

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

March 20, 2018

	<u>Item #</u>
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 Building Maintenance Mechanic III for the Maintenance Division, to promote an Inventory Shop Foreman for the Roads Division, and posting to fill vacancies for a Roads Worker II for the Roads Division, a Plant Operator III for the Water and Wastewater Division of Public Works, and a Communication Clerk Trainee for Emergency Services; considering a reclassification for a Youth Services Specialist for the Library; receiving legal advice from Counsel; and performing administrative functions	
10:00 - Call to Order, Prayer, Pledge of Allegiance	
10:01 - Report on Closed Session; Review and Approval of Minutes	
10:05 - Receive Objections to Disposal of Surplus County Vehicles and Equipment on GovDeals	1
10:10 - Chief Administrative Officer: Administrative Matters (Request for Extension of Bid Deadline for Housing Rehabilitation Projects in Berlin and Whaleyville Area; Proposed Security System Updates for Health Department Facilities; Correct Care Solutions Medical Contract at the Jail; Adoption of FEMA Know Your Zone Evacuation Maps in Worcester County; Approval of Berlin Branch Library Change Notification; FY19 Proposed Medical/Prescription Plan Design Recommendations; Proposed Payroll Deduction for Life Insurance; Local Impact Grants - Ocean Downs Casino; Pending Board Appointments; Quit Claim Deed for Fox Chapel; Groundwater Monitoring & Analytical Services at Closed Landfills for 2018 and 2019; Proposed Revisions to Scrap Metal Collection and Recycling Contract; Requests for Allocation of Mystic Harbour Sewer EDUs - Victor Birch Property, Eugene Parker Trust Property, and L&B Ocean City LLC Properties; Scheduling Public Hearings on Rezoning Case No. 416 on Golf Course Road and Rezoning Case No. 417 on Stephen Decatur Highway; Proposed Sectional Rezoning of MD Route 589 South of Turville Creek; State Transportation Priority Letter; and potentially other administrative matters)	2-20
10:20 -	
10:30 -	
10:40 - Meet with Town of Ocean City Officials to Receive FY19 Budget Request	21
10:50 -	
11:00 - Legislative Session: Public Hearing on Bill 18-1 (Taxation and Revenue - Trailer Camp Licenses)	22
- Introduction of Bill - Update of County Ethics Law	23
11:10 - Chief Administrative Officer: Administrative Matters	2-20, continued
11:20 -	
11:30 - Presentation of Requested FY2018/2019 County Operating Budget and Requested FY2018/2019 County Enterprise Fund Operating Budgets	21 22
11:40 -	
11:50 -	
12:00 - Questions from the Press	
Lunch	
1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary)	2-20, continued
1:10 -	
1:20 -	
1:30 -	

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!

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

LEWIS

Minutes of the County Commissioners of Worcester County, Maryland

March 6, 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 Mitrecic, 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) and (7) 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: reclassifying one Accounting Clerk I position to Accounting Clerk II and agreeing to post to fill the vacant position and promoting Sheila Merritt from Accounting Clerk III to Accounting Clerk IV and Crystal Webster from Accounting Clerk II to Accounting Clerk III in the Treasurer's Office; acknowledging the hiring of Alicia Eddy and Sarah Knaggs as Library Assistant I's within the County Library, and the hiring of Christopher Parr as a Roads Patrol Deputy within the Sheriff's Office; acknowledging the promotion of Diane Karsnitz from Assistant Deputy State's Attorney to Deputy State's Attorney and the hiring of Michael Farlow as an Assistant Deputy State's Attorney, and agreeing to reclassify one Investigator position to an Office Assistant III within the State's Attorney's Office; posting to fill one Natural Resources Planner I position in Environmental Programs; 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 morning closed session and the afternoon closed session on February 20, 2018.

The Commissioners reviewed and approved their February 20, 2017 open session minutes as presented and closed session minutes as amended.

The Commissioners presented a proclamation recognizing March as Women's History Month to Commission for Women Co-Chairs Michelle Bankert and Liz Mumford and Friends of the Commission for Women Chair Eloise Henry-Gordy in recognition of the contributions of women locally and nationwide to the economic, cultural and social well-being of Worcester County.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the low bid for the general rehabilitation of a single family home in the Pocomoke City area to Allstate Renovation & New Homes, Inc. of Trappe, Maryland at a total cost of \$17,555, using heating option 2, which provides for two-zoned heating, with separate thermostats for upstairs and downstairs.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the Memorandum of Understanding (MOU) with Tri-County Council (TCC) for the Lower Eastern Shore to utilize Shore Transit buses to provide transportation to protect victims from the effects of a disaster, extraordinary event or extreme temperatures.

In response to a question by Commissioner Bertino, Mr. Webster advised that, since similar services are provided to other counties by Shore Transit, services would be provided on a first-come first-served basis.

The Commissioners met with Enterprise Fund Controller Jessica Wilson to review Mystic Harbour effluent disposal project loan documents and the bond resolution. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 18-8, providing for the issuance and sale of \$2,450,000 Public Facility Bond (Mystic Harbour Effluent Disposal and Reuse Project) Series 2018, and Resolution No. 18-9 Loan Resolution between the County Commissioners of Worcester County, Maryland and the United States Department of Agriculture (USDA), which provided the \$2,450,000 bond and a \$750,000 grant to finance all or a portion of the planning, financing, and supervision of said project.

Pursuant to the request of County Engineer Bill Bradshaw and upon a motion by Commissioner Church, the Commissioners unanimously approved Change Notifications 24, 36.01, and 37, with Whiting-Turner, for the Berlin Branch Library construction project for the following three items: air barrier modifications at window sills to correct issues that could cause long-term water damage at an additional cost of \$12,016; deleting six plantings from the landscape plan for the north property line for a credit of \$660; and a duct work revision to reroute the small duct to serve restroom number 211 at an additional cost of \$705. Mr. Bradshaw advised that the new project cost is \$6,267,918, which is \$17,918 more than the original contract cost.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by the Town of Ocean City and a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to reappoint Steve Brown as the Town of Ocean City's representative on the Solid Waste Advisory Committee for an additional four-year term expiring December 31, 2021.

Upon a nomination by the Commission for Women and a motion by Commissioner Bertino, the Commissioners unanimously agreed to appoint Terri Shockley as an at-large member of the Commission for Women for the Snow Hill area for a three-year term expiring December 31, 2020, to fill the vacancy created by the expiration of the term of Eloise Henry-Gordy.

The Commissioners reviewed a letter from Superintendent of Schools Lou Taylor

advising that the requested FY19 Board of Education (BOE) Operating Budget does not include any nonrecurring expenses.

The Commissioners met with Chief Administrative Officer Harold Higgins to review a letter from Superintendent of Schools Louis H. Taylor advising that the Board of Education (BOE) Maintenance of Effort (MOE) calculation reflects an increase of \$1,252,347 over the FY18 County MOE level of \$83,870,125 for FY19 County MOE funding of \$85,122,472. The Commissioners are required to fund the MOE budget, unless they apply for and are granted a waiver from the Maryland State Department of Education (MSDE). In his letter, Mr. Taylor advised that the MOE funding level would not allow the BOE to provide salary increases and maintain existing instructional programs as requested.

The Commissioners met with representatives from the towns of Pocomoke City, Snow Hill, and Berlin, as well as the Ocean Pines Association (OPA) regarding their Fiscal Year 2019 grant requests from the County, with Ocean City representatives unable to attend due to a prior commitment to attend a hearing in Annapolis. The Commissioners announced that they will meet with Ocean City representatives on March 20, 2018.

The Commissioners met with Pocomoke City Acting Mayor Esther Troast, Councilman George Tasker, and City Manager Bobby Cowger. Mr. Cowger thanked the Commissioners for their ongoing support of Pocomoke City. He then advised that town officials are requesting that the County maintain funding to Pocomoke City in all categories for FY19. These include continued categorical funding and pass-through grants as follows: \$455,000 for an unrestricted grant for police, public works, and future economic development; \$471,769 in support for the city's ambulance services based on the County formula; a restricted fire grant of \$55,000 based on the number of out-of-town fire calls; \$40,500 to the Discovery Center, and \$15,000 to the Marva Theater, both of which provide vital services to the residents and visitors; and continuation of a one-time grant of \$55,000 (previously granted to replace police car radios) to help replace 10,300 lineal feet of water pipes, a project that Mr. Cowger explained is being handled with in-house labor and purchasing of materials to minimize project costs. In addition, Liquor License Fees; fire department funding; marketing/promotional assistance of \$4,500; shared revenues for income and room tax; and state pass-through aid comprise a grand total request of \$1,701,064. In response to a question by Commissioner Bertino, Mr. Cowger stated that the town is applying for a grant and low interest loan from the United States Department of Agriculture (USDA) to fund the remainder of the \$2.9 million waterline replacement project.

The Commissioners met with Snow Hill Mayor Charles Dorman and Council member Latoya Purnell. Councilwoman Purnell thanked the Commissioners for their prior support and stated that the town is seeking level funding for FY19, including grant funding of \$455,000 together with payment in lieu of taxes of \$320,210, ambulance and fire department funding and other shared revenues and State aid pass throughs for a total of \$1,757,403 for FY19 to maintain infrastructure and reduce the amount of vacant properties in town. She informed the Commissioners of the commercial growth that has occurred during the past year, to include the addition of Brew's Up Beer and Kits, Tony's Paint and Auto, Olde Town Candy Company, and Chesapeake Health, which will renovate and relocate to the former Oscar Purnell House and provide mental health, therapy, and stress management to area residents. Mayor Dorman stated

that upcoming economic development projects include redeveloping Sturgis Park to include a new butterfly house, continuing talks with the State, Maryland and Delaware Railroad, and Berlin for the excursion train project, and completing needed street repairs to make Snow Hill a fun place to visit.

The Commissioners met with Berlin Mayor Wm. Gee Williams, III and Town Administrator Laura Allen. Mayor Williams thanked the Commissioners for their prior support and asked the County to award the town level funding for FY19, to include an unrestricted grant in the amount of \$455,000. Along with ambulance and fire department funding and other shared revenues and State aid pass throughs, the grand total request for Berlin is \$2,078,335.

The Commissioners met with Ocean Pines Association (OPA) General Manager John S. (JB) Bailey to discuss their FY19 grant requests from the County. Mr. Bailey advised that Ocean Pines contains 8,452 properties with approximately 12,000 year-round residents. He reviewed the services and amenities the OPA provides to the community and all Worcester County residents, including recreation and parks and public safety, and he asked the Commissioners to provide increased funding for four distinct needs as follows: a public safety grant of \$500,000 for police services; passthrough of Highway User Revenues (HUR) as well as additional County funding of \$100,000 for the restoration of roads and bridges, a grant of \$25,000 for tourism to partially offset the cost of executing high-quality events, such as the 4th of July fireworks; and \$40,000 for Recreation and Parks programs. In total, including fire and ambulance funding, the OPA requests \$1,436,330 in funding from the County in FY19.

Commission President Purnell thanked the town and OPA officials for taking time to meet with the Commissioners to review their FY19 grant requests.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved funding of up to \$5,000 for the purchase of nine bollards to be placed in front of the entrance to Stephen Decatur High School (SDHS), as an additional security measure to prevent vehicular access to the school. Commissioner Bunting explained that he previously met with Board of Education (BOE) and SDHS officials to determine their needs and with representatives from Harkins Construction who have agreed to install the bollards at no cost to the County to meet this public safety need.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 10:55 a.m. in the Commissioners' Conference Room 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; and Kim Moses, Public Information Officer. Topics discussed and actions taken included performing administrative functions.

The Commissioners adjourned to meet again on March 20, 2018.



1

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

FAXED
2/22/18 @ 12:30pm

February 22, 2018

TO: *The Daily Times* Group and *Ocean City Today* Group
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
COPY: John H. Tustin, P.E., Director of Public Works

Please print the attached Notice of Disposal of Surplus Vehicles and Equipment in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on March 1, 2018, March 8, 2018 and March 15, 2018. Thank you.

NOTICE Disposal of Surplus Vehicles and Equipment to be Auctioned on GovDeals.com

“Disposition of County Personal Property no longer used by the County”

The following described personal property, including vehicles, furniture and equipment, have been determined to be no longer required for County use by the County Commissioners of Worcester County, Maryland and deemed to be surplus property:

SURPLUS VEHICLES AND EQUIPMENT

Surplus vehicles, listed by make and model (with model year), as follows: Chevrolet 1500 Pickup Trucks (2004, 2005); Chevrolet 1500 Utility Body Truck (2006); Chevrolet 2500 4x4 Pickup Truck (1997); Chevrolet 2500 Utility Body Truck (2004); Chevrolet 3500 Van (2003); Chevrolet Blazers (2002, 2004); Chevrolet S-10 Pickup (2003); Chevrolet Tahoe 4x4 (2012); Chevrolet Trailblazer (2005); Dodge Stratus (2005, 2005, 2006); Ford Crown Victorias (2005, 2006, 2008, 2008, 2009, 2011); Ford Expeditions (2005, 2005); Ford F-150 4x2 Truck (2008, 2008); Ford F-350 Utility Body Truck (1996); Ford F800 Dump Truck (1998); Ford L8000 (1988); Ford L900 Dump Truck (1985); Ford Rangers (2000, 2008); Ford Windstar (2000); International 1754 Dump Truck (1989); International 4700 Dump Truck (1990); Mack MS200P Box Truck (1997); and Peterbilt MPB330 Box Truck (2002).

Surplus equipment, including: CASE 70XT Skidsteer (2003); John Deere 850C Dozer (2001); New Holland TS90 Tractors (2003, 2003); Rhino DB-150 Side Mount Mowers (two); and Terex Off-Road Truck (2002).

Surplus furniture and miscellaneous equipment, including: IBM Info Print 6500 Printer; wooden desk; Christmas wreaths (approximately 66); 3 Pace Pickup Bed Covers; Refrigerator; Patio Chairs, Benches and Umbrellas; Metal Bunk Bed Frame with Extra Parts; Stainless Steel Deep Fryer; Used Cell Phones; Rotary 4-Post Lift SM300 with two Rolling Jacks; one lot of Automotive Filters; one lot of Service/Repair Manuals; one pail of Used Wheel Weights; Gas Auger; Gas Water Pump; Portabrake Model W-14; 2 Stacking Plastic Shelves; 3 lots of 2-Drawer and 4-Drawer Filing Cabinets (two fire proof); 3 Hanging Lights; 3 Rennai Hot Water Heaters; 3 Storage Shelves; 5 Chicken House Fans; Ground Equipment - Hedge Trimmers, Leaf Blowers, Chainsaws, Weed Eaters; Amber Beacon Lights; Tires; 18 Tractor Weights and Weight Bracket; and Pipe Camera System.)

TERMS AND CONDITIONS OF SALE AND CONVEYANCE: The County Commissioners propose to solicit competitive bids via an Internet-based auction system operated by GovDeals, Inc. for which the winning bidder pays a buyers premium of twelve and one-half percent (12.5%) of the winning bid for each transaction so that there is no net cost to the County. All of the above referenced surplus property will be offered for sale “AS IS, WHERE IS.” The County Commissioners make no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The County Commissioners warrant to the buyer that the property offered for sale will conform to its description. The County Commissioners reserve the right to reject any and all bids as they see fit and to withdraw from sale any of the items listed. Payment in full by successful bidders shall be made to Worcester County Commissioners.

OPPORTUNITY FOR OBJECTIONS: Anyone objecting to the proposed conveyance of the above surplus vehicles and equipment shall do so in writing prior to 4:30 p.m. on Thursday, March 15, 2018, or in person at the regularly scheduled meeting of the County Commissioners to be held at 10:00 a.m. on March 20, 2018 in the County Commissioners Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland 21863.

WORCESTER COUNTY COMMISSIONERS

SUBTITLE IV
County Real and Personal Property and County Buildings

§ CG 4-401. Title to County property.

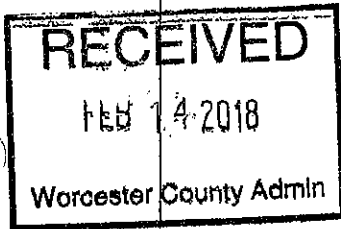
Title to all County property, both real and personal, transferred to Worcester County, the County Commissioners or any agency department or branch thereof by way of purchase, grant, gift, dedication or anyway whatsoever shall be titled to the County Commissioners of Worcester County unless otherwise specifically provided in individual cases by a resolution of the County Commissioners.

§ CG 4-402. Management of real and personal property and buildings.

Management authority and responsibility for all County property and buildings is vested in and charged to the County Commissioners, and all decisions with regard to the use of the same and contracts with regard thereto, be they for acquisition, improvement or in any way connected therewith, shall be by resolution of the County Commissioners or as may be provided by law or regulation. The County Commissioners may, at their option, by resolution or as provided by appropriate law and regulation, delegate the authority and responsibility as prescribed by this section by franchise, lease or other appropriate executive or legislative act.

§ CG 4-403. Disposition of County property when no longer used by County.

