

# AGENDA

## WORCESTER COUNTY COMMISSIONERS

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

September 18, 2018

### Item #

- 9:00 AM - Meet in Commissioners' Conference Room - Room 1103 Government Center, One West Market Street, Snow Hill, Maryland - Vote to Meet In Closed Session
- 9:01 - Closed Session: Discussion regarding hiring a Vehicle and Equipment Mechanic II and posting to fill a vacancy for a Roads Worker II for the Roads Division of Public Works, posting to fill a vacancy for a Correctional Officer Trainee at the Jail; discussing potential and pending litigation and 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
- 10:05 - Presentation of Proclamation - Suicide Prevention Month 1  
Presentation of Commendations - Retirement of Bill Sammler - National Weather Service 2  
- State Champion Berlin Little League Girls' Junior League Softball Team 3  
- State Champion Berlin Little League All Stars - Ages 11-12 4
- 10:20 - View Real Sports with Bryant Gumbel - Youth Sports, Inc. Episode - August 24, 2017 No #
- 10:30 -
- 10:40 - Chief Administrative Officer: Administrative Matters 5-20  
(Proposed Memorial for William Julius "Judy" Johnson at County Library Campus in Snow Hill; P25 Radio System Status Update; Maryland Incident Management Team Funding; Request for Reconsideration of Color Choice for Unmarked Sheriff Vehicles; Application for Maryland Agricultural Land Preservation-MALPF-Certification Program; Request to Schedule a Public Hearing for Proposed MALPF Easement Applications; Request for Allocation of Mystic Harbour EDUs for Sea Oaks Village LLC Property; GovDeals Auction Report; Animal Control Refuse Container; Approval of Bid Specifications for - Judges Secured Parking Facility, and Hydraulic Trailer with Gate for Roads Division; Scotts Landing Road Speed Study Results and Recommendation; Proposed Informational Brochure to Ocean Pines Water and Wastewater Customers; Approval of Small Project Agreement for Triple Crown Estates Utility Line Construction; Approval of Request for Proposals for Demolition of Nuisance Structure at 13412 Madison Avenue; Findings of Fact and Resolution Approving Rezoning Case No. 419; and potentially other administrative matters)
- 10:50 -
- 11:00 - Legislative Session - Introduction of Bills - Public Safety - Animal Control;  
Zoning - Surface Mining; and County Government - Competitive Bidding Threshold 21-23
- 11:10 - Chief Administrative Officer: Administrative Matters - (If Necessary) 5-20 continued
- 11:20 -
- 11:30 - Questions from the Press
- 11:31 - Vote to Meet In Closed Session  
- Discuss Potential Acquisition of Real Property for Public Purposes
- 11:40 -
- 11:50 -
- 12:00 -

**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!**

# DRAFT

## Minutes of the County Commissioners of Worcester County, Maryland

September 4, 2018

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

Following a motion by Commissioner Bertino, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: posting to fill vacancies for a Maintenance Worker II for Recreation and Parks and a Landfill Operator I for the Solid Waste Division of Public Works; acknowledging the promotion of Alicia Blake from part-time Library Services Assistant I to full-time Library Services Assistant I and the hiring of Judith Cich as a part-time Library Services Assistant I within the County Library, and Scott A. Nichols, John C. Massey, and Bryn M. Blackburn as School Resource Deputies within the Sheriff's Office; discussing pending litigation and receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the afternoon closed session on August 21, 2018 and the morning closed session on September 4, 2018.

The Commissioners reviewed and approved the open and closed session minutes of their August 21, 2018 meeting as presented.

Pursuant to the request of Superintendent of Schools Louis H. Taylor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved inter-category budget transfers from Instructional Salaries (\$550,595) to offset overages in Special Education (\$302,494), Student Transportation (\$218,234), and Maintenance of Plant (\$29,867) for the fiscal year ending June 30, 2018 to address increased instructional software, special education, transportation and maintenance costs experienced in FY18.

Pursuant to the recommendation of Emergency Services Director Fred Webster and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission

# DRAFT

President Purnell to sign the Code RED Mass Notification System Contract Renewal from ONSOLVE of Ormond Beach, Florida for the provision of the Code RED Emergency Notification System for Emergency Services at the same annual cost of \$12,500 for a three-year license for a total cost of \$37,500. Mr. Webster explained that the system has been successfully utilized to distribute weather alerts and other notifications to County residents and others who subscribe to this service, which is free to the public.

Mr. Webster and Emergency Services Assistant Director James Hamilton provided the Commissioners with a P25 Radio System status update. Mr. Webster stated that he had received a report regarding one minor transmission issue with a field radio, which was likely caused by a roaming issue, and while the issue quickly resolved itself, they anticipate future roaming issues will be resolved through a software update. He further advised that the Mystic Harbour tower site is now up and running, but is still being tested by Harris to ensure that there are no problems with transmissions between the Mystic and Central site towers. With regard to system testing, Mr. Webster advised that Harris and County staff, in consultation with Federal Engineering (FE), will begin drive testing to confirm the effectiveness of the radio system immediately, with a goal to complete testing by September 7, 2018.

In response to a question by Commissioner Elder, Mr. Hamilton stated that radio coverage is good in the rural areas of the County, with the exception of certain areas in the Pocomoke Forest, but that equipment has been installed on the fire tower in the Nassawango area to help improve transmission. He further stated that a full report of coverage would be reported, once the drive testing is completed on September 7 and the data analyzed by Harris, County staff, and FE. The Commissioners thanked Mr. Webster and Mr. Hamilton for their report.

The Commissioners conducted a public hearing to obtain the views of citizens for an application the Commissioners propose to submit to the Maryland Community Development Block Grant (CDBG) Program for a grant of \$282,225 to fund the Diakonia Emergency Housing Renovation Project. A copy of the CDBG grant application was available for public review during the public hearing. Commissioner Church recused himself due to a potential conflict of interests. Senior Budget Accountant Kim Reynolds stated that grant funds would require a County in-kind match of \$13,000 and a Diakonia match of \$94,000 in cash and in-kind contributions. She further advised that Diakonia officials are seeking a letter of grant support from the County.

Commissioner Purnell opened the floor to receive public comment.

Allyson Bernard Church, President of the Diakonia Board of Directors, thanked the Commissioners for their ongoing support for the shelter and asked them to support this CDBG application, noting that the funds would be used to cover costs associated with major health and safety repairs and upgrades to Diakonia's emergency housing facilities.

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

Upon a motion by Commissioner Mitrecic, the Commissioners voted 6-0-1, with Commissioner Church abstaining from the vote, to adopt Resolution No. 18-22, authorizing the filing of a CDBG Application to fund the Diakonia Emergency Housing Renovation Project, and to authorize Commission President Purnell to sign a letter of support, as well as any and all documents required for the submission of the application for the grant.

# DRAFT

Economic Development Deputy Director Kathryn Gordon presented an Economic Development Progress Report, which included the following: assisting eight County businesses to secure \$1.1 million in loan funding to start, expand, purchase equipment, improve, and/or renovate their businesses, with assistance currently being provided to help another seven businesses to secure \$7.2 million for similar activities; hosting workshops with the Small Business Development Center at Salisbury University and the Department of General Services to connect the local business community with resources to help them start or grow their companies; offering programs and services to help Pocomoke City officials revitalize the downtown and surrounding commercial areas; and partnering with the Department of Housing and Community Development (DHCD) to offer a seminar for business owners, realtors, and developers to identify tax incentives and other investment opportunities available to them within Lower Eastern Shore counties, within designated Maryland Opportunity Zones. Ms. Gordon noted that three of the 149 Maryland Opportunity Zones are located in Berlin, Snow Hill, and downtown Ocean City.

Commissioner Bertino thanked Ms. Gordon for her work, noting that he attended a ribbon cutting recently in which the owner had learned about and taken advantage of opportunities offered at a recent Economic Development workshop. In response to a question by Commissioner Bertino, Ms. Gordon explained that Pocomoke City was not designated as a Maryland Opportunity Zone, since it did not meet the criteria for inclusion under the current formula.

Pursuant to the request of Michael Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to contact chambers of commerce located within Worcester County to solicit interest from their members to volunteer to fill two vacancies on the Lower Shore Workforce Development Board.

Pursuant to the request of County Engineer Bill Bradshaw and Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the County Jail HVAC (heating, ventilating, and air conditioning) and Electrical Renovations Project, with bids to be reviewed in October 2018 for installation to take place in 2019. Mr. Bradshaw explained that much of the equipment to be replaced was installed in the 1980s and is now failing.

The Commissioners met with Mr. Tustin to review bid specifications for the purchase of 32 vehicles, as approved in the FY19 County Operating Budget. Upon a motion by Commissioner Lockfaw, as amended at the request of Commissioner Mitrecic to require all Sheriff's vehicles to be the standard color, the Commissioners unanimously approved bid specifications for the following vehicles: one ½-ton 4x4 full-size pickup truck and one standard sedan for Human Resources; three ½-ton 4x2 full-size pickup trucks for Development Review and Permitting (DRP); one 1-ton 4x2 full-size cargo van for the County Jail; one ½-ton 4x4 extended cab pickup truck for the Maintenance Division, two ¾-ton 4x4 full-size pickup trucks for the Roads Division, three compact extended cab 4x2 pickup trucks for the Mosquito Control Division, and five ½-ton 4x2 full-size pickup trucks for the Water and Wastewater Division of Public Works; one SUV midsize 4x4 and two ½-ton 4x2 full-size pickup trucks for the

# DRAFT

Recreation Division, and two ½-ton 4x2 full-size pickup trucks for the Parks Division of Recreation and Parks; and one full-size, four-door sedan, two full-size, 4x4, unmarked SUVs with police packages (to be bid in blue only), three full-size, 4x4 SUVs with police packages, five full-size 4x2 SUVs with police packages, and two ½-ton double-cab 4x4 pickup trucks within the Sheriff's Office.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the purchase of one motor grader within the Roads Division of Public Works, with funds of \$385,000 available within the FY19 budget for this purchase.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of two dump trucks within the Roads Division of Public Works, with \$310,860 available within the FY19 budget for this purchase.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of corrugated metal pipe to be utilized by the Roads Division of Public Works, with \$40,000 available within the FY19 budget for this purchase.

Public Works Deputy Director John Ross presented a staff report and recommendations from the Water and Sewer Committee regarding the Commissioners' directive on February 23, 2018 to investigate the potential to expand capacity at the Mystic Harbour Wastewater Treatment Plant (WWTP), which has an existing capacity of 450,000 gallons per day (GPD). This includes 250,000 GPD, which are reserved for the original Mystic Harbour customers, and 200,000 GPD, which created an additional 666 equivalent dwelling units (EDUs) to serve new customers at 300 GPD per EDU. Mr. Ross stated that 360 EDUs for new customers have already been allocated, and at the current rate of sale, the remaining EDUs will likely be allocated within the next five to six years. He advised that the WWTP was designed with an empty fourth treatment tank, so the facility could easily be expanded by an additional 150,000 GPD. He identified the necessary construction and equipment that would be required for WWTP expansion at a total estimated cost of \$2.5 million. However, he advised that it will be difficult to locate the additional effluent disposal sites and to resolve the ongoing issue with disposal of plant solids to expand the WWTP. Both Mr. Ross and Environmental Programs Director Bob Mitchell reviewed the status of potential disposal sites along the MD Rt. 611 corridor.

Commissioner Church stated that it is critical to expand the WWTP to accommodate economic growth in the area. In response to a question by Commissioner Church, Mr. Ross confirmed that once an effluent disposal site can be identified, it would still take four to six years to complete planning and permitting activities required by the Maryland Department of the Environment (MDE) to expand the WWTP.

Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously directed staff to move forward with exploring the possible expansion of the Mystic Harbour WWTP, including investigating the potential of certain sites for

# DRAFT

effluent disposal to facilitate the expansion by 150,000 GPD to meet the future need for public sewer service in this service area.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for an abandoned house at 13412 Madison Avenue in West Ocean City and identified on Tax Map 5 as Parcel 1, Lot 146. Mr. Tudor stated that the specific nature of the nuisance has previously included the growth of grass and weeds beyond the one-foot Code limit, but now includes a hole in the roof of the 60-year-old, one-story, concrete-block cottage, which though unattended did not appear to be beyond reasonable hope of rehabilitation or restoration until recently. He stated that DRP staff have cut the grass several times over the last few years, after notices to property owners Raymond A. and E. Jeanette Quillen, both of whom are deceased, went unanswered or undelivered by their surviving sons when delivered to the Port Penn, Delaware address listed on the tax rolls. He noted that efforts by DRP staff to locate current addresses for the two sons have been unsuccessful; however, the property taxes have been paid. He stated that, if the Commissioners are inclined to find that the structure is beyond any reasonable hope of rehabilitation or restoration and therefore constitutes a public nuisance in accordance with the Code, he recommended that the Order of Abatement Notice to be Heard not exceed the minimum posting requirement, which is 15 days, given the length of time the property has been in its current state.

Commissioner Mitrecic stated that the property has been a blight on the community since he took office in 2014. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously declared the unattended and uninhabitable structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the Public Health Article of the County Code and specifically to remove the structure if not repaired.

The Commissioners recessed until 11:00 a.m.

The Commissioners conducted a public hearing on Rezoning Case No. 419, for an application submitted by Attorney Hugh Cropper, IV, on behalf of Cedar Mountain Farm, LLC and Mallard Landing, LLC, property owners, which seeks to rezone 4.7 acres of land located on the northwesterly side of Market Street (Business U.S. Rt. 113) to the west of U.S. Rt. 113 outside the Snow Hill Corporate limits, and more specifically identified on Tax Map 55 as Part of Parcel 22 in the Second Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District. Staff members present at the hearing were Development Review and Permitting Director (DRP) Ed Tudor and DRP Deputy Director Phyllis Wimbrow. Ms. Howarth swore in those individuals who planned to give testimony during the hearing. Mr. Tudor reviewed the application, which received a favorable recommendation from the County Planning Commission. Ms. Wimbrow entered the Planning Commission's Findings of Fact into the record and stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning rather than a change in the character of the neighborhood. She stated that the petitioned area, which was reduced from 6 acres to 4.7 acres by Mr. Cropper upon learning that 1.3 acres of the property were located within the Chesapeake Bay Critical Area, was zoned M-1 Light Industrial

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District in the 1960s, and that zoning was retained during the 1992 Comprehensive Rezoning. However, the property in its entirety was rezoned A-1 during the 2009 Comprehensive Rezoning, and almost all adjoining and nearby properties are also zoned A-1, while environmentally-sensitive areas to the west and north are zoned RP Resource Protection District. Furthermore, a parcel of land on the opposite side of Market Street from the petitioned area, adjacent to the McDonald's, and the Preston Auto Body facility to the north of the petitioned area are zoned C-2. She advised that the property is designated W-6 and S-6 (no planned service) in the Water and Sewer Plan, and Environmental Programs records indicate that the property is improved with existing individual well and septic, with a capacity of 600 GPD. Furthermore, the property is accessible via a State-owned and maintained roadway. Given that the existing structure on the property was originally constructed as an office at the time the property was zoned M-1 and then subsequently used as a retail liquor store, the Planning Commission found that it was a mistake to have placed the petitioned area in the A-1 designation during the 2009 Comprehensive Rezoning because that structure was then made a non-confirming use. Based on this review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 419, seeking a rezoning of the petitioned area from A-1 to C-2.

Mr. Cropper, attorney for the applicant, concurred with the Planning Commission and staff's assessment, advised that the basis for the rezoning is that there was a mistake, albeit a good faith mistake, in the existing zoning, as evidenced by the operation of a County-owned retail liquor store and formerly other commercial uses for a number of years. He pointed out that the commercial land located on the opposite side of Market Street within the incorporated limits of Snow Hill include a Dollar General, pharmacy, convenience store, two restaurants, a McDonald's, and a parcel of land located to the east of the existing McDonald's restaurant and within the County's jurisdiction is zoned C-2 and serves as the County base of operations for the State Highway Administration (SHA). Therefore, he asked the Commissioners to support the Planning Commission's Findings of Fact and recommendation for rezoning.

Environmental Consultant Chris McCabe testified that the petitioned area has served commercial uses continuously since it first housed the office for Holly Farms and until recently as a retail liquor store by the Liquor Control Board (LCB) and the County's Department of Liquor Control (DLC). He stated that it had been a mistake to rezone the property A-1, and it was quite appropriate to rectify that mistake by rezoning the property C-2.

Professional Land Surveyor Gregory P. Wilkins stated that the petitioned area is shown on the Comprehensive Plan's Land Use Map as being within the Agricultural Land Use Category, but that this land use map uses a broad-brush approach and should not be used as a specific parcel-layer analysis. He confirmed that C-2 is more suitable to this site, which has been used exclusively for commercial purposes since 1987.

Ann Northam, of Salisbury and owner of an adjacent property, stated that rezoning the property to C-2 would have the undesired effect of changing the character of the neighborhood and increasing traffic flow in the area, which she stated is not responsible growth. She asked the Commissioners to postpone granting the requested rezoning until the SHA installs a traffic signal at the intersection of Market Street and U.S. Rt. 113 at the applicant's expense.

Daniel Hart of Snow Hill stated that the property owner should pay to have a traffic study completed before the Commissioners agree to rezone the property.

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Laurel Campbell of Snow Hill stated that the runoff from this property causes flooding in her neighborhood, and she expressed concern that any additional hard-surface paving on that site would exacerbate the situation.

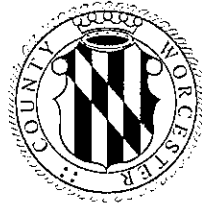
Fred Shultz of Snow Hill shared Ms. Campbell's concerns with regard to flooding, and he also voiced concern that the addition of a large commercial operation would increase congestion on Market Street. In response, Mr. Cropper stated that, with regard to future traffic patterns, the Planning Commission found that "there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area." He further noted that, while he is not at liberty to divulge any potential future use of this property, any large commercial use must adhere to the County site plan standards and be approved by the Planning Commission.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted the Planning Commission's Findings of Fact and approved the rezoning from A-1 to C-2, based on a mistake in the existing zoning since the last comprehensive rezoning on November 3, 2009.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 18, 2018.





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

COMMISSIONERS  
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THEODORE J. ELDER, VICE PRESIDENT  
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JAMES C. CHURCH  
MERRILL W. LOCKFAW, JR.  
JOSEPH M. MITRECIC

OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

### PROCLAMATION

WHEREAS, nearly 45,000 United States citizens die from suicide every year, with an average of 123 suicides per day. For every completed suicide there are more than 25 others who attempt suicide. The Worcester County Health Department, in partnership with the Jesse Klump Memorial Fund, works to end the secrecy in which suicidal thoughts play on a person's mind by educating caring individuals to recognize the warning signs and take action to save a life; and

WHEREAS, as part of National Suicide Prevention Month, the public is invited to take part in the annual *Out of the Darkness* Walk to Prevent Suicide on Saturday, September 22, at Caroline Street and the Boardwalk in Ocean City.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby recognize September as **Suicide Prevention Month** and urge all citizens to familiarize themselves with the warning signs and risk factors for suicide by visiting [worcesterhealth.org](http://worcesterhealth.org) and to take part in the *Out of Darkness* Walk to Prevent Suicide.

Executed under the Seal of the County of Worcester, State of Maryland, this 18<sup>th</sup> day of September, in the Year of Our Lord Two Thousand and Eightenn.



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Diana Purnell, President

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Theodore J. Elder, Vice President

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Anthony W. Bertino, Jr.

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Madison J. Bunting, Jr.

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James C. Church

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Merrill W. Lockfaw, Jr.

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Joseph M. Mitrecic

*Citizens and Government Working Together*



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

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JOSEPH M. MITRECIC

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COUNTY COMMISSIONERS

## Worcester County

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21863-1195

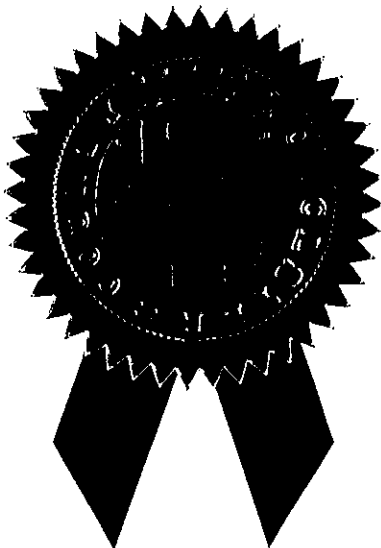
### COMMENDATION

**WHEREAS**, Bill Sammler has contributed 24 years of dedicated service as a Warning Coordination Meteorologist at the National Weather Service (NWS) in Wakefield, Virginia; and

**WHEREAS**, Mr. Sammler fostered relations with State and local Emergency Managers in the tri-state area and provided the information necessary for them to prepare for and respond to weather emergencies. He instructed numerous SkyWarn Weather Spotter and other training classes that were open to area residents, and in 2016 with his support, Worcester County was recognized nationally as StormReady.

**NOW, THEREFORE**, we the County Commissioners of Worcester County, Maryland, do hereby commend **Bill Sammler** for his years of devoted service to the NWS and all of Worcester County, and we wish him a happy and healthy retirement.

Executed under the Seal of the County of Worcester, State of Maryland, this 18<sup>th</sup> day of September, in the Year of Our Lord Two Thousand and Eighteen.



\_\_\_\_\_  
Diana Purnell, President

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Joseph M. Mitrecic

*Citizens and Government Working Together*



EMERGENCY SERVICES

## Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311

FAX: 410-632-4686

FRED E. WEBSTER, JR.  
DIRECTOR

To: Harold Higgins, Chief Administrative Officer

From: Fred Webster, Director of Emergency Services

Re: Bill Sammler Retirement

Date: 22 August 2018

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On 1 September William (Bill) Sammler, Warning Coordination Meteorologist (WCM) at the National Weather Service in Wakefield, Virginia, will end his career with the Weather Service.

Bill arrived in Wakefield in April, 1994, assuming the duties of WCM and Meteorologist-In-Charge (MIC), until August, 1994, when Tony Siebers, inaugural MIC of NWS Wakefield came on station. During that 4 month period, Bill oversaw final completion of the office building, installation of the WSR-88D radar, and the arrival of the first forecasters, Hydrometeorological Technicians (HMTs), and Interns.

Once Bill began his full-time duties as WCM, he fostered strong relationships with state and local emergency managers (EMs) in the tri-state area of responsibility comprised of 66 jurisdictions.

Bill has long been the voice on the other end of the weather briefings in our EOC for everything from floods and tropical storms to winter snow storms and days of subfreezing temperatures. Bill's support has lead to Worcester County being nationally recognized as StormReady in September 2016.

Bill has done presentations in the Worcester County school system as well as training numerous county residents as SkyWarn Weather Spotters. This is a yearly class that Worcester DES co-sponsors along with Ocean City, Somerset, Wicomico and Dorchester counties at Wor-Wic Community College.

I am therefore requesting a proclamation recognizing all of Bill's hard work and dedication to the residents and visitors to Worcester County along with the other 65 jurisdictions that Wakefield is responsible for.

I'm available to answer any questions you may have.



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

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JOSEPH M. MITRECIĆ

OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

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SNOW HILL, MARYLAND  
21863-1195

### COMMENDATION

**WHEREAS**, the Berlin Little League Girls' Junior League Softball Team won the District 8 Championship and went on to win the 2018 Maryland State Championship for their age division; and

**WHEREAS**, Worcester County is extremely proud of the Berlin Little League Girls' Junior League Softball Team coaches Katie and Stan Griffin and Greg Young and team members Sarah Smith, Chloe Candeloro, Jenna Danner, Morgan Sullivan, Harleigh Donaway, Skylar Griffin, Zoe Rayne, Lexi Mumford, Sydney Taylor, Emily Sandt, Amaya Dischinger, Abigail Clarke, Kiara Taylor, and Abby Wesche.

**NOW, THEREFORE**, we the County Commissioners of Worcester County, Maryland, do hereby commend the **Berlin Little League Girls' Junior League Softball Team** for their hard work and dedication in attaining the District 8 Title and becoming the 2018 Maryland State Champions.

Executed under the Seal of the County of Worcester, State of Maryland, this 18<sup>th</sup> day of September, in the Year of Our Lord Two Thousand and Eighteen.



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Diana Purnell, President

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Theodore J. Elder, Vice President

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James C. Church

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Merrill W. Lockfaw, Jr.

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Joseph M. Mitrećić



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COMMISSIONERS  
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## Worcester County

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21863-1195

### COMMENDATION

**WHEREAS**, the Berlin Little League Ages 11-12 All Stars won the District 8 Tournament Play and went on to win the 2018 Maryland State Championship for their age division; and

**WHEREAS**, Worcester County is extremely proud of the Berlin Little League All Stars team coaches Ron Knerr and Scott Gardner, manager Cameron McDonough and team members Owen Knerr, Alex Navarro, Gavin Solito, Kannon Cropper, Nate Berzonski, Briggs Pugner, Lukas Lorning, Adam Gardner, Waylon Hobgood, Case Tilghman, Ryder Swanson, Stephen Wade, Riley Calloway, and Foster Smith.

**NOW, THEREFORE**, we the County Commissioners of Worcester County, Maryland, do hereby commend the **Berlin Little League Ages 11-12 All Stars** for their hard work and dedication in attaining the District 8 Title and becoming the 2018 Maryland State Champions.

Executed under the Seal of the County of Worcester, State of Maryland, this 18<sup>th</sup> day of September, in the Year of Our Lord Two Thousand and Eighteen.



\_\_\_\_\_  
Diana Purnell, President

\_\_\_\_\_  
Theodore J. Elder, Vice President

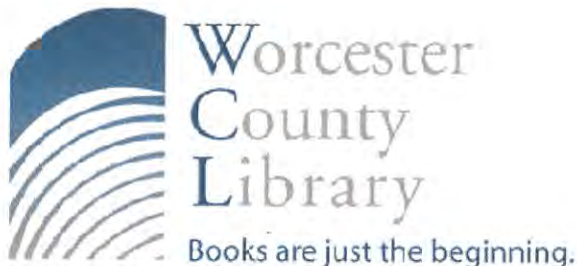
\_\_\_\_\_  
Anthony W. Bertino, Jr.

\_\_\_\_\_  
Madison J. Bunting, Jr.

\_\_\_\_\_  
James C. Church

\_\_\_\_\_  
Merrill W. Lockfaw, Jr.

\_\_\_\_\_  
Joseph M. Mitrecic



To: Harold Higgins, Chief Administrative Officer  
From: Jennifer Ranck JK  
Date: September 12, 2018  
Re: Memorial for William Julius "Judy" Johnson

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I am requesting your approval to allow the Worcester County Historical Society to erect a memorial for William Julius "Judy" Johnson on the grounds of the Snow Hill Library. Mr. Johnson was born in Snow Hill in 1899 and was elected into the the National Baseball Hall of Fame in 1975. The Worcester County Library Board of Trustees expressed support for this project at their June 2018 meeting.

Enclosed please find a letter from the Historical Society and a copy of the proposed memorial. The letter indicates a couple of placement options along North Washington Street. A third possibility of placing the memorial in the front concrete area of the library property was discussed at the Historical Society's September 2018 meeting.

Thank you for your consideration and please contact me if you have any questions ([jranck@worcesterlibrary.org](mailto:jranck@worcesterlibrary.org)).

Cc: C. Newton Weaver, Jr.  
President, Worcester County Historical Society

**WORCESTER COUNTY HISTORICAL SOCIETY**

C. Newton Weaver, Jr., President  
2 South Baltimore Avenue  
Ocean City, Maryland 21842  
443-614-2386  
[vette-99@verizon.net](mailto:vette-99@verizon.net)

August 29, 2018

Ms. Jennifer Ranck, Director  
Worcester County Public Library  
307 North Washington Street  
Snow Hill, Maryland 21863

Re: Memorial for William Julius "Judy" Johnson

Dear Ms. Ranck:

The Worcester County Historical Society has undertaken a project of erecting a memorial for William Julius "Judy" Johnson, a member of the National Baseball Hall of Fame, who was born in Snow Hill in 1899. We are attempting to locate a suitable location for the memorial in Snow Hill. We thought the library grounds along North Washington Street (either the lawn area or the area in front of the Rotary sign) would make an excellent location, since it would be seen by motorists traveling on Washington Street and pedestrians on the sidewalk.

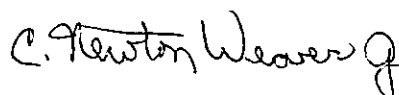
I am attaching a copy of the proposed memorial. It would be black granite, 4'6" high, 2'2" wide, and 8" deep. It would sit on a black granite base that would be 34" long, 14" wide, and 8" high.

All work would be contracted by the Historical Society and all expenses paid by our organization. No public funds would be spent.

The purpose of this letter is to ask that we be given permission to erect this monument on the library property. We would be happy to meet with you and/or the Library Board of Directors to discuss this matter further.

Thank you for your kind attention to this request.

Respectfully yours,



C. Newton Weaver, Jr.  
President



**WILLIAM JULIUS JOHNSON  
"JUDY"**

**BORN 1899  
IN SNOW HILL, MARYLAND**

**DIED 1989  
IN WILMINGTON, DELAWARE**

**STAR PLAYER IN THE  
NEGRO LEAGUES 1920'S & 30'S  
ONE OF THE GREATEST  
3RD BASEMEN OF ALL TIMES**

**NATIONAL BASEBALL  
HALL OF FAME 1975**

**EASTERN SHORE BASEBALL  
HALL OF FAME 1996**

**ERECTED BY THE  
WORCESTER COUNTY  
HISTORICAL SOCIETY. 2019**

**CUSTOMER: SIPPLE      DWG NO# SB 26050(LE1)      DATE: 8/15/18 TA  
COLOR/SIZE/FINISH: DOMESTIC JET BLACK 2-2X0-8X4-6 POL 5**

**MODIFIED/BW**

**APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_**

**PLEASE REVIEW AND PROOFREAD THIS DRAWING CAREFULLY. WE ARE NOT  
RESPONSIBLE FOR ANY ERRORS THAT YOU APPROVE.**





EMERGENCY SERVICES

## Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193


TEL: 410-632-1311

FAX: 410-632-4686

A large, handwritten signature in black ink, appearing to be "Fred Webster, Jr.", written in a cursive style.

FRED E. WEBSTER, JR.  
DIRECTOR

To: Harold Higgins, Chief Administrative Officer

From: Fred Webster, Director of Emergency Services 

Re: Radio System Status Update

Date: 12 September 2018

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Included in this memo are actions taken in regards to the Worcester P25 radio system since the last Commissioners meeting.

County staff has spent significant time since your last update conducting repeat coverage acceptance testing with Harris Corp. The majority of the testing was conducted between Friday, 7 September and Sunday, 9 September. All testing was completed by Monday, 10 September. This testing was coordinated with Federal Engineering providing remote support to county staff on issues related to test methodology, equipment setup and ensuring equipment calibration. All new areas guaranteed for 14dB in-building coverage were tested for Delivered Audio Quality (DAQ) where personnel ensured that voice transmissions meet the contractual requirement of "DAQ 3.4" defined as "Speech understandable without repetition, some noise or distortion present." Additionally Bit Error Rate (BER) testing was repeated in all 14dB and 20dB in-building specified areas. County staff contributed approximately 300 man-hours to this effort. Staff anticipates having a formal results presentation from Harris by September 17<sup>th</sup>. Once this data is received, Federal Engineering will perform independent analysis on the test data and provide guidance to the county regarding the acceptance of test results.

No reports of radio issues have been reported by police, fire or EMS since your last update. County staff continues to work with Harris and other partners to attempt to identify a possible interference source in the area of US.50 and MD.610. Additionally, staff continues to work with Harris and Federal Engineering to develop a path toward resolving issues with generators provided at the Pocomoke and Mystic locations, migration of fire service alerting transmitters and other items.



EMERGENCY SERVICES

## Worcester County

GOVERNMENT CENTER

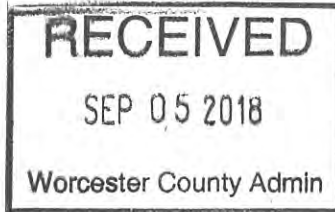
ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311

FAX: 410-632-4686

FRED E. WEBSTER, JR.  
DIRECTOR



### *Information Only*

To: Harold Higgins, Chief Administrative Officer

From: Fred Webster, Director of Emergency Services

Re: Incident Management Team Funding

Date: 5 September 2018

---

The State of Maryland for the last year has been working on forming a MD Incident Management Team (IMT). This team would be made up of local jurisdictional staff members that would assist other counties during times of disaster events.

IMT members work to support an affected jurisdiction with both EOC staff as well as assistance to Incident Commanders in the field. Deployment of an IMT does not require a Federal or State declaration only a Local declaration. To date Maryland has had to pull IMT resources from Pennsylvania or Virginia to assist with Maryland disaster situations (i.e. Ellicott City flooding, Baltimore riots). This is simply an attempt to have in-state resources from Western Maryland that could help on the Eastern Shore or vice versa.

MEMA is looking for each jurisdictions support to help with funding the program using the Homeland Security Grant Program funds that we receive each year. Agreeing to this is allotting grant funds to support the program.

Financial support is only the first part of the process. MEMA is looking for local jurisdictional staff to build the MD IMT. These resources would require ICS training to include ICS 100 through 400 and IS 700 & 800. To meet standards for an All Hazard Type 3 (statewide deployment) the person would need to complete All-Hazard IMT (0305); ICS position-specific courses (listed on page 2) and have their Position Task Book successfully evaluated through field monitoring.

While hoping that we never need this valuable resource with a small Emergency Management staff of three, being able to tap into a resource such as this would be invaluable.

## All-Hazards Position Specific Courses

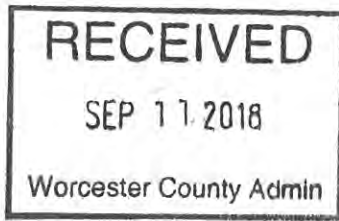
- E/L 950: All-Hazards Position Specific Incident Commander
- E/L 952: All-Hazards Position Specific Public Information Officer
- E/L 954: All-Hazards Position Specific Safety Officer
- E/L 956: All-Hazards Position Specific Liaison Officer
- E/L 958: All-Hazards Position Specific Operations Section Chief
- E/L 960: All-Hazards Position Specific Division/Group Supervisor
- E/L 962: All-Hazards Position Specific Planning Section Chief
- E/L 964: All-Hazards Position Specific Situation Unit Leader
- E/L 965: All-Hazards Position Specific Resources Unit Leader
- E/L 967: All-Hazards Position Specific Logistics Section Chief
- E/L 969: All-Hazards Position Specific Communications Unit Leader
- E/L 970: All-Hazards Position Specific Supply Unit Leader
- E/L 971: All-Hazards Position Specific Facilities Unit Leader
- E/L 973: All-Hazards Position Specific Finance/Admin. Section Chief
- E/L 975: All-Hazards Position Specific Finance/Admin. Unit Leader Course
- E/L 984: Task Force/Strike Team Leader
- E/L 986: Air Support Group Supervisor
- E/L 987: Introduction to Air Operations

Reginald T. Mason  
Sheriff

# OFFICE OF SHERIFF

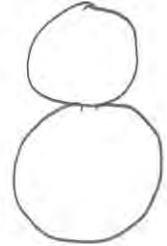


Douglas Dods  
Colonel



*SINCE 1742*

WORCESTER COUNTY GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1001  
SNOW HILL, MARYLAND 21863-1072  
410-632-1111  
ADMIN. FAX: 410-632-3070  
CIVIL FAX: 410-632-5619



## Memorandum

To: Chief Administrative Officer Harold Higgins  
From: Sheriff Elect Matthew Crisafulli  
Ref: Command Staff Vehicles  
Date: September 10<sup>th</sup>, 2019

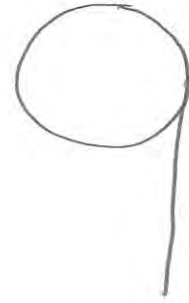
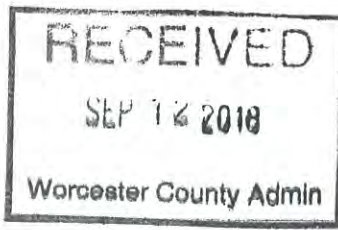
I am aware that at the September 4<sup>th</sup>, 2018 Worcester County Commissioners meeting the subject of requested Sheriff's Office Command Staff vehicles was addressed. While I am happy that the commissioners approved the purchase of the two vehicles, I was disappointed in that the color choices requested was outvoted in favor of "Sheriff Blue". I was also disappointed that no person from the Worcester County Sheriff's Office was on hand to answer any questions reference the color choices.

I would respectfully request that the Worcester County Commissioners re-evaluate the request for non-"Sheriff Blue" vehicles with the following information taken into consideration:

- In the past 11 plus years of purchasing Command Staff vehicles, the colors have always differed those of marked fleet vehicles.
- In most cases these Command Staff vehicles are eventually re-assigned to plain clothes sworn personnel in various units. For example: County Bureau of Investigation, Criminal Enforcement Team, etc.
- In the past year three Chevy Impalas were purchased for members of the Worcester County Bureau of Investigation. All three vehicles are identical and are unmarked in traditional "Sheriff Blue". When the need arises to conduct either stationary or mobile surveillance these three brand new vehicles cannot be used simultaneously since all of those vehicles are identical. To an average person this would appear to be the same vehicle following any suspect(s) or surveilling a location.
- The continual use of unmarked "Sheriff Blue" vehicles will become known to the criminal element in Worcester County and as such, will lessen the effect of the usefulness of the unmarked vehicles, as well as the personnel utilizing them.
- As Sheriff Elect I am committed to myself and command staff being highly visible throughout Worcester County, as such I would personally like to have a vehicle that is somewhat distinct and unique. There are currently no other Chevy Tahoes in our fleet in these colors.

Thank you in advance for your re-consideration of the requested **Black and Red Chevy Tahoes**. I look forward to having an amicable relationship between the Sheriff's Office and the Worcester County Commissioners in the future. If you should have any additional questions or concerns please feel free to contact me.

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**Worcester County**  
Department of Environmental Programs

Memorandum

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**To:** Harold L. Higgins, Chief Administrative Officer

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

**Subject:** Maryland Agricultural Land Preservation (MALPF) Certification Program Application

**Date:** September 11, 2018

---

Attached you will find the 2018 Re-certification application for the Worcester County Maryland Agricultural Land Preservation (MALPF) program. As you are aware, the MALPF program pays landowners who meet soils and acreage requirements for permanent agricultural easements on prime farmland and woodland. The program is funded by agricultural transfer tax collected locally as well as a portion of the real estate transfer tax.

The MALPF certification program was created in 1991. At that time, dedicated funding for Program Open Space (POS) and MALPF was diverted to the general fund to help balance the budget. Partly in response to this situation, the legislature created the certification program to let counties keep more of locally generated agricultural land transfer tax, leverage more easement funding from the counties, and encourage the planning and land use that support the investments in easements. After 2008, certification periods last three (3) years.

Not all counties are certified. Worcester County is one of only two certified counties on the entire Lower and Mid-Shore. Certified counties are able to retain 75% of the Agricultural Transfer Tax collected instead of 33% and are also eligible for 60% additional matching funds from the State when those funds become available for the purchase of agricultural easements.

Requirements from the Maryland Legislature for certified counties also included the establishment of Priority Preservation Areas (PPA's) in their comprehensive plans, which the Worcester County Commissioners approved and adopted as a Priority Preservation Element amendment in 2010. This element identifies our agricultural and forest resource land areas that will support current and future agricultural production and timber harvesting activities.

**Citizens and Government Working Together**

1a

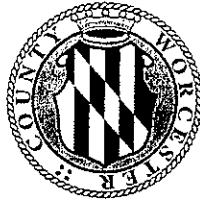
As the attached memorandum from Ms. Munson details, this re-certification document points out the county's progress in agricultural protections from 2014 to 2017 and provides a plan for the next three (3) years. We currently have over 26,000 acres under conservation easements in Worcester County and have continued to fund as many easements as possible with limited aid from the state. We are currently experiencing a significant uptick in landowner interest in the program.

The application was reviewed and recommended by the Worcester County Agricultural Land Preservation Advisory Board and found to be in conformance with the Comprehensive Plan by the Worcester County Planning Commission. While we had completed these actions in spring of 2018, late comments by the Maryland Department of Planning (MDP) necessitated additional examinations and information be supplied and discussed within the document. We did return and share these minor additions with both the Board and the Planning Commission without any negative comments. In light of these additions, I would now respectfully recommend the County Commissioners' favorable action on approval of the recertification report and application so we can submit the report to the state.

If you have any questions or need any additional information please let me know. Both Ms. Munson and I will be available to discuss with you and the County Commissioners at your convenience.

#### Attachments

cc: Katherine Munson



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

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**To:** Robert Mitchell, Director

**From:** Katherine Munson, Planner V *KM*

**Subject:** Draft Maryland Agricultural Land Preservation Certification Program Application

**Date:** September 10, 2018

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Attached please find a drafted Certification Application for approval by the Worcester County Commissioners. Following county approval, the application must be submitted to the Maryland Agricultural Land Preservation Foundation (MALPF) board in order for Worcester County to remain certified. Re-certification is granted every three years. The report covers the period of FY15 through FY17, and its approval will confer certification through June 30, 2020.

Worcester County has been a certified county since 2004, and is the only county on the lower shore that is certified. Certified counties are able to retain 75% instead of 33% of agricultural transfer tax collected, and are also eligible for 60% additional matching funds from the state (when available), for the purchase of agricultural easements. This allows purchase of more agricultural easements from interested landowners in Worcester County.

The purpose of the attached document is to describe the county's progress in agricultural land protection from 2014 to 2017, and provide a plan for the next three years. To remain certified the county must also pledge to provide matching funds equal to at least 9% of the total agricultural transfer tax collected annually by the county, which is estimated to be under \$3,000 annually. Please note that in addition, each certified county must have an adopted Priority Preservation Area (PPA). The PPA was adopted as part of the county's comprehensive plan in 2010. More information is provided in the application.

lc

To date, there are over 26,000 acres under conservation easement in Worcester County. From 2014-2017, 2,059 acres of rural land was protected with MALPF, Rural Legacy, CREP Permanent Easement, and easement donation. While this exceeded acres of land converted from agriculture to residential or other use, this reflects a continued downward trend of land protection that began in 2008, due to reduced funding for MALPF in particular. Limited funding has resulted in most MALPF applicants NOT receiving an easement purchase offer from 2008 to present. At the same time, there has been unprecedented landowner interest in conservation easement sales during this period. In FY15/16, the county received twenty-two (22) applications to sell an easement to MALPF, FY17/18 the county received ten (10) applications, and for FY19 the county has received nine (9). Of these, ten (10) landowners received offers and nine (9) accepted. MALPF and Rural Legacy funding is anticipated to increase this year and in coming years.

MALPF and other conservation easement programs benefit the agricultural and natural resource industries, by keeping land in agricultural/forestry use and reducing potential conflict between land uses. Furthermore, minimizing residential development reduces fiscal impact on local government. A growing body of literature has demonstrated that agricultural and natural resource-based land uses more than pay for themselves in taxes, but that residential land use is often a net loss for local government, over time.

The attached application was reviewed and recommended for approval by the Worcester County Agricultural Land Preservation Advisory Board via mail in April 2018 and by the Worcester County Planning Commission on May 3, 2018. The draft was reviewed by Maryland Department of Planning, who responded with comments and questions in June 2018. Changes were subsequently made to add requested detail to the document regarding easements acquired and also a response to PPA milestones, which is placed at the end of the document.

Please let me know of any questions or concerns.

Attachment

cc: Worcester County Agricultural Land Preservation Advisory Board



# Maryland Agricultural Land Preservation Certification Program Application

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Worcester County, Maryland

July 1, 2017 to June 30, 2020

*Approved by the County Commissioners of Worcester County \_\_\_\_\_*

September 5, 2018

MALPF Program Administrator: Katherine Munson, Planner V

# Maryland Agricultural Land Preservation Certification Program Application

## Introduction

The purpose of this document is to report on Worcester County's agricultural land preservation efforts, status and progress, as required biannually to retain state agricultural land preservation certification.

Worcester County, Maryland's only seaside county, is predominantly rural. Nearly 70% of the county's approximately 304,000 acres is managed privately as farms or working forest. Most residential and commercial development is concentrated in the northeastern portion of the county near Ocean City, but development pressure is expected to continue to press southward, particularly in the Coastal Bays watershed. The population of Worcester County was approximately 47,000 in 2000. In ten years it grew to 51,451 (2010 census). Maryland Department of Planning (MDP) estimates that Worcester's population slightly decreased from 2010 to 2016, with an estimated population of 51,444 as of July 1, 2016.

Northeastern Worcester County is particularly attractive as a location for retirement, and over half of the migrants to the county are over the age of 55. Population growth substantially slowed from 2.88% (1990-2000) to 1.01% (2000-2010) to 0% (2010 to 2016). However growth is anticipated to accelerate from 2015-2020 to 0.65%, higher than the projected statewide growth rate of 0.51%<sup>1</sup>. Total new housing units authorized for construction in Worcester County have risen from a low of 93 units in 2010 to 266 units in 2015 and 233 units in 2016<sup>2</sup>. Protection of agricultural and natural resources should continue to be planned and implemented in advance of anticipated growth.

Approximately 90% of the county is zoned A-1 (Agricultural) or RP (Conservation); 169,158 and 87,463 acres respectively<sup>3</sup>. In these zones only five lots may be subdivided from what was an entire parcel of land in 1967. In the A-1 zone, 6 lots may be created under certain circumstances, including clustering of lots. In the RP zone up to 5 lots per parcel are permitted only by special exception. This has allowed the county to minimize development pressure in these zones. An A-2 zone was created from A-1 and E-1-zoned areas in 2009 (7,253 acres). This zone is intended to foster agricultural use, while also allowing uses of a more commercial nature that require large tracts of land that had been permitted in the entire A-1 zone prior to 2009. Worcester County did not adopt a tier map or otherwise make any changes to zoning regulations following the enactment of the Sustainable Growth and Agricultural Preservation Act of 2012 (the "septics law").

As described in the 2006 comprehensive plan, it is the county's intent to protect and promote private farming and forestry by accommodating anticipated population growth through appropriate planning and zoning, and by providing access to every program available to landowners to voluntarily protect open space. For this reason, the county is

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<sup>1</sup> Maryland Dept of Planning. *Historic and Projected Total Population for Maryland's Jurisdictions – Annualized Growth Rates*. August 2017.

<sup>2</sup> Maryland Dept of Planning. *2016 Maryland Statistical Handbook*. November 2017. Note this includes permits issued by the towns as well as the county.

<sup>3</sup> Worcester County underwent comprehensive re-zoning in 2009.

## Maryland Agricultural Land Preservation Certification Program Application

committed to continuing to seek or provide additional funds for the purchase of both Rural Legacy and Maryland Agricultural Land Preservation Fund (MALPF) easements and to obtain State certification for the county's agricultural land preservation program.

*Part I: Local Authorization (.05.C(1)). Approval by county agricultural land preservation advisory board, the county planning office or planning commission, and the governing body of the county.*

Enclosed please find letters documenting support and approval by the County Commissioners of Worcester County, the Worcester County Planning Commission and the Worcester County Agricultural Land Preservation Advisory Board.

*Part II: Planning Context and Implementation Program for Agricultural Land Preservation (.05.D)*

*A. The county has in effect a comprehensive plan, plan addendum, or supporting documents to the plan that:*

- 1. Describes the county goals for the preservation of agricultural land and the agricultural industry, and the rationale used to establish those goals (.05.D(1)(a)).*

Worcester County's most recent comprehensive plan was adopted in 2006. The comprehensive plan, which was awarded "outstanding plan" in 2006 by the Maryland Chapter of the American Planning Association calls for very limited new growth areas (2,861 acres) in and around existing towns and away from shorelines/waterways and other sensitive areas. This development pattern also limits residential and commercial encroachment into the agricultural areas of the county.

The county's economic engines are tourism and agriculture. It is an objective of the 2006 comprehensive plan to "Continue the viability of the agriculture and forestry industries," and to "continue the dominance of agriculture and forestry uses throughout the county's less developed regions."

A "Priority Preservation Area" (PPA) element required by the state of certified counties was incorporated into the 2006 Comprehensive Plan on January 5, 2010. This included a map of the PPA, description of protection goals, strategy to meet these goals, and schedule for implementation. The PPA is 195,000 acres, 65% of the county's land area. The long-term goal is to protect 150,000 acres within this area for agriculture and forestry, by protecting 800 acres within the PPA annually (70,000 acres are already protected).

The 2017 *Land Preservation and Recreation Plan*, adopted February 20, 2018, reiterates the acreage goals stated in the PPA Element.

## Maryland Agricultural Land Preservation Certification Program Application

### 2. Describe and show on a map the designated agricultural land preservation areas in the county (.05.D(1)(b)).

The lands in Worcester County eligible to participate in the agricultural preservation program meet the minimum criteria established by MALPF or the County Agricultural Land Preservation Advisory Board, are zoned A-1 or, in some cases, A-2 or RP, and are outside of the growth areas determined by the 2006 comprehensive plan. Below we review current zoning categories in rural areas adopted in the 2009 comprehensive rezoning, and their relationship to Worcester County's preservation efforts.

The purpose of the A-1 district is to preserve and protect the county's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. In addition to traditional agricultural uses, residential uses are permitted on a small scale. This is consistent with the district's intended function of protecting the land based resources for the county's agricultural and forestry industries from the disruptive effects of residential subdivision. Approximately 169,000 acres are zoned A-1 and account for 59% of the county.

Lands zoned RP are particularly in proximity to the coast, rivers and streams and generally constrain development due to their environmental sensitivity. In some cases, lands zoned RP contain soils that meet the minimum requirements for entry into the MALPF program. Approximately 87,000 acres are zoned RP (31% of the county).

The A-2 zone is intended to foster agricultural use while also accommodating compatible uses, such as golf courses, campgrounds, etc. (by special exception) that require large tracts of land. Approximately 7,300 acres are zoned A-2 (2.5% of the county).

A map showing the county's above zoning designations is at the end of the document (Figure 3).

The county intends for the focus of land preservation within this eligible area to be the Priority Preservation Area (Figure 4). This includes the greatest contiguous area of farmland, the majority of prime farmland, and also is where the majority of landowner interest in protection exists. While the county will not discourage applications from property owners in areas outside of the PPA that qualify, the county will focus outreach and protection efforts in the 195,000-acre PPA and fully expects that in excess of 90% of all applications for land protection will continue to come from this area.

## Maryland Agricultural Land Preservation Certification Program Application

- B. The implementation program for agricultural land preservation shall include the following elements (.05.D(4)):*
- 1. The land use management tools, zoning ordinances, and related guidelines and procedures to protect agricultural land from subdivision and conversion to nonagricultural uses (.05.D.(4)(a)(i)).*

In Worcester County, only five lots may be subdivided from what was an entire parcel as of 1967 in the A-1 and A-2 zones. While this is generally quite restrictive, parcels are defined by public roads and by "items" listed within deeds. Occasionally properties in the A-1 zone can have significant development potential. Properties zoned "RP" in Worcester County may subdivide under the same rules as above, but only by special exception. Under certain circumstances, parcels in the A-1 zone may subdivide six (6) times if the lots are clustered and off of a public road. Since this provision was adopted in 2009, no "rural cluster" subdivisions have been approved. It should also be noted that 41,059 acres in the Coastal Bays watershed and 10,030 acres in the Chesapeake Bay watershed are in "Critical Area". In the RCA portions of the Critical Area (which overlays RC and A-1 zones, primarily) development may be more strictly limited.

The Worcester County Commissioners adopted a Right-to-Farm law, which became effective November 17, 1998. The law limits the circumstances under which agricultural and forestry operations may be deemed a nuisance and establishes an Agricultural Reconciliation Board and the requirements and procedures for the Board's operation. The law requires that a statement be provided to all purchasers of real estate considered to be "agricultural land" advising that the property is located in an area where agricultural and forestry activities are given priority over all other activities and is considered the first permitted use.

Worcester County cooperates with the Maryland Coastal Bays Program to implement the Maryland Coastal Bays Comprehensive Conservation and Management Plan (CCMP) (revised plan adopted in 2014). Through the Management Agreement that was established in 1996, Worcester County has agreed to undertake specific conservation and management actions described in the CCMP. Action relevant to agricultural preservation includes maintaining protective agricultural zoning and establishment of a Newport-Chincoteague Land Conservation Area and a goal of protecting 500 acres annually in the Area. From 2009 to 2014, 3,055 acres were protected. From 2015 to 2018 only about 300 acres were protected in this watershed. Increasing the size of the Coastal Bays RLA to include the entire Chincoteague watershed will offer more opportunities for conservation in this target area. In addition, Worcester County will work with MDA and other partners to create economic incentives to retain forestry and farming and will seek establishment of support industries in the county.

- 2. The programs the county uses to purchase and transfer development rights from agricultural land to provide other financial incentives to landowners who sell their development rights (.05D(4)(a)(ii)).*

## Maryland Agricultural Land Preservation Certification Program Application

Worcester County has an active, successful Rural Legacy Program, to which the county has contributed \$800,000 to state grant funds of over \$12 million. The Coastal Bays Rural Legacy Area, established in 1999, is located in the southeastern portion of the county and includes 27,500 acres. To date approximately 8,852 acres of agricultural and forested land has been protected in the area with forty (40) Rural Legacy easements. The county plans to protect at least an additional 3,000 acres in the area within the next several years, and has proposed expanding the Area by 16,660 acres, to include all of Chincoteague Bay watershed. Dividing Creek Rural Legacy Area was created in 2008. It is located in the southern portion of the Dividing Creek watershed, 23,000 acres in size, and includes both Worcester and Somerset counties. Worcester County has proposed expanding this Area to the east by 27,300 acres, to include important areas of farmland. Six properties have been protected with Rural Legacy conservation easements on the Worcester County side of the area, to date, totaling approximately 1,425 acres. Somerset and Worcester County intend to protect 5,000 acres over the next 10 years in this Rural Legacy Area.

Participation in the MALPF Program continues to grow in the county. Currently there are 49 easement properties totaling 7,193 acres in Worcester County. In the FY17/18 application cycle, there were 10 easement sale applicants seeking to sell a MALPF easement on over 1,500 acres. Ultimately six (6) applicants were made offers to purchase easements on approximately 1,069 acres. This level of participation in one cycle is unprecedented and due to the fact that four of the landowners offered bargain sales that led to "round 2" eligibility. All six (6) properties are under contract at this time.

### *3. Activities which support productive agriculture and the agricultural industry (.05.D(4)(a)(iii)).*

In an effort to support agricultural activity, value-added retail and agro-tourism are permitted by special exception in the A-1 zone; there are many roadside farm stands permitted throughout the county in several zoning districts, although exact numbers are not available. Since 2012 the county has added text amendments to the A-1 zoning code to allow farm owners to hold special events in their principally agricultural structures, thus allowing temporary/short-term uses that do not impact farming, but provide income, and may also help connect the public to the county's agricultural landscape and products.

Tourism and Agriculture are the bedrocks of Worcester County's economy. The Worcester County Department of Economic Development (WCDED) continually seeks opportunities to support and grow the agricultural sector. The county Economic Development Department is currently involved in a new initiative to promote "farm breweries". In addition, with the growth of craft breweries in the county, brewers are looking to local farmers to provide grain, and there is at least one partnership between a craft brewer and a farmer that has been on-going for several years.

## Maryland Agricultural Land Preservation Certification Program Application

The county also supports local agricultural industry through funding for the Gypsy moth program, Soil Conservation Service, and the Extension Service in an amount of \$1,575.00 in FY18 and \$1,725 in FY17.

### **Part III: Qualifying expenditures (.05.C(3)).**

- A. *The county has committed to make qualifying expenditures of county funds that equal or exceed the estimated certification funds that will be available as a result of certification.*

The Worcester County Commissioners have committed to dedicate, at a minimum, the 9% required match per year, from general funds, in order to meet the requirements of certification. The table below shows the matching funds the county has provided, based upon an estimate of the agricultural transfer tax to be collected (the match commitment is made prior to the end of the fiscal year). While real estate market may see some growth in the coming years, the annual minimum county commitment is not expected to be greater than \$12,000-\$18,000. Please note that the FY18 amounts are as of end of February 2018. The fiscal year ends in July.

