employers on how this would impact their business, just some of the comments were (see attachment for additional survey responses):

- It will cause what I charge my customers to increase to compensate for the mandatory wage increase.
- This would cripple my business. It would also be costly to the consumer and make MD and OC less competitive against other destinations since much of the increased burden would be passed on to the consumer.
- It's a non-sustainable model for 75% of the businesses in our area.
- This proposal is ridiculous, this would impact us negatively and we would hire less people.
- This would be catastrophic! Minimum wage is meant to have something to grow from. A \$15 min doesn't just mean increases for min wage but all wages because those making those amounts now will require increases.
- Sick leave hurt us. Fight for Fifteen could kill restaurants.
- The labor cost increase would force us to raise rates and our occupancy will fall resulting in job layoffs.
- Let us run our businesses and pay our employees based on their need and worth.
- \$15 minimum wage is unrealistic the price hike to the product we sell would only hurt the same people the minimum wage is meant to help
- \$15 is not reasonable for any seasonal business. this would do nothing but raise prices and inflation
- How can an inexperienced person expect to earn what an experienced person earns?
- Servers and bartenders are making upwards of 75K per year earning tips, they do not support this.

We feel Maryland must support legislation that encourages job creation, fosters innovation, expands workforce development and talent pipeline initiatives and strengthens the overall business climate in the state. Increasing Maryland's status as a great state for business is of utmost importance and attracting new businesses to operate or expand in Maryland will position the state for economic success. The negative impacts of raising the minimum wage to \$15 will cut jobs and create significant barriers to employment, especially for low-skill workers. This will inevitably make it more difficult for long-term success and earning potential.

As a seasonal economy, we simply cannot sustain these wages. Employers are already paying more than minimum wage for their year round staff and this would deeply impact them if employers were then require paying part time seasonal staff such a high entry level wage. Jobs WILL be lost and businesses will close down permanently.

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**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

For Marylanders that rely on year round jobs, perhaps instead of raising the minimum wage, you can support initiatives that advance workers out of minimum wage jobs in which they were never meant to make a living, providing more stability and a career path of advancement for employees.

Ocean City is an economic engine for the state and our businesses are job creators, please listen to their pleas and examine the unintended consequences of this bill.

The Greater Ocean City Chamber of Commerce Membership respectfully requests an Unfavorable Report for **SB 280 Labor and Employment- Payment of Wages- Minimum Wage and Enforcement. Please vote against \$15 minimum wage and keep Maryland more competitive!** Feel free to contact me with any questions regarding the position of the Greater Ocean City Chamber of Commerce at 410-213-0144 ext 102.

Sincerely,

Melanie A. Pursel, MS

President & CEO

SENATE BILL 280

K3, P4

9lr1098
CF HB 166

By: **Senators McCray, Beidle, Benson, Carter, Ellis, Feldman, Guzzone, Hayes, Kagan, Lam, Lee, Nathan-Pulliam, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, and Zucker**

Introduced and read first time: January 28, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Payment of Wages – Minimum Wage and Enforcement**
3 **(Fight for Fifteen)**

4 FOR the purpose of specifying the State minimum wage rate that is in effect for certain
5 time periods; increasing, except under certain circumstances, the State minimum
6 wage rate in effect for certain periods of time based on annual growth in a certain
7 consumer price index; requiring the Commissioner of Labor and Industry, beginning
8 at a certain time, to annually determine and announce the growth in the consumer
9 price index, if any, and the new State minimum wage rate; repealing certain
10 provisions of law that authorize certain employers to pay certain employees a certain
11 wage that is less than the State minimum wage under certain circumstances;
12 specifying the tip credit amount that is in effect for certain time periods; prohibiting
13 an employer, beginning on a certain date, from including a tip credit amount as part
14 of the wage of certain employees; repealing the exemption from the Maryland Wage
15 and Hour Law for certain individuals; requiring that a certain summary certain
16 employers are required to keep conspicuously posted in certain places of employment
17 include certain antiretaliation provisions; prohibiting certain employers from taking
18 certain actions under the Maryland Wage Payment and Collection Law; prohibiting
19 certain employers from discriminating against certain employees under certain
20 circumstances; altering the conditions under which certain employers are prohibited
21 from taking adverse actions against certain employees under certain circumstances;
22 altering the list of acts that constitute adverse action under a certain provision of
23 law; requiring that the burden of proof as proved by clear and convincing evidence
24 under certain actions be on the defendant based on certain actions under certain
25 circumstances; repealing certain provisions of law that prohibit certain employees
26 from taking certain actions regarding making certain complaints or bringing or
27 testifying in certain actions or proceedings; authorizing the Commissioner to conduct
28 an investigation under the Maryland Wage and Hour Law on the Commissioner's
29 own initiative or on receipt of a certain complaint; authorizing the Commissioner to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 conduct an investigation under the Maryland Wage Payment and Collection Law on
 2 the Commissioner's own initiative; requiring that certain names be kept confidential
 3 except under certain circumstances; authorizing a certain employee to bring an
 4 action against an employer for a violation of certain provisions of this Act;
 5 authorizing the Commissioner to take certain actions relating to a certain claim by
 6 an employee under certain circumstances; specifying the time period for filing a
 7 certain action and the scope of a certain action; providing that a certain limitation
 8 period does not apply during a certain investigation; requiring a court to allow
 9 against a certain employer reasonable counsel fees and costs in a certain action;
 10 establishing certain penalties against certain employers; authorizing the
 11 Commissioner or a court to order certain civil penalties or certain relief under certain
 12 circumstances; requiring that certain civil penalties be paid to the General Fund for
 13 certain purposes; providing that certain enforcement provisions, civil penalties, and
 14 remedies apply to violations of certain provisions of this Act in the same manner as
 15 certain other violations; requiring an employer, beginning at a certain time, to pay
 16 certain employees a wage that is at least equal to the State minimum wage rate;
 17 requiring the Governor, in certain fiscal years, to include in a certain budget proposal
 18 certain funding to reimburse community service providers; repealing obsolete
 19 provisions of law; defining certain terms; altering a certain definition; and generally
 20 relating to the payment of wages.

21 BY repealing and reenacting, with amendments,
 22 Article – Health – General
 23 Section 7–307
 24 Annotated Code of Maryland
 25 (2015 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article – Labor and Employment
 28 Section 3–103, 3–403, 3–413, 3–419, 3–423, 3–428, and 3–508
 29 Annotated Code of Maryland
 30 (2016 Replacement Volume and 2018 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 32 That the Laws of Maryland read as follows:

33 **Article – Health – General**

34 7–307.

35 (a) (1) In this section the following words have the meanings indicated.

36 (2) “Community direct service worker” means an employee of a community
 37 provider that provides treatment or services to developmentally disabled individuals.

38 (3) “Community provider” means a community–based agency or program
 39 funded by the Administration to serve individuals with developmental disabilities.

1 (4) "Rate" means the reimbursement rate paid by the Department to a
2 community provider from the State General Fund, Maryland Medical Assistance Program
3 funds, other State or federal funds, or a combination of funds.

4 (b) Notwithstanding the provisions of this title or any other provision of law, the
5 Department shall reimburse community providers as provided in this section.

6 (c) Subject to subsection (d) of this section, the Department shall increase the rate
7 of reimbursement for community services providers each fiscal year by the amount of rate
8 increase included in the State budget for that fiscal year.

9 (d) [(1) The Governor's proposed budget for fiscal year 2016 shall include a
10 3.5% rate increase for community service providers over the funding provided in the
11 legislative appropriation for Object 08 Contractual Services in Program M00M01.02
12 Community Services for fiscal year 2015.

13 (2) The Governor's proposed budget for fiscal year 2017 shall include a
14 3.5% rate increase for community service providers over the funding provided in the
15 legislative appropriation for Object 08 Contractual Services in Program M00M01.02
16 Community Services for fiscal year 2016.

17 (3) The Governor's proposed budget for fiscal year 2018 shall include a
18 3.5% rate increase for community service providers over the funding provided in the
19 legislative appropriation for Object 08 Contractual Services in Program M00M01.02
20 Community Services for fiscal year 2017.]

21 [(4)] (1) The Governor's proposed budget for fiscal year 2019 shall include
22 a 3.5% rate increase for community service providers over the funding provided in the
23 legislative appropriation for Object 08 Contractual Services in Program M00M01.02
24 Community Services for fiscal year 2018.

25 (2) **THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2020**
26 **SHALL INCLUDE A 7% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER**
27 **THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08**
28 **CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR**
29 **FISCAL YEAR 2019.**

30 (3) **THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2021**
31 **SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS**
32 **OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT**
33 **08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR**
34 **FISCAL YEAR 2020.**

35 (4) **THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022**
36 **SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS**

1 OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT
 2 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR
 3 FISCAL YEAR 2021.

4 (5) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023
 5 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS
 6 OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT
 7 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR
 8 FISCAL YEAR 2022.

9 (6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024,
 10 AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE A PERCENTAGE RATE
 11 INCREASE THAT IS NOT LESS THAN THE PERCENTAGE INCREASE IN THE STATE
 12 MINIMUM WAGE RATE UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE
 13 FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE
 14 LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN
 15 PROGRAM M00M01.02 COMMUNITY SERVICES FOR THE IMMEDIATELY PRECEDING
 16 FISCAL YEAR.