- (a) Generally. Unless otherwise provided by law, whenever the County Commissioners propose to dispose of any County-owned property or any rights incidental thereto by reason of the fact that such property is no longer required for County use, they shall first advertise the same at least once a week for three successive weeks in one or more newspapers of general circulation in said County inviting competitive bids to be made upon such terms and conditions as the County Commissioners may deem appropriate, including, without limitation, the right to accept or reject any and all bids as they see fit with regard to the disposal of such property and giving an opportunity for objections to any such disposal.
- (b) For other public use. When any County-owned property is no longer needed for use by the County Commissioners and the County Commissioners propose to dispose of the same by lease, grant or otherwise for a public purpose, as such public purpose may be from time to time determined by a five-sevenths majority vote of the County Commissioners, the Commissioners shall, prior to adopting a resolution for the disposal of such property, advertise the proposed disposal once a week for three successive weeks in one or more newspapers of general circulation in said County stating the terms of such disposal and the compensation to be received therefor and giving opportunity for objections thereto. [Amended 8-20-2002 by Bill No. 02-11]
- (c) Where bidding impractical. The County Commissioners may, by a five-sevenths majority vote, determine that it may be impractical to dispose of County-owned property or rights incidental thereto for nonpublic purposes by competitive bidding. In such cases, the County Commissioners shall, prior to adopting a resolution for the disposal of such property, advertise the proposed disposal once a week for three successive weeks in one or more newspapers of general circulation in said County stating the terms of such disposal and the compensation to be received therefor and giving opportunity for objections thereto. [Amended 8-20-2002 by Bill No. 02-11]
- (d) Exceptions. The provisions of this section shall not apply to the closing of public roads within the County or easements for public utilities or to property titled to other bodies corporate or politic of the County.



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: February 12, 2018
SUBJECT: Surplus Vehicles, Equipment and Miscellaneous Items

DIVISIONS

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

FLEET
MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

WATER AND
WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

Attached, for your approval and to comply with Worcester County's Code of Public Local Laws, is a list of County-owned property proposed to be declared as surplus. The list must be advertised once a week for three consecutive weeks to notify and receive public comment and to schedule the required Public Hearing regarding the surplus government owned equipment and subsequent sale of the equipment on the Gov Deals auction site. Once the Public hearing has been held and the County Commissioners agree to declare the equipment as surplus, DPW, Fleet Management will begin the process of arranging the on-line auction of the surplus property.

Should you have any questions in the mean time, please feel free to call me.

Attachment

cc: William Powell, Fleet Superintendant

APPROVED
Worcester County Commissioners
Date HH 2/20/18

**WORCESTER COUNTY
SURPLUS VEHICLE & EQUIPMENT LIST - 2018**

VEHICLES

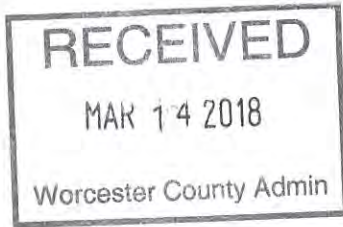
#	YEAR	MAKE	MODEL	VIN #	MILEAGE	DEPARTMENT	COMMENTS
1	2005	CHEVROLET	1500 PICKUP	1GCEK14V65E248999	184,594	ANIMAL CONTROL	AGE AND MILEAGE
2	2008	FORD	F-150 PICKUP	1FTRF12W38KC27499	194,026	ANIMAL CONTROL	AGE AND MILEAGE
3	2005	DODGE	STRATUS	1B3EL46R65N606876	151,228	ENVIRONMENTAL	NEEDS TIRES, DENTED BUMPER AND PAINT PEELING
4	2005	DODGE	STRATUS	1B3EL46R45N606875	105,056	ENVIRONMENTAL	NEEDS TIRES AND ABS LIGHT IS ON
5	2006	DODGE	STRATUS	1B3EL46R16N108702	110,430	ENVIRONMENTAL	PAINT PEELING AND DENTS IN BODY
6	2008	FORD	RANGER	1FTYR10U68PA49112	150,837	ENVIRONMENTAL	OIL WATER LEAK
7	2012	CHEVROLET	TAHOE 4X4	1GNSK2E0XCR175340	135,810	FIRE MARSHAL	TRANSMISSION SHIFTS HARD
8	2005	FORD	EXPEDITION	1FMPU16595LA93601	138,091	HUMAN RESOURCES	RUSTED BRAKE COOLER LINES, RUSTED RADIATOR
9	2003	CHEVROLET	3500 VAN	1GCHG35U931236883	128,293	JAIL	RUST, DENTS AND PAINT PEELING
10	2005	CHEVROLET	TRAILBLAZER	1GNDT13S452281749	77,352	JAIL	USES OIL
11	1997	MACK	MS200P BOX TRUCK	VG6M116A1WB103747	221,682	LIQUOR CONTROL	NO LONGER NEEDED
12	2002	PETERBUILT	MPB330 BOX TRUCK	2NPNHD7X32M578343	149,062	LIQUOR CONTROL	NO LONGER NEEDED
13	2000	FORD	RANGER	1FTYR10V1YTA65198	167,570	MOSQUITO CONTROL	MILEAGE, AGE AND PAINT PEELING
14	2003	CHEVROLET	S-10 PICKUP	1GCCS14H138126466	153,058	MOSQUITO CONTROL	BODY DAMAGE, MILEAGE AND AGE
15	2004	CHEVROLET	C1500 PICKUP	1GCEC14X14Z336686	77,831	MOSQUITO CONTROL	BODY DAMAGE, MILEAGE AND AGE
16	2005	FORD	CROWN VICTORIA	2FAFP71W85X117440	174,698	SHERIFF	MILEAGE
17	2006	FORD	CROWN VICTORIA	2FAFP71W26X108945	232,575	SHERIFF	MILEAGE
18	2007	FORD	EXPEDITION	1FMFU16577LA34688	217,970	SHERIFF	MILEAGE
19	2008	FORD	CROWN VICTORIA	2FAFP71V08X141095	197,244	SHERIFF	WRECKED
20	2008	FORD	CROWN VICTORIA	2FAFP71V48X141097	198,658	SHERIFF	MILEAGE
21	2009	FORD	CROWN VICTORIA	2FAHP71VX9X121463	192,513	SHERIFF	RUNS ROUGH
22	2011	FORD	CROWN VICTORIA	2FABP7BV5BX104063	139,941	SHERIFF	WRECKED
23	2002	CHEVROLET	BLAZER	1GNDT13W22K166727	172,336	WCPW FLEET	AGE, RUST AND MILEAGE
24	2005	FORD	EXPEDITION	1FMPU16505LA93602	167,023	WCPW FLEET	RUST
25	1985	FORD	L9000 DUMP TRUCK	1FDZU90W4GVA04016	N/A	WCPW LANDFILL	AGE
26	1988	FORD	L8000	1FDZU82A5JVA19417	135,000	WCPW LANDFILL	AGE AND MILEAGE
27	1989	INTERNATIONAL	1754 DUMP TRUCK	1HTLCCFN6KH665422	240,000	WCPW LANDFILL	AGE AND MILEAGE
28	2004	CHEVROLET	C2500 W/UTILITY BODY	1GBHC24U64E237219	190,111	WCPW MAINTENANCE	MILEAGE AND RUST
29	2006	CHEVROLET	C1500 W/UTILITY BODY	1GCEC14X06Z112036	126,689	WCPW MAINTENANCE	TRANSMISSION LINES LEAKING
30	2008	FORD	F150 4X2	1FTRF12W18KC27498	138,717	WCPW MAINTENANCE	MILEAGE AND RUST
31	1990	INTERNATIONAL	4700 DUMP TRUCK	1HTSCCFN9LH257719	308,588	WCPW ROADS	HIGH MILEAGE AND OBSOLETE PARTS
32	1996	FORD	F350 W/UTILITY BODY	2FDKF37F4TCA58351	349,090	WCPW ROADS	HIGH MILEAGE AND UNRELIABLE SAFETY ISSUES
33	1997	CHEVROLET	2500 4X4 PICKUP	1GCGK24F6VZ256570	241,197	WCPW ROADS	HIGH MILEAGE AND UNRELIABLE SAFETY ISSUES
34	1998	FORD	F800 DUMP TRUCK	1FDYF80E7WVA03707	169,591	WCPW ROADS	MAJOR ENGINE FAILURE AND DOES NOT RUN
35	2000	FORD	WINDSTAR	2FMZA50U0YBB65492	180,492	WCPW WWW	MILEAGE AND PAINT PEELING
36	2004	CHEVROLET	BLAZER	1GNDT13X54K122426	174,262	WCPW WWW	ABS LIGHT ON, CALIPERS STUCK AND TRANSMISSION

EQUIPMENT

#	YEAR	MAKE/ DESCRIPTION	MODEL	SERIAL/ VIN #	HOURS	DEPARTMENT	COMMENTS
37	2001	JOHN DEERE	850 C DOZER	T0850CX895455	14,000	WCPW LANDFILL	HIGH HOURS
38	2002	TEREX	OFF ROAD TRUCK	A8051406	10,000	WCPW LANDFILL	HIGH HOURS
39	2003	CASE	70XT SKIDSTEER	JAF0386249	5,400	WCPW LANDFILL	NO LONGER NEEDED
40	2003	TRACTOR	NEW HOLLAND TS90	208185B	5,006	WCPW ROADS	HIGH HOURS AND NOT DEPENDABLE
41	2003	TRACTOR	NEW HOLLAND TS90	205795B	6,740	WCPW ROADS	HIGH HOURS AND NOT DEPENDABLE
42		(2) RHINO	DB-150 MOWERS			WCPW ROADS	WORN OUT

MISCELLANEOUS

#	NO.	DESCRIPTION	DEPARTMENT	COMMENTS
43	1	IBM INFO PRINT 6500 PRINTER	COMMISSIONERS	NO LONGER NEEDED
44	1	WOODEN DESK	COMMISSIONERS	NO LONGER NEEDED
45	1 LOT	CELL PHONES	COMMISSIONERS	NO LONGER NEEDED
46	1 LOT	CHRISTMAS WREATHS (APPOX. 66)	COMMISSIONERS	NO LONGER NEEDED
47	3	PACE	ENVIRONMENTAL	NO LONGER NEEDED
48	1	USED REFRIGERATOR	HEALTH	NO LONGER NEEDED
49	1 LOT	PATIO CHAIRS, BENCHES AND UMBRELLAS	HEALTH	NO LONGER NEEDED
50	1	METAL BUNK BED FRAME WITH EXTRA PARTS	JAIL	NO LONGER NEEDED
51	1	STAINLESS STEEL DEEP FRYER	JAIL	NO LONGER NEEDED
52	1	ROTARY 4 POST LIFT SM300 30,000LB WITH 2 15,000LB ROLLING JACKS	WCPW FLEET	UNSAFE
53	1 LOT	FILTERS	WCPW FLEET	NO LONGER NEEDED
54	1 LOT	SERVICE/REPAIR MANUALS	WCPW FLEET	NO LONGER NEEDED
55	1 PAIL	USED WHEEL WEIGHTS	WCPW FLEET	NOT USABLE
56	1	GAS AUGER	WCPW MAINTENANCE	NO LONGER NEEDED
57	1	GAS WATER PUMP	WCPW MAINTENANCE	NO LONGER NEEDED
58	1	PORTABRAKE MODEL #W-14	WCPW MAINTENANCE	NO LONGER NEEDED
59	1 LOT	(2) STACKING PLASTIC SHELVES	WCPW MAINTENANCE	NO LONGER NEEDED
60	1 LOT	(3) 2 DOOR FILING CABINETS (2 FIRE PROOF AND 1 REGULAR)	WCPW MAINTENANCE	NO LONGER NEEDED
61	1 LOT	(3) HANGING LIGHTS	WCPW MAINTENANCE	NO LONGER NEEDED
62	1 LOT	(3) RENNAI HOT WATER HEATERS	WCPW MAINTENANCE	NO LONGER NEEDED
63	1 LOT	(3) STORAGE SHELVES	WCPW MAINTENANCE	NO LONGER NEEDED
64	1 LOT	(5) CHICKEN HOUSE FANS	WCPW MAINTENANCE	NO LONGER NEEDED
65	1 LOT	FILING CABINETS (1) 4 DRAWER, (1) 2 DRAWER	WCPW MAINTENANCE	NO LONGER NEEDED
66	1 LOT	(4) HANGING FOUR DOOR FILING CABINETS	WCPW MAINTENANCE	NO LONGER NEEDED
67	1 LOT	GROUND EQUIPMENT (2) HEDGE TRIMMERS, (3) LEAF BLOWERS, (2) CHAINSAWS, (2) WEED EATERS	WCPW MAINTENANCE	NO LONGER NEEDED
68	1 LOT	AMBER BEACON LIGHTS	WCPW ROADS	NO LONGER NEEDED
69	1 LOT	TIRES (2) 11.00R20G159, (2) 245/75R22.5 G159	WCPW ROADS	NO LONGER NEEDED
70	1 LOT	18 TRACTOR WEIGHTS AND 1 WEIGHT BRACKET	WCPW ROADS	NO LONGER NEEDED
71	1 LOT	FILTERS (9) FP670, (8) LFF 5D	WCPW ROADS	NO LONGER NEEDED
72	1	PIPE CAMERA SYSTEM	WCPW WWW	NO LONGER NEEDED



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

2

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 3/13/2018
Re: Housing Rehabilitation Program Bid Opening

A bid opening was held Tuesday, March 13 for two housing rehabilitation projects in the Berlin and Whaleyville areas. No bids were received by the deadline, but subsequent to the opening contractors expressed interest in bidding if an extension could be offered. It is my recommendation to notify the bidders on the previously submitted contractor list via mail and/or *email* that a submission extension to April 9, 2018 has been granted.



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

FAXED
2/21/18 @ 3:47pm

February 21, 2018

TO: *The Daily Times Group and Ocean City Today Group*
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on March 1, 2018. Thanks.

**NOTICE TO HOME IMPROVEMENT CONTRACTORS
INVITATION TO BID
Housing Rehabilitation
Worcester County, Maryland**

The Worcester County Commissioners are currently accepting separate bids for rehabilitation work to be performed on two single-family homes located in the Berlin and Whaleyville areas of Worcester County. Bid specification packages and bid forms are available to licensed Maryland Home Improvement Contractors and may be picked up from the Office of the County Commissioners, Worcester County Government Center, One West Market Street - Room 1103, Snow Hill, Maryland 21863, obtained online at www.co.worcester.md.us under the "Bids" drop-down menu in the lower right hand side of the home page, or by calling the Commissioners' Office at 410-632-1194 to request a package by mail.

This project is proposed to be funded by the Community Development Block Grant (CDBG) Program and is thus subject to all applicable Equal Opportunity and Civil Rights guidelines. **Sealed bids will be accepted until 1:00 p.m. on Tuesday, March 13, 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 "**Housing Rehabilitation Bid - March 13, 2018**" in the lower left-hand corner. Bids will be reviewed by staff and awarded by the County Commissioners 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 regarding the bid specifications shall be directed to the Housing Program Inspector, Dave Walter, at 410-213-2021. All other inquiries shall be directed to Jo Ellen Bynum, Housing Program Administrator, at 410-632-1200, ext. 1171.