**Table 1. Funds Pledged for MALPF Easement Purchases FY15-FY18, Worcester County**

Fiscal Year	Ag TT Collected	General Fund Commitment	75% retained after certification	total match committed for MALPF	60% State Match	Total State and County Match Funds
FY15	19,461.36	8,665.00*	14,596.02	130,859.79*	196,289.00*	355,494.81*
FY16	6,780.00		5,085.00			
FY17	8,755.75	9,242.07**	6,566.81	133,913.78***	200,870.00 **	355,704.66**
FY18	6,816.00		5,112.00			
<b>Total 15-18</b>	<b>\$40,213.11</b>	<b>\$17,907.07</b>	<b>\$31,359.83</b>	<b>\$264,773.57</b>	<b>\$397,159.00</b>	<b>711,199.47</b>

\*FY15 and FY16 were one funding cycle.

\*\*FY17 and FY18 were one funding cycle.

\*\*\* Includes funds unused in previous fiscal years.

Note that the state additionally provides “general allotted funds” to every county. In FY15/16 this amount was \$629,169.00 and in FY17/18 the amount was \$908,022.00. MALPF applicants who offer bargain sales, can, in addition, be eligible for “round two” offers which is an additional funding source for MALPF purchases.

**Maryland Agricultural Land Preservation Certification Program Application**

**Table 2. MALPF Easement Purchases made with FY15-FY18 Funds, Worcester County**

Property	Acres	Cost	settlement	Fiscal Year funds
23-15-02	234.6	\$358,840.00	2016	FY 15/16/ gen allotted
23-15-03	158.84	\$295,425.00	2016	FY 15/16/ gen allotted
23-15-06	98.59	\$265,020.00	2018	FY 15/16/State/County Match
23-17-01	337.32	\$927,630	Pending	FY 17/18 gen allotted/State/County Match
23-17-08	151.31	\$315,178.73	Pending	FY 17/18 State/County Match
23-17-04	270.73	\$690,361.50	Pending	FY 17/18 "Round 2" Bargain Sale
23-17-03	53	\$103,350	Pending	FY 17/18 "Round 2" Bargain Sale
23-17-07	178.22	\$347,529.00	Pending	FY 17/18 "Round 2" Bargain Sale
23-17-02	78.5	\$227,508.00	Pending	FY 17/18 "Round 2" Bargain Sale

*B. The county intends to use 75% of agricultural land transfer tax retained through certification (.07.A) to purchase development rights, supplement MALPF or TDR payments, cover 10% or \$30,000 of administrative costs, and/or for other uses in accordance with Regulation .08.A.*

Worcester County uses the 75% of funds retained through certification approval to purchase MALPF easements. The county has a full-time position dedicated to land protection, and draws on a portion of retained funds to cover limited administrative costs (staff time spent on MALPF projects and other MALPF-generated administrative expenses.)

*C. The county intends to use its share of MALPF funds remaining at the end of each fiscal year (.07.B) to purchase development rights and or bond annuity funds and guaranteeing loans collateralized by development rights (.08.B).*

Worcester County will dedicate its share of MALPF funds remaining at the end of each fiscal year solely to purchase development rights through the existing MALPF program.



## Maryland Agricultural Land Preservation Certification Program Application

### Part IV: Evaluation of County's Program and Program Development Strategy (.05.E)

A. *Statistics on the performance of implementation tools in protecting agricultural land in designated preservation areas from development (.05.E(1)):*

1. *The number of acres of agricultural land subdivided or converted for nonagricultural uses in designated preservation areas (.05.F(1)).*

Tables 3 and 4 summarize residential building and subdivision activity in the zones that are targeted for land protection, as well as county-wide trends in residential development. Subdivision activity has continued to be minimal in the A-1 zone (and the Priority Preservation Area (PPA)). Figure 5, at the end of the report, depicts new residential development spatially.

**Table 3. New Permitted Dwelling Units, 2014-2017, Worcester County (excluding towns)**

Year	Number of permits for new units in A-1	Number of permits for new units in PPA*	Number of permits for new units county-wide
2014	23	14	133
2015	28	8	163
2016	30	15	142
2017	41	6	116

\*The county does not maintain spatial data on permits issued. This figure is estimated from GIS-based SDAT data provided by the State of Maryland.

**Table 4. New Residential Subdivisions, 2014-2017, Worcester County\*.**

Year	New residential lots in the A-1 zone	New residential lots in the RP zone	New residential lots in the PPA	New residential lots county-wide
2014	13 lots; 180.75 acres	0 lots; 0 acres	6 lots; 36.89 acres	84 lots; 290.42 acres
2015	7 lots; 285.64 acres	0 lots; 0 acres	6 lots; 267.37 acres**	8 lots; 300.38 acres**
2016	9 lots; 345.71 acres	0 lots; 0 acres	5 lots; 351.47 acres	12 lots; 423.70 acres
2017	3 lots; 27.53 acres	0 lots, 0 acres	4 lots; 25.08 acres	2 lots; 39.85 acres

\*Lots recorded as new lots in the calendar year minus lots eliminated through consolidations

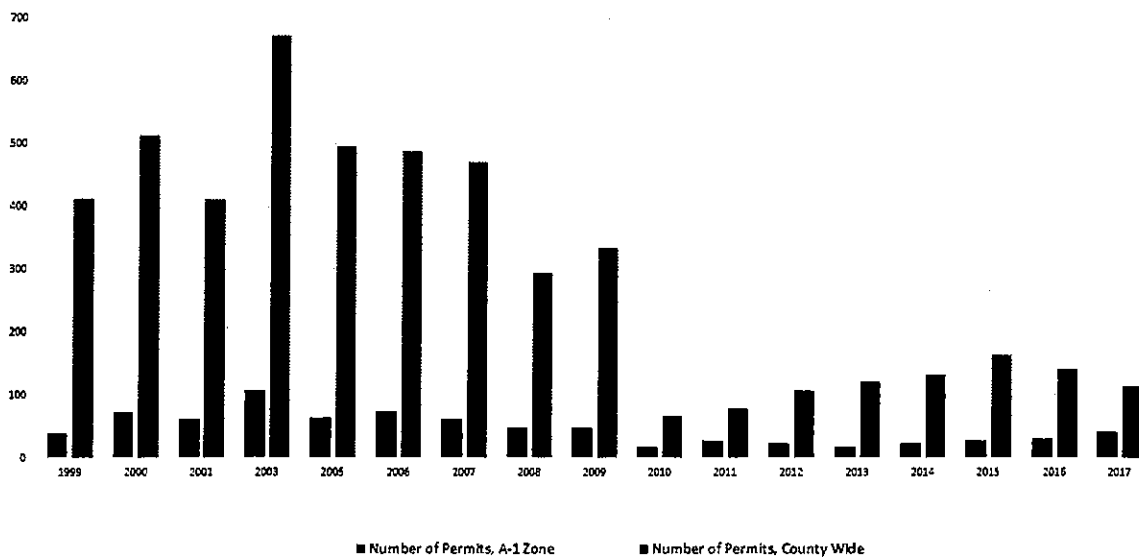
\*\*61 recorded lots on 168.02 acres were consolidated on a property, zoned E-1, that was placed in donated conservation easement in 2015 (in the PPA, zoned E-1). This resulted in an overall net loss of recorded lots in 2015. The table does not reflect this net loss of lots in 2015.

## Maryland Agricultural Land Preservation Certification Program Application

2. *An assessment of the degree to which county land use management tools are succeeding in protecting agricultural land in those areas (.05.F(2)).*

The county's zoning code has been effective in minimizing the rate of residential growth in the A-1 zone. From 1999 to 2017, 668 new residential lots were created in the A-1 zone. This involved 4,908 acres, or 2.9% of the A-1 zone (an undetermined amount of this acreage is still in agricultural use following building of a residence; although the average new residential lot size, over this time period, in the A-1 zone is 7.4 acres, there is great variation, and some of this land remains in agricultural use). A comparison of the rate of issuance of residential building permits within the A-1 zone to the rest of the county also demonstrates that strict A-1 zoning has prevented significant inroads of residential development in the A-1 zone, despite heavy development pressure in the county, during the strong growth period of the early 2000s. From 1999 to 2008, 2,537 new residential lots were created county-wide. 24% of these lots were created in the A-1 zone. By comparison, 807 residential building permits were issued in the A-1 zone. This accounts for 18% of all residential building permits issued over that time period. This should be considered in the context of the relative size of the A-1 zone to the rest of the county, which during this time period covered 70% of the county. It's important also to note that Worcester County has a long history of denying applications to re-zone lands zoned A-1. It is also notable that negligible subdivision and residential building activity occurred in the formerly C-1 (conservation—now "RP"—Resource Protection) zone over this time period (18% of the county was zoned C-1).

Figure 1. Residential Building Permits Issued by Worcester County



Data on permits and lots created since the last certification report, 2014-2017, are presented in the previous tables (Tables 1 and 2). Figure 1 presents building permits

## Maryland Agricultural Land Preservation Certification Program Application

issued in the A-1 zone and county wide from 1999 to 2017. Rate of residential development greatly slowed after 2009, and that trend has continued through 2017, albeit with modest upward trend. 782 new residential building permits were issued by the county from 2012-2017, or approximately 130 permits annually. By comparison, from the period of 2002 to 2007, 2,755 new residential building permits were issued; 459 permits annually.

During the period of 2014-2017 approximately 681 acres were subdivided for 21 residential lots in the PPA (this does not mean that all of this was converted from agriculture, in fact much of it remains in agriculture. An estimate of the land actually converted is 60 acres. However it is also important to note that fragmentation and parcelization of agricultural land can impact farm performance and local agricultural economy). From 2014 to 2017, 43 new dwelling units were completed in the PPA. The 195,000-acre PPA contains approximately 71,000 acres that are already protected (see Table 3) and the goal is to protect another 79,000 acres<sup>4</sup>. Less than 6,000 acres, to date, are developed in the PPA. While the current lull in development is not likely to last, even if it were to return to the levels seen during the development boom of the early 2000's (60 lots per year in the A-1 zone), and that were sustained, it would take decades for 40,000 acres (20% of the PPA) to be converted to residential or other non-agricultural use.

**Table 5. All Protected Land in the Priority Preservation Area, as of April 2018**

Land Protection Program/Owner	Acres
Wetland Reserve Program (NRCS) Easement	1,609
The Nature Conservancy	5,426
Rural Legacy Program Easement	10,525
MALPF	6,439
DNR-held Conservation Easement/Deed Restriction	6,934
Forest Legacy (DNR)	95
State-Owned Lands	37,230
Lower Shore Land Trust/MET donated easement	1,879
County-owned Lands	500
<i>Total</i>	<i>70,637</i>

<sup>4</sup> The *Priority Preservation Areas Element, Worcester County, Maryland* (January 5, 2010) identifies the long term goal to permanently protect 80% of the PPA (153,000 acres).

## Maryland Agricultural Land Preservation Certification Program Application

*B. Statistics on the performance of easement purchases, TDRs, and related financial incentives toward achieving county goals for agricultural land preservation and the goals of the certification program (.05.E(2)).*

*1. An estimate of the amount of land being preserved over time in designated areas, through PDRs and TDRs (.05.G(1)).*

The county does not have a TDR (Transfer of Development Rights) program. The county is a participant in MALPF and the Maryland Rural Legacy Program (PDR programs), and has increasingly worked with federal agencies and other groups to protect agricultural land with purchased easements. As of April 2018, 48 MALPF easements permanently protecting 7,192.64 acres have been purchased; purchase of MALPF easements on another 1,197 acres (6 properties) is pending (2017/18 application cycle). The Rural Legacy Program has protected over 8,820 acres of farms and forests in the Coastal Bays Rural Legacy Area. The county anticipates protecting 5,000 acres in the Dividing Creek RLA and another 4,000 to 7,000 acres in the Coastal Bays RLA within the next 10 years through the Rural Legacy Program and other funding sources. In Dividing Creek Rural Legacy Area, 1,425 acres have been protected through the Rural Legacy Program. Expansions of both areas are proposed in 2018. The Coastal Bays RLA is proposed to expand by 16,660 acres to include the rest of the Chincoteague Bay watershed. A proposed 27,600-acre expansion of the Dividing Creek RLA would include all of the Dividing Creek watershed and a portion of the Nassawango and upper Pocomoke watershed, including important areas of farmland and sensitive forested land.

Worcester County works actively with other land protection programs and sources of funds. A The County has worked with U.S. Fish and Wildlife Service to protect fragile coastal lands, that also include farmland. Over 800 acres have been protected under the Coastal Wetlands Program since 2009. The Lower Shore Land Trust (LSLT) operates in Worcester County and holds donated easements, three new projects protecting over 560 acres closed in 2014-2016.

**Maryland Agricultural Land Preservation Certification Program Application**

2. *A description of the types of farmland being preserved through PDRs and TDRs in the county, supported by statistics (.05G(2))*

**Table 6. Farmland Type Preserved in Worcester County, as of April 2018.**

PDR Program	Total Acres Protected	Acres of forested land (approx.)	Acres in crop production (approx.)	Acres in the PPA
MALPF	7,192.64	2,300	4,900	6,090.86
Coastal Bays Rural Legacy	8,970.6	4,800	4,100	8,970.6
Dividing Creek Rural Legacy	1,425.43	800	600	1,425.43
CREP Permanent Easement Program	598.37	500	90	598.37

The MALPF program focuses on protection of farmable soils, whereas the Rural Legacy Program in Worcester County is more broadly focused on protection of natural resources, including farmland, within the Coastal Bays and Dividing Creek Rural Legacy Areas. The CREP Permanent Easement Program protects mostly forest resources (land in CREP contract) but also protects cropland, as all land on each participating property is protected.

3. *An inventory of the properties from which development rights have been purchased or transferred (.05.G(3)). If in tabular form, it should include for each property:*
- a. *Number (s) of the tax map(s) on which the parcel(s) comprising the easement occur;*
  - b. *Grid cell numbers of the tax map(s) on which the parcel(s) comprising the easement;*
  - c. *Parcel number(s) through which the property can be identified on the tax map(s); and*
  - d. *Total number of acres of the easement property.  
( A digital inventory must be approved by the Office Of Planning)*

Please refer to Table 9 through Table 12, at end of report.

- C. *A comparison of the amounts of agricultural land preserved and lost in designated agricultural preservation areas over time, and an assessment of the implications of these trends for achieving preservation goals in those areas. (.05.E(3)).*

**Maryland Agricultural Land Preservation Certification Program Application**

**Table 8. Summary of Acres Lost and Protected in the PPA, 2014-2017, Worcester County**

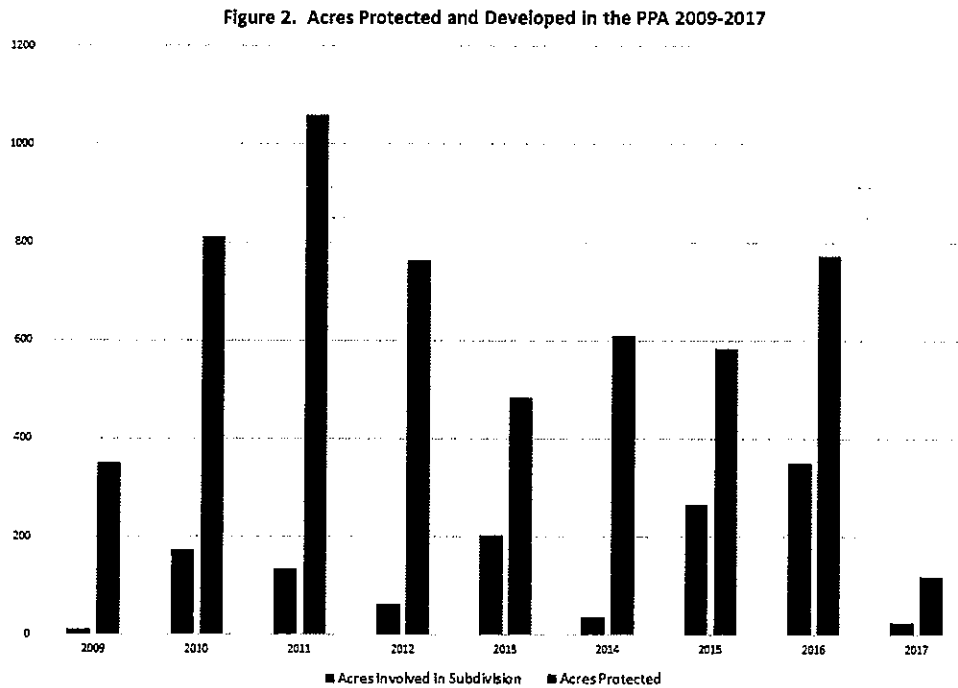
Year	Lands subdivided for residential use in the PPA*	Lands protected in the PPA
2014	6 lots; 36.89 acres	185.83 acres (MALPF) 257.51 acres (Rural Legacy) 168 acres (Lower Shore Land Trust)
2015	6 lots; 267.37 acres**	234.6 acres (MALPF) 0 acres (Rural Legacy) 174.37 acres (Lower Shore Land Trust) 174.77 acres (CREP Permanent Easement )
2016	5 lots; 351.47 acres	341.44 acres (MALPF) 431.5 acres (Rural Legacy)
2017	4 lots; 25.08 acres	0 acres (MALPF) 118.3 acres*** (Rural Legacy)
<b>TOTAL</b>	<b><u>680.81 acres</u></b> (21 lots)	<b>734.87 acres (MALPF)</b> <b>689.01 acres (Rural Legacy)</b> <b>342.37 acres (Lower Shore Land Trust)</b> <b>174.77 acres (CREP PE)</b>  <b>TOTAL: 2,059.32</b>

\*These figures represent the entire acreage subdivided; much of this acreage is still in agricultural use.

\*\* There was a net loss of lots in 2015 of 61 recorded lots on 168.02 acres that were consolidated and extinguished by a conservation easement donated to the Lower Shore Land Trust at end of 2014. This is not accounted for above.

\*\*\*A 284.6-acre Rural Legacy easement closed February 12, 2018.

## Maryland Agricultural Land Preservation Certification Program Application



As described previously, Worcester County limits non-agricultural activity in the A-1 and RP zones with highly restrictive zoning. Continuing the trend observed from 1999 to 2011, more land was protected than was subdivided for residential use in the A-1 zone. Specific to the PPA, Nearly 5,000 acres were protected in the PPA from 2009-2017. During this same time period 69 residential lots were created in the PPA, involving around 1,267 acres (Figure 2). It's important to note that the subdivided agricultural land is not all converted to residential/non-agricultural use. The total acres subdivided in Table 7 includes large parcels on which agricultural activities continue. At the same time, residential use, particularly by non-farmers, can interrupt farm operations with additional traffic, impeded access, separated and smaller parcels available to farm--which adds costs to farming, conflicts regarding impacts of farming to non-farming residents, and other detrimental impacts.

By maintaining strict zoning (97% of the PPA is zoned A-1 or RP) and by increasing participation in the MALPF program as well as actively pursuing funding through the Rural Legacy Program and other land protection opportunities, the county expects to continue to be successful in maintaining the integrity of the PPA, and eventually reach the PPA Element goal of 80% protection.

## Maryland Agricultural Land Preservation Certification Program Application

*D. A summary of the strengths and weaknesses in the ability of the overall implementation program to protect agriculture from development and to reach preservation goals (.05.E(4)).*

From 2014 to 2017, approximately 521 acres of farmland/working forest were protected annually on average in the PPA, which is 65% of the county's stated goal of protecting 800 acres of farmland per year in the PPA. Limited funding, particularly for the MALPF program, contributed to this slowed rate of agricultural land protection during this time period. In the previous period (2011-2014) 875 acres were protected annually in the PPA.

Effective zoning and low cost per acre of easements (compared to many other counties) are the primary strengths of Worcester County's program. The county also has strong landowner interest in participation in MALPF. Typically, more landowners are interested in participating than there is funding for. Twenty-two (22) applications were submitted in Worcester County to sell an easement to MALPF in FY15/16 and Ten (10) applications in FY 17/18. Interest appears strong for FY19 application cycle.

In 2012 and earlier, the county was able to obtain federal Farm and Ranchland Protection Program (FRPP) funding to match Rural Legacy funding. This allowed the county to "stretch" state dollars and protect more land than otherwise possible. Unfortunately since that time, this program (now called Agricultural Conservation Easement Program—ACEP) has become too inflexible and is not compatible with either MALPF or Rural Legacy.

The primary weakness is the lack of adequate funding for easement purchases. Since 2008, most MALPF applicants in Worcester County did not receive an easement purchase offer due to lack of funds. Funding for Dividing Creek and Coastal Bays RLA typically alternates between the two Areas. Over time and with success, the number of eligible and interested landowners in the two RLAs has dropped. With expansion of these areas proposed, we anticipate more options for land conservation in the coming years in the RLAs.

Development pressure continues to be very low at this time in the PPA, which provides an excellent opportunity to protect properties that in many cases were not available for protection prior to 2008 when pressure was generally higher. The low pressure for development also buys time for protection of more land.

*E. Recommendations for program improvements to address issues raised by the evaluation above (.05.E(5)(a)).*

The largest constraint to meeting the goal of protecting 800 acres of farmland in the PPA annually is adequate funding and to some extent an available pool of interested landowners (in the case of RLAs). Expanding the two RLAs is expected to address the



## Maryland Agricultural Land Preservation Certification Program Application

latter issue. The county continues to work closely with other agencies and programs to protect rural land, including farmland. These include, U.S. Fish and Wildlife Service (Coastal Wetlands Program), Maryland Department of Natural Resources, Program Open Space; Trust for Public Land, Lower Shore Land Trust and Maryland Environmental Trust, and The Nature Conservancy. Without strong funding of MALPF and the Rural Legacy Program, however, the annual acreage goal cannot be met.

*F. A schedule of steps to be taken during the certification period to achieve the improvements identified above (.05.E)(5)(b)).*

The following actions will be undertaken during the certification period:

1. A county staff person will continue to provide landowner outreach and pursue the variety of PDR tools available to protect agricultural land.
2. Worcester County will consider adopting the following policies to improve protection of agricultural land:
  - A. Providing matching funds for purchase of MALPF easements.
  - B. Providing funding for supplemental payments on MALPF easement purchases only when state funds and county matching funds already committed are insufficient to make an offer.
3. Encourage farmland easement donation by providing information to landowners on the potential tax benefits.
4. Worcester County will continue to implement the 2006 comprehensive plan, including the Priority Preservation Area Element. This includes the 2009 comprehensive re-zoning which continues to protect farmland from sprawl development.

### *Addendum.*

The following actions were recommended in 2015 recertification checklist to meet milestones. Text in italicized bold describes the implementation status.

1. *Zoning*
  - a. *Continue to permit only minor subdivisions (up to five (5) lots per parcel; up to six (6) lots if rural cluster) in the "A-1" (Agricultural) and "RP" (Resource Protection) zones. This has continued. Subdivision regulations are unchanged.*
  - b. *Compatible uses providing additional farm income, e.g. tourism and development of "value added" products/processing facilities should be explored for inclusion in the "A-1" zone. Since 2015, there have been amendments to the A-1 district to permit food sales as an accessory use to a winery as well as the commercial hosting of non-agricultural functions and events at wineries and agricultural structures (i.e., a barn serving as a wedding venue).*



## Maryland Agricultural Land Preservation Certification Program Application

### 5. Support of the Agricultural Industry

- a. *Promote Community Supported Agriculture, Farmers Markets and other emerging local and regional markets and distribution systems. The Economic Development department has promoted farm breweries. The Town of Berlin hosts a new Farmer's Market as of the 2018 season.*
- b. *Continue to support the Worcester County Soil Conservation Service, the Forest Conservation Board and the Extension Service programs that support Worcester's farmers and rural industries. Worcester County provided \$41,866.57 to the Soil Conservation Service and \$359,891.41 to the Extension Service in FY16 and FY17.*
- c. *Continue to promote agricultural and rural-based tourism. The Tourism Department recently produced a "Home Grown Guide": <http://visitworchester.org/news/2018/06/08/new-home-grown-guide-for-marylands-beach-and-beyond/>. The county is working with MD Coastal Bays Program, DNR and other partners to tie in Delaware to our network of paddling trails and promote the trails.*

### 6. New Programs

- a. *Review and consider implementing a county-based Installment Purchase Agreement (IPA) program. This was reviewed years ago by the Dept of Comprehensive Planning and the Treasurer's Office. Unlikely a viable option as the county is not providing significant matching funds for farmland conservation.*
- b. *Continue to explore and use federal, state and private sources of funds to meet preservation objectives. The county has used MALPF, Rural Legacy and CREP Permanent Easement program in the reporting period.*
- c. *Encourage the state and federal governments to increase funding for land protection. The county has requested funds for two Rural Legacy Areas and has solicited and submitted MALPF easement applications.*

Table 9. MALPF Easements in Worcester County

Primary Landowner	MALPF Identification	Tax Map	Grid	Parcel/Zoning	Easement Acres	Settlement Date
Gerald Redden	23-85-01e	79	19	25 A-1	236.53	9/13/1993
Stanley & Shirley Brown	23-95-12e	35	22	54 A-1	127.89	5/15/1996
James Gregory	23-95-11e	36	1	122 A-1	3.76	3/17/1997
Gary Breeding/GRB Family Limited Partners	23-95-09e	55	10	29 A-1	301.58	8/3/1998
Milton Alfred Pennewell Family Irrevocable Trust	23-93-06e	62	6	29,30 A-1	126.63	9/3/1998
Bruce Nichols	23-93-05	63	1	82 A-1	67.57	3/15/1999
Milton Alfred Pennewell Family Irrevocable Trust	23-93-02Ae	54	24	47, 97 A-1	78.75	5/26/1999
Richard Jones	23-95-06e	91	19	74 A-1	177.68	12/18/2000
Sue Ellen Bounds	23-99-07	40	6	172 & 193 A-1	111.38	4/26/2001
Emma Elizabeth Richards Irrevocable Trust	23-99-06e	24	24	39 A-1	322.849	7/31/2001
Willis Redden	23-99-01	93	1	55, 56 A-1	140	9/13/2001
Ruth R. Taylor (now Conker's Creek)	23-98-01	79,71	22, 5	36, 13 A-1	214.66	11/26/2001
Norman & Donna Tarr	23-95-07e	64,65	18, 7	59,60,52 A-1	123,3552	12/15/2001
Ralph Samuel Tarr	23-95-08	65	15	60 A-1	303.2	12/15/2001
Richard Jones	23-95-02e	93,101	1	72,1 A-1	287.58	4/4/2002
Richard Jones	23-95-03e	100	5,6	31,32,105 & 115 A-1	169.28	4/4/2002
Richard Jones	23-95-04e	101	1	32 A-1	120.24	4/4/2002
Richard Jones	23-95-01e	92	24	64 A-1	133.22	6/14/2002
M. Wayne and Diane Lambertson	23-01-10a	84,92	24	291 A-1	29,002	4/29/2003
Millenium Farms Partnership	23-01-11ace	84	24	52 A-1	48.58	4/29/2003
AMEN Corner, LLC	23-01-12Ac	84	24	52 A-1	33.39	4/29/2003
John C. & Lynda B. Moore	23-01-02e	85	17	12 A-1	185.179	5/2/2003
Thomas & Kelly Gravenor	23-93-01Ae	54	23	41,43,45 A-1	31,314	2/12/2004
M.Wayne Lambertson	23-01-08ae	84, 92	23, 5	166, 4 E-1/A-1	67.4	4/19/2004
Stacey and Stephen Payne	23-02-05	92	22	65 A-1	66.19	12/28/2004
Eileen and Ned Dykes	23-02-02	35	8	42 A-1	76.903	6/27/2005
G R B Family Limited Partnership LLLP	23-01-03	68	6	2 A-1	403.37	12/28/2005
William Davis, Sr.	23-04-01	47	22	25, 79 A-1	271,906	1/12/2006
L. Dean and Deborah Guy	23-05-01	99	11	118, 71 A-1	194.55	2/21/2007
Joseph Holland	23-05-02	85	19	13 & 73 A-1	234.43	3/26/2007
Willis Redden	23-05-04	84	17	58 A-1	163.542	4/11/2007
Gladys Holland	23-05-03	77	3	3 A-1	139,765	1/23/2008
Ken Holland/Glad-Mar Dairy	23-06-05	77	2	2,6C A-1	92.942	5/12/2008
Ken Holland/Glad-Mar Dairy	23-06-06	77	3	4, 12 A-1	91,344	5/21/2008
Walter Widgdon	23-08-13	24 and 31	23, 11	47, 48 and 25, 66 A-1	317,689	8/24/2009
Sandra Sireet (was Ima Henshall Trust)	23-10-01	62	24	36 A-1	123.69	1/11/2009
Stephen and Kristie St. Pierre	23-08-10	61	4	37 A-1	166,234	2/1/2010
Brooks Aydelotte	23-08-01	100, 101	12	85, 31 A-1	136.43	5/21/2010
Aydelotte Poultry, LLC	23-08-02 #1	100	9	144 A-1	33.78	9/2/2010
Tonya Sterling	23-08-02 #2	100	9	52 A-1	177.9	9/20/2010
Walter Widgdon	23-08-09	24	15	54 A-1	81,5813	12/16/2011
Joseph Holland	23-09-01	93	8	61 A-1	98.91	4/1/2012
Aydelotte Farms	23-13-01	92	23	63 A-1	138.01	8/28/2014
John Justice	23-13-06	91	20	73 A-1	47,821	9/8/2014
Glad Mar Land Co.	23-13-04	69	2	40 A-1	234.6	1/29/2015
Pilchard, Shirley	23-15-02	78	23	45 A-1	183	4/11/2016
Aydelotte, Brooks	23-15-03	92	22	33, 34 A-1	158.44	8/8/2016
Dale Holland	23-15-06	79	11	73 A-1	98.59	1/23/2018
Ronald Adams	23-17-02	56	13	32 A-1	73,4123	pending
Richard Jones	23-17-01	91, 99		26, 10, 1, 3 A-1	337	pending
Tyler Aydelotte	23-17-03	92		54 A-1	53	pending
Tonya Sterling	23-17-04	92		71 A-1	270	pending
Porter Mill Properties, LLC	23-17-07	94		174 A-1	178	pending
Audrey Corbin	23-17-08	69		22,66 A-1	281	pending
<b>Total Acres in Preservation</b>					<b>8,385.05</b>	



Maryland Agricultural Land Preservation Certification Program Application

Table 11. Lower Shore Land Trust (LSLT) and Maryland Environmental Trust (MET) Conservation and CREP Easements, Worcester County

<u>Primary Landowner</u>	<u>TAXMAP</u>	<u>PARCEL</u>	<u>Lot</u>	<u>Holder</u>	<u>Acquisition Method</u>	<u>Easement Type</u>	<u>Easement Acres</u>
BEARD AND BONE LLC	0031	0027		LSLT and MET	Donated	Conservation	51.50
Parker, Mitchell	0021	0312		MET	Purchased	Conservation	121.66
Holland, Dale A	0093	0052		LSLT and MET	Donated	Conservation	58.63
CLARK, STEVEN P TRUSTEE of Clark Living Trust	0047	0055		LSLT and MET	Donated	CREP	71.00
Woods, Wanda Y	0093	0118		LSLT and MET	Donated	Conservation	1.37
Nelson, Rodger K	0091	0065		LSLT and MET	Donated	CREP	83.00
THORTON, MICHAEL	0084	0005		LSLT and MET	Donated	CREP	0.43
LAMBERTSON, M WAYNE & DIANE B	0092	0009		LSLT and MET	Donated	CREP	55.00
LAMBERTSON, M WAYNE & DIANE B	0092	0053		LSLT and MET	Donated	CREP	26.00
Maryland Coastal Bays foundation, Inc	0015	0022		LSLT and MET	Donated	CREP	43.48
Maryland Coastal Bays Foundation, Inc	0015	0026	A	LSLT and MET	Court Ordered	Conservation	44.32
Pettit, June	0073	0114		LSLT and MET	Court Ordered	Conservation	76.51
MULHOLLAND, ELIZABETH A & Patton Catherine A	0051	0002		LSLT and MET	Donated	Conservation	16.50
GLADMAR DAIRY LAND Company, Inc	0077	0002		LSLT and MET	Donated	Conservation	23.00
Layfield, Joseph Willard for life	0037	0044		LSLT and MET	Donated	CREP	39.73
Aydelotte, Benjamin T	0084	0134		LSLT and MET	Donated	CREP	33.79
STILLWATER DEVELOPMENT COMPANY LLC	0031	0051		LSLT and MET	Donated	Conservation	0.00
Lambertson, Susan B & Lambertson, Jason W	0085	0005		LSLT and MET	Donated	CREP	130.61
CLARK, STEVEN P TRUSTEE	0047	0055		LSLT and MET	Donated	CREP	21.00
Lambertson, M. Wayne	0072	0036		LSLT and MET	Donated	CREP	53.13
Pennington Living Trust	0020	0103		LSLT and MET	Donated	Conservation	41.88
Pettit, June	0072	0048		LSLT and MET	Donated	Conservation	741.35
Pennington, Michael P	0020	0341	1	LSLT and MET	Donated	Conservation	1.18
Pennington, Michael P	0020	0341	2	LSLT and MET	Donated	Conservation	5.41
Worcester County Commissioners	0042	0041		LSLT and MET	Donated	Conservation	111.46
ROBINSON, CHARLES ERIC	0072	0118		LSLT and MET	Donated	Conservation	30.48
Grande View Properties, LLC	0065	0016	1A	LSLT and MET	Donated	Conservation	168.08
Taylor, Jane	0072	0046		LSLT and MET	Donated	Conservation	32.36
Taylor, Jane	0072	0008		LSLT and MET	Donated	Conservation	20.12
Taylor, Jane	0072	0045		LSLT and MET	Donated	Conservation	117.27
Taylor, Jane	0072	0027		LSLT and MET	Donated	Conservation	3.86
Nicholas Family Limited Partnership	0072	0027		LSLT and MET	Donated	Conservation	221.03
<b>Total Acres</b>	0015	0124		LSLT and MET	Donated	Conservation	<b>2,445.14</b>

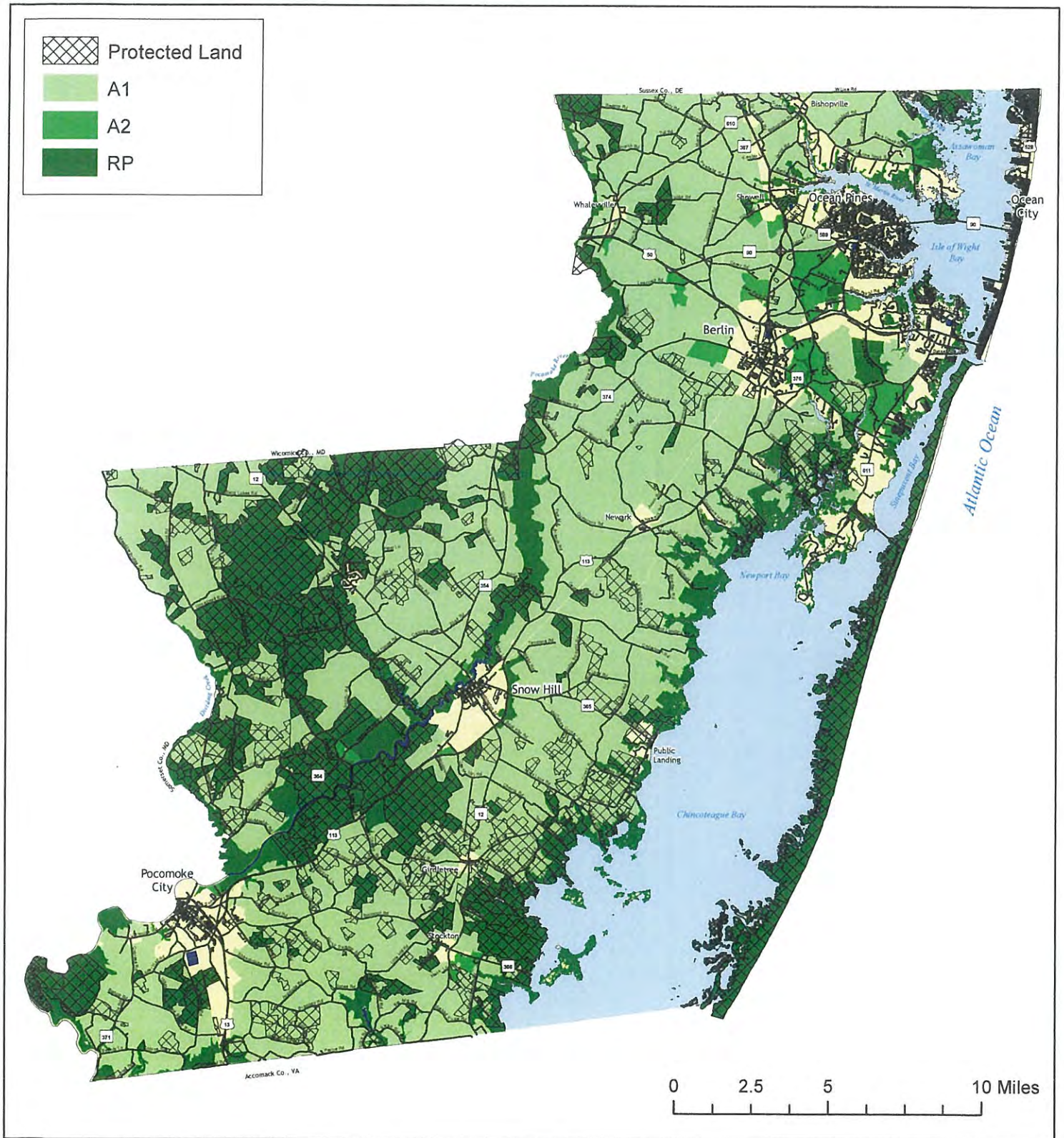
Maryland Agricultural Land Preservation Certification Program Application

Table 12. Conservation Reserve (CREP) Easements Managed by Worcester County

Primary Landowner	Map	Parcel	Grid	Settlement Date	Easement Holder	Easement Acreage	Purchase Price
Persimmon Point, LLC	99	50, 128	20	2011	DNR and Worcester County	45.28	\$83,545.00
Gary Pilchard	78	46/102	16	2011	DNR and Worcester County	36.24	\$59,459.00
Collins	40	83	11	2012	DNR and Worcester County	43.04	\$73,059.00
Janet Cherrix Estate	19	7	4	2012	DNR and Worcester County	35.18	\$79,951.00
Rural Integrity Land, LLC	71	61	5	2011	DNR and Worcester County	263.79	\$468,514.00
John and Becky Richardson		79 191	19	2015	Worcester County	63.87	\$118,109.00
Bradford, David and Nancy	78	56	22	2015	DNR and Worcester County	110.97	\$139,400.00
<b>Total</b>						<b>598.37</b>	<b>\$1,022,037.00</b>

# Figure 3: A-1, A-2 and RP Zoning, Worcester County, Maryland

Maryland Agricultural Certification Program Application, 2018

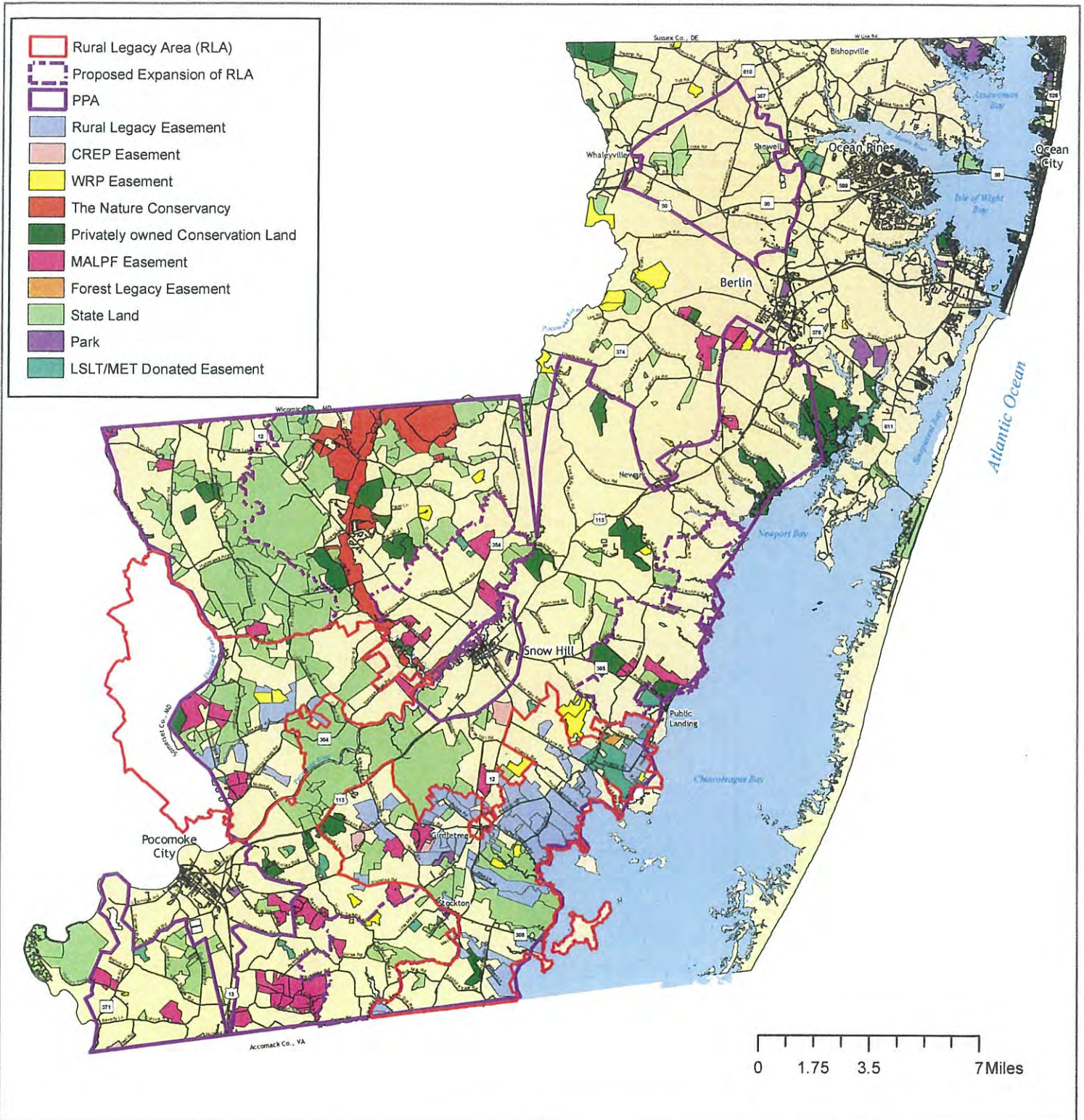


Map Created by Worcester County Department of Environmental Programs  
 Map prepared on April 13, 2018  
 This map is intended for planning purposes only and not for regulatory application.  
 Data sources: Worcester County Department of Development Review and Permitting;  
 Maryland Department of Natural Resources



# Figure 4: Priority Preservation Area (PPA) and Protected Lands, Worcester County, Maryland

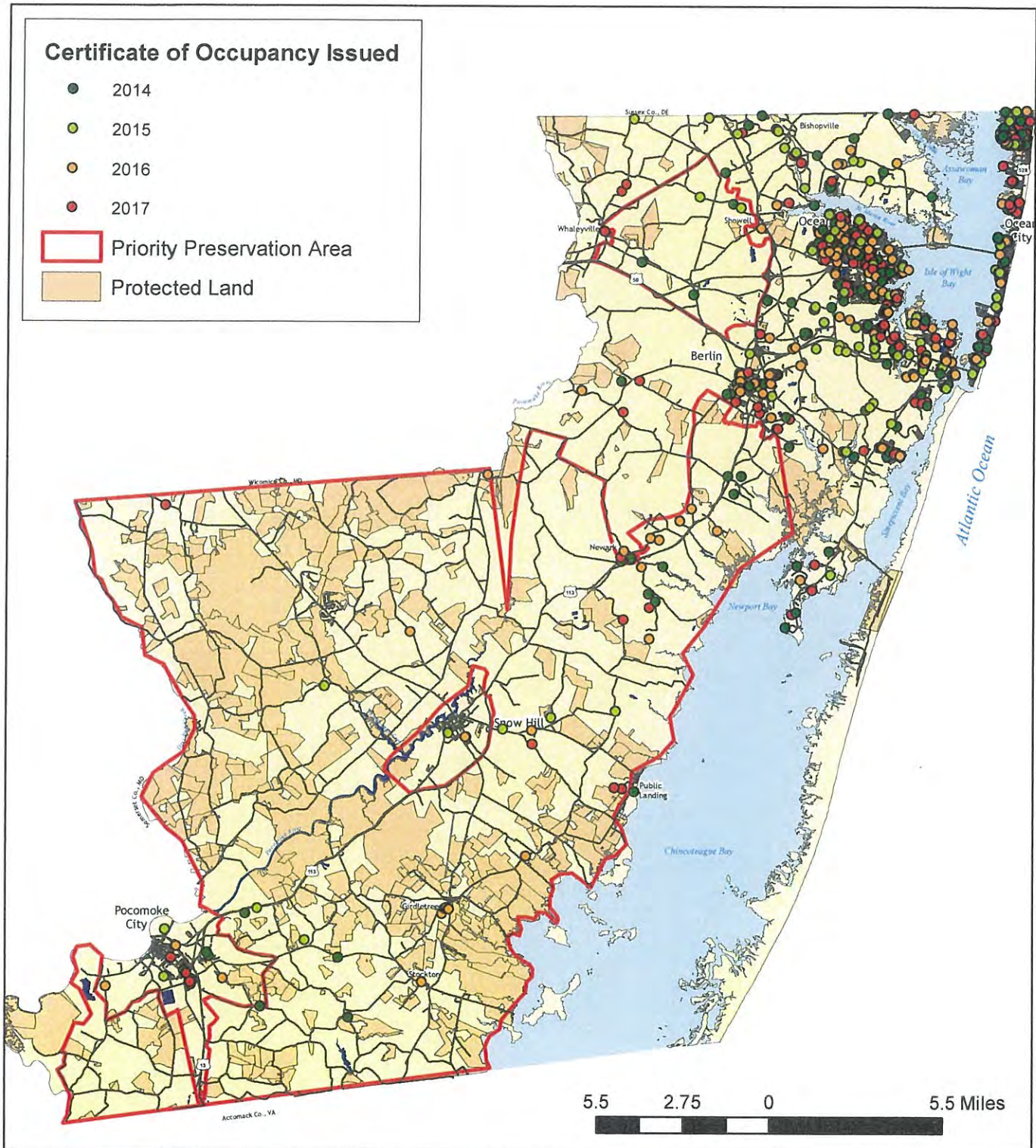
Maryland Agricultural Certification Program Application, 2018



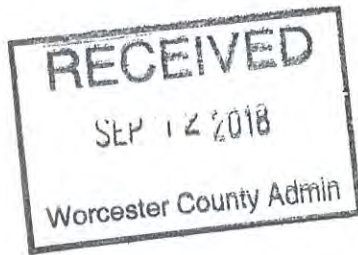
Map Created by Worcester County Department of Environmental Programs  
 Map prepared on April 16, 2018.  
 This map is intended for planning purposes only and not for regulatory application.  
 Data sources: Worcester County Department of Development Review and Permitting;  
 Maryland Department of Natural Resources

# Figure 5: New Residential Units, Priority Preservation Area (PPA) and Protected Lands, Worcester County, Maryland

Maryland Agricultural Certification Program Application, 2018



Map prepared on April 16, 2018.  
 This map is intended for planning purposes only and not for regulatory application.  
 Data sources: Worcester County Department of Development Review and Permitting;  
 Maryland Department of Natural Resources




10

Potential Public Hearing Dates!  
- October 2 - Advertise once  
- October 23 - Advertise twice

**Worcester County**  
Department of Environmental Programs

Memorandum

**To:** Harold L. Higgins, Chief Administrative Officer

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

**Subject:** Public Hearing for Proposed FY 17/18 MALPF Easement Applications

**Date:** August 9, 2014

Attached you will find a memorandum from Katherine Munson, of my staff with regard to the next round of easement applications. We are requesting a public hearing be scheduled for the review of FY 19 Maryland Agricultural Land Preservation Foundation (MALPF) applications. The County received a total of nine (9) applications for the sale of easements for the next fiscal year.

As you can see from Katherine's memorandum, the required reviews from the County's Agricultural Land Preservation Advisory Board and the Planning Commission have been completed. Both Ms. Munson and I were present at their September 5<sup>th</sup> meeting when the Agricultural Land Preservation Advisory Board made their recommendations for submission. At their meeting on September 6<sup>th</sup>, the Planning Commission found that all applications are consistent with the 2006 Comprehensive Plan and that a MALPF easement, if approved, would be appropriate.

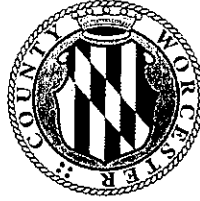
A draft notice for the mandated public hearing is attached to Ms. Munson's memo for use by Mr. Shannahan for submission for publication.

If you have any questions or need additional information please let me know.

Enclosures

cc: Katherine Munson

**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 CONSTRUCTION

WELL & SEPTIC  
NATURAL RESOURCES  
PLUMBING & GAS  
COMMUNITY HYGIENE

## Memorandum

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**To:** Robert Mitchell, Director

**From:** Katherine Munson, Planner V *KM*

**Subject:** Public Hearing for Proposed FY 19 MALPF Easement Applications

**Date:** September 10, 2018

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Please schedule a public hearing for the review of the following nine (9) applications to sell an agricultural preservation easement to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY19.

1. 23-19-01; GMR LLC; TM 91, Grid 14, P 14; 934 Bishop Road, Pocomoke City; 224.1 acres
2. 23-19-02; Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres
3. 23-19-03; Shockley, Patrick and Ralph Shockley; David and Sandra Shockley as Trustees; TM 38, Grid 5, P 15; Shockley Road, Snow Hill; 390.2 acres
4. 23-19-04; Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
5. 23-19-05; Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres
6. 23-19-06; Powell, Harry and Annette; TM 56, Grid 15, P 25; Timmons Road, Snow Hill; 281.2 acres
7. 23-19-07; Shockley, Samuel (Glenn) and Brenda; TM 38, Grid 23; P 4; 5910 Laws Road, Snow Hill; 153.9 acres
8. 23-19-08; Holland, Glenn and Jean; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres
9. 23-19-09; Holland, Everett and Mark Holland; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 176.04 acres

In order for the applicants to be eligible to sell an easement to MALPF, their applications must be recommended for approval by the Worcester County Planning Commission and the Worcester County Agricultural Land Preservation Advisory Board, and approved by the Worcester County

Commissioners after a public hearing. The Public Hearing requirement is mandated by Maryland Annotated Code Title 2, Subtitle 5, Section 2-509(b)(3).

All applications meet the minimum requirements of the MALPF program and all have been recommended for approval by the Worcester County Planning Commission (September 6, 2018) and the Worcester County Agricultural Land Preservation Advisory Board (September 5, 2018).

Attached is a draft notice of public hearing. There is no State-mandated minimum time period between the date of advertisement and the date of public hearing. We will distribute the public hearing notice to the applicants and adjacent landowners.

Maps and detailed information about each application will be provided prior to the public hearing. Please do not hesitate to contact me with any questions you may have.

Attachment

**DRAFT**

NOTICE OF PUBLIC HEARING  
FOR AGRICULTURAL EASEMENT ACQUISITION  
Worcester County, Maryland

Notice is hereby given that the Worcester County Commissioners will hold a

**Public Hearing**

on

**Tuesday, , 2018 at AM**

in the

COUNTY COMMISSIONERS MEETING ROOM

Room 1101- Government Center

One West Market Street

Snow Hill, MD 21863

The purpose of this public hearing is to hear comments on petitions to sell an agricultural easement to the Maryland Agricultural Land Preservation Foundation (MALPF) on the following properties in Worcester County:

1. 23-19-01; GMR LLC; TM 91, Grid 14, P 14; 934 Bishop Road, Pocomoke City; 224.1 acres
2. 23-19-02; Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres
3. 23-19-03; Shockley, Patrick; Ralph Shockley and David and Sandra Shockley as Trustees; TM 38, Grid 5, P 15; Shockley Road, Snow Hill; 390.2 acres
4. 23-19-04; Fair, Freddie R. and Faye H.; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
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8. 23-19-08; Holland, Glenn and Jean; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres
9. 23-19-09; Holland, Everett and Mark Holland; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 176.04 acres

Additional information is available for review at the Department of Environmental Programs, Worcester County Government Center, Suite 1306 (3<sup>rd</sup> floor), One West Market Street, Snow Hill, Maryland, 21863 during regular business hours of 8:00 am to 4:30 pm . Questions may be directed to Katherine Munson, Planner V, by calling (410) 632-1220, extension 1302 or email at [kmunson@co.worcester.md.us](mailto:kmunson@co.worcester.md.us).

County Commissioners of Worcester County, Maryland

having established an effective county agricultural land preservation program, and if there is money remaining in the Maryland Agricultural Land Preservation Fund at the end of the fiscal year, the county may apply to the Foundation for an amount equal to the difference between:

- (1) The aggregate amount allotted on behalf of the county under general allotted purchases of easements as provided in § 2-508(b) of this subtitle for the fiscal year in which easement purchases are made; and
  - (2) The amount committed by the Foundation on behalf of the county under general allotted purchases of easements as provided in § 2-508(b) of this subtitle for the fiscal year in which easement purchases are made.
- (b) *Time.* — The distribution under this section shall be made within 60 days of the end of each fiscal year.
- (c) *Insufficient funds.* — If the money remaining in the Maryland Agricultural Land Preservation Fund at the end of the fiscal year are insufficient to distribute the total amount applied for under subsection (a) of this section, the maximum amount that may be distributed to any certified county is:

- (1) The total sum available divided by the number of counties applying for additional funds under this section; less
- (2) The amount committed by the Foundation on behalf of the county under general allotted purchases of easements as provided in § 2-508(b) of this subtitle for the fiscal year in which easement purchases are made.
- (d) *Uses.* — A county may use the additional funds distributed under this section only for an approved agricultural land preservation program for the purposes stated under § 2-512 of this subtitle, including use for bond annuity funds, collateralizing loans, or matching funds. (1990, ch. 65; 1995, ch. 568; 2000, ch. 209, § 2; 2016, ch. 8, § 5.)

*Editor's note.* — Section 3, ch. 65, Acts 1990, provides that: "in its annual report under § 2-506 of the Agriculture Article, the Maryland Agricultural Land Preservation Foundation shall include an evaluation of easement sales under both Round 1 and Round 2, by county, so as to permit an evaluation of which counties receive the most benefit under the Foundation and the certification program under § 2-508.1 of the Agriculture Article."  
Pursuant to § 5, ch. 8, Acts 2016, "is money" was substituted for "are moneys" in the introductory language of (a); and "money" was substituted for "moneys" in the introductory language of (c).

**§ 2-509. Foundation regulations and procedures for sale of easements.**

- (a) *Compliance with section; adoption of regulations and procedures.* — The Foundation shall follow the provisions under this section for the easement application process.
- (2) The Foundation shall adopt regulations and procedures for:
  - (i) Evaluation of land for which application is made to sell an easement; and
  - (ii) Purchase of easements, including the purchase of easements under an installment purchase agreement.
- (b) *Regulations and procedures for purchase of easements.* — Regulations and procedures adopted by the Foundation for the purchase of easements shall provide that:

(1) One or more owners of land actively devoted to agricultural use may file an application with the county governing body requesting the purchase of an easement by the Foundation on the land owned by the applicants. The application shall include maps and descriptions of the current use of land for the proposed easement, and any other information required by the Foundation to evaluate the land for purchase of an easement.