17 (e) The Governor's proposed budget for fiscal year 2016 and thereafter for
 18 community service providers shall be presented in the same manner, including object and
 19 program information, as provided for in the fiscal year 2015 budget.

20 (f) A portion of the funds in subsection (e) of this section may be allocated to
 21 address the impact of an increase in the State minimum wage on wages and benefits of
 22 direct support workers employed by community providers licensed by the Developmental
 23 Disabilities Administration.

24 Article - Labor and Employment

25 3-103.

26 (a) Except as otherwise provided in this section, the Commissioner may conduct
 27 an investigation to determine whether a provision of this title has been violated on the
 28 Commissioner's own initiative or may require a written complaint.

29 (b) The Commissioner may conduct an investigation under Subtitle 3 of this title,
 30 on the Commissioner's own initiative or on receipt of a written complaint of an employee.

31 (C) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION UNDER
 32 SUBTITLE 4 OF THIS TITLE, ON THE COMMISSIONER'S OWN INITIATIVE OR ON
 33 RECEIPT OF A WRITTEN COMPLAINT OF AN EMPLOYEE.

34 [(c)] (D) The Commissioner may conduct an investigation to determine whether
 35 Subtitle 5 of this title has been violated ON THE COMMISSIONER'S OWN INITIATIVE OR

1 on receipt of a written complaint of an employee.

2 **[(d)] (E)** The Commissioner may conduct an investigation to determine whether
3 Subtitle 6 of this title has been violated on receipt of a written complaint of a sales
4 representative.

5 **[(e)] (F)** (1) The Commissioner may investigate whether § 3-701 of this title
6 has been violated on receipt of a written complaint of an applicant for employment.

7 (2) The Commissioner may investigate whether § 3-702 of this title has
8 been violated on receipt of a written complaint of an applicant for employment or an
9 employee.

10 (3) The Commissioner may investigate whether § 3-704 of this title has
11 been violated on receipt of a written complaint of an employee.

12 (4) The Commissioner may investigate whether § 3-710 of this title has
13 been violated on receipt of a written complaint of an employee as provided in § 3-710(d)(1)
14 of this title.

15 (5) The Commissioner may investigate whether § 3-711 of this title has
16 been violated on receipt of a written complaint of an employee as provided in § 3-711(d)(1)
17 of this title.

18 (6) The Commissioner may investigate whether § 3-712 of this title has
19 been violated on receipt of a written complaint of an employee or applicant.

20 **[(f)] (G)** (1) The Commissioner may investigate whether § 3-801 of this title
21 has been violated on receipt of a written complaint of an employee.

22 (2) The Commissioner may investigate whether § 3-802 of this title has
23 been violated on receipt of a written complaint of an employee.

24 **[(g)] (H)** The Commissioner may investigate whether Subtitle 9 of this title has
25 been violated:

26 (1) on the Commissioner's own initiative;

27 (2) on receipt of a written complaint signed by the person submitting the
28 complaint; or

29 (3) on referral from another unit of State government.

30 **[(h)] (I)** The Commissioner may conduct an investigation to determine whether
31 Subtitle 10 of this title has been violated on receipt of a written complaint of an employee.

1 **[(i)] (J)** The Commissioner may conduct an investigation to determine whether
 2 Subtitle 12 of this title has been violated on receipt of a written complaint of an employee.

3 **[(j)] (K)** The Commissioner, on the Commissioner's own initiative or on receipt
 4 of a written complaint, may conduct an investigation of whether a local minimum wage law
 5 has been violated.

6 **[(k)] (L)** (1) The Commissioner may conduct an investigation to determine
 7 whether Subtitle 13 of this title has been violated on receipt of a written complaint by an
 8 employee.

9 (2) To the extent practicable, the Commissioner shall keep confidential the
 10 identity of an employee who has filed a written complaint alleging a violation of Subtitle 13
 11 of this title unless the employee waives confidentiality.

12 3-403.

13 This subtitle does not apply to an individual who:

14 (1) is employed in a capacity that the Commissioner defines, by regulation,
 15 to be administrative, executive, or professional;

16 (2) is employed in a nonadministrative capacity at an organized camp,
 17 including a resident or day camp;

18 (3) is under the age of 16 years and is employed no more than 20 hours in
 19 a week;

20 (4) is employed as an outside salesman;

21 [(5) is compensated on a commission basis;]

22 **[(6)] (5)** is a child, parent, spouse, or other member of the immediate
 23 family of the employer;

24 **[(7)] (6)** is employed in a drive-in theater;

25 **[(8)] (7)** is employed as part of the training in a special education program
 26 for emotionally, mentally, or physically handicapped students under a public school system;

27 [(9) is employed by an employer who is engaged in canning, freezing,
 28 packing, or first processing of perishable or seasonal fresh fruits, vegetables, or
 29 horticultural commodities, poultry, or seafood;]

30 **[(10)] (8)** engages in the activities of a charitable, educational, nonprofit,
 31 or religious organization if:

1 (i) the service is provided gratuitously; and

2 (ii) there is, in fact, no employer–employee relationship;

3 [(11)] (9) is employed in a cafe, drive–in, drugstore, restaurant, tavern, or
4 other similar establishment that:

5 (i) sells food and drink for consumption on the premises; and

6 (ii) has an annual gross income of \$400,000 or less; OR

7 [(12)] is employed in agriculture if, during each quarter of the preceding
8 calendar year, the employer used no more than 500 agricultural–worker days;

9 (13) is engaged principally in the range production of livestock; or]

10 [(14)] (10) is employed as a hand–harvest laborer and is paid on a
11 piece–rate basis in an operation that, in the region of employment, has been and
12 customarily and generally is recognized as having been paid on that basis, if[

13 (i)] the individual:

14 [1. commutes daily from the permanent residence of the
15 individual to the farm where the individual is employed; and

16 2. during the preceding calendar year, was employed in
17 agriculture less than 13 weeks; or

18 (ii) the individual:]

19 [1.] (I) is under the age of 17;

20 [2.] (II) is employed on the same farm as a parent of the
21 individual or a person standing in the place of the parent; and

22 [3.] (III) is paid at the same rate that an employee who is at
23 least 17 years old is paid on the same farm.

24 3–413.

25 (a) (1) In this section[, “employer”] THE FOLLOWING WORDS HAVE THE
26 MEANINGS INDICATED.

27 (2) “CONSUMER PRICE INDEX” MEANS THE CONSUMER PRICE INDEX
28 FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–ARLINGTON–ALEXANDRIA,

1 **DC-VA-MD-WV METROPOLITAN AREA OR A SUCCESSOR METROPOLITAN AREA**
 2 **INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.**

3 **(3)** “EMPLOYER” includes a governmental unit.

4 (b) Except as provided in [subsection (d) of this section and] § 3-414 of this
 5 subtitle, each employer shall pay:

6 (1) to each employee who is subject to both the federal Act and this subtitle,
 7 at least the greater of:

8 (i) the minimum wage for that employee under the federal Act; or

9 (ii) the State minimum wage rate set under subsection (c) of this
 10 section; and

11 (2) to each other employee who is subject to this subtitle, at least[:

12 (i)] the greater of:

13 [1.] (I) the highest minimum wage under the federal Act;
 14 or

15 [2.] (II) the State minimum wage rate set under subsection
 16 (c) of this section]; or

17 (ii) a training wage under regulations that the Commissioner adopts
 18 that include the conditions and limitations authorized under the federal Fair Labor
 19 Standards Amendments of 1989].

20 (c) **(1)** The State minimum wage rate is:

21 [(1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;

22 (2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;

23 (3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;]

24 [(4)] (I) for the 12-month period beginning July 1, 2017, \$9.25 per hour;

25 [and]

26 [(5)] (II) **FOR THE 12-MONTH PERIOD** beginning July 1, 2018, \$10.10
 27 per hour;

28 **(III) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2019,**

1 \$11.00 PER HOUR;

2 (IV) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2020,
3 \$12.00 PER HOUR;

4 (V) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2021,
5 \$13.00 PER HOUR;

6 (VI) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2022,
7 \$14.00 PER HOUR;

8 (VII) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2023,
9 \$15.00 PER HOUR; AND

10 (VIII) FOR EACH SUBSEQUENT 12-MONTH PERIOD BEGINNING
11 JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE RATE DETERMINED BY THE
12 COMMISSIONER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

13 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
14 PARAGRAPH, FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH
15 SUBSEQUENT 12-MONTH PERIOD, THE STATE MINIMUM WAGE RATE SHALL BE
16 INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST 5 CENTS, THAT EQUALS
17 THE PRODUCT OF:

18 1. THE STATE MINIMUM WAGE RATE IN EFFECT FOR THE
19 IMMEDIATELY PRECEDING 12-MONTH PERIOD; AND

20 2. THE AVERAGE PERCENT GROWTH IN THE CONSUMER
21 PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD, AS
22 DETERMINED BY THE COMMISSIONER UNDER SUBPARAGRAPH (II)1 OF THIS
23 PARAGRAPH.

24 (II) BEGINNING MARCH 1, 2024, AND EACH MARCH 1
25 THEREAFTER, THE COMMISSIONER SHALL DETERMINE AND ANNOUNCE:

26 1. THE AVERAGE PERCENT GROWTH, IF ANY, IN THE
27 CONSUMER PRICE INDEX BASED ON THE IMMEDIATELY PRECEDING 12-MONTH
28 PERIOD FOR WHICH DATA ARE AVAILABLE ON MARCH 1; AND

29 2. THE STATE MINIMUM WAGE RATE THAT WILL BE
30 EFFECTIVE FOR THE 12-MONTH PERIOD BEGINNING THE FOLLOWING JULY 1.