REHABILITATION

CONTRACTORS

AIM Services, Inc.
Attn: Steve Coady
2314 Allen Drive
Salisbury, MD 21801
scoady@aimservicesinc.com
443-859-8009

Covenant Contractors
10522 Jones Road
Berlin, MD 21811
covenant_contractors@yahoo.com
410-629-1815

Allstate Renovation & New Homes, Inc.
Leo Kuneman
PO. Box 303
Trappe, MD 21673
allstaterenovation@yahoo.com
443-880-2257

Curtis Mercer Remodeling, Inc.
9937 Hotel Road
Bishopville, MD 21813
410-352-5379
410-430-3446 cell
410-352-5920 fax
cmremodelinginc@hotmail.com

Apex Construction
Attn: Mike Meade
12650 Sunset Avenue, Suite 7
Ocean City, MD 21842
m.meadeestimator@gmail.com
~~jjfranzetti@gmail.com~~ NO

Eastern Shore Construction
David Barone
27320 Cash Corner Road
Crisfield, MD 21817
easternshoreconstructioninc@gmail.com
410-713-5763 cell
410-341-7400 office
410-341-7401 fax

Barmar Construction, LLC
714 Hills Point Road
Cambridge, MD 21613
410-901-2304
barmarconstruct@aol.com

Hebreux St. Fleur- MBE
P.O. Box 4501
Salisbury, MD 21803
hebrewqualityinsulation@gmail.com
410-860-1613

Robert Brooks MBE
Apostle Construction
716 Naylor Mill Road
Salisbury, MD 21801
410-548-1392, ext. 107
rbrooks.apostlecon@gmail.com

C.A.R.E. Property Services, Inc.
Attn: Jordan Lehr
1235 Abbottstown Pike
Hanover, PA 17331 (has office in OC
too) 717-437-1649
jlehr@callcarefirst.com

Andy Argetakis
J.A. Argetakis Contracting Co., Inc.
3723 Eastern Avenue, Baltimore, MD
21224
jcatanzaro.jaargetakis@verizon.net NO
P:410-633-8016/F:410-633-6010

J & G Maintenance & Repair
10446 Dinges Road
Berlin, MD 21811
jwbunt@comcast.net
Cell 410-726-1611
Fax 410-641-0776

Mallard Home Improvements
P.O. Box 28
Quantico, MD 21856
mallardconst@yahoo.com
410-572-2727

Medli Home Improvement
1806 Jersey Road
Salisbury, MD 21801
medlihome@comcast.net
302-841-2899

The Myers Group
1147 S. Salisbury Blvd #8-140
Salisbury, MD 21801
443-366-9222
Fax: 443-513-4178 left message
themyersgrouppllc@aol.com

Carroll Odom
631 Naylor Mill Rd.
Salisbury, MD 21801
Phone: 410-546-4218

Peebles Contracting Co., Inc.
76 Clubhouse Drive
Berlin, MD 21811

Shoreman Construction
William Hearn
606 E. Pine St.
Delmar, MD 21875
shoremanconstruction@gmail.com
Phone: 410-896-3200
Fax: Same

Three Guys Construction
Stephen Frey
8660 Lake Somerset Rd.
Westover, MD 21871
sgfrey@yahoo.com
Phone: 410-430-1109
Mobile:
Fax: 410-957-2868



Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

Snow Hill (Main Office)
410-632-1100
Fax 410-632-0906

3

Rebecca L. Jones, RN, BSN, MSN
Health Officer

Ms. Diana Purnell, President
Office of the County Commissioners
Worcester County Government Center
1 West Market Street, Room 1103
Snow Hill, MD 21863

March 12, 2018

Dear Ms. Purnell:

The security systems at our Snow Hill, Berlin, and Pocomoke site locations are required to be updated with new controllers and readers as well as a new software package. Our support vendor, Absolute Security has supplied us with a quote. The current system can no longer be supported and parts are no longer available.

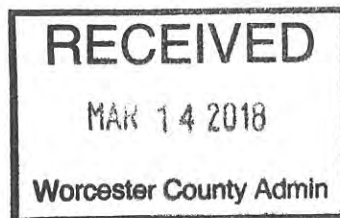
I am requesting permission from the Commissioners to waive bidding requirements and accept the proposal from Absolute Security as the sole source provider since they are the provider of the current system. The funds are available in the Health Department FY18 budget to make this purchase. The quote from Absolute Security in the amount of \$27,372.41 is attached. It has been reviewed and approved by our Director of Administration and IT Manager.

Thank you for your consideration.

Sincerely,

Rebecca Jones, RN, BSN, MSN
Health Officer

(Enclosure)





Absolute Security Group, Inc
300 Mill Street, Suite A
Salisbury, MD 21801
410-860-0620

Proposal

Client Information

Worcester County Health Dept (burg)
6040 Public Landing Rd
Snow Hill, MD 21863

Proposal Number 519
Date 3/7/2018 **Expires** 4/6/2018
Salesperson Steve Smith

Absolute Security Group, Inc. is a locally owned and operated security company that has served Delmarva for almost twenty years.

The company sells, installs, and services *Residential and Commercial*:

- *Burglar systems*
- *Fire alarm systems*
- *Access control*
- *Cameras*
- *Intercoms*
- *Medical alert and nurse call systems*

In addition, Absolute Security Group, Inc. offers customers:

- *Monitoring for:*
 - *Security (doors, motion, glass breakage, hold up)*
 - *Fire (smoke, heat, CO, gas, sprinkler systems)*
- *Environmental (power, temperature & flooding) cloud storage & remote viewing for security cameras*
- *Enhanced services for remote control of lights locks & thermostats*

Furthermore, the company provides *24-hour maintenance and service*.

Absolute Security Group, Inc. is committed to providing exceptional and timely service while also building close customer relationships.

2



Absolute Security Group, Inc
 300 Mill Street, Suite A
 Salisbury, MD 21801
 410-860-0620

Proposal

Client Information

Worcester County Health Dept (burg)
 6040 Public Landing Rd
 Snow Hill, MD 21863

Proposal Number 519
 Date 3/7/2018 Expires 4/6/2018
 Salesperson Steve Smith

Qty	Description	Unit Price	Total
4	8 READER/DOOR CONTROL UNIT 8 DR. MAIN CONTROLLERS	\$3,238.93	\$12,955.72
2	Keyscan 4 Reader Control Unit 4 DR. MAIN CONTROLLERS	\$1,875.00	\$3,750.00
6	KEYSCAN R5485 COMM MODULE KEYSCAN R5485 COMM MODULE	\$355.89	\$2,135.34
3	KEYSCAN NETWORK COMM BOARD KEYSCAN NETWORK COMMUNICATION BOARD	\$395.00	\$1,185.00
1	Miscellaneous Charge KEYSCAN AURORA SOFTWARE	\$1,021.35	\$1,021.35
1	Miscellaneous Charge ALTRONIX POWER SUPPLY PART # AL168600CB	\$245.00	\$245.00
64	Labor SCOPE OF WORK - REPLACE AND UPGRADE KEYSKAN ACCESS CONTROLLERS IN SNOW HILL (4) POCOMOKE (1) AND BERLIN (1) INSTALL 1 POWER SUPPLY IN SNOW HILL. HOLD OFF ON AURORA SOFTWARE FOR NOW.	\$95.00	\$6,080.00

Sub Total \$27,372.41

Total This Proposal \$27,372.41



Absolute Security Group, Inc
 300 Mill Street, Suite A
 Salisbury, MD 21801
 410-860-0620

Proposal

Client Information

Worcester County Health Dept (burg)
 6040 Public Landing Rd
 Snow Hill, MD 21863

Proposal Number 519
 Date 3/7/2018 Expires 4/6/2018
 Salesperson Steve Smith

ABSOLUTE SECURITY GROUP, INC.

SUBSCRIBER:

[Handwritten Signature] v.p.

SECURITY CONSULTANT

X _____

ACCEPTED BY

TITLE

X _____

EMAIL

_____ 3/7/18

DATE

X _____

DATE

PRIMARY PHONE

THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION AND THEREFORE SHOULD BE TREATED AS CONFIDENTIAL. IT SHALL NEITHER BE DUPLICATED NOR DISCLOSED TO ANY PERSON OR PERSONS OUTSIDE OF ABSOLUTE SECURITY GROUP, INC OR THE COMPANY TO WHICH I HAS BEEN PROVIDED. IT CANNOT BE COPIED, REPRODUCED, OR DISSEMINATED WITHOUT THE EXPRESSED WRITTEN CONSENT OF ABSOLUTE SECURITY GROUP, INC. ALL ELEMENTS OF SYSTEM DESIGN, ALTERATION, ADDITION OR CHANGE IS THE SOLE PROPERTY OF ABSOLUTE SECURITY GROUP, INC. THE INFORMATION IS TO BE USED EXCLUSIVELY BY THE ORGANIZATION/INDIVIDUAL TO WHOM IT WAS DIRECTED FOR THE PURPOSES OF MAKING AN INFORMED DECISION DURING THE EVALUATION OF THE PROPOSAL AND ANY AGREEMENT WHICH MAY RESULT THERE FROM.

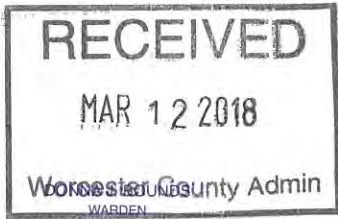
VA: _____ MD: X DE: _____

ABSOLUTE SECURITY GROUP CORPORATE APPROVAL:

 Please print name here

 Please sign name here

 Date Approved



Worcester County
Jail

P.O. BOX 189
SNOW HILL, MARYLAND
21863

TEL: 410-632-1300
FAX: 410-632-3002

QUINTIN L. DENNIS
SECURITY

FULTON W. HOLLAND JR.
CLASSIFICATION

March 9, 2018

Harold Higgins, Chief Administrative Officer
Worcester County Administration
Room 1103 Government Center
One West Market Street
Snow Hill, MD 21863

RE: Correct Care Solutions Medical Contract

Dear Mr. Higgins,

I am submitting this letter to request the review and approval of the Correct Care Solutions annual contract. In July 2012, the Worcester County Jail received approval from the County Commissioners to enter into a medical service contract with Con Med, now known as Correct Care Solutions, to provide 24-hour medical services for the inmate population.

With the assistance of the County Attorney, Maureen Howarth, a new contract for Correct Care Solutions has been prepared. I am requesting to enter into a 5-year contract with Correct Care Solutions, with a CPI increase of 2.6% for FY19 and a fixed CPI increase of 2.9% for FY20 through FY23. The requested new contract proposal will provide a savings to the county while providing the necessary medical services to the inmate population. I am asking you to submit this request to the County Commissioners for their review and approval.

Please contact me if you have any questions or concerns.

Sincerely,

Donna J. Bounds, Warden
Worcester County Jail

**NINTH AMENDMENT TO THE
CONTRACT FOR MEDICAL SERVICES FOR INMATES
(Effective July 1, 2018)**

This Ninth Amendment, effective July 1, 2018 (this "Amendment"), to the Contract for Medical Services for Inmates, dated July 1, 2011, as amended (the "Contract") is by and between Conmed, LLC ("Conmed") and the County Commissioners of Worcester County, Maryland ("County").

WHEREAS, the Parties agree to renew the Contract for an additional five years (July 1, 2018 – June 30, 2023) based on the terms provided in this Amendment; and

WHEREAS, the Parties agree to amend the Contract to provide that the base compensation for the first of the five year renewal period be increased by 2.6% from the prior year; and

WHEREAS, the Parties agree to amend the Contract to provide for fixed subsequent annual compensation increases at a rate of 2.9%; and

WHEREAS, the Parties agree to amend the Contract to provide that either Party may terminate the Contract without cause with 365 day prior written notice to the other Party; and

WHEREAS, the Parties agree to amend the Contract to provide that County's indemnification requirements be limited to the extent permitted by law; and

WHEREAS, the Parties agree to amend the Contract to provide that Conmed staff shall sign and comply with County's IT Policy;

WHEREAS, The Parties agree to amend the Contract to provide that the Nondiscrimination requirements; in that, Contractor will also not discriminate against an employee or prospective employee based on military status and or sexual orientation;

WHEREAS, The Parties agree to update the Notices section of the Contract as provided below; and

WHEREAS, The Parties agree that County may terminate this agreement with 30 days' notice in the event the required County appropriations are not available;

WHEREAS, the Parties desire to amend the Contract in accordance with Section 27 to memorialize such changes.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree:

1. **RECITALS.** The Parties hereto incorporate the forgoing recitals as a material portion of this Amendment.

2. **AMENDMENT TO SECTION 3. TERM OF THE CONTRACT.** The Parties agree to amend Section 3 of the Contract by deleting and replacing the paragraph with the following in lieu thereof:

The term of this Contract will be for five (5) years from July 1, 2018 through June 30, 2023, at which time it will terminate, unless sooner terminated pursuant to the terms of the Contract or by law or unless renewed as set forth herein upon mutual agreement. Following the five year term, the Contract may be renewed for an additional (1) year periods upon mutual agreement. Either Party may terminate the Contract without cause by providing a one year (356 day) prior written notice to the other Party.

3. **AMENDMENT TO SECTION 2. CONTRACT AMOUNT.** The Parties agree that the Contract Amount for the first year of the renewal term listed in Section 3 of this Amendment shall be One Million Two Hundred Twenty-Four Thousand Nine Hundred Sixty Dollars and Sixty Cents (\$1,224,960.60) annually, to be paid in 12 equal monthly installments of One Hundred Thousand Eighty Dollars and Five Cents (\$102,080.05), pro-rated for any partial months and subject to any reconciliations as set forth below. Each monthly installment is to be paid to Conmed on or before the 1st day of the month of service.

4. **AMENDMENT TO SECTION 2B. COMPENSATION ADJUSTMENT BASED ON CONSUMER PRICE INDEX.** The Parties agree that annual compensation increases be fixed at a rate of 2.9% and that the paragraph under "Section 2B. Compensation Adjustment Based on Consumer Price Index" be deleted and replaced in its entirety with the following:

SECTION 2B. ANNUAL COMPENSATION ADJUSTMENT. The compensation (i.e., annual base price and per diem rate) to the Contractor shall be increased by 2.6% from the prior year as of the effective date of this Amendment. Upon each subsequent annual anniversary of the Agreement the base compensation shall be increased by a fixed percentage increase of 2.9%. Hence, the first compensation rate increase of 2.9% will become in effect on July 1, 2019. The fixed percentage increase of 2.9% shall be multiplied by the then current annual base price and shall also be multiplied by the then current per diem rate to determine the subsequent annual price and the subsequent per diem rate.

5. **AMENDMENT TO SECTION 5B HOLD HARMLESS AND INDEMNITY.** The first sentence shall be modified to include after the word "County," "to the fullest extent permitted by law."
6. **AMENDMENT TO SECTION 6 COMPLIANCE WITH LAWS, REGULATIONS, AND IMMIGRATION POLICY.** This Section title shall be amended to read "SECTION 6. COMPLIANCE WITH LAWS, REGULATIONS,

IMMIGRATION LAW AND COUNTY POLICIES.” Additionally, a new Subsection “C” will be added to provide as follows:

C. Contractor shall comply with the County’s IT Policy and each of Contractor’s employees shall sign the IT Policy following review and training on how to adhere to the Policy standards.

7. **AMENDMENT TO SECTION 9 REPORTS, RECORDS AND AUDIT.** The three (3) year requirement in the first sentence of Section 9 shall be replaced with a five (5) year requirement.
8. **AMENDMENT TO SECTION 16(A.)(i) DISCRIMINATION.** The first sentence of this section will be amended to add “military status and sexual orientation” to the list of classifications not to be used to discriminate against any employee or applicant for employment.
9. **AMENDMENT TO SECTION 23 NOTICES.** This section shall be amended by changing the contact person for the County from Gary Mumford, Warden to Donna Bounds, Warden. Also the Contractor’s Notice information will be deleted in its entirety and replaced with the following:

If to Contractor: Conmed, LLC
 Attn: Chief Legal Officer
 1283 Murfreesboro Pike, Suite 500
 Nashville, TN 37217

10. **AMENDMENT TO SECTION 25(C.) SUSPENSION OR TERMINATION OF CONTRACT BY COUNTY.** The last sentence of shall be deleted and replaced with the following terms in lieu thereof:

Notwithstanding any provision herein to the contrary, if funds are not appropriated for this Contract, then the County shall be entitled to terminate this Contract by providing a 30 day written notice, without penalty or liability.

11. **SEVERABILITY.** If any terms or provisions of this Amendment or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Amendment or the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Amendment shall be valid and enforceable to the fullest extent permitted by law.
12. **DEFINITIONS.** Capitalized terms used but not defined herein shall have the meaning ascribed to them under the Contract.

13. **REMAINING PROVISIONS.** The remaining provisions of the Contract not amended by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed in their names or their official acts by their respective representatives, each of whom is duly authorized to execute the same.

AGREED TO AND ACCEPTED AS STATED ABOVE:

County Commissioners of
Worcester County, MD

Conmed, LLC

By: _____

By: Brad Dunbar

Print: _____

Print: Brad Dunbar

Title: _____

Title: Executive Vice President




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FRED E. WEBSTER, JR.
DIRECTOR

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

To: Harold Higgins, Chief Administrative Officer

From: Fred Webster, Director of Emergency Services 

Re: Know Your Zone

Date: 1 March 2018

Know Your Zone is a FEMA endorsed program to help educate the public on knowing when to evacuate a specific area. While originally designed for coast areas prone to tropical storms the zoned evacuation approach can be used for other types of emergencies as well.

Earlier this year the Department of Emergency Services and Development, Review and Permitting met with representatives from the Maryland Emergency Management Agency and Don Lewis from the consulting firm Atkins North America who has worked with multiple states and counties in developing evacuation zone maps. Mr. Lewis left with us copies of maps that his firm had had developed using SLOSH and flood data. Mr. Kyle Overly from the Maryland Emergency Management Agency is with us today to further explain the program.

On 30 January, a meeting was held with local stakeholders including Maryland State Police, Worcester County Sheriff's Office, Worcester County Public Works, Maryland State Highway the Town of Ocean City, Ed Tudor and Kelly Henry, Tom Kane and I to look at the Atkins recommendations and make suggested changes. The goal was, knowing the population and road system, make recommended changes to the Atkins zones to best suit the needs of an evacuation in Worcester County.

Those maps are before you today for your review and approval of the zone evacuation concept.

I am available to answer any questions that may arise at your convenience.

Vulnerability Analysis.