(2) Upon receipt of an application to purchase an easement the local governing body shall refer the application and accompanying materials both to the agricultural preservation advisory board and to the county planning and zoning body.

(i) After the referral of an application, the agricultural preservation advisory board shall advise the county governing body as to whether or not the land for the proposed easement meets the qualifications established by the Foundation under subsection (d) of this section, and whether or not the advisory board recommends the purchase of the easement.

(ii) In making its recommendation, the county agricultural preservation advisory board shall:

1. Take into consideration criteria and standards established by the Foundation under this subtitle, current local regulations, local patterns of land development, the kinds of development pressures currently existing on the land for the proposed easement, State smart growth goals, and any locally established priorities for the preservation of agricultural land; and
2. Recommend for ranking any application that qualifies and meets the priorities established by the county governing body for the preservation of agricultural land.

(iii) After the referral of an application, the county planning and zoning body shall advise the local governing body as to whether or not the purchase of the easement is compatible with existing and approved county plans and overall county policy, and whether or not the planning and zoning body recommends the purchase of the easement.

(3) If either the agricultural preservation advisory board or the planning and zoning body recommends approval, the county governing body shall hold a public hearing on the application for the proposed easement. Adequate notice of the hearing shall be given to all owners whose land would be encumbered by the proposed easement and all owners whose land is contiguous to the land for the proposed easement.

(4) In deciding whether to approve the application, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle.

(5) (i) After the receipt of the application and the recommendations of the agricultural preservation advisory board and the county planning and zoning body, the county governing body shall render a decision as to whether or not the application shall be recommended to the Foundation for approval.

(ii) If the county governing body decides to recommend approval of the application, it shall notify the Foundation and forward to the Foundation:

1. The application and all accompanying materials, including the recommendations of the advisory board and county planning and zoning body;

Agricultural Easements



5

2. A ranking of all applications based on:
- A. The county governing body's locally established priorities as approved by the Foundation, which for purposes of enhancing competitive bidding may include a system that ranks properties in ascending order with respect to the proportion obtained by dividing the asking price by the value of the easement; and
- B. Guidelines adopted by the Foundation under subsection (d) of this section; and
3. A statement of the total current development rights on the land for the proposed easement, which shall include the total number of development rights that have been subdivided or transferred.
- (iii) If the county governing body recommends denial of the application, it shall inform the Foundation and the applicants.
- (c) *Regulations and procedures for purchase of easements* — *Special requirements for certain counties*. — Regulations and procedures adopted by the Foundation for the purchase and monitoring of easements may not require, in Garrett County or Allegany County, a natural gas rights owner or lessee to subordinate its interest to the Foundation's interest if the Foundation determines that exercise of the natural gas rights will not interfere with an agricultural operation conducted on land subject to an easement.
- (d) *Land which may be considered for purchase of easement*. — Regulations and criteria developed by the Foundation relating to land which may be considered for purchase of an easement shall provide that:
- (1) Subject to item (2) of this subsection, land shall meet productivity, acreage, and locational criteria determined by the Foundation to be necessary for the continuation of farming;
  - (2) As long as all other criteria are met, land that is at least 50 acres in size or is contiguous to other permanently preserved land shall qualify for purchase of an easement;
  - (3) The Foundation shall attempt to preserve the minimum number of acres which may reasonably be expected to promote the continued availability of agricultural suppliers and markets for agricultural goods;
  - (4) Land within the boundaries of a 10-year water and sewer service district may be considered for purchase of an easement only if that land is outstanding in productivity and is of significant size;
  - (5) Land may be considered for purchase of an easement only if the county regulations governing the land permit the activities listed under § 2-513(a) of this subtitle; and
  - (6) Land be evaluated for:
    - (i) Location in a priority preservation area of the county;
    - (ii) Soil and other land characteristics associated with agricultural and silvicultural productivity;
    - (iii) Agricultural and silvicultural production and contribution to the agricultural and silvicultural economy; and
    - (iv) Any other unique county considerations that support the goals of the program. (1977, ch. 883; 1986, ch. 5, § 1, 1994, ch. 3, § 1, 1995, ch. 3, § 1; 1996, ch. 10, § 1; 1999, ch. 653; 2000, ch. 61, § 1; 2001, ch. 642; 2003, ch. 117;

2004, ch. 189; 2005, ch. 25, § 1; 2006, ch. 192; 2007, ch. 650; 2012, ch. 180; 2014, ch. 287.)

**Effect of amendments.** — Section 1, ch. 25, Acts 2005, approved April 12, 2005, and effective from date of enactment, redesignated the subdivisions in (b)(4) and (b)(7).

Chapter 192, Acts 2006, effective July 1, 2006, redesignated former (b)(7)(i) as present (b)(7)(i) and (ii); added present (b)(7)(iii) and made related changes; in (b)(7)(iii), deleted "however" from the beginning, inserted "of the district," and substituted "specified period of time" for "period of five years"; and in (b)(8), substituted "the period of time stipulated in the district agreement" for "five years from the establishment of a district".

Chapter 660, Acts 2007, effective July 1, 2007, added (a)(1) and made related changes; throughout (b) added language concerning applications for purchasing easements, proposed easements, and variants; in (b)(1) substituted "or an application . . . Foundation or" for "composed of"; in (b)(5)(i) and (b)(5)(10) substituted "(d)" for "(c)"; in (b)(7)(ii) made minor grammatical changes; throughout (c) and (d) added language concerning easements; and deleted (e).

Chapter 180, Acts 2012, effective June 30, 2012, rewrote the section.

Chapter 287, Acts 2014, effective July 1, 2014, reenacted the section without change.

**Editor's note.** — Section 2, ch. 117, Acts 2003, effective Oct. 1, 2003, provides that "on or before October 1, 2006, the Agricultural Land Preservation Foundation shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly that evaluates the impact of this Act on the quality of agricultural land preserved and the Foundation's agricultural land preservation activities under the Maryland Agricultural Land Preservation Foundation."

Section 2, ch. 192, Acts 2006, provides that "counties are encouraged to provide property tax credits for agricultural districts."

Section 3, ch. 192, Acts 2006, provides that "on or before January 31, 2007, the Maryland Agricultural Land Preservation Foundation shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report outlining procedures, laws, and regulations that the Foundation determines to be necessary in order to implement the elimination of agricultural districts from the Maryland Agricultural Land Preservation Program. The report shall include:

- (a) an implementation timeline;
- (b) statutory language for the repeal and reenactment of §§ 2-509 and 2-510 of the Agriculture Article, including the removal of the requirement for districts from the easement application process to become effective July 1,

2007, and the elimination of districts from the program to become effective June 30, 2008;

"(c) a process for county and State approval of easement applications;

"(d) a provision for optional county districts;

"(e) a provision that requires participating counties to establish a right-to-farm ordinance;

"(f) a provision that prohibits properties from being developed or subdivided during the easement application process; and

"(g) a provision that allows for the continuation of tax credits for existing districts."

Section 2 of ch. 650, Acts 2007, provides that "Effective July 1, 2007, districts may not be a requirement for the easement application process to the Maryland Agricultural Land Preservation Foundation; and

"(b) Except as provided in Section 3 of this Act, as of June 30, 2012, all districts in the Maryland Agricultural Land Preservation Foundation shall be terminated and a landowner may not be bound to the terms of any Foundation district agreement."

Section 3 ch. 650, Acts 2007, provides that "the following agricultural land preservation districts established under § 2-509 of the Agriculture Article or by a county shall remain in force and may not be terminated:

"(a) Any district in which an easement has been transferred to the Foundation; and

"(b) Any district established by a county and a landowner for the purpose of providing a property tax credit to the landowner."

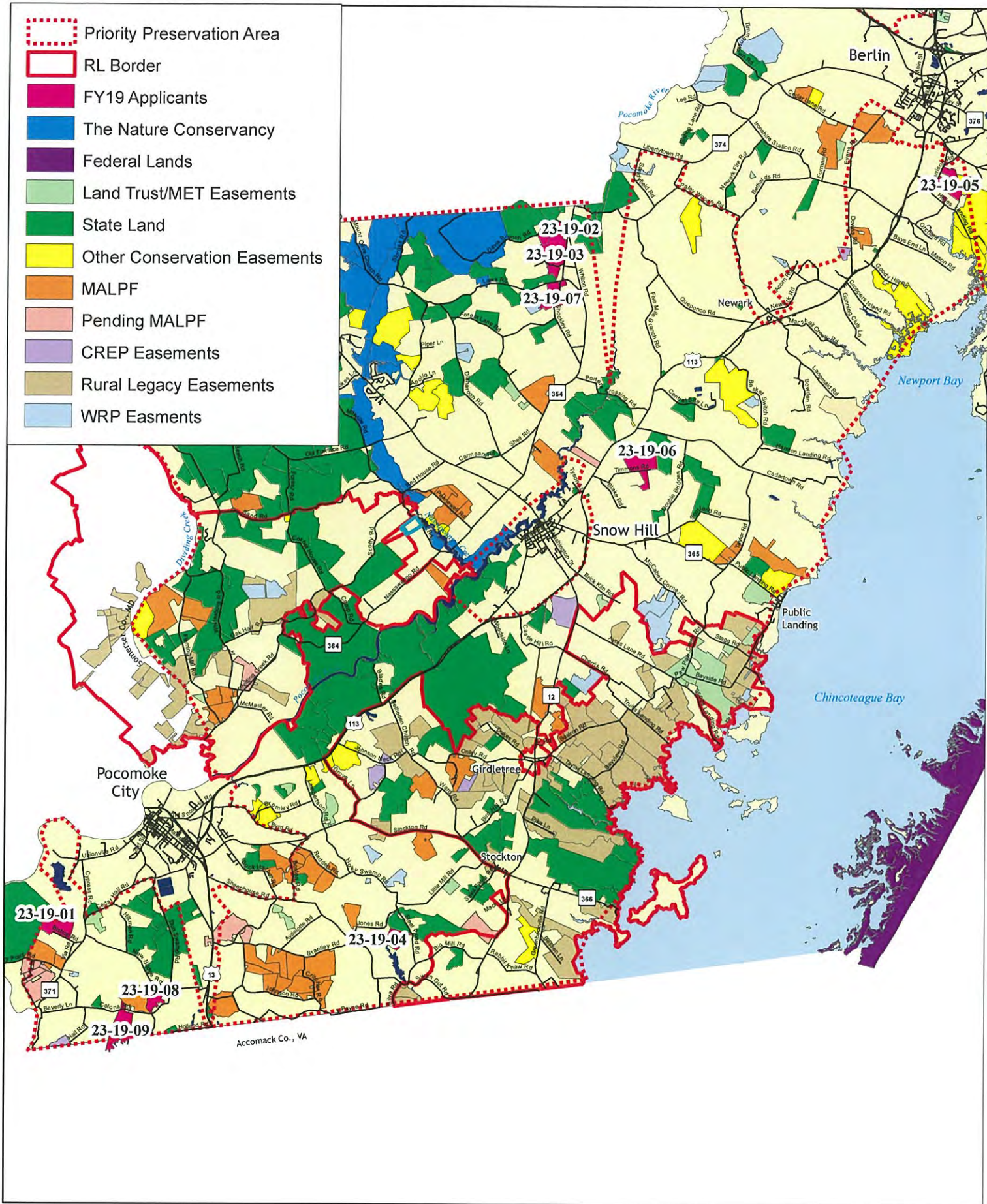
Section 4 ch. 650, Acts 2007, provides that "the Foundation may not accept a district petition for any purpose after June 30, 2008."

**University of Baltimore Law Review.** — For article, "Preservation of Maryland Farmland: A Current Assessment," see 8 U. Balt. L. Rev. 429 (1979).

**Conveyance of a lot subject to preservation easement was void.** — Conveyance of a lot in a parcel subject to a preservation easement was void as: (1) although (b)(7)(v) of this section provided that an owner was not precluded from selling the property, § 2-504(4) [now § 2-504(5)] of this subtitle delegated to the Maryland Agricultural Land Preservation Foundation the power to adopt necessary regulations; (2) Md. Code Regs. 15.15.01.17H(1) prohibited the owners from subdividing land subject to an agricultural land preservation district or easement without written approval from the Foundation; (3) "subdivision" was defined as the division of land into two or more parcels; and (4) the statutory definition in art. 66B, § 1.00(1) of the Code [now § 1-101 of the Land Use Article] did not prevail over the definition contained in Reg. 15.15.01.01-2B(7).



# FY19 MALPF Applications and Protected Land, Worcester County



2.5 1.25 0 2.5 Miles





11

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

COMMISSIONERS  
DIANA PURNELL, PRESIDENT  
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OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

September 11, 2018

TO: Worcester County Commissioners  
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *kl.*  
On Behalf Of Worcester County Sewer Committee  
SUBJECT: Request for Allocation of EDUs for Sea Oaks Village, LLC Property

---

Please be advised that on August 6, 2018 we received the attached request from Attorney Hugh Cropper, IV on behalf of Sea Oaks Village, LLC (the Applicant) for the allocation of sixty-three (63) equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Residential Planned Community (RPC) to be located on Stephen Decatur Highway (MD Route 611) south of West Ocean City. The subject property is identified on Tax Map 26 as Parcel 274, Lot 3A. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on September 6, 2018. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

**Summary of Request:** Sea Oaks Village, LLC requests an allocation of 63 equivalent dwelling units (EDUs) of sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Residential Planned Community (RPC) development consisting of 59 townhomes and 24,000 square feet (sf) of commercial use. Requested EDUs are computed as follows:

- 59 EDUs for Townhomes - at 1 EDU per unit x 59 units = 59 EDUs
- 4 EDUs for Commercial - at .05 gallons/sf x 24,000 sf = 1,200 gallons per day (gpd)  
÷ 300 gpd/edu = 4 EDUs

**63 EDUs - Total Request**

**Background on the Subject Property:** The subject property is approximately 40 acres in area, is located on the west side of Stephen Decatur Highway, approximately 0.3 mile south of Sunset Avenue. The property is currently zoned C-1 Neighborhood Commercial (4.2 acres) along Stephen Decatur Highway and R-3 Multifamily Residential (35.8 acres) for the balance of the property. The property is designated S-3 in the County Water and Sewerage Plan which indicates an area to be served by sewer service within 6-10 years, but does not guarantee any service or obligate the provision of services in that time frame. The property lies just outside of the area designated for allocation of new sewer EDUs in the northern receiving area of the Mystic Harbour SSA.

**History of this Property:** Prior to the replacement and expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP), the subject property was allocated a total of 40 EDUs of sewer service in the Mystic Harbour SSA. At the Commissioners meeting of March 15, 2016, the property owner's attorney, Hugh Cropper, argued that the subject property is an "environmentally sensitive, wooded area" and that "developing the property does not constitute smart growth; whereas transferring those (40) EDUs to the

existing commercial center in West Ocean City does make good sense." As a result, the Commissioners granted approval for the transfer of the 40 EDUs to other properties in the Mystic Harbour/West OC overlay area which were subsequently transferred, thus leaving this property with 0 EDUs.

On September 29, 2017 the County received a request for the allocation of 139 equivalent dwelling units (EDUs) of sanitary sewer service for the Sea Oaks Village RPC, to serve 135 townhomes and 24,000 sf of commercial development. The County Commissioners subsequently denied the application at their meeting on October 17, 2017.

**Current Available Capacity - North:** There are currently 224 EDUs allocated in Area 1 (north of the airport), in which the subject property is located, which have not yet been purchased. These remaining EDUs have been allocated for the following uses: Infill and Intensification (87 EDUs), Vacant or Multi-Lot properties (80 EDUs), Single Family Dwellings (17 EDUs), and Commercial (40 EDUs). Given the nature of this request and the current zoning of the property, we suggest that the "Vacant or Multi-Lot Properties" category (59 EDUs) and the "Commercial" category (4 EDUs) would be the most appropriate from which to consider assigning these EDUs.

**Background on Original Allocation of New Sewer Capacity in Mystic Harbour:** The expansion of the Mystic Harbour WWTP and funding from USDA in 2008 was predicated upon the need for infill and intensification of properties along the Route 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. The Worcester County Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority to (1) infill lots, (2) expansion of existing facilities, (3) replacement of septic tanks, and (4) new developments.

**Conditions of Approval:** We recommend that any approval of this request be contingent upon the following conditions:

1. Recommendation of approval by the Planning Commission for an Amendment to the Water and Sewer Plan (the Plan) amending the property from S-3 to S-1 and amending the EDU map to incorporate the subject property; and
2. Approval by the County Commissioners of the Plan Amendment referenced in Condition 1; and
3. Approval by the Maryland Department of the Environment (MDE) of the Plan Amendment referenced in Condition 1; and
4. Taking the revised Residential Planned Community (RPC) - Step 1 application back to the Technical Review Committee (TRC) for review and comment; and
5. Recommendation of approval by the Planning Commission for the revised RPC - Step 1 application; and
6. Approval by the County Commissioners of the revised RPC - Step 1 application.

The above conditions, exclusive of MDE approval, shall be met on or before November 20, 2018.

**Options for Commissioners' Action on the Request:**

- Option 1 - Approve the request for allocation of 63 EDUs of sewer service from Area 1 (North) of the Mystic Harbour SSA to serve the Sea Oaks, LLC property, with EDU's allocated from the "Vacant or Multi-Lot Properties" category (59 EDUs) and the "Commercial" category (4 EDUs), and subject to the above Conditions of Approval.
- Option 2 - Approve all or a portion of the request for 63 EDU's of sewer service from Area 1 (North) of the Mystic Harbour SSA to serve the Sea Oaks, LLC property, with EDU's allocated from either the "Vacant or Multi-Lot Properties" category (80 EDUs available), the "Commercial" category (40 EDUs available) or "Infill and Intensification" category (87 EDUs available), and subject to the above Conditions of Approval.
- Option 3 - Deny the request for 63 EDUs of sewer service from the Mystic Harbour SSA to serve the Sea Oaks, LLC property.

**Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 7/3/18)**

<b>North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"</b>	<b>Original Allocation</b>	<b>Current Adjusted Allocation</b>	<b>Sold and In Service</b>	<b>Sold and Not In Service</b>	<b>Remaining Allocation</b>	<b>Footnotes</b>
Infill and Intensification of Properties in "Area 1"	154	114	0	27	87	3, 10, 12
Vacant or Multi-lot Properties in "Area 1"	80	80	0	0	80	
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	0	40	40	4, 5, 7, 8, 11
<b>Subtotal EDUs in "Area 1"</b>	<b>331</b>	<b>291</b>	<b>0</b>	<b>67</b>	<b>224</b>	
<b>Airport and South of Airport, East of Route 611 - "Area 2"</b>						
Commercial Infill South of Airport	20	20	0	0	20	
Vacant or Multi-lot Properties	4	4	0	2	2	6
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	0	200	0	3, 10
Commercial Portion of Frontier Town Campground	30	0			0	
<b>Subtotal EDUs in "Area 2"</b>	<b>335</b>	<b>375</b>	<b>120</b>	<b>203</b>	<b>52</b>	
<b>TOTAL EDUs</b>	<b>666</b>	<b>666</b>	<b>120</b>	<b>270</b>	<b>276</b>	

Note: See attached map for location of EDU allocations

**Footnotes:**

- 1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.
- 2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.
- 3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.
- 4 - Sold 14 EDUs to Park Place on May 16, 2017.
- 5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.
- 6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.
- 7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.
- 8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.
- 9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.
- 10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17). Pending MDE approval.
- 11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.
- 12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.

LAW OFFICES

**BOOTH BOOTH  
CROPPER & MARRINER P.C.**

CURTIS H. BOOTH  
BRYNJA MCDIVITT BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
ROY B. COWDREY, JR. \*\*

\*ADMITTED IN MD & DC  
\*\* OF COUNSEL

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EMAIL: [hcropper@bbcmlaw.com](mailto:hcropper@bbcmlaw.com)

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WEBSITE

[www.bbcmlaw.com](http://www.bbcmlaw.com)

August 2, 2018

Ms. Jessica Wilson, Worcester County  
Treasurer's Office  
Worcester County Government Center  
One West Market Street, Room 1103  
Snow Hill, Maryland 21863

Mr. Kelly Shannahan, Assistant CAO  
For Worcester County  
One West Market Street  
Snow Hill, Maryland 21863

RE: *Sea Oaks Village, LLC*

Dear Ms. Wilson and Mr. Shannahan:

Please find attached an Application for the allocation of 63 EDU's in the Mystic Harbour Sanitary Service Area.

Two copies of the revised Site Plan are attached. The property has been divided into two Phases, with Phase I consisting of 59 residential units, which will require 59 EDU's. The adjacent commercial should still require 4 EDU's. This is a total request of 63 EDU's.

Thank you, and have a great day.

Very truly yours,



Hugh Cropper, IV

HC/tgb

Enclosures

CC: Maureen F.L. Howarth, County Attorney  
Mark Gabler, Esquire

Worcester County - Department of Public Works - Water and Wastewater Division  
Mystic Harbour Sewer Service Application

Name: Sea Oaks Village, LLC Date: August 2, 2018  
Mailing address: 9923 Stephen Decatur Hwy, D-2, Ocean City, MD 21842  
Address of service location: Stephen Decatur Hwy, Ocean City, MD 21842  
Property identification (acct # & map/parcel): Map 26, Parcel 274, Lot 3A

Type of project (circle one below):

Single Family Minor Site Plan Major Site Plan Residential Planned Community

Type of service requested (circle one): Residential Commercial

If commercial, list type of business, square footage and number of seats in restaurant (if applicable):

EDU's/gallons assigned to property: 0 EDU's to be purchased: 63

If developer new construction, will you be providing the meter (circle one): Yes No N/A

Name & license number of licensed plumber providing connection from meter to building:

Name & phone number of person to contact with regards to this application/account:

Hugh Crapper IV  
Signature: [Signature] Date: 8/2/18

**Attachments required to be submitted with application:**

- Single Family- Copy of permit application.
- Minor Site Plans- Copy of TRC report or documentation of administrative waiver.
- Major Site Plans- Copy of TRC report.
- Residential Planned Community- Copy of Planning Commission's findings/recommendation for Step 1.

**NOTICE:** Please review attached Resolution No. 17-19 which details the EDU allocation process and the time frame in which the EDUs must be utilized or returned to the County for future allocation and utilization. If mains are to be installed by applicant a separate "Small Sewer and Water Project Agreement" will be required.

**OFFICE USE ONLY:**

Date received: \_\_\_\_\_ By: \_\_\_\_\_

Environmental Programs approval: \_\_\_\_\_ Date: \_\_\_\_\_

Treasurer's Office approval: \_\_\_\_\_ Date: \_\_\_\_\_

Public Work's approval: \_\_\_\_\_ Date: \_\_\_\_\_

**FEES PAID:**

Deposit \$1,000 per EDU X \_\_\_\_\_ (EDU's) = \$ \_\_\_\_\_  
Remaining Balance \$6,700 per EDU X \_\_\_\_\_ (EDU's) = \$ \_\_\_\_\_

Date received: \_\_\_\_\_ By: \_\_\_\_\_

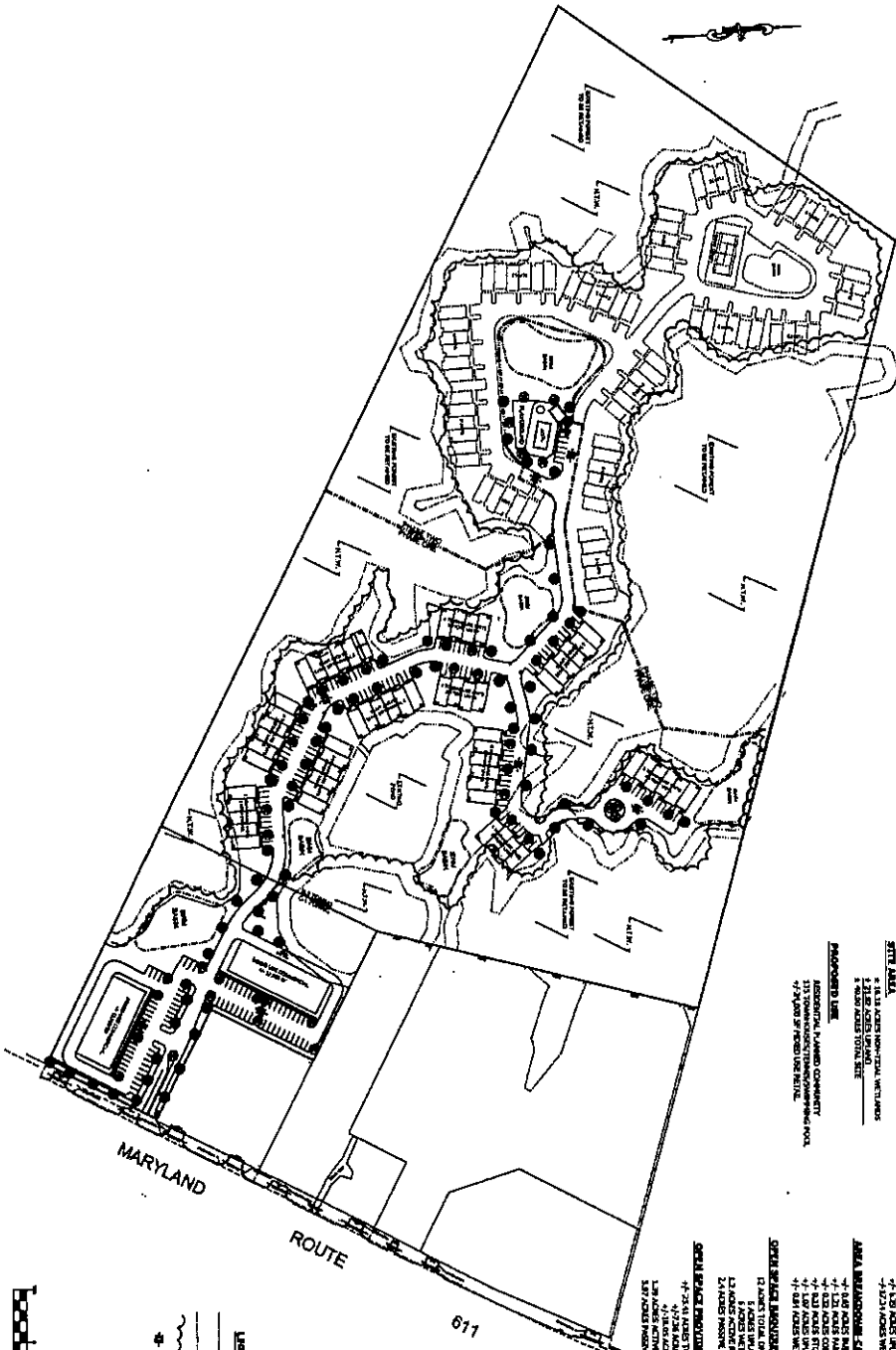
**RETURN TO:**

Worcester County Treasurer's Office  
Attn: Jessica Wilson  
P.O. Box 349  
Snow Hill, MD 21863

**FULL POLICY ATTACHED AND INCORPORATED.**

# SEA OAKS

## RESIDENTIAL PLANNED COMMUNITY



**SITE DATA**

- PLANNED DEVELOPMENT**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PLANNED COMMUNITY**
  - SEA OAKS RESIDENTIAL PLANNED COMMUNITY
- PLANNED AREA**
  - 1,100 ACRES TOTAL SITE
  - 1,100 ACRES TOTAL SITE
- PLANNED LOTS**
  - RESIDENTIAL PLANNED COMMUNITY
  - 115 CONDOMINIUMS
  - 115 CONDOMINIUMS

**PHASING PLAN**

- PHASE ONE**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE TWO**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE THREE**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE FOUR**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE FIVE**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE SIX**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE SEVEN**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE EIGHT**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE NINE**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND
- PHASE TEN**
  - 100 WINDY HILL, THE ROAD TO WEST OCEAN CITY, MARYLAND

- LEGEND**
- ADJUTANT WETLAND
  - ADJUTANT WETLAND TO BE RESTORED
  - TRAILWAY



6

RESOLUTION NO. 17 - 19

**RESOLUTION CREATING THE MYSTIC HARBOUR SANITARY SERVICE AREA  
SEWER EDU ALLOCATION PROCESS**

WHEREAS, the Mystic Harbour Wastewater Treatment Plant (WWTP) was upgraded and expanded in 2014 to provide additional sanitary sewer treatment capability to serve residential and commercial needs of properties within the Mystic Harbour Sanitary Service Area (SSA); and

WHEREAS, the upgrade and expansion resulted in a total of 200,000 gallons per day of additional sewage treatment capacity in the Mystic Harbour WWTP which created a total of 666 new Equivalent Dwelling Units (EDUs) of sewer capacity at a rate of 300 gallons per day per EDU which are now available in the Mystic Harbour SSA; and

WHEREAS, the planning documents included in the latest approved *Worcester County Water and Sewerage Master Plan* amendment regarding the Mystic Harbour SSA identified a number of goals for the additional capacity and included a chart (attached hereto) allocating the new EDUs to different areas within the Mystic Harbour SSA for different purposes; and

WHEREAS, on March 15, 2016, the Worcester County Commissioners reviewed and approved an implementation policy for the newly available sewer EDUs in the Mystic Harbour/West Ocean City SSA Overlay Area; and

WHEREAS, upon the recommendation of the Worcester County Water and Sewer Committee, the County Commissioners have determined that it is prudent to have an allocation process in place for all 666 new sewer EDUs in the Mystic Harbour SSA, not just those aimed at the Overlay Area, to include County Commissioner approval of future allocations.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following Mystic Harbour Sanitary Service Area EDU Allocation Process is hereby adopted:

1. The allocation of Mystic Harbour Sanitary Service Area sewer EDUs shall only be approved for properties with an existing demonstrated need and in connection with either a permit or plan application specifying how and where the capacity will be allocated:
  - A. The project must apply to the County Commissioners for the EDU allocation while the project is pending as follows:
    - i. Single Family Dwellings and change of use commercial spaces - The property owner or their representative must apply for and receive any needed EDU allocation prior to receiving any permit for the project. EDU(s) must be paid for in full at time of the first permit application.
    - ii. Minor Site Plans and other projects requiring administrative approvals - The project must have completed the Technical Review Committee process (when required) or the granting of an administrative waiver before applying to the County Commissioners for EDU allocation. The project must have EDU allocations prior to the project applying for final signature approval with the Zoning Administrator. A deposit shall be required upon application as detailed in



Section 1B hereof. The remaining balance to purchase the EDUs shall be paid prior to any project permit being issued.

iii. Major Site Plans - The project must have completed the Technical Review Committee process before applying to the County Commissioners for EDU allocation. The project must have EDU allocations prior to the project applying for final site plan approval with the Planning Commission. A deposit shall be required upon application as detailed in Section 1B hereof. The remaining balance to purchase the EDUs shall be paid prior to any project permit being issued.

iv. Residential Planned Community (RPC) - Concurrent with Step 1 of the RPC approval process, the project shall apply to the County Commissioners for EDU allocation. The project cannot move to Step 2 of the RPC approval process without sufficient EDUs being allocated. A deposit shall be required upon application as detailed in Section 1B hereof.

- B. Included with the application shall be a \$1,000 deposit per EDU applied for. If the County Commissioners deny the allocation or if the Planning Commission fails to approve the site plan, the deposit shall be returned. If the County Commissioners approve the allocation and if the Planning Commission approves the site plan or RPC, the deposit is non-refundable.
- C. If the project approvals expire, the project shall lose its allocation of EDUs. The County shall return the amount paid to purchase the EDUs less the non-refundable deposit.
- D. If after one year of the project having EDUs allocated to it, a building permit has still not been issued for the project, an additional deposit of \$1,000 per EDU per year shall be required for each year of additional reservation of service up to a maximum of five years. No reservation shall be allowed beyond five years. The additional deposit shall be paid not less than 60 days prior to the anniversary date of the original allocation approval. If the additional deposit is not paid as required or if five years elapses, the EDU allocation shall be null and void and all prior deposits shall be forfeited.
- E. Applications shall be submitted to: Worcester County Administration, Government Center - Room 1103, One West Market Street, Snow Hill, MD 21863.

2. There shall be no transfers of sewer allocations permitted in the Mystic Harbour Sanitary Service Area (MHSSA) by property owners who have excess capacity allocated to their properties. In the event that excess sewer capacity exists on a property as a result of changes or modifications to the original development plan, any and all excess capacity shall revert to the MHSSA two years after the issuance of the certificate of occupancy for the last building shell in the project. The property owner shall only be entitled to the return of the amount of the original price paid to the County for the EDUs less the non-refundable deposit. The property owner shall be notified in writing of the forfeiture of the unused capacity. Such notice shall be sent by registered mail to the property owner(s) address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessments and Taxation.
3. The current equity contribution in fiscal year 2018 (FY18) for each Mystic Harbour Sanitary Service Area sewer EDU is \$7,700, with quarterly debt service payments of \$54 per EDU


thereafter until the debt is paid in full. The equity contribution will be recalculated each fiscal year to include the debt service from the prior year. Quarterly debt service payments may be adjusted in the future to pay for additional debt incurred by the Mystic Harbour Sanitary Service Area.

4. Upon allocation of the EDUs, accessibility charges as established in the annual budget for the Mystic Harbour Sanitary Service Area shall become due and payable on a quarterly basis. The current accessibility charge is \$150 per quarter per EDU. Accessibility charges are non-refundable should the applicant fail to utilize the allocated EDUs.

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

PASSED AND ADOPTED this 19<sup>th</sup> day of September, 2017.

ATTEST:

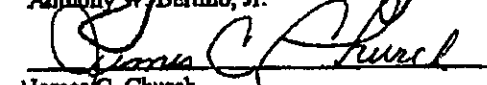
  
Kelly Shannahan  
Harold L. Higgins - Kelly Shannahan  
Chief Administrative Officer; Assistant CAO

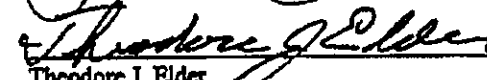
COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

  
Madison J. Bunting, Jr., President

  
Diana Burnell, Vice President

  
Anthony W. Bertino, Jr.

  
James C. Church

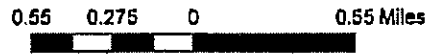
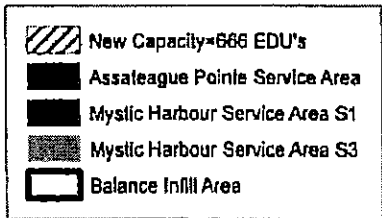
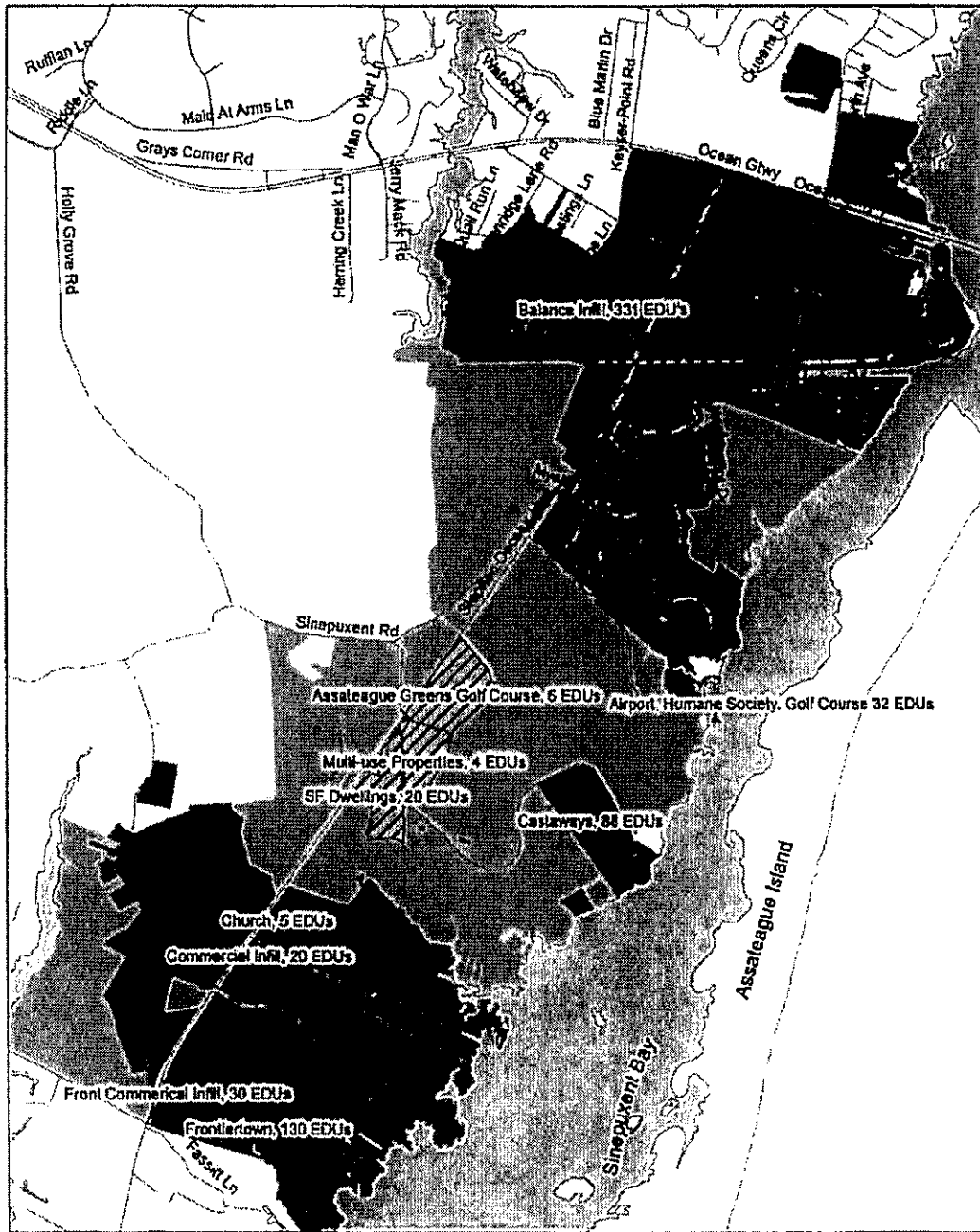
  
Theodore J. Elder

  
Merrill W. Lockfaw, Jr.

  
Joseph M. Mitrecic

<b>Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity)</b>						
<b>North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"</b>	<b>Original Allocation</b>	<b>Current Adjusted Allocation</b>	<b>Sold and In Service</b>	<b>Sold and Not In Service</b>	<b>Remaining Allocation</b>	<b>Footnotes</b>
Infill and Intensification of Properties in "Area 1"	154	148	0	0	148	3
Vacant or Multi-lot Properties in "Area 1"	80	80	0	0	80	
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	0	27	53	4, 5
<b>Subtotal EDUs in "Area 1"</b>	<b>331</b>	<b>325</b>	<b>0</b>	<b>27</b>	<b>298</b>	
<b>Airport and South of Airport, East of Route 611 - "Area 2"</b>						
Commercial Infill South of Airport	20	20	0	0	20	
Vacant or Multi-lot Properties	4	4	0	0	4	
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	0	20	
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	166	0	166	0	3
Commercial Portion of Frontier Town Campground	30	0			0	
<b>Subtotal EDUs in "Area 2"</b>	<b>335</b>	<b>341</b>	<b>120</b>	<b>166</b>	<b>55</b>	
<b>TOTAL EDUs</b>	<b>666</b>	<b>666</b>	<b>120</b>	<b>193</b>	<b>353</b>	
Note: See attached map for location of EDU allocations						
<b>Footnotes:</b>						
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.						
2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.						
3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.						
4 - Sold 14 EDUs to Park Place on May 16, 2017.						
5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.						

As of September 19, 2017



Mystic Harbour Sewer Planning Area  
 New Mystic Capacity—666 EDU's  
 Prepared by the Worcester County  
 Department of Environmental Programs  
 June 2015

**TECHNICAL REVIEW COMMITTEE**

**REPORT**

**SEA OAKS**

**RESIDENTIAL PLANNED COMMUNITY**

**STEP I**

**July 12, 2017**

**GENERAL INFORMATION:**

**Date of TRC Review:** July 12, 2017

**Approval requested:** Step I Residential Planned Community – Establishment of the RPC Floating Zone

**Project Description:** Proposed 135 townhouse unit development and two commercial buildings consisting of 24,000 square feet of mixed use

**Location:** West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

**Owner:** Six Eleven Development, LLC  
9919 Stephen Decatur Highway  
Ocean City, MD 21842

**Land Planner:** R.D. Hand & Associates, Inc.  
12302 Collins Road  
Bishopville, MD 21813

**Existing Conditions:** The 40 acre site area is comprised of approximately 21.82 acres of uplands and 18.18 acres of non-tidal wetlands. Approximately 4.22 acres is located in the C-1 Neighborhood Commercial District. The property has existing forested areas, with a minor amount of tilled lands closer to the roadway.

**Proposed Project:** The Sea Oaks RPC as shown on the Step I plan is proposed to be a townhouse residential development comprised of a total of 135 residential units. The developer is considering whether to provide fee simple lots or not. Proposed open space totals approximately 25.41 acres, consisting of 7.36 acres of uplands and 18.05 acres of non-tidal wetlands. Within this total, 1.39 acres of active recreation and 5.97 acres of passive recreation are proposed. The Step I plan indicates that there will be one point of access to the project from Maryland Route 611 (Stephen Decatur Highway).

**COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:**

**Zoning:** A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-3 Multi-Family Residential District, and are allowed in the C-1 Neighborhood Commercial District however the C-1 acreage cannot be counted towards the total lot area associated with the calculation of density. In addition, the commercially zoned lands shall not exceed fifteen percent (15%) per the recently adopted Bill 17-8, which will be effective on September 29, 2017. This bill also requires that fifty percent (50%) of the commercial zoning acreage be developed for commercial purposes somewhere within the project.

**Permitted Uses:** In that the proposed RPC is comprised of townhouses and mixed use commercial buildings, it complies with the RPC regulations relative to permitted uses.

**Density:** In the R-3 District, a maximum of six units per one acre of the total gross lot area are allowed, exclusive of lands in the C-1 District. A total of 35.78 acres of land are in the R-3 District, and 4.22 acres are in the C-1 District. The total permitted density is 214 units, and the applicant is proposing 135 units. Thus, the proposed density is approximately 3.77 units per acre.

**Maximum limitation of 70% for residential uses:** The project proposes to utilize 9.2 acres of its land area for residential uses including streets, or 23%.

**Maximum limitation of 20% of retail and service uses:** The project proposes to utilize 2.18 acres of its land area for commercial uses including streets and parking, or 5.5%. The project is meeting the requirement of utilizing at least 50% of the commercially zoned acreage for commercial purposes (51.7%).

**Minimum requirement of 30% for common use open space and recreational areas:** Given the project's acreage of 40 acres, a total of 12 acres is required to be provided for open space. A total of 25.41 acres of the site's acreage is proposed to be set aside in open space. According to the Step I plan, it will consist of 7.36 acres of uplands and 18.05 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 18.08 acres of the total open space in a natural state (wetlands).
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 1.39 acres (11.6%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as tennis courts, a community swimming pool, and a playground as active recreation.
- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 5.97 acres (49.8%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The written narrative states that walking and bird watching trails will be provided as passive recreation.

**FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:**

**1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:**

The subject property is currently in the "Existing Developed Areas" and "Green Infrastructure" land use categories of the Comprehensive Plan. The zoning boundary line between the residential and commercial districts is a fairly accurate representation of the boundary of these land use categories, with Existing Developed Areas at the front of the parcel where the commercial zoning is located. One aspect of this land use category is to identify areas to be utilized for infill residential development. The project is shown to protect large tracts of the sensitive wetland areas that are an important aspect of the Green Infrastructure land use category. There will continue to be connectivity of the open space areas to larger tracts of naturally forested areas on surrounding properties. While exempt from the Forest Conservation Law, protection of these areas by easement is strongly encouraged. This project therefore recognizes the surrounding existing development, and provides for protection of the green infrastructure inherent in this property, in conformance with the Comprehensive Plan.

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 611 (Stephen Decatur Highway) for both the commercial uses as well as the residential uses, therefore limiting multiple points of access. A Traffic Impact Analysis was conducted by The Traffic Group to evaluate the existing and proposed levels of service. Currently, all intersections are operating or projected to operate at a Level of Service A or B during peak travel times. The traffic study has determined that a left turn lane from the northbound travel lanes of MD Route 611 (Stephen Decatur Highway) is warranted.

This property is located near the Ocean City Airport, and as such, is within one of the extended runway approaches. This project is therefore subject to review by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA). The Town of Ocean City has reviewed the plans, and shared them with the MAA and FAA and determined that they have no objection to the development of this project as presented. However, they are requiring the execution of an "Avigation" easement by the property owner, which is recorded in the Land Records of Worcester County. The recording reference should be placed on the future plans as this project moves through the review process.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-3 Multi-Family Residential and C-1 Neighborhood Commercial District, the R-3 District being a zoning



classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1. The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review.

**2. The general location of the site and its relationship to existing land uses in the immediate vicinity:**

The subject property is located on the westerly side of MD Route 611 (Stephen Decatur Highway), just north of Sinepuxent Road. The Technical Review Committee finds that this area can best be characterized as a mix of residential and commercial land uses. The neighboring developments of Whispering Woods, Mystic Harbor, Deer Point, and Ocean Reef all consist of primarily single-family dwellings. While this development will consist of clusters of townhouse buildings, the development is more densely placed so as to protect the natural green infrastructure of the property. The R-3 Multi-Family Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design.

Relative to the commercial uses, there are many commercial developments along MD Route 611 (Stephen Decatur Highway) to serve the needs of this development. As part of the recent text amendment regarding the allowance of an increase in the percentage of commercially zoned lands within an RPC, at least 50% of the acreage zoned commercially has to be utilized for such purpose within the development. Generally, those commercial uses are assumed to first serve the needs of the development in which they are located, though not exclusively. To allow the developer the flexibility to rearrange the uses within the development, while still maintaining some commercial uses, will achieve the holistic goal of the RPC regulations. It will also prevent the degradation of commercial lands for residential purposes. Therefore, the Technical Review Committee finds that the proposed use as a townhouse and mixed use commercial development is consistent with existing land uses in the vicinity.

**3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:**

The Technical Review Committee finds that the properties proposed to be developed into the Sea Oaks RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial Districts. The surrounding undeveloped lands to the north are similarly zoned for residential and commercial uses. Due to the sites' R-3 Multi-Family Residential District zoning classification, townhouse residential development at a density of six dwelling units per one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 3.77 dwelling units per acre was anticipated for this immediate vicinity. The townhouse dwelling units and mixed use commercial developments are consistent with the surrounding residential and commercial developments located within this area. In addition, the development proposes to cluster the residential dwelling units in an effort to preserve the existing forested areas and wetlands, resulting in approximately 63.5% of the lands dedicated to open space which is encouraged by the Comprehensive Plan. Therefore, the Technical Review Committee concludes that the proposed Sea Oaks RPC will not have an adverse long-term implication on development patterns in the area.

Relative to certain public facilities, according to the applicants' written narrative, the townhouse units and commercial development will be served by public water and sewer via connection to the Mystic Harbour service area. The narrative and comments from the Department of Environmental Programs state that there is sufficient capacity within this facility to serve the needs of this development, though it would commit a significant part of the remaining capacity to one development. A more detailed determination of the proposed uses within the commercial development will be required prior to submission of an application for EDU's and approval by the Worcester County Commissioners.

As proposed, there are no fee simple lots therefore the internal travelways are simply private driveways. Should fee simple lots be requested as part of the Step II plan, an approved private road standard will have to be reviewed and approved by the Worcester County Commissioners.

Overall, the Technical Review Committee finds that there are adequate public facilities, services and utilities to serve the proposed development, with the caveat that it would limit future development on other properties within this service area.

**4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):**

Relative to the protection of key environmental features, the Technical Review Committee finds that the development has taken steps to protect the sensitive areas on the subject property, such as the large tracts of existing forested areas and non-tidal wetlands. The open space provided well exceeds the minimum required under the RPC regulations. There will be minimal impact to the existing forested area. Given the significant amount of forested non-tidal wetlands being protected, the project is exempt from the Forest Conservation Law.

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of clustered townhouse buildings, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance. Subsection (j)(4) of the design standards encourage limiting the number of cul-de-sac and dead-end streets. This development will have one cul-de-sac, while the remaining travelways are circular in nature. Access to the available commercial development without accessing the public road system will be a convenience for the residential unit owners. Consideration should be given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability.

Overall, the Technical Review Committee finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

**5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:**

Within the narrative, a note relative to the phasing plan simply states that phasing of the project will be done based on market demand, and will be provided in more detail within Step II. The Zoning Division strongly encourages the Planning Commission to consider how the passive and active recreation will be phased in during their Step II review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made.

As previously stated, there is capacity available for water and sewer connections to the Mystic Harbour service area. If approved, the infrastructure will be installed first according to the applicant's written narrative.

6. **The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:**

The Step I plan indicates that there will be one point of access for vehicular traffic onto MD Route 611 (Stephen Decatur Highway). As previously mentioned, a Traffic Impact Analysis was provided to the Department for review. The study was developed using an estimate of 135 proposed townhouse units and 24,000 square feet of mixed use commercial development. The traffic study assumed that the entire 24,000 square feet of commercial development was retail according to many of the exhibits. Based upon the study, it was determined that acceptable levels of service are projected for background and total peak hour traffic conditions. Level of Service A or B would be maintained both before and after the establishment of the development. Therefore, it was their opinion that the proposed residential and commercial development could be accommodated by the existing road system. The need for a left turn lane from northbound MD Route 611 (Stephen Decatur Highway) into the development was warranted.

Relative to the adequacy of pedestrian and bicycle circulation, the road network appears to serve these functions. It is encouraged that connectivity be provided, especially between the residential and commercial developments.

Based on the traffic analysis provided, the Technical Review Committee concludes that the access point to MD Route 611 (Stephen Decatur Highway) will not have a significantly adverse impact on traffic patterns in the area.

7. **The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:**

The Technical Review Committee finds that, according to the applicants' written narrative, the townhouse units and commercial development will be served by public water and sewer via connection to the Mystic Harbour service area. The narrative and comments from the Department of Environmental Programs state that there is sufficient capacity within this facility to serve the needs of this development, though it would commit a significant part of the remaining capacity to one development. A more detailed determination of the proposed uses within the commercial development will be required prior to submission of an application for EDU's and approval by the Worcester County Commissioners.

**NOTE: Comments from the individual members of the Technical Review Committee are attached.**

It should be noted that many of the comments submitted by various TRC members pertain to Step II and III of the review process at which time site plans and subdivision plats would be submitted, or to the permit submittals.

Comments of particular concern that should be addressed more immediately are as follows:

1. The concept plans should be updated to reflect the current flood zone designation as adopted on July 16, 2015.
2. Please provide a conceptual EDU chart per the Department of Environmental Programs.
3. Please update the property owner's mailing address.

**Procedure:** The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the Worcester County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate.

**TECHNICAL REVIEW COMMITTEE**

**COMMENTS**

**JULY 12, 2017 REVIEW**

TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Jennifer K. Keener DATE OF MEETING: July 12, 2017

PROJECT: Sea Oaks - Step I Residential Planned Community - Establishment of the RPC Floating Zone - Proposed 135 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

APPLICANT(S) IN ATTENDANCE: Bob Hand, Hugh Cropper

TRC MEMBERS IN ATTENDANCE:

- Keener, Zoning Administrator
- Campbell, DRP Specialist II
- Miller, Building Plans Reviewer III
- Mitchell, Environmental Programs
- Klump, Environmental Programs
- Bradford, Environmental Programs
- Birch, Environmental Programs
- Gerthoffer, Environmental Programs
- Phipps-Dickerson, Environmental Programs
- Owens, Fire Marshal
- Adkins, County Roads
- Berdan, County Roads
- Outten, State Highway Admin. & Wilson
- Ross, W & WW, DPW
- Clayville, Planning Commission Rep.

X This application is considered to be a Step I RPC plan. Ten copies of the revised concept plan and narrative which address the comments noted within will need to be resubmitted for Planning Commission review. The Technical Review Committee shall prepare a report within 90 days of the receipt of the revised plans and narrative. The applicant and specified representatives will be notified of the tentative date and time at which this application will be considered by the Planning Commission. Should you have any questions regarding the attached comments, please feel free to contact the respective Technical Review Committee member.

\*\*Please note: Since this particular application requires either a text amendment or map amendment in order to be approved, this project shall not move forward to the Planning Commission until either amendment has been adopted by the County Commissioners. It shall be the Department's decision whether the project will have to return to the Technical Review Committee for further review based upon the direction chosen, and the impact that it will have on the request.

\*Will be looking into whether they want to do fee simple lots



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

# Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863

TEL: 410-632-1200 / FAX: 410-632-3008

[www.worcester.md.us/development.htm](http://www.worcester.md.us/development.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

July 12, 2017

Jennifer K. Keener, Zoning Administrator  
Department of Development, Review and Permitting  
Worcester County Government Office Building  
One West Market Street, Room 1201, Snow Hill, MD 21863

\*\*\*\*\*  
Project: Step I Residential Planned Community – Establishment of the RPC Floating Zone - Proposed 135 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

### GENERAL PROCEDURE:

The Technical Review Committee shall review the application and meet with the applicants to provide comments for correction or discussion. The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee's concerns. Following the meeting, they shall prepare a report to be forwarded to the Planning Commission for review within 90 days after the receipt of the revised plan. **\*\*Please note: Since this particular application requires either a text amendment or map amendment in order to be approved, this project shall not move forward to the Planning Commission until either amendment has been adopted by the County Commissioners. It shall be the Department's decision whether the project will have to return to the Technical Review Committee for further review based upon the direction chosen, and the impact that it will have on the request.**

The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate within 90 days.

The County Commissioners shall review the application and the Technical Review Committee Report, the Planning Commission's findings, and hold a public hearing within 90 days of the receipt of the Planning Commission's recommendation. Notice of the public hearing shall have the same procedural formalities as a map amendment. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial. Any approval by the County Commissioners must be unconditionally accepted as approved in writing within 90 days.

Step I approval shall be valid for one year and shall automatically terminate if the Step II approval has not been obtained. The County Commissioners may grant a maximum of one additional year provided the request is made

12

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23



a minimum of 60 days in advance of the expiration of the Step I approval and granted prior to the expiration.

Any questions relative to the review process should be directed to Jennifer K. Keener at (410) 632-1200, extension 1123.

**SPECIFIC COMMENTS:**

- ✓ 1. As stated in the General Comments above, this project cannot proceed to the Planning Commission until either a text amendment or map amendment have been obtained due to the amount of C-1 Neighborhood Commercial District lands included within the RPC. Since both applications have been submitted, one will be required to be withdrawn as this project moves forward;
- ✓ 2. This area is within the Ocean City Airport's navigation area. Please make sure you have been in contact with not only the staff at the airport, but also Maryland Aviation Administration (MAA) to determine any restrictions relative to the height of the structures, landscaping, etc. within the subject development. Written confirmation from these agencies will be required to be provided at the Step II stage;
- ③ Please identify the current flood zone on the site plan per §ZS 1-315(k)(2)A.1(ii);
- ④ The site plan indicates that the commercial area shall be developed as retail however the narrative indicates a mixed use commercial development. I would recommend revising the concept site plan to reflect this mixed use. More specific uses will need to be identified as part of the Step II and III stages of review;
- ⑤ The narrative indicates that wetland impact approvals have been obtained from MDE. Please provide the Department with a copy for our records;
- ⑥ For Step II review, you will need to identify the walking/ bird watching trails that are part of the passive recreational use;
- ⑦ At what point are the recreational uses (both passive and active) proposed to be constructed (such as a certain percentage of residential development)? Please expand upon the phasing within the narrative. All recreational areas are subject to dedication per §ZS 1-315(d)(2)B.5(iv);
- ⑧ As an FYI, the Planning Commission shall determine the lot requirements as part of the Step II review;

H/S



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1306  
SNOW HILL, MARYLAND 21863  
TEL: 410.682.1220 / FAX: 410.682.2012

LAND PRESERVATION PROGRAMS  
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CRITICAL AREAS  
FOREST CONSERVATION  
COMMUNITY HYGIENE

**TECHNICAL REVIEW COMMITTEE**  
**FOREST CONSERVATION REVIEW**

STAFF PERSON: Jenelle Gerthoffer 

DATE OF MEETING: July 12, 2017

PROJECT: Sea Oaks RPC

LOCATION: Tax Map 26, Parcel 274, Lot: 3A

OWNER/DEVELOPER: Six Eleven Development, LLC

SURVEYOR/ENGINEER: R.D. Hand and Associates, Inc.