31 (III) IF THE COMMISSIONER DETERMINES THAT THERE IS A

1 DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE STATE MINIMUM
 2 WAGE RATE SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE
 3 IMMEDIATELY PRECEDING 12-MONTH PERIOD.

4 [(d) (1) (i) Except as provided in paragraph (2) of this subsection and
 5 subject to subparagraph (ii) of this paragraph, an employer may pay an employee a wage
 6 that equals a rate of 85% of the State minimum wage established under this section if the
 7 employee is under the age of 20 years.

8 (ii) An employer may pay to an employee the wage provided under
 9 subparagraph (i) of this paragraph only for the first 6 months that the employee is
 10 employed.

11 (2) (i) This paragraph applies only to an employer that is an
 12 amusement or a recreational establishment, including a swimming pool, if the employer:

13 1. operates for no more than 7 months in a calendar year; or

14 2. for any 6 months during the preceding calendar year, has
 15 average receipts that do not exceed one-third of the average receipts for the other 6 months.

16 (ii) An employer may pay an employee a wage that equals the
 17 greater of:

18 1. 85% of the State minimum wage established under this
 19 section; or

20 2. \$7.25.]

21 3-419.

22 (a) (1) This section applies to each employee who:

23 (i) is engaged in an occupation in which the employee customarily
 24 and regularly receives more than \$30 each month in tips;

25 (ii) has been informed by the employer about the provisions of this
 26 section; and

27 (iii) has kept all of the tips that the employee received.

28 (2) Notwithstanding paragraph (1)(iii) of this subsection, this section does
 29 not prohibit the pooling of tips.

30 (b) Subject to the limitations in this section, an employer may include, as part of
 31 the wage of an employee to whom this section applies:

1 (1) an amount that the employer sets to represent the tips of the employee;
2 or

3 (2) if the employee or representative of the employee satisfies the
4 Commissioner that the employee received a lesser amount in tips, the lesser amount.

5 (c) (1) The tip credit amount that the employer may include under subsection
6 (b) of this section may not exceed the minimum wage established under § 3-413 of this
7 subtitle for the employee less:

8 (I) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2019,
9 \$3.63;

10 (II) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2020,
11 \$5.25;

12 (III) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2021,
13 \$7.50;

14 (IV) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2022,
15 \$9.00;

16 (V) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2023,
17 \$10.50;

18 (VI) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2024,
19 \$12.00;

20 (VII) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2025,
21 \$13.50; AND

22 (VIII) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2026,
23 \$15.00.

24 (2) BEGINNING JULY 1, 2027, AN EMPLOYER:

25 (I) MAY NOT INCLUDE A TIP CREDIT AMOUNT AS PART OF THE
26 WAGE OF AN EMPLOYEE TO WHOM THIS SECTION APPLIES; AND

27 (II) SHALL PAY AN EMPLOYEE A WAGE THAT IS AT LEAST EQUAL
28 TO THE STATE MINIMUM WAGE ESTABLISHED UNDER § 3-413 OF THIS SUBTITLE.

29 3-423.

1 (a) On request by an employer, the Commissioner shall provide without charge a
2 copy of any summary or regulation to the employer.

3 (b) Each employer shall keep posted conspicuously in each place of employment:

4 (1) a summary of this subtitle that:

5 (I) the Commissioner approves; and

6 (II) **INCLUDES THE ANTIRETALIATION PROVISIONS UNDER §**
7 **3-428(B)(1)(III) OF THIS SUBTITLE; AND**

8 (2) a copy or summary of each regulation that is adopted to carry out this
9 subtitle.

10 3-428.

11 (a) In this section, "complaint" includes a written or oral complaint, claim, or
12 assertion of right by an employee, regarding the payment of wages under this subtitle, that
13 is made to:

14 (1) the employer or a supervisor, A manager, [or] A foreman, **OR AN**
15 **INDIVIDUAL WITH APPARENT AUTHORITY TO ALTER THE TERMS OR CONDITIONS OF**
16 **EMPLOYMENT OF THE EMPLOYEE** employed by the employer whether it is made through
17 the employer's internal grievance process or otherwise; or

18 (2) the Commissioner or an authorized representative of the
19 Commissioner.

20 (b) (1) An employer may not:

21 (i) pay or agree to pay less than the wage required under this
22 subtitle;

23 (ii) hinder or delay the Commissioner or an authorized
24 representative of the Commissioner in the enforcement of this subtitle;

25 (iii) take adverse action **OR OTHERWISE DISCRIMINATE** against an
26 employee because the employee:

27 1. makes a complaint:

28 **A.** that the employee has not been paid in accordance with
29 this subtitle; **OR**

30 **B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN**

1 CONDUCT THAT VIOLATES ANY PROVISION OF THIS SUBTITLE;

2 2. brings an action under this subtitle or a proceeding that
3 relates to the subject of this subtitle; [or]

4 3. has PARTICIPATED OR testified, OR IS PREPARING TO
5 TESTIFY, in an INVESTIGATION OR action under this subtitle or a proceeding related to
6 the subject of this subtitle; [or]

7 4. ASSISTED ANOTHER EMPLOYEE IN MAKING A
8 COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;

9 5. HAS BEEN INFORMED OR INFORMED ANOTHER
10 EMPLOYEE ABOUT THE RIGHTS PROVIDED UNDER THIS SUBTITLE; OR

11 6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS
12 SUBTITLE;

13 (IV) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE
14 AGAINST AN EMPLOYEE BECAUSE THE EMPLOYER BELIEVES THAT THE EMPLOYEE
15 MAY TAKE AN ACTION DESCRIBED IN ITEM (III) OF THIS PARAGRAPH; OR

16 [(iv)] (V) violate any other provision of this subtitle.

17 (2) Adverse action prohibited under paragraph (1) of this subsection
18 includes:

19 (i) discharge;

20 (ii) demotion;

21 (iii) threatening the employee with discharge or demotion OR ANY
22 OTHER ADVERSE ACTION; [and]

23 (IV) BLACKLISTING;

24 (V) A REDUCTION OR CHANGE IN WORK HOURS;

25 (VI) REPORTING OR THREATENING TO REPORT THE SUSPECTED
26 CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR
27 A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL,
28 STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE
29 EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND

1 **[(iv)] (VII)** any other retaliatory action **AGAINST AN EMPLOYEE OR**
2 **ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT**
3 **UNDER THIS SUBTITLE** that results in a change to the terms or conditions of employment
4 that would dissuade a reasonable employee from making a complaint, bringing an action,
5 or testifying in an action under this subtitle.

6 **[(c)** An employee may not:

7 (1) make a groundless or malicious complaint to the Commissioner or an
8 authorized representative of the Commissioner;

9 (2) in bad faith, bring an action under this subtitle or a proceeding related
10 to the subject of this subtitle; or

11 (3) in bad faith, testify in an action under this subtitle or a proceeding
12 related to the subject of this subtitle.]

13 **[(d)] (C) (1)** A person who violates any provision of this section is guilty of a
14 misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

15 **[(e)] (2)** An employer may not be convicted under this section unless the
16 evidence demonstrates that the employer had knowledge of the relevant complaint,
17 testimony, or action for which the prosecution for retaliation is sought.

18 **(3) IN ANY ACTION UNDER THIS SECTION, IF IT HAS BEEN**
19 **DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT AN ACTIVITY**
20 **PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION WAS A CONTRIBUTING**
21 **FACTOR IN THE ALLEGED RETALIATION OR ADVERSE ACTION AGAINST AN**
22 **INDIVIDUAL, THE BURDEN OF PROOF SHALL BE ON THE DEFENDANT TO PROVE BY**
23 **CLEAR AND CONVINCING EVIDENCE THAT THE ALLEGED ADVERSE EMPLOYMENT**
24 **ACTION WOULD HAVE OCCURRED FOR LEGITIMATE, NONDISCRIMINATORY REASONS**
25 **EVEN IF THE EMPLOYEE HAD NOT ENGAGED IN THE PROTECTED ACTIVITY.**

26 **(D) THE NAME OF THE EMPLOYEE OR ANOTHER PERSON IDENTIFIED IN THE**
27 **COMPLAINT OR AN INVESTIGATION BY THE COMMISSIONER UNDER THIS SECTION**
28 **SHALL BE KEPT CONFIDENTIAL UNLESS THE COMMISSIONER DETERMINES THAT**
29 **THE EMPLOYEE'S NAME BE DISCLOSED, WITH THE EMPLOYEE'S CONSENT, TO**
30 **FURTHER INVESTIGATE THE COMPLAINT.**

31 **(E) (1) (I) NOTWITHSTANDING § 3-103(C) OF THIS TITLE, IF AN**
32 **EMPLOYER'S ACTION VIOLATES SUBSECTION (B) OF THIS SECTION, AN AFFECTED**
33 **EMPLOYEE MAY BRING AN ACTION AGAINST AN EMPLOYER.**

34 **(II) AN EMPLOYEE MAY BRING AN ACTION ON BEHALF OF THE**
35 **EMPLOYEE AND OTHER EMPLOYEES SIMILARLY AFFECTED.**

1 (2) ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED
2 TO BRING AN ACTION UNDER THIS SUBSECTION, THE COMMISSIONER MAY:

3 (I) TAKE AN ASSIGNMENT OF THE CLAIM IN TRUST FOR THE
4 EMPLOYEE;

5 (II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION IN
6 ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND

7 (III) CONSOLIDATE TWO OR MORE CLAIMS AGAINST AN
8 EMPLOYER.