The purpose of the vulnerability analysis is to identify the areas, populations, and facilities that are potentially vulnerable to flooding and extraordinary wind damage under a variety of hurricane threats. While the hazards analysis provides information on the magnitude and timing of potential hurricane events, the vulnerability analysis identifies the wind and flooding impacts on vulnerable areas. Storm surge data and rainfall inundation information from the hazards analysis are used to develop inundation maps, evacuation scenarios, and evacuation zones; to quantify the population at risk under a range of hurricane conditions; and to identify major medical/institutional and other facilities that are potentially vulnerable to flooding.

- Inundation Maps - Inundation maps, sometimes called storm surge atlases, depict the limits of the potential flooding from the peak surge values computed by the SLOSH model. The primary use of these maps is to determine which surge vulnerable areas may need to be evacuated in response to a particular coastal storm threat.
- Vulnerable Population - The vulnerable population is comprised of all persons residing within the area subject to storm surge and the residents of mobile homes located above expected flood levels. Because of their greater vulnerability to the strong winds associated with hurricanes, all mobile and manufactured home residents are advised to evacuate regardless of their location within the study area.
- Evacuation Scenarios - Hurricanes with quite different parameters can have virtually the same flooding impacts on a community. The hurricane evacuation scenarios depict the similar effects of unlike hurricanes. Care should be taken to ensure that the final scenario delineations accurately reflect the operational intentions of local emergency management officials by describing the areas that the community will evacuate concurrently. Community emergency management coordinators and other local decision-making officials should be consulted to ensure that the scenarios realistically represent evacuation plans.

Delineations should be kept as simple as practicable using major natural or manmade geographic features and should conform to existing political or demographic boundaries (i.e., counties, townships, villages, census tracts, enumeration districts, zip codes, or traffic analysis zones). Study Managers should remember that the shelter demands and clearance times computed later for each scenario will be directly related to these delineations and their associated populations.

- Evacuation Zones - A network of evacuation zones must be established that covers the entire study area. The purpose of evacuation zones is to geographically locate and quantify the vulnerable population, provide a base to model traffic movements from one geographic area to another, determine needed shelter capacity, and facilitate future updating. Evacuation zones should be established based on the following factors:
 - (a) Relate to expected flooding limits (based on inundation maps).
 - (b) Relate well to census districts, traffic analysis zones, or other data base units.
 - (c) Should be established, if possible, to facilitate evacuation orders or advisories.

- (d) Boundaries should, to the extent possible, coincide with identifiable natural geographic features, roadways, railroads, landmarks, etc.
 - (e) Zones that would be isolated by surrounding surge should be avoided.
 - (f) Should be served by major evacuation routes.
 - (g) Should have relatively balanced populations.
 - (h) Must allow for appropriate transportation modeling.
- Institutional and Medical Facilities - Evacuation plans should include detailed information on the vulnerability of institutions and medical facilities to hurricane hazards. The purpose of this analysis is to determine the institutions and medical facilities that will require evacuation under various hurricane threats. A complete inventory of institutions and medical facilities with their capacities should be compiled for the study area.
 - Public Transportation Demand - To the extent possible, population data developed for each evacuation zone should include an estimate of the numbers of persons who do not have access to a private vehicle and, consequently, would have to rely on public transportation in an evacuation.
 - Special Emergency Transportation Needs - While transportation for the elderly and infirm residing in Special Needs (health-related) facilities should be the responsibility of the individual facilities, provision of adequate special emergency transportation for those in private homes is usually a responsibility of local emergency management officials. Each local government should develop procedures for maintaining an up-to-date roster of persons likely to need special public transportation assistance. Every reasonable effort should be made through departments of social services; health agencies; newspaper, radio, and television queries; or other means to account for everyone.

From Ocean City's Website

BEFORE THE DECISION; KNOW YOUR ZONE & DIVISION



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[View all maps](#)



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In times of an emergency, specifically a hurricane or natural disaster, the Town of Ocean City wants residents, property owners and visitors to **KNOW YOUR ZONE & DIVISION** where you live and visit! Your zone and division are determined by two variables: Property location and vulnerability to flood inundation.

The zone colors, which are broken down by divisions, are determined by the Town of Ocean City's Comprehensive Emergency Operations Plan, which divides the Town into four "divisions." The zone letters (A, B & C), however, are determined by the possible flood inundation levels where you live. In other words, our "**Low Lying Area**" (or areas with a 4 foot flood inundation) can be found in Zone A.

Because the term "**Low Lying Area**" can be vague, the new zones help residents and property owners have a clear understanding of their flood vulnerability. It's important to remember that just because you haven't experienced a flood in the past, doesn't mean you won't in the future. Flood risk isn't just based on history; it's also based on a number of factors: rainfall, river-flow and tidal-surge data, topography, flood-control measures, and changes due to building and development.

OCEAN CITY DIVISIONS			OCEAN CITY FLOOD INUNDATION ZONE	
1	RED	Inlet to 33 rd Street	A	4' FLOOD INUNDATION ZONE
2	YELLOW	33 rd Street to 62 nd Street	B	5' FLOOD INUNDATION ZONE
3	BLUE	62 nd Street to 100 th Street	C	6' FLOOD INUNDATION ZONE
4	ORANGE	100 th Street to DE Line		

Is a Flood Inundation Zone the same as an Evacuation Zone?

No! Flood zones are areas established by the National Weather Service using historical and statistical data of flooding and/or tidal surge potential to Ocean City, which provide residents and property owners their degree of flood risk. Emergency Managers use flood inundation, tidal surge, and winds to determine potential risk to the various communities throughout the Town, specifically in a storm or emergency. It is important for our residents, property owners and visitors to know which zone and division they reside, incase an evacuation is required.

What is our community's evacuation plan?

Should a hurricane (or natural disaster) threaten the Ocean City area, an evacuation order may be issued. An evacuation order is a protective action whereby citizens are moved from a place of danger to a place of relative safety when a disaster is a threat to life, and/or the property of our residents and visitors in Ocean City.

The Town of Ocean City's Hazard Plan for Evacuation is developed from data in the US Army Corps of Engineers Hurricane Evacuation Study, and additionally, the National Hurricane Center's SLOSH (Sea, Lake and Overland Surge from Hurricanes) Model to further calculate potential flooding effects that could be expected by storm surge. The study and model focus on a "worst case scenario" to ensure the protection of our population. The "worst case" approach was used in presenting possible hurricane effects because of the inaccuracies in forecasting the precise track and other parameters of approaching hurricanes; to assist our government in making critical protective and evacuation decisions. This information is utilized in the decision making process for evacuation decisions when coastal storm events are approaching the Ocean City area in conjunction with information provided by the National Weather Services and the National Hurricane Center.

Because of life safety concerns and property damage caused during a disaster or other unusual occurrence, specific properties, multiple locations or the entire City may require evacuation. Both actual damage and potential hazards must be considered. The lack of sanitary facilities, utilities services, or other health hazards may also necessitate such actions.

The Town of Ocean City uses the concept of phased decision points based primarily on the National Weather Service (NWS) storm classifications (advisory, watch, warning, etc.). These decision points will be used as an overall philosophy in hurricane planning, response, and recovery, and facilitates the actions necessary to give an evacuation order. Evacuation phases are built into these classifications. Hurricanes are classified using the Saffir/Simpson scale, which categorizes hurricanes based upon their intensity, and relates this intensity to damage potential. A significant number of hurricane injuries can occur from the approaching system and the strong winds and flooding that will result from the storm surge.

It is incredibly important that you **KNOW YOUR ZONE & DIVISION** and, if you are asked to go, move quickly but safely outside of the evacuation area.

Remember, Emergency Managers are counting on you to be prepared and do the right thing to keep yourself and your family out of dangerous situations. **KNOW YOUR ZONE & DIVISION** and have a plan for where you will go should something happen this hurricane season.

How can I Be Prepared?

Two keys to weather safety are to **prepare** for the risks and to **act** on those preparations when alerted by emergency officials. Some highlights on how to prepare and take action are found in three easy steps: Be Informed, Make a Plan and Build a Kit.

-Be Informed: The first step to being informed is to **KNOW YOUR ZONE & DIVISION**. It is also important to assess your risks and know your home's vulnerability to storm surge, flooding

and wind. It's also essential to have a list of contact information for reference before a storm occurs, including emergency hotlines and numbers to State, County and Town of Ocean City Government. Finally, sign up to receive emergency alerts (by visiting: <http://oceancitymd.gov/enews>) and programming Ocean City's FM Emergency Advisory Radio Station 99.5 into your radios. Also, for our out of town property owners, the Town also has a customized App for Android (Google) and iPhone users, which can be downloaded at your App store!!

-Make a Plan: Everyone needs to be prepared for the unexpected. Your friends and family may not be together when disaster strikes, so all families are encouraged to establish a Family Communications Plan in advance to establish what you will do in difference situations during an emergency. You should also inquire about emergency plans at places where your family spends

Note: Ready.gov has made it simple for you to make a family emergency plan.

Download the Family Communication Plan for Parents and Kids and fill out the sections before printing it or emailing it to your family and friends.

-Build a Kit: A disaster supplies kit is simply a collection of basic items your household may need in the event of an emergency. Try to assemble your kit well in advance of an emergency. You may have to evacuate at a moment's notice and take essentials with you. You will probably not have time to search for the supplies you need or shop for them. You may need to survive on your own after an emergency. This means having your own food, water and other supplies in sufficient quantity to last for at least 72 hours. Local officials and relief workers will be on the scene after a disaster but they cannot reach everyone immediately. You could get help in hours or it might take days. Additionally, basic services such as electricity, gas, water, sewage treatment and telephones may be cut off for days or even a week, or longer. Your supplies kit should contain items to help you manage during these outages.

Flood Hazard Information:

Beginning July 2015, FEMA's new Flood Insurance Rate Maps (FIRM) will be effective for the Town of Ocean City. As a result of the revised flood maps, new flood zones and new flood rates will apply to flood insurance policies.

While many Ocean City properties will experience insurance premium relief, it's important to remember that Ocean City is a barrier island, subject to severe storms and flooding. Although your bank may no longer require you to have flood insurance, based on FEMA's FIRM map changes, approximately 30% of all flooding in the U.S. occurs in moderate to low risk flood zones. Further, studies show many properties without flood insurance typically are not rebuilt after a flood disaster.

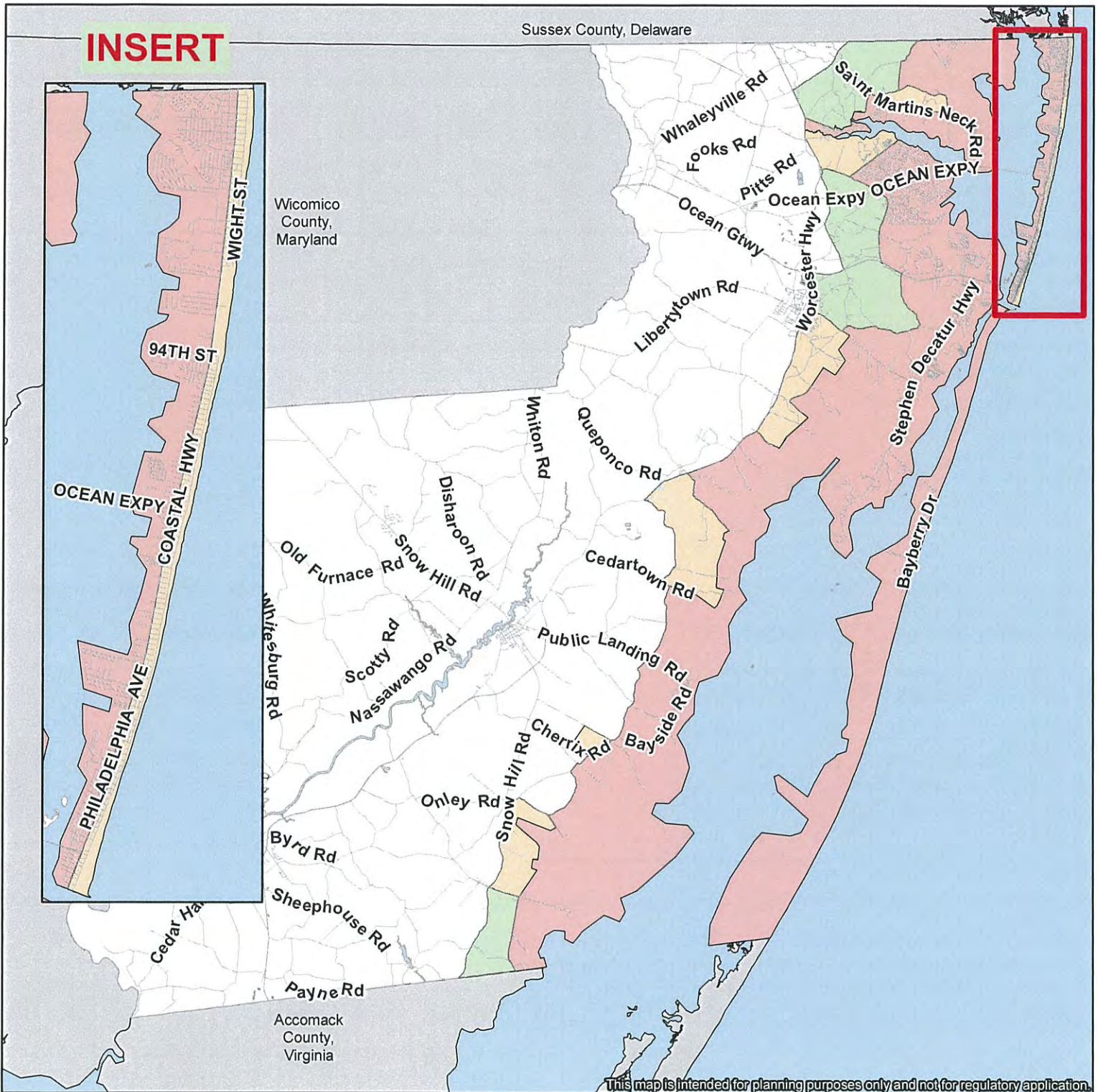
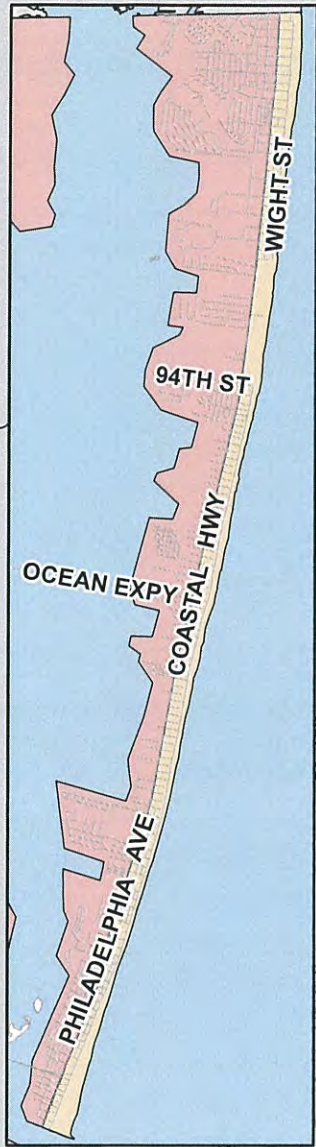
For more details about your flood insurance policy and the forthcoming changes, please contact your insurance provider and/or an experienced insurance professional that is well versed in flood insurance. Flood Insurance is encouraged.

INSERT

Sussex County, Delaware

Wicomico
County,
Maryland

Accomack
County,
Virginia



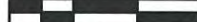
This map is intended for planning purposes only and not for regulatory application.

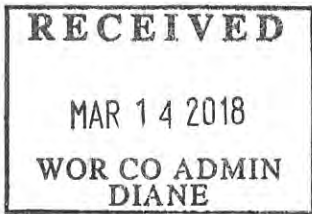


**Worcester County
Maryland**
**DRAFT Hurricane
Evacuation Zones**

- Zone A - REVISED version
- Zone B - REVISED version
- Zone C REVISED version

Department of Development
Review and Permitting
Technical Services Division

N Drawn By: MDD Reviewed By: KLH
0 4.5
 Miles
1 inch = 4.5 miles
Map prepared on March 01, 2018.



6

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: William Bradshaw P.E., County Engineer *WB*
DATE: March 14, 2018
SUBJECT: Berlin Library Change Notifications Approval Request for Fence Addition

Attached from Whiting Turner is a Change Notification for the addition of a fence on the South side of the new Berlin Library property. This fence will border the property per the Town of Berlin requirement and incorporates numerous comments and design considerations including durability, color, and location. This fence design was incorporated in the Architect's landscape design revision and approved by the Town Planning Commission. Prices were solicited by Whiting Turner under the landscape rebid and no prices were obtained. Whiting Turner then solicited from three separate vendors for inclusion with the current Construction Management Contract. Bid proposals were received from Seagull Fence in the amount of \$32,000, Hercules Fence in the amount of \$38,000 and Long Fence in the amount of \$41,690.

The fence addition was not part of the original project plan and Whiting Turner workscope. Therefore, project contingency will need to be used to fund the fence addition. Current owner contingency budget is 9% utilized (\$16, 704 of \$187,500) from prior changes.