.....

This project is exempt from the Worcester County Forest Conservation Law. Under NR 1-403(b)(15), the area of forested non-tidal wetland, including any regulated buffer, is greater than or equal to the area of reforestation and afforestation required. The Forestry calculation sheet will need to be included in future plans to ensure that all stages of the project support this exemption. Furthermore, a voluntary easement is recommended for all remaining non-tidal wetlands. If changes are made, and afforestation/reforestation requirements are greater than the area of remaining forested non-tidal wetlands, compliance with the Forest Conservation Law will be required.

This project is subject to the Worcester County Stormwater Ordinance. In order to ensure design changes are not needed, this project needs Stormwater Concept plan prior to this project being reviewed as a Step 1 concept plan by the Planning Commission.

↑  
Jenelle stated that  
this would be a  
Step II, not I

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**WORCESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
WATER & WASTEWATER DIVISION  
INTEROFFICE MEMORANDUM**

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**TO:** Jennifer K. Keener, Zoning Administrator  
Development Review and Permitting  
**FROM:** John S. Ross, P.E., Deputy Director  
**DATE:** July 7, 2017  
**SUBJECT:** TRC Meeting -- July 12, 2017

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**I. Site Plan Review**

- A. Windmill Creek Winery – proposed establishment of a winery, production and tasting facility within existing pole barn and event venue, located on Old Worcester Highway, south of MD Route 589 (Racetrack Road).
1. No Comment
- B. Patel Retail – proposed construction of a 7,000 square foot retail building, located at the northeasterly intersection of US Route 13 (Ocean Highway) and Sparrow Road.
1. No Comment
- C. Main Street Storage – proposed construction of four self-storage buildings consisting of 9,750 square feet and 71 units, located on the easterly side of MD Route 818 (Main Street), south of US Route 50 (Ocean Gateway).
1. No Comment
- D. Sea Oaks RPC - Establishment of a 135 unit townhouse development with 24,000 SF of retail use, west side of Route 611, north of Sinepuxent Road
1. No water/wastewater information provided
  2. Acquire the needed EDU's for water and sewer service
  3. Follow the adopted standards for water and wastewater facilities
  4. Reserve further comments for site design drawings

Cc: John Tustin



**Worcester County**  
Department of Environmental Programs  
Environmental Programs Division

**Memorandum**

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**To:** Technical Review Committee (TRC) for July 12, 2017 Meeting

**From:** Environmental Programs Staff

**Subject:** Sea Oaks RPC  
Step 1 RPC, TM 26 P 274 L 3A

**Date:** July 7, 2017

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Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. There are 3 old wells on the property. One served the trailer which was there, and two served the chicken houses that are no longer there. An attempt must be made to find these wells and seal them. They were all steel and should be locatable with a metal detector.
2. It is assumed that the old metal septic tank that served the trailer was collapsed and filled years ago.
3. This parcel or lot currently does not have allocated EDUs for water and sewer. In order to proceed, the owner will need to apply to the Enterprise Fund Controller and make a request to approve the sale of sufficient water and sewer capacity from the Mystic Harbour Sanitary Area for this project. If approved, then the EDUs must be purchased before final plan approval is granted.
4. Please include an EDU chart for sewer allocations to serve the on the cover page. The commercial buildings on the site were unspecified to occupancy so the ultimate EDU needs for the commercial portion are undetermined at this point. The residential portion will require one EDU each of water and sewer for every proposed unit.
5. It should be noted that natural gas main extensions and service conversions are currently completed in the WOC area and gas is available to this community.

16

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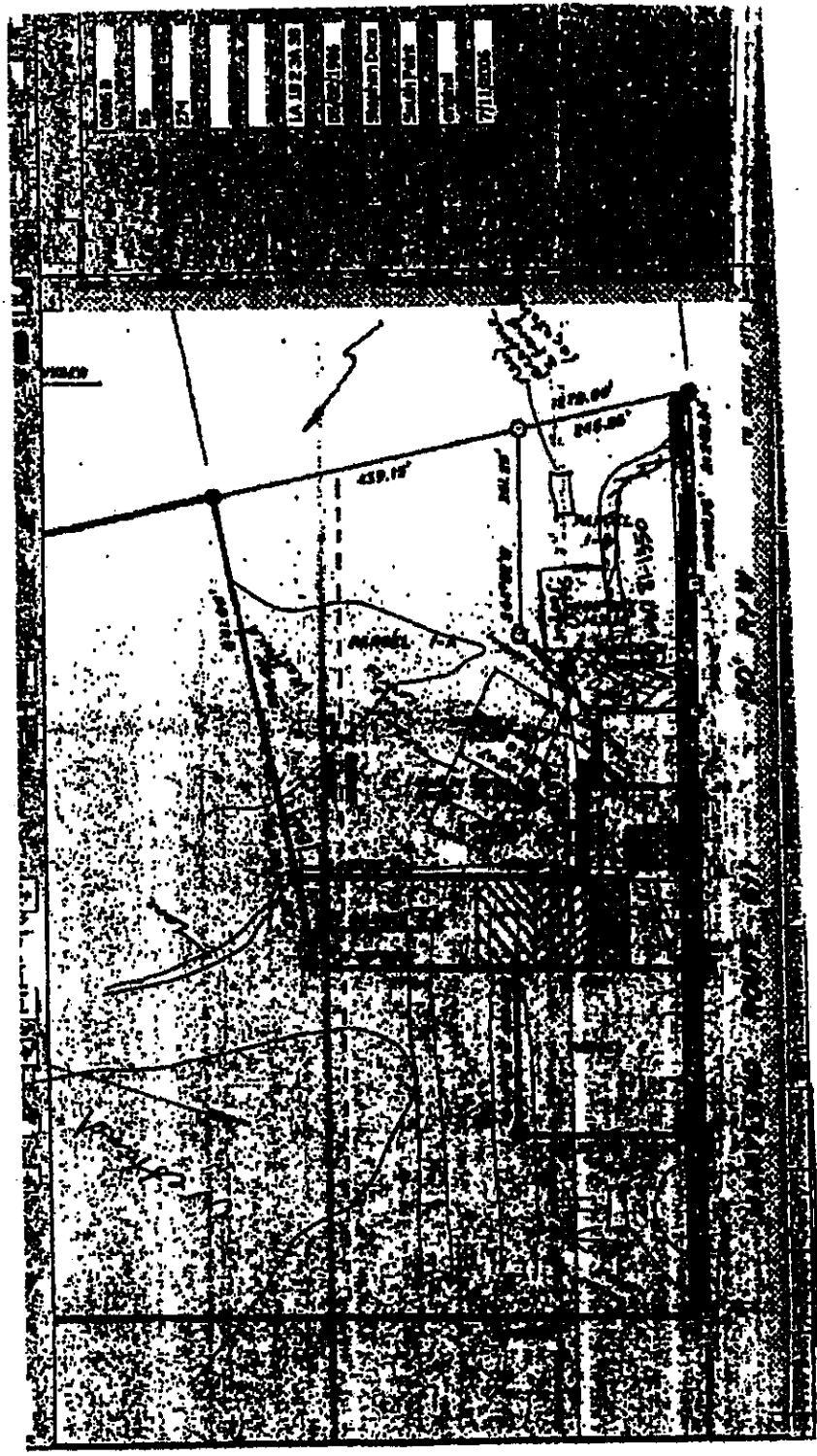
WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863  
TEL: 410-632-1200 FAX: 410-632-2012

6. Plumbing permits and potentially, gas permits, will be required. As part of the site utility work, a plumbing permit will need to be obtained.
7. A Commercial Plumbing Plan Review will be required prior to EP's signoff on the building permit for the commercial structures
8. Site plans need to note the source of the public water and sewer. Water and sewer will be by the Mystic Harbour Sanitary Area.
9. Regarding the written statement required under §ZS 1-315(k)(2), we offer the following:
  - a. Perhaps a little more detail is needed on the schedule comments within the provided statement. Any potential phasing with residential units, expected absorption rate, project duration, are all items that could be addressed.
  - b. The required available sanitary capacity for this RPC is currently present in the Mystic Sanitary Area. However, application for required capacity will need to be made to the Enterprise Fund Controller for approval. This request does commit a significant part of the remaining capacity to a single project.

26-274

VERIFIED

1. New all unused wells sealed. } all on 8-274 remaining hole  
 ① 71-73-0460 }  
 ② 610-73-0615, 18-20' driven well }  
 ③ 610-73-0469, 15' driven well }  
 Maximum drive, was at 610-73-0469 }  
 2. old cesspool on A-14 should be filled  
 3. Install pump & pump station at 610-73-0469



**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

July 5, 2017

Ms. Jennifer Keener, Zoning Administrator  
Department of Developing, Review and Planning  
Worcester County Government Center  
One West Market Street, Room 1201  
Snow Hill MD 21863

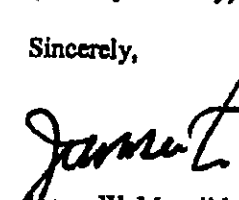
Dear Ms. Keener:

Thank you for the opportunity to review the Step I Residential Planned Community (RPC) plan submittal for the proposed Sea Oaks RPC, located on the Westerly side of MD 611, 175 feet North of Sinepuxent Road. The plan proposes the establishment of the RPC floating zone -- proposed 135 unit townhouse development with 24,000 square feet of retail use. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans, and we are pleased to respond.

Due to the potential of a substantial increase in traffic for the proposed development, MDOT SHA will require a Traffic Impact Study (TIS) to determine the impacts and necessary improvements to the surrounding State roadway network. MDOT SHA will defer additional comments regarding the site plan until a TIS has been reviewed and approved by this office.

Once approval has been provided for the TIS, the applicant must submit three sets of paper plans, two paper sets of the Stormwater Report, and a CD containing the plans and supporting documentation in PDF format directly to Mr. James W. Meredith at 660 West Road, Salisbury, MD 21802, attention of Ms. Rochelle Outten. If you have any questions or require additional information please contact Ms. Rochelle Outten at 410-677-4098, by using our toll free number (in Maryland only) at 1-800-825-4742 (x4098), or via email at [routten@sha.state.md.us](mailto:routten@sha.state.md.us).

Sincerely,

  
James W. Meredith  
District Engineer

Attachment

cc: Mr. Hicham Baassiri, Assistant District Engineer-Project Development, MDOT SHA  
Ms. Rochelle Outten, Regional Engineer, MDOT SHA  
Mr. Dennis Rodgers, Resident Maintenance Engineer, MDOT SHA




Worcester County  
 DEPARTMENT OF PUBLIC WORKS  
 6113 TIMMONS ROAD  
 SNOW HILL, MARYLAND 21863

**MEMORANDUM**

JOHN H. TUSTIN, P.E.  
 DIRECTOR

JOHN S. ROSS, P.E.  
 DEPUTY DIRECTOR

TEL: 410-432-6433  
 FAX: 410-432-1753

**TO:** Jennifer Kenner, Zoning Administrator  
 Rita Campbell, DRP Specialist II  
**FROM:** Frank J. Adkins, Roads Superintendent   
**DATE:** June 26, 2017  
**SUBJECT:** TRC Meeting -- July 12, 2017

**DIVISIONS**

MAINTENANCE  
 TEL: 410-432-3766  
 FAX: 410-432-1753

ROADS  
 TEL: 410-432-2344  
 FAX: 410-432-0000

SOLID WASTE  
 TEL: 410-432-3177  
 FAX: 410-432-3000

FLEET  
 MANAGEMENT  
 TEL: 410-432-3675  
 FAX: 410-432-1753

WATER AND  
 WASTEWATER  
 TEL: 410-441-5251  
 FAX: 410-441-5183



Section 1-325 Site Plan Review

**A. Windmill Creek Winery**

1. No comments – borders State Highway.

**B. Patel Retail**

1. Will require a commercial entrance permit and posting of a \$5,000.00 bond for each entrance on Sparrow Road.
2. Existing entrances shall be constructed to meet Worcester County specifications.
3. Post a stop sign at exit. This must be of diamond grade reflective material and conform to MUTCD standards.

**C. Main Street Storage**

1. No comments – borders State Highway.

**D. Sea Oaks**

1. Reserve comments pending review of construction drawings.

cc: John H. Tustin, P.E.

FJA:ll  
 \\wfiles\users\lawrence\TRC\2017\6.14.17.doc





WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
Department of Development Review & Permitting  
Worcester County Government Center  
1 W. Market St., Room 1201  
Snow Hill, Maryland 21863  
410-632-1200, Ext. 1151  
Fax: 410-632-3008

Project: Sea Oaks  
Date: 7/12/2017

Reviewer: Paul F. Miller

Tax Map: 26 Parcel: 274 Section: \_\_\_\_\_ Lot: 3A Block: \_\_\_\_\_

#### SITE SPECIFIC COMMENTS

1. Current Codes: 2015 International Residential Code  
2015 International Building Code  
2015 International Energy Conservation Code  
2014 NEC  
Maryland Accessibility Code

(Codes are subject to any State legislative changes).

2. Comply with Worcester County Floodplain Regulations.
3. The overall building height is to be clearly indicated on the construction documents. Maximum 45 feet building height permitted for townhomes, an as-built height certification may be required prior to framing inspection.
4. Townhomes to be signed and sealed by Maryland registered Architect.
5. Soils report and compaction testing required for all building pads, townhome sites and parking areas.

There is not enough information provided at this time to provide additional comments.

# SEA OAKS RESIDENTIAL PLANNED COMMUNITY

## SITE DATA

### PARCEL DESCRIPTION

- 77 ACRES PARCEL 27
- 100 FOX ELECTION DISTRICT
- WEST OCEAN CITY MARYLAND

### PROPERTY OWNERS

- SIX ELEVEN DEVELOPMENT LLC
- 902 STURDION DECAUR HIGHWAY
- DEALE, MD 21111

### EXISTING ZONING

- 4.477 ACRES C1 INTERMEDIATE COMMERCIAL (4.00.9%)
- 4.3579 ACRES R-1, RESIDENTIAL
- 4.4000 ACRES TOTAL SITE

### SITE AREA

- 4.18 ACRES NON-TIDAL WETLANDS
- 2.2123 ACRES UPLAND
- 4.7924 ACRES TOTAL SITE

### PROPOSED USE

- RESIDENTIAL PLANNED COMMUNITY
- 10 TOMMY HOGG SWIMMING POOL
- 17,24,000 SF MIXED USE RETAIL

### AREA BREAKDOWN-RESIDENTIAL= 4,735.78 ACRES

- 77.00 ACRES TOTAL SITE
- 77.00 ACRES WETLANDS AND UPLANDS
- 77.235 ACRES STORM WATER
- 77.529 ACRES TRUCKING/POULTRY/INDUSTRY
- 77.529 ACRES WETLAND OPEN SPACE
- 77.1734 ACRES WETLAND OPEN SPACE

### AREA BREAKDOWN-COMMERCIAL= 4,743.22 ACRES

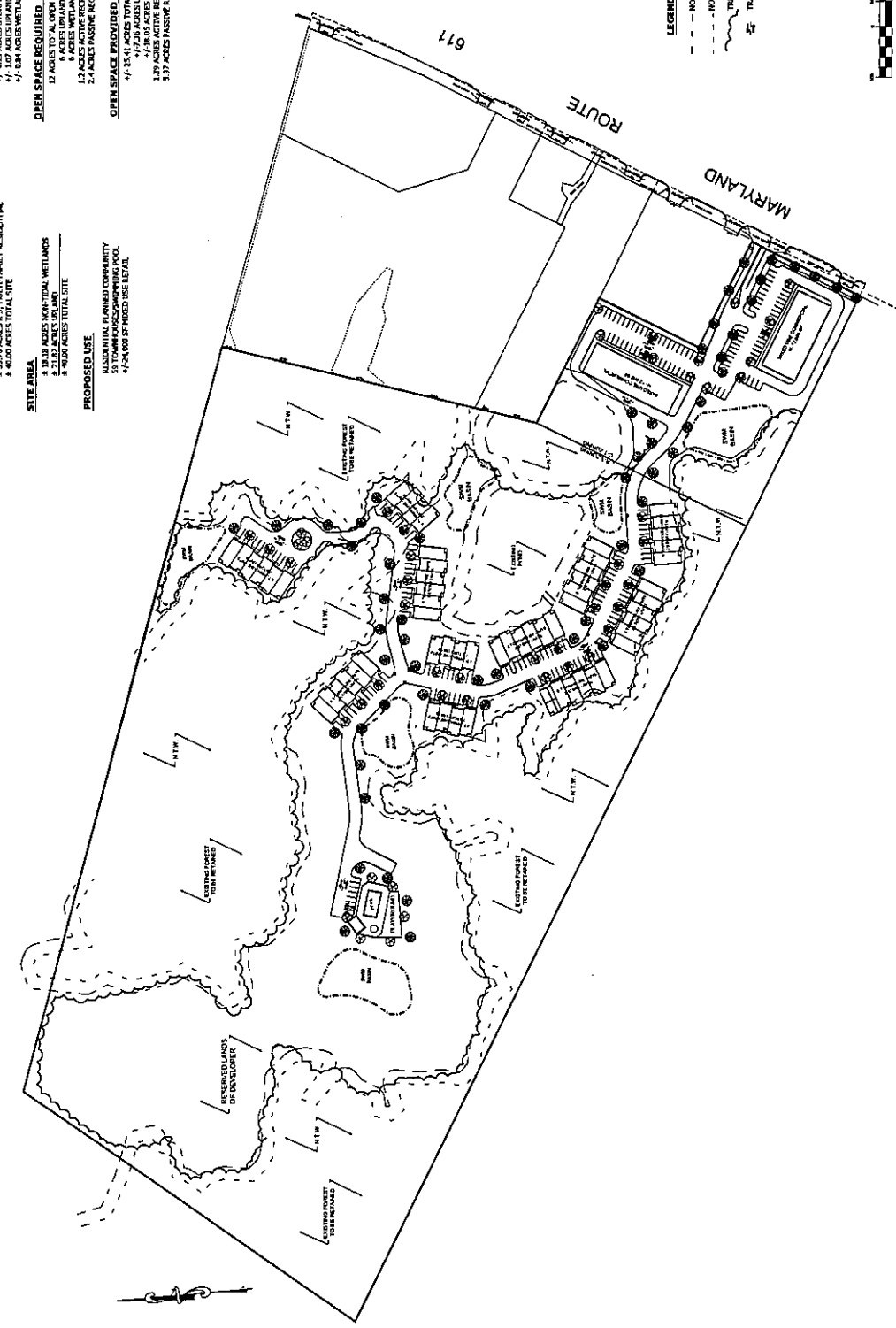
- 77.00 ACRES BUILDINGS AND WALLS
- 77.00 ACRES WETLANDS AND UPLANDS
- 77.00 ACRES STORM WATER
- 77.00 ACRES COMMON ACCESS DRIVE
- 77.00 ACRES TRUCKING/POULTRY/INDUSTRY
- 77.00 ACRES WETLAND OPEN SPACE

### OPEN SPACE REQUIRED

- 17 ACRES OPEN SPACE (36% OF TOTAL SITE)
- 8 ACRES WETLAND AND UPLAND
- 2.4 ACRES PASSIVE RECREATION (5% OF REQUIRED OPEN SPACE)
- 2.4 ACRES PASSIVE RECREATION (5% OF REQUIRED OPEN SPACE)

### OPEN SPACE PROVIDED

- 77.3541 ACRES TOTAL OPEN SPACE (164% OF TOTAL SITE)
- 77.3541 ACRES WETLAND AND UPLAND
- 1.29 ACRES ACTIVE RECREATION (3% OF REQUIRED OPEN SPACE)
- 1.29 ACRES ACTIVE RECREATION (3% OF REQUIRED OPEN SPACE)
- 3.57 ACRES PASSIVE RECREATION (8% OF REQUIRED OPEN SPACE)





12

RECEIVED  
SEP 14 2018  
Worcester County Admin

Worcester County  
DEPARTMENT OF PUBLIC WORKS  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

FYI

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:** September 10, 2018  
**SUBJECT:** GovDeals Auction Report

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

.....  
The auction of surplus vehicles, equipment and miscellaneous items thru GovDeals is now complete for fiscal year 2018. GovDeals Financial Settlement Services collected and sent checks totaling \$94,723.22 for the items auctioned. Attached for you review is a summary of the items sold.

Enterprise Fund Divisions will be refunded the money for items turned in and sold; Solid Waste Division's refund is \$23,000.00 and the Water Wastewater Division refund is \$1,089.00.

Should you have any questions in the mean time, please do not hesitate to contact me.

Attachments

cc: Derrick Babcock  
Kathy Whited  
Eddie Carman  
Phillip Thompson



Worcester County, MD

Derrick Babcock



Log Out (Logout.cfm) ([https://chat.govdeals.com/chat?locale=en&group=3&name=Derrick Babcock&info=Derrick Babcock, Worcester County, MD \(1158\)](https://chat.govdeals.com/chat?locale=en&group=3&name=Derrick+Babcock&info=Derrick+Babcock,Worcester+County,+MD+(1158)))

**Sold Asset Report**

Select any of the items to display the data or check all items.

**Asset**

Asset ID     Asset POC     Category     Department  
 Description     Inventory ID     Location Name     Dept. #  
 Tier     Secondary Inventory ID     Location Address     Status  
 VIN/Serial #     Make / Brand     Model     Miles/Hours  
 Year     Long Description     Title Restriction     Authorized Bid Restriction

**Auction**

Starting Bid     Reserve     Bid Increment     # of Visitors     Auto Extension  
 # of Bids     Start Date     End Date     # of Hits

**Buyer**

Full Name     Agency/Company     City     State     ID #  
 Title To

**Monetary**

Additional Fees     Sold Amount     Tax     GovDeals Fee  
 Picked Up Date     Net Results     Tax %     Paid Date  
 Credit Reason     Check Date     Bill of Sale Other \$     Credit Date  
 Check #     Buyer's Premium     Bill of Sale Other \$ Description     Seller Payment  
 Admin Fee

Start Date: 02/01/2018    End Date: 09/05/2018  
 or  Check here to get all assets from the beginning.  
 or Search by Payment #: \_\_\_\_\_  
 Hide credits taken outside of date range  
 Hide all credits  
 Remember my selections  
 Export to Excel

Continue

Worcester County, MD  
Date range: 02/01/2018 - 09/05/2018

Inventory ID	ID	Description	Category	Buyer	Starting Bid	Sold Amount	Bids	Auction Ended	Status	Credit Date
631	WOR18.1	2005 Ford Expedition XLT 4WD	SUV	Sidney Williams	\$100.00	\$1,450.00	24	4/12/18 2:17 PM	PU	
632	WOR18.2	2005 Dodge Stratus SXT Sedan	Automobiles	robert howell	\$100.00	\$1,050.00	17	4/13/18 8:51 AM	PU	
633	WOR18.3	2003 Chevrolet S10 Pickup 2WD	Trucks, Light D	EVAN YOUNG	\$100.00	\$950.00	22	4/13/18 10:52 AM	PU	
634	WOR18.4	2002 Chevrolet Blazer 4-Door 4WD LS	SUV	roland sorge	\$100.00	\$457.00	5	4/16/18 10:43 AM	PU	
635	WOR18.5	2008 Ford Crown Victoria Police Interceptor	Automobiles	Porsche Johnson	(\$100.00)	(\$609.00)	12	4/16/18 1:41 PM	NPU	5/11/2018 8:22:13 AM
635	WOR18.5	2008 Ford Crown Victoria Police Interceptor	Automobiles	les parker	\$100.00	\$606.00	16	5/21/18 1:50 PM	PU	

2

ID#	Inventory ID	Description	Category	Buyer	Starting Bid	Sold Amount	Bids	Auction Ended	Status	Credit Date
636	WOR18.6	2008 Ford Crown Victoria Police Interceptor	Automobiles	Kimberlee Jacobs	\$100.00	\$1,900.00	29	4/17/18 10:39 AM	PU	
637	WOR18.7	2004 Chevrolet Silverado 1500 Work Truck Short Bed 2WD	Trucks, Light D	Kellyann Talley	\$100.00	\$2,740.00	58	4/19/18 10:52 AM	PU	
638	WOR18.8	2008 Ford Ranger XL 2WD	Trucks, Light D	Edward Simpson	\$100.00	\$1,056.00	18	4/19/18 1:00 PM	PU	
639	WOR18.9	2005 Dodge Stratus SXT Sedan	Automobiles	Kurt WISE	\$100.00	\$750.00	15	4/19/18 3:20 PM	PU	
640	WOR18.10	2004 Chevrolet Blazer 4-Door 4WD LS	SUV	David Morse	\$100.00	\$689.00	10	4/23/18 8:35 AM	PU	
641	WOR18.11	2008 Dodge Stratus SXT	Automobiles	Deon Holden	\$100.00	\$1,200.00	24	4/23/18 1:45 PM	PU	
642	WOR18.12	IPHONE 6 64GB	Communication/E	Layton Sanderson	\$50.00	\$155.00	16	4/24/18 8:05 AM	PU	
643	WOR18.13	IPHONE 5	Communication/E	Tasong Metangpa	\$40.00	\$40.00	1	4/24/18 8:23 AM	PU	
644	WOR18.14	IPHONE 5C	Communication/E	Tasong Metangpa	\$40.00	\$40.00	1	4/24/18 8:30 AM	PU	
645	WOR18.15	IPHONE 5S	Communication/E	Joyce Urbanski	\$40.00	\$55.00	4	4/24/18 8:34 AM	PU	
647	WOR18.17	IPHONE 5S	Communication/E	Akinwunmi John	\$40.00	\$118.00	23	4/24/18 9:01 AM	PU	
648	WOR18.18	SAMSUNG GALAXY S4	Communication/E	Tasong Metangpa	\$30.00	\$35.00	2	4/24/18 8:57 AM	PU	
649	WOR18.19	2005 Chevrolet TrailBlazer LT 4WD	SUV	David Morse	\$100.00	\$2,860.00	52	4/24/18 1:38 PM	PU	
650	WOR18.20	2000 Ford Ranger XL Short Bed 2WD	Trucks, Light D	Kevin Jones	(\$100.00)	(\$455.00)	10	4/24/18 1:38 PM	NPU	5/10/2018 11:55:58 AM
650	WOR18.20	2000 Ford Ranger XL Short Bed 2WD	Trucks, Light D	Josh Guiles	\$100.00	\$500.00	10	5/23/18 3:03 PM	PU	
651	WOR18.21	2005 Ford Crown Victoria Police Interceptor	Automobiles	Sarah Browning	(\$100.00)	(\$951.00)	18	4/30/18 8:04 AM	NPU	5/15/2018 10:10:45 AM
651	WOR18.21	2005 Ford Crown Victoria Police Interceptor	Automobiles	Amelia Hough	\$100.00	\$1,051.00	13	5/22/18 3:00 PM	PU	
652	WOR18.22	LOT OF MISC REPAIR PARTS	Vehicle Equipme	Tammie Davids	\$1.00	\$34.00	13	5/1/18 11:45 AM	PU	
653	WOR18.23	2009 Ford Crown Victoria Police Interceptor	Automobiles	davon dent	\$100.00	\$1,120.00	19	5/1/18 1:27 PM	PU	
654	WOR18.24	1997 Chevrolet C/K 2500 Reg. Cab 4WD Long bed	Trucks, Light D	THOMAS MOLINO	\$100.00	\$1,450.00	18	5/1/18 2:33 PM	PU	

ID#	Inventory ID	Description	Category	Buyer	Starting Bid	Sold Amount	Bids	Auction Ended	Status	Credit Date
655	WOR18.25	Wheel Weights (USED)	Tires and Tubes	Joe serman	\$1.00	\$10.00	7	5/8/18 1:17 PM	PU	
656	Wor.18.28	2007 Ford Expedition XLT 4WD	SUV	Christopher Bennett	\$100.00	\$2,078.00	22	5/9/18 1:58 PM	PU	
657	Wor.18.27	2005 Ford Expedition XLT 4WD	SUV	Edward Fulton	\$100.00	\$1,151.00	16	5/10/18 2:40 PM	PU	
658	Wor.18.28	2000 Ford Windstar Van	Vans	John Smith	\$100.00	\$386.00	8	5/10/18 2:54 PM	PU	
659	Wor.18.29	1998 Ford F-350 XL Reg. Cab DRW 2WD	Trucks, Light D	Sean Holloway	\$100.00	\$1,350.00	17	5/11/18 3:03 PM	PU	
660	Wor.18.30	2011 Ford Crown Victoria Police Interceptor	Automobiles	Robert Albright	\$100.00	\$300.00	4	5/29/18 4:00 PM	PU	
661	Wor.18.31	2005 Ford Crown Victoria Police Interceptor	Automobiles	shena brown	\$100.00	\$550.00	10	5/31/18 3:00 PM	PU	
662	WOR18.32	Lot of Misc Equipment Manuals	Books/Manuals	Paul Nickell	\$1.00	\$23.22	3	5/31/18 1:01 PM	PU	
663	Wor.18.33	1988 Ford L6000	Trucks, Heavy D	JOHN SCHULTZ	\$100.00	\$2,250.00	32	5/31/18 3:33 PM	PU	
664	Wor.18.34	1989 International S1700	Trucks, Heavy D	JOHN SCHULTZ	\$100.00	\$550.00	9	6/1/18 3:00 PM	PU	
665	Wor.18.35	1998 Ford F800	Trucks, Heavy D	mary osman	\$100.00	\$1,150.00	16	6/6/18 3:38 PM	PU	
666	Wor.18.36	1990 International 4700	Trucks, Heavy D	Nathan Whitfield	\$100.00	\$3,550.00	28	6/8/18 3:38 PM	PU	
667	WOR18.37	LOT OF AMBER VEHICLE WARNING LIGHTS	Vehicle Equipme	JUAN VALENZUELA	\$1.00	\$16.00	7	6/19/18 8:24 AM	PU	
668	WOR18.38	VENTILATION FANS	Industrial Equi	Roy Berdan	\$1.00	\$68.99	17	6/19/18 8:40 AM	PU	
669	WOR18.39	NEW AND USED TIRES AND RIMS	Tires and Tubes	scribner mockler	\$1.00	\$20.01	9	6/19/18 8:45 AM	PU	
670	WOR18.40	ROTARY SM300 VEHICLE LIFT	Industrial Equi	robert mcfarlane	\$1.00	\$1,851.00	78	6/19/18 8:23 AM	PU	
671	WOR18.41	2 FILING CABINETS	Office Equipmen	stephanie hunsucker	\$1.00	\$1.00	1	6/20/18 8:47 AM	PU	
672	WOR18.42	TRACTDR WEIGHTS	Tractor - Farm	John McPhall	\$1.00	\$405.00	89	6/20/18 9:13 AM	PU	
673	WOR18.43	REFRIGERATOR (SMALL)	Cafeteria and K	stephanie hunsucker	\$1.00	\$1.00	1	6/20/18 9:08 AM	PU	
674	WOR18.44	USED GAS AUGUER	Industrial Equi	Ali Ishaque	\$1.00	\$83.00	19	6/20/18 9:45 AM	PU	
675	WOR18.45	2003 New Holland TS90	Tractor - Farm	larry biagi	\$100.00	\$6,300.00	35	6/26/18 12:03 PM	PU	

ID#	Inventory ID	Description	Category	Buyer	Starting Bid	Sold Amount	Bids	Auction Ended	Status	Credit Date
676	WOR18.46	2003 NEW HOLLAND TS90	Tractor - Farm	casey richy	\$100.00	\$6,650.00	49	6/28/18 12:29 PM	PU	
677	WOR18.47	3 OUTDOOR HANGING LIGHTS	Electrical Supp	JUAN VALENZUELA	\$1.00	\$1.00	1	6/26/18 1:39 PM	PU	
678	WOR18.48	SHELF UNITS	Furniture/Furnl	Allen Holochwost	\$1.00	\$6.00	6	6/26/18 1:44 PM	PU	
680	WOR18.50	2 DOOR FILING CABINETS	Office Equipmen	stephanie hunsucker	\$1.00	\$4.00	3	6/28/18 2:52 PM	PU	
681	WOR18.51	RINNAI HOT WATER HEATERS	Plumbing Equipm	Ali Ishaque	\$1.00	\$241.00	18	6/26/18 3:04 PM	PU	
682	WOR18.52	EAGLE SEALED WELL HOT FOOD TABLE	Cafeteria and K	Darren Mcleod	\$1.00	\$11.00	7	6/27/18 10:44 AM	PU	
683	WOR18.53	PORTO BRAKE METAL BRAKE	Builders Suppli	Mark Joiner	\$1.00	\$476.00	45	6/27/18 11:10 AM	PU	
684	WOR18.54	METAL HANGING FILING CABINETS	Office Equipmen	stephanie hunsucker	\$1.00	\$7.00	4	6/27/18 11:06 AM	PU	
685	WOR18.55	METAL LOCKERS	Furniture/Furnl	richard roop	\$1.00	\$18.00	10	6/27/18 11:18 AM	PU	
686	WOR18.56	MISC. LANDSCAPING EQUIPMENT	Mowing Equipmen	michael wilson	\$1.00	\$251.00	19	6/27/18 11:32 AM	PU	
687	WOR18.57	METAL BUNK BEDS	Furniture/Furnl	Chris Rankin	\$1.00	\$26.00	10	6/27/18 11:48 AM	PU	
688	WOR18.58	2005 Chevrolet Silverado 1500 Work Truck Long Bed 4WD	Trucks, Light D	Austin Mills	\$100.00	\$2,109.00	40	6/27/18 12:08 PM	PU	
689	WOR18.59	RHINO DITCH BANK MOWER	Vehicle Equipme	Kurt WISE	\$1.00	\$21.00	14	6/27/18 2:30 PM	PU	
690	WOR18.60	RHINO DITCH BANK MOWER	Vehicle Equipme	Kurt WISE	\$1.00	\$21.00	12	6/27/18 3:00 PM	PU	
691	WOR18.61	IBM INFOPRINT 6500V15	Printing and Bi	Albert Sfida	\$1.00	\$753.00	14	6/28/18 9:58 AM	PU	
692	WOR18.62	RS TECHNICAL SERVICE PIPE CAMERA SYSTEM	Engineering Equ	Geoffrey Darnell	\$1.00	\$14.00	6	6/28/18 11:24 AM	PU	
693	WOR18.63	1998 Mack MS200	Trucks, Heavy D	samuel kamah	(\$100.00)	(\$1,200.00)	14	6/28/18 11:57 AM	NP	7/20/2018 1:35:50 PM
693	WOR18.63	1998 Mack MS200	Trucks, Heavy D	Ronald Lehman	\$100.00	\$1,650.00	31	7/30/18 9:00 AM	PU	
694	Wor.18.64	1 Lot Apple Cell Phones	Communication/E	Ahmid BaRry	\$80.00	\$75.00	4	7/8/18 3:03 PM	PU	
695	Wor.18.65	1 Lot Apple Cell Phones	Communication/E	kenneth ojong	\$50.00	\$150.00	16	7/8/18 3:33 PM	PU	

ID#	Inventory ID	Description	Category	Buyer	Starting Bid	Sold Amount	Bids	Auction Ended	Status	Credit Date
698	WOR18.66	2004 Chevrolet Silverado 2500HD Work Truck UTILITY Bed 2WD	Trucks, Light D	Dwayne Martin	\$100.00	\$3,200.00	60	7/17/18 12:43 PM	PU	
697	Wor.18.67	2008 Ford F-150 XLT 2WD	Trucks, Light D	Ron Humphreys	\$100.00	\$2,250.00	32	7/18/18 3:06 PM	PU	
698	WOR18.68	PORTABLE TRASH PUMP	Pumps - Fuel, W	david labor	\$1.00	\$41.00	19	7/20/18 11:19 AM	PU	
699	WOR18.69	RETRACTABLE TONNEAU COVERS	Vehicle Equipme	robert howell	\$1.00	\$21.00	19	7/20/18 11:31 AM	PU	
700	WOR18.70	OUTDOOR PATIO SETS	Outdoor Living	Darren Mcleod	\$1.00	\$26.00	7	7/20/18 11:46 AM	PU	
701	WOR18.71	CHRISTMAS WREATH DECORATIONS	Arts and Crafts	Allen Holochwest	\$1.00	\$1.00	1	7/23/18 11:47 AM	PU	
702	WOR18.72	2003 Chevrolet Express 3500 Cargo	Vans	garrett smith	\$100.00	\$5,350.00	39	8/3/18 12:50 PM	PU	
703	WOR18.73	1986 Ford LT9000	Trucks, Heavy D	Makeda Morrison	\$100.00	\$3,350.00	53	8/8/18 2:45 PM	PU	
704	WOR18.74	JOHN DEERE 850C DOZER	Equipment, Heav	Marvin Tharrington	\$100.00	\$12,550.00	75	8/9/18 2:12 PM	PU	
705	WOR18.75	TEREX TA25 OFF ROAD TRUCK	Equipment, Heav	Matt Holmes	\$100.00	\$4,300.00	50	8/10/18 7:52 AM	PU	
708	WOR18.78	2002 Peterbilt 330	Trucks, Heavy D	Buster Powell	\$100.00	\$8,550.00	81	8/17/18 3:05 PM	PU	
					\$4,079.00	\$94,723.22				

For Support, contact your CSR: James Stuart (mailto:jstuart@govdeals.com) (840-406-7104) or call 1-800-813-0156 from 8 am - 7 pm ET or email Support (mailto:ClientServices@GovDeals.com).

Site Map (index.cfm?fa=Main.SiteMap)

Acct ID: 1158 - P28



SOLD ON GOVDEALS - FY '18'

Department			Auction Amount
<b>ANIMAL CONTROL</b>			
2005 CHEVROLET	1500 PICKUP	1GCEK14V65E248999	\$2,109.00
2008 FORD	F-150 PICKUP	1FTRF12W38KC27499	
	<b>Total</b>		<b>\$2,109.00</b>
<b>COMMISSIONERS</b>			
1	IBM INFO PRINT 6500 PRINTER		\$753.00
1	WOODEN DESK		\$0.00
1	LOT CELL PHONES		\$155.00
			\$40.00
			\$40.00
			\$55.00
			\$118.00
			\$35.00
			\$75.00
			\$150.00
	1 LOT CHRISTMAS WREATHS (APPOX. 66)		\$1.00
	<b>Total</b>		<b>\$1,422.00</b>
<b>ENVIRONMENTAL</b>			
2005 DODGE	STRATUS	1B3EL46R65N606876	\$750.00
2005 DODGE	STRATUS	1B3EL46R45N606875	\$1,050.00
2006 DODGE	STRATUS	1B3EL46R16N108702	\$1,200.00
2008 FORD	RANGER	1FTYR10U68PA49112	\$1,056.00
3	PACE EDWARDS COMPANY RETRACTABLE HARD TONNEAU COVERS		\$21.00
	<b>Total</b>		<b>\$4,077.00</b>

SOLD ON GOVDEALS - FY '18'

<b>HEALTH</b>			
1	USED REFRIGERATOR		\$1.00
1	LOT PATIO CHAIRS, BENCHES AND UMBRELLAS		\$26.00
	<b>Total</b>		<b>\$27.00</b>
<b>HUMAN RESOURCES</b>			
2005	FORD EXPEDITION	1FMPU16595LA93601	\$1,450.00
	<b>Total</b>		<b>\$1,450.00</b>
<b>JAIL</b>			
2003	CHEVROLET	3500 VAN	\$5,350.00
2005	CHEVROLET	TRAILBLAZER	\$2,860.00
1	METAL BUNK BED FRAME WITH EXTRA PARTS		\$26.00
1	STAINLESS STEEL DEEP FRYER		\$11.00
	Metal Lockers		\$18.00
	<b>Total</b>		<b>\$8,265.00</b>
<b>LIQUOR CONTROL</b>			
1997	MACK	MS200P BOX TRUCK	\$1,650.00
2002	PETERBUILT	MPB330 BOX TRUCK	\$8,550.00
	<b>Total</b>		<b>\$10,200.00</b>
<b>MOSQUITO CONTROL</b>			
2000	FORD	RANGER	\$500.00
2003	CHEVROLET	S-10 PICKUP	\$950.00
2004	CHEVROLET	C1500 PICKUP	\$2,740.00
	<b>Total</b>		<b>\$4,190.00</b>

SOLD ON GOVDEALS - FY '18'

SHERIFF

2005	FORD		CROWN VICTORIA	2FAFP71W85X117440	\$1,051.00
2006	FORD		CROWN VICTORIA	2FAFP71W26X108945	\$550.00
2007	FORD		EXPEDITION	1FMFU16577LA34688	\$2,078.00
2008	FORD		CROWN VICTORIA	2FAFP71V08X141095	\$806.00
2008	FORD		CROWN VICTORIA	2FAFP71V48X141097	\$1,900.00
2009	FORD		CROWN VICTORIA	2FAHP71VX9X121463	\$1,120.00
2011	FORD		CROWN VICTORIA	2FABP7BV5BX104063	\$300.00
Total					\$7,805.00

WCPW FLEET

2002	CHEVROLET		BLAZER	1GNDT13W22K166727	\$457.00
2005	FORD		EXPEDITION	1FMFU16505LA93602	\$1,151.00
1			ROTARY 4 POST LIFT SM300 30,000LB WITH 2 15,000LB ROLLING JACKS		\$1,851.00
1	LOT		FILTERS		\$34.00
1	LOT		SERVICE/REPAIR MANUALS		\$23.22
1	PAIL		USED WHEEL WEIGHTS		\$10.00
Total					\$3,526.22

WCPW LANDFILL

1986	FORD		L9000 DUMP TRUCK	1FDZU90W4GVA04016	\$3,350.00
1988	FORD		L8000	1FDZU82A5JVA19417	\$2,250.00
1989	INTERNATIONAL		1754 DUMP TRUCK	1HTLCCFN6KH665422	\$550.00
2001	JOHN DEERE		850 C DOZER	T0850CX895455	\$12,550.00
2002	TEREX		OFF ROAD TRUCK	A8051406	\$4,300.00
Total					\$23,000.00

**SOLD ON GOVDEALS - FY '18'**

**WCPW MAINTENANCE**

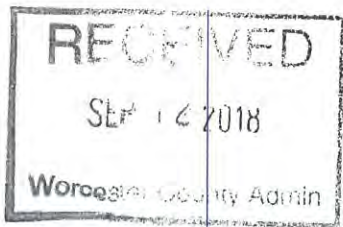
2004	CHEVROLET	C2500 W/UTILITY BODY	1GBHC24U64E237219	\$3,200.00
2006	CHEVROLET	C1500 W/UTILITY BODY	1GCEC14X06Z112036	
2008	FORD	F150 4X2	1FTRF12W18KC27498	\$2,250.00
1	GAS AUGER			\$83.00
1	GAS WATER PUMP			\$41.00
1				
1 LOT	PORTABRAKE MODEL #W-14			\$476.00
1 LOT	(2) STACKING PLASTIC SHELVES			\$6.00
1 LOT	(3) 2 DOOR FILING CABINETS			
	(2) FIRE PROOF AND 1 REGULAR)			
1 LOT	(3) HANGING LIGHTS			\$4.00
1 LOT	(3) RENNAI HOT WATER HEATERS			\$1.00
				\$241.00
1 LOT	(5) CHICKEN HOUSE FANS			\$68.99
1 LOT	FILING CABINETS (1) 4 DRAWER, (1) 2 DRAWER			\$1.00
1 LOT	(4) HANGING FOUR DOOR FILING CABINETS			\$7.00
1 LOT	GROUND EQUIPMENT (2) HEDGE TRIMMERS, (3) LEAF BLOWERS, (2)			\$251.00
	<b>Total</b>			<b>\$6,629.99</b>

**WCPW ROADS**

1990	INTERNATIONAL	4700 DUMP TRUCK	1HTSCCFN9LH257719	\$3,550.00
1996	FORD	F350 W/UTILITY BODY	2FDKF37F4TCA58351	\$1,350.00
1997	CHEVROLET	2500 4X4 PICKUP	1GCGK24F6VZ256570	\$1,450.00
1998	FORD	F800 DUMP TRUCK	1FDYF80E7WVA03707	\$1,150.00
2003	TRACTOR	NEW HOLLAND TS90	208185B	\$6,300.00
2003	TRACTOR	NEW HOLLAND TS90	205795B	\$6,650.00
	(2) RHINO	DB-150 MOWERS		\$42.00
1 LOT	AMBER BEACON LIGHTS			\$16.00
1 LOT	TIRES (2) 11.00R20G159, (2) 245/75R22.5 G159			\$20.01
1 LOT	18 TRACTOR WEIGHTS AND 1 WEIGHT BRACKET			\$405.00
	<b>Total</b>			<b>\$20,933.01</b>

SOLD ON GOVDEALS - FY '18'

<b>WCPW WWW</b>				
2000	FORD	WINDSTAR	2FMZA50U0YBB65492	\$386.00
2004	CHEVROLET	BLAZER	1GNDT13X54K122426	\$689.00
1	PIPE CAMERA SYSTEM			\$14.00
			<b>Total</b>	<b>\$1,089.00</b>



13

**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: September 10, 2018**  
**SUBJECT: Animal Control Refuse Container**

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

.....  
The Worcester County Sheriff's Office has requested increasing their refuse container size from a 2 cubic yard to 4 cubic yard at their Animal Control facility located on Timmons Road in Snow Hill, MD. Their request is based on the current 2 cubic yard being inadequate to manage their waste needs.

Bennett Waste is the current service provider and empties the 2 cubic yard container once per week for \$62.12 per month. The Maintenance Division contacted Bennett for a proposal for Animal Control's request. Summarized below and attached is the proposal with two options.

- Option 1 would be to increase the service visits from one visit per week to two visits per week for the 2 cubic yard container at \$110.52 per month.
- Option 2 would be to exchange the 2 cubic yard container for a 4 cubic yard and keep the service visits to once per week at a cost of \$87.16 per month.
- Other costs:
  - Locking bar on the container's lid to keep household waste from being deposited into the container. The fee for the locking bar option is included in the monthly quoted fees.
  - Exchange fee 2 - 4 cubic yard...\$85.00

The Worcester County Sheriff's Department selected Option 2 of the proposal. It is requested that the Commissioners approve the increase requested by the Worcester County Sheriff's Department for Animal Control by amending Bennett's current agreement with the County.

Should you have any questions, please feel free to contact me.

Attachment

cc: Kenneth J. Whited, Maintenance Superintendent

**John Tustin**

---

**Subject:** FW: Animal Control Proposal

---

**From:** Glen Grandstaff  
**Sent:** Thursday, August 23, 2018 11:28 AM  
**To:** Ken Whited <[kenwhited@co.worcester.md.us](mailto:kenwhited@co.worcester.md.us)>  
**Subject:** RE: Animal Control Proposal

Good morning Ken. In regards to the upgrade to a 4 yard dumpster Col. Dods has given us the go ahead on going that route. He did advise me to ask that you interpret the raise in cost on future yearly budget proposals. I guess you understand what he means by that. Again we are a go with replacing the two yard dumpster with a 4 yard dumpster and continued once a week pickups.

Thanks,

*Glen Grandstaff*  
*Chief Animal Control Officer*  
*6207 Timmons rd. Snow Hill, Md. 21863*  
*410-632-1340 Ext 2202*  
*[ggrandstaff@co.worcester.md.us](mailto:ggrandstaff@co.worcester.md.us)*



Ability is what you are capable of doing,  
Motivation determines what you do,  
Attitude determines how well you do it.



Bennett Construction, Inc. ★ Bennett Waste ★ Bennett Junk Removal  
515 South Camden Avenue Fruitland, Maryland 21826  
Phone 410-749-3116 Fax 410-749-3411  
bennettcompanies.com

8/15/18

Mr. Whited,

Thank you for inquiring regarding changing your trash service that you currently have at Animal Control, 6207 Timmons Road, Snow Hill Md 21863. Currently, you have a 2 yard being dumped weekly for \$62.12 per month. Should you decide to keep this container, go to twice a week dumps and have a locking lid installed the new monthly rate would be \$110.52 per month. To have the 2-yard switched out for a 4-yard, there would be a onetime \$85.00 swap out fee. The monthly fee for the 4-yard would be \$87.16 per month.

Should you need any further assistance please let me know, I'd be more than happy to assist.

Thank You,

Kristen Rudisill  
Administrative Assistant  
Bennett Construction  
Ph. 410-749-3116  
Fax 410-749-6088



REFUSE COLLECTION BID FORM

Bennett

Same prices through 2022

YEAR 1-2 - PERIOD: March 1, 2017 through February 28, 2019

ID	PROPERTY	ADDRESS	PRICE/MO.	TERM MONTHS	TWO-YEAR TOTAL
1	Library	307 N. Washington St., Snow Hill	\$ 45.13	24	\$ 1,083.12
2	Health	9730 Healthway Dr., Berlin	\$ 149.60	24	\$ 3,590.40
3	*Courthouse/Gov. Ctr.	1 W. Market St., Snow Hill	\$ 204.49	24	\$ 4,907.76
4	Health	6040 Public Landing Rd., Snow Hill	\$ 86.82	24	\$ 2,083.68
5	Chas & Martha Fulton Ctr.	4767 Snow Hill Rd., Snow Hill	\$ 98.83	24	\$ 2,371.92
6	Isle of Wight Svc. Bldg.	13070 St. Martins Neck Rd., Bishopville	\$ 84.83	24	\$ 2,035.92
7	Library	11107 Cathell Rd., Berlin	\$ 74.28	24	\$ 1,782.72
8	DPW/Maintenance Office	6113 Timmons Rd., Snow Hill	\$ 112.20	24	\$ 2,692.80
9	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 54.87	24	\$ 1,316.88
10	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 73.96	24	\$ 1,775.04
11	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 89.62	24	\$ 2,150.88
12	Water/Wastewater-Mystic Harbor	9624 Stephen Decatur Hwy, Berlin	\$ 87.83	24	\$ 2,107.92
13	Animal Control	6207 Timmons Rd., Snow Hill	\$ 62.12	24	\$ 1,490.88
14	Northern Worcester Cty. Senior Ctr.	10129 Old Ocean City Blvd., Berlin	\$ 72.75	24	\$ 1,746.00
15	Recreation Center	6030 Public Landing Rd., Snow Hill	\$ 114.64	24	\$ 2,751.36
16	Parks Office	6022 Public Landing Rd., Snow Hill	\$ 75.20	24	\$ 1,804.80
17	**West Ocean City Boat Ramp	12826 Sunset Ave., Ocean City	\$ 179.94	16	\$ 2,879.04
18	Dental Clinic	107 William St., Berlin	\$ 50.68	24	\$ 1,216.32
19	Fire Training Center	6743 Central Site Ln., Newark	\$ 24.86	24	\$ 596.64
20	Firearm Training Center	9200 Langmaid Rd., Newark	\$ 57.00	24	\$ 1,368.00
21	***Showell Park	11281 Racetrack Road, Showell	\$ 129.85	16	\$ 2,077.60
<b>GRAND TOTAL</b>					<b>\$ 43,829.68</b>

\*Courthouse/Government Center shall be serviced on Monday & Thursday of each week  
 \*\*West Ocean City Boat Ramp container will be for 8 months each year April through November.  
 \*\*\* Showell Park container will be for 8 months each year May through December

Bennett Waste

Attachment B

4

**REFUSE COLLECTION BID FORM  
INFORMATIONAL – CONTRACT EXTENSION PRICING**

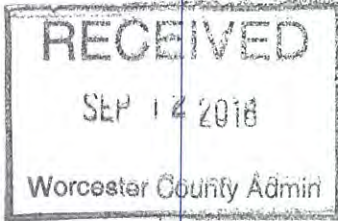
**YEAR 3 – PERIOD: March 1, 2019 through February 29, 2020**

ID	PROPERTY	ADDRESS	PRICE/MO.	TERM MONTHS	ONE-YEAR TOTAL
1	Library	307 N. Washington St., Snow Hill	\$ 45.13	12	\$ 541.56
2	Health	9730 Healthway Dr., Berlin	\$ 149.60	12	\$ 1,795.20
3	*Courthouse/Gov. Ctr.	1 W. Market St., Snow Hill	\$ 204.49	12	\$ 2,453.88
4	Health	6040 Public Landing Rd., Snow Hill	\$ 86.82	12	\$ 1,041.84
5	Chas & Martha Fulton Ctr.	4767 Snow Hill Rd., Snow Hill	\$ 98.83	12	\$ 1,185.96
6	Isle of Wight Svc. Bldg.	13070 St. Martins Neck Rd., Bishopville	\$ 84.83	12	\$ 1,017.96
7	Library	11107 Cathell Rd., Berlin	\$ 74.28	12	\$ 891.36
8	DPW/Maintenance Office	6113 Timmons Rd., Snow Hill	\$ 112.20	12	\$ 1,346.40
9	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 54.87	12	\$ 658.44
10	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 73.96	12	\$ 887.52
11	Water/Wastewater Admin Off.	1000 Shore Lane, Berlin	\$ 89.62	12	\$ 1,075.44
12	Water/Wastewater-Mystic Harbor	9624 Stephen Decatur Hwy, Berlin	\$ 87.83	12	\$ 1,053.96
13	Animal Control	6207 Timmons Rd., Snow Hill	\$ 62.12	12	\$ 745.44
14	Northern Worcester Cty. Senior Ctr.	10129 Old Ocean City Blvd., Berlin	\$ 72.75	12	\$ 873.00
15	Recreation Center	6030 Public Landing Rd., Snow Hill	\$ 114.64	12	\$ 1,375.68
16	Parks Office	6022 Public Landing Rd., Snow Hill	\$ 75.20	12	\$ 902.40
17	**West Ocean City Boat Ramp	12826 Sunset Ave., Ocean City	\$ 179.94	8	\$ 1,439.52
18	Dental Clinic	107 William St., Berlin	\$ 50.68	12	\$ 608.16
19	Fire Training Center	6743 Central Site Ln., Newark	\$ 24.86	12	\$ 298.32
20	Firearm Training Center	9200 Langmaid Rd., Newark	\$ 57.00	12	\$ 684.00
21	***Showell Park	11281 Racetrack Road, Showell	\$ 129.85	8	\$ 1,038.80
<b>GRAND TOTAL</b>					<b>\$ 21,914.84</b>

\*Courthouse/Government Center shall be serviced on Monday & Thursday of each week  
 \*\*West Ocean City Boat Ramp container will be for 8 months each year April through November.  
 \*\*\* Showell Park container will be for 8 months each year May through December

**Bennett Waste**

5



14

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:** September 10, 2018  
**SUBJECT:** Judges Secured Parking Facility

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

.....  
I've attached for your review and approval the required plans and specifications, Advertisement for Bids, Bidders List and appropriate Bid Form for the subject project.

Funds have been made available through a Circuit Court grant in the amount of \$120,000 which needs to be expended by April 2019. The project will create a small parking lot to include a solid security fence, both 8 and 10 foot in height, which will be large enough to accommodate 6 parking spaces for the permanent and visiting judges of the Circuit Court. Judge Shockley and his staff have reviewed the project and are in agreement with the site layout. Therefore we are recommending that the County Commissioners approve the project for bidding at this time.

Should you have any questions in the mean time, please do not hesitate to contact me.