9 (3) EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS
10 SUBSECTION, AN ACTION UNDER THIS SUBSECTION:

11 (I) SHALL BE FILED WITHIN 3 YEARS AFTER THE EMPLOYEE
12 KNEW OR SHOULD HAVE KNOWN OF THE EMPLOYER'S ACTION; AND

13 (II) MAY ENCOMPASS ALL VIOLATIONS THAT OCCURRED AS
14 PART OF A CONTINUING COURSE OF EMPLOYER CONDUCT REGARDLESS OF THE
15 DATE OF THE VIOLATION.

16 (4) THE LIMITATION PERIOD UNDER PARAGRAPH (3) OF THIS
17 SUBSECTION DOES NOT APPLY DURING AN INVESTIGATION UNDER § 3-103(C) OF
18 THIS TITLE.

19 (5) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO
20 JUDGMENT IN AN ACTION UNDER THIS SUBSECTION, THE COURT SHALL ALLOW
21 AGAINST THE EMPLOYER REASONABLE COUNSEL FEES AND OTHER COSTS OF THE
22 ACTION.

23 (F) (1) IF A PERSON IS FOUND TO HAVE VIOLATED SUBSECTION (B) OF
24 THIS SECTION, THE COMMISSIONER OR COURT SHALL REQUIRE THE PERSON TO PAY
25 THE GREATER OF:

26 (I) ACTUAL DAMAGES PLUS LIQUIDATED DAMAGES; OR

27 (II) \$500 FOR EACH DAY THAT THE VIOLATION CONTINUED.

28 (2) (I) IF AN EMPLOYER WAS FOUND TO HAVE SUBSEQUENTLY
29 VIOLATED THE PROVISIONS OF THIS SUBTITLE WITHIN 6 YEARS AFTER A PREVIOUS
30 VIOLATION, THE COMMISSIONER OR COURT SHALL ASSESS AGAINST THE EMPLOYER

1 A CIVIL PENALTY OF NOT LESS THAN \$10,000.

2 (II) THE COMMISSIONER AND A COURT MAY ORDER
3 ADDITIONAL CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR
4 VIOLATIONS OF THIS SUBTITLE.

5 (III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH
6 SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF
7 FINANCING THE ENFORCEMENT OF THIS SUBTITLE.

8 3-508.

9 (a) An employer may not:

10 (1) willfully violate this subtitle;

11 (2) PAY OR AGREE TO PAY AN EMPLOYEE IN A MANNER THAT
12 VIOLATES THIS SUBTITLE;

13 (3) HINDER OR DELAY THE COMMISSIONER OR AN AUTHORIZED
14 REPRESENTATIVE OF THE COMMISSIONER IN THE ENFORCEMENT OF THIS
15 SUBTITLE; OR

16 (4) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE AGAINST
17 AN EMPLOYEE BECAUSE:

18 (I) THE EMPLOYEE:

19 1. MAKES A COMPLAINT:

20 A. THAT THE EMPLOYEE HAS NOT BEEN PAID IN
21 ACCORDANCE WITH THIS SUBTITLE; OR

22 B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN
23 CONDUCT THAT VIOLATES THIS SUBTITLE;

24 2. BRINGS AN ACTION UNDER THIS SUBTITLE OR A
25 PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE;

26 3. HAS PARTICIPATED OR TESTIFIED, OR IS PREPARING
27 TO TESTIFY, IN AN INVESTIGATION OR ACTION UNDER THIS SUBTITLE OR A
28 PROCEEDING RELATED TO THE SUBJECT OF THIS SUBTITLE;

1 4. ASSISTED ANOTHER EMPLOYEE IN MAKING A
2 COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;

3 5. HAS BEEN INFORMED OR INFORMED ANOTHER
4 EMPLOYEE ABOUT THEIR RIGHTS UNDER THIS SUBTITLE; OR

5 6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS
6 SUBTITLE; OR

7 (II) THE EMPLOYER BELIEVES THE EMPLOYEE MAY TAKE AN
8 ACTION DESCRIBED IN ITEM (I) OF THIS ITEM.

9 (B) ADVERSE ACTION PROHIBITED UNDER SUBSECTION (A)(4) OF THIS
10 SECTION INCLUDES:

11 (1) DISCHARGE;

12 (2) DEMOTION;

13 (3) THREATENING THE EMPLOYEE WITH DISCHARGE OR DEMOTION
14 OR ANY OTHER ADVERSE ACTION;

15 (4) BLACKLISTING;

16 (5) A REDUCTION OR CHANGE IN WORK HOURS;

17 (6) REPORTING OR THREATENING TO REPORT THE SUSPECTED
18 CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR
19 A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL,
20 STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE
21 EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND

22 (7) ANY OTHER RETALIATORY ACTION AGAINST AN EMPLOYEE OR
23 ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT
24 UNDER THIS SUBTITLE THAT RESULTS IN A CHANGE TO THE TERMS OR CONDITIONS
25 OF EMPLOYMENT THAT WOULD DISSUADE A REASONABLE EMPLOYEE FROM MAKING
26 A COMPLAINT, BRINGING AN ACTION, OR TESTIFYING IN AN ACTION UNDER THIS
27 SUBTITLE.

28 [(b)] (C) An employee may not knowingly make to a governmental unit or official
29 of a governmental unit a false statement with respect to any investigation or proceeding
30 under this subtitle, with the intent that the governmental unit or official consider or
31 otherwise act in connection with the statement.

1 ~~[(c)]~~ (D) (1) (I) An employer who violates subsection (a) of this section is
2 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

3 (II) IN ADDITION TO SUBPARAGRAPH (I) OF THIS PARAGRAPH,
4 THE ENFORCEMENT PROVISIONS, CIVIL PENALTIES, AND REMEDIES PROVIDED
5 UNDER § 3-428 OF THIS TITLE APPLY TO VIOLATIONS OF SUBSECTION (A)(4) OF THIS
6 SECTION IN THE SAME MANNER AS VIOLATIONS OF § 3-428(B) OF THIS TITLE.

7 (III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH
8 SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF
9 FINANCING THE ENFORCEMENT OF THIS SUBTITLE.

10 (2) An employee who violates subsection ~~[(b)]~~ (C) of this section is guilty of
11 a misdemeanor and on conviction is subject to a fine not exceeding \$500.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2019.

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 280
 Finance

(Senator McCray, *et al.*)

Labor and Employment - Payment of Wages - Minimum Wage and Enforcement
 (Fight for Fifteen)

This bill phases in an increase in the State minimum wage to \$15.00 per hour by fiscal 2024 and indexes it to inflation beginning July 1, 2024. The bill expands the applicability of the Maryland Wage and Hour Law, eliminates specified subminimum wages, expands anti-retaliation provisions of specified labor laws, and phases out (by July 1, 2026) the tip credit that can be applied against direct wages paid to “tipped” employees. Additionally, the Governor’s proposed budget for the Developmental Disabilities Administration (DDA) must include specified rate increases for community service providers over the funding provided in the prior year’s legislative appropriation. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: No material effect in FY 2019. State expenditures (53% general funds, 47% federal funds, <0.1% special funds) increase by \$85.1 million in FY 2020 (one half is in the Governor’s proposed budget), escalating to \$428.6 million in FY 2024 due to rate increases for community service providers; revenues increase for the federal share. State expenditures (all funds) increase by *at least* \$4.8 million in FY 2020 for additional payroll costs, rising to at least \$84.3 million in FY 2024; federal fund revenues may cover some of these costs. General fund expenditures increase by \$678,000 in FY 2020 for enforcement, with ongoing costs. General fund revenues increase minimally beginning in FY 2020. **This bill establishes a mandated appropriation beginning in FY 2021.**

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
FF Revenue	\$39.99	\$74.33	\$110.57	\$148.79	\$201.15
GF/FF Rev.	-	-	-	-	-
GF Expenditure	\$45.70	\$84.47	\$125.50	\$168.79	\$228.07
SF Expenditure	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05
FF Expenditure	\$39.99	\$74.33	\$110.57	\$148.79	\$201.15
GF/SF/FF/HE Exp.	\$4.82	\$14.08	\$29.42	\$52.64	\$84.28
Net Effect	(\$50.57)	(\$98.61)	(\$154.98)	(\$221.48)	(\$312.40)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Generally, local government expenditures increase significantly beginning in FY 2020. Any change in local government tax revenues cannot be reliably projected but is expected to be minimal.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Mandated Rate Increases

For fiscal 2020, the Governor's proposed budget for DDA must include a 7.0% rate increase for community service providers over the funding provided in the prior year's legislative appropriation. For fiscal 2021 through 2023, the Governor's proposed budget for DDA must include an annual 5.5% rate increase for community service providers over the funding provided in the prior year's legislative appropriation. For fiscal 2024 and every year thereafter, the Governor's proposed budget for DDA must include an annual rate increase for community service providers at least equal to the percentage increase of the State minimum wage.

Maryland Wage and Hour Law

The following individuals are no longer exempted from the Maryland Wage and Hour Law: (1) those who work on commission; (2) employees employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, poultry, or seafood; and (3) specified farm workers.