In order for the fence to be part of the existing Whiting Turner's construction completion schedule is it recommended to approve award to Seagull Fence for the installation of the South property fence. Including Whiting Turner's work to support the installation, the cost increase and change amount is \$35,951.84. With these changes the Whiting Turner contract amount will be revised to \$6,302,657 which is \$52,657 above the original contract amount.

If there are questions, please let me know. Thank you.

attachments

cc: Jennifer Ranck, Director of Worcester County Libraries



Change Notification to Owner
The Whiting-Turner Contracting Company
100 West Main St., Salisbury, MD 21801
Tel: (410) 677-3253 Fax: (410) 677-3259

Project: New Berlin Branch Library
13 Harrison Ave.
Berlin, MD 21811

W-T Job Number: 015912
Date: 03/13/2018
CN Number: 000002
Project Area: Privacy Fence at South PL

To: Worcester County
One West Market Street
Snow Hill, MD 21863

From: Adam Leonard
The Whiting-Turner Contracting Company
100 West Main St.
Salisbury, MD 21801

DESCRIPTION: Vinyl Fence at South Property Line
REASON: Owner Request
SOURCE: Owner
SCOPE OF WORK: Furnish and Install a new privacy fence along the south property line adjacent to the Brittany Lane Residential Properties per revised Architectural Site Plan - Landscaping Plan drawings AS1.2 and AS1.2b dated 12.04.17. Product to be equal to Certainteed Bufftech - Chesterfield/ Certa grain. Reference Vinyl Fence Specifications (Section 1.0, 1.01, 1.03, 1.04, 1.05) on sheet AS1.2b. Color to be selected by Owner / Architect during submittal process.

- 1) Seagull Fence - Furnish and Install Fence
- 2) WT - Haul-off excess spoils from fence post concrete footings:
Dump Truck Rental = \$68/day
Dump Truck Operator = \$56.21/hr * (4) hours = \$224.84
Dump Disposal Fee = \$200
- 3) Georgy E. Young Surveying - Provide computations and site layout for fence at property line.
- 4) **Schedule Assessment:
Material Procurement = 8 Weeks
Notice to Proceed = 3/21/18
Submittal Rev./ App = 3/22/18 - 4/12/18
Fab. / Deliver Materials = 4/12/18 - 6/8/18
Install Fence = 6/11/18 - 6/22/18

**Schedule impact under review pending Notice to Proceed, submittal review, and material procurement. Installation may extend past current Substantial Completion date.

CONTRACTORS AFFECTED: George E. Young, III, P.C.
Seagull Fence & Concrete LLC
Whiting-Turner Contracting Co

RELATED OBJECTS:

AUTHORIZATION

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.
COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

Cost: \$ 35,951.84 **Funding: Owner Change Order**

SCHEDULE: NO IMPACT
 POSSIBLE IMPACT - WT REVIEWING (See schedule assessment above)
 IMPACT TO SCHEDULE AS FOLLOWS _____

COST BREAKDOWN

DATE: 03/13/2018

JOB NO: 015912

PROJECT AREA: Privacy Fence at South PL

CN NO: 000002

Vendor	Description	Budget Code	Billing Amount
George E. Young, III, P.C.	GEY - Provide layout for fence installation.	015912.01A0000.01322300.S	\$ 1,000.00
Seagull Fence & Concrete LLC	Seagull Fence - Add vinyl privacy fence along south property line per revised Architectural Site Plan - Landscaping Plan drawings AS1.2 and AS1.2b dated 12.04.17. Product to be equal to Certainteed Bufftech - Chesterfield/ Certa grain. Reference Vinyl Fence Specifications (Section 1.0, 1.01, 1.03, 1.04, 1.05) on sheet AS1.2b. Color to be selected by architect during submittal process.	015912.32A0000.32310000.S	\$ 32,000.00
Whiting-Turner Contracting Co	WT - Spoils removal from excavation of fence post footings. Dump Truck Rental = \$68/day Dump Truck Operator = \$56.21/hr * (4) hours = \$224.84 Dump Disposal Fee = \$200	015912.8000000.85700000.X	\$ 492.84
Mark-Ups:			
	2.0 General Liability	015912.9000000.90100000.X	\$ 338.00
	1.0 P&P Bond	015912.9000000.92100000.X	\$ 245.00
	3.0 Builder's Risk Ins.	015912.9110000.91100000.X	\$ 164.00
	4.0 CM Fee (OH + Profit)	015912.9300000.93000000.F	\$ 1,712.00
Total Cost of this work:			\$ 35,951.84

APPROVAL:

WHITING-TURNER REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 35,951.84**

OWNER CHANGE REF: _____

DATE: _____

SUBMITTED BY: Adam Leonard ^{DS} AL 3/13/18
WHITING-TURNER REPRESENTATIVE DATE

APPROVED BY: _____
OWNER'S REPRESENTATIVE DATE

APPROVED BY: Jeff Schoellkopf 3/13/2018
DocuSigned by: ARCHITECT 46491E1FF0FE4F6... DATE

015912 - 31B RE-BID			
	Seagull Fence	Long Fence	Hercules Fence
BASE BID AMOUNT.	na	na	
ALT. 1 - FENCE	\$ 30,350.00	\$ 41,690.00	\$ 38,000.00
ALT. 2 - BENCHES			
ALT. 3 - BIRD PLANTS			
ALT. 4 - GRASS CUT			
ALT. 5 - TREE TRIM			
ALT. 6 - STANDARD SOO			
ALT. 6.1 - ZOYSIA SOO			
ALT. 7 - MAINTENANCE			
Delete Plantings @ North			
SCOPE REVIEW NOTES	\$ 1,650.00		
SCOPE REVIEW NOTES	Correct concrete footing size		
TOTAL -	\$ 32,000.00	\$ 41,690.00	\$ 38,000.00

RECOMMENDED
SUBCONTRACTOR -
SEAGULL FENCE \$32,000.00

Chris
December 2018
Added cost for fence post concrete

SEAGULL FENCE AND CONCRETE

Worcester County
Worcester County Library- Berlin Branch

LANDSCAPE REBID

BID FORM

Project: Worcester County Library- Berlin Branch

Deliver to: Submit via Email to
adam.leonard@whiting-turner.com

Addendum #1 dated 1/23/18

Bid Package: Fence

Name of Bidder: Seagull Fence and Concrete

Maryland Business License No.: 22175782

Taxpayer ID No.: 26-0491315

(Other License Nos.): _____

Phone No.: 302 956 - 0417

Fax No.: () _____

BASE BID - Review Specific Scope of Work

The undersigned, representing that he/she has read and understands all of the Bidding Documents and that this bid is made in accordance therewith, that he/she has visited the site and has familiarized him/herself with the local and existing conditions under which the Work is to be performed and all conditions that are likely to be encountered that affect the cost and schedule of the work, and that this bid is based upon the materials, systems, and equipment described in all of the Bidding Documents without exception, hereby proposes and agrees to provide and pay for all labor, materials, equipment, supplies, transportation, allowances, taxes, and other facilities required to execute the work described by the aforesaid documents for the lump sum itemized below:

BASE BID:

\$ _____
dollars (\$ _____)

ADDENDA ACKNOWLEDGEMENT:

I/We acknowledge the following Addenda, and the price submitted includes any cost/schedule impact the addenda may have.

Addendum No.	<u> 1 </u>	Date:	<u> 1-23 </u>
Addendum No.	_____	Date:	_____
Addendum No.	_____	Date:	_____
Addendum No.	_____	Date:	_____
Addendum No.	_____	Date:	_____

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ALTERNATES:

See Specific Scope for alternate pricing complete descriptions:

Refer to the specific scope of work for required alternates for this bid package. Not all of the blank spaces below may be required. Alternate prices are to conform to applicable project specification section or drawing details. Refer to specifications and specific scope of work for a complete description of the following alternates. An "ADD" or "DEDUCT" amount is indicated by the crossed out word that does not apply.

The owner reserves the right to select or reject any, all, or none of the Alternates in any order.

ALTERNATE 001 - 6'-0" Tall Vinyl Fence at South Property Line

BASE BID: No Fence

ALTERNATE: Furnish and install vinyl fence per notes and details on sheet AS1.2b.

ADD: Thirty Two Thousand and 00/100 dollars (\$ 32,000.00)

ALTERNATE 002 - Exterior Porch Benches

BASE BID: No porch benches.

ALTERNATE: Provide site furnishing exterior metal and wood porch benches similar to detail 12/A5.4.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 003 - Bio Retention Plantings

BASE BID: No bio retention plantings

ALTERNATE: Furnish and install the Butterfly Swale Plantings at the bioretention areas. The bio retention mix and mulch at this location is by others.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 004 - Grass Cutting

BASE BID: No grass cutting

ALTERNATE: Provide all trimming and cutting of lawn areas for three (3) months after the substantial completion date for the project. Assume June, July, and August.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 005 - Existing Tree Trimming

BASE BID: No tree trimming

ALTERNATE: Provide tree trimming / pruning and vine removal at existing trees adjacent to the proposed parking lot and along the south property line.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 006 - Sod

BASE BID: At all areas designated as lawn, provide seeding per scope of work. (Edited via Addendum #1)

ALTERNATE: At all lawn areas provide sod from Oakwood sod in Delmar, MD (or equivalent).

Add/Deduct: \$ _____ dollars (\$ _____)

ALTERNATE 006.01 – Sod (Added via Addendum #1)

BASE BID: At all areas designated as lawn, provide seeding per scope of work.
ALTERNATE: At all areas designated as lawn, provide zoysia sod.

Add/Deduct: \$ _____ dollars (\$ _____)

ALTERNATE 007 – One (1) Year Maintenance Agreement (Added via Addendum #1)

BASE BID: Provide one (1) year written warranty from date of project substantial completion as outlined in 'Plant Warranty and Replacement' on Sheet AS1.2b. Maintenance after substantial completion and establishment of all plantings is by the project Owner.

ALTERNATE: Provide a one (1) year maintenance agreement for all plants and vegetation included in this installation. (This is in addition to the Base Bid Plant Warranty)

Add/Deduct: \$ _____ dollars (\$ _____)

NOTE: See the specific scope of work for alternate pricing descriptions. Not all spaces may be used. Alternates could be revised or added during the addendum phase.

VOLUNTARY PRICING

The following voluntary pricing alternates are for information only for review by the construction manager and owner. **Bidders are encouraged to submit voluntary pricing ideas.** All Voluntary Alternates are to be submitted along with bid form under company letterhead.

UNIT PRICES

See specific scope for unit pricing description:

Unit prices conform to applicable project specification or specific scope of work. Refer to the scope of work for a complete description of the following unit prices. Not all of the blanks spaces below may be required: The unit prices and labor rates include all charges for labor, materials, fees, layouts, supervision (field and home office), general expenses, taxes, insurance, overhead, and profit to furnish and install the item of work complete and ready for intended use, unless otherwise noted. The labor rates are calculated and include the costs as describe in Division 0 – Bidding and Contract Requirements. The contract sum shall be changed based on the quantity difference multiplied by the applicable unit price. The owner and construction manager reserve the right to reject any or all unit prices or to utilize time and material pricing in lieu of unit prices.

See Attachment A – Unit Prices

NOTE: See the specific scope of work for unit price descriptions.

QUANTITY, LABOR HOURS & CREW SIZE INFORMATION

The following quantity of estimated field labor hours and crew size information is provided for review purposes by the Construction Manager and Owner.

A. The total quantity of field regular shift labor hours estimated for this project: 72 hours

B. The total quantity of field overtime labor hours estimated for this project: 0 hours

C. The average estimated field crew size: 3 workers

REMINDER NOTE: Review the specific Scope of Work for this bid Package. Include all required allowances in the base bid and list any requested alternates or unit prices.

The following information will be required prior to project award and subject to review and approval by Whiting-Turner:

- Labor Rates for all trade classifications
- List of all subcontractors and suppliers
- Lead times for shop drawings and long lead materials
- Key personnel proposed for the project, project manager, foreman, etc.

PROPOSED SUBCONTRACTORS:

The following subcontractor listing must accompany the bid submittal. The Construction Manager and Owner reserve the right to accept or reject any bid based on the subcontractor.

A. Trade: Fence

Name: Seagull Fence and Concrete LLC

Address: 301 43 Discount Land RD Laurel DE

MBE: YES or NO _____ If yes, MBE Certification Number: 15-516

B. Trade: _____

Name: _____

Address: _____

MBE: YES or NO _____ If yes, MBE Certification Number: _____

C. Trade: _____

Name: _____

Address: _____

MBE: YES or NO _____ If yes, MBE Certification Number: _____

D. Trade: _____

Name: _____

Address: _____

MBE: YES or NO _____ If yes, MBE Certification Number: _____

E. Trade: _____

Name: _____

Address: _____

MBE: YES or NO _____ If yes, MBE Certification Number: _____

BID FORM EXECUTION:

This bid shall remain valid and cannot be modified, withdrawn, or canceled for 60 days from the date designated for receipt of the bids.

The Owner and Construction Manager shall have the right to reject any or all bids, and to waive any informality or irregularity in any bid received.

This bid is based upon the work being accomplished by the Sub-Contractors named on the list attached to the bid.

If applicable, this bid is based on MBE participation outlined the certification form in section 00340. Attach this form to this bid if applicable.

Equal Employment Opportunity: There are incorporated in this proposal the provisions of Executive Order 11246 as amended by the President of the United States on Equal Employment Opportunity and the rules and regulations issued pursuant thereto with which the Undersigned agrees that he will comply.

Should I/We be awarded this contract, I/We pledge to achieve substantial completion of all the work within the durations detailed in the schedule. The undersigned bidder agrees that if awarded a Contract for the Packages of Work bid herein, it will commence Work under the Contract after receiving a Letter of Authorization to proceed from the Construction Manager and expeditiously conduct the Work in a Manner consistent with Section 00550.

The undersigned represents and warrants that he/she has completed and shall comply with all requirements of local, state, and national laws; that no legal requirement has been or shall be violated in making or accepting his bid, in awarding the contract to him or in the prosecution of the work required; that the bid is legal and firm; that he has not directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding.

Upon receipt of written notice of the acceptance of this Bid, the Bidder shall, within fourteen (14) calendar days, execute the agreement in the required form that is included in the project manual in section 00600 without changes, and deliver the Contract Bonds and Insurance Certificate, required by the Contract Documents.

Pricing is based on the specified materials and manufacturers. Post bid substitutions will not be accepted. Bidder hereby agrees that all escalation costs associated with materials and/or labor have been included in the lump sum bid, through the projected project duration dates as stated in the bid schedule.

The person or persons signing this proposal is/are fully authorized to sign on behalf of the named firm and fully bind the named firm to all of the conditions and provisions thereof.

We are an Individual / a Partnership / a Corporation.

By Seagull Fence and Concrete LLC.
(Individual's / General Partner's / Corporate Name)

Trading as Seagull Fence

DEL.
(State of Incorporation)

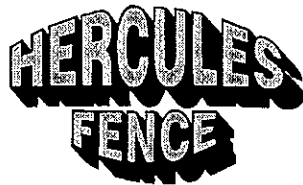
Business Address: 30143 Discount Land RD

Laurel, DE 19956
Witness: [Signature]

(SEAL)

By: [Signature]
(Authorized Signature)

V.P.
Date: 1-31-2018



“Security in Every Job”
Since 1955

COMMERCIAL FENCE PROPOSAL

Date: March 7, 2018
To: Whiting Turner
Attn: Adam Leonard
From: Mark McAlister, Estimator & Project Manager
Re: Berlin Library – Worchester, MD

The following represents the cost to furnish materials and labor to install the indicated items for the above referenced job.

- **Furnish and Install +/- 441' LF of 6' High PVC Privacy Fence built as follows:**
 - o 5" x 5" Square Posts spaced max. 96" On Center, excavated through dirt, and secured in concrete footers. All dirt spoils to be scattered adjacent to excavation. Bottom 24" of the inside of posts will be filled with concrete. No core drilling or excavation through asphalt included
 - o Panels will be stepped to follow grade per details, all panels and fence materials will be the Chesterfield Certa-Grain Material by CertainTeed Fence products. Owner to select color from manufacturers standard color selection.
 - o Posts will be installed with standard flat caps, coordinating with color/style of posts.
- **Total Price \$38,000.00**

QUALIFICATIONS:

-Dirt spoils to be scattered adjacent to excavation; price is based on clear access for and use of digging machinery.
-Work required of others: stake/mark/show fence line; location and marking of existing private utilities; any permits.
-Price is based on (1) mobilization. Price is valid for a period of 10 days from date on this proposal.
-Price does NOT include any time for any special orientation, safety classes, testing, et al. If any of these are required, there will be an additional mobilization fee per person per day for each requirement.