Attachments

cc: Mike Howard, Circuit Court Administrator  
Ken Whited, Maintenance Superintendent

COUNTY COMMISSIONERS OF WORCESTER COUNTY MARYLAND

SNOW HILL, MARYLAND

INFORMATION TO BIDDERS

GENERAL CONTRACT CONDITIONS

SPECIFICATIONS AND SPECIAL PROVISIONS

FOR

CONTRACT NO. 0085B035.A01

COURTHOUSE PARKING LOT IMPROVEMENTS

SNOW HILL, MARYLAND

Bids: Received until  
1:00 P.M., local time,  
October 29, 2018  
Snow Hill, Maryland 21863

Date of Award \_\_\_\_\_

Awarded To \_\_\_\_\_

# DRAFT

## NOTICE TO BIDDERS

### **Courthouse Parking Lot Improvements Project No. 0085B035.A01 Snow Hill, Maryland**

The County Commissioners of Worcester County, Maryland are currently accepting sealed bids for the construction of **Courthouse Parking Lot Improvements**, Snow Hill Maryland for the Department of Public Works. Contract Documents, Construction Specifications and Plans are available from the office of Davis, Bowen & Friedel, Inc., 601 East Main Street, Suite 100, Salisbury, Maryland 21804, at a cost of \$35.00. Interested bidders are encouraged to attend a **pre-bid meeting to be held on Tuesday, October 9, 2018 at 10:00 am**, at the Worcester County Department of Public Works, Administrative Office, 6113 Timmons Road, Snow Hill, Maryland 21863, at which the project scope and Bid Documents will be discussed in depth and Bidders' questions will be answered. **Sealed bids will be accepted until 1:00 pm, Monday, October 29, 2018** in the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Courthouse Parking Lot Improvements Project**" in the lower left-hand corner. No bidder may withdraw his bid within sixty (60) days after the actual date of opening thereof. 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 Andrew E. Welch, P.E., Project Engineer, at 410-543-9091, or by FAX at 410-543-4172. Email correspondence is encouraged to [aew@dbfinc.com](mailto:aew@dbfinc.com) and will be binding.

## VENDOR LIST

### **Delmarva Veteran Builders**

212 W. Main Street, Suite # 400

Salisbury, MD 21801

Chris Eccleston

Tel: 443-736-1584

Email: [Chris@delmarvaveteranbuilders.com](mailto:Chris@delmarvaveteranbuilders.com)

### **Gillis Gilkerson Inc.**

150 West Market Street

Suite 200, Riverview Commons

Salisbury, MD 21081

Dwight Miller

Tel: 410-749-4821

Fax: 410-749-7934

[dmiller@gillisgilkerson.com](mailto:dmiller@gillisgilkerson.com)

### **Willow Construction, LLC**

400 Maryland Avenue

PO Box 521

Easton, MD 21601

Andy Cheezum

Phone: 410-822-6000

Fax: 410-820-7392

[sales@willowconstruction.com](mailto:sales@willowconstruction.com)

### **McGee Fence**

376 Dueling Way

Berlin, MD 21811

Phone: 410-431-0395

[mcgeefence@verizon.net](mailto:mcgeefence@verizon.net)

### **Long Fence**

8545 Edgeworth Drive

Capitol Heights, MD 20743

Phone: 301-350-2400

### **Anderson Fence Company**

30200 Rehobeth Road

Marion, MD 21838

Phone: 410-749-2944

[mike@andersonfence.net](mailto:mike@andersonfence.net)

PROPOSAL FORM  
COURTHOUSE PARKING LOT IMPROVEMENTS  
WORCESTER COUNTY, MARYLAND  
PROJECT NO. 0085B035.A01

Proposal of \_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(TEL.NO.)

Proposals to be received until October 29, 2018, at 1:00 P.M. local time.

For the Courthouse Parking Lot Improvements

County Commissioners of Worcester County Maryland  
Snow Hill, Maryland

Ladies and Gentlemen:

In accordance with the advertisement of the County Commissioners of Worcester County Maryland, inviting proposals for the improvements hereinbefore named, and in conformity with the plans and specifications now on file in the office of the Worcester County Department of Public Works. I hereby certify that an examination has been made of the Specifications and Contract Form contained herein, also of the plans, and the site of the work, and proposed to furnish all necessary machinery, equipment, tools, labor and other means of construction and furnish all materials specified, in the manner and the time prescribed, and understand that the quantities of work as shown herein are approximate only and are subject to increase or decrease, and further understand that all quantities of work, whether increased or decreased are to be performed at the following schedule of prices.

\*See The Attached Bid Form

Respectfully submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

BID FORM  
 COURTHOUSE PARKING LOT IMPROVMENTS  
 COUNTY COMMISSIONERS OF WORCESTER COUNTY  
 PROJECT NO. 0085B035.A01

BIDDER agrees to perform all the work described in the CONTRACT DOCUMENTS for the lump sum of \_\_\_\_\_ (\$ \_\_\_\_\_) Amount shall be as shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

The following unit prices are to be used for determining addition to or deduction from lump sum amount, for amounts actually installed.

<u>ITEM</u>	<u>UNIT</u>	<u>AMOUNT</u>	<u>UNIT PRICE</u>
1. Bituminous Pavement	S.Y.	40	\$ _____
2. 8 Ft High Security Fence	L.F.	188	\$ _____
3. 10 Ft High Security Fence	L.F.	42	\$ _____
4. 8Ft x 10Ft Sliding Gate w/Gate Operator	EA.	1	\$ _____
5. 8Ft x 10Ft Sliding Gate Manual	EA.	1	\$ _____
6. 3 Ft Pedestrian Gate Electronic	EA.	1	\$ _____
7. 3 Ft Pedestrian Gate Manual	EA.	1	\$ _____

Respectfully submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title Firm Name & Address

\_\_\_\_\_  
License Number (if applicable) Date

(SEAL - if bid is by a corporation)



The contractor may begin work within ten (10) days from the date of the Notice to Proceed but work should be continuous once started, with no work stoppages exceeding fourteen (14) calendar days. Work shall be completed within sixty (60) consecutive calendar days from the date of the Notice to Proceed.

Enclosed herewith find a certified check or corporate bid bond in the amount of Dollars. (\$\_\_\_\_\_), made payable to Worcester County. This certified check or corporate bid bond is a Proposal Guarantee (which it is understood will be forfeited in the event the Form of Contract is not executed if awarded to the undersigned).

Signed: \_\_\_\_\_

\_\_\_\_\_  
(Date)

(Title)

Bidder acknowledges receipt of the following addenda:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INFORMATION FOR BIDDERS AND GENERAL CONTRACT CONDITIONS

### PROPOSAL REQUIREMENTS AND CONDITIONS

1. **PREPARATION OF PROPOSAL** - In filling out proposal forms, bidders shall be governed by the following provisions: Proposals must be submitted on the attached form. The blank spaces on the proposal form must be filled in with ink and no changes shall be made either in the phraseology of or in the items mentioned in the proposal form. The amounts bid on each item shall be expressed both by words and by figures.

Proposals must be signed in ink by the bidder with the signature in full. When a partnership is a bidder, the agent who signs the firm's name shall in addition state the names and addresses of the individuals composing the partnership. Post Office address must be given after the signature.

Proposals which show any omission, addition, or item not called for in the estimate or show any irregularity of any kind may be rejected. Conditional bids will not be accepted.

Proposals and all papers bound and attached thereto shall be placed in an envelope addressed to Worcester County, Maryland, hereinafter called The County and so marked as to clearly indicate its content without requiring opening. Proposals may be delivered either in person or by mail.

2. **PROPOSAL GUARANTY** - No proposal will be considered unless accompanied by a "Proposal Guaranty", which shall be a certified check, irrevocable letter of credit or corporate bid bond made payable to the County in an amount not less than 5% of the total amount of the proposal using that alternate which gives the lesser total bid. Bid bond in form of AIA310 or equal.

3. **WITHDRAWALS OF PROPOSALS** - Bidders will be permitted to withdraw any proposal prior to the scheduled time of opening, providing such request is made in writing to The County. At the time of opening of proposals, when such proposal is reached, it will be returned to the bidder unopened and unread.

4. **QUALIFICATIONS OF BIDDERS** - The County may require the bidder to present satisfactory evidence that he has sufficient experience and that he is prepared with the necessary capital, materials, machinery, and skilled workmen to carry out the contract, prior to the award of the contract.

The County reserves the right to reject any bid if the evidence submitted by or investigation of such bidder fails to satisfy The County that the bidder is properly qualified to carry out the provisions of the contract.

5. **MATERIAL GUARANTY** - Before any contract is awarded, bidders may be required to furnish a complete statement of the original composition and manufacture of any or all materials to be used in the construction of the work together with samples, which samples may be subjected to any tests deemed advisable to determine their quality and fitness for the work.

6. **FAMILIARITY WITH PROPOSED WORK** - Each bidder is required prior to submitting his proposal to examine the site of the proposed work as well as the proposal, plans, specifications and contract form. It will be assumed that he has satisfied himself as to the conditions to be encountered, the character, quantity, and quality of work to be performed and materials to be furnished, and all requirements of these specifications and contract.

He shall have no claim for damage or extension of time or any other concession because of any misunderstandings, misinterpretation, or lack of information relative to this contract or the work proposed herewith.

The County does not propose to fully describe the character or location of underground materials or objects which may be encountered in the construction of this project. Each bidder shall conduct such sub-surface investigation as he deems necessary to determine for himself the character of work which he may encounter. The description and quantities of items indicated in the proposal form shall be used as a basis of comparison of bids and computation of quantities only and shall not be construed to be representative of materials which may be actually uncovered or found during the construction of the project.

7. ESTIMATE OF QUANTITIES - The bidder's attention is directed to the fact that the estimate of quantities of work to be done and materials to be furnished under this project is approximate and given only as a basis of comparison of bids upon which the award of the contract is to be made.

The County reserves the right to increase or diminish any or all of the above mentioned quantities, or to omit any of them as it may deem necessary. Such increase, decrease, or omission shall not be considered as sufficient grounds for granting an increase in the unit prices bid as long as increases, decreases, or omissions do not increase or decrease the total value of work performed to an extent greater than 25% of the bid price.

The basis of payment will be actual quantity of work performed and accepted.

8. SUBLETTING OR ASSIGNING THE CONTRACT - The Contractor shall perform with his own organization work amounting to not less than 50% of the total work proposed. No portion of the contract shall be sublet or assigned or otherwise disposed of except with the written consent of The County. Request for permission to sublet, assign, or otherwise dispose of any portion of the contract shall be in writing and the County may require the subcontractor proposed to present satisfactory evidence of his ability to perform the work to their satisfaction before such approval shall be granted.

#### AWARD AND EXECUTION OF CONTRACT

1. CONSIDERATION OF BIDS - After the proposals have been publicly opened and read, the prices will be compared on the basis of the lowest bid for all items composing the base contract. In cases where alternate bids are asked The County reserves the right to select that alternate bid which in its opinion is most desirable even though it may not be the lowest alternate bid, providing that all bids shall be compared on the same basis.

The right is reserved to waive any formalities and to reject any or all bids, to advertise for new proposals, to proceed to do the work otherwise or to abandon the work if in the judgment of The County the best interest of The County will be served thereby.

2. AWARD OF CONTRACT - The contract will be awarded or bids rejected within thirty days from date of opening of bids.

3. RETURN OF PROPOSAL GUARANTY - As soon as the bid prices have been checked and compared, The County will return the proposal guaranty accompanying the proposal of all except the three lowest bidders. The proposal guaranty of the three lowest bidders will be held until the contract is awarded. When the contract is awarded, the proposal guaranty of the two remaining unsuccessful bidders will be returned. The proposal guaranty of the successful bidder will be returned after the contract and contract bond have been executed.

4. CONTRACT BOND - The bidder to whom the contract is awarded will be required to furnish a contract bond in a form acceptable to The County in a sum equal to the full amount of the contract award. AIA312 document, certified check, cashier's check or approved equal.

5. EXECUTION OF CONTRACT - The contract shall be executed by the successful bidder and satisfactory contract bond furnished within ten (10) days after he has received notice of award. In case of failure on part of the bidder to fulfill this requirement, the guaranty accompanying his proposal shall become forfeited to The County. Award may then be made to the next lowest responsible bidder or the work re-advertised, or The County may proceed on any lawful manner deemed advisable to accomplish the work.

#### SCOPE AND CONTROL OF WORK

1. INTENT OF PLANS AND SPECIFICATIONS - The intent is to describe a complete project or improvement which the Contractor undertakes to do in full compliance with these specifications, proposal, and contract together with any authorized alterations or supplemental agreements. The Contractor shall furnish, unless otherwise provided in the specifications, all materials, implements, machinery, equipment, tools, supplies, transportation, and labor necessary to the prosecution and completion of the work. The work shall be done in accordance with lines, grades, cross sections, and dimensions shown on the plans or directed by The County.

2. INCREASED OR DECREASED QUANTITIES - The County reserves the right to make such alterations in the plans or in the quantities of work as it may consider necessary. Such alterations shall not be considered as a waiver of any conditions of the contract nor to invalidate any provisions thereof; provided that a supplemental agreement with the Contractor will be made when such alterations involve an extension or shortening of the project by more than 25% as determined by proposal quantities. Before work shall be started on any alteration requiring such supplemental agreement or any work involving a change of the bid price, the agreement setting forth the adjusted price, shall be approved by The County. The Contractor shall perform the work as increased or decreased.

NO CLAIM INVOLVING ADDITIONAL COMPENSATION WILL BE ALLOWED ON ANY ITEM COVERED BY THIS CONTRACT UNLESS SUCH CLAIM SHALL BE MADE AND PROPER SETTLEMENT AGREED UPON IN WRITING BY THE COUNTY PRIOR TO THE PERFORMANCE OF THE WORK IN QUESTION.

3. EXTRA AND FORCE ACCOUNT WORK - Where a satisfactory agreement cannot be reached relative to compensation for major alterations described above or for work for which no quantity or price is included in the proposal, it shall be done on force account basis upon written instructions from The County to be paid for in the following manner: The Contractor shall perform the work as directed by The County and shall receive the current local rate of wage for all labor, foremen, and superintendents in direct charge of the specific operation to which shall be added 15% of the sum thereof to cover the cost of administration and the use of small tools.

For all materials furnished and used by the Contractor, he shall receive the actual cost of such materials including transportation charges as shown by original receipted bills to which he shall add 15% of the sum thereof to cover administrative expense. For special equipment payment will be made on a rental basis at the rates agreed upon previously by the Contractor and The County.

The Contractor shall be allowed an additional amount equal to the premium for workmen's compensation insurance, social security, bond, or other similar State or Federal requirements specified by Law on the appropriate amount of the force account work. Should the Contractor fail to prosecute the work as directed, within what The County considers to be a reasonable time, The County may withhold payment of all current estimates until such refusal is eliminated or The County may proceed to have the work done in any manner deemed advisable without in any way violating the terms of this contract.

4. FINAL CLEANUP - Upon completion of the work and before final acceptance and payment shall be made, the Contractor shall remove from the improvement, approaches, and all adjacent property, all surplus and discarded materials, temporary structures or anything which may be considered to be objectionable to the property owners adjacent to this improvement. He shall leave the improvement and its surrounding area in a neat and presentable condition.

5. AUTHORITY OF THE COUNTY ENGINEER - To prevent misunderstanding and litigation, The County Engineer is hereby defined as, The Engineer of Record, Davis, Bowen & Friedel, Inc., engineering consultant, as representative of The County. The County Engineer shall decide any and all questions which may arise as to the quality and acceptability of material furnished and work performed and as to the manner of performance and rate of progress of said interpretation of the proposal, contract, and specifications. The County Engineer shall determine the amount and quantity of the work performed under this contract and such decision shall be final and conclusive, and he shall have authority to enforce and make effective such decisions and other as the Contractor fails to carry out promptly.

The Contractor shall furnish the Engineer with every reasonable facility for determining whether or not the work performed and materials used are in accordance with the requirements and intent of the specifications and contract. Upon request of the County Engineer, the Contractor shall at anytime, prior to the acceptance of the work, remove or uncover such portions of the finished work as may be directed. Upon exposure, if the work should prove acceptable, the cost of uncovering or replacing shall be paid for as "extra work". But, should the work so exposed prove unacceptable, the entire cost of uncovering or removing and replacing in a satisfactory manner shall be at the Contractor's expense.

## CONTROL OF MATERIALS

1. **SOURCE OF SUPPLY AND QUALITY OF MATERIALS** - The source of supply of each of the materials to be used shall be approved in writing by the Engineer before delivery is started. The Engineer may require samples of all materials to be submitted for examination and tests. Only materials conforming to requirements of these specifications and approved by the Engineer shall be used in the work. The quality of materials shall be such as to be considered satisfactory when tested by the latest approved standard methods of sampling and testing. Upon instructions of the Engineer, the Contractor will be required to submit suitable evidence that the materials furnished by him are in accordance with the above provision.
2. **DEFECTIVE MATERIALS** - All rejected materials shall be removed immediately from the vicinity of the project.

## LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

1. **RESPONSIBILITY FOR DAMAGE CLAIMS** - The Contractor shall indemnify and save harmless The County and all its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding the work or any act or omission of the said Contractor, or for any other reason occurring as a result of any act, omission, neglect or misconduct in the manner or method of executing said work during the period of construction and until such time as the improvement shall be formally accepted.

The Contractor shall observe and comply with all Federal and State Laws, By-Laws, Ordinances and Regulations in any manner affecting the conduct of the work, and shall indemnify and save harmless The County and its representatives against any claim arising from the violation of any such Law, By-Laws, Ordinance, or Regulation, whether by the Contractor, Subcontractors, or their employees.

2. **PUBLIC CONVENIENCE AND SAFETY** - The Contractor shall at all times conduct the work in such a manner as to insure the least obstruction to traffic practicable. The convenience of the general public and the residents along the improvement shall be provided for in an adequate and satisfactory manner. Fire hydrants shall be kept accessible to fire apparatus at all times.
3. **BARRICADES, DANGER, WARNING, AND DETOUR SIGNS** - The contractor shall provide, erect, and maintain all necessary barricades, sufficient red lights, flares, danger signals and signs, provide a sufficient number of watchmen and take all necessary precaution for the protection of the work and safety to the public.
4. **PRESERVATION OF MONUMENTS AND TREES** - The Contractor shall be responsible for the preservation of all public and private property, trees, monuments, highway signs, markers, fences and curbs or other appurtenances, and shall use every precaution to prevent damage or injury thereto. Any expense necessary to provide adequate protection, whether such designated item be on or off the right of way, shall be assumed by the Contractor. Any curb or sidewalk or underground structure damaged by the Contractor during the operation shall be repaired in a satisfactory condition at his expense.

## PROSECUTION AND PROGRESS

1. **PROSECUTION OF WORK** - The Contractor shall begin work promptly within ten (10) days following the notice to proceed and shall so prosecute the work that the entire improvement may be accomplished within the time limit specified. The Contractor shall notify the Engineer at least 48 hours before beginning work and shall consult with the Engineer concerning the method or prosecution, the point or points at which work shall begin and the type and condition of equipment to be used for each operation.

It shall be incumbent upon the Contractor to so schedule his work as to tie in with adjacent contracts or with subcontracts within the scope of this improvement. The Engineer shall determine the sufficiency of labor, materials, and equipment to effect satisfactory schedules of operation, and upon his instructions, the Contractor shall be required to secure additional equipment, labor, or materials as directed.

2. **COMPETENT PERSONNEL** - The Contractor shall employ only competent personnel and whenever, in the opinion of the Engineer, any workman is unfit to perform his task or does his work contrary to instructions, or conducts himself improperly, the Contractor shall discharge him immediately upon the Engineer's written request and not employ him again on the project without permission.

3. **DETERMINATION OF "WORKING DAY" OR "CALENDAR DAY"** - Whenever, in the opinion of the Engineer, weather or soil conditions are suitable for the prosecution of the work on a major item for five or more hours in any one calendar day, such day shall be considered a "WORKING DAY". Normally, Saturdays, Sundays and Legal Holidays shall not be charged against the contract working time, but only when used as a working day. Calendar days shall be every day shown on the calendar, Saturdays, Sundays, and Holidays included.

4. **EXTENSIONS OF TIME** - If the Contractor shall be delayed in the completion of the work by reasons and conditions beyond his control, he shall be granted an extension of time by The County to an extent compatible with the extent of delay.

5. **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 damages.

<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

6. **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 the 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 an 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 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 measurement 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. This monthly estimate will be prepared by the Engineer and shall be based on his estimate of work satisfactorily performed and complete in place.

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 and the value thereof.

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.

After The County has approved the final estimate and accepted the work, they shall notify the Contractor and his Surety of the acceptance and shall pay or cause to be paid to the Contractor the amount of money due under the contract.

## SPECIAL CONDITIONS

1. The Owner will provide 208 Volt, 3 Phase power from the Courthouse building to the generator housing. The Owner will provide a panel inside the generator housing and provide a conduit stub just outside the wood fence of the generator enclosure. The Contractor shall be responsible for the design and installation of all electrical work including buried conduits from the panel to the gates for complete and functional gate operation, exclusive of controls.
2. The owner will contract separately for gate controls as follows. The Owner will engage under separate contract to provide outdoor proximity reader and pedestal outside of entry gate, keyscan access control panel and all modules needed to integrate with Worcester County existing systems, proximity reader for walk through gate and power supplies to integrate with all gate operations.
3. The Contractor shall coordinate activities of the Owner's contractor that will be installing gate controls.
4. Any questions regarding the project must be submitted in writing to The County Engineer no less than 7 days prior to the bid opening date. Responses will be provided via addendum. The County Engineer, engineering consultant is:

Andrew E. Welch, P.E.  
Davis, Bowen & Friedel, Inc.  
601 East Main Street, Suite 100  
Salisbury, Maryland 21804  
410 543 9091  
aew@dbfinc.com



## SECTION 323100 – STEEL ROLL GATE SYSTEM

### PART 1 – GENERAL

#### 1.01 WORK INCLUDED

The contractor shall provide all labor, materials and appurtenances necessary for installation of the steel roll gate system with privacy screening defined herein at the Franklin Street courthouse parking lot.

#### 1.02 RELATED WORK

- A. Section 323200 – Slide Gate Operator and Controller
- B. Refer to the drawings for Earthwork and Concrete specifications.

#### 1.03 SYSTEM DESCRIPTION

The manufacturer shall supply a total roll gate system of Ameristar PassPort IS® (Impasse Security) design series and Gauntlet style or approved equal. The system shall include all components (i.e., pales, rails, gate uprights, wheels and hardware) required.

#### 1.04 QUALITY ASSURANCE

- A. The contractor shall provide laborers and supervisors who are thoroughly familiar with the type of construction involved and materials and techniques specified.
- B. Electrical components, devices and accessories: Listed and labeled as defined in NFPA 70, by a qualified testing agency and marked for intended location and application.

#### 1.05 REFERENCES

- ASTM B117 - Practice for Operating Salt-Spray (Fog) Apparatus.
- ASTM D523 - Test Method for Specular Gloss.
- ASTM D714 - Test Method for Evaluating Degree of Blistering in Paint.
- ASTM D822 - Practice for Conducting Tests on Paint and Related Coatings and Materials using Filtered Open-Flame Carbon-Arc Light and Water Exposure Apparatus.
- ASTM D1654 - Test Method for Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments.
- ASTM D2244 - Test Method for Calculation of Color Differences from Instrumentally Measured Color Coordinates.
- ASTM D2794 - Test Method for Resistance of Organic Coatings to the Effects of Rapid Deformation (Impact).
- ASTM D3359 - Test Method for Measuring Adhesion by Tape Test.

#### 1.06 SUBMITTAL

- A. Product Data: For each type of product. Include construction details, material descriptions, dimensions of individual components and profiles, and finishes for the following:
  - Fence and gate posts, rails, and fittings.
  - Gates and hardware.

- Gate operator, including operating instructions and motor characteristics.
- Show motor nameplate data, ratings, characteristics and mounting arrangements.

B. Shop Drawings: For each type of fence and gate assembly.

- Include plans, elevations, sections, details, and attachments to other work.
- Include accessories, hardware, gate operation, and operational clearances.
- Gate Operator: Show locations and details for installing operator components, switches, and controls. Indicate motor size, electrical characteristics, drive arrangement, mounting, and grounding provisions.
- Wiring Diagrams: For power, signal, and control wiring.

## 1.07 PRODUCT HANDLING AND STORAGE

Upon receipt at the job site, all materials shall be checked to ensure that no damages occurred during shipping or handling. Materials shall be stored in such a manner to ensure proper ventilation and drainage and to protect against damage, weather, vandalism and theft.

## 1.08 PREINSTALLATION MEETINGS

A. Preinstallation Conference: Conduct conference at Project site. Inspect and discuss electrical roughing-in, equipment bases, and other preparatory work specified elsewhere.

## 1.09 CLOSEOUT SUBMITTALS

A. Operation and Maintenance Data: For gate operators and hardware to include in emergency, operation, and maintenance manuals.

## PART 2 - MATERIALS

### 2.01 MANUFACTURER

The steel roll gate system shall conform to Ameristar PassPort IS (Impasse Security) design series, Gauntlet style and 3-rail frame configuration manufactured by Ameristar Fence Products, Inc. in Tulsa, Oklahoma or approved equal.

### 2.02 MATERIAL

A. Steel material for roll gate components (i.e. pales, rails, diagonals and uprights), shall be commercial steel with minimum yield strength of 45,000 psi (344 MPa).

B. Ornamental pale material shall be 2-3/4" wide x 3/4" corrugated pales. Pale spacing shall be 6". Material for top rails, uprights and diagonals rails shall be 2" square x 12 Ga. Material for the bottom rail shall be 2" x 4" x 11 Ga. Posts shall be a minimum of 4" square x 11 Ga.

C. Material for steel Impasse II privacy screening shall be 18ga. preformed slats, providing complete screening coverage between pales and at pale to post connections. Impasse II privacy screening shall provide screening from top rail to bottom rail.

2.03 FABRICATION

A. Pales, rails, uprights and posts shall be pre-cut to specified lengths. Diagonals shall be pre-cut to specified lengths and angles. Frame materials shall be joined by welding. Pales shall be face welded to roll gate frame, except for Invincible or Gauntlet style gates over 18’ long. Invincible or Gauntlet style gates over 18’ long shall have pales face-welded to 2” x 2” angle iron to form panels equal in length to the gate frame bay width.

B. The manufactured roll gates and bolt-on panels shall be subjected to the PermaCoat® thermal stratification coating process (high-temperature, in-line, multi-stage, multi-layer) including, as a minimum, a six-stage pre-treatment/wash (with zinc phosphate), an electrostatic spray application of an epoxy base, and a separate electrostatic spray application of a polyester finish. The base coat shall be a thermosetting epoxy powder coating (gray in color) with a minimum thickness of 2 mils (0.0508mm). The topcoat shall be a “no-mar” TGIC polyester powder coat finish with a minimum thickness of 2 mils (0.0508mm). The color shall be Black. The stratification-coated framework shall be capable of meeting the performance requirements for each quality characteristic shown in Table 1.

C. Completed gates shall be capable of supporting a 200 lb. load applied at midspan without permanent deformation.

PART 3 - EXECUTION

3.01 PREPARATION

All new installation shall be laid out by the contractor in accordance with the construction plans.

3.02 INSTALLATION

Gateposts shall be set in accordance with the spacing’s shown in the construction plans. The “Earthwork” and “Concrete” sections of this specification shall govern post base material requirements. 6” wheels shall be bolted to the gate (between the wheel plates welded near the ends of the gate bottom rail). The gate shall be set upright with the V-grooved wheels positioned over the pre-installed steel V-track that traverses the gate opening. Roller guides shall be affixed to the gateposts at a height even with the gate toprail to hold the gate in a vertical position. Gate stops shall be welded to the end of the gate or track so gate cannot pass rollers in either direction.

3.03 CLEANING

The contractor shall clean the jobsite of excess materials; post hole excavated material shall be removed.

Table 1 – Coating Performance Requirements

Quality Characteristics	ASTM Test Method	Performance Requirements
Adhesion	D3359 – Method B	Adhesion (Retention of Coating) over 90% of test area (Tape and knife test).
Corrosion Resistance	B117, D714 & D1654	Corrosion Resistance over 1,000 hours (Scribed per D1654; failure mode is accumulation of 1/8” coating loss from scribe or medium #8 blisters).
Impact Resistance	D2794	Impact Resistance over 60 inch lb. (Forward impact using 0.625” ball).

Weathering Resistance	D822 D2244, D523 (60° Method)	Weathering Resistance over 1,000 hours (Failure mode is 60% loss of gloss or color variance of more than 3 delta-E color units).
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## SECTION – 323119 HIGH SECURITY FENCE SYSTEM

### PART 1 - GENERAL

#### 1.01 WORK INCLUDED

The contractor shall provide all labor, materials and appurtenances necessary for installation of the steel corrugated pale security fence system with privacy screening defined herein at the Franklin Street Courthouse Parking Lot Improvements.

#### 1.02 RELATED WORK

Refer to the drawings for Earthwork and Concrete specifications.

#### 1.03 SYSTEM DESCRIPTION

The manufacturer shall supply a total steel ornamental pale high security fence system of the Ameristar Impasse II, Gauntlet design. The system shall include all components (i.e., pales, rails, posts, gates and hardware) required.

#### 1.04 QUALITY ASSURANCE

The contractor shall provide laborers and supervisors who are thoroughly familiar with the type of construction involved and materials and techniques specified.

#### 1.05 REFERENCES

- ASTM A653/A653M - Standard Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy Coated (Galvannealed) by the Hot-Dip Process.
- ASTM B117 - Practice for Operating Salt-Spray (Fog) Apparatus.
- ASTM D523 - Test Method for Specular Gloss.
- ASTM D714 - Test Method for Evaluating Degree of Blistering in Paint.
- ASTM D822 - Practice for Conducting Tests on Paint and Related Coatings and Materials using Filtered Open-Flame Carbon-Arc Light and Water Exposure Apparatus.
- ASTM D1654 - Test Method for Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments.
- ASTM D2244 - Test Method for Calculation of Color Differences from Instrumentally Measured Color Coordinates.
- ASTM D2794 - Test Method for Resistance of Organic Coatings to the Effects of Rapid Deformation (Impact).
- ASTM D3359 - Test Method for Measuring Adhesion by Tape Test.
- ASTM F2408 – Ornamental Fences Employing Galvanized Steel Tubular Pickets.

#### 1.06 SUBMITTAL

The manufacturer's submittal package shall be provided prior to installation.

#### 1.07 PRODUCT HANDLING AND STORAGE

Upon receipt at the job site, all materials shall be checked to ensure that no damage occurred during shipping or handling. Materials shall be stored in such a manner to ensure proper ventilation and drainage, and to protect against damage, weather, vandalism and theft.

## 1.08 PRODUCT WARRANTY

A. All structural fence components (i.e. rails, pales, and posts) shall be warranted within specified limitations, by the manufacturer for a period of 15 years from date of original purchase. Warranty shall cover any defects in material finish, including cracking, peeling, chipping, blistering or corroding.

B. Reimbursement for labor necessary to restore or replace components that have been found to be defective under the terms of manufacturer's warranty shall be guaranteed for five (5) years from date of original purchase.

## 1.09 PREINSTALLATION MEETINGS

A. Preinstallation Conference: Conduct conference at Project site. Inspect and discuss layout and gate locations.

## 1.10 FIELD CONDITIONS

A. Field Measurements: Verify layout information for fences and gates shown on Drawings in relation to site survey and existing structures. Verify dimensions by field measurements.

## PART 2 - MATERIALS

### 2.01 MANUFACTURER

A. The steel ornamental pale high security fence system shall conform to Ameristar Impasse II, Gauntlet, 3-Rail style manufactured by Ameristar Fence Products, Inc., in Tulsa, Oklahoma or approved equal.

### 2.02 MATERIAL

A. Steel material for fence framework (i.e., corrugated pales, rails and posts), when galvanized prior to forming, shall conform to the requirements of ASTM A924/A924M, with a minimum yield strength of 45,000 psi (310 MPa). The steel shall be hot-dip galvanized to meet the requirements of ASTM A653/A653M with a minimum zinc coating weight of 0.90 oz/ft<sup>2</sup> (276 g/m<sup>2</sup>), Coating Designation G-90.

B. Material for corrugated pales shall be a nominal 2.75" x .75" x 14 Ga. The cross-sectional shape of the rails shall conform to the manufacturer's Impasse II rail design a nominal 2" x 2" x 11 Ga. Pre-drilled holes in the Impasse II rail shall be spaced 6" on center, providing a pale airspace of no greater than 3.25". Tamperproof fasteners shall be used to fasten each pale to rail at every intersection. Fence posts and gate posts shall meet the minimum size requirements of Table 1.

C. Material for steel Impasse II privacy screening shall be 18ga. preformed slats, providing complete screening coverage between pales and at pale to post connections. Impasse II privacy screening shall provide screening from top rail to bottom rail, and be capable of traversing terrain without impeding the raking capabilities of the fencing panel.

### 2.03 FABRICATION

A. Pales, rails and posts shall be pre-cut to specified lengths. Impasse II rails shall be pre-punched to accept tamperproof security fasteners. Post flange shall be pre-punched to accept rail to post attachment. Post web shall be punched providing a clear opening for interior of rails to align throughout the entire system for affixing conduit, video cabling, IDS wiring, and other components for a complete systems integration. Impasse II rails shall be attached to post flange providing a bracket-less design at each intermediate post.

B. The manufactured galvanized framework shall be subjected to the PermaCoat thermal stratification coating process (high-temperature, in-line, multi-stage, multi-layer) including, as a minimum, a six-stage pretreatment/wash, an

electrostatic spray application of an epoxy base, and a separate electrostatic spray application of a polyester finish. The base coat shall be a thermosetting epoxy powder coating (gray in color) with a minimum thickness of 2 mils (0.0508mm). The topcoat shall be a "no-mar" TGIC polyester powder coat finish with a minimum thickness of 2 mils (0.0508mm). The color shall be (specify Black, Bronze, White, or Desert Sand). The stratification-coated framework shall be capable of meeting the performance requirements for each quality characteristic shown in Table 2.

C. Completed panels shall be capable of supporting a 400 lb. load (applied at midspan) without permanent deformation. Panels shall be biasable to a 30° change in grade.

D. Sliding cantilever gates shall be Passport IS design matching style, height, and color of fence system. The dual enclosed track slide gate shall be an aluminum component design using tracks, uprights, pales, hardware, fittings, and fasteners. Gate installation shall comply with latest ASTM F2200 standards for automated gates, regardless if the gate is of manual operation.

E. Pedestrian swing gates shall be self-closing, having a gate leaf no larger than 48" width. Integrated hinge-closer set (2 qty) shall be ADA compliant that shall include a variable speed and final snap adjustment with compact design (no greater than 5" x 6" footprint). Hinge-closer set (2 qty) shall be tested to a minimum of 500,000 cycles and capable of self-closing gates up to a maximum gate weight of 260 lbs. and maximum weight load capacity of 1,500 lbs. Hinge-closer device shall be externally mounted with tamper-resistant security fasteners, with full range of adjustability, horizontal (.5" - 1.375") and vertical (0 - .5"). Maintenance free hinge-closer set shall be tested to operate in temperatures of negative 20 F to 200 F degrees, and swings to negative 2 degrees to ensure reliable final lock engagement.

F. Pedestrian swing gate latch shall be electronically operated and controlled with card reader.

## 2.04 GROUNDING MATERIALS

- A. Conductors: Bare, solid wire for No. 6 AWG and smaller; stranded wire for No. 4 AWG and larger.
- Material above Finished Grade: Aluminum,
  - Material on or below Finished Grade: Copper.
  - Bonding Jumpers: Braided copper table, 1 inch (25 mm) wide, woven of No. 30 AWG bare copper wire, terminated with copper ferrules.
- B. Connectors and Grounding Rods: Listed and labeled for complying with UL 467.
- Connectors for Below-Grade Use: Exothermic welded type.
  - Grounding Rods: Copper-clad steel, 5/8 by 96 inches (16 by 2440 mm).

## PART 3 - EXECUTION

### 3.01 EXAMINATION

A. Examine areas and conditions, with Installer present, for compliance with requirements for site clearing, earthwork, pavement work, and other conditions affecting performance of the Work. Do not begin installation before final grading is completed unless otherwise permitted by the Engineer.

B. Stake locations of fence lines, gates, and terminal posts. Indicate locations of utilities, walls, existing fences, underground structures, benchmarks, and property monuments

C. Proceed with installation only after unsatisfactory conditions have been corrected.

### 3.02 FENCE INSTALLATION

Fence post shall be spaced according to manufacturer, 8'-0" maximum, plus or minus ¼". For installations that must be raked to follow sloping grades, the post spacing dimension must be measured along the grade. Fence panels shall be attached to the line and end posts with fasteners supplied by the manufacturer. Attachment to corner post shall be made using brackets and fasteners supplied by the manufacturer. Posts shall be set in concrete footers having a minimum depth of 36" (Note: In some cases, local restrictions of freezing weather conditions may require a greater depth). The "Earthwork" and "Concrete" sections of this project shall govern material requirements for the concrete footer. Posts setting by other methods such as plated posts or grouted core-drilled footers are permissible only if shown by engineering analysis to be sufficient in strength for the intended application.

### 3.03 FENCE INSTALLATION MAINTENANCE

When cutting/drilling rails or posts adhere to the following steps to seal the exposed steel surfaces; 1) Remove all metal shavings from cut area. 2) Apply zinc-rich primer to thoroughly cover cut edge and/or drilled hole; let dry. 3) Apply 2 coats of custom finish paint matching fence color. Failure to seal exposed surfaces per steps 1-3 above will negate warranty. Ameristar spray cans or paint pens shall be used to prime and finish exposed surfaces; it is recommended that paint pens be used to prevent overspray. Use of non-factory parts or components will negate the manufactures' warranty.

### 3.04 GATE INSTALLATION

Gate posts shall be spaced according to the manufacturers' gate drawings, dependent on standard out-to-out gate leaf dimensions and gate hardware selected. Type and quantity of gate hinges shall be based on the application; weight, height, and number of gate cycles. The manufacturers' gate drawings shall identify the necessary gate hardware required for the application. Gate hardware shall be provided by the manufacture of the gate and shall be installed per manufacturer's recommendations.

### 3.05 CLEANING

The contractor shall clean the jobsite of excess materials; post-hole excavations shall be scattered uniformly away from posts.



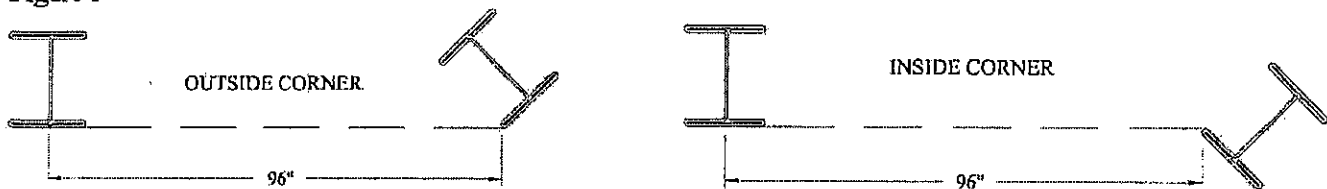
Table 1 – Minimum Sizes for Impasse II® Posts				
Fence Posts (Nominal)		Panel Height		
3" x 2.75" x 12 Ga. I-Beam		Up to & Including 8' Height		
4" x 2.75" x 11 Ga. I-Beam		Over 8' Height up to & including 10' Height		
Gate Leaf	Gate Height			
	Up to & Including 6'	Over 6' Up to & Including 8'	Over 8' Up to & Including 10'	Over 12'
Up to 4'	3" x 12Ga.	3" x 12 Ga.	4" x 11 Ga.	4" x 11 Ga.
4'1" to 6'	3" x 12Ga.	3" x 12 Ga.	4" x 11 Ga.	4" x 11 Ga.
6'1" to 8'	4" x 11 Ga.	6" x 3/16"	6" x 3/16"	6" x 3/16"
8'1" to 10'	4" x 11 Ga.	6" x 3/16"	6" x 3/16"	6" x 3/16"
10'1" to 12'	6" x 3/16"	6" x 3/16"	6" x 3/16"	8" x 1/4"
12'1" to 16'	6" x 3/16"	6" x 3/16"	8" x 1/4"	8" x 1/4"

Table 2 – Coating Performance Requirements		
Quality Characteristics	ASTM Test Method	Performance Requirements
Adhesion	D3359 – Method B	Adhesion (Retention of Coating) over 90% of test area (Tape and knife test).
Corrosion Resistance	B117, D714 & D1654	Corrosion Resistance over 3,500 hours (Scribed per D1654; failure mode is accumulation of 1/8" coating loss from scribe or medium #8 blisters).
Impact Resistance	D2794	Impact Resistance over 60 inch lb. (Forward impact using 0.625" ball).
Weathering Resistance	D822 D2244, D523 (60° Method)	Weathering Resistance over 1,000 hours (Failure mode is 60% loss of gloss or color variance of more than 3 delta-E color units).

Table 3 – Impasse II® Post Spacing		
Span	8' Nominal (95" Rail)	
	Line & End Posts.	
Post Size	3" x 2.75" x 12 Ga. I-Beam	4" x 2.75" x 11 Ga. I-Beam
Post Settings ± 1/4" O.C.	96"	96"

\*For Corner Posts see Figure 1

Figure 1



## SECTION – 323200 SLIDE GATE OPERATOR AND CONTROLLER

## PART I - GENERAL

## 1.1. INCLUDED IN THIS SECTION

- A. Pre-wired gate operator for horizontal sliding gates, including all selected attachments and accessory equipment.

## 1.2. RELATED WORK SPECIFIED ELSEWHERE

- A. Fencing: See Section 323113.
- B. Cast in place concrete: See drawings.
- C. Electrical service panel: By Owner.

## 1.3. SUBMITTALS

- A. Shop drawings: Submit shop drawings showing connections to adjacent construction, range of travel, and all electrical and mechanical connections to the operator. All underground runs of electrical lines and inductive vehicle obstruction loop locations shall be indicated on drawings. Drawings shall also show the size and location of the concrete mounting pad.
- B. Installation instructions: Submit two copies of manufacturer's installation instructions for this specific project.
- C. Submit manufacturer's completed warranty registration form to Project Manager.
- D. Project list: Submit list of product installations comparable to the subject job. Include date of product installation, installer, and owner's name and location of the project.
- E. Test reports:
  - 1. Submit affidavits from the manufacturer demonstrating that the gate operator mechanism has been tested to 200,000 cycles without breakdown.
  - 2. Each operator shall bear a label indicating that the operator mechanism has been tested. Operator is tested for full power and pressure of all hydraulic components, full stress tests of all mechanical components and electrical tests of all overload devices.

## 1.4. QUALITY ASSURANCE

- A. Manufacturer: A company specializing in the manufacture of gate operators of the type specified, with a minimum of five years' experience manufacturing operators of this type and design.
- B. Installer: Must have a minimum of three years' experience installing similar equipment, or obtain other significant manufacturer endorsement of technical aptitude, if required, during the submittal process.

## 1.5. CODES AND REGULATORY REQUIREMENTS

- A. Operators shall be built to UL 325 standards and be listed by a nationally recognized testing laboratory. Complete all electrical work according to local codes and National Electrical Code. All fieldwork shall be performed in a neat and professional manner, completed to journeyman standards.
- B. Current safety standards require the use of multiple external sensors to be capable of reversing the gate in either direction upon sensing an obstruction. See also 2.2D.
- C. A separate pedestrian gate has been provided for foot traffic.
- D. Gate must have physical stops to prevent over travel in both the open and close directions.
- E. Current safety standards require gate operators to be designed and labeled for specific usage classes.
  - 1. HySecurity model SlideDriver™ 15 (222 SS ST) is listed for use in UL 325 Usage Classes: I, II, III, and IV.

## 1.6. PRODUCT DELIVERY AND STORAGE

- A. Store products upright in the original shipping containers, covered, ventilated and protected from all weather conditions.

## 1.7. WARRANTY

- A. Provide a warranty against all defects in materials or workmanship for five years or 500,000 gate cycles (whichever occurs first) after the date of installation. Defective materials shall be replaced at manufacturer's discretion with new or reconditioned materials furnished by the manufacturer, at no cost to the owner.

## PART 2 – PRODUCTS

## 2.1. GATE OPERATORS

- A. Gate operator shall be model SlideDriver 15 (222 SS ST) with Smart Touch Controller as manufactured by HySecurity, or other comparable operator, as approved by the engineer. Requests for substitution shall be made not less than ten days prior to bid opening for review.

## 2.2. OPERATION

- A. Operation shall be by means of a metal rail passing between a pair of reinforced composite wheels with polyurethane treads. Operator motors shall be hydraulic, geroller type, and system shall not include belts, gears, pulleys, roller chains or sprockets to transfer power from operator to gate panel. The operator shall generate a minimum horizontal pull of 300 lb (136 kg) without the drive wheels slipping and without distortion of supporting arms. Operator shall be capable of handling gates weighing up to 1,500 lb (680 kg). Gate panel velocity shall not be less than 1 ft/s (304 mm/s) and shall be stopped gradually to prevent shock loads to the gate and operator assembly.
- B. Minimum standard mechanical components:
  1. Supporting arms: Cast aluminum channel. Arms shall incorporate a fully bushed, 1 1/2" (38 mm) bronze bearing surface, acting on arm pivot pins. (item 2 below)
  2. Arm pivot pins: 3/4" (19 mm) diameter, stainless steel, with integral tabs for ease of removal.
  3. Tension spring: 2 1/2" (63.5 mm) heavy duty, 800 lb (363 kg) capacity.
  4. Tension adjustment: Finger tightened nut, not requiring the use of tools.
  5. Drive release: Must instantly release tension on both drive wheels, and disengage them from contact with drive rail in a single motion, for manual operation.
  6. Limit switches: Fully adjustable, toggle types, with plug connection to control panel.
  7. Chassis: 1/4" (6 mm) steel base plate, and 12 Ga. (3 mm) sides and back welded and ground smooth.
  8. Cover: 16 Ga. (1 mm) zinc plated steel with textured TGIC polyester powder coat finish. All joints welded, filled and ground smooth. Finished corners square and true with no visible joints.
  9. Finish: Zinc plated steel with textured TGIC polyester powder coat finish, proven to withstand 1,000 hour salt spray test.
  10. Drive wheels: Two 6" diam (152 mm) AdvanceDrive wheels. High-strength composite hub with polyurethane over mold.
  11. Drive rail: Shall be extruded 6061 T6, not less than 1/8" (3 mm) thick. Drive rail shall incorporate alignment pins for ease of replacement or splicing. Pins shall enable a perfect butt splice.
  12. Hydraulic hose: Shall be 1/4" (6 mm) synthetic, rated to 3,000 psi (20.6 MPa).
  13. Hydraulic valves: Shall be individually replaceable cartridge type, in an integrated hydraulic manifold.
  14. Hose fittings: At manifold shall be quick-disconnect type, others shall be swivel type.
  15. Hydraulic fluid: High performance type with a viscosity index greater than 375 and temperature range -40° F to 167° F (-40° C to 75° C).
  16. A zero to 2,000 psi (13.7 MPa) pressure gauge, mounted on the manifold for diagnostics, shall be

a standard component.

17. The hydraulic fluid reservoir shall be formed from a single piece of metal, non-welded, and shall be powder painted on the inside and the outside, to prevent fluid contamination.

C. Minimum standard electrical components:

1. Pump motor: 1 hp, 3450 RPM, 56C, TEFC. Voltage shall be 208 Volt, three phase.
  2. All components shall have overload protection.
  3. Electrical enclosure: Type 1, metal, with hinged lid gasketed for protection from intrusion of foreign objects.
  4. Controls: Smart Touch Controller Board containing:
    - a. inherent entrapment sensor;
    - b. built in audible "warn before operate" system;
    - c. built in timer to close;
    - d. 32 character OLED display for reporting of functions and codes;
    - e. multiple programmable output relay options;
    - f. anti-tailgate mode;
    - g. built-in power surge/lightning strike protection;
    - h. menu configuration, event logging and system diagnostics easily accessible with a PC and HySecurity's free Smart Touch Analyze and Retrieve Tool;
    - i. RS-232 port for connection to laptop or other computer peripheral and RS-485 connection for network interface.
    - j. Dual gate communication connection for bi-parting, sally port, or sequenced gates.
    - k. Electromechanical and solid state relays.
    - l. Radio option outputs.
    - m. 21 inputs for site specific configurations.
  5. Transformer: 75 VA, non-jumpered taps, for all common voltages.
  6. Control circuit: 24 VDC.
- D. Required external sensors: (1) pair of EMX IRB-MON through beam photo eyes will be installed in each direction of travel at a distance of no more than 5 inches off gate panel, and at a height of 21 – 27.5 inches about grade. (1) Miller edge with wireless transmitter and receiver will be installed per leading and trailing edge of gate panel.
- E. Optional control devices: Card reader, key-switch, free egress vehicle detectors, vehicle obstruction loop detectors, keypads and emergency vehicle open devices.
- F. Other options:
1. Drive wheel manual release indicator switch.
  2. Through Beam or Reflective type photo eyes.
  3. Gate edge and transmitter radio reversing device.
  4. Hy5B plug in type vehicle detectors.
  5. 208VAC three phase.
  6. HySecurity factory drive rail.
  7. Lock for operator cover.
  8. Knox Box.

2.3. FACTORY TESTING

- A. Fully assemble and test, at the factory, each gate operator to assure smooth operation, sequencing and electrical connection integrity.
- B. Proof test with simulated physical and electrical loads to exceed the fully rated capacity of the operator components.
- C. Inspect and test all hydraulics are leak free.
- D. All testing data shall be individually logged and recorded by serial number.
- E. Check all mechanical connections for tightness and alignment. Check all welds for completeness and continuity.
- F. Inspect finishes for completeness. Touch up imperfections prior to shipment.

- G. Check all hydraulic hoses and electrical wires to assure that chafing cannot occur during shipping or operation.

PART 3 – EXECUTION

3.1. SITE EXAMINATION

- A. Locate concrete mounting pad in accordance with approved shop drawings and in compliance with local building codes.
- B. Make sure that gate is operating smoothly under manual conditions before installation of gate operators. Do not proceed until gate panel is aligned and operates without binding.

3.2. INSTALLATION

- A. Install gate operator in accordance with the safety regulations and the manufacturer's product literature and installation instructions, current at the time of installation. Coordinate locations of operators with contract drawings; other trades and shop drawings.
- B. Installer shall ensure that the electrical service to the operator is at least 20A. Electrical wiring to conform to NEC and manufacturer's installation instructions. SlideDriver 15 is 1500W.

3.3. FIELD QUALITY CONTROL

- A. Test operator through ten full open and close cycles and adjust for operation without binding, scraping or uneven motion. Test limit switches for proper open and close limit positions.
- B. All anchor bolts shall be fully tightened in the finished installation.
- C. Owner, or owner's representative, shall complete "check list" with installing contractor prior to final acceptance of the installation and submit completed warranty documentation to manufacturer.

3.4. CONTINUED SERVICE AND DOCUMENTATION

- A. Train owner's personnel on how to safely shut off electrical power, release and manually operate the gate. Additionally, demonstrate the general maintenance of the gate operator and accessories and provide one copy of "Programming and Operations Manual" for the owner's use. Manuals will identify parts of the equipment for future procurement.

AFFIDAVIT OF QUALIFICATION TO BID

I hereby affirm that

1. I am the \_\_\_\_\_ and the duly  
(Title)

authorized representative of the firm of \_\_\_\_\_

whose address is \_\_\_\_\_ and that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.

2. Except as described in paragraph 3 below, neither I nor the above firm, nor to the best of my knowledge, any of its officers, directors, or partners, or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency, or subdivision of the State have been convicted of, or have pleaded nolo contendere to a charge of, or have during the course of an official investigation or other proceeding admitted in writing or under oath acts or omissions which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or the federal government (conduct prior to July 1, 1977 is not required to be reported).

3. (State "none" or, as appropriate, list any conviction, plea, or admission described in paragraph 2 above, with the date; court, official, or administrative body; the individuals involved and their position with the firm, and the sentence of disposition, if any).

I acknowledge that this affidavit is to be furnished to the County Commissioners of Worcester County Maryland and relevant agencies or entities and, where appropriate, to the Board of Public Works and to the Attorney General under Section 16D of Article 78A of the Annotated Code of Maryland. I acknowledge that, if the representations set forth in this affidavit

are not true and correct, Worcester County, Maryland, may terminate any contract awarded and take any other appropriate action. I further acknowledge that I am executing this affidavit in compliance with Section 16D of Article 78A of the Annotated Code of Maryland, which provides that certain persons who have been convicted of or have admitted to bribery, attempted bribery, or conspiracy to bribe may be disqualified, either by operation of law or after a hearing, from entering into contracts with the State or any of its agencies or subdivisions.

I do solemnly declare and affirm under the penalties of perjury that the contents of this affidavit are true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

NON-COLLUSION AFFIDAVIT

DATE:

Worcester County Department of Public Works  
5764 Worcester Highway  
Snow Hill, Maryland 21863

Ladies and Gentlemen:

This is to certify that the undersigned bidder \_\_\_\_\_ has not, either directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal submitted to the County Commissioners of Worcester County for Courthouse Parking Lot Improvements, Contract Number 0085B035.A01.

Name of Bidder \_\_\_\_\_

Signature & Title of Authorized Representative \_\_\_\_\_

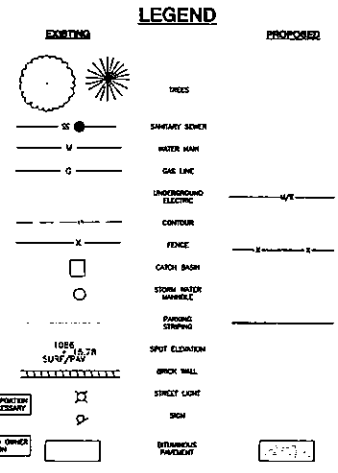
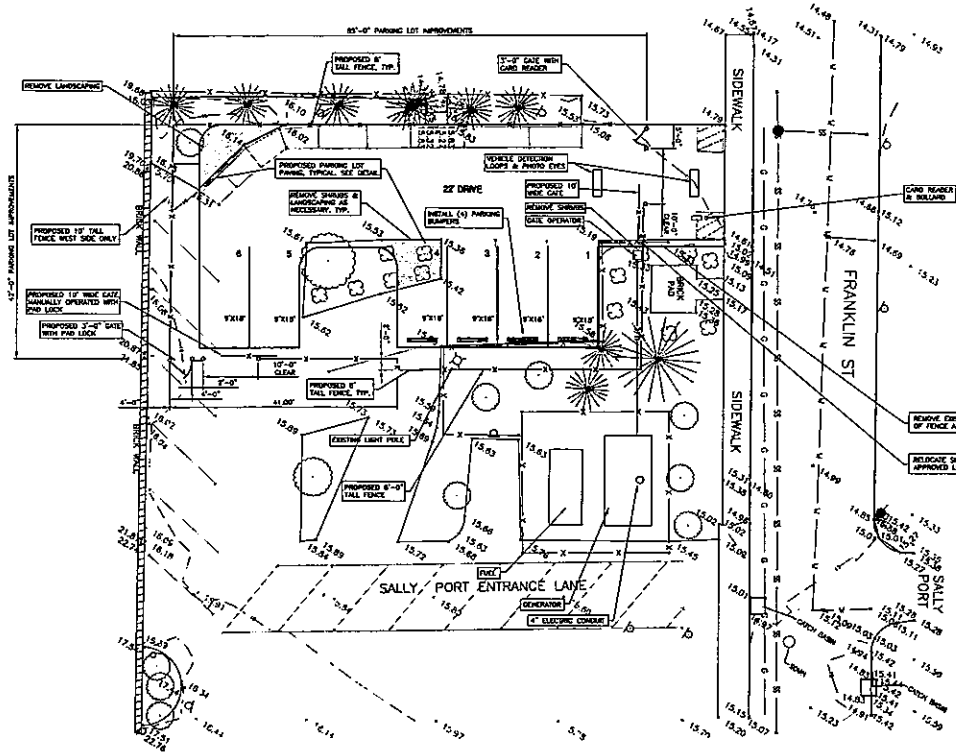
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

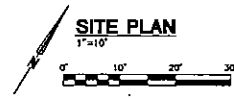
Notary Public

Notary Seal





NOTE:  
 1. PHOTO EYES SHALL BE INSTALLED 31" TO 37 1/2" ABOVE GRADE ONE SIDE TO WORKER SHOULD EDGE AND THE REMAINING TRAILING SIDE OF OF GATES.  
 2. PROVIDE POSITIVE STOPS FOR GATE TRAIL.  
 3. ELECTRIC SERVICE FROM COURTHOUSE TO GENERATOR HOUSING BY OWNER. OWNER SHALL STAY OUT CONTACT TO REMOVE GENERATOR FROM LINE.  
 4. OWNER WILL PROVIDE MEMA 4X ENCLOSURE INSIDE NEAR GENERATOR HOUSING.  
 5. GATE OPERATOR CONTROLS UNIT TO BE DESIGNED AND INSTALLED BY OWNER.