The bill specifies that, unless the federal minimum wage is set at a higher rate, the State minimum wage is as follows:

- \$11.00 per hour as of July 1, 2019;
- \$12.00 per hour as of July 1, 2020;
- \$13.00 per hour as of July 1, 2021;
- \$14.00 per hour as of July 1, 2022; and
- \$15.00 per hour as of July 1, 2023.

Beginning on July 1, 2024, and in subsequent fiscal years, the State minimum wage is the rate determined and announced by the Commissioner of Labor and Industry. Generally, the rate will be the prior-year rate plus the average percentage increase, based on the most

recent 12-month period, in the Consumer Price Index (CPI) for all urban consumers for the Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area (or a successor index that is published by the U.S. Bureau of Labor Statistics (BLS)). An increase in the State minimum wage must be rounded to the nearest multiple of five cents. However, if the CPI does not change during a given year, or decreases, the minimum wage remains at the same rate as that of the prior year. The commissioner must determine and announce the State minimum wage that will be in effect for the upcoming fiscal year by March 1 of each year.

The tip credit that employers can apply against the direct wages paid to employees classified as tipped employees may not exceed the minimum wage less:

- \$3.63 per hour as of July 1, 2019;
- \$5.25 per hour as of July 1, 2020;
- \$7.50 per hour as of July 1, 2021;
- \$9.00 per hour as of July 1, 2022;
- \$10.50 per hour as of July 1, 2023;
- \$12.00 per hour as of July 1, 2024;
- \$13.50 per hour as of July 1, 2025; and
- \$15.00 per hour as of July 1, 2026.

Beginning July 1, 2027, an employer may not include a tip credit amount as part of an employee's wage and must pay an employee a wage that is at least equal to the State minimum wage.

An employer may no longer pay a training wage as authorized under the federal Fair Labor Standards Amendments of 1989 or pay 85% of the State minimum wage rate to employees younger than age 20 for the first six months of employment or to employees who work for specified amusement, recreational, or swimming pool establishments.

The bill clarifies that the Commissioner of Labor and Industry may conduct an investigation under the Maryland Wage and Hour Law on the commissioner's own initiative or on receipt of an employee's written complaint.

Anti-retaliation Provisions

An employer may not take adverse action as specified in the bill or otherwise discriminate against an employee because the employee took specified actions or because an employer believes that the employee may take specified actions.

The bill eliminates prohibitions against an employee (1) making a groundless or malicious complaint to the Commissioner of Labor and Industry or (2) in bad faith bringing an action or testifying in an action or a proceeding related to the bill.

If there is a preponderance of the evidence that specified prohibited activity was a contributing factor in an employer's alleged retaliation or adverse action, the defendant bears the burden of proof to prove by clear and convincing evidence that the alleged adverse employment action would have occurred for legitimate, nondiscriminatory reasons even if the employee had not engaged in the protected activity. The commissioner must keep confidential the name of the employee or another person identified in a complaint or an investigation unless the commissioner determines that the employee's name should be disclosed, with the employee's consent, to further investigate the complaint.

An employee may bring an action against an employer on behalf of the employee and other employees similarly affected. Upon written request of an employee, the commissioner may take an assignment of the claim in trust for the employee, ask the Attorney General to bring an action on behalf of the employee, and consolidate two or more claims against an employer. An action generally must be filed within three years after the employee knew or should have known of the employer's action.

If a court determines that an employee is entitled to judgment in an action, the court must allow against the employer reasonable counsel fees and other costs of the action. If a person is found to have violated certain provisions of the bill, the commissioner or court must require the person to pay the greater of actual damages plus liquidated damages or \$500 for each day that the violation continued. If an employer subsequently violated provisions of the bill within six years after a previous violation, the commissioner or court must assess against the employer a civil penalty of at least \$10,000. The commissioner and a court may order additional civil penalties and any other appropriate relief for violations under the bill. Each civil penalty assessed under the bill must be paid to the general fund.

The poster of the Maryland Wage and Hour Law that employers must keep posted in each place of employment must include the anti-retaliation provisions specified under the bill.

Maryland Wage Payment and Collection Law

The bill establishes that the Commissioner of Labor and Industry may conduct an investigation under the Maryland Wage Payment and Collection Law on the commissioner's own initiative, in addition to on receipt of a written complaint.

An employer may not pay or agree to pay an employee in a manner that violates the Maryland Wage Payment and Collection Law or hinder or delay the Commissioner of Labor and Industry or authorized representative in enforcing the law. An employer may

not take adverse action as specified in the bill or otherwise discriminate against an employee because the employee took specified actions or because an employer believes that the employee may take specified actions. The same enforcement provisions, civil penalties, and remedies provided under the Maryland Wage and Hour Law apply to the Maryland Wage Payment and Collection Law if an employer takes specified adverse action or otherwise discriminates against an employee.

Current Law:

Maryland Wage and Hour Law

The Maryland Wage and Hour Law is the State complement to the federal Fair Labor Standards Act (FLSA). State law sets minimum wage standards to provide a maintenance level consistent with the needs of the population. State law specifies that an employee must be paid the greater of the federal minimum wage (which is currently \$7.25 per hour) or \$10.10 per hour.

However, an employer may pay an employee a wage that equals 85% of the State minimum wage for the first six months that the employee is employed if the employee is younger than age 20. Additionally, an employer of an amusement or a recreational establishment, including a swimming pool, that meets specified conditions may pay an employee a wage that equals the greater of \$7.25 or 85% of the State minimum wage. Exceptions to the minimum wage requirement also exist for a training wage and a disabled employee of a sheltered workshop under specified conditions.

The Maryland Wage and Hour Law and minimum wage requirements do not apply to certain categories of employees, including those defined as administrative, executive, or professional; certain seasonal employees; part-time employees younger than age 16; salesmen and those who work on commission; an employer's immediate family; drive-in theater employees; employees training in a special education program in a public school; employees of an establishment that sells food and drink for on-premises consumption and has an annual gross income of \$400,000 or less; employees employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, poultry, or seafood; and certain farm workers.

The employer of a tipped employee is allowed a tip credit that can be applied against the direct wages paid by the employer. The employee can be paid tipping wages so long as the wages plus the tips received equal at least the minimum wage, the employee retains all tips, and the employee customarily receives more than \$30.00 a month in tips. The tip credit is equal to the State minimum wage, less \$3.63. Thus, the tip credit increases as the minimum wage increases, and the wage paid by employers to tipped employees remains \$3.63, as long as their wages plus tips equal the minimum wage. The State and local governments

are not considered employers under the tip credit provisions of the Maryland Wage and Hour Law.

If an employer pays less than the wages required, the employee may bring an action against the employer to recover (1) the difference between the wage paid to the employee and the wage required; (2) an additional amount equal to the difference as liquidated damages; and (3) legal fees. The court must award these differences in wages, damages, and counsel fees if the court determines that an employee is entitled to recovery. However, if an employer shows to the satisfaction of the court that the employer acted in good faith and reasonably believed that the wages paid to the employee were not less than the required wages, then the court must award liquidated damages of an amount less than the difference in wages or no liquidated damages.

A person who violates the Maryland Wage and Hour Law is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000.

Maryland Wage Payment and Collection Law

Maryland's Wage Payment and Collection Law regulates the payment of wages by employers in the State. The law requires employers to pay workers the wage promised; establish regular paydays; pay wages when due; pay employees in a specified manner; pay employees at least once every two weeks, with exceptions; furnish employees with a statement of gross earnings; advise employees of their rate of pay and designated payday; and pay employees all wages due on termination of employment. The Department of Labor, Licensing, and Regulation's Division of Labor and Industry enforces the State's Wage Payment and Collection Law. Unless otherwise specified, the definition of "employer" in the State's Wage Payment and Collection Law does not include units of government.

The commissioner may investigate a violation of the Wage Payment and Collection Law only upon receipt of a written complaint by an employee. Whenever it is determined that the State's Wage Payment and Collection Law has been violated, the commissioner may (1) try to resolve the violation informally through mediation; (2) ask the Office of the Attorney General to bring an action on behalf of the employee; or (3) bring an action on behalf of the employee in the county where the violation allegedly occurred.

In wage complaints amounting to \$3,000 or less, the Commissioner of Labor and Industry may review and investigate the complaint and may either issue an order requiring the employer to pay or dismiss the claim. Under specified circumstances, the commissioner may proceed in District Court to enforce payment of the order.

For wage complaints over \$3,000, an employee entitled to wages from an employer may – after two weeks have elapsed – bring an action against the employer in a court of competent jurisdiction to recover the unpaid wages.

If a court determines that an employer withheld an employee's wage unlawfully, and not as a result of a bona fide dispute, the court may award the employee up to three times the amount of wages owed, counsel fees, and other costs.

Employers who violate the State's Wage Payment and Collection Law are guilty of a misdemeanor and may be fined up to \$1,000.

Federal Fair Labor Standards Act

With some exceptions, similar to State law, FLSA requires that workers be paid a minimum hourly wage and that overtime compensation be paid to employees who work more than 40 hours in a week.

Mandated Rate Increases

Chapter 262 of 2014 required the Governor's proposed budget in fiscal 2016 through 2019 for DDA to include an annual 3.5% rate increase for community service providers over the funding provided in the prior year's legislative appropriation.