EXCLUSIONS:

- | | | | | |
|--|----------------------|---------------------------------------|-----------------------------|------------------------------------|
| - Clearing & Grading | - Traffic Control | - Asbults | - Marking Private Utilities | - Restoration of Grounds |
| - Permits | - Rock Excavation | - Bonding | - Hand Digging | - Removal |
| -Core Drilling | - Engineering Layout | - Engineering | - All Electric Work | -Delegated Design Review |
| - Wage Scale | - Asphalt Patching | - Mowstrip | - Test Pits | - UXO Sweep |
| - Painting or Staining | - Grounding | - X ray | - Billing Usage Fees | - Anchor Points for safety tie off |
| -Liability for Damage to Private Utilities | | - Enrollment in OCIP or CCIP Programs | | |

TERMS:

Terms: Net 30 days. Conditions: Contractor is only responsible for written terms of this contract. Deviations or changes to terms must be written and may involve additional charges. Purchaser is responsible for necessary permits. Hercules will assist with fence location and zoning restrictions but assume no liability for either. Purchaser assumes liabilities and indemnifies Hercules for damage to unmarked underground utilities, sprinklers or construction and for damage where fence coincides with marked utility line that cannot be avoided, hidden obstacles which cannot be pre-determined and require additional labor will require an additional charge. In the event purchaser defaults on payment terms the full amount shall be due immediately. Past due payments will be subject to a delinquency charge of 2% per month, purchaser agrees to pay all costs of collection including attorney's fees of 33% of the amount referred.

ACCEPTED BY: _____ DATE: _____

South Hampton Roads
1526 Early Street
Norfolk, Virginia
23502-1604
757-321-6700
Fax 757-321-6710

Peninsula
1807 George
Washington Highway
Yorktown, Virginia
23693
757-316-3600
Fax 757-316-3604

Richmond
11074 Air Park
Road
Ashland, Virginia
23005
804-752-7992
Fax 804-752-7121

Northern Virginia
8194 Euclid Court
Manassas Park, Virginia
20111
703-551-2609
Fax 703-361-2127

Maryland
8580 Mission Road
Jessup, Maryland
20794
410-799-1555
Fax 410-799-0008

Raleigh
6001 Triangle Drive
Suite B
Raleigh, North Carolina
27617
919-571-3252
Fax 919-571-3253

LONG FENCE COMPANY, INC.

Worcester County
Worcester County Library- Berlin Branch

LANDSCAPE REBID

BID FORM

Project: Worcester County Library- Berlin Branch

Deliver to: Submit via Email to
adam.leonard@whiting-turner.com

Bid Package: 31B

Name of Bidder: LONG FENCE COMPANY, INC.

Maryland Business License No.: 16/62172 Taxpayer ID No.: 53-0257174

(Other License Nos.): _____

Phone No.: (301) 350-2400

Fax No.: (301) 336-0743

BASE BID - Review Specific Scope of Work

The undersigned, representing that he/she has read and understands all of the Bidding Documents and that this bid is made in accordance therewith, that he/she has visited the site and has familiarized him/herself with the local and existing conditions under which the Work is to be performed and all conditions that are likely to be encountered that affect the cost and schedule of the work, and that this bid is based upon the materials, systems, and equipment described in all of the Bidding Documents without exception, hereby proposes and agrees to provide and pay for all labor, materials, equipment, supplies, transportation, allowances, taxes, and other facilities required to execute the work described by the aforesaid documents for the lump sum itemized below:

BASE BID: (ACT 001)

\$ FORTY ONE THOUSAND SIX HUNDRED NINETY DOLLARS
~~dollars (\$41,690.00)~~

ADDENDA ACKNOWLEDGEMENT:

I/We acknowledge the following Addenda, and the price submitted includes any cost/schedule impact the addenda may have.

Addendum No. _____	Date: _____
Addendum No. _____	Date: _____
Addendum No. _____	Date: _____
Addendum No. _____	Date: _____
Addendum No. _____	Date: _____

ALTERNATES:

See Specific Scope for alternate pricing complete descriptions:

Refer to the specific scope of work for required alternates for this bid package. Not all of the blank spaces below may be required. Alternate prices are to conform to applicable project specification section or drawing details. Refer to specifications and specific scope of work for a complete description of the following alternates. An "ADD" or "DEDUCT" amount is indicated by the crossed out word that does not apply.

The owner reserves the right to select or reject any, all, or none of the Alternates in any order.

ALTERNATE 001 - 6'-0" Tall Vinyl Fence at South Property Line

BASE BID: No Fence

ALTERNATE: Furnish and install vinyl fence per notes and details on sheet AS1.2b.

ADD: ~~FOORTY ONE THOUS. SIX HUNDRED~~ dollars (\$ 41,690.00)
~~NINETY~~

ALTERNATE 002 - Exterior Porch Benches

BASE BID: No porch benches.

ALTERNATE: Provide site furnishing exterior metal and wood porch benches similar to detail 12/A5.4.

ADD: \$ _____ dollars (\$ 0)

ALTERNATE 003 - Bio Retention Plantings

BASE BID: No bio retention plantings

ALTERNATE: Furnish and install the Butterfly Swale Plantings at the bioretention areas. The bio retention mix and mulch at this location is by others.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 004- Grass Cutting

BASE BID: No grass cutting

ALTERNATE: Provide all trimming and cutting of lawn areas for three (3) months after the substantial completion date for the project. Assume June, July, and August.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 005 - Existing Tree Trimming

BASE BID: No tree trimming

ALTERNATE: Provide tree trimming / pruning and vine removal at existing trees adjacent to the proposed parking lot and along the south property line.

ADD: \$ _____ dollars (\$ _____)

ALTERNATE 006 - Sod

BASE BID: No sod

ALTERNATE: At all lawn areas provide sod from Oakwood sod in Delmar, MD (or equivalent).

Add/Deduct: \$ _____ dollars (\$ _____)

NOTE: See the specific scope of work for alternate pricing descriptions. Not all spaces may be used. Alternates could be revised or added during the addendum phase.

VOLUNTARY PRICING

The following voluntary pricing alternates are for information only for review by the construction manager and owner. **Bidders are encouraged to submit voluntary pricing ideas.** All Voluntary Alternates are to be submitted along with bid form under company letterhead.

UNIT PRICES

See specific scope for unit pricing description:

Unit prices conform to applicable project specification or specific scope of work. Refer to the scope of work for a complete description of the following unit prices. Not all of the blanks spaces below may be required: The unit prices and labor rates include all charges for labor, materials, fees, layouts, supervision (field and home office), general expenses, taxes, insurance, overhead, and profit to furnish and install the item of work complete and ready for intended use, unless otherwise noted. The labor rates are calculated and include the costs as describe in Division 0 – Bidding and Contract Requirements. The contract sum shall be changed based on the quantity difference multiplied by the applicable unit price. The owner and construction manager reserve the right to reject any or all unit prices or to utilize time and material pricing in lieu of unit prices.

See Attachment A – Unit Prices

NOTE: See the specific scope of work for unit price descriptions.

QUANTITY, LABOR HOURS & CREW SIZE INFORMATION

The following quantity of estimated field labor hours and crew size information is provided for review purposes by the Construction Manager and Owner.

- A. The total quantity of field regular shift labor hours estimated for this project: 32 hours
- B. The total quantity of field overtime labor hours estimated for this project: 0 hours
- C. The average estimated field crew size: 3 workers

REMINDER NOTE: Review the specific Scope of Work for this bid Package. Include all required allowances in the base bid and list any requested alternates or unit prices.

The following information will be required prior to project award and subject to review and approval by Whiting-Turner:

- Labor Rates for all trade classifications
- List of all subcontractors and suppliers
- Lead times for shop drawings and long lead materials
- Key personnel proposed for the project, project manager, foreman, etc.

BID FORM EXECUTION:

This bid shall remain valid and cannot be modified, withdrawn, or canceled for 60 days from the date designated for receipt of the bids.

The Owner and Construction Manager shall have the right to reject any or all bids, and to waive any informality or irregularity in any bid received.

This bid is based upon the work being accomplished by the Sub-Contractors named on the list attached to the bid.

If applicable, this bid is based on MBE participation outlined the certification form in section 00340. Attach this form to this bid if applicable.

Equal Employment Opportunity: There are incorporated in this proposal the provisions of Executive Order 11246 as amended by the President of the United States on Equal Employment Opportunity and the rules and regulations issued pursuant thereto with which the Undersigned agrees that he will comply.

Should I/We be awarded this contract, I/We pledge to achieve substantial completion of all the work within the durations detailed in the schedule. The undersigned bidder agrees that if awarded a Contract for the Packages of Work bid herein, it will commence Work under the Contract after receiving a Letter of Authorization to proceed from the Construction Manager and expeditiously conduct the Work in a Manner consistent with Section 00550.

The undersigned represents and warrants that he/she has completed and shall comply with all requirements of local, state, and national laws; that no legal requirement has been or shall be violated in making or accepting his bid, in awarding the contract to him or in the prosecution of the work required; that the bid is legal and firm; that he has not directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding.

Upon receipt of written notice of the acceptance of this Bid, the Bidder shall, within fourteen (14) calendar days, execute the agreement in the required form that is included in the project manual in section 00600 without changes, and deliver the Contract Bonds and Insurance Certificate, required by the Contract Documents.

Pricing is based on the specified materials and manufacturers. Post bid substitutions will not be accepted. Bidder hereby agrees that all escalation costs associated with materials and/or labor have been included in the lump sum bid, through the projected project duration dates as stated in the bid schedule.

The person or persons signing this proposal is/are fully authorized to sign on behalf of the named firm and fully bind the named firm to all of the conditions and provisions thereof.

We are an Individual / a Partnership / a Corporation.

By LONG FENCE COMPANY INC. Trading as LONG FENCE
(Individual's / General Partner's / Corporate Name)

DISTRICT OF COLUMBIA
(State of Incorporation)

Business Address: 8545 EDGENORTH DR.
CAPITOL HEIGHTS,
MD 20743

Witness: James T. Devine
(SEAL) JAMES T. DEVINE

By: [Signature]
(Authorized Signature)

MICHAEL J. RITTER, PRES.

Date: JAN. 31, 2018



8545 Edgeworth Drive
 Capitol Heights, MD 20743-3790
 Tel : 301-350-2400
 Fax: 301-336-0743
 www.long-fence.com

FACSIMILE BID SHEET

CONTRACTOR: Whiting Turner
FAX # SENDING TO: _____

DATE: February 1, 2018

FROM: Mike Pearce
 Project Manager

Please deliver the following to:
 Adam Leonard

PAGE (Including cover sheet)

PROJECT: Berlin Library

We propose to perform the following scope of work:

6' high PVC Fence: per layout and Elevation on drawings AS1.2 and AS1.2b

- ~ Install 441 linear feet of 6' high PVC vinyl fence at 8' on center post spacing.
- ~ Three extra sections to be left on site.
 - Color to be Sierra./Weather or Timber Blend

PRICE: \$ 41,690.00

- **BOND RATE is an ADD of 1% to TOTAL DOLLAR AMOUNT**

Exclusions: Permits, Public Space Permits, Base Dig Permit, Bond, Engineering, PE Stamps, Survey/Stakeout, Restoration of finish grades, Seeding, Clearing, Any Existing Fence Removal, Grounding, Testing of Grounds, Gate Locks, Primary and Secondary Electric, Control Wiring, Running Conduits, Pulling Wires, Junction Box, Spoils Removal, Concrete Work Other than Fence Post Footings, Painting and/or Staining, Traffic Control, Lane Closures, Side Walk Closure, Billing Usage Fees, Marking of Private Utilities or Unidentified Underground Utilities Resulting in Damages and As Built Drawings.

We acknowledge addendums/amendments: N/A

Note: Quoted price is based on receipt of contract By 2018 with 1 Mobilizations to the site and a projected installation date of 2018

If you have any problems receiving this document(s), please call us at 301-350-2400.

Thank you for considering Long Fence!

Berlin Library Fence Approved Due To Neighbor Concerns

Feb 15, 2018 by Charlene Sharpe

BERLIN – Town officials this week approved the addition of a fence to plans for the new Berlin library.

On Wednesday the Berlin Planning Commission voted 3-2 to revise the site plan for the library to include a 428-foot vinyl fence. The fence will be installed between the library's parking lot and the homes on Brittany Lane.

Councilman Troy Purnell told the commission that early drawings of the library had shown a fence between the parking lot and nearby homes.

"It was shown on the renderings," he said. "My constituents would like to see a fence there."

Though the request to add the fence was presented by commission member Ron Cascio, who recused himself so that he could represent the Worcester County Library Foundation, he made it clear the library preferred natural screening to a vinyl fence. He said the library's original site plan called for a row of cedars between the parking lot and the homes on Brittany Lane.

"They would do a better job over time," he said.

Brittany Lane resident Ross Palmer told the commission he and his neighbors wanted the fence as a barrier between them and the library's parking lot.

"It's pretty daunting to have a parking lot in your backyard," he said.

Cascio said the fence would be difficult to install because of grade changes on the property.

"We like our original proposal," he said.

When commission members asked why there was a request for a fence if the applicant didn't want it, Planning Director Dave Engelhart said the issue came up at a public outreach meeting hosted by the Worcester County Library.

"The library board said they would put up a fence," he said, adding that while it was not on the site plan, a fence had been included in one of the project's early renderings.

Purnell offered similar comments and said he was surprised by Cascio's statement that library officials didn't want a fence.

"What happened was the residents came to me as the council person and said 'hey what can you do about this,'" he said. "I talked to the mayor. The mayor went to the county commissioners. A couple county commissioners got together and they all agreed it'd be a good idea. It surprises me

that you're not representing that request, of them wanting this, because I think that's my understanding is that the commissioners do want a fence."

He added that more residents than Palmer wanted to see the fence built.

"They would have all been there if I thought this would not be a slam dunk," Purnell said.

Cascio maintained that the library board preferred natural screening to vinyl fencing.

Commission member Newt Chandler pointed out that when the site plan had been approved, no residents came to express concern. He said adjusting the site plan now could set a bad precedent.

"It's already been through the process," he said.

Commission member Pete Cosby said he didn't want to see a vinyl fence installed. He said that regardless of who was requesting the fence, he saw it as the commission's duty to determine whether that fence was good for the town.

"It's not good for the public welfare to have a bunch of gleaming white fences everywhere..." he said. "It's not conducive to a nice green neighborhood feel."

Commission member John Barrett argued that area residents had likely seen a rendering of the library that featured the fence.

"The rendering had it," he said. "It was misleading to the neighbors."

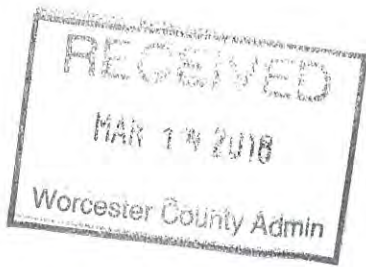
Chandler asked if the fence issue could be tabled temporarily. He suggested giving the library time to plant its preferred vegetation to see if that addressed the neighbors' concerns.

Barrett said it would take years for trees to grow large enough to serve as a buffer between the parking lot and the adjacent homes. Purnell stressed that a fence had been shown on project renderings and should be installed.

"You've got a public parking lot that's going to be impacting the neighborhood," he said.

Barrett made a motion to approve adding the fence to the plans and it passed 3-2, with Cosby and Chandler opposed.

At Wednesday's meeting, the commission also approved changes to the Purnell Crossing development and approved plans for a new warehouse on Evans Road.



7

Worcester County

Government Center
Department of Human Resources
One West Market Street, Room 1301
Snow Hill, Maryland 21863-1213
410-632-0090
Fax: 410-632-5614

STACEY E. NORTON
Human Resources Director
HOPE CARMEAN
Benefits Manager
EDDIE CARMAN
Risk Manager

KELLY BRINKLEY
Volunteer Services Manager
ANN HANKINS
Human Resources Specialist
TARA ARMSTRONG
Office Assistant IV

To: Harold Higgins, Chief Administrative Officer
From: Stacey Norton, Human Resources Director *Stacey Norton*
Date: March 13, 2018
Subject: FY 19 Proposed Medical/Prescription Plan Design Recommendations

PSA Financials, our benefit consultants, have been in negotiations with our benefit vendors.

Enrollment in the dental program increased 3.9%. The dental rates will increase 5%. PSA negotiated a 13% reduction in the administrative rate for a total annual savings of \$16,949. This benefit is paid 100% by the employees enrolled.

There are no changes to vision as we are in the third year of a 4 year rate guarantee.

There are also no changes to Life Insurance and Long Term Disability as we are in the first year of a 3 year rate guarantee.

CareFirst is projecting a 7.1% increase in medical/prescription costs for FY 19 based on claims submitted through the second quarter.

The Health Benefits Committee in conjunction with PSA Financials have discussed the importance of promoting our wellness program and encouraging the members (employees/retirees/dependents) to lead a healthier lifestyle.

Attached you will see additional details on the medical plan design considerations. Also please note that the new or increased copays will be paid for by the employees utilizing those services.