**DAVIS BROWN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 W. MARKET STREET, SUITE 200  
 WASHINGTON, DC 20005  
 TEL: 202.638.1100 FAX: 202.638.1101

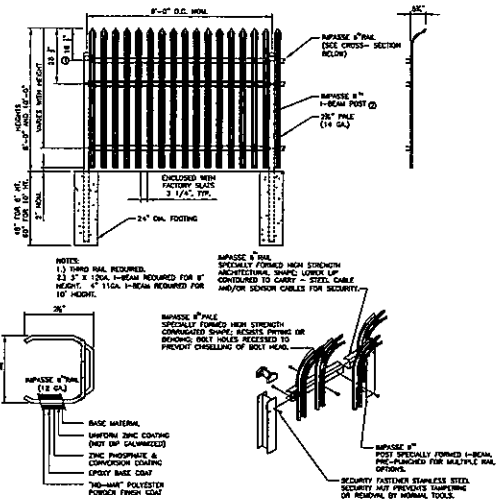
**COURTHOUSE PARKING LOT IMPROVEMENTS**  
 FRANKLIN STREET  
 TOWN OF SNOW HILL  
 WORCESTER COUNTY, MARYLAND

**REVISIONS**

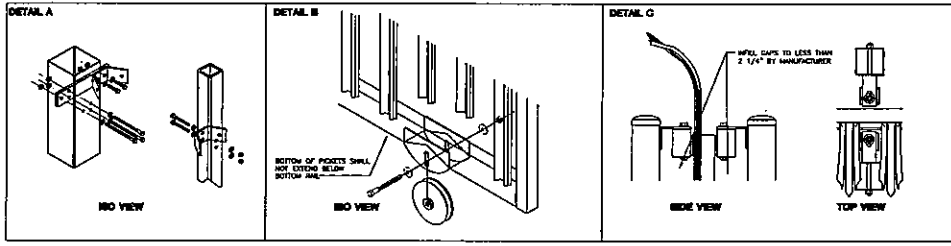
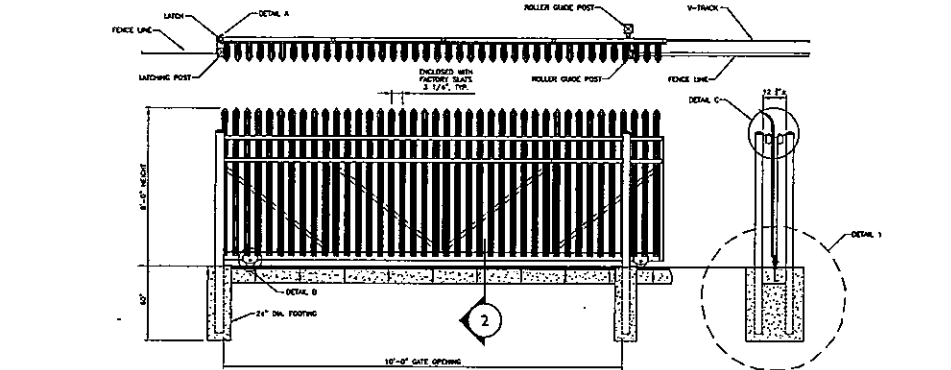
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Project No.	00859035
Drawn by	

**SP-1**

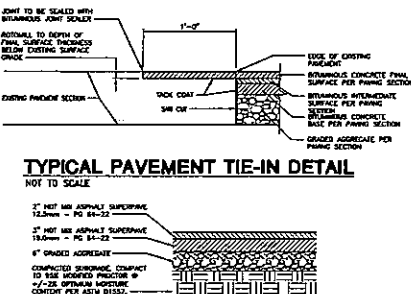
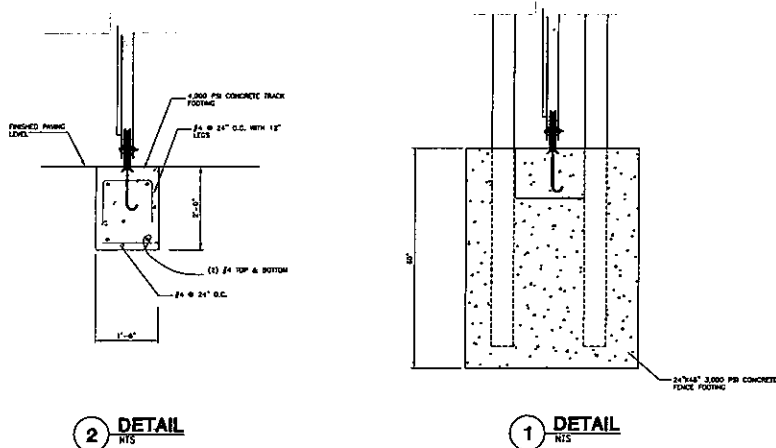
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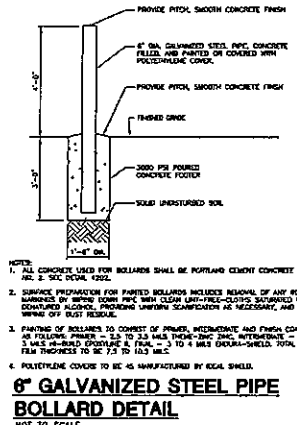
**AMERISTAR HIGH SECURITY STEEL FENCE OR EQUAL**  
NOT TO SCALE



**AMERISTAR PASSPORT IS (IMPASSE SECURITY) ROLL GATE OR EQUAL**  
NOT TO SCALE



**TYPICAL PAVEMENT TIE-IN DETAIL**  
NOT TO SCALE



**6\"/> GALVANIZED STEEL PIPE BOLLARD DETAIL**  
NOT TO SCALE

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS, SCIENTISTS  
1000 MARKET STREET, SUITE 1000  
BALTIMORE, MARYLAND 21201  
PHONE: (410) 528-1000  
FAX: (410) 528-1001  
WWW.DBF.COM

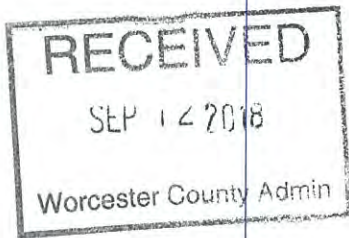
**COURTHOUSE PARKING LOT IMPROVEMENTS**  
FRANKLIN STREET  
TOWN OF SNOW HILL  
WORCESTER COUNTY, MARYLAND

Date: SEPT 2018  
Scale: AS SHOWN  
Drawn: PAB  
Pinned: 00858035  
Dwg. No.:

**SP-2**

32

WORKSHEET: 00858035-1 - 002.dwg Date: 09/26/2018 11:05:00 AM



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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 *JHT*  
**DATE:** September 10, 2018  
**SUBJECT:** FY19 Bid Request – Hydraulic Trailer w/ Gate  
Department of Public Works – Roads Division

-----  
Attached for your review and approval are bid documents for the purchase of a hydraulic trailer with gate to be utilized by the Department of Public Works – Roads Division. Included in this packet is the Notice to Bidders, Specifications, Bid Form, and Vendor List. Once the Commissioners have had the opportunity to review the packet, it is requested that authorization be provided to solicit bids for the purchase of these vehicles.

The purchase of this hydraulic trailer with gate was approved in the current FY19 operating budget in the amount of \$33,562.00 in account 100.1202.9010.070.

Should you have any questions, please do not hesitate to call me.

Attachments

cc: Frank J. Adkins

# DRAFT

## NOTICE TO BIDDERS

### **Purchase of Hydraulic Trailer with Gate Worcester County, Maryland**

The Worcester County Commissioners are currently accepting bids for the purchase of one (1) new current production model hydraulic trailer with gate for the Roads 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 at [www.co.worcester.md.us](http://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 p.m., Tuesday, October 9, 2018**, 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 "**Hydraulic Trailer 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, between 6:00 a.m. to 4:30 p.m.

# **BID SPECIFICATIONS**

## **1. Bids**

- A. Bids should be submitted in sealed envelopes clearly marked in lower left-hand corner "Hydraulic Trailer Bid".

## **2. Late Bids**

- A. 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 October 9, 2018**. Bids received after the appointed time will not be considered.

## **3. Taxes**

- A. The County is exempt from all Federal and States taxes. Therefore, bidders' price should reflect the same.

## **4. Scope of Work**

- A. To supply one (1) hydraulic trailer with gate.
- B. Vendor is responsible for delivery of awarded vehicle to the Department of Public Works - Roads Division at 5764 Worcester Highway, Snow Hill, Maryland 21863. All paperwork will accompany vehicles, as the County will be responsible for acquiring their tags and titles.

## **5. Payment**

- A. Submit payment to the Department of Public Works – Roads Division for review and processing upon delivery of said new vehicle purchase.

## **6. Award of Contract**

- A. 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 October 9, 2018**.

B. The Department of Public Works shall prepare a tabulation of said bids and a recommendation to the County Commissioners at the next regular meeting of the Commissioners. 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 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.

## **7. Vehicle Specifications**

The following specifications represent one (1) hydraulic trailer with gate, **current production model**, or equivalent for Worcester County Public Works- Roads Division.

### **Hitch/Tongue:**

Adjustable height hitch;  
3" pintle ring;  
One piece cold formed frame rails;  
Intergrated storage tray with lockable lid;  
12K drop leg jack;  
7-pole round electric plug;  
Safety chains with hooks.

### **Frame/Deck:**

26' primary deck;  
102" load width;  
31.5" deck height (fully loaded);  
10" I-beam crossmembers, 80,000 psi;  
2" nominal oak wood deck;  
D-rings tie-downs (4 per side);  
Full width wood ramp.

### **Ramps/Tail:**

Bi-Fold electric/hydraulic ramp;  
5 ft. steel angle-iron beavertail (12°);  
Wood protectors;  
2 extra Pr. "D" rings on beavertail.

### **Axles/Suspension:**

Hutchens 9700 adjustable suspension;  
(2) 22,500 lb. axles (8 wheels);  
Tires – ST235/80R16 E;  
17.5" wheels, 8-bolt, hub piloted;  
Electric brakes;  
Brake size (12.25x7.5);  
Auto slack adjustor;  
Minimum GVWR 25,900 lbs;  
Oil bath hubs.

**Lights/Wiring:**

Rubber grommet mounted LED lights;  
Sealed modular wiring.

**Color:**

Standard manufacture color.

**Warranty:**

One-year full warranty;

Limited lifetime frame warranty;

All warranty work on equipment shall be provided on site or transported to the dealership at dealer's cost.

**Miscellaneous:**

All manuals

**\*Title fee to be included in bids\*.**

**If there is any specification differences please make sure to note them  
when submitting your bid.**

## **BID FORM**

### **Worcester County Department of Public Works – Roads Division “FY19 - Purchase of Hydraulic Trailer”**

I/We have reviewed the specifications and provisions for furnishing/delivering one (1) current production model hydraulic trailer with gate and understand said requirements as stated herein. I/We hereby propose to furnish and deliver the following:

**One (1) hydraulic trailer with gate (current production model):**

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_

Total Cost Per Unit: \$ \_\_\_\_\_

Total Bid Price including delivery: \$ \_\_\_\_\_

*If there is any specification differences please make sure to note them when submitting your bid.*

Delivery To: Department of Public Works – Roads Division  
5764 Worcester Highway, Snow Hill, MD 21863

Described unit will be delivered by: \_\_\_\_\_

**BID MUST BE SIGNED AND SPECIFICATIONS MUST BE ATTACHED TO BE  
CONSIDERED.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_



## VENDOR LIST

Jesco  
9060 Ocean Highway  
Delmar, MD 21875  
Attn: Ron Holt  
Phone No.: 410-546-1090  
Fax No.: 410-547-0899  
Email: [ronald.holt@jesco.us](mailto:ronald.holt@jesco.us)

J & S Trailer Sales  
11660 Sharptown Road  
Mardela Springs, MD 21837  
Attn: Sandy Shockley  
Phone No.: 410-883-3988  
Fax No.: 410-883-3495  
Email: [jstrailers@verizon.net](mailto:jstrailers@verizon.net)

Alban Cat  
1770 Westwood Drive, Suite 106  
Salisbury, MD 21801  
Attn: Bob Sellers  
Phone No.: 410-341-3990  
Fax No.: 410-341-3693  
Email: [bsellers@albancat.com](mailto:bsellers@albancat.com)

J. G. Parks & Son  
24360 Ocean Gateway  
Post Office Box 416  
Mardela Springs, MD 21837  
Attn: Joe Pieroschek  
Phone No.: 410-742-0400; Cell: 410-430-6123  
Fax: 410-749-5938  
Email: [trucksales1@jgparks.com](mailto:trucksales1@jgparks.com)

Kruger Trailers, Inc.  
24306 Dupont Blvd.  
Georgetown, DE 19947  
Attn: Paul Junior  
Phone No.: 302-856-2577  
Fax No.: 302-856-2578  
Email: [pauljr@krugertrailers.com](mailto:pauljr@krugertrailers.com)

Creighton Trailer Sales  
24404 Ocean Gateway  
Mardela Springs, MD 21837  
Attn: Chuck Creighton  
Phone No.: 410-742-8312  
Fax No.: N/A  
Email: [chuck@creightontrailersales.com](mailto:chuck@creightontrailersales.com)



16

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:** September 10, 2018  
**SUBJECT:** Scotts Landing Road – Speed Study

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

.....  
The Department conducted a speed study on Scotts Landing Road from Monday, August 20, 2018 thru Saturday, August 25, 2018 at the request of an area resident to address safety concerns/speeding vehicles and for a speed limit sign to be posted. A copy of the survey is attached.

The results of the study combined both west bound and east bound traffic and are as follows:

- Number of Vehicles: 482
- Average Speed: 27 mph
- 85<sup>th</sup> Percentile: 41 mph
- Vehicles 36 mph and greater: 187 or 38.9%
- Vehicles >1 mph to 35 mph: 295 or 61.3%

Currently Scotts Landing Road is not posted; therefore, a speed limit of 50 mph governs. Based on the study, 61.3% of all traffic traveled less than 36 mph and only 38.9% of all traffic traveled more than 35 mph. Based on the study, the nature of the geographical area and differences in opinion with residents on Scotts Landing Road, I would recommend that no changes occur and would not recommend posting the roadway at this time.

Should you have any questions regarding this study I will be happy to discuss them with you.

Attachment

cc: Frank Adkins

## Kelly Shannahan

---

**From:** Kelly Shannahan  
**Sent:** Thursday, August 16, 2018 4:04 PM  
**To:** John Tustin  
**Cc:** Frank Adkins; commissioners  
**Subject:** FW: Request for Speed Limit Signage - Scotts Landing Road

JT,

Please see the attached request. Perhaps you can perform a speed study followed by a report and recommendation to the County Commissioners for a future meeting.

Thanks,

*Kelly Shannahan*

Assistant Chief Administrative Officer

Worcester County Administration  
Room 1103 Government Center  
One West Market Street  
Snow Hill, MD 21863-1195  
410-632-1194  
410-632-3131 (fax)

**From:** Christie Taylor [mailto:christietaylor51@gmail.com]  
**Sent:** Thursday, August 16, 2018 1:42 PM  
**To:** commissioners <commissioners@co.worcester.md.us>  
**Subject:** Request for Speed Limit Signage

Dear Commissioners:

We live on the wonderful backroad, Scotts Landing Road that meanders to the Chincoteague Bay. The road narrows to a 1.5 lane as you travel from Ayers Lane. Great for walking, cycling - with deer and Delmava fox squirrels popping out along the road.

So here is our concern. There is NO speed limit therefore drivers are allowed to travel at 50 miles an hour down this road. It is such a hazard for anyone trying to navigate their way on foot or bike. Honestly, it is rather scary to drive that fast!

**We are requesting that the County put up signs with the appropriate speed limit** for such a narrow road - help us keep our citizens safe. Other neighbors, such as Rich Schubach and Nancy Blake are in agreement.

Here are a few images so you can understand our concern. And we encourage you to drive down Scotts Landing so you can fully understand the situation.



Thank you,


Christie Taylor and Fred Sprock  
7717 Scotts Landing Road  
Snow Hill, Maryland 21863

**Christie Taylor**

**7717 Scotts Landing Road  
Snow Hill, Maryland 21863  
704-574-4265**

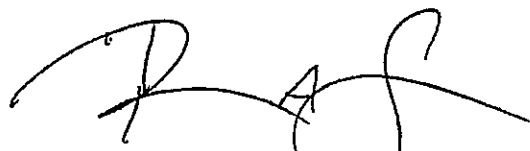
8/29/18

DEAR MR. ADKINS,

I, RICHARD A. SCHUBACH,  
RESIDING AT 7687 SCOTTS LANDING Rd,  
WOULD LIKE TO FORMALLY OBJECT  
TO THE REDUCTION OF SPEED LIMITS,  
AND POSTING OF SIGNAGE INDICATING  
THAT CHANGES ON SCOTTS LANDING  
ROAD. IT SEEMS LIKE A WASTE  
OF COUNTY RESOURCES (IE. TAX PAYER \$)  
AND WOULD REDUCE THE VISUAL  
APPEAL OF THIS SCENIC RURAL  
ROAD. TO ACCOMADATE WHO + FOR  
WHAT PURPOSE, IS THERE A HISTORY  
OF VEHICULAR ACCIDENTS THAT I  
AM NOT AWARE OF? IF SO, PLEASE  
OVER 

EDUCATE ME ON THAT SUBJECT.

THANK YOU FOR YOUR  
CONSIDERATION.

A handwritten signature in cursive script, appearing to read 'RAS'.

RICHARD A. SCHVACH

8/29/18

# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

Site Code: 00000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	1	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
08/20/18	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	0	0	0	4	1	1	1	0	0	0	0	0	0	0	7	39	43
12 PM	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2	43	44
13:00	0	0	0	0	0	0	0	1	1	2	0	0	0	0	4	58	59
14:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	39	39
15:00	0	0	0	0	2	1	3	1	1	0	0	0	0	0	8	48	52
16:00	1	0	0	0	0	1	1	0	1	0	0	0	0	0	4	52	54
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>		
<b>Percent</b>	<b>3.8%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>15.4%</b>	<b>15.4%</b>	<b>15.4%</b>	<b>23.1%</b>	<b>7.7%</b>	<b>11.5%</b>	<b>7.7%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>			
<b>AM Peak</b>				<b>11:00</b>	<b>11:00</b>	<b>11:00</b>	<b>11:00</b>										<b>11:00</b>
<b>Vol.</b>				<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>									<b>7</b>	
<b>PM Peak</b>	<b>16:00</b>				<b>15:00</b>	<b>14:00</b>	<b>15:00</b>	<b>13:00</b>	<b>13:00</b>	<b>13:00</b>						<b>15:00</b>	
<b>Vol.</b>	<b>1</b>				<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>2</b>						<b>8</b>	

6

# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

Site Code: 0000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
06/21/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	999	*	*
01:00	0	0	0	0	0	0	0	1	1	0	0	0	0	0	2	53	54
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	44	44
04:00	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	38	39
05:00	0	1	0	1	0	0	2	0	0	0	0	0	0	0	4	43	44
06:00	0	0	0	0	1	1	0	1	0	0	0	0	0	0	3	47	49
07:00	1	1	0	1	1	1	0	1	0	0	0	0	0	0	6	45	48
08:00	1	0	0	0	0	0	1	1	0	0	0	0	0	0	3	47	49
09:00	1	0	0	0	0	4	1	0	1	0	0	0	1	0	8	54	73
10:00	38	4	0	0	3	3	1	0	0	0	0	0	0	0	49	19	37
11:00	28	1	0	0	2	3	0	0	1	0	0	0	0	0	35	31	38
12 PM	2	1	0	0	2	0	0	1	1	1	0	0	0	1	9	54	58
13:00	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2	43	44
14:00	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2	38	39
15:00	4	0	1	1	0	0	0	0	0	0	0	0	0	0	6	25	28
16:00	59	13	0	0	1	0	0	0	0	0	0	0	0	0	73	16	18
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
20:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	34	34
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>134</b>	<b>21</b>	<b>2</b>	<b>3</b>	<b>12</b>	<b>15</b>	<b>7</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>206</b>		
<b>Percent</b>	<b>65.0%</b>	<b>10.2%</b>	<b>1.0%</b>	<b>1.5%</b>	<b>5.8%</b>	<b>7.3%</b>	<b>3.4%</b>	<b>2.4%</b>	<b>1.9%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.5%</b>	<b>0.5%</b>			
<b>AM Peak</b>	<b>10:00</b>	<b>10:00</b>		<b>05:00</b>	<b>10:00</b>	<b>09:00</b>	<b>05:00</b>	<b>01:00</b>	<b>01:00</b>				<b>09:00</b>		<b>10:00</b>		
<b>Vol.</b>	<b>38</b>	<b>4</b>		<b>1</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>				<b>1</b>		<b>49</b>		
<b>PM Peak</b>	<b>16:00</b>	<b>16:00</b>	<b>14:00</b>	<b>15:00</b>	<b>12:00</b>	<b>13:00</b>	<b>13:00</b>	<b>12:00</b>	<b>12:00</b>	<b>12:00</b>	<b>12:00</b>			<b>12:00</b>	<b>16:00</b>		
<b>Vol.</b>	<b>59</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>			<b>1</b>	<b>73</b>		



# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

Site Code: 00000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	1	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
	15	20	25	30	35	40	45	50	55	60	65	70	75	999			
08/22/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	1	1	0	0	0	1	1	0	0	0	0	0	0	0	4	42	44
03:00	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	44	44
04:00	0	0	0	0	0	3	0	0	0	0	0	0	0	0	3	39	39
05:00	1	1	2	1	0	0	0	0	0	0	0	0	0	0	5	26	28
06:00	0	0	0	0	1	1	1	0	0	0	0	0	0	0	3	42	44
07:00	0	0	1	0	0	1	1	0	0	0	0	0	0	0	3	42	44
08:00	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	49	49
09:00	0	0	0	0	1	1	1	1	0	0	0	0	0	0	4	47	49
10:00	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	38	39
11:00	0	0	0	1	3	1	0	0	0	0	0	0	0	0	5	36	38
12 PM	0	0	0	0	1	2	0	0	0	0	0	0	0	0	3	38	39
13:00	0	0	0	1	3	3	0	1	0	0	0	0	0	0	8	39	47
14:00	0	0	0	3	2	2	0	1	0	0	0	0	0	0	8	39	47
15:00	1	3	1	0	2	0	0	0	0	0	0	0	0	1	8	32	34
16:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	39	39
17:00	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	38	39
18:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	29	29
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>7</b>	<b>15</b>	<b>18</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>62</b>		
<b>Percent</b>	<b>4.8%</b>	<b>8.1%</b>	<b>6.5%</b>	<b>11.3%</b>	<b>24.2%</b>	<b>29.0%</b>	<b>8.1%</b>	<b>6.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>1.6%</b>			
<b>AM Peak</b>	<b>02:00</b>	<b>02:00</b>	<b>05:00</b>	<b>05:00</b>	<b>11:00</b>	<b>04:00</b>	<b>02:00</b>	<b>08:00</b>									<b>05:00</b>
<b>Vol.</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>							<b>5</b>		
<b>PM Peak</b>	<b>15:00</b>	<b>15:00</b>	<b>15:00</b>	<b>14:00</b>	<b>13:00</b>	<b>13:00</b>		<b>13:00</b>						<b>15:00</b>	<b>13:00</b>		
<b>Vol.</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>		<b>1</b>					<b>1</b>	<b>8</b>			

# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

Site Code: 00000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	1	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
	15	20	25	30	35	40	45	50	55	60	65	70	75	999			
08/23/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2	38	39
02:00	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2	48	49
03:00	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	49	49
04:00	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	44	44
05:00	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	38	39
06:00	0	0	0	2	2	0	0	1	0	0	0	0	0	0	5	46	48
07:00	0	0	0	0	0	1	5	0	0	0	0	0	0	0	6	44	44
08:00	0	1	0	0	0	1	0	1	0	0	0	0	0	0	3	47	49
09:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
10:00	0	0	0	1	0	0	2	0	0	0	0	0	0	0	3	43	44
11:00	0	0	0	1	2	2	0	0	0	0	0	0	0	0	5	38	39
12 PM	0	0	0	0	0	3	0	0	0	1	0	0	0	0	4	57	58
13:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	39	39
14:00	0	0	2	1	0	1	2	0	0	0	0	0	0	0	6	42	44
15:00	0	0	0	1	2	2	4	0	0	0	0	0	0	0	9	43	44
16:00	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2	43	44
17:00	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	39	39
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
19:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	34	34
20:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	24	24
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	0	1	3	7	8	16	16	4	0	1	0	0	0	0	56		
<b>Percent</b>	0.0%	1.8%	5.4%	12.5%	14.3%	28.6%	28.6%	7.1%	0.0%	1.8%	0.0%	0.0%	0.0%	0.0%			
<b>AM Peak</b>		08:00		06:00	06:00	11:00	07:00	02:00									07:00
<b>Vol.</b>		1		2	2	2	5	1									6
<b>PM Peak</b>			14:00	14:00	15:00	12:00	15:00			12:00							15:00
<b>Vol.</b>			2	1	2	3	4			1							9

6

# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

Site Code: 0000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
08/24/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	1	2	0	0	0	0	0	0	3	48	49
04:00	0	0	0	0	1	2	0	0	0	0	0	0	0	0	3	38	39
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	0	0	1	0	1	2	0	0	0	0	0	0	0	4	43	44
07:00	0	1	1	1	2	0	2	0	0	0	0	0	0	0	7	42	44
08:00	0	1	0	0	0	3	1	0	0	0	0	0	0	0	5	41	43
09:00	0	1	0	1	1	1	0	0	0	0	0	0	0	0	4	37	39
10:00	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2	43	44
11:00	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	39	39
12 PM	1	0	0	0	1	0	1	0	0	0	0	0	0	0	3	42	44
13:00	0	1	3	1	2	2	3	0	0	0	0	0	0	0	12	42	44
14:00	0	0	0	2	3	2	0	0	0	0	0	0	0	0	7	37	39
15:00	1	1	0	0	2	1	2	2	0	0	0	0	0	0	9	46	48
16:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	39	39
17:00	0	0	1	0	0	1	1	0	0	0	0	0	0	0	3	42	44
18:00	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	38	39
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>13</b>	<b>18</b>	<b>14</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>67</b>		
<b>Percent</b>	<b>3.0%</b>	<b>7.5%</b>	<b>7.5%</b>	<b>9.0%</b>	<b>19.4%</b>	<b>26.9%</b>	<b>20.9%</b>	<b>6.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>			
<b>AM Peak</b>		<b>07:00</b>	<b>07:00</b>	<b>06:00</b>	<b>07:00</b>	<b>08:00</b>	<b>06:00</b>	<b>03:00</b>									
<b>Vol.</b>		<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>							<b>7</b>		
<b>PM Peak</b>	<b>12:00</b>	<b>13:00</b>	<b>13:00</b>	<b>14:00</b>	<b>14:00</b>	<b>13:00</b>	<b>13:00</b>	<b>15:00</b>									
<b>Vol.</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>2</b>							<b>12</b>		

01

# Worcester County DPW - Roads Division

5764 Worcester Highway  
Snow Hill, MD 21863  
410-632-2244

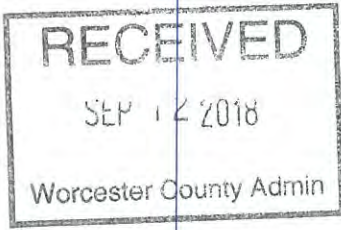
Site Code: 0000001  
Station ID:  
Scotts Landing Road  
Scotts Landing Road  
Latitude: 0' 0.0000 Undefined

Start Time	1	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
	15	20	25	30	35	40	45	50	55	60	65	70	75	999			
08/25/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2	43	44
02:00	0	0	0	0	0	1	1	1	0	0	0	0	0	0	3	47	49
03:00	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2	48	49
04:00	0	0	0	0	1	4	1	0	0	0	0	0	0	0	6	40	43
05:00	4	0	0	0	0	0	0	0	0	0	0	0	0	0	4	12	14
06:00	2	0	0	0	0	1	2	0	0	0	0	0	0	0	5	43	44
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
08:00	1	0	0	2	2	0	3	0	0	0	0	0	0	0	8	43	44
09:00	0	1	0	1	0	2	0	0	0	0	0	0	0	0	4	38	39
10:00	0	0	0	0	2	4	0	0	0	0	0	0	0	0	6	38	39
11:00	0	0	2	4	3	2	1	0	0	0	0	0	0	0	12	37	41
12 PM	0	0	0	1	0	2	1	0	0	0	0	0	0	0	4	42	44
13:00	1	1	0	1	0	4	2	0	0	0	0	0	0	0	9	41	43
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>Total</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>9</b>	<b>20</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>65</b>		
<b>Percent</b>	<b>12.3%</b>	<b>3.1%</b>	<b>3.1%</b>	<b>13.8%</b>	<b>13.8%</b>	<b>30.8%</b>	<b>20.0%</b>	<b>3.1%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>			
<b>AM Peak</b>	<b>05:00</b>	<b>09:00</b>	<b>11:00</b>	<b>11:00</b>	<b>11:00</b>	<b>04:00</b>	<b>08:00</b>	<b>02:00</b>									
<b>Vol.</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>1</b>							<b>11:00</b>		
<b>PM Peak</b>	<b>13:00</b>	<b>13:00</b>		<b>12:00</b>		<b>13:00</b>	<b>13:00</b>								<b>13:00</b>		
<b>Vol.</b>	<b>1</b>	<b>1</b>		<b>1</b>		<b>4</b>	<b>2</b>								<b>9</b>		
<b>Total</b>	<b>148</b>	<b>34</b>	<b>16</b>	<b>36</b>	<b>61</b>	<b>91</b>	<b>61</b>	<b>21</b>	<b>7</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>482</b>		
<b>Percent</b>	<b>30.7%</b>	<b>7.1%</b>	<b>3.3%</b>	<b>7.5%</b>	<b>12.7%</b>	<b>18.9%</b>	<b>12.7%</b>	<b>4.4%</b>	<b>1.5%</b>	<b>0.8%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.2%</b>	<b>0.4%</b>			

15th Percentile : 7 MPH  
 50th Percentile : 30 MPH  
 85th Percentile : 41 MPH  
 95th Percentile : 47 MPH

Stats  
 10 MPH Pace Speed : 31-40 MPH  
 Number in Pace : 152  
 Percent in Pace : 31.5%  
 Number of Vehicles > 55 MPH : 7  
 Percent of Vehicles > 55 MPH : 1.5%  
 Mean Speed(Average) : 27 MPH

11



17

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:** September 10, 2018  
**SUBJECT:** Ocean Pines Informational Brochure

Over the past few months, we have been working with the Ocean Pines Water and Wastewater Advisory Board to generate an informational brochure for the Ocean Pines Service Area customers describing ongoing system improvements and identifying cost saving activities. The brochure is attached for your review.

The cost to reproduce the brochure to be included in the customer's bill is summarized as follows:

Printed in color	\$1,990.06
Printed in black on colored paper	\$749.05
Printed in black on white paper	\$678.06

We are asking for approval to include the brochure in the September 30, 2018 billing and to select the reproduction option. Funding is available for any of the choices from the Administrative budget (555.6100.010).

If you have any questions, please do not hesitate to contact me.

Attachments

cc: John S. Ross, P.E. Deputy Director  
Jessica R. Wilson, CPA, Enterprise Fund Controller



**Quotation 1924**

**Date: 09/10/18**

**Jessica Wilson, CPA  
Worcester County Landfill  
c/o Worcester County Treasurer's Office  
Post Office Box 349  
Snow Hill MD 21863**

SHIP TO:  
Worcester County Landfill  
c/o Worcester County Treasurer's Office  
Post Office Box 349  
Snow Hill MD 21863

Our Truck

*Dear Jessica,*

*Thank you for the opportunity. Please call me at 410-641-3636 or email me Thom@acepm.com should you have any questions. I look forward to your favorable reply.*

*Thom*

*My signature on this work order acknowledges the Credit Terms and Conditions of ACE PRINTING, and it is agreed that those Terms and Conditions are incorporated into this work order by reference herein.*

*Sign Here and Please Fax To 410-641-1167: \_\_\_\_\_*

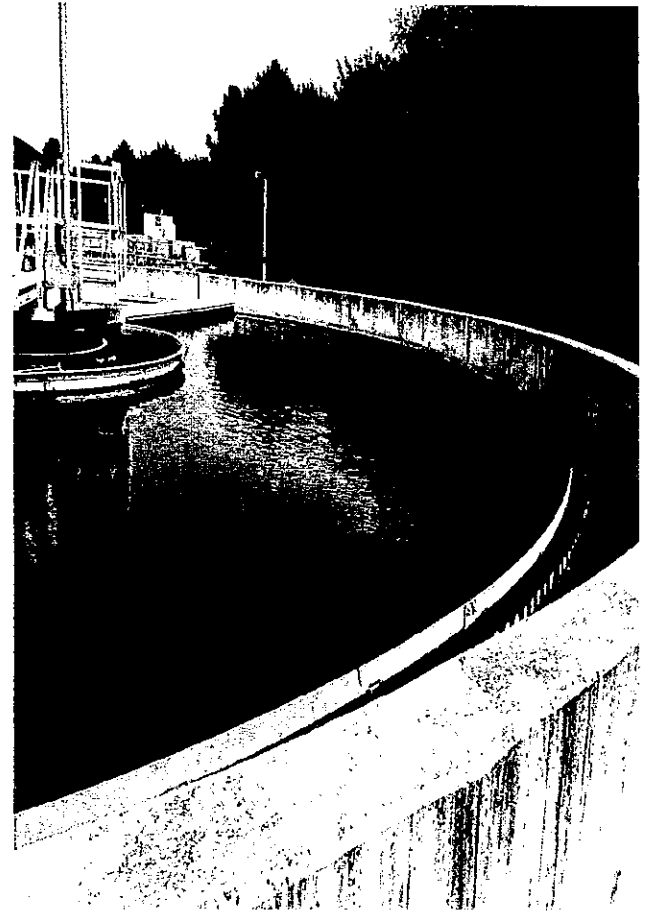
<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Price</u>
9,000	Letter - Printed in color		1,990.06
9,000	Letter - Printed in black on colored paper		749.05
9,000	Letter - Printed in black on white paper		678.06



Worcester County wants to thank our Ocean Pines residents for their cooperation, as we continue to improve your water and wastewater service. We hope the information provided in this brochure is informative and helpful.

Worcester County  
Water & Wastewater  
Advisory Board

W



# **OCEAN PINES WATER & WASTEWATER**

**1000 SHORE LANE  
BERLIN, MD 21811  
410-641-5251**

## Who We Are

The water and wastewater facilities in the Ocean Pines community are owned and operated by Worcester County through the Worcester County Department of Public Works, Water and Wastewater Division. As part of the operation, the Worcester County Commissioners appoint a Water and Sewer Advisory Board, as a resource for input from Ocean Pines residents. This brochure was prepared to provide Ocean Pines residents, with information on the operation of the water and wastewater systems and activities in the service area.

## What We Do

Ocean Pines water is provided by a system of water supply wells pumping water into two (2) elevated water storage tanks and the water distribution system. Wastewater is collected from the homes and pumped through a system of 24 wastewater pumping stations to the Ocean Pines Wastewater Treatment Plant (OPWWTP). The wastewater is then treated at the OPWWTP to produce a very high quality effluent before it is discharged.

The Ocean Pines wastewater collection system is a unique vacuum system (one of only 2 to 3 in the State), which is heavily dependent on the mechanical operation of the vacuum pumps, valves and tanks. Should a homeowner notice a problem with the operation of their sewer system, they should immediately contact the Water and Wastewater Division at (410) 641-5251 (answers 24 hours per day) to allow system operators to diagnose the problem. Contacting a plumber without calling our system operators first could result in charges to the property owner that cannot be reimbursed by Worcester County.



## What's Going On

There are a number of activities that have taken place around the Ocean Pines service area that most customers may not be aware have occurred. The most significant of these are described below.

In 2005, the State of Maryland began assessing all State residents and commercial establishments an annual "Bay Restoration" fee. This fee generates funds to enable upgrades to the performance of wastewater treatment plants throughout the State in the Chesapeake and Coastal Bay Watershed. Since the performance of the OPWWTP meets the upgraded performance standards, customers in the Ocean Pines service area are not assessed that charge. Through the end of Fiscal Year 2018, the performance of the OPWWTP has saved Ocean Pines service area customers approximately **\$4.6 million** in fees.

With the Ocean Pines community now 50 years old, upgrades are needed to maintain the reliability of the utility systems. Between 2014 and 2017 the service areas completed approximately \$5.3 million in improvements to the water and wastewater facilities, including:

- Upgrades to sewage pump stations throughout Ocean Pines service area
- Upgrades to a major sewage force main along Ocean Parkway
- Structural improvements at the Wastewater Treatment Plant
- Replacing deficient water service lines along Ocean Parkway

The next phase of system upgrades will begin in 2019 and run through 2022. The focus will again be on aging pump stations, and upgrades to the OPWWTP and water supply systems.



**RECEIVED**  
SEP 12 2018  
Worcester County Admin



18

**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  
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**MEMORANDUM**

DIVISIONS

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TEL: 410-632-5675  
FAX: 410-632-1753

**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185

**TO: Harold L. Higgins, Chief Administrative Officer**  
**FROM: John H. Tustin, P.E., Director of Public Works** *JHT*  
**DATE: September 11, 2018**  
**SUBJECT: Small Project Agreement - Triple Crown Estates**

.....  
We have been working with Steen and Associates, Inc. to begin construction of the utility lines and appurtenances to serve Triple Crown Estates in the Ocean Pines Service Area. We have reviewed the design drawings prepared for this purpose and found them to comply with Department Specifications. As with similar small projects, we have required them to complete our standard "Small Projects Agreement" to demonstrate compliance with County Code, specifically, PW5-307.

The attached agreement has been reviewed by the County Attorney and it is now being presented for approval.

If you have any questions, please do not hesitate to contact me.

Attachment

cc: John S. Ross, P.E. Deputy Director  
Jessica R. Wilson, CPA, Enterprise Fund Controller

WORCESTER COUNTY  
SMALL PROJECT  
WASTEWATER AND/OR WATER AGREEMENT  
Reference PW5-307 Code of Public Local Laws of Worcester County

THIS AGREEMENT made this \_\_\_ day of September, 2018, by and between THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, in the capacity of the governing body of the Ocean Pines Sanitary Service Area, hereinafter called "Service Area" and Steen and Associates, Inc. 627B Ocean Parkway, Berlin, MD 21811, hereinafter called "Developer." The parties hereto do hereby agree as follows:

A. PROJECT Triple Crown Estates Subdivision hereinafter called "Facilities."

B. LOCATION PROPERTY

Properties affected by this agreement are more particularly described as follows:

Deed Reference 07228/0001 Tax Map 21 Parcel 67  
Deed Reference 02666/00581 Tax Map 21 Parcel 74

C. SERVICE TO BE PROVIDED Construction of Water and Sewer lines to serve Triple Crown Estates Subdivision as shown on the attached drawings labeled Sheets UL-1 to UL-6

D. LEGAL REQUIREMENTS AND PROCEDURE

Developer shall:

1. Upon the execution hereof, deed to Service Area, free and clear of all liens and encumbrances, by special warranty deed; all fee simple parcels and easements required for the operation and construction of Facilities and provide an acceptable title certificate signed by a Maryland attorney.
2. Provide plans as required by Service Area which must be satisfactory to Service Area prior to commencement of construction.
3. In cooperation with Service Area, secure all necessary permits for the benefit of Service Area and transfer the same to the Service Area.
4. Provide any construction bond required by applicable law regulation.
5. Commence construction of Facilities by 10/1/2018 complete construction by 10/1/2019 and Construct Facilities to the satisfaction of Service Area in accordance with all required permits to all applicable standards as established by Service Area.
6. Upon completion of Facilities and final inspection, approval and acceptance by the Service Area transfer all portions of the Facilities not already property of the Service Area free and clear of all liens and encumbrances at which time Service Area shall assume operational control of the Facilities.
7. Post such cash deposits as required by Service Area to provide for operation for not less than one year of operational costs of Facilities.
8. Provide lien releases or evidence of full and final payment to all contractors, engineers and suppliers as required by Service Area.

9. Warrant the construction and performance of Facilities for a period of not less than two years from the date of acceptance by the Service Area.
10. Post a maintenance bond in amounts to guarantee the warranty. Such bond shall be equal to 50% of actual cost of all equipment. Further provide that Service Area may set amounts of such bonds within the parameters hereof.

E. SPECIAL REQUIREMENTS NONE

---

#### F. CONSTRUCTION AGREEMENTS

1. Developer shall construct Facilities at Developer's sole expense subject to the oversight of Service Area.
2. Developer shall make all corrections, additions, and adjustments required by Service Area to complete construction of Facilities according to all permits, plans and specifications.
3. Service Area may reject unsatisfactory work in which case it shall be redone by Developer.

#### G. CHARGES, COSTS, FEES AND EXPENSES

1. Developer shall pay all costs, fees and expenses of Service Area in performing of this agreement including without limitation, permit fees and costs incurred by Service Area in processing and oversight of the construction of Facilities. Those fees and costs are estimated to be \$2,500.
2. A deposit in escrow for costs, fees and expenses of Service Area in the amount of \$2,500 shall be made by Developer upon signing and such account maintained as required by Service Area pending acceptance by Service Area.
3. Upon completion and acceptance of the Facilities and the commencement of operation thereof, Developer shall commence payment of standard charges imposed within the service area in which the service is provided.

#### H. EXCESS CAPACITY-OWNED BY SERVICE AREA

1. Facilities are designed and intended to serve Triple Crown Estates Subdivision
2. Any excess capacity of Facilities or of any modification or addition thereto shall be the property of Service Area and shall belong to Service Area. There shall be no recoupment of costs of construction, expenses, fees, operation or installation of Facilities by Developer unless as specifically set forth herein or in a separate written agreement between the parties.

#### I. MISCELLANEOUS PROVISIONS

1. In any action brought in court under this agreement the jurisdiction venue shall be exclusively the Circuit Court of Worcester County, Maryland.
2. The provisions of this agreement shall be governed and construed according to the laws of the State of Maryland. The parties' performance of obligations hereunder shall comply with all applicable governmental requirements. Existing and future laws shall supersede this agreement. It is entered into pursuant to Section PW 5-307 of the Code of Public Local Laws of Worcester County.

3. The construction of Facilities pursuant hereto shall constitute an offer of dedication to the County Commissioners of Worcester County for the benefit of Service Area.
4. This agreement shall constitute an encumbrance on lands described in Paragraph B hereof and shall run with the land.
5. Developer and Service Area agree to cooperate in the implementation of this agreement and agree to execute such other and further assurances or additional documents and instruments as it may be reasonably required of or requested by the other party to carry out the provisions hereof.
6. The rights, obligations and duties of Service Area hereunder are delegated (subject to revocation) to the Worcester County Department of Public Works.
7. The Service Area is a governmental body and shall be entitled to all immunities and nothing herein shall negate any governmental entities..
8. All documents executed pursuant hereto shall be subject to the approval of the County Attorney for Worcester County, acting on behalf of Service Area.

SERVICE AREA

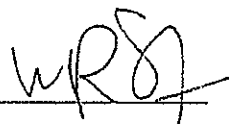
Witness

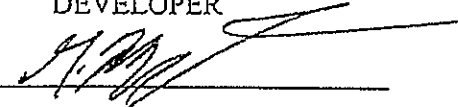
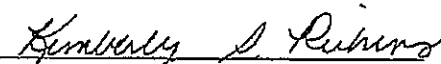
County Commissioners of Worcester County, Maryland

\_\_\_\_\_  
 Harold L. Higgins  
 Chief Administrative Officer

\_\_\_\_\_  
 (SEAL)  
 Diana Purnell., President

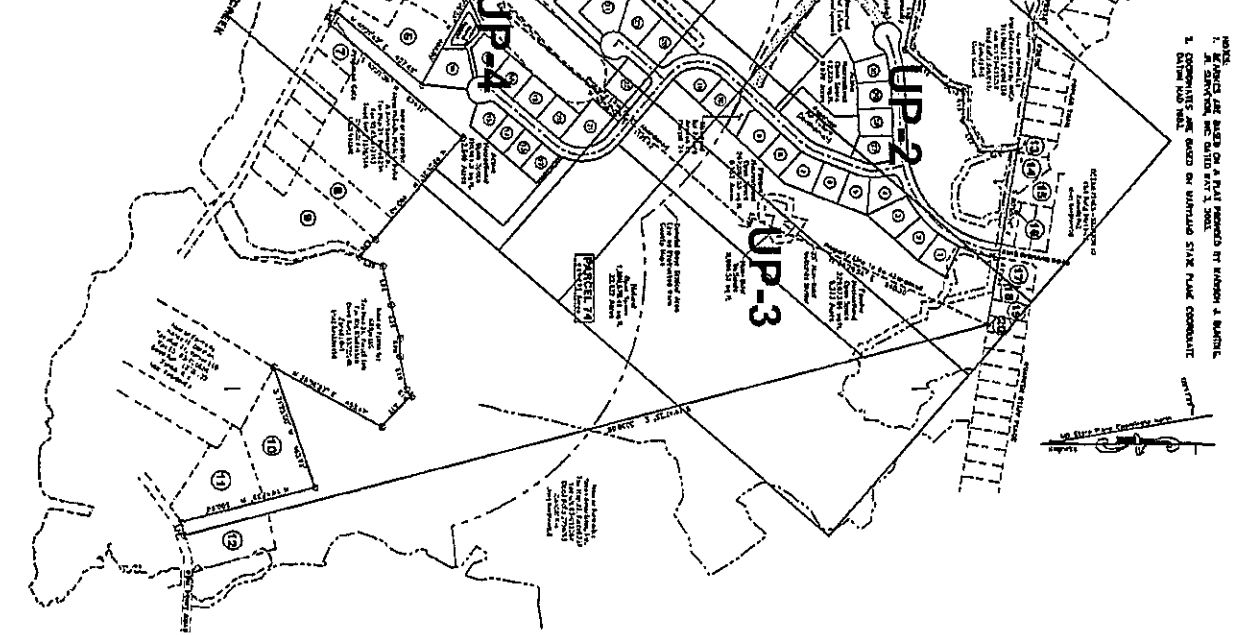
Witness:

\_\_\_\_\_  
  
 WILLIAM R. Stamp  
 (Print Name)

DEVELOPER  
 \_\_\_\_\_  
  
 G. Marvin Steen Pres.  
 Print Name and Capacity  
 \_\_\_\_\_  
  
 (SEAL)  
 Signature

KIMBERLY S RICHINS  
 NOTARY PUBLIC - MARYLAND  
 WORCESTER COUNTY  
 MY COMMISSION EXPIRES  
 MARCH 05, 2020

NO.	DATE	BY	DESCRIPTION
1	11/11/11	AS	ASSEMBLED
2	11/11/11	AS	ASSEMBLED
3	11/11/11	AS	ASSEMBLED
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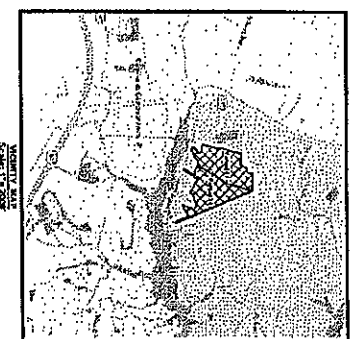
NOTES:  
 1. ALL UTILITIES SHOWN ON THIS MAP ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.  
 2. OPERATIONS ARE BASED ON UNITS AND SIX INCH PLANS.  
 3. ALL UTILITIES ARE SHOWN AS SHOWN ON RECORD DRAWINGS AND FIELD SURVEY.

PROJECT:  
 WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS  
 DESIGN OF SEWER AND WATER MAINS  
 SHEET NO. 12  
 DATE: 11/11/11  
 DRAWN BY: [Name]

NO.	DATE	BY	DESCRIPTION
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LEGEND:  
 [Symbol] Sewer Main  
 [Symbol] Water Main  
 [Symbol] Easement  
 [Symbol] Right of Way  
 [Symbol] Property Line  
 [Symbol] Survey Boundary  
 [Symbol] Other

NOTES:  
 1. ALL UTILITIES SHOWN ON THIS MAP ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.  
 2. OPERATIONS ARE BASED ON UNITS AND SIX INCH PLANS.  
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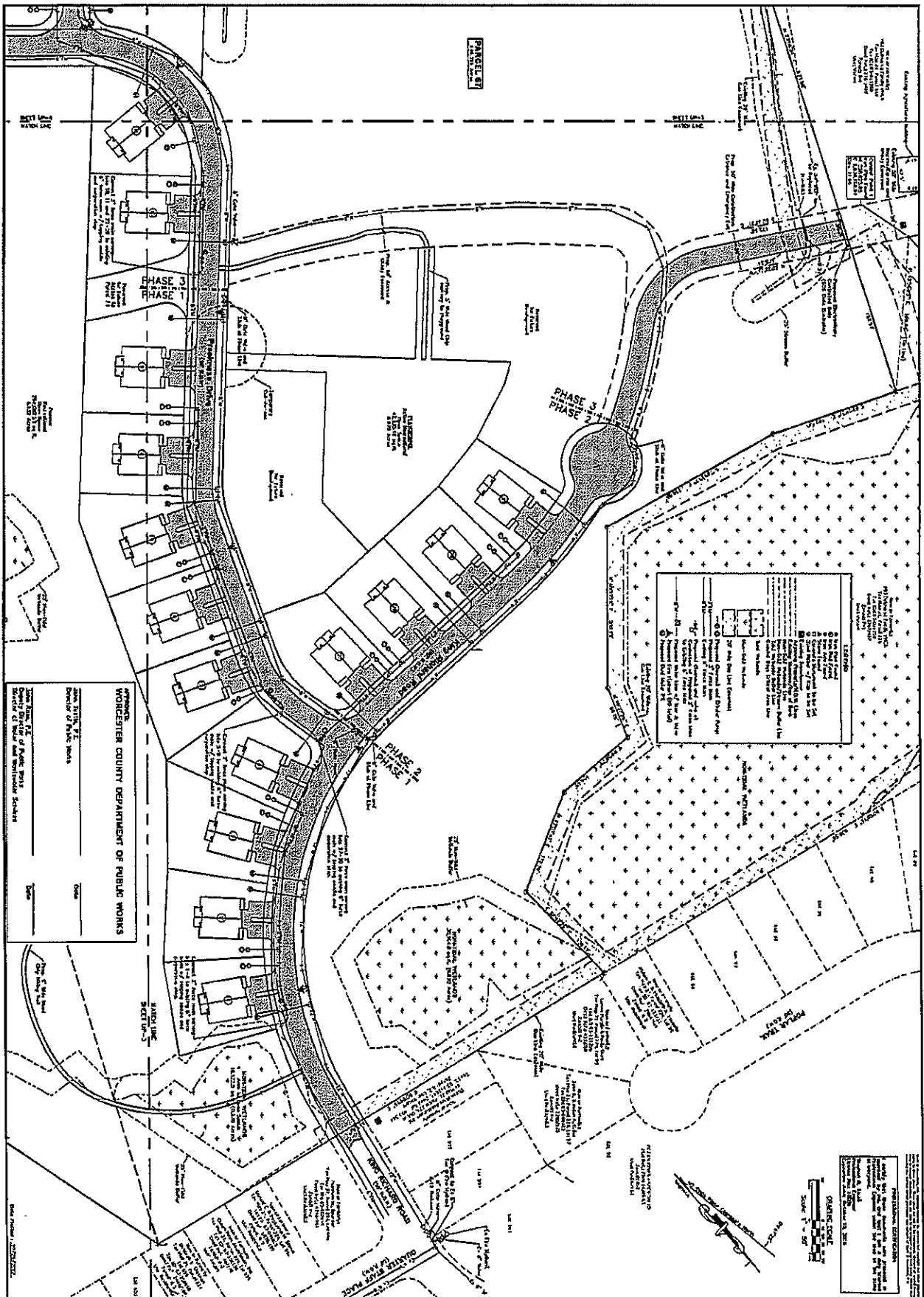
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 DATE: 11/11/11  
 DRAWN BY: [Name]

PROJECT: UP-1



SEWER & WATER KEYSHEET  
 TRIPLE CROWN ESTATES  
 TAX MAP 21, PARCELS 67 & 74  
 LANDS OF TRIPLE CROWN ESTATES, LLC  
 AND STEEN ASSOCIATES, INC.  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

SOULÉ & ASSOCIATES, P.C.  
 ENGINEERING / SURVEYING / PLANNING  
 P.O. BOX 69  
 OCEAN CITY, MARYLAND 21843  
 (410) 726-4819



PROJECT: WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]

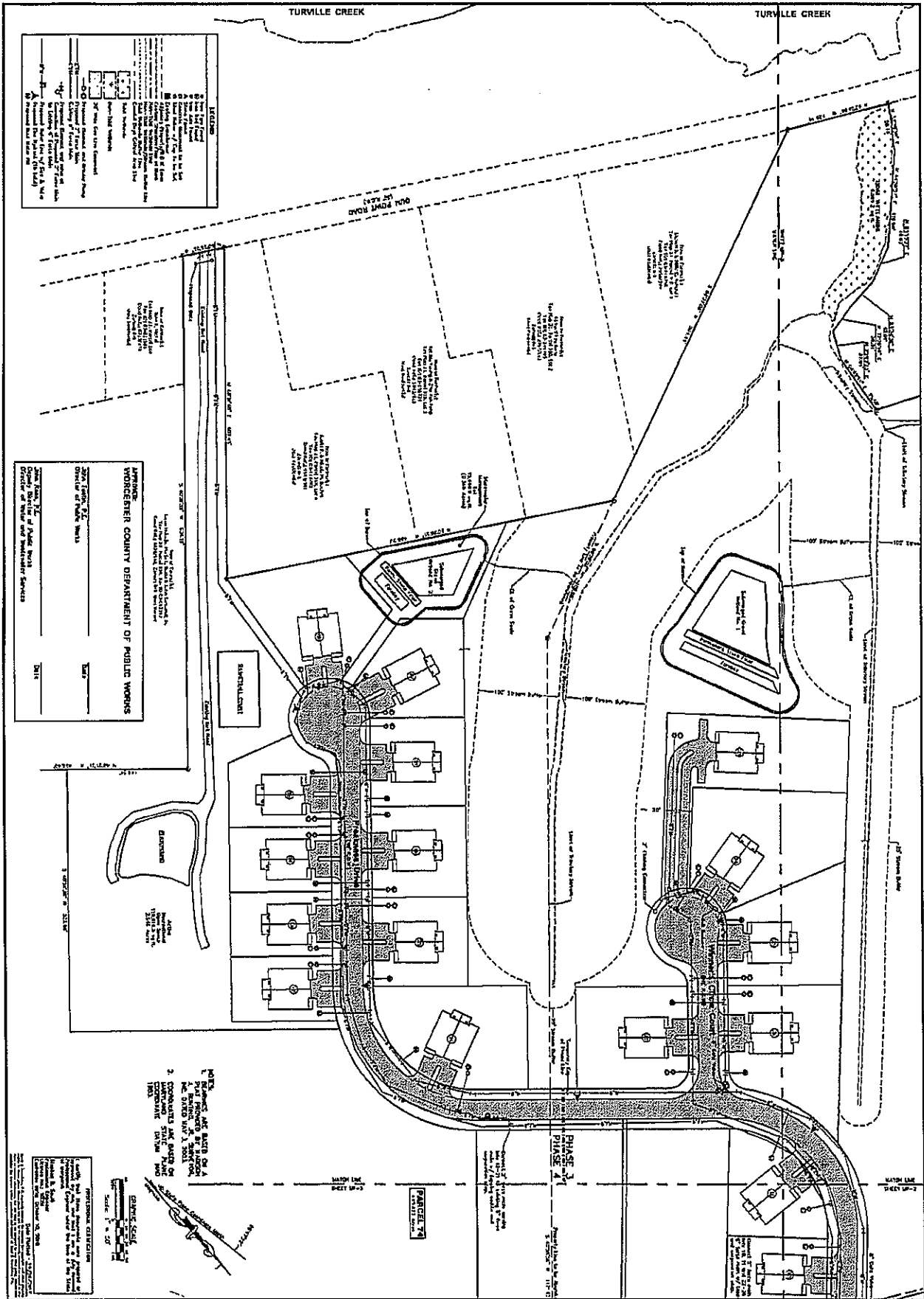
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 100. LOT 199

DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]



SEWER & WATER PLAN  
 TRIPLE CROWN ESTATES  
 TAX MAP 21, PARCELS 67 & 74  
 LANDS OF TRIPLE CROWN ESTATES, LLC  
 AND STEEN ASSOCIATES, INC.  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

**SOULÉ**  
 & ASSOCIATES, P.C. ENGINEERS / SURVEYORS / PLANNERS  
 P.O. BOX 59  
 OCEAN CITY, MARYLAND 21843  
 (410) 728-4819



**LEGEND**

- 1. Sewer Main
- 2. Sewer Lateral
- 3. Sewer Branch
- 4. Sewer Manhole
- 5. Sewer Catch Basin
- 6. Sewer Valve
- 7. Sewer Cleanout
- 8. Sewer Vent
- 9. Sewer Access
- 10. Sewer Repair
- 11. Sewer Stop
- 12. Sewer Break
- 13. Sewer Leak
- 14. Sewer Flood
- 15. Sewer Overflow
- 16. Sewer Backflow
- 17. Sewer Contamination
- 18. Sewer Pollution
- 19. Sewer Emission
- 20. Sewer Discharge
- 21. Sewer Treatment
- 22. Sewer Recycling
- 23. Sewer Reuse
- 24. Sewer Conservation
- 25. Sewer Protection
- 26. Sewer Maintenance
- 27. Sewer Inspection
- 28. Sewer Testing
- 29. Sewer Cleaning
- 30. Sewer Repair
- 31. Sewer Replacement
- 32. Sewer Removal
- 33. Sewer Relocation
- 34. Sewer Widening
- 35. Sewer Deepening
- 36. Sewer Strengthening
- 37. Sewer Rehabilitation
- 38. Sewer Renovation
- 39. Sewer Restoration
- 40. Sewer Reconstruction
- 41. Sewer Rebuilding
- 42. Sewer Rebuilding
- 43. Sewer Rebuilding
- 44. Sewer Rebuilding
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- 46. Sewer Rebuilding
- 47. Sewer Rebuilding
- 48. Sewer Rebuilding
- 49. Sewer Rebuilding
- 50. Sewer Rebuilding

**Worcester County Department of Public Works**  
 Director of Public Works  
 Director of Sewer and Wastewater Services

**NOTES:**

1. Existing and future buildings are shown on this plan. All buildings are to be constructed in accordance with the zoning ordinance and the building code of Worcester County, Maryland.
2. All buildings are to be constructed in accordance with the zoning ordinance and the building code of Worcester County, Maryland.