Background: As of January 2019, as shown in **Exhibit 1**, 29 states, including Maryland, and the District of Columbia mandate a minimum wage higher than the federal minimum wage of \$7.25 per hour, with rates ranging from \$0.25 to \$6.00 above the federal rate. Eight of these states (Alaska, Florida, Minnesota, Montana, New Jersey, Ohio, South Dakota, and Vermont) automatically increase their minimum wage rate based on the cost of living (and 9 more states will begin indexing their minimum wage rates to inflation in the next five years). Five states had no mandated minimum wage, another 2 had a minimum wage set lower than the federal minimum wage (and, therefore, are subject to the federal rate), and the remaining 14 states used the federal minimum wage. Unless a state has a higher minimum wage rate, the federal minimum wage rate applies.

California, Massachusetts, New Jersey, New York, and the District of Columbia have passed laws to phase in a \$15.00 minimum wage rate. Some states, such as California, New York, Ohio, and Nevada, have different minimum wage rates based on various factors like employer size, location, and health benefits offered.

Exhibit 1
States with Higher than Federal Minimum Wage, as of January 2019

<u>State</u>	<u>Rate</u>	<u>State</u>	<u>Rate</u>
District of Columbia	\$13.25	Minnesota	\$9.86
California*	12.00	Arkansas	9.25
Massachusetts	12.00	Michigan	9.25
Washington	12.00	South Dakota	9.10
Colorado	11.10	Nebraska	9.00
New York*	11.10	New Jersey	8.85
Arizona	11.00	Delaware	8.75
Maine	11.00	West Virginia	8.75
Vermont	10.78	Missouri	8.60
Oregon	10.75	Ohio*	8.55
Rhode Island	10.50	Montana	8.50
Connecticut	10.10	Florida	8.46
Hawaii	10.10	Illinois	8.25
Maryland	10.10	Nevada*	8.25
Alaska	9.89	New Mexico	7.50

*California's minimum wage is \$11.00 per hour for employers with 25 employees or fewer and \$12.00 per hour for employers with 26 or more employees.

*New York's minimum wage rate varies based on location, industry, and size of a business. For example, generally the minimum wage rate is \$15.00 per hour for New York City employers with 11 or more employees and \$13.50 per hour for New York City employers with 10 or fewer employees. In Long Island and Westchester, the minimum wage rate is \$12.00; elsewhere in the state it is \$11.10.

*In Ohio, employers who gross less than \$314,000 must pay their employees no less than the current federal minimum wage rate.

*In Nevada, the minimum wage rate is \$7.25 per hour for employees who have qualifying health benefits offered by the employer and a minimum wage rate of \$8.25 per hour for all other employees.

Source: U.S. Department of Labor; National Conference of State Legislatures

Local Jurisdiction Labor Laws

Prince George's County has a local minimum wage law of \$11.50 per hour. Montgomery County has a local minimum wage law of \$12.25 per hour for employers with 51 or more employees and \$12.00 per hour for employers with 50 or fewer employees. The county minimum wages for Montgomery and Prince George's counties do not apply to an employee who is exempt from the minimum wage requirements of the Maryland Wage and Hour Law or the federal FLSA or to an employee who is younger than age 19 and is employed no more than 20 hours in a week. Montgomery County passed legislation in SB 280/ Page 8

2017 to gradually increase its minimum wage so that employers with 51 or more employees are required to pay a minimum wage of \$15.00 per hour effective July 1, 2021; mid-sized employers are required to pay a minimum wage rate of \$15.00 per hour effective July 1, 2023; and employers with fewer than 11 employees are required to pay a minimum wage of \$15.00 per hour effective July 1, 2024, and the county indexes the minimum wage rates to inflation. An employer may pay a wage equal to 85% of the county minimum wage to an employee younger than age 20 for the first six months that the employee is employed.

Baltimore City enacted a city minimum wage rate in 1964, which was challenged in the State Court of Appeals in *Mayor of Baltimore v. Sitnick*, 254 Md. 303, 255 A.2d 376 (1969). The court found that the State's minimum wage rate did not preempt Baltimore's minimum wage law since Baltimore's law supplemented the State law by setting a higher rate. Baltimore City still has its own minimum wage statute with an enforcement commission, which currently enforces the State minimum wage rate in the city.

Effects on the Economy

There is much debate on how raising the minimum wage affects the economy. Positive impacts on the economy may include (1) increases in personal income; (2) decreases in employee turnover; (3) increases in local consumption; (4) higher labor force participation rates; (5) decreases in social welfare costs; and (6) higher levels of technological development, investment, and productivity.

However, on the downside, raising the minimum wage may (1) decrease demand for labor; (2) increase inflation from employers passing higher employee costs onto the consumer; (3) cause wage compression; (4) reduce local competitiveness; and (5) have disemployment effects. The disemployment effects happen when businesses hire fewer low-wage workers in response to an increase in the minimum wage; benefits to low-wage workers from increased wages may be offset by a reduction in hours worked or increased unemployment.

Tipped Employees

According to the U.S. Department of Labor, 7 states require employers to pay workers the full state minimum wage before tips in 2019 (Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington). Employers pay workers the federal tipped minimum wage of \$2.13 per hour in 17 states. The remaining states, including Maryland, allow employers to pay tipped employees a minimum wage rate that is higher than the federal tipped minimum wage of \$2.13 per hour but lower than the state's minimum wage.

State Revenues: General fund tax revenues may increase minimally from increasing the State's minimum wage beginning in fiscal 2020. Individuals earning minimum wage likely

have low, if any, State income tax liability so raising the minimum wage only has a minimal effect on State income tax revenues. Any increase in personal income tax revenue is likely offset from diminished revenues from businesses with higher payroll expenses and potentially from a decrease in demand for labor. Given that raising the minimum wage boosts the purchasing power of minimum wage workers and generates new consumer spending, general fund sales tax revenues may increase minimally.

General fund revenues may increase minimally from penalties paid by employers who are found by the Department of Labor, Licensing, and Regulation (DLLR) to be in violation of the Maryland Wage and Hour Law or the Maryland Wage Payment and Collection Law.

As noted below, federal fund revenues increase to cover the federal fund share of the rate increase for community service providers and *may* increase to cover a small portion of the additional payroll costs incurred by the State.

State Expenditures: Expenditure effects – for the minimum wage increase, administrative costs, and rate increases for DDA providers – are addressed separately in this section.

Minimum Wage Increase

State expenditures (all funds) increase significantly as a result of incrementally raising the State minimum wage to \$15.00 per hour by July 1, 2023; **Exhibit 2** displays some of the additional wages that must be paid to State employees in fiscal 2020 through 2024 under the bill.

State expenditures increase by \$4.8 million in fiscal 2020, which is the total wage effect of the difference between \$10.10 and the \$11.00 wage rate established under the bill. Expenditures in future years are calculated based on the difference between the \$10.10 minimum wage rate required under current law versus the rates under the bill so, by fiscal 2024, State expenditures increase by \$84.3 million compared with the current \$10.10 baseline. These costs do not take into account any future wage increases or increases in other compensation tied to wages, which may reduce the overall effect. Conversely, to combat wage compression, the State may increase wages for an employee who currently earns just above \$11.00 per hour in fiscal 2020 or just above \$15.00 per hour in fiscal 2024 and has more job responsibilities than a minimum wage employee. Any such wage adjustments further increase the State's expenditures, potentially significantly. To the extent the State currently pays 85% of the State minimum wage to employees younger than age 20 for the first six months of employment, State expenditures may also increase in fiscal 2019.

While the Judiciary reports that its full-time employees earn more than \$15.00 per hour, a small number of seasonal temporary employees are paid the State minimum wage;

nevertheless, the higher minimum wage is not expected to have a measurable impact on the Maryland Judiciary as an employer.

Exhibit 2
Effect of Phasing in a \$15.00 Minimum Wage on State Employees
Fiscal 2020-2024

<u>Additional Staffing Costs</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
Senior citizen aides	\$84,581	\$236,421	\$388,261	\$540,901	\$694,561
DLS employees	857	5,889	20,820	41,318	70,926
TSHRS and MTA union employees	0	0	16,733	192,669	806,655
MDOT contractual/temporary employees	0	0	0	92,916	312,322
SPS university employees	1,087,723	2,548,680	4,374,371	6,632,071	9,113,216
Contractual employees in SPMS	196,517	674,251	1,506,961	2,807,293	4,591,702
Temporary employees in SPMS	0	0	0	31,627	99,306
Salaried employees in SPMS	0	57,011	349,864	1,124,874	2,637,450
St. Mary's College employees	169,290	360,593	565,250	784,155	1,030,391
USM Employees	3,284,522	10,200,413	22,201,637	40,395,898	64,923,327
Increase in Expenditures	\$4,823,490	\$14,083,259	\$29,423,897	\$52,643,722	\$84,279,856
Offsetting Federal Revenues	\$84,581	\$236,421	\$388,261	\$540,901	\$694,561
Net Increase in Expenditures	\$4,738,909	\$13,846,838	\$29,035,636	\$52,102,821	\$83,585,295

DLS: Department of Legislative Services SPMS: State Personnel Management System
MDOT: Maryland Department of Transportation TSHRS: Transportation Service Human Resources System
MTA: Maryland Transit Administration USM: University System of Maryland
SPS: Statewide Personnel System (includes SPMS and three postsecondary institutions)

Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

Administrative Expenses

The bill creates additional responsibilities for DLLR’s Division of Labor and Industry by expanding the scope of who is covered under the Maryland Wage and Hour Law (and to a lesser extent, the Maryland Wage Payment and Collection Law), gradually phasing out the tip credit, providing for subsequent increases in the minimum wage, and expanding anti-retaliation provisions. These changes are expected to significantly increase the number of inquiries and complaints related to payment of the minimum wage and increase field investigations related to the anti-retaliation provisions of the bill. DLLR cannot fully absorb the additional workload within existing resources and requires additional staff to respond to the increase in inquiries and complaints prompted by the bill.