In summary:

1. Dental - 5% rate increase
2. Vision – no changes
3. Life Insurance and Long Term Disability – no changes

The Health Benefits Committee is recommending the following medical/pharmacy plan changes:

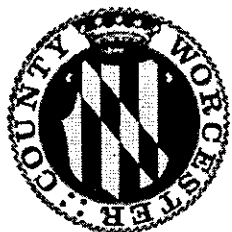
1. Medical: Add combined therapy limits of 60 visits
2. Medical: Add \$20 X-ray Copay
3. Medical: Change Specialist Copay to \$30
4. Pharmacy: Add Narrow Network
5. Pharmacy: Add Voluntary Maintenance Choice
6. Pharmacy: Add Generic Step Therapy

These proposed changes will result in a projected increase of 5.18%.

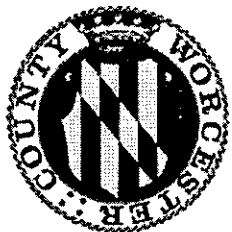
Please note that CareFirst has an April 1, 2018 deadline for any plan design changes as new membership cards will need to be issued to members.

Thank you for your consideration.

Attachment



FY 19 Benefit Recommendation from the Health
Benefits Committee and PSA Financials
3/20/18 Commissioners Meeting



FY 19 Benefits Executive Summary

- **Medical/Prescriptions Drugs:**

- Enrollment increased 2.1%
- PSA negotiated an administrative fee renewal decrease of 3.7% for an annual savings of \$61,488
- Stop loss renewal is a 5% increase. So far, 4 members exceeded the \$250K threshold and \$539K was removed from the renewal calculation
- Projected overall increase of costs is 7.1%

- **Dental:**

- Enrollment increased 3.9%
- Renewal was a 6% increase and PSA negotiated a 5% increase for an annual savings of \$9.3K
- Paid 100% by participating employees

- **Vision:**

- No changes as we are in year 3 of a 4 year rate guarantee with VSP (renews in 2020)
- Paid 100% by participating employees

- **Life and Disability (County Government employees only)**

- No changes as we are in year 1 of 3 year contract with a rate guarantee for an annual premium of \$122,148 year co



Medical/Pharmacy Plan Design Considerations for FY 19

- Medical Options:
 - Adding copays to services currently covered at 100% or no copay
 - Increasing copays
 - Different networks
- Pharmacy Options:
 - Copay changes
 - Narrow Network
 - Voluntary Maintenance Choice
 - Generic Step Therapy
 - Formulary 3



Medical Plan Design Considerations for FY 19

- Projected estimated savings are based on actuarial values not specific plan utilization

Benefit Description	Current Benefit	Proposed Alternative	Projected Estimated Savings Employees Would Be Paying
Hospital Per Admission Copay	No Copay	\$100 Copay	-\$ 27,464
		\$200 Copay	-\$ 54,929
		\$300 Copay	-\$ 80,432
X-Ray (per visit)	No Copay	\$20 Copay	-\$153,016
		\$30 Copay	-\$221,677
Therapy Limits	Unlimited	100 Combined visit limit	-\$ 78,470
		60 Combined visit limit	-\$156,940
Specialist Office Visit Copay	\$20 Copay	\$30 Copay	-\$ 74,546
		\$40 Copay	-\$141,246

f



OT/PT Therapy Visits Utilization

- 1.7% (18 of 1,078) of members using Occupational Therapy/Physical Therapy/Speech Therapy used more than 60 visits combined in 2017
 - The 8 members with 100+ visits average 158 visits a year
 - The 10 members that 61-10 visits average 73 visits a year

Visit Range	# of Claimants	# of Visits	# of Services	Paid Amount
1-10	592	2,463	9,086	\$114,862
11-20	273	3,991	17,139	\$176,776
21-30	117	2,901	12,729	\$120,186
31-40	39	1,316	6,162	\$45,834
41-50	25	1,126	5,664	\$61,997
51-60	14	744	3,011	\$55,529
61-70	4	257	805	\$18,994
71-100	6	474	2,850	\$39,495
100+	8	1,264	4,723	\$142,145



Pharmacy Update

- CareFirst has changed from a 3 tier structure to a 5 tier structure for FY 19. They added a preferred specialty and a non-preferred specialty drug.
- This is not negotiable.
 - As of 7/1/17:
 - Retail: \$10/30/60
 - Retail Maintenance: \$20/60/120
 - Mail Order CVS Caremark for Maintenance: \$10/30/60
 - As of 7/1/18:
 - Retail: \$10/30/60/30/60
 - Retail Maintenance: \$20/60/120/60/120
 - Mail Order CVS Caremark for Maintenance: \$10/30/60/30/60



Pharmacy Changes – Voluntary Maintenance Choice at CVS

- Voluntary Maintenance Choice:
 - Member Impact: 0
 - Savings: \$18,800
 - Members obtain 90 day supply of maintenance medication at CVS store or through CVS Mail Order
 - Members need to obtain prescription written for 90 days
 - Members are able to obtain 30 day supply of non maintenance medication in retail setting
 - Must implement this in order to do Narrow Network (Exclude Walgreens, discussed on next slide)
 - Overview letter mailed to all membership three to four weeks prior to implementation



Pharmacy Changes – Narrow Network

- Narrow Network (Rx Choice Pharmacy Network):
 - Member Impact: 579 for 6,277 fills (using Walgreens)
 - Savings: \$111,400
 - 91.4% retail scripts are being filled within the Advance Choice Network today
 - Eliminates Walgreens from Pharmacy Network
 - 99.8% of employees have access to 1 in-network pharmacy within 90 days
 - Includes independent and national pharmacies such as CVS, Walmart and Rite Aid
 - Must do Voluntary Maintenance Choice when changing to Rx Choice Pharmacy Network
 - Note that all pharmacies are given the option to opt in or opt out of participating in narrow network each year
 - Pre-implementation letters mailed to members who have out-of network pharmacy claims one to two weeks prior to implementation. Letters include the 3 closest pharmacies to members home address.



Pharmacy Changes – Generic Step Therapy

Generic Step Therapy:

- Member Impact: 174
- Savings: \$162,000
- Use of a generic required before brand is covered
- Member experience:
 - If they have filled generic before:
 - The pharmacist will be able to process the prescription with no problems
 - Member able to pick up rx as soon as ready.
 - If they have not filled generic before:
 - The pharmacist will enter rx into system and the system will find that the member has not filled a generic in the last 180 or 365 (dependent on drug class). The system will generate a message to pharmacist saying that the member must try generic.
 - Most often the pharmacist will reach out to the physician and receive permission to fill the generic.
 - For members who can not take generic or physician has a reason the physician can complete a prior authorization request
 - Member & Physician Notification Letters sent approximately 30 days prior to change
- Difference between Generic Step Therapy and Mandatory Generic –
 - Mandatory generic requires members to fill generic when same active ingredient equivalent is available
 - Generic step therapy is when members are required to try generic alternatives (treat same condition but don't have same active ingredients)



FY 19 Proposed Plan Design Options

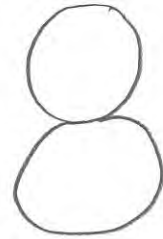
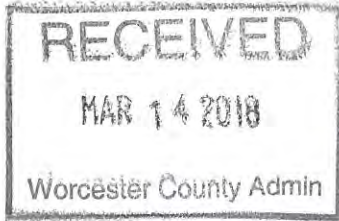
- Health Benefits Committee recommends option #3

Option	Current Benefit	Proposed Benefit	Projected % Increase
Option 1	No Changes		Approximately 7.1%
Option 2	<ol style="list-style-type: none"> 1. No hospital admission Copay 2. Unlimited therapy limits 3. No \$20 X-ray Copay 4. Specialist Copay \$20 5. Pharmacy: No Narrow Network 6. Pharmacy: No Voluntary Maintenance Choice 7. Pharmacy: No Generic Step Therapy 	<ol style="list-style-type: none"> 1. Add \$200 hospital admission Copay 2. Add combined therapy limits of 60 visits 3. Add \$20 X-ray Copay 4. Change Specialist Copay to \$30 5. Pharmacy: Add Narrow Network 6. Pharmacy: Add Voluntary Maintenance Choice 7. Pharmacy: Add Generic Step Therapy 	Approximately 5.02%
Option 3	<ol style="list-style-type: none"> 1. Unlimited therapy limits 2. No \$20 X-ray Copay 3. Specialist Copay \$20 4. Pharmacy: No Narrow Network 5. Pharmacy: No Voluntary Maintenance Choice 6. Pharmacy: No Generic Step Therapy 	<ol style="list-style-type: none"> 1. Add combined therapy limits of 60 visits 2. Add \$20 X-ray Copay 3. Change Specialist Copay to \$30 4. Pharmacy: Add Narrow Network 5. Pharmacy: Add Voluntary Maintenance Choice 6. Pharmacy: Add Generic Step Therapy 	Approximately 5.18% Recommended Option



Next Steps

- CareFirst needs to be notified by April 1, 2018 for any plan changes effective July 1, 2018
- New insurance cards will have to be issued to members if plan design changes are made



Worcester County

Government Center
Department of Human Resources
One West Market Street, Room 1301
Snow Hill, Maryland 21863-1213
410-632-0090
Fax: 410-632-5614

STACEY E. NORTON
Human Resources Director
HOPE CARMEAN
Benefits Manager
EDDIE CARMAN
Risk Manager

KELLY BRINKLEY
Volunteer Services Manager
ANN HANKINS
Human Resources Specialist
TARA ARMSTRONG
Office Assistant IV

To: Harold Higgins, Chief Administrative Officer
From: Stacey Norton, Human Resources Director *Stacey Norton*
Date: March 13, 2018
Subject: Request for Payroll Deduction for Guardian for Additional Life and Accidental Death and Dismemberment Coverage

Full time employees are eligible for life insurance through Guardian at twice their annual salary up to \$50,000 at no cost. The county pays the premiums and administrative fees.

Aflac is the only payroll deduction option today for employees who would like to purchase additional life insurance and/or accidental death and dismemberment plans for themselves, their spouse, or their children.

Unfortunately, Aflac is not the most cost effective option. PSA Financials investigated other options and I would like to request permission to offer payroll deduction for our County employees that would like to voluntarily participate in additional life insurance and/or accidental death and dismemberment with Guardian.

This additional option would be offered to our employees during open enrollment in the fall at no cost to the county as it would be 100% paid by the employees.

Thank you for your consideration.

Attachments

1a

Employee Benefits • Human Resources • Risk Management • Personal Insurance



Voluntary Life/AD&D
County Only

Presented by:
Ken Huber & Claire Bove
February 1, 2018



Example of Aflac vs Guardian Vol Life Ins.

Supplemental Life/AD&D Employee and Spouse Rates	Guardian	
	Monthly Rate	
	Employee	Spouse
Under 25	\$0.113	\$0.113
25-29	\$0.113	\$0.113
30-34	\$0.138	\$0.138
35-39	\$0.189	\$0.189
40-44	\$0.252	\$0.252
45-49	\$0.409	\$0.409
50-54	\$0.698	\$0.698
55-59	\$1.033	\$1.033
60-64	\$1.482	\$1.482
65-69	\$3.062	\$3.062
70 +	\$6.119	\$6.119

- Example: 46 year old Female \$50,000 policy
 - AFLAC monthly premium = \$33.91
 - Guardian proposed monthly premium would be \$20.45
 - With AD&D= \$22.20
 - Employee Guarantee Issue \$200,000
 - Basic Life does not have AD&D

Dependent Child Life		Guardian
Monthly Rate Per \$1,000 Life Benefit		\$0.14

Supplemental AD&D		Guardian
Monthly Rate Per \$1,000 Life Benefit	Employee	\$0.035
	Spouse	\$0.035
	Child(ren)	\$0.035

Guardian: Enrollment Success Plan allows participation to be waived



Voluntary Term Life

Life/AD&D Plan Design	New Benefit Offering Requested Plan Design	Guardian Proposed Plan Design	Symetra Life Insurance Company Proposed Plan Design
Supplemental Employee Life and AD&D Benefit			
Benefit Amount	In any \$10,000 increment; subject to 5 times basic annual earnings, rounded to the next higher \$10,000	Confirmed	Confirmed
Maximum Benefit	5 times basic annual earnings or \$500,000	\$500,000	Confirmed
Guaranteed Issue	\$200,000	Confirmed	\$150,000
Age Reduction (Supp Life)	Reduce by 50% at age 70	Confirmed	Confirmed
Supplemental Dependent Life Benefit			
Spousal Life Benefit Amount	Increment of \$5,000; to a maximum to \$250,000	Confirmed	Confirmed
Maximum Spousal Life Benefit	Not exceed 50% of Insured Person's amount of Life Insurance	Confirmed	Confirmed
Spousal Guaranteed Issue	\$50,000	Confirmed	Confirmed
Spouse Age Reduction	Reduce by 50% at age 70	Confirmed	Confirmed; spouse terms at age 70
Child(ren) Benefit - Age 6 months to 26 (if a full-time student)	\$10,000	age 14 days to 26 (26 if full time student) \$2,000, \$5,000 or	Confirmed
Child(ren) Benefit -14 days to 6 months	\$2,000	\$10,000, not to exceed 100% of Employee's amount	Confirmed
Child(ren) Guaranteed Issue	N/A	\$10,000	Confirmed
Benefit Specifics			
Conversion	Included	Confirmed	Confirmed
Portability	Included	Confirmed	Confirmed
Accelerated Death Benefit			
Employee Benefit	75% of Life Benefit	Confirmed	Confirmed
Spouse Benefit	\$1,000 or 10% of Life Benefit, whichever is greater	Confirmed	Confirmed
Additional benefit highlights			
Life Assist		gives a disability benefit up to 100 months equal to 1% of the vol life elected amount if the employee has a loss of 2 ADL's.	

2



Voluntary Permanent Life

Voluntary Permanent Life Benefits	
Guarantee Issue	Employee: \$200,000 Spouse/Child: \$10,000
Employee Benefit	Employees have choice of amounts ranging from \$10,000 to \$50,000. When sold with Voluntary Term Life the Permanent or Term Life combined amount cannot exceed 1 million
Dependent Permanent Benefit	Spouse: Choice of amounts ranging from \$10,000 and \$25,000, not to exceed the greater of 50% of the employee's amount or \$10,000 Child : \$10,000
Dependent Term Rider	Spouse 10 Year Term: Choice of amounts ranging from \$10,000 and \$25,000, not to exceed the greater of 50% of the employee's amount or \$10,000 Child : \$10,000 Dependent Age Limits 26 years (26 if full time
Dependent Age Limits	26 years (26 if full time student)
Waiver of Stipulated Premium Rider	If disabled, insurance will continue until age 67 or no longer disabled
Plan Highlights	
	<ul style="list-style-type: none"> • Owner can borrow against accumulated net cash surrender value • Employee coverage can be purchased from issue ages 18 to 70. Premium rates do not change due to an increase in age. • Coverage is fully portable when employee or dependent is no longer eligible under employer's plan.
Important Notes	
	<ul style="list-style-type: none"> • Rates and premiums are based on the employee data submitted. Final rates and premiums are based on the plan and employee/dependent data provided on the enrollment forms. State specific requirements apply. • Permanent Life: All issue ages will be calculated using age at last birthday as of the member's certificate effective date. • Waiver of Stipulated Premium Rider: This rider ends at age 60 unless employee is totally disabled. Premiums are waived until earlier of 67 or day that employee is no longer totally disabled. We will waive premiums for all coverage except Spouse and Child Permanent Life coverages. • Policy benefits are reduced by any outstanding loans and loan interest. • There are no loans/withdrawals during the first year of the policy. <p>Spouse's Term Rider is a 10 year fully guaranteed term rider on the life of the employee's eligible spouse and the maximum Issue age is 60. If there is a decrease in employee's face amount, the riders amount cannot be greater than the employee's amount.</p> <p>Child Term Rider is on the lives of all the employee's eligible children. Child Term benefit amount is \$500 for ages 0-14 days. When sold with Voluntary Term Life, only one dependent Term insurance can be elected.</p> <ul style="list-style-type: none"> • Dependent life insurance will not take effect if a dependent, other than a newborn, is confined to the hospital or other health care facility or is unable to perform the normal activities of someone of like age and sex. Dependent coverage including any combination of GPL Permanent and Term and/or Voluntary Term coverage can never exceed the employee's amount.