**SCALE:** 1" = 20'

**DATE:** 08/15/2018

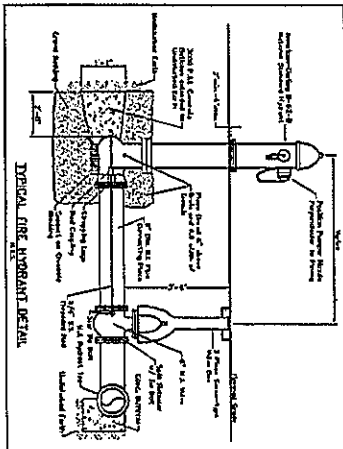
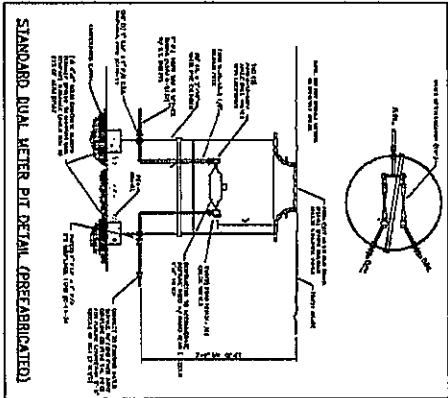
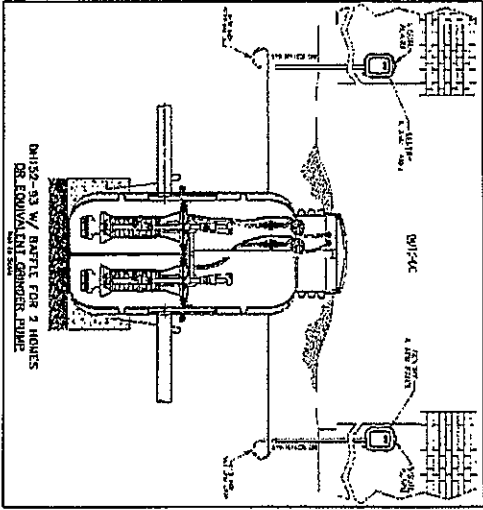
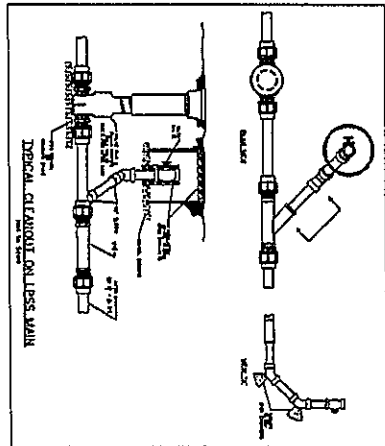
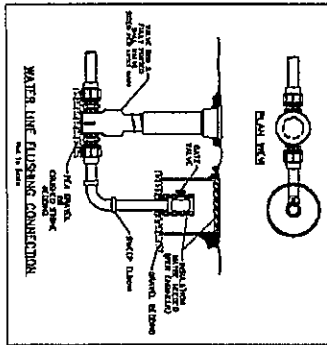
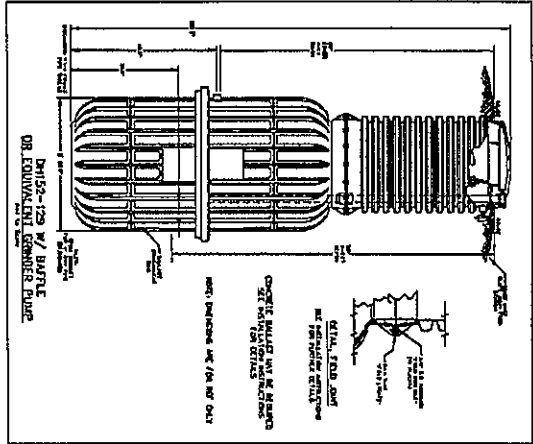
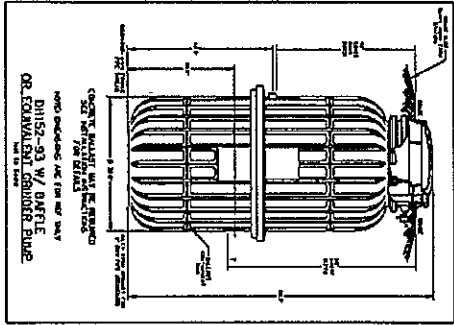
**PROJECT:** SEWER & WATER PLAN FOR TRIPLE CROWN ESTATES, TAX MAP 24, PARCELS 07 & 74, LANDS OF TRIPLE CROWN ESTATES, LLC AND STEEN ASSOCIATES, INC., THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND.

	<b>SEWER &amp; WATER PLAN</b> <b>TRIPLE CROWN ESTATES</b> <b>TAX MAP 24, PARCELS 07 &amp; 74</b> <b>LANDS OF TRIPLE CROWN ESTATES, LLC</b> <b>AND STEEN ASSOCIATES, INC.</b> <b>THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND</b>		<b>REVISIONS</b> Date Issued for:	<b>SOULÉ &amp; ASSOCIATES, P.C.</b> ENGINEERING / SURVEYING / PLANNING P.O. BOX 89 OCEAN CITY, MARYLAND 21843 (410) 725-4819
	Drawn By: [Name] Checked By: [Name]	Scale: 1" = 20' Date: 08/15/2018	Date Issued for:	









APPROVED:  
**WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS**  
 \_\_\_\_\_  
 Director of Public Works

PROFESSIONAL CERTIFICATION  
 I hereby certify that I am a duly Licensed Professional Engineer in the State of Maryland, License No. 15700, and that I am the author of the design and drawings herein.  
 \_\_\_\_\_  
 Date: \_\_\_\_\_

DATE: 04-20-20  
 DRAWN BY: UAB  
 CHECKED BY: UAB  
 SCALE: AS SHOWN  
 SHEET NO.: 157-5



SEWER & WATER DETAILS  
 TRIPLE CROWN ESTATES  
 TAX MAP 21, PARCELS 67 & 74  
 LANDS OF TRIPLE CROWN ESTATES, LLC  
 AND STEEN ASSOCIATES, INC.  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

REVISION	DATE	ISSUED BY

**SOULÉ**  
 ASSOCIATES, P.C.  
 ENGINEERING / SURVEYING / PLANNING  
 P.O. BOX 60  
 OCEAN CITY, MARYLAND 21843  
 (410) 726-4819

**RECEIVED**  
SEP 11 2018  
Worcester County Admin



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**


GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1200 / FAX: 410-632-3008  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)

109

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

Letters returned as  
Undeliverable on 9/12/18

To: Harold Higgins, Chief Administrative Officer  
From: Edward A. Tudor, Director, DRP   
Date: September 11, 2018  
Re: Request for Proposals - 13412 Madison Avenue Demolition

\*\*\*\*\*

Pursuant to the County Commissioners' recent declaration of the above referenced property as a public nuisance, and in anticipation of the property owners' lack of action, I have drafted the attached documents. I respectfully request the County Commissioners' review and approval of the Request for Proposals, Notice to Bidders and Contractors List for the demolition and removal of the structure located at 13412 Madison Avenue. Approval of these documents will position us to move forward more rapidly with the demolition and removal of the structure should the property owners fail to request a hearing before the County Commissioners or abate the nuisance as directed in your correspondence to the property owner dated September 5, 2018.

As always I will be available to discuss the matter in greater detail with you and the County Commissioners at your convenience.

cc: Jennifer K. Keener, Zoning Administrator  
Lisa Wilkens, Zoning Inspector



OFFICE OF THE  
COUNTY COMMISSIONERS

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

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

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

September 5, 2018

Raymond A. and E. Jeanette Quillen  
9 W. Market Street  
Box 14  
Port Penn, DE 19731

BY REGULAR MAIL AND CERTIFIED MAIL

### Nuisance Abatement Order #18-1

You are hereby notified pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners of Worcester County have ordered that you abate the nuisance condition which exists on property owned by you located at 13412 Madison Avenue, Ocean City, Maryland 21842, and identified on Worcester County Tax Map 5 as Parcel 1, Lot 146. The precise nature of the nuisance, as determined by the County Commissioners, being the unattended and uninhabitable dilapidated structure on your property which is beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance under the provisions of Subsection PH 1-101(a)(11) of the County Code. A copy of the law is enclosed for your reference.

**You are hereby ordered to abate such nuisance by September 29, 2018.** Should you wish a hearing on the matter you must sign and deliver the enclosed request for a hearing to the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland, 21863-1195, **not later than fifteen (15) days from your receipt of this letter.**

Should you wish technical assistance with regard to the abatement of the nuisance you may contact Lisa Wilkens, Zoning Inspector, at the Worcester County Department of Development Review & Permitting at (410) 632-1200, extension 1135.

For the County Commissioners,

Harold L. Higgins  
Chief Administrative Officer

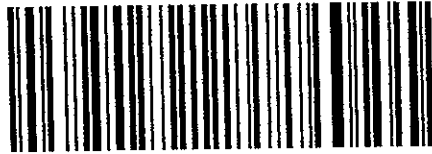
cc: Edward A. Tudor, Director of Development Review & Permitting  
Jennifer Keener, Zoning Administrator, DRP  
Lisa Wilkens, Zoning Inspector, DRP  
Phil Thompson, Finance Officer  
KS/Misc/Nuisance Abatement 18-1

OFFICE OF THE  
COUNTY COMMISSIONERS  
**Worcester County**  
GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103  
SNOW HILL, MARYLAND  
21863-1195

of: Edward A. Tudor, Director of Development Review & Permitting  
Jennifer Keener, Zoning Administrator, DRP  
Lisa Wilkens, Zoning Inspector, DRP  
Phil Thompson, Finance Officer  
KS/Misc/Nuisance Abatement 18-1

Citizens and Governance

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



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Worcester County Admin

Raymond A. E. Jeanette Quillen  
9 W. Market Street  
Box 14  
Port Penn, DE

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**Worcester County**  
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# DRAFT

## NOTICE TO BIDDERS

**Demolition – 13412 Madison Avenue., Ocean City, Maryland 21842**

**Worcester County, Maryland**

The County Commissioners of Worcester County Maryland are currently accepting bids for the demolition of a structure located at 13412 Madison Avenue., Ocean City, Maryland. 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, obtained online at [www.co.worcester.md.us](http://www.co.worcester.md.us) or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. Any questions must be submitted in writing to the Department of Development Review and Permitting, Government Center, One West Market Street, Room 1201 by 1:00 PM EST on Monday October 1, 2018. Sealed bids will be accepted until **1:00 p.m. EST Friday October 5, 2018**, 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 "**Bid for Demolition 13412 Madison Avenue**" in the lower left-hand corner. After opening, bids will be reviewed and a recommendation prepared for 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 Edward A. Tudor, Director, Development Review and Permitting at the above address or by email at [etudor@co.worcester.md.us](mailto:etudor@co.worcester.md.us). Email correspondence is encouraged.

Worcester County Maryland  
Request For Proposal  
Building/Structure Demolition

Location of Work: 13412 Madison Ave, Ocean City MD 21842

Worcester County Contact: Nuisance Abatement Order #18-1

Proposal Due: October 5, 2018

1. Description of Work

- a. The structure at the above location will be demolished and completely removed from the property. The structure is not occupied and has been declared by the Commissioners of Worcester County to be a public nuisance. The demolition includes the removal of the entire structure and its contents, proper disposal of all material and debris, the cutting and disposal of all vegetation to allow access, and the restoration of the site.

2. Scope of Work

- a. Hazardous Materials Survey
  - i. Conduct a hazardous materials survey of the structure and property. The survey must be conducted by an approved vendor, licensed by the State of Maryland. Results of the survey are to be provided to Worcester County prior to demolition activities.
  - ii. Removal of any asbestos or other hazardous substances identified in the survey shall be completed by a licensed contractor in accordance with State and Federal Regulations.
  - iii. The cost of any identified hazardous material may be considered a change order to the original cost of the contract. Prior approval of the change order must be completed, in writing, with Worcester County. Any

hazardous material removal in excess of \$10,000 requires at least three proposals from licensed contractors.

b. Rodents, Pests and Animals

- i. Inspect the structure and contents to the extent possible for rodents, pests and animals prior to any site demolition.
- ii. Extract any Rodent, Pests or Animals by appropriate means prior to demolition activities.

c. Work areas, Adjacent Properties and Access

- i. Establish safe work areas for demolition operations.
- ii. Secure agreements with adjacent property owners if necessary to carry out the demolition.
- iii. Establish loading and hauling routes with State and County agencies and conduct traffic control if required.
- iv. Post and barricade work area to assure safety. The contractor shall provide, erect and maintain at all times suitable barricades, fences, signs or other adequate protection (including danger lights, area lights, signals, watchmen) as may be necessary to ensure site safety.
- v. The Contractor shall supply sanitary facilities for site use by workers. All facilities shall be maintained and comply with local State health standards.

d. Permits

- i. Secure all necessary permits or certificates required to complete the demolition in accordance with Federal, State and Local jurisdictions.
- ii. Permits include – but not limited to:
  1. Worcester County Demolition Permit in cooperation with the County. (No fee will be required).
  2. Worcester County Sediment and Erosion Control if area disturbed for demolition exceeds 5000 Square feet.



3. Maryland Department of Environment Notification of Intent to Demolish (800-633-6101).

e. Utility Services

- i. Coordinate the safe removal of all utilities that serve the structure including electric, phone, cable television, sewer and water by the appropriate utility company.
- ii. Secure and maintain an updated Miss Utility ticket.
- iii. All utilities and piping to be cut off and capped before entering the building to be completed prior to demolition.

f. Demolition

- i. Demolish designated structure/s including all foundations, footings, slab, below and above grade components and related appurtenances. Crush and fill septic tanks identified onsite by County personnel.
- ii. Execute all demolition work in a safe, orderly manner. Barricade site and cover as necessary to protect all pedestrians, workmen and adjacent properties. Control dusting associated with the demolition.
- iii. Avoid encroachment on adjacent properties. Contact all adjacent property owners prior to demolition. If encroachment is required to safely execute work, complete agreement in writing with adjacent owners and provide to County prior to site demolition work. The demolition contractor shall repair and damage to adjoining properties, buildings, vehicles, buildings, landscaping, soils, etc. as a result of demolition or demolition operations.
- iv. Provide if necessary, erosion and sediment control measures.
- v. In the case of wells present, County Environmental Programs will identify for closure to be provided by a licensed well installation contractor.

g. Restoration of Site

- i. Backfill any excavated and below exterior grade area as a result of the demolition.

- ii. Provide and place clean AASHTO A-2-4 backfill material as required to level site.
- iii. Areas damaged and disturbed by the demolition shall be re-seeded with appropriate ground cover and covered with straw. Backfill shall be stabilized.

h. Disposal

- i. All demolition material, braches, vegetation, trash and debris shall become the property of the Contractor and be promptly removed from site. Contractors shall not be permitted to bury, store, stage or allow debris to accumulate at site. Any salvage operation is not permitted to continue at site beyond building demolition.
- ii. Transport demolition waste materials from the site and dispose of at a legal offsite disposal area. Provide documentation of disposal in a legal landfill or recycler. Documentation of proper disposal will be required to release final payment of funds.
- iii. On completion of the demolition, the property and adjacent areas shall be neat and clean to the satisfaction of the Project Manager, County and State inspectors.

3. Schedule of Work

- a. Work will proceed when released by Worcester County. Proposals shall include contractors first available date for work at site.
- b. All work shall be scheduled between the hours of 7:00 am and 8:00 pm on weekdays and 9:00 am to 8:00 pm weekends.

4. Proposal Requirements

- a. Pricing shall be proposed as lump sum for the entire project. Hazardous material investigation shall be included with the lump sum proposal. Actual hazardous material abatement costs shall be identified and submitted as a change order for approval by the Commissioners of Worcester County Maryland, if required.
- b. A separate contract with Worcester County may be required prior to the completion of this work.
- c. Proof of insurance is required to be provided and accepted by Worcester County.

- d. The proposals will be evaluated and award based on best overall value. Worcester County reserves the option to reject any and all proposals.
- e. By submitting a proposal, the Contractor acknowledges that they have investigated the work and all conditions affecting the work including but not limited to physical conditions of the site, access to water, electric and other utilities, the character and quantity of all surface and subsurface materials or obstacles to be encountered. Failure to adequately investigate the work will not relieve the responsibility to successfully perform the work.
- f. Discrepancies and incomplete information requests shall be submitted to Worcester County by the contractor prior to the proposal due date.
- g. Contractors must be licensed in the State of Maryland to perform the services requested. Contractors may be required to provide proof of experience and references at the request of Worcester County.
- h. Payment shall be governed by the award amount. Worcester County will not pay for incomplete work. 10% retention will be held until final disposal documentation and final release of liens is provided to Worcester County.
- i. Proposals are requested by 1:00 pm Friday October 5, 2018 provided to Worcester County Administration, One West Market Street – Room 1103 Snow Hill, Md. 21863. Proposals must be marked – Demolition Services and reference the property address in the lower left of the envelope. Proposals must include any exceptions pertaining to this scope of work. Complete and return the attached bid form by the proposal due date.

\_\_\_\_\_  
(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 13412 Madison Ave. Ocean City, MD 21842  
\_\_\_\_\_

**A. Proposal Pricing**

Lump Sum Scope of Work – Inspections, Demolition, Disposal, Restoration

\$ \_\_\_\_\_

List Exceptions to the Scope of Work \_\_\_\_\_

**B. Addendum Acknowledgement**

Addendum # \_\_\_\_\_ - Signature \_\_\_\_\_

**C. Maryland Licensed Material Inspection Contractor**

Company Name: \_\_\_\_\_

Company Contact: \_\_\_\_\_

MD License: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**D. Bid must be signed to be considered**

Date \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

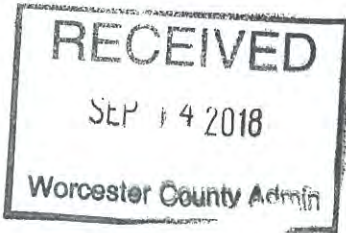
Telephone: \_\_\_\_\_

MD License: \_\_\_\_\_

## **Worcester County RFP**

**Provide Demolition Services for 13412 Madison Ave., Ocean City Maryland  
21842**

<p><b>Absolute Demolition</b> PO Box 662 Ocean City, MD 21843</p> <p><b>Bryant Bunting</b> P: 410-289-9900 absolutedemolition@comcast.net</p>	<p><b>Miller's Land Service, Inc.</b> 11076 Stewart Neck Road Princess Anne, Maryland 21853</p> <p><b>Ryan Miller</b> P: 443-783-2018 f: 410-651-0831 rsmiller.mls@gmail.com</p>
<p><b>Bennett Construction</b> 518 S. Camden Avenue Fruitland, MD 21826</p> <p><b>Bruce Giordano</b> 410-749-3116 bruce@bennettcompanies.com</p>	<p><b>Scrimgeor's Farm All, LLC</b> 5728 George Island Landing Road Stockton, MD 21864</p> <p><b>Harold Scrimgeour</b> P:410-3-632-0553 f: 410-632-2170 hscrimg@comcast.net</p>
<p><b>Beauchamp Construction</b> PO Box 389 – 900 Clarke Avenue Pocomoke, MD 21851</p> <p><b>Tom Beauchamp</b> 410-957-1100 tom@bbcs.net</p>	



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DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING


**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1200 / FAX: 410-632-3008  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

**MEMORANDUM**

TO: Harold L. Higgins, Chief Administrative Officer  
FROM: Edward A. Tudor, Director   
DATE: September 12, 2018  
RE: Rezoning Case No. 419 - Mallard Landing, LLC, Applicant/  
Hugh Cropper, IV, Attorney

\*\*\*\*\*

Attached please find the County Commissioners' Findings of Fact and Resolution the staff drafted relative to the above referenced rezoning case. As you are aware, the public hearing was held by the County Commissioners on September 4, 2018. Once the County Commissioners adopt and execute these Findings of Fact and Resolution please forward signed copies to me so that I may notify the appropriate parties.

If you have any questions or need any further information, please do not hesitate to contact me.

phw  
Attachments

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IN THE MATTER OF \*  
THE REZONING APPLICATION OF \* REZONING CASE NO. 419  
MALLARD LANDING, LLC \*

\*\*\*\*\*  
FINDINGS OF FACT

Subsequent to a public hearing held on September 4, 2018 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 419: This case seeks to rezone approximately 4.7 acres of land (hereinafter referred to as the petitioned area) located on the westerly side of Market Street (Business US Route 113) near its easterly terminus at US Route 113 from A-1 Agricultural District to C-2 General Business District. The petitioned area is shown as part of Parcel 22 on Tax Map 55. A structure originally built in 1987 as an office facility for a poultry company is located on the petitioned area. The building was subsequently used as a County retail liquor store for a number of years but is now vacant.

Applicant's testimony before the County Commissioners: Hugh Cropper, IV, attorney representing the applicant, began his presentation by stating that he was basing the request on a claim of mistake in the existing zoning of the petitioned area. He stated that he wished to adopt the Planning Commission's findings of fact and recommendation on the case into his presentation, including all exhibits presented to the Planning Commission during its consideration of the request, and asked that the file be marked as Applicant's Exhibit No. 1. Mr. Cropper noted that among those exhibits is a lease dated April 1, 2008 between the Worcester County Liquor Board and the then property owners, Sunwoo Nam and Kyunghi Nam, for the rental of the structure and its use as a County retail liquor facility. This lease ran for a term of five years, thus expiring on March 31, 2013. Mr. Cropper asserted that it was a mistake specific to the petitioned area, albeit one made in good faith, to have rezoned the property from M-1 Light Industrial District to A-1 Agricultural District during the 2009 comprehensive rezoning when a retail structure was

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operating on the site. This change in zoning made the existing use a nonconforming one. Mr. Cropper stated that the petitioned area is surrounded by agricultural properties to the north, west and east but commercial zoning and uses are located on the easterly side of Market Street, directly opposite the petitioned area, He furthermore asserted that the State Highway Administration facilities located adjacent to the petitioned area on the southwest are a quasi-industrial use, even though that site is zoned RP Resource Protection District. Mr. Cropper contended that a rezoning to C-2 General Commercial District is necessary in order to bring the existing structure and its historical use back into conformity with the zoning regulations.

Mr. Cropper called Chris McCabe, an environmental consultant, as his first witness. Mr. McCabe stated that he concurred with Mr. Cropper's assertion that the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is appropriate because the site was used commercially for many years, from 1987 until well after the comprehensive rezoning of 2009. He agreed that it was a mistake not to have given the C-2 General Commercial District zoning to the site at that time because of the existing commercial use and because placing the petitioned area in the A-1 Agricultural District zoning classification made the petitioned area's use nonconforming. Mr. McCabe testified that the petitioned area is high and well-drained, not within the Chesapeake Bay Critical Area, and has an existing on-site septic system for wastewater disposal. He agreed with Mr. Cropper's contention that the State Highway Administration's use is industrial in nature. Mr. McCabe stated that the petitioned area's access driveway has been utilized for many years and that, although it is within the Critical Area, the State Critical Area Commission has indicated that this driveway can continue to be used for commercial use of the petitioned area.

Mr. Cropper called Greg Wilkins, a land surveyor, as his next witness. Mr. Wilkins stated that he routinely prepares site plans, subdivision plats, working with both the Zoning and Subdivision Control Article and the Chesapeake Bay Critical Area regulations. He stated that he surveyed the subject property of which the petitioned area is a part. He agreed with Mr. McCabe that the petitioned area is high and well drained and that its commercial use has existing since about 1987. He concurred that it was a mistake to have given the petitioned area an A-1 Agricultural District designation during the 2009 comprehensive rezoning when a commercial use was actively operating on the site at that time. He asserted that although the Comprehensive Plan places the petitioned area within the Agricultural Land Use Category, this plan is takes more of a broad brush approach than one that is property-specific. Mr. Wilkins maintained that a C-2 General Commercial District zoning classification would be more appropriate for the petitioned area given the commercial use and zoning on the opposite side of Market Street and the quasi-industrial use on the State Highway Administration's property adjacent to the petitioned area. He



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asserted that this portion of Market Street is something of a commercial corridor and stated that he has prepared a metes and bounds description of the Critical Area portion of the subject property of which the petitioned area is a part.

Mr. Cropper asserted that the Planning Commission had determined that the existing structure's commercial use was made nonconforming by the 2009 comprehensive rezoning when its zoning classification was changed to A-1 Agricultural District from its original M-1 Light Industrial District classification and that this change in zoning was a mistake. He stated that a rezoning of the petitioned area to C-2 General Commercial District would be compatible with existing and proposed development in the area and with the Comprehensive Plan's objectives.

The County Commissioners' findings regarding the definition of the neighborhood: The County Commissioners find that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.

The County Commissioners' findings regarding population change in the area: The Planning Commission concluded that there has been no significant change to the population of the neighborhood since the comprehensive rezoning of 2009. The County Commissioners find that this is an accurate assessment.

The County Commissioners' findings regarding availability of public facilities: As indicated in the Planning Commission's findings of fact, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo (copy attached) that the subject property has designations of Water and Sewer Service Category W-6 and S-6 (No Planned Service) in the Master Water and Sewerage Plan. He stated that his department's well and septic records show the property is improved with existing individual well and septic. Mr. Mitchell also stated that the existing structure within the petitioned area itself is served by an existing septic system with a capacity of 600 gallons per day. He further stated that seasonal soil testing will be needed to increase the capacity of the existing system, that without expansion of the existing system, many of the uses permitted in the C-2 zone could not be supported utilizing the onsite capacity as it currently exists today and that that would severely limit the potential of the proposed future use(s) should this reclassification be approved. The County Commissioners find that no comments were received from John H. Tustin, P. E., Director of Public Works. Based upon the Planning Commission's findings of fact, the County Commissioners find that fire and ambulance service will be available from the Snow Hill Volunteer Fire Department, located approximately five minutes away. No

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response to the request for comments was received from that fire department. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twenty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately five minutes away. No comments were received from the Maryland State Police Barracks. Chief Deputy Sheriff Douglas A. Dods of the Sheriff's Department responded that the department did not see any impact on the Sheriff's Office operations at this time. The County Commissioners find that the petitioned area is within the area served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the proposed rezoning from A-1 Agricultural District to C-2 General Commercial District.

The County Commissioners' findings regarding present and future transportation patterns: Based upon the Planning Commission's findings of fact and recommendation, the County Commissioners find that the petitioned area fronts on and currently has access to Market Street (Business US Route 113), a State-owned and -maintained roadway, just to the southwest of US Route 113. This latter roadway is also state-owned and -maintained. The Comprehensive Plan does not make any comments with regard to Market Street. Classifying US Route 113 as a primary highway/arterial highway, the Comprehensive Plan recommends the completion of dualization from Berlin to south of Snow Hill, the implementation of an access control plan to maintain its status as a limited access roadway, and complete scenic and transportation corridor planning for the remainder of US Route 113. As indicated in the Planning Commission's findings of fact, the County Commissioners find that James W. Meredith, District Engineer for the State Highway Administration District 1, stated in his response memo (copy attached) that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, and that if development of the property is proposed in the future, the SHA may require a Traffic Impact Study to determine potential impacts to the surrounding State roadway network. He also stated that future development may require an access permit to be issued from SHA and that, with the exception of the aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo that he had no comment at this time. The Planning Commission noted in its findings of fact that the petitioned area is served by an existing access point and driveway from Market Street and that although this particular area is within the Chesapeake Bay Critical Area's Resource Conservation Area and excluded from the area petitioned for rezoning, the Maryland Critical Area Commission has indicated that it will allow continued use of the driveway to serve the petitioned area if rezoned to C-2 General Commercial District. Testimony reiterating this fact was provided to the County Commissioners. Based upon their review, the County Commissioners find

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that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

The County Commissioners' findings regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the Planning Commission's findings and the testimony of the applicant's representative, the County Commissioners find that there are a number of commercial and quasi-commercial uses in close proximity to the petitioned area. A McDonalds restaurant, a Dollar General store, a pharmacy, a convenience store, and another restaurant are located on the opposite side of Market Street, within the town limits of Snow Hill. Additionally, the vacant property on the easterly side of the McDonalds is zoned C-2 General Commercial District by the County. The State Highway Administration office and yard facilities are located adjacent to the westerly side of the petitioned area, within an area zoned RP Resource Protection District. The County Commissioners note that the Planning Commission found that, even more importantly, there is an existing structure on the petitioned area that was constructed in 1987 as an office facility for Holly Farms, Inc., at the time the petitioned area was zoned M-1 Light Industrial District. It was later used for a number of years as a retail liquor store by the County. The Planning Commission found that the existing structure on the petitioned area was made a nonconforming use when the 2009 update of the zoning maps changed the petitioned area's zoning from M-1 Light Industrial District to A-1 Agricultural District. The Planning Commission concluded that the C-2 General Commercial District zoning classification would therefore be more in keeping with the actual office and retail uses that have been located on the petitioned area and for which it was originally approved. The County Commissioners concur with these findings of the Planning Commission. Additionally, based upon the Planning Commission's findings of fact, the County Commissioners find that the proposed rezoning will not have any adverse impacts on environmental concerns. Representatives of the applicant testified before the County Commissioners that the petitioned area is high and well drained and is not located within the Chesapeake Bay Critical Area and that the Maryland State Critical Area Commission will allow the existing access point and driveway to be utilized to serve the petitioned area, although that driveway is located within the Resource Conservation Area. The Planning Commission concluded that the proposed rezoning of the petitioned area is compatible with the vicinity surrounding the petitioned area and is in fact necessary to bring the existing structure into conformance with the zoning regulations. The County Commissioners agree with these conclusions. Based upon their review, the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.

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The County Commissioners' findings regarding compatibility with the County's Comprehensive Plan: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Agricultural Land Use Category. With regard to the Agricultural Land Use Category, the Comprehensive Plan states that the importance of agriculture to the County cannot be overstated, that its significance is economic, cultural, environmental, and aesthetic, and that agriculture is simply the bedrock of the County's way of life. The Plan goes on to say that the County must do all it can do to preserve farming as a viable industry, that this category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted, that large contiguous areas of productive farms and forest shall be maintained for agricultural uses, and that residential and other conflicting land uses, although permitted, are discouraged. The County Commissioners find that the Planning Commission concluded that while the majority of the property of which the petitioned area is a part is correctly within the Agricultural Land Use Category, the petitioned area, given its commercial use as an office and retail facility since 1987, should have not been included in that category and that the Planning Commission perceived that this portion of the Market Street corridor is a natural commercial area. The County Commissioners agree with these conclusions. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

The County Commissioners' findings regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.

Decision of the County Commissioners: As a result of the testimony and evidence presented before the County Commissioners and the findings as set forth above, the County Commissioners find that there is a mistake in the existing zoning of the petitioned area. As detailed in the Planning Commission's findings and the testimony of the applicant's representatives, given that the existing structure on the petitioned was originally constructed as an office at the time the property was zoned M-1 Light Industrial District and then subsequently used as a retail liquor store, the County Commissioners find that it was a mistake to have placed the petitioned area in an A-1 Agricultural District designation during the comprehensive rezoning of 2009 because that structure was then

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made a non-conforming use. The County Commissioners conclude that because the structure and its commercial use was existing on the site at the time of the 2009 comprehensive rezoning, the petitioned area should have been given a C-2 General Commercial District zoning classification so as to prevent the structure's use from being made nonconforming through no action of the property owner. Based upon their review and in consideration of their findings, the County Commissioners conclude that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and hereby approve Rezoning Case No. 419 and thus rezone the petitioned area, shown on Tax Map 55 as Part of Parcel 22, from A-1 Agricultural District to C-2 General Commercial District subject to no portion of the petitioned area being within the Chesapeake Bay Critical Area and a metes and bounds legal description of the petitioned area being provided.

Adopted as of September 4, 2018. Reduced to writing and signed September 18, 2018.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

\_\_\_\_\_  
Harold L. Higgins  
Chief Administrative Officer

\_\_\_\_\_  
Diana Purnell, President

\_\_\_\_\_  
Theodore J. Elder, Vice President

\_\_\_\_\_  
Anthony W. Bertino, Jr.

\_\_\_\_\_  
Madison J. Bunting, Jr.

\_\_\_\_\_  
James C. Church

\_\_\_\_\_  
Merrill W. Lockfaw, Jr.

\_\_\_\_\_  
Joseph M. Mitrecic

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 55 AS PART OF PARCEL 22 FROM A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Mallard Landing, LLC, applicant, and Hugh Cropper, IV, applicant’s attorney, filed a petition for the rezoning of approximately 4.7 acres of land shown on Tax Map 55 as Part of Parcel 22, located on westerly side of Market Street (Business US Route 113) near its easterly terminus at US Route 113, requesting a change in zoning classification thereof from A-1 Agricultural District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on July 5, 2018; and

WHEREAS, subsequent to a public hearing held on September 4, 2018, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there is a mistake in the existing zoning of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that the land petitioned by Mallard Landing, LLC, applicant, and Hugh Cropper, IV, applicant’s attorney, and shown on Tax Map 55 as Part of Parcel 22 is hereby reclassified from A-1 Agricultural District to C-2 General Commercial District subject to no portion of the petitioned area being within the Chesapeake Bay Critical Area and a metes and bounds legal description of the petitioned area being provided.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, September 4, 2018.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

\_\_\_\_\_  
Harold L. Higgins  
Chief Administrative Officer

\_\_\_\_\_  
Diana Purnell, President

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Theodore J. Elder, Vice President

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Anthony W. Bertino, Jr.

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Madison J. Bunting, Jr.

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James C. Church

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Merrill W. Lockfaw, Jr.

\_\_\_\_\_  
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OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

21

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

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

Introduce as Bill 18-4  
Hearing on October 23, 2018

To: County Commissioners  
From: Maureen Howarth, County Attorney *MH*  
Re: Amendments to Animal Control Legislation  
Date: September 10, 2018

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The Commissioners requested I review our current animal control laws located in the Public Safety-Animal Control section of the County Code and draft language to address animals being kept outdoors in unsafe weather conditions. On July 3, 2018, you requested I also add language to the County Code to address the tethering and restraint of animals and clarify what size shelter is appropriate for what size animal. I worked with our Chief Animal Control Officer, Glen Grandstaff, on these proposed changes and in the attached draft bill you will see new language addressing the conditions of the shelter, shade and suitable restraints, and new definitions for unsafe weather conditions (including hot and cold weather temperatures), suitable shelter, tethered and restraints. The legislative bill is ready for your introduction if you so choose.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 18-

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BY:  
INTRODUCED:

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A BILL ENTITLED

AN ACT Concerning

Public Safety - Animal Control

For the purpose of adding definitions to the Animal Control laws; requiring that an animal that is not kept inside a home or building be brought indoors under certain conditions; specifying the type of outdoor shelter that must be provided for an animal that is not kept indoors, including the space available to the animal, the cleanliness, the size and maintenance of the shelter, and its ventilation; prohibiting the use of certain types of structures as animal shelters; restricting certain types of restraints and generally relating to Animal Control laws.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection PS 2-101(b) (Definitions) of the Animal Control Subtitle of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland is hereby amended by the addition of definitions for "Suitable Shelter", "Tethered", "Restraints" and "Unsafe Weather Conditions" to read as follows:

**SUITABLE SHELTER** – A structure with secured sides, a roof and floor to protect the animal from the weather. There must be a floor, free from rot and standing water, and dry and clear of debris, fecal matter and infestation. The structure must be of a size appropriate to the size of the animal using it. The structure must have adequate ventilation to allow the animal to maintain a normal body temperature.

**TETHERED**- Fastening an animal to a stationary object or stake as a means of retraining the animal.

**RESTRAINTS**- Secure cable, rope or trolley, invisible containment system, or other cord of sufficient strength to prevent escape.

**UNSAFE WEATHER CONDITIONS** –

- (1) A temperature of 32 degrees Fahrenheit or below in the immediate vicinity of an animal, in addition to other cold weather or precipitation related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet or hail that a person should reasonably conclude would pose an adverse risk to the health or safety of an animal based on the animal's size, age, physical condition or thickness of the animal's hair or fur; or
- (2) A temperature of 85 degrees Fahrenheit or above in the immediate vicinity of an animal, in addition to other environmental conditions, such as direct sunlight, or hot pavement, or any other hot surface, that a person should reasonably conclude would pose an adverse



risk to the health or safety of an animal, based on the animal’s size, age, physical condition or thickness of the animal's hair or fur; or

- (3) The National Weather Service issues a severe weather alert, and the forecasted weather is such that a person should reasonably conclude that the weather would pose an adverse risk to the health or safety of an animal based on the animal’s size, age, physical condition or thickness of the animal's hair or fur.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection PS 2-101 (General Provisions) of the Animal Control Subtitle of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland is hereby amended by the addition of new subsections (v), (w) and (x) to address the provision of “tethering”, “suitable shelter” and “shade” to read as follows:

- (v) Tethering. If an animal is tethered by a restraint, excepting periods of time that are brief and incidental, the restraint shall be not less than 15 feet in length and positioned to prevent tangling, hanging or drowning. Chain shall not be used as a restraint. Neither chains, ropes, nor choke collars shall be accepted as collars for a tethered animal. There must be at least a one-inch space between the animal’s neck and the collar.
- (w) Suitable shelter. An animal shall have suitable shelter if left outdoors and unattended. An animal shall be brought inside a home or building within 30 minutes of the onset of and during unsafe weather conditions, unless the animal has continuous suitable shelter. The owner of an animal that is not kept within a home or building shall provide the animal with suitable shelter to protect it from wind, snow, rain, cold, sunlight and unsafe weather conditions. The shelter shall have a floor, a roof, and four walls, one of which shall contain a doorway. The space available to the animal in the shelter shall be maintained in a safe and healthful manner, free of standing water, waste, debris, fecal matter, protection from flooding, provided with adequate ventilation to allow the animal to remain dry and maintain a normal body temperature and exposure to natural or artificial light. The floor shall not be wire or chain link. No interior surfaces shall be metal. The shelter shall meet the minimum size requirements as listed below:

Shelter Size			
Number of Dogs	25 pounds or under	25-50 pounds	Over 50 pounds
1	3 x 7 (21 sq ft)	6 x 10 (60 sq ft)	8 x 10 (80 sq ft)
2	4 x 8 (32 sq ft)	8 x 10 (80 sq ft)	10 x 10 (100 sq ft)
3	5 x 9 (45 sq ft)	8 x 12 (96 sq ft)	10 x 14 (140 sq ft)
4	8 x 10 (80 sq ft)	10 x 12 (120 sq ft)	12 x 16 (192 sq ft)

- (x) Shade. If an animal is left outdoors and unattended and the forecasted weather is 85 degrees Fahrenheit or higher, the animal shall be provided shade, either natural or manmade, at all times. Under no circumstances shall an animal shelter be considered shade.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

DRAFT

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

\_\_\_\_\_  
Harold L. Higgins  
Chief Administrative Officer

\_\_\_\_\_  
Diana Purnell, President

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Joseph M. Mitrecic

Current Law

**Title 2**  
**ANIMALS**

	<b>SUBTITLE I</b>	
	<b>Animal Control</b>	
§ PS 2-101.	General provisions.	§ PS 2-102. Dog and cat licenses.
		§ PS 2-103. Animal adoptions.
		§ PS 2-104. Control of wild animals.
		§ PS 2-105. Violations.

**[HISTORY: Adopted by the Board of County Commissioners of Worcester County 8-11-1992 as Bill No. 92-13. Amendments noted where applicable.]**

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**SUBTITLE I**  
**Animal Control**

**§ PS 2-101. General provisions. [Amended 4-19-2005 by Bill No. 05-3]**

(a) Legislative findings. The Commissioners find that in past years an animal control law requiring that animals be under control of the owner while off of the real property of the owner has been sufficient in order to protect the health, safety and welfare of the County. Now that the County has become more densely populated and urban in certain areas, the Commissioners deem it necessary to require within certain areas of the County, that certain animals be leashed while off of the real property of the owner within such areas as the Commissioners designate from time to time based upon population trends and densities. It is not the intent that a leash law apply uniformly throughout the County, but only in those areas which are suburban or urban in nature and do not provide sufficient open space whereby control can be adequately achieved by means other than by leash. It is further not the intent that the provisions of any leash requirement apply to an animal while it is on the property of the owner or on property in commercial agricultural use regardless of the surrounding area.

(b) Definitions. The following words, when used in this Subtitle, shall have the meanings respectively ascribed to them in this section, unless otherwise specifically defined in other parts of this Subtitle:

**ANIMAL** — Any domesticated animal.

**ANIMAL CONTROL WARDEN** — The person or persons employed by the county as its enforcement officer or officers.

**ANIMAL POUND** — Any premises so designated by the county for the purpose of impounding and caring for the animals as required by this Subtitle.

**AT LARGE** — Any animal will be deemed to be “at large” when it is off the property of its owner and not under the control of a responsible person.

**CAT** — An animal of the Felis Catus species.

DOG — An animal of the Canis Familiaris species.

IMPOUND — Shall mean taking an animal into the custody of the officer and shall commence upon the seizure of the animal.

LEASH — Any lead, leash, cord, remote controlled electronic collar, or other restraint preventing an animal from moving more than fifteen feet from the person holding the leash or object to which the end of the leash not attached to the animal is attached.

OWNER — Includes any person having the right of property in an animal or any person who keeps or harbors an animal or has it in his care or permits it to remain on or about any premises occupied or controlled by him for more than two weeks.

STRAY DOG OR CAT — Any dog or cat running at large which does not have affixed to it by collar or otherwise a license tag or which is unlicensed or which is off the property of its owner and not in the company of and in the control of its master or owner.

VICIOUS DOG — Any dog that has vicious tendencies by virtue of its demonstrated behavior or meets the definition of a "dangerous dog" under state law.

*\*Add New Definitions*

- (c) Administration. The County Commissioners are hereby authorized and directed to administer this Subtitle, and such powers as may be granted them may be delegated to an Animal Control Warden or Deputy Wardens, as the case may be, who shall have all the powers of a peace officer, or may be delegated by contract. Animal Control Wardens are hereby authorized to enforce all state laws regarding cruelty to animals and are charged with the protection of animals under applicable state laws. The County Sheriff is hereby charged with the responsibility of cooperating fully and assisting the Wardens in enforcement of such laws. Enforcement and implementation of this Subtitle may be delegated to the County Sheriff.
- (d) Applicability. The provisions of this Subtitle shall apply throughout the County but shall not apply within the corporate limits of the Town of Ocean City, it being the intention of this subsection that the prior adoption of Ordinance No. 13 by the municipalities of Berlin, Snow Hill and Pocomoke shall hereby be deemed to hold over as an adoption hereof; provided, however, that any municipality in which this Subtitle is applicable may exempt itself from the provisions hereof by appropriate corporate act of such municipality. It is the further intent of the County Commissioners that the provisions hereof be imposed upon the municipalities of Berlin, Snow Hill and Pocomoke unless such municipalities so exempt themselves. The provisions of this Subtitle shall not apply to any bona fide farm animal in the nature of livestock kept for bona fide agricultural or recreational use including without limitation, cattle, buffalo, hogs, fowl, emus, and horses. The provisions of Subsections (s), (t) and (u) of § PS 2-101 hereof shall not apply to hunting dogs, herding dogs, or raptors while hunting or training.
- (e) Impounding and disposition. The Animal Control Warden or such other officer as the County Commissioners may designate shall, whenever possible, seize and impound any stray or unwanted dog or cat found at large or without a license, any diseased or vicious dog or cat and any female dog or cat in heat found at large; provided, however, that where such custodian or other impounding officer is unable, after reasonable effort, to seize and impound vicious, wild or rabid dogs or cats, he may destroy any such vicious, wild and rabid dogs or cats in as humane a manner as possible. The Animal Control Warden may

also immediately destroy, without impoundment, any wild animal which is believed to be rabid. No dog or cat may be released from the animal pound until it has been vaccinated for rabies and licensed. The owner of the animal shall be responsible for the cost of the vaccination. The Animal Control Warden may also destroy, for a fee as set by the County Commissioners, any dog or cat at the request of the owner.

- (f) Disposition of animals not adopted. Any dog or cat which is impounded under the provisions of this Subtitle and has not otherwise been disposed of within fifteen days after being impounded subject to the provisions hereof may be disposed of in any legal humane way by the Animal Control Warden, including being destroyed in any humane way by the Animal Control Warden. No dog or cat which is licensed hereunder and identifiable as such, except in cases of emergency and in cases of blatantly vicious animals, shall be destroyed until the Animal Control Warden has made at least two attempts, one of which shall be written, to contact the owner to advise the owner of the impoundment of the animal.
- (g) Impoundment standards. The county shall, by resolution, establish standards for the impoundment of animals, procedures for the adoption of animals from the animal pound, recordkeeping requirements and fees. The resolution shall also set forth times during which animals must be held before they may be destroyed or delivered to some private group interested in humane treatment of animals. Impounded animals shall be treated in a humane manner, fed and watered in reasonable amounts and given such medical treatment as may be reasonably necessary to alleviate suffering.
- (h) Animals with vicious tendencies or rabies. No animal which the Animal Control Warden impounded which he has reason to believe has vicious tendencies, rabies or any incurable disease shall be sold, released or permitted to be redeemed unless or until the Warden is satisfied that it is safe to release such animal. Animals which the Animal Control Warden has reason to believe may have rabies shall be held in quarantine in a place to be determined by the County Health Officer for such period as may be necessary to determine whether the animal is rabid.
- (i) Animals not to run at large; impoundment. It shall be unlawful for any person to permit a dog, cat or other animal owned or harbored by him to run at large. Any such animal running at large may be apprehended by the Animal Control Warden or other designated officer and may be impounded in the animal pound. Any animal so impounded shall be held at the animal pound not less than ten days unless sooner redeemed by the owner. The owner of such animal may redeem it from the animal pound after its seizure upon the payment of a redemption fee and fine as established by resolution of the County Commissioners, subject, however, to the consent of the Warden as provided in Subsection (h) above. Any animal presenting symptoms of infectious or communicable disease constituting a health threat to other animals in the pound may be euthanized prior to the expiration of the holding period.
- (j) Injured or diseased dogs or cats generally. The County Commissioners are hereby authorized and directed to enter into agreements with veterinarians or animal hospitals in the county for the care of injured or diseased dogs or cats, the owners of which are unknown, which are collected by the Animal Control Warden or by the Sheriff's Department or which are brought to the animal pound by private citizens. If such animals

are not in such critical condition as to warrant their destruction immediately, the veterinarian or animal hospital to which they are taken shall care for them until their condition warrants their return to the animal pound for disposition in accordance with the procedure prescribed above.

- (k) Poisoning. It shall be unlawful for any person to administer poison to any animal or to knowingly place or leave any poisonous substance of any kind or ground glass in any place with intent to injure or kill any animal, provided that nothing contained in this Subtitle shall prohibit an owner from mercifully putting to death his own animal or from delivering it to the animal pound for disposition.
- (l) Abandonment. It is unlawful for any person to leave, with intent to abandon, any animal on a street, road, highway or in a public place or on private property in the county.
- (m) Injuring or killing prohibited. Except for agricultural or scientific purposes, no person shall willfully injure, beat, abuse or run down any animal with a vehicle. No person shall willfully kill any animal not owned by him except as may be expressly permitted by law. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as is practicable and shall make a reasonable effort to locate and identify himself to the owner or any person having custody of the animal.
- (n) Confinement of animals which have bitten human beings. Any person who knows or has reason to believe that a warm-blooded animal owned by him or in his custody has bitten any person shall report such fact to the County Health Officer, the Animal Control Warden or the Sheriff's Office immediately and shall confine his animal at his own expense for a period of ten days in a manner directed by the County Health Officer; provided, however, that the County Health Officer, if he has reason to believe that the animal is rabid, may order such animal confined at the animal pound for such additional period as he may deem necessary to determine whether the animal is in fact rabid.
- (o) Report of doctor. Any doctor who examines or treats a patient for a warm-blooded animal bite injury shall report to the County Health Officer and the Sheriff's Office the following: name of patient, address of patient, doctor's name and date of treatment.
- (p) Unlawful concealment. It shall be unlawful for any person to conceal any dog or cat or falsely to deny ownership of any dog or cat owned or harbored by him from any official properly authorized by the County Commissioners to enumerate such animals or to enforce the provisions of this Subtitle.
- (q) Disposition of dead animals. It shall be unlawful for the owner or guardian of any animal to deposit or leave such animal, upon its death, on public property or on the property of another person without permission from such person. All such dead animals shall be promptly disposed of by cremation, burial or other sanitary means. The Animal Control Warden, where requested, shall pick up dead dogs, cats and other small domestic pet-type animals for disposal for a fee to be established pursuant to resolution of the County Commissioners.
- (r) Interference with enforcement. No person shall interfere or attempt to interfere with the Animal Control Wardens of the County or Health Department officials in the performance of their duties, nor shall any person release or attempt to release without authority any animal impounded pursuant to this Subtitle.

- (s) Dogs required to be on leash. In any area described as a leash area in Subsection (t) hereof, it shall be unlawful for any person, or guest of such person, to knowingly, unknowingly, inadvertently, or intentionally permit a dog owned or harbored by him to walk, crawl, or run in any location other than the property of such person unless such dog is attached to a leash.
- (t) Leash areas. Leash areas may be designated by law or resolution. The following are leash areas:
- (1) Ocean Pines Area. All that property located in the Third Tax District of Worcester County, Maryland bound on the northwest by Beauchamp Road, the north and northeast by the St. Martin's River, on the southeast by the southeasterly line of the Ocean Pines Subdivision and on the southwest by MD Route 589.
  - (2) County-owned property. Any property owned by the County Commissioners of Worcester County, Maryland and whereon the Commissioners have posted a sign indicating that the property is a leash area and which has designated it a leash area by resolution.
- (u) Clean up. In any leash area, the person in control of a dog on a leash shall remove all excrement deposited by the dog on property other than property of the owner or property of the person in control of the dog and dispose of such excrement in a legal and proper way.

**§ PS 2-102. Dog and cat licenses.**

- (a) License required. No person shall own or have custody of any dog or cat over four months of age unless such dog or cat is licensed as herein provided. This provision shall not apply to dogs or cats in the county for thirty days or less which are owned by a nonresident, provided that such dogs or cats are fully licensed in their home city, county or state.
- (b) Vaccination. Before any license shall be issued, the owner must produce satisfactory evidence that the dog or cat has been vaccinated against rabies and that the vaccination is still effective as of the date of licensing.
- (c) Fees.
  - (1) Application for licenses shall be made to the Animal Control Warden on forms prescribed by him, accompanied by a license fee as established pursuant to resolution of the County Commissioners.
  - (2) "Seeing Eye" dogs trained to assist the blind and dogs trained and regularly employed in law enforcement work by a recognized law enforcement agency shall be provided licenses without charge but must comply with vaccination provisions.
  - (3) The authority to issue dog or cat licenses may be delegated to any licensed veterinarian treating dogs or cats that are eligible and are required to be licensed.
- (d) License period. All licenses shall be valid for the period for which the rabies vaccination is valid.

- (e) License applications. License applications may be made at any time. The cost of the license shall be as established pursuant to resolution of the County Commissioners.
- (f) License tags.
- (1) License tags shall bear the name of the county, the number of the corresponding certificate and the year in which it is to expire.
  - (2) License tags and certificates are not transferable from one animal to another.
  - (3) In the case of loss of a license tag, the owner may procure another tag for use during the balance of the license term by surrendering the old certificate and payment of the prescribed fee as established pursuant to resolution of the County Commissioners.
- (g) License system. Every licensed dog or cat and the owner thereof shall be maintained on a roster by the Animal Control Warden. Within sixty days of the pending expiration date, the Animal Control Warden shall send a notice to every dog or cat owner indicating that a new vaccination and license must be obtained. The notice shall contain such information as may be deemed necessary and appropriate by the County Commissioners. In the event that a dog or cat has died during the license year, notification of the death of the dog or cat shall be sent to the Animal Control Warden by the owner at such time as the owner receives the notice of renewal.
- (h) Kennel licenses.
- (1) Any person who maintains for commercial breeding, treatment, boarding, sale or training a pack or collection of more than five dogs on his premises shall obtain a kennel license. Dogs kept as a part of a kennel must meet the rabies vaccination and license requirements of this Subtitle.
  - (2) Such kennel licenses shall be obtained on or before July 1 of each year and shall expire on June 30 of the following year. The license fees for kennels shall be as established by resolution of the County Commissioners.
  - (3) Every holder of a kennel license shall maintain a list of the names and addresses of the owners of each dog kept in such kennel and a record giving full data concerning sales or other disposition of dogs from such kennels or shops.
  - (4) Every holder of a kennel license shall be deemed to have granted a right of entry to the Animal Control Warden to enter upon the premises of the licensee at all reasonable hours for the purposes of inspecting the same for violations of law.
  - (5) Any licensed veterinarian doing business in Worcester County shall not be required to obtain a kennel license for animals held for treatment directly related to the veterinary care of said animals. **[Added 1-12-1993 by Bill No. 92-17]**
- (i) License tags to be attached to dogs and cats; removal of tags.
- (1) Individual license tags shall be attached to the dog or cat for which issued and shall pass with the dog or cat. Upon the change of ownership of any dog or cat, every person purchasing or otherwise acquiring such dog or cat shall notify the Animal Control Warden, in writing, of such exchange in ownership in order that the license records of the county may be properly adjusted.