DLLR advises that general fund expenditures increase by \$1.2 million in fiscal 2020 for 16 additional employees to handle the increased workload stemming from the bill. The Department of Legislative Services (DLS) disagrees that 16 positions are required but agrees some additional staff are needed to handle the increased workload.

Thus, general fund expenditures increase for DLLR by \$678,035 in fiscal 2020, which accounts for a one-month implementation delay from the bill’s June 1, 2019 effective date. This estimate reflects the cost of hiring four DLLR wage and hour investigators to conduct outreach, respond to inquiries, investigate complaints, and enforce the new requirements; two civil rights officers to investigate anti-retaliation cases; one administrative officer to handle the penalty provisions of the bill and assist with various administrative functions; and one assistant Attorney General to handle legal proceedings. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	8.0
Salaries and Fringe Benefits	\$482,825
Operating Expenses	<u>195,210</u>
Total FY 2020 DLLR Administrative Expenditures	\$678,035

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Additionally, general fund expenditures may increase depending on the number of cases filed in Maryland courts. It is unknown how many cases will be filed in court, but DLS assumes the bill does not materially affect the workload of the Judiciary.

Mandated Rate Increases for DDA Community Service Providers

The bill establishes a mandated appropriation beginning in fiscal 2021. Even so, beginning a year earlier (in fiscal 2020), the bill requires the Governor’s proposed budget for DDA

to include an annual specified rate increase for community service providers over the funding provided in the prior year’s legislative appropriation. A portion of the funds *may* be allocated to address the impact of an increase in the State minimum wage on wages and benefits of direct support workers employed by community providers licensed by DDA.

The Governor’s proposed fiscal 2020 budget includes \$1.3 billion (total funds) for contractual expenses for DDA community service providers, which includes \$42.5 million for a 3.5% rate increase for DDA community service providers, which is not required under current law. The bill’s 7.0% required rate increase means that DDA community service providers receive an increase of \$85.1 million in fiscal 2020, or double the amount included in the Governor’s proposed fiscal 2020 budget. DDA expenditures increase by an estimated \$428.6 million (53% general funds, 47% federal funds) in fiscal 2024 to provide a 7.14% rate increase to community service providers, which is the percentage increase in the State minimum wage rate from increasing the State minimum wage from \$14.00 per hour to \$15.00 per hour in fiscal 2024. (Federal fund revenues increase correspondingly.) Additionally, special fund expenditures from the Waiting List Equity Fund increase by \$48,328 annually. The compounding effect of the rate increases on expenditures for fiscal 2020 through 2024 is shown in **Exhibit 3**.

Exhibit 3
Impact of Annual Rate Increase for Developmental Disabilities Providers
Fiscal 2020-2024
(\$ in Millions)

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
General Fund	\$45.02	\$83.90	\$124.91	\$168.18	\$227.45
Federal Fund	39.99	74.33	110.57	148.79	201.15
Special Fund	0.05	0.05	0.05	0.05	0.05
Total Expenditures	\$85.06	\$158.28	\$235.53	\$317.03	\$428.64

Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

DLS notes that the bill attempts to establish a mandated appropriation beginning in fiscal 2020. Constitutionally, the General Assembly cannot mandate an appropriation for the coming fiscal year, and the bill’s effective date is after the fiscal 2020 budget will have been passed. Thus, any amount provided in fiscal 2020 is discretionary. An alternative scenario involves using the Governor’s proposed fiscal 2020 DDA allowance (with the 3.5% increase) as the baseline and then implementing the bill’s mandates for fiscal 2021

and beyond. Under this scenario, which is shown in **Exhibit 4**, expenditures increase by \$332.6 million in fiscal 2024 (53% general funds, 47% federal funds).

Exhibit 4
Alternative Scenario
Impact of Annual Rate Increase for Developmental Disabilities Providers
With Rate Increases Based on the Governor’s Proposed Fiscal 2020 Budget
Fiscal 2020-2024
(\$ in Millions)

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
General Fund	\$0	\$37.64	\$77.34	\$119.23	\$176.61
Federal Fund	0	33.24	68.32	105.32	156.00
Total Expenditures	\$0	\$70.88	\$145.66	\$224.55	\$332.60

Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

Local Expenditures: Expenditures could increase significantly by fiscal 2024 for some local governments to pay employees (typically part-time or contractual employees) the minimum wage rates specified in the bill. For example, Garrett County estimates expenditures increasing by \$20,552 in fiscal 2020 and by \$273,641 by fiscal 2024 to pay employees the specified State minimum wage rates. Other local jurisdictions may experience less of a fiscal impact. The City of College Park has no full-time or part-time employees who earn less than \$15.00 per hour, so the city estimates expenditures only increase by approximately \$360 in fiscal 2024 to pay a few temporary workers \$15.00 per hour.

Montgomery County pays community service providers a wage supplement so that direct care workers receive, on average, 125% of the county minimum wage. Thus, the county advises that the mandated rate increases for community service providers may decrease the supplement that the county would likely fund beginning in fiscal 2020.

Small Business Effect: Small businesses in the State that employ minimum wage or low-wage workers experience significant increases in their labor costs due to the bill. The impact is even greater for small businesses that employ tipped employees and for employers that pay subminimum wages or are exempt from being required to pay employees the State minimum wage under the Maryland Wage and Hour Law.

Beginning June 1, 2019, small businesses will no longer be able to pay 85% of the State minimum wage to employees younger than age 20 for the first six months of employment and to employees in specified amusement, recreational, and swimming pool establishments. Small businesses may incur a substantial increase in labor costs for employing individuals who are no longer exempted from the Maryland Wage and Hour Law, which include those who work on commission; employees employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, poultry, or seafood; and certain farm workers.

BLS reports there were 41,630 waiters and waitresses in the State in 2017, earning median hourly wages of \$9.54. By phasing out the tip credit and raising the State minimum wage, an employer must pay a tipped employee an hourly wage rate of at least \$15.00 (plus the indexed inflation if applicable) instead of \$3.63 by July 1, 2026. Thus, the bill has a significant adverse impact on small businesses that pay tipped employees.

To the extent that higher wages increase worker productivity, businesses would be less affected by the provisions of the bill. Additionally, minimum wage workers tend to have a low saving rate, so increasing their wages could lead to additional consumer spending for goods and services sold by small businesses.

Additional Information

Prior Introductions: None.

Cross File: HB 166 (Delegate Fennell, *et al.*) - Economic Matters.

Information Source(s): Garrett and Montgomery counties; Maryland Association of Counties; City of College Park; Maryland Municipal League; Office of the Attorney General; Judiciary (Administrative Office of the Courts); University System of Maryland; St. Mary's College of Maryland; Department of Budget and Management; Maryland Department of Health; Department of Labor, Licensing, and Regulation; Maryland Department of Transportation; U.S. Department of Labor; U.S. Bureau of Labor Statistics; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2019
mag/mcr

Analysis by: Heather N. Ruby

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For Immediate Release: February 24, 2019

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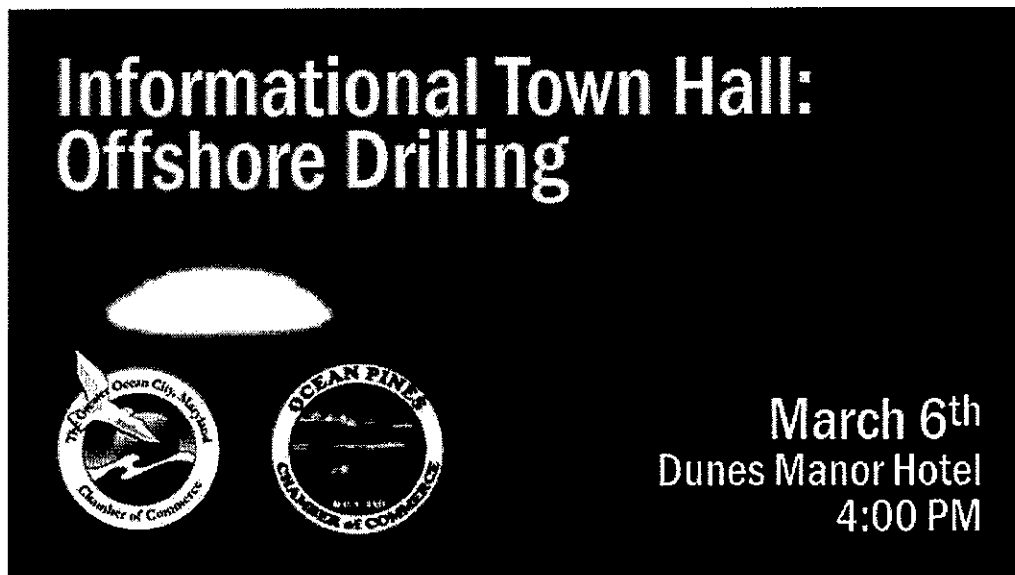
Melanie Pursel, 410-213-0144 ext102, melanie@oceancity.org

Kerrie Bunting, 410-641-5306, Kerrie@oceanpineschamber.org



Matt Heim, 443-827-5596, mheim@oceana.org

FYI

MEDIA ADVISORY & DAYBOOK ITEM for Wednesday, March 6, 2019



**Informational Town Hall:
Offshore Drilling**

**March 6th
Dunes Manor Hotel
4:00 PM**

Informational Town Hall on Offshore Drilling
Hosted by the Ocean City and Ocean Pines Chambers of Commerce

Ocean City, MD – Dunes Manor Hotel, March 6th, 2019, at 4:00 pm.