- (2) It shall be unlawful for the owner of any dog or cat to permit such animal to be off the property of the owner without having its individual license tag attached to a collar or harness worn by the animal.
- (3) It shall be unlawful for any person other than the owner of the dog or cat or his agent to remove any license tag from a dog or cat.
- (j) Applicability. The licensing provisions hereof shall not apply to dogs or cats actually confined to the premises of educational and research institutions or incorporated benevolent societies devoted to the care or hospital treatment of lost, strayed or homeless animals.
- (k) Disposition of license fees and other funds. All license fees collected by the Animal Control Warden and any and all other money received by him from fees, charges or sales, etc., shall be paid to the general fund of the county.

*( \* Add New Provisions ) →*

**§ PS 2-103. Animals adoptions. [Added 4-19-2005 by Bill No. 05-3<sup>1</sup>]**

- (a) Availability. The Sheriff or Animal Control or Administrator of this Subtitle shall from time to time make appropriate domesticated, abandoned animals available for adoption.
- (b) Condition of animal. The animal made available for adoption shall be tame, domesticated, in good health, manageable and friendly to human beings, and shall have been observed in the animal pound for not less than ten days.
- (c) Conditions of adoption. Persons wishing to adopt such animals shall agree to have the animal vaccinated against rabies within seventy-two hours of adoption and demonstrate that they have reasonable knowledge of the animal and animals of its type, and can provide a proper home and care for the animal and shall pay such adoption fee and make such reimbursements to the County as from time to time prescribed by the County Commissioners by resolution.
- (d) Prohibited adoptions. Any animal that displays vicious character tendencies towards humans, is not manageable or tame, is in poor health, or has been the subject of a reported attack on a human being or other animal shall not be made available for adoption.
- (e) Hold harmless. Any person adopting an animal pursuant to this section shall indemnify and hold harmless the County Commissioners, the Sheriff, the Animal Control Warden, and their agents and employees from any claims or damage whatsoever alleged on the account of any adoption hereunder.
- (f) Procedures and guidelines. Additional procedures and guidelines for animal adoptions may be promulgated by resolution by the County Commissioners or general order of the Sheriff in the event the law is administered by the Sheriff's Office.

<sup>1</sup> Editor's Note: This bill also provided for the renumbering of former § PS 2-103 as § PS 2-105.

**§ PS 2-104. Control of wild animals. [Added 4-19-2005 by Bill No. 05-3]**

Subject to state and federal preemption, the Animal Control Warden or Sheriff as designated pursuant to § PS 2-101 of this Subtitle to administer this Subtitle shall have the responsibility to seize, destroy, and control wild animals, other than deer, causing damage or danger to citizens of the County or sojourners herein. The Maryland Department of Natural Resources shall be consulted with respect to the handling of wild animals and shall be made aware of such efforts. No wild animal may be placed for adoption without the approval of the Maryland Department of Natural Resources.

**§ PS 2-105. Violations.**

Any person who violates the provisions of this Subtitle shall be guilty of a civil infraction.

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22

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

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OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND  
21863-1195

September 12, 2018

Introduce as Bill 18-5  
Hearing on October 23, 2018

TO: Harold L. Higgins, Chief Administrative Officer  
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *K.S.*  
SUBJECT: Housekeeping Bill regarding Standards for Reclamation of County-owned Surface Mining Operations

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As you are aware, at their meeting on August 21, 2018, the County Commissioners reviewed and approved the request of the Public Works Director John Tustin authorizing him to prepare plans necessary to request a County Exemption to the Surface Mining Law of 1977 from the Maryland Department of the Environment (MDE) for continued use of the County's Langmaid Road Borrow Pit by the Roads Division of Public Works. As stated in Mr. Tustin's memo, the exemption process would require the County Commissioners to adopt Reclamation Standards for County-Owned Surface Mines similar to the standards adopted by Wicomico County in April 2004. However, after a review of the Code of Public Local Laws, County Attorney Maureen Howarth advised that the local zoning regulations governing "Surface Mining" operations in the County would need to first be amended to specifically authorize the County Commissioners to adopt, by resolution, further standards for reclamation of County-owned surface mining operations. I have therefore drafted the attached Legislative Bill for the County Commissioners introduction and passage to address this situation. Please note that after introduction, the bill will need to be reviewed by the Worcester County Planning Commission, in accordance with the provisions of Section ZS 1-113(b) - Text Amendments, for recommendation prior to formal adoption.

Please present this matter to the County Commissioners for their consideration and introduction at their next Legislative Session on September 18, 2018. If you should have any questions or concerns with regard to this matter, please feel free to contact me.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 18-

BY:  
INTRODUCED:

AN ACT Concerning

A BILL ENTITLED  
Zoning - Surface Mining

**DRAFT**

For the purpose of amending the surface mining regulations of the Worcester County Zoning Ordinance to provide that the County Commissioners may adopt further standards for reclamation of County-owned surface mining operations.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection ZS 1-330(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subparagraph (24) to read as follows:

**§ ZS 1-330. Surface mining.**

(c) Standards.

(24) The County Commissioners may, by resolution, adopt further standards for reclamation of County-owned surface mining operations.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

\_\_\_\_\_  
Harold L. Higgins  
Chief Administrative Officer

\_\_\_\_\_  
Diana Purnell, President

\_\_\_\_\_  
Theodore J. Elder, Vice President

\_\_\_\_\_  
Anthony W. Bertino, Jr.

\_\_\_\_\_  
Madison J. Bunting, Jr.

\_\_\_\_\_  
James C. Church

\_\_\_\_\_  
Merrill W. Lockfaw, Jr.

\_\_\_\_\_  
Joseph M. Mitrecic

Current Law

such length and construction to effectively control vehicular entrance to the disposal operation shall be constructed prior to the operation of the site. Such fence shall be visually screened along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.

- (3) The burning of refuse or other waste material shall not be permitted at such sites, except by permission of the Department of the Environment and the Deputy State Fire Marshal.
- (4) The solid waste disposal area shall not accept hazardous or toxic waste.
- (5) All solid waste disposal sites shall be subject to the provisions of § ZS 1-116 hereof.
- (6) The solid waste disposal area shall not be located over any aquifer.

**§ ZS 1-330. Surface mining.**

- (a) Defined. "Surface mining" shall mean the excavation, digging or dredging for sand, gravel, soil and other minerals. It shall include sand and gravel pits, borrow pits, clay pits, quarries, surface mines and the processing or compounding of products composed of on-site materials. It shall not include concrete- or asphalt-mixing plants or material removed from a development site as part of a normal cut-and-fill operation.
- (b) Lot requirements. The minimum lot requirements shall be: lot area, five acres; and lot width, five hundred feet. All setbacks shall be as set forth in Subsection (c) hereof.
- (c) Standards.
  - (1) All surface mining operations shall comply with the most current edition of the Maryland Standards and Specifications for Soil Erosion and Sediment Control, published by the Maryland Department of the Environment. All excavations shall be backfilled or graded to at least a one-to-four slope whenever operations are discontinued.
  - (2) Surface mining operations shall not cause undue damage to any public road and its associated drainage system beyond that which may be reasonably expected to occur from ordinary traffic on that roadway. Prior to the issuance of any zoning certificate under this Subtitle for a surface mining operation, the owner and operator shall provide a satisfactory bond or guaranty to the County Commissioners to ensure that any undue damage to the public road or its associated drainage system is repaired to the satisfaction of the County.
  - (3) All surface mining operations shall be restricted to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and to the hours of 7:00 a.m. to 12:00 noon on Saturdays. Such operations are prohibited on Sundays and on the following holidays: New Years Day; Good Friday; Memorial Day; July Fourth; Labor Day; Thanksgiving Day; and Christmas Day. For the purposes of this section, "operations" shall constitute dewatering, excavation, extraction, processing, loading and distribution of materials.

- (4) All loaded trucks entering or exiting the site must be properly covered and provided with adequate wheel flaps.
- (5) All surface mining sites and haul roads must be sprayed with water whenever necessary to reduce dust.
- (6) The first two hundred feet of the haul road as measured from the public road right-of-way must be covered with stone or paved.
- (7) The public road must be swept whenever necessary to remove soil and debris.
- (8) The travel lane to the site must be stabilized to a minimum of twenty feet in width.
- (9) The entrance to the property from the highway must be secured by a chain, gate, cable or other appropriate means in order to prohibit vehicular access, except during hours of operation. During hours of operation the entrance must be properly marked with "Truck Entrance" caution signs.
- (10) All points of access to a public road from the site shall at a minimum be designed in accordance with the County's standards for commercial entrances with regard to acceleration and deceleration lanes. Additionally, the areas on either side of the access point to the public road right-of-way shall be cleared of vegetation, debris, etc. in order to provide adequate line-of-sight for vehicles traveling on the public road right-of-way as well as for vehicles utilizing the access point.
- (11) Structures and outdoor storage of materials and debris shall be screened from public road rights-of-way and adjacent residential uses by vegetation, walls or fences.
- (12) Clearing of existing forest vegetation shall be limited to areas needed for excavation, structures, unloading and loading areas, access roads, and parking areas.
- (13) Processing operations outside the pit perimeter shall be housed in a covered structure or screened unless the Board of Zoning Appeals determines that, because of site specific conditions, this is unnecessary based on the effects of the use on nearby properties.
- (14) Surface mining operations shall be located such that the line-of-sight to adjacent properties zoned for residential use or improved by a residential dwelling is obscured to the greatest extent possible.
- (15) No excavation shall take place within one hundred feet from any right-of-way line of any road.
- (16) No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred feet to any property line. This setback shall not apply where the adjoining property is used for surface mining.

- (17) Operation structures shall not be erected within two hundred feet of any property line or any public road right-of-way. The setback to adjoining property lines shall not apply where the adjoining property is used for surface mining.
- (18) All perimeter property lines shall be screened in accordance with § ZS 1-322 hereof or by an acceptable alternative as determined by the Board of Zoning Appeals.
- (19) Prior to the issuance of a zoning certificate, copies of all State of Maryland permits must be submitted to the Department so that any conditions placed on the state-issued permits can be incorporated into the conditions under which the zoning certificate is issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they should also be made conditions of the County approval.
- (20) The surface mining operations shall comply with all applicable federal and state air pollution control laws and regulations. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply. The operator shall control and contain dust to prevent visible emissions from crossing the boundary of the property.
- (21) The surface mining operations shall comply with all federal, state and local laws regulating water resources management and protection. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply.
- (22) Prior to the issuance of a zoning permit associated with a surface mining operation which is located within the Zone of Influence as designated by the state of any public water supply surface intake, public water supply well, or private water supply well, the operator shall provide a contingency plan for well replacement.
- (23) Prior to the issuance of any zoning certificate under this Subtitle for a surface mining operation, the owner and operator shall provide a satisfactory bond or guaranty to the County Commissioners to ensure compliance with this Subtitle and the provision of adequate landscaping, screening, fencing, and health and safety safeguards and reclamation plans, including regrading, site access, and drainage. Provided that the County Commissioners are a party to the bond, the bond posted with the State of Maryland may suffice for this requirement. Said moneys shall not be released until such time as both the County and the state have been satisfied.

*\*Add New Standard*

(d) Review procedure.

- (1) In conjunction with an application for a special exception, the applicant shall prepare a site plan meeting the requirements of § ZS 1-116(d)(2) hereof for submission to the Board of Zoning Appeals for its review.
- (2) In addition, the applicant shall submit the following:
  - A. A written description of the type and quantities of the materials to be excavated, type of extraction to be used, truck access and frequency of trips, destination of materials, hours of operation, measures to be taken to protect

the public and any other information necessary to adequately understand the operation.

B. A reclamation plan meeting the standards established by the state's Department of the Environment showing how the land is to be restored.

- (3) The Board may require that the applicant provide a bond or other satisfactory guaranty to insure that the terms of the special exception approval and state permit are fully complied with.

(e) Surface mines as dredge spoil disposal sites.

- (1) In conjunction with an application for a surface mine special exception, the applicant may request Board of Zoning Appeals approval to utilize the extracted areas of the surface mine as a dredge spoil disposal site.
- (2) The Board of Zoning Appeals may specify special conditions of operation and conditions regarding reclamation of the site.
- (3) The Board of Zoning Appeals may require assurances deemed necessary by the Board to protect the interests of the public-at-large and the natural resources of the County, including, but not limited to, requiring the applicant to test the dredge spoil material for hazardous materials in accordance with the Federal Resource Conservation Recovery Act, as from time to time amended, where there is suspicion of the presence of such hazardous materials due to previous activities in the vicinity of the proposed dredge area.
- (4) Existing active surface mines having a current and valid County operating permit as of December 1, 1995, may accept dredge spoil material without further action or approval of the Board of Zoning Appeals.

(f) Actions of the Board of Zoning Appeals.

- (1) The Board of Zoning Appeals has the authority to limit the term of approval. In the event the Board does not establish such a term of approval, the Board has the authority to revisit any application in accordance with § ZS 1-116(c)(8) hereof.
- (2) Notwithstanding any other provisions of this Title, the Board of Zoning Appeals shall not accept an application for a special exception to permit a new surface mining operation or any alteration or expansion of an existing surface mining operation for substantially the same proposal on the same property as an application previously denied by the Board of Zoning Appeals for two years following the Board's vote for a first denial, for five years following the Board's vote for a second denial, and for ten years following the Board's vote for a third and any subsequent denial.
- (3) The Board of Zoning Appeals has the authority to establish greater restrictions on a surface mining operation than those described above.



SUPPLEMENTARY DISTRICTS AND DISTRICT  
REGULATIONS

§ ZS 1-330

§ ZS 1-332

- (4) The Board of Zoning Appeals may require that the applicant provide a bond or other satisfactory guaranty to ensure that the terms of the special exception approval and state permit are fully complied with.
- (5) If the land for which the permit is sought has been identified by the County's Comprehensive Plan as an area suitable for surface mining, the Board of Zoning Appeals shall grant the special exception unless there is clear and convincing site-specific evidence that the operation will be detrimental to the health, safety and welfare of the public.

**§ ZS 1-331. Wreck vehicles, junk and salvage operations and vehicle storage yards.**

- (a) Junk and salvage operations. In addition to the provisions contained in other parts of this Title, every junk or salvage operation shall either:
  - (1) Be completely enclosed within a building, in which case the minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; or
  - (2) Be set back from every public road right-of-way or property line not less than one hundred feet and be completely fenced. Such fence shall be at least eight feet height and constructed so as to effectively screen the contents from public view. Additionally, such fences shall be visually buffered along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.
- (b) Storage of wrecked or disabled vehicles. In addition to the provisions contained in other parts of this Title, every repair shop and towing service storing wrecked or disabled vehicles shall be subject to the following:
  - (1) Storage shall be temporary for a period not to exceed ninety days for each vehicle.
  - (2) All vehicles shall be held within a completely enclosed building or fenced in such a way as to be completely screened from public view. Such screening may be by a fence, by dense landscaping or by topography.
- (c) Screening required. In any case, no used parts, wrecked or disabled vehicles or other junk shall be kept or displayed outdoors in front of any required building, fence or screening or otherwise in public view.
- (d) Conformance with other provisions. All junk and salvage operations shall be subject to the provisions of § ZS 1-116 hereof.

**§ ZS 1-332. Unsafe buildings and storm damage.**

Nothing in this Title shall prevent the temporary strengthening to a safe condition of any part of any building or structure declared unsafe by proper authority, to protect from the elements a structure or building damaged by an act of nature or to protect from trespass until such time as it shall be restored or fully demolished in accordance with this Title.

**§ ZS 1-113. Amendments.**

(a) Generally. The regulations, restrictions, definitions, districts, classifications and boundaries set forth in this Title may, from time to time, be amended, supplanted, modified or repealed by the County Commissioners. Amendments to the text of this Title shall be passed as Public Local Laws by the County Commissioners. The reclassification of any property or the relocation of any district boundary shall be by resolution of the County Commissioners.

(b) Text amendments.

(1) Proposals for amendments to the text of this Title may be made by any interested person who is a resident of the County, a taxpayer therein or by any governmental agencies of the County. Such proposals for text amendments shall be in the form as prescribed by the Planning Commission and shall be addressed to and filed with the County Commissioners.

(2) Text amendments shall be passed by the County Commissioners as Public Local Laws according to legally required procedures, with the following additional requirements: Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation to the County Commissioners within a reasonable time after receipt of the proposed amendment. If, after receipt of the recommendation of the Planning Commission, no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered. If one or more County Commissioners does introduce the proposed amendment as a bill, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in the County in accordance with the provisions of § ZS 1-114 hereof.

(c) Map amendments.

(1) Application.

A. Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the current property owner, contract purchaser, option holder, lessee, his attorney or the agent of the property to be directly affected by the proposed amendment. Applications filed by persons other than the current property owner must be cosigned by the property owner or the property owner's attorney at law or in fact. Such proposals for map amendments shall be in the form as prescribed by the Planning Commission and shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps. Such plat shall not be required for sectional or comprehensive reclassification. Applications for map amendments shall be addressed to and filed with the office of the County



Worcester County  
 DEPARTMENT OF PUBLIC WORKS  
 6113 TIMMONS ROAD  
 SNOW HILL, MARYLAND 21863

RECEIVED  
 AUG 13 2018  
 Worcester County Admin

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:** August 13, 2018  
**SUBJECT:** Langmaid Road Borrow Pit

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

Worcester County has been operating the subject Borrow Pit since the early 1970's located at the end of Langmaid Road, which is also the home of the Worcester County Sherriff's firing range. Recently, the Maryland Department of the Environment (MDE) has verbally requested that the County make said application for County Exemption to the Surface Mining Law of 1977, which does not apply to activities for the State Highway Administration or any County Roads Department in the State of Maryland. We were previously under the assumption that this exemption had been granted many years ago, but MDE has not been able to substantiate that claim. I have received the attached proposal from EA Engineering, and I have also solicited but have not received a similar proposal from another Engineering Consultant, in the amount of \$3,132.35 to perform the activities necessary to prepare the plans required to apply for the exemption to ensure that the Roads Department can periodically utilize the Borrow Pit to retrieve materials for related construction activities in the County. Funds are available within the FY 19 Roads Division Budget for this effort.

I've attached a copy of Resolution No. 575 that was adopted by Wicomico County in April of 2004 that we can use as a model for our Resolution which would outline the adopted reclamation standards that will need to be presented to MDE prior to receiving the exemption.

Should you have any questions in the mean time, please do not hesitate to contact me.

Attachments

cc: Frank Adkins

**APPROVED**  
 Worcester County Commissioners  
 Date *HtH* 8/21/18

RESOLUTION NO. **575**  
RECLAMATION STANDARDS FOR  
COUNTY OWNED SURFACE MINES

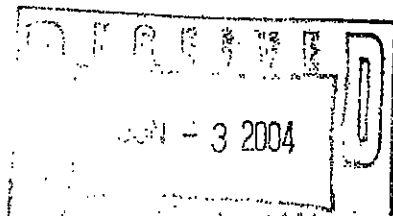
A RESOLUTION OF THE COUNTY COUNCIL OF WICOMICO COUNTY –  
RECLAMATION STANDARDS FOR COUNTY OWNED OR OPERATED BORROW  
PITS WHICH ARE UTILIZED FOR THE CONSTRUCTION OR MAINTENANCE OF  
COUNTY ROADS AND OTHER PUBLIC FACILITIES.

WHEREAS, the State Surface Mine Law, Title 15, Subtitle 8 of the the Annotated Code of Maryland, provides for the protection and conservation of the natural resources of the State of Maryland and the reclamation of areas of land affected in the surface mining of metallic and non-metallic minerals other than coal, aids in the protection of birds and wildlife, decreases soil erosion, prevents pollution of rivers, streams and lakes, prevents loss or waste of valuable mineral resources, prevents and eliminates hazards to health and safety, to provide for reclamation of mined areas so as to assure the use of these lands for productive purposes, and generally provides for the continued use and enjoyment of these lands.

WHEREAS, after January 1, 1977, no person may conduct an active operation to extract minerals by the surface mining method in the State without first obtaining a surface mining operator's license.

WHEREAS, after January 1, 1977, no licensed operator may engage in surface mining within the State of Maryland without first obtaining a surface mining permit which covers the affected land.

WHEREAS, the provisions of the Surface Mine Law do not apply to activities of the State Highway Administration, any County Roads Department in the State of Maryland, any legally-constituted public governing entities such as municipal corporations, or to activities of any person acting under contract with any of these public agencies or entities, on highway rights-of-way or borrow pits maintained solely in connection with the construction, repair and maintenance of the public roads system of the State of Maryland or other County or public facilities.



WHEREAS, this exemption does not become effective until the public agencies or entities have adopted reclamation standards applying to activities and the standards that are approved by the Maryland Department of the Environment.

WHEREAS, the County Council of Wicomico County desires to amend reclamation standards applying to the activities in County owned or operated borrow pits, which are utilized for the construction or maintenance of County Roads or other County facilities.

NOW THEREFORE, BE IT RESOLVED THIS      day of      , 2004, that the County Council of Wicomico County, Maryland, establish the following reclamation standards for County owned borrow pits:

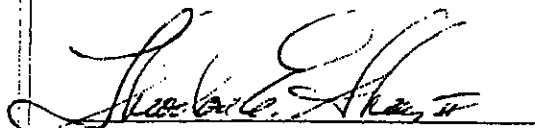
**RECLAMATION STANDARDS FOR BORROW PITS OWNED BY  
WICOMICO COUNTY, MARYLAND**

1. A completed "Application for County Exemption" form and a site plan of the affected land indicating previous and future use of the borrow pit shall be submitted to the Maryland Department of the Environment for review and approval.
2. Where applicable, the removal of borrow material should be staged so that reclamation can immediately follow completion of a portion of the site. Total reclamation shall be performed upon completion of removal of material from site.
3. Site selection of a borrow pit shall not violate any state or applicable local laws or ordinances – i.e., zoning, floodplain encroachment, sedimentation controls, Critical Area Plan, etc.
4. The Maryland Department of the Environment shall make periodic site inspection. The Maryland Department of the Environment shall also conduct a final review of the reclamation only after the Wicomico County Department of Public Works requests it.
5. If periodic inspections show that dust control, visual screening, and proper safety precautions are not being observed, then measures must be taken to correct these conditions.

6. Sediment Controls as recommended by the Natural Resources Conservation Service and approved by the Wicomico County Soil Conservation District shall be constructed prior to the start of mining operations.
- a. Surface runoff from surface mined areas shall be controlled by means of earth berms and sediment basins or traps.
  - b. Mountable berms across roadways shall be used to deflect surface runoff from roadways at critical areas.
  - c. All final slopes shall not exceed 3:1 above the water surface elevation or 2:1 below the water surface.
  - d. All disturbed area shall be seeded as mining is completed as follows:  
Lime – 100 lbs per 1,000 square feet or 2 Tons per acre.  
10-10-10 Fertilizer - 25 lbs. Per 1,000 square feet or 1,000 lbs. Per acre.  
Orchard Grass - 4 lbs. Per 1,000 square feet or 150 lbs. Per acre.  
Annual Rye Grass 3.2 lbs. Per 1,000 square feet or 2.5 bushels per acre.  
Serecia or Korean Lespedeza (hull-less seed) 0.5 lbs. Per 1,000 square feet or 20 lbs. Per acre.
  - e. A final inspection of reclamation shall be made by the Maryland Department of the Environment after receiving a written request from the Wicomico County Department of Public Works.


DONE AT SALISBURY, MARYLAND, THIS 20TH DAY OF APRIL, 2004.

ATTEST:



Theodore E. Shea, II,  
Administrative Director

COUNTY COUNCIL OF  
WICOMICO COUNTY, MARYLAND



Anthony S. Sarbanes, President at Large

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

Land and Materials Administration • Minerals, Oil, & Gas Division  
1800 Washington Blvd. Suite 655 • Baltimore Maryland 21230  
(410) 537-3557 • 800-633-6101 x3557 • www.mde.maryland.gov

**Application for County Exemption**

Original

Check one:

Renewal

Modification

1. Name of agency responsible for pit: \_\_\_\_\_  
\_\_\_\_\_
2. Mailing address: \_\_\_\_\_  
\_\_\_\_\_
3. Telephone number: \_\_\_\_\_
4. Name of operation: \_\_\_\_\_
5. Location of operation (give accurate travel directions from nearest town):  
\_\_\_\_\_  
\_\_\_\_\_
6. Name and address of landowner(s): \_\_\_\_\_  
\_\_\_\_\_
7. Description of material to be mined: \_\_\_\_\_
8. Amount of topsoil on site: \_\_\_\_\_  
Amount to be conserved for reclamation: \_\_\_\_\_
9. Acres to be exempted: \_\_\_\_\_
10. Where will borrow from site be used \_\_\_\_\_ provide name and contract number.
11. Will a private contractor serve as your agent?  
 Yes or  No  
a. If yes provide name, address and telephone number.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

Land and Materials Administration • Minerals, Oil, & Gas Division  
1800 Washington Blvd. Suite 655 • Baltimore Maryland 21230  
(410) 537-3557 • 800-633-6101 x3557 • www.mde.maryland.gov

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12. Mining plan: Describe the preparation, sequence, mining method, depth of cut direction and duration.
13. Reclamation plan. Describe the proposed land use, steps and procedures for reclaiming site, method of conserving and restoring topsoil, amount and type of lime, fertilizer, seed and mulch to be used.
14. List all other permits required.
- a. Zoning: \_\_\_\_\_
- b. Soil Conservation District sediment and erosion control approval: \_\_\_\_\_
- \_\_\_\_\_
- c. Other: \_\_\_\_\_

I hereby certify that all of the information contained within this application is true and correct to the best of my knowledge.

Typewritten or printed name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration • Minerals, Oil, & Gas Division  
1800 Washington Blvd. Ste 655 • Baltimore Maryland 21230  
(410) 537-3557 • 1-800-633-6101 x3557 • www.mde.maryland.gov

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## Instructions for the Application for County Exemption

Accompanying the application shall be a letter from the county agency requesting the exemption, a notarized Landowner's Consent to Right of Entry and a sediment and erosion control plan approved by the local Soil Conservation District. Any other local State or Federal approvals must be obtained by the applicant.

A map shall be submitted, in duplicate, with this application. The map shall be on a scale not smaller than 1 inch = 200 feet, with a contour interval appropriate for the area and representative cross-sections. The map shall show the following:

1. Site location of the tract of land to be affected.
2. Location and names of streams, road, railroads and utility lines that are on or immediately adjacent to the affected area.
3. Location of all buildings within 200 feet of the outer perimeter of the affected area.
4. Property lines.
5. Name of tract owner of affected area.
6. Names of adjacent landowners.
7. Municipality or district and county.
8. Location of test borings or sites of test samples, if any.
9. Outline and designation of pits, topsoil/subsoil storage areas, stockpiles, settling ponds, wetland areas, forested and reforestation lands, areas to be mined at a future date and haul road.

All documents, maps and materials submitted shall have the name and address of the applicant and the date placed on the front of the material for identification. Acreage not included in the application or under a valid county exemption may not be mined or used in conjunction with mining. If additional space is needed to answer a question use a plain sheet of paper and attach to the application.

The application and all inquiries regarding a county exemption should be directed to:

Minerals, Oil & Gas Division  
Land and Materials Administration  
Department of the Environment  
1800 Washington Blvd., Ste 655  
Baltimore, MD 21230  
(410) 537-3557

*This Notice is provided pursuant to § 10-624 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act (Md. Code Ann., State Gov't §§ 10-601, et seq.). This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.*

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



23

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

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

OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND  
21863-1195

September 12, 2018

Introduce as Bill 18-6  
Hearing on October 23, 2018

TO: Harold L. Higgins, Chief Administrative Officer  
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*  
SUBJECT: Housekeeping Bill to Correct Bidding Threshold

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As you are aware, at their meeting on July 17, 2018, the County Commissioners adopted Resolution No. 18-19 Revising and Re-adopting Financial Management Rules and Procedures for County Departments. One of the more significant amendments included in our new Financial Management Procedures was to increase the threshold for purchase of items requiring competitive bidding from \$10,000 to \$25,000. Upon a recent review of the Code of Public Local Laws, I discovered that we also need to amend the "Competitive Bidding" section of the County Code to reflect this new threshold of \$25,000. I have therefore drafted the attached Legislative Bill for the County Commissioners introduction and passage to address this situation.

Please present this matter to the County Commissioners for their consideration and introduction at their next Legislative Session on September 18, 2018. If you should have any questions or concerns with regard to this matter, please feel free to contact me.

DRAFT

Strike and Replace Version

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 18-

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

County Government - Competitive Bidding Threshold

For the purpose of amending the threshold for purchase of items requiring competitive bidding from \$10,000 to \$25,000.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Section CG 4-202(a) of the County Government Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

**§ CG 4-202. Purchasing and expenditures.**

- (a) Competitive bidding. Any single purchase or contract involving an expenditure of more than ~~ten~~ TWENTY-FIVE thousand dollars of County funds shall be made from or let by bids or proposals after public notice for such period of time and in such manner as may be prescribed by law or as may be determined by the County Commissioners, provided, however, that where it is determined by a five-sevenths vote of the County Commissioners that bidding would be impractical or not in the best interest of the County Government, bidding requirements may be waived. Competitive bidding may include formal sealed bids or proposals, solicitations, invitations, auctions, competitions directly or through agents, or any other method employed to obtain the best results for the County. In awarding such contracts, the Commissioners may consider lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders, local presence of bidders and previous experience of bidders with County contracts. The Commissioners are not required to accept the lowest bid. The Commissioners may require security or bond from the successful bidder for the performance of their contract. The provisions of this section shall not be applicable to the engaging of an independent auditor or the awarding of contracts for professional services.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

\_\_\_\_\_  
Harold L. Higgins  
Chief Administrative Officer

\_\_\_\_\_  
Diana Purnell, President

\_\_\_\_\_  
Theodore J. Elder, Vice President

\_\_\_\_\_  
Anthony W. Bertino, Jr.

\_\_\_\_\_  
Madison J. Bunting, Jr.

\_\_\_\_\_  
James C. Church

\_\_\_\_\_  
Merrill W. Lockfaw, Jr.

\_\_\_\_\_  
Joseph M. Mitrecic

- (1) No office, department, institution, board, commission or other agency of County government shall, during any fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of moneys in excess of the amounts appropriated or allotted for that category of expenditure identified in the Commissioner's budget-approving resolution for such fiscal year without prior approval of the Board of County Commissioners. Any such contract shall be voidable at the option of the County Commissioners.
- (2) The department head or person responsible for the administration of any department, institution, board, commission or agency budget in which there is an expenditure in excess of the amount appropriated or allotted may be held personally liable to the County Commissioners for the amount of any overexpenditure or any portion thereof where the department head knowingly and willfully permitted such overexpenditure without good cause, and the County Commissioners shall have the right of setoff against any amount due from the County Commissioners to such individual, including any salary due, to the extent necessary toward the full amount thereof. Before holding any individual personally liable, the County Commissioners shall provide the individual with a right to a hearing upon fifteen days written notice. [Amended 12-17-1985 by Bill No. 85-6]
- (g) Supplementary appropriations. The Board of County Commissioners, in order to meet emergency and unanticipated requirements, may, by resolution, make supplementary appropriations. The County Commissioners shall designate the source of funds for such supplementary appropriations.
- (h) Source of funds. The Board of County Commissioners may provide that an approved appropriation for a particular service, department or category of expenditure be funded, in whole or in part, from a specific revenue source and that funds collected from that revenue source, only to the extent necessary to satisfy the approved appropriation, be designated for that particular purpose. [Added 3-23-1982 by Bill No. 82-2]

§ CG 4-202. Purchasing and expenditures.

- (a) Competitive bidding. Any single purchase or contract involving an expenditure of more than ten thousand dollars of County funds shall be made from or let by bids or proposals after public notice for such period of time and in such manner as may be prescribed by law or as may be determined by the County Commissioners; provided, however, that where it is determined by a five-sevenths vote of the County Commissioners that bidding would be impractical or not in the best interest of the County government, bidding requirements may be waived. Competitive bidding may include formal sealed bids or proposals, solicitations, invitations, auctions, competitions directly or through agents, or any other method employed to obtain the best results for the County. In awarding such contracts, the Commissioners may consider lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders, local presence of bidders and previous experience of bidders with County contracts. The Commissioners are not required to accept the lowest bid. The Commissioners may require security or bond from the successful bidder for the performance of his contract. The provisions of this section shall not be applicable to the engaging of an independent auditor or the awarding of contracts for professional services. [Amended 8-20-2002 by Bill No. 02-11]

RESOLUTION NO. 18 - 19

RESOLUTION REVISING AND RE-ADOPTING  
FINANCIAL MANAGEMENT RULES AND PROCEDURES  
FOR COUNTY DEPARTMENTS

WHEREAS, the County Commissioners of Worcester County, Maryland (hereafter "County Commissioners") are entrusted by the taxpayers and citizens of Worcester County with the responsibility to adequately safeguard the public funds of the County and ensure that such funds are properly spent and accounted for; and

WHEREAS, the County Commissioners passed and adopted a Resolution on February 13, 1990 which was subsequently revised and re-adopted by Resolution No. 02-46 on November 19, 2002 to provide Financial Management Rules and Procedures for County Departments which consolidated all budget procedures, purchasing procedures, and other financial management matters into one document in order to ensure that all County Department Heads were familiar with said rules and procedures; and

WHEREAS, the County Commissioners have determined it to be necessary and advisable to update said Rules and Procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND that the Financial Management Rules and Procedures for County Departments adopted by Resolution No. 02-46 on November 19, 2002 are hereby repealed and re-adopted to read as follows:

WORCESTER COUNTY  
FINANCIAL MANAGEMENT RULES AND PROCEDURES  
FOR COUNTY DEPARTMENTS.

I. **Budget Procedures.** The budget procedures described herein are in addition to the requirements set forth in Section CG 4-201 of the County Government Article of the Code of Public Local Laws of Worcester County, Maryland governing the County Expense Budget. That Section is attached hereto as Appendix "A".

A. **Annual Budget Submission:** Each Department Head shall annually submit a requested budget for the next fiscal year. The requested budget shall be submitted to the Chief Administrative Officer on such date as identified in the Budget Adoption Schedule approved by the County Commissioners for that year. The budget shall be submitted in such manner and in such form as the Chief Administrative Officer may prescribe. The requested budget shall consist of a personnel budget and detailed expense budget which shall include comparative data showing amounts approved for the current year and amounts actually expended for the current year for each line item.

Agencies which maintain their own separate cash fund accounts shall be required to submit, as part of their requested budget, current balance sheets which shall indicate assets, liabilities, and restricted and unrestricted fund balances.

- B. Budget Approval and Authorization: The County Commissioners shall approve an annual budget for each department and agency. Approval of the budget shall constitute authorization to the Department Head to procure only those items identified in the approved budget which are not subject to any additional rules set forth herein.
- C. Authorization to Over-Expend: No budget account may be over-expended without the approval of the County Commissioners. If a Department Head anticipates that a budget account will become over-expended, they should notify the County Commissioners in writing and identify, if possible, another budget account within their department which may be under-expended. The County Commissioners may then authorize an over-expenditure in one budget account with a corresponding expected under-expenditure in another account. The County Commissioners may also authorize, in their sole discretion, an over-expenditure without a corresponding under-expenditure.
- D. Lapsed Appropriations: All unexpended or unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert to the County's unappropriated surplus except as may be provided herein. Expenditures in excess of \$2,000 for which contracts have been issued may be considered as accounts payable as of the end of the fiscal year if the actual expenditure occurs within sixty (60) days of the end of the fiscal year. Department Heads may submit a request to the County Commissioners, for authorization to carry forward to the next fiscal year any appropriation which is not expected to be expended prior to June 30. Such requests shall include documentation as to why the appropriation was unable to be expended prior to the end of the fiscal year and information indicating when the expense will be incurred. The County Commissioners may approve these authorizations as encumbrances against the budget year so ending.

II. General Purchasing Procedures. These procedures generally govern all purchasing. Additional specific procedures may apply to certain categories of purchases which are identified in Section III.

- A. Items Requiring Competitive Bidding: With the exception of vehicles, any items, or group of items, purchased under the same contract from the same vendor, estimated to be in excess of \$25,000 shall be purchased in accordance with bidding procedures referenced in Section IV hereof. Unless waived by the County Commissioners, competitive bidding is required for purchase of all vehicles regardless of the estimated price.
- B. Items Not Requiring Bidding: Where formal bidding is not required it shall be the responsibility of the Department Head to solicit comparative prices to perform the work or supply the products in accordance with the specifications from known suppliers of such products in accordance with the following guidelines: for items estimated to cost between \$10,000 and \$24,999, at least three proposals shall be solicited; for items estimated to cost between \$2,000 and \$9,999, at least two proposals shall be solicited; and for items estimated to cost below \$2,000, comparative proposals are preferred but not required, provided that in all cases, the Department Head shall make purchases with consideration to best possible price and value.

- C. Priority to Worcester County Vendors: Department Heads shall make an affirmative effort to give priority to Worcester County Vendors when purchasing non-bid items. Lowest available price criteria may be waived in favor of business location.
- D. Purchase Receipts: A copy of the signed payable edit listing signed by the Department Head or designee is to be forwarded to the Treasurer's Office with the vendors invoice after the goods have been received.
- E. County Discount and Tax Exemption: The Department Head shall insure that the County receives any applicable governmental discount and that State sales tax is not charged on any order unless required by the State. Under no circumstances may the County's tax exempt status or discount qualification status be used for the benefit of any personal or non-governmental purchase.
- F. Credit Card Purchases: Where a department has been issued and authorized credit cards, it shall be the responsibility of the Department Head to maintain proper control of the access to and use of the credit card and to insure that the credit card is used only for proper and authorized governmental purposes. A credit card may generally be used for certain travel, lodging, and meal expenses. A credit card should not be used to purchase any item which can be acquired under the standard purchasing procedures. A County credit card may not be used for any personal or non-governmental expense. When making credit card purchases the purchaser should secure a copy of the charge slip which clearly identifies the nature of the purchase and the account to which the purchase is to be charged. The charge slips shall be forwarded to the appropriate Department Head or the County Administration Office prior to the next billing date for the credit card. Debit cards may be used in a similar fashion as credit cards with the approval of the County Commissioners.
- G. Purchases from Petty Cash: Departments which maintain petty cash accounts may use the petty cash to make minor (generally less than \$50) purchases, to reimburse employees for minor miscellaneous out-of-pocket expenses (such as tolls), and to make other minor purchases where cash is required immediately. Adequate petty cash records should be maintained which include disbursement forms (which include descriptions and account numbers) and receipts for any items purchased. Requests for replenishment of petty cash accounts shall include a summary of charges and accounts to be charged and a report on the present balance of the petty cash account.
- H. Payment of Invoices: Invoices should first be reviewed by the Department Head to verify that the amounts are correct and that the goods have been received. The Department Head should forward the signed payable edit listing and invoice to the Treasurer's Office for processing and payment. The invoice or signed payable edit listing must indicate which of the Department's budget accounts should be charged. Checks will be prepared and signed and will be available for mailing to vendors each week. Normally all payments will be processed as identified above.
- I. Payment in Advance: State law prohibits the County government from making any payments to any contractor or vendor in advance of the actual receipt of the goods or completion of the work unless a performance bond has been posted by the vendor. This means that no such payments will be made in advance unless a performance bond has been submitted to and accepted by the County Commissioners. The Department Head is



responsible for certifying on the invoice that the goods have actually been received or that the work has actually been completed.

- J. Emergency Purchasing: An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise from hurricanes, fires, floods, equipment failures, or other such reason as determined by the Chief Administrative Officer, or following an Emergency Declaration by the County Commissioners. The existence of such condition creates an immediate and serious need for supplies, equipment, materials, and services that cannot be met through normal procurement methods and the lack of which would threaten the function of County government or the health and welfare of County residents.

In case of an emergency which requires immediate purchase of supplies, equipment, materials, and services the Department Head with the approval of the Chief Administrative Officer is authorized to secure the items needed to protect the health or general welfare of the citizens of the County. Emergency procedures shall be limited to a quantity of those supplies, equipment, or contractual services necessary to meet the emergency. The Department Head making the emergency purchase shall notify the Finance Officer of any such purchase made no later than the first County working day following the purchase, unless extended by the Chief Administrative Officer. Such notification shall include a report containing a summary of the quotations received, a copy of the delivery record, and a written explanation of the circumstances of the emergency.

**III. Procurement Procedures for Specific Items.** In addition to the procedures set forth in Section II, the following procedures will apply to the specific categories of purchases identified below.

- A. Building and Property Expenses: Unless authorized otherwise by the County Commissioners, all purchases relating to County building maintenance and supplies (including janitorial supplies) shall be purchased by the County Public Works Department, which is authorized to charge the appropriate departmental building expense accounts for any such purchases.
- B. Vehicle Expenses: Except in emergency conditions or during extended out-of-County travel, all gasoline shall be acquired from the County's gas pumps or any other designated state or county facility in Maryland. Departmental vehicle expense accounts will automatically be charged for gasoline used by that Department. All minor vehicle repairs and routine service shall be performed at the Public Works Department or an authorized vendor approved by the Public Works Department or the County Commissioners. The Public Works Department shall be authorized to charge departmental vehicle expense accounts for work performed. Where the Public Works Department determines that any repair work is beyond the scope of their Department, it shall be the responsibility of the Department Head to secure competitive estimates through the Fleet Management Division of the Public Works Department for the repair work.

- C. Travel Expenses: Out-of-State travel must be approved in advance by the County Commissioners, except travel to adjoining States where no overnight stay is required or travel which is entirely covered by grant funds at no cost to the County, and provided that such travel is approved by the Department Head and the Chief Administrative Officer. The request for such approval shall identify the location, purpose, and estimated cost of the trip. If a cash advance is authorized, the Department Head shall submit an itemized report of the expenses (including receipts) and return any unused cash after the completion of the trip. Reimbursement for out-of-pocket expenses may be made upon submission of adequate documentation including lodging, meals, parking, tolls, and mileage reimbursement of personal vehicles.
- D. Office Supplies: There is no central purchasing for office supplies. Each department is responsible for purchasing office supplies as needed by that department.
- E. Computer, Telephone and Copy Equipment: Except for minor supplies, all other computer, telephone and copy equipment expenses including acquisition of new equipment, programming, and maintenance contracts, shall be centrally coordinated through the County Administration Office. County Administration may assign this responsibility to another department at their sole discretion or as directed by the County Commissioners.
- F. Insurance: Procurement of insurance shall be accomplished by the County Administration Office with the assistance of the Human Resources Department. Public officials who may be required to submit fidelity bonds are responsible for procuring those bonds directly.
- G. Capital Projects: Capital construction projects shall be procured by competitive bids based on formal specifications prepared by consulting architects and engineers or the County Engineer.
- H. Professional Service Contracts: Department Heads shall be responsible for preparing a draft Request for Proposals for professional services (such as consultants) to be submitted to the County Commissioners for approval in the same manner as normal bidding procedures. The County Commissioners may exempt from competitive bidding requirements the procurement of professional services, such as: accountants, architects, attorneys, auctioneers, construction managers, consultants, engineers, financial advisors, surveyors or any other professional services determined by the County Commissioners.

IV. **Worcester County Bidding Procedures.** Unless waived by the County Commissioners, purchase of all vehicles, as well as items or groups of items purchased under the same contract from the same vendor estimated to be in excess of \$25,000, shall be purchased in accordance with the bidding procedures identified below.

A. **Applicability**

1. **Bidding Threshold.** Any item, or group of items purchased under the same contract from the same vendor, estimated to be in excess of \$25,000 shall be purchased in accordance with these procedures.
2. **Applicability.** These procedures shall apply to all County departments (except those agencies which are independent political subdivisions).
3. **Exceptions.** The County Commissioners may make exception to these procedures in the following cases:
  - (a) The County Commissioners by a 5/7 majority vote may waive bidding requirements for purchases in excess of \$25,000 when they determine that bidding would be impractical or not in the best interest of the County.
  - (b) The County Commissioners may also specifically call for these bidding procedures to be followed for purchases less than \$25,000 when they determine it to be in the best interest of the County.
  - (c) Unless the County Commissioners so determine it to be in the best interest of the County, bidding procedures shall not be applicable to the engaging of an independent auditor or the awarding of contracts for professional services such as: accountants, architects, attorneys, auctioneers, construction managers, consultants, engineers, financial advisors, surveyors or any other professional services determined by the County Commissioners.

B. **Solicitation and Advertising of Bids**

1. **Advertising.** Except as identified below, a bid notice shall be advertised at least once in the official local newspaper(s) as approved from time to time by the County Commissioners for placement of legal advertising. If, in the opinion of the Chief Administrative Officer and the Department Head for whom the purchase is being made, there is likely to be insufficient bidders within Worcester County, then a bid notice may also be advertised in other newspapers as necessary.
2. **Closed Invitation.** The County Commissioners may determine that, considering the need for special service, a product or item may be purchased only from specifically identified suppliers. In that case, a closed invitation to bid will be sent only to those suppliers on a special invitation list approved by the County Commissioners.

C. Procedures

1. Specifications and Instructions to Bidders. When an item is required to be bid, the Department Head for whom the purchase is to be made shall prepare a draft specification for approval by the County Commissioners. The County Administration Office shall be responsible for placing the advertisements. The bid notice shall generally describe the goods or work being bid, shall indicate the date when bids are due and the bid opening, and shall indicate that specifications may be picked up at the County Administration Office, at another designated location, or downloaded from the County website. The bid notice shall also state that bids shall be returned to the County Administration Office to be opened by the Chief Administrative Officer or Assistant Chief Administrative Officer at a time and date specified in the notice.
2. Addendums to Specifications. No significant changes or amendments to the specifications shall be authorized unless approved by the County Administration Office. All addendums must be submitted to the County Administration Office when issued.
3. Review and Award of Bids. After bids are opened they shall be forwarded to the Department Head for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In their review and approval of the bids, the County 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.
4. Procedures When No Bids Are Received. If, after the advertisement of the bid notice and bid opening date, no bids are received by the County, the County Commissioners may then direct the Department Head to solicit at least three proposals to perform the work or supply the product in accordance with the specifications from known suppliers of such products or from suppliers suggested by the County Commissioners.
5. Preference for Local Suppliers. Even when bidding is not required under the provisions of this policy, it shall be the duty of every Department Head to make every effort to purchase products from local suppliers when possible (within Worcester County) and to seek the best possible price, and get comparative prices as appropriate, for any goods or services being purchased by the County.

V. **Other Financial Management Policies.** The following additional financial management rules and procedures shall apply in cases identified below. Any activity not covered herein may be the subject of additional rules and procedures or shall be administered as provided for in Section L hereof.

- A. **Procurement of Items Subject to Inventory:** The purchase of any item of furniture or equipment which is identified by a serial number or which exceeds \$10,000 in value shall be reported to the County Treasurer for inclusion on inventory records. The purchase of any vehicle or other item which is subject to title requirements shall be titled to the "County Commissioners of Worcester County, Maryland".
- B. **Contracts:** Only the "County Commissioners of Worcester County, Maryland" or their designee may enter into contracts on behalf of the County. Such contracts must be approved by the County Commissioners. No Department Head or other employee may execute a contract on behalf of the County unless specifically authorized by the County Commissioners.
- C. **Receipts:** Departments which are responsible for collecting fees or other revenues which are to be credited to the General Fund of the County should remit those receipts to the Treasurer's Office in a timely manner (preferably daily) on forms provided by the Treasurer's Office. The report to the Treasurer should be itemized and identify each individual payor, the purpose of the payment, the amount, and any identifying license or permit number (if applicable). A receipt should be given to the individual making the payment to the County. Receipts of grant revenues must be accompanied by a copy of the check and any supporting documentation when submitted. Receipts for overtime payroll reimbursements from private businesses must be accompanied by a copy of the check as well as the invoice(s) being paid. Receipts from the State of Maryland or the federal government and their departments or agencies must be accompanied by a copy of the check and any supporting documentation when submitted.
- D. **Separate Funds and Cash Accounts:** Separate funds and cash accounts may only be maintained where authorized specifically by law, or by resolution of the County Commissioners, or as approved by the Chief Administrative Officer or Finance Officer. Where such funds exist, a full accounting of transactions and balances shall be maintained on the County's General Ledger. Routine reports may be required. Opening such accounts or failure to report any such separate cash accounts may constitute misappropriation of government funds and the County Commissioners may institute appropriate legal proceedings. All accounts must be in the name of the "County Commissioners of Worcester County, Maryland."
- E. **Interdepartmental Charges:** Where a service or task can normally be accomplished by a County department to meet the needs of another County department, then that service should be made available if it does not over-burden the normal operations of the department. The department providing the service may make a charge to the department receiving the service for actual materials, supplies expended and labor, subject to approval of the Chief Administrative Officer or their designee.
- F. **Grant Administration:** Any applications for State or Federal grants must be approved by the County Commissioners and the grant application must be signed by the President of

the County Commissioners. Each grant shall be assigned special revenue and expenditure accounts by the Budget Officer. The Department Head shall be responsible for preparing all application and reporting forms and complying with all grant conditions subject, however, to appropriate review and approval by County Administration. All grant expenditures shall be processed in accordance with normal purchasing and procurement rules including any special requirements of the grant.

- G. Payroll: Department Heads are responsible for submitting time sheets to the Treasurer's Office on a timetable and format approved by the Chief Administrative Officer or their designee. Time sheets should include the Employees' Identification Number. All payroll and personnel financial matters shall be governed in accordance with the Personnel Rules and Regulations as amended from time to time.
- H. Returned Checks: Checks received by the County for payment of a fee which are returned by the bank due to insufficient funds will be referred to the department which collected the fee. The department shall be responsible for contacting the payor to secure a good check or cash. The department should void whatever permit or license was granted pending receipt of proper payment, if full payment is not received within one week.
- I. Billing: Departments should prepare bills for services or items provided by or fees due to that department. The bill should indicate that payment should be made directly to the department. Receipts should be handled as described in the "Receipts" section of this policy.
- J. Financial Reports Available to Departments: Each Department Head shall be provided access to the financial reporting software (New World) which provides information and reports indicating the transactions for each of that department's budget accounts. Department Heads should carefully review their transaction reports in New World at least monthly and notify the Budget Officer of any discrepancies or questions.
- K. Solicitations and Donations: No County employee may solicit donations or payments for the County from the public unless specifically authorized by the County Commissioners. Any monetary donations which are made to the County or to any County department or agency must be placed and reported in an authorized fund or submitted as a General Fund receipt. Any donation of equipment must be reported to and approved by the County Commissioners prior to its delivery and, if accepted, included on inventory records. Department Heads may not use County funds for charitable donations or sponsorships.
- L. Administration and Interpretation: No deviations or changes to these Procedures and Rules shall be permitted without the approval of the County Commissioners; provided, however, that the Chief Administrative Officer shall be responsible for the administration and interpretation of the Rules as set forth herein.

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

PASSED AND ADOPTED this 17<sup>th</sup> day of July, 2018.

ATTEST:

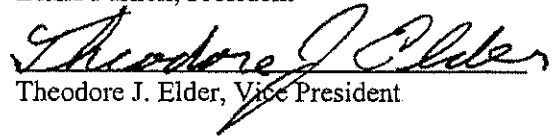
COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND



Harold L. Higgins  
Chief Administrative Officer



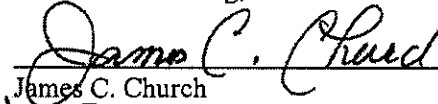
Diana Purnell, President



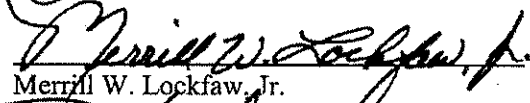
Theodore J. Elder, Vice President

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Anthony W. Bertino, Jr.

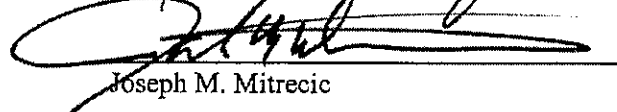
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Madison J. Bunting, Jr.



James C. Church



Merrill W. Lockfaw, Jr.



Joseph M. Mitrecic

# APPENDIX A

## County Expense Budget

### SUBTITLE II

#### Financial Administration

##### § CG 4-201. Expense budget.

- (a) General provisions. The Board of County Commissioners shall, by resolution, annually adopt an expense budget detailing anticipated revenues, estimated expenditures and disposition of reserve funds. The County Commissioners shall adopt, by resolution, as part of said budget, tax rates sufficient to raise anticipated tax revenues. The estimated expenditures so adopted shall not exceed the anticipated revenues and reserve funds available.
- (b) Procedures. On or before April 15 of each year, the head of each department or agency funded in whole or in part by County funds shall submit to the Administrative Director, in such form as he shall prescribe, an itemized estimate of the revenues and expenditures of the department or agency for current expenses for the next fiscal year. On or before April 30 of each year, the Administrative Director shall consolidate estimates of expenditures, revenues and reserve funds and transmit the requested expense budget to the Board of County Commissioners.
- (c) Hearing, adoption and publication. On or before May 30 of each year, the Board of County Commissioners shall hold a public hearing on the expense budget. Said budget or a fair summary thereof shall be advertised at least once per week for two weeks in a newspaper of general circulation in the County prior to the date of the public hearing, and copies of said budget shall be available for public inspection in the office of the County Commissioners. On or before the first Tuesday in June, the Board of County Commissioners shall adopt the expense budget and tax rates. The adopted budget and tax rates shall be published in a newspaper of general circulation in the county at least once per week for two weeks before September 1 of each year.
- (d) Lapsed appropriations. Except as may be specifically provided by Public General Law, Local Law or resolution of the Board of County Commissioners, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert to the County's unappropriated surplus.
- (e) Administration and reports. The Administrative Director shall be responsible to the Board of County Commissioners for the proper administration and execution of the expense budget. The Administrative Director shall furnish records and reports relating to the expense budget as requested by the Board of County Commissioners.
- (f) Appropriation control.



- (1) No office, department, institution, board, commission or other agency of County government shall, during any fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of moneys in excess of the amounts appropriated or allotted for that category of expenditure identified in the Commissioner's budget-approving resolution for such fiscal year without prior approval of the Board of County Commissioners. Any such contract shall be voidable at the option of the County Commissioners.
  - (2) The department head or person responsible for the administration of any department, institution, board, commission or agency budget in which there is an expenditure in excess of the amount appropriated or allotted may be held personally liable to the County Commissioners for the amount of any overexpenditure or any portion thereof where the department head knowingly and willfully permitted such overexpenditure without good cause, and the County Commissioners shall have the right of setoff against any amount due from the County Commissioners to such individual, including any salary due, to the extent necessary toward the full amount thereof. Before holding any individual personally liable, the County Commissioners shall provide the individual with a right to a hearing upon fifteen days written notice. [Amended 12-17-1985 by Bill No. 85-6]
- (g) Supplementary appropriations. The Board of County Commissioners, in order to meet emergency and unanticipated requirements, may, by resolution, make supplementary appropriations. The County Commissioners shall designate the source of funds for such supplementary appropriations.
- (h) Source of funds. The Board of County Commissioners may provide that an approved appropriation for a particular service, department or category of expenditure be funded, in whole or in part, from a specific revenue source and that funds collected from that revenue source, only to the extent necessary to satisfy the approved appropriation, be designated for that particular purpose. [Added 3-23-1982 by Bill No. 82-2]