The Ocean City and Ocean Pines Chambers of Commerce host the an informational town hall focused on how Maryland's business community can comment on the new federal offshore drilling plans that will impact the regions' tourism-based economy.

Guests: Maryland, Delaware, New York, and Washington, DC organizers from leading Ocean conservation group, Oceana. Expert panel will include local elected, business, and fishing representatives.

WHO: Ocean Pines Chamber of Commerce, Ocean City Chamber of Commerce, Business Alliance for Protecting the Atlantic Coast, Coastal Association of Realtors, and Oceana.

WHEN: Wednesday, March 6, 2019 at 4:00 pm

WHERE: Dunes Manor Hotel, 2800 Baltimore Ave, Ocean City, MD 2184 **Note:** Parking is located at the front of the building. Event organizers will have signage directing guests where to park and enter. The room will be an "ocean front" room.

BACKGROUND:

As the Trump administration continues to move forward with plans to open areas off the Delmarva Coast to oil and gas development, the Greater Ocean City and Ocean Pines Chambers of Commerce are working together to host an informational meeting about the prospect of drilling off our coast and how citizens and members of the business community can weigh in.

"We have a robust tourism economy. Our greatest economic driver in this region is our clean beaches. We need to make sure they stay that way," said Melanie Pursel of the Greater Ocean City Chamber of Commerce.

A public comment period for the offshore drilling plan is anticipated to open in the coming weeks and both the Greater Ocean City and Ocean Pines Chambers want to make sure residents are informed and ready to engage.

"People need to know what's being proposed off our coast and how they can bring their voice to the table. That's what this event is all about." said Kerrie Bunting of the Ocean Pines Chamber. The group issued a press release expressing opposition to seismic surveys for oil and gas off the Delmarva Coast earlier this year.

National and State-Specific Opposition to Offshore Drilling and Seismic Airgun Blasting:

National Opposition:

- Governors of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, California, Oregon and Washington
- More than 300 East and West Coast municipalities
- Over 2,000 local, state and federal bipartisan officials

- East and West Coast alliances representing over 43,000 businesses, 500,000 fishing families

Maryland Opposition:

- **Worcester County Commissioners**: Voted to send letter expressing opposition to seismic testing and drilling for oil and gas in the Mid-Atlantic 2/19/19
- **Ocean Pines Chamber of Commerce**: Put out statement opposing any form of seismic testing in offshore waters 1/15/2019
- **Greater Ocean City Chamber of Commerce**: Sent letter to President Obama 12/13/2016 (offshore drilling and seismic blasting)
- **Ocean City Hotel-Motel-Restaurant Association**: Sent letter to BOEM 2/29/2016 (offshore drilling and seismic blasting)
- **Ocean City Chamber of Commerce**: Sent letter to Governor Hogan 1/25/2016 (offshore drilling and seismic blasting)

Kelly Shannahan

Subject: FW: Offshore Drilling and Seismic Testing Town Hall
Attachments: Informational Town Hall Media Advisory final.docx; Drilling Town Hall Poster FINAL-1 (2).jpg
Importance: High

From: Melanie Pursel [mailto:melanie@oceancity.org]
Sent: Thursday, February 28, 2019 8:21 AM
Subject: FW: Offshore Drilling and Seismic Testing Town Hall
Importance: High

Good Morning,

Thank you to the county for joining in our collective opposition to seismic testing and offshore drilling off the coast of Worcester County. We are planning an informational town hall and would like to invite you. We also ask that you spread the word to the residents and business owners in your respective districts. We want to educate the public on the potential impact to our community.

Please let me know if you have any questions at all.

Sincerely,

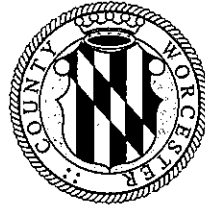
Melanie A. Pursel

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WEB: www.co.worcester.md.us



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 21, 2019

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
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JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

The Honorable David Bernhardt
Acting Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240
Email: oiea@ios.doi.gov

RE: Worcester County, Maryland Opposition to Seismic Testing and Offshore Drilling

Dear Acting Secretary Bernhardt:

Please be advised that at our meeting of February 19, 2019, the Worcester County Commissioners discussed our strong opposition to offshore drilling and seismic airgun blasting in the waters off the Delmarva Coast and specifically in the vicinity of Worcester County, Maryland which includes Ocean City and Assateague Island State and National Parks. In addition, we request that the Mid-Atlantic Planning Area be removed from consideration in the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program.

The economy of Maryland, and particularly that of Worcester County, is heavily dependent on healthy waterways and beaches to support robust tourism, real estate, and fishing industries. These industries are directly threatened by proposed exploration and drilling for oil and gas off the Delmarva coast in the Mid-Atlantic Planning Area.

The oil and gas industry has a poor history when it comes to accident prevention and remediation, as statistics from the Bureau of Safety and Environmental Enforcement (BSEE) detail. Between 2011 and 2017, in an era of increased concern about safety following the BP disaster in the Gulf of Mexico, BSEE reported the following safety incidents in the U.S. offshore drilling industry:

- 13 deaths
- 760 fires or explosions
- 26 losses of well control, and
- 125 spills of 50 barrels of oil or more

These statistics clearly demonstrate the inherent risks that come with offshore oil and gas development.

The Honorable David Bernhardt
Acting Secretary of the Interior
February 21, 2019
Page 2

Underscoring this risk is the dearth of oil and gas in the Mid-Atlantic Planning Area. The Bureau of Ocean Energy Management (BOEM) estimates approximately 2.41 billion barrels of oil and 24.63 trillion cubic feet of natural gas in the Mid Atlantic Planning Area. At current U.S. consumption rates, that equals less than a 4-month supply of oil and less than a year's worth of natural gas.

As elected leaders, entrusted by the citizens and visitors of Worcester County to protect our natural resources and ensure the future prosperity of our community, we strongly feel the risks associated with oil and gas development in the Mid-Atlantic Planning Area far outweigh any potential benefits.

For these reasons, we respectfully request that you please remove all areas in the Mid-Atlantic Planning Area from consideration in the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program and deny any seismic airgun surveys for oil and gas off the Delmarva coast.

Sincerely,



Diana Purnell
President

cc: Dr. Walter Cruickshank, Acting Director, Bureau of Ocean Energy Management
Congressman Andy Harris, M.D.
U.S. Senator Ben Cardin
U.S. Senator Chris Van Hollen
Gov. Larry Hogan
MD Senator Mary Beth Carozza
Del. Charles J. Otto
Del. Wayne A. Hartman
Ocean City Mayor and Council

Add to
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BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "periods", insert "in certain areas of the State".

AMENDMENT NO. 2

On page 8, in line 20, after "(1)" insert "(I)"; in line 20, after "is" insert "FOR AN EMPLOYEE WHO IS EMPLOYED IN A TIER 1 AREA, AS DEFINED IN § 18-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE"; and in lines 24, 26, and 28, strike "(I)", "(II)", and "(III)", respectively, and substitute "1.", "2.", and "3.", respectively.

On page 9, in lines 2, 4, 6, 8, and 10, strike "(IV)", "(V)", "(VI)", "(VII)", and "(VIII)", respectively, and substitute "4.", "5.", "6.", "7.", and "8.", respectively; and after line 12, insert:

"(II) THE STATE MINIMUM WAGE RATE IS FOR AN EMPLOYEE WHO IS EMPLOYED IN A TIER 2 AREA, AS DEFINED IN § 18-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE:

- 1. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2017, \$9.25 PER HOUR;
- 2. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2018, \$10.10 PER HOUR;
- 3. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2019, \$10.85 PER HOUR;

(Over)

4. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2020, \$11.60 PER HOUR;
5. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2021, \$12.35 PER HOUR;
6. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2022, \$13.10 PER HOUR;
7. FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2023, \$13.85 PER HOUR; AND
8. FOR EACH SUBSEQUENT 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE RATE DETERMINED BY THE COMMISSIONER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION."

Kelly Shannahan

Subject: FW: AMENDMENT to SB 280 - Labor and Employment - Payment of Wages - Minimum Wage and Enforcement (Fight for Fifteen)
Attachments: SB0280-287073-01.docx
Importance: High

From: Melanie Pursel [mailto:melanie@oceancity.org]
Sent: Tuesday, March 5, 2019 8:28 AM
To: Kelly Shannahan <kellys@co.worcester.md.us>
Cc: BudChurch(AOL) <bchurch565@aol.com>
Subject: FW: AMENDMENT to SB 280 - Labor and Employment - Payment of Wages - Minimum Wage and Enforcement (Fight for Fifteen)
Importance: High

Good Morning Kelly,

We are still in opposition of the bill, but we are introducing this amendment that will have a different rate for the rural counties should it pass. Thank you!