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Voluntary Permanent Life

Voluntary Permanent Life									
Employee Weekly Premium Samples with Waiver									
Plan # 1									
Benefit	Issue Age	25	30	35	40	45	50	55	60*
\$10,000	NonTobacco	\$1.66	\$2.01	\$2.47	\$3.16	\$4.08	\$5.82	\$9.12	\$9.12
	Cash Value	\$4,104	\$3,805	\$3,580	\$3,111	\$2,534	\$1,688	\$575	\$782
	Tobacco	\$2.26	\$2.75	\$3.37	\$4.36	\$5.65	\$7.87	\$12.48	\$12.23
	Cash Value	\$4,772	\$4,237	\$3,784	\$3,303	\$2,623	\$1,698	\$585	\$666
\$15,000	NonTobacco	\$2.49	\$3.01	\$3.70	\$4.74	\$6.13	\$8.72	\$13.67	\$13.67
	Cash Value	\$6,156	\$5,708	\$5,370	\$4,666	\$3,801	\$2,532	\$863	\$1173
	Tobacco	\$3.39	\$4.12	\$5.05	\$6.54	\$8.48	\$11.80	\$18.73	\$18.35
	Cash Value	\$7,158	\$6,355	\$5,676	\$4,955	\$3,935	\$2,547	\$877	\$998
\$20,000	NonTobacco	\$3.32	\$4.02	\$4.94	\$6.32	\$8.17	\$11.63	\$18.23	\$18.23
	Cash Value	\$8,207	\$7,611	\$7,160	\$6,221	\$5,068	\$3,376	\$1150	\$1564
	Tobacco	\$4.52	\$5.49	\$6.74	\$8.72	\$11.31	\$15.74	\$24.97	\$24.46
	Cash Value	\$9,544	\$8,473	\$7,569	\$6,606	\$5,246	\$3,396	\$1170	\$1331
\$25,000	NonTobacco	\$4.15	\$5.02	\$6.17	\$7.90	\$10.21	\$14.54	\$22.79	\$22.79
	Cash Value	\$10,259	\$9,514	\$8,951	\$7,777	\$6,334	\$4,220	\$1438	\$1956
	Tobacco	\$5.65	\$6.87	\$8.42	\$10.90	\$14.13	\$19.67	\$31.21	\$30.58
	Cash Value	\$11,931	\$10,592	\$9,461	\$8,258	\$6,558	\$4,244	\$1462	\$1664
\$35,000	NonTobacco	\$5.82	\$7.03	\$8.64	\$11.07	\$14.30	\$20.35	\$31.90	\$31.90
	Cash Value	\$14,363	\$13,319	\$12,531	\$10,887	\$8,868	\$5,908	\$2013	\$2738
	Tobacco	\$7.92	\$9.61	\$11.79	\$15.27	\$19.79	\$27.54	\$43.70	\$42.81
	Cash Value	\$16,703	\$14,828	\$13,245	\$11,561	\$9,181	\$5,942	\$2047	\$2330
\$45,000	NonTobacco	\$7.48	\$9.03	\$11.11	\$14.23	\$18.38	\$26.17	\$41.02	\$41.02
	Cash Value	\$18,467	\$17,125	\$16,111	\$13,998	\$11,402	\$7,596	\$2588	\$3520
	Tobacco	\$10.18	\$12.36	\$15.16	\$19.63	\$25.44	\$35.41	\$56.18	\$55.04
	Cash Value	\$21,475	\$19,065	\$17,029	\$14,864	\$11,804	\$7,640	\$2632	\$2995
\$50,000	NonTobacco	\$8.31	\$10.04	\$12.35	\$15.81	\$20.42	\$29.08	\$45.58	\$45.58
	Cash Value	\$20,519	\$19,027	\$17,901	\$15,553	\$12,669	\$8,440	\$2876	\$3911
	Tobacco	\$11.31	\$13.73	\$16.85	\$21.81	\$28.27	\$39.35	\$62.42	\$61.15
	Cash Value	\$23,861	\$21,183	\$18,921	\$16,515	\$13,116	\$8,489	\$2925	\$3328

*Waiver rates are included for ages below 60. Waiver cannot be included for ages 60+. Cash Values shown above are values that apply at age 65 or, if later, on the 10th anniversary and assume all premiums have been paid on time.

When sold with Voluntary Term life, the combined amounts requested for Voluntary Permanent and Voluntary Term Life are subject to the Underwriting Requirements.

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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.
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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

TO: Commissioners
FROM: Harold L. Higgins, Chief Administrative Officer *HH*
RE: Local Impact Grant – Ocean Downs Casino
DATE: March 14, 2018

In response to the recent request from the Town of Pocomoke City as well as references from the Town of Snow Hill and the Ocean Pines Association in their FY19 budget requests, I wanted to provide some background on the Local Impact Grants associated with the Ocean Downs Casino. On June 7, 2011 the County Commissioners passed Resolution 11-12, Adopting a Multi-Year Plan for the Expenditure of Local Impact Grant Funds from the Ocean Downs Video Lottery Facility (now known as the Ocean Downs Casino). State law provides that 5.5% of the proceeds of video lottery terminals shall be distributed as local impact grants which are to be used for improvements in the communities in immediate proximity to the video lottery facilities. The State law further provides that the local impact grant associated with the Ocean Downs Video Lottery Facility shall be distributed to the local jurisdictions in immediate proximity of Ocean Downs as follows: 60% to Worcester County, 20% to Ocean City, 10% to the Town of Berlin and 10% to the Ocean Pines Association. As required by State law, each jurisdiction is required to develop a multi-year plan for the expenditure of the local impact grant funds to address the local impact of the casino which is then reviewed by the Local Development Council. The County's multi-year plan prioritized the expenditure of local impact grant funds as follows:

page 10

1. Education and Workforce Development
2. Public Safety Impacts
3. Road and Transportation System Impacts
4. Public Facilities, Services and Improvements
5. Problem Gambling and Secondary Impacts

In particular, the County plan further noted that the top priority for use of the County's share of local impact grant revenues is to reduce the debt service for "the recently completed County Career and Technology Center" (now known as Worcester Technical High School) since the school will provide a large portion of the workforce development education and training.

Recently, table games were added at the Ocean Downs Casino in December 2017. While State law provides that the County benefits from a portion of those new revenues, the law does not specifically require distribution of those local revenues to other jurisdictions within the County.

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The County's portion of the local impact grant from the Ocean Downs Casino, including table games, totals slightly over \$2 million annually. The debt service for Worcester Technical High School totals roughly \$2.5 million per year. Therefore, it is my recommendation to continue to apply the County's share of the local impact grant to pay the debt service for Worcester Technical High School rather than to allocate any of the table games revenues to other local jurisdictions at least until the debt for the Technical High School fully matures in FY23.

POCOMOKE CITY, MARYLAND

MAYOR

BRUCE A. MORRISON

mayormorrison@pocomokemd.gov

CITY MANAGER

ROBERT L. COWGER

bobby@pocomokemd.gov



CITY COUNCIL

DIANE DOWNING

BRIAN HIRSHMAN

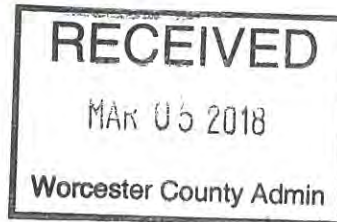
GEORGE TASKER

ESTHER TROAST

DALE TROTTER

February 28, 2018

Worcester County Commissioners
Worcester County Government Center
One West Market Street, Room 1103
Snow Hill, MD 21863



Dear Commissioners:

In 2008, the Worcester County Commissioners created a system to allocate the funds derived from gambling revenues at the Ocean Downs Casino. That system appropriated 5% of the revenue to a local impact fund that would be shared by Ocean City, Ocean Pines, Berlin and the County. The two remaining municipalities in the County, Pocomoke City and Snow Hill, were excluded from the formula and receive no impact funds from the Casino.

Now ten years later the landscape has changed. The Ocean Downs Casino is under new ownership and the facility has been expanded to include table games as a new source of income. As the County Commissioners evaluate how this additional revenue may be allocated, the Mayor and Council of Pocomoke City respectfully request that you consider including our City along with Snow Hill in the formula for receiving impact funds. These monies will be a tremendous asset to assist with the day-to-day operations of and improvements to our communities.

Pocomoke City is in the process of major infrastructure upgrades to our water and sewer plants. The systems are extremely outdated and have been patch-work repaired for years. We are now moving forward with long-needed improvements, but the progress comes with a great cost. The City will be acquiring grants and loans of approximately \$8 million over the next 3 years to bring our systems up to M.D.E. standards. The majority of the grants require a 25% to 50% match from the City and our payback on the low-interest loan from the USDA will be over 40 years.

As part of our Downtown Pocomoke City revitalization plan, the City envisions purchasing several blighted buildings to be demolished and the properties redeveloped into a vibrant and viable business district. There is no grant money or low interest loans available for the purchase and demolition of these properties. Total funding for this project will be borne by the City.

"Friendliest Town on the Eastern Shore"

February 28, 2018
Page Two

In step with our revitalization plan, the City is currently in the approval process for a Downtown Marina. The potential of our beautiful riverfront has never been fully realized. This marina will be a linchpin and catalyst for much more riverfront and downtown development. At present, three stages of approvals have been met. We are now in the permit process for submission to M.D.E. If this extremely exciting project is approved – and we have great hope that it will - the City will require matching funds for grants and loan funding.

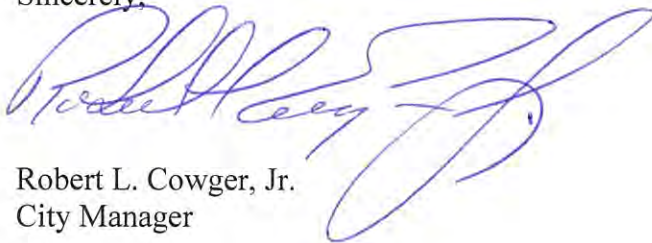
Our sidewalks and streets are in dire need of repair. It is essential to set aside funding each year to establish a program of on-going street paving and sidewalk replacement. Grant funding for these projects is difficult to obtain.

An in-town recreation center for our children has long been an aspiration for our Mayor and Council. While we are blessed with a full-service YMCA in Pocomoke, the location of the facility on busy Worcester Highway makes it very difficult and unsafe for school-aged children to attend either by walking or on bicycles. We need a recreation facility that is convenient for our children – especially our disadvantaged and at-risk youth. The Armory – once the home of a Salvation Army youth club – is an ideal location for such a facility. However, renovation of this building will take much time and money. But this project will be a great investment in the youth of our community.

In closing, Pocomoke City is truly on the verge of a renaissance. We have much to offer on the south end of the County and are proud of what we have accomplished. But there is so much more to be completed to bring the shine back to the “Friendliest Town on the Eastern Shore”. By being included in the Ocean Downs impact fund allocation as are our neighbors to the north, the additional revenue will enable us to continue to do great things to improve the quality of life in Pocomoke City.

Thank you for your consideration of this request and please don't hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert L. Cowger, Jr.", written over a faint, larger version of the same signature.

Robert L. Cowger, Jr.
City Manager

rlc/pms



MAYOR AND COUNCIL OF SNOW HILL

February 26, 2018

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

Dear Commissioner Purnell:

The Town of Snow Hill is writing to request your support and financial assistance for the FY18-19 budget.

Snow Hill continues to work on downtown revitalization to encourage new business owners. We are thankful to have less vacant storefronts and while we have had several new businesses open in the past few years, we still need to focus on bringing visitors and residents to our town.

Two main areas of focus that we have are maintaining our infrastructure and reducing the amount of vacant properties in town. We continue to offer commercial building improvement grants and offer low-interest loans to new or current business owners. We are home to most County offices and this brings more people to town. We want to ensure they have a memorable and positive experience that will encourage their return.

I continue to champion that the Video Lottery Grants, currently distributed in northern Worcester County, should include Snow Hill and Pocomoke. I have repeatedly contacted Delegates and Senators to have the legislation changed that would afford all the municipalities to benefit financially, especially with infrastructure.

We recognize that small municipalities are economically restricted; however, as the County Seat we feel it is a priority for us to provide the best service to our citizens and to offer a viable community for visitors and prospective residents. Our roadways need continual repair as we have a great deal of tractor trailer and vehicle traffic connecting to Salisbury, Berlin, or Pocomoke City. Your funding last year was very helpful in some of our roadway improvement needs.

We are very appreciative of the funding you continue to provide to Snow Hill and recognize the economic strain on granting agencies. Grant funding in the amount of \$455,000 last year was allocated to Snow Hill and we are hopeful that you will consider providing the same, if not an increase of that amount this year.

Last year, you provided a payment in lieu of taxes of \$150,000. We are hopeful that you will increase the amount this year, as the actual taxes that would have been collected in 2016 was \$320,209.82 and we are sure this amount has increased over the past two years. Additionally, you provided \$36,000 for the replacement of police radios that was extremely helpful to the needs our agency.

The funding from Worcester County assists us with many of the functions that are necessary to maintain our municipality, namely infrastructure and downtown revitalization.

We appreciate any consideration you give to our request and again express our sincere appreciation for your continued support.

Sincerely,



John C. Dorman
Mayor



OCEAN PINES ASSOCIATION, INC.

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

February 26, 2018

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

Dear Ms. Whited:

This request is being submitted to you in accordance with the letter dated January 2, 2018 from President Diana Purnell. President Purnell asked that the Association provide information on funding requests as a beginning step to developing the Worcester County Budget for the coming fiscal year.

Ocean Pines contains 8,452 properties with a year-round population of about 12,000, and thus represents a significant percentage of the overall county population. In addition to the county residents that live and own property in Ocean Pines, the Association shares the use of its physical assets with thousands of guests who come to the area to visit each year. These physical assets include our 82 miles of road and associated bridges, five pools, golf course, restaurants, and multiple parks and playgrounds. There are also many services that the Association provides to the residents of the county when they are in Ocean Pines – public safety services, and parks & recreation programming, including dozens of classes for physical fitness and wellness as well as educational forums.

The aforementioned are the underpinning support pillars of our request for funding. Ocean Pines has historically received less financial support from the county than other population centers. However, we believe that the County can recognize the Association for the asset that it is to the county through its consideration of funding for this next year and beyond.

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

Public Safety

The County has consistently provided grant funding for the dedicated purpose of supporting the Ocean Pines Police Department. We appreciate this financial support and trust that the County will be able to continue to provide a strong level of funding for this public safety service.

Last year, the Ocean Pines Police Department answered the call of duty 12,277 times, with 401 instances of providing mutual aid assistance. Continued growth on the Route 589 corridor and the unfortunate rise of the opioid crisis had contributed significantly to our response needs in the last couple of years. Your help in providing much needed funding is imperative to meet the related and growing demands on manpower, training, and time.

To assist us in meeting the current and increasing demands on our police force, we respectfully request Public Safety funding in the form of a grant in the amount of \$500,000, an increase of 7.6% over current year support.

Roads & Bridges (& associated drainage improvements)

There are eighty-two miles of roads in Ocean Pines and we literally provide vehicle passage for thousands every day. We have four bridges and we have 387 pipes that cross under roads; 16 are currently in dire need of replacement. We also must maintain the literally thousands of driveway pipes throughout the community.

Ocean Pines needs to be more proactive in maintaining and repairing our roadways and enforcing proper roadway cuts for new housing and piping replacement. Furthermore, OPA is pursuing a much more aggressive posture in dealing with drainage problems. A developer could not build a community like Ocean Pines today, especially with regard to drainage and run-off issues, as the legal requirements of handling such matters are very different today than they were when Boise-Cascade was originally granted permitting. We have over 200 miles of drainage ditches, a high-water table, very little incline/decline to create appropriate drainage. We need new pipes to replace old, as well as new piping where we have none; however, if funding were available, these projects could be done and thus alleviate significant problems impacting hundreds of property owners.

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

As a side note, Ocean Pines is very interested in participating in any discussions the county has regarding the issue of the Casino funds and the impact of the implementation of table games.

Tourism / Parks & Recreation

Tourism is a vital part of the economic engine of Worcester County and the assets of Ocean Pines play a key part in helping the county achieve its tourism goals. Thousands of tourists stay and/or play in Ocean Pines throughout the year, not just during the summer. They are drawn by our proximity to the beach as well as by our many amenities – marinas, pools, golf course, parks, racquet courts; in addition, they are drawn to our many programs, sporting events, and

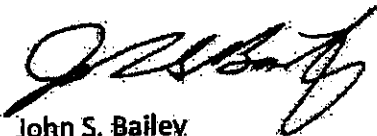
special events. One of those events is our Fourth of July celebration. This celebration includes a firework show that is one of the best in the area and draws over 20,000 spectators, many from other parts of Worcester County and beyond.

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

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

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

Respectfully submitted,



John S. Bailey
General Manager

RESOLUTION NO. 11 - 12

**RESOLUTION ADOPTING A MULTI-YEAR PLAN
FOR THE EXPENDITURE OF LOCAL IMPACT GRANT FUNDS
FROM THE OCEAN DOWNS VIDEO LOTTERY FACILITY**

WHEREAS, Section 9-1A-27 of the State Government Article of the Annotated Code of Maryland provides that 5.5% of the proceeds of video lottery terminals at each video lottery facility in the State of Maryland shall be distributed as local impact grants to Baltimore City (18%) and the local jurisdictions with video lottery facilities (82%); and

WHEREAS, State law further provides that the local impact grant associated with the Ocean Downs Video Lottery Facility shall be distributed to the local jurisdictions in Worcester County as follows: 60% to Worcester County, 20% to Ocean City, 10% to the Town of Berlin, and 10% to the Ocean Pines Association; and

WHEREAS, in accordance with the provisions of Section 9-1A-31 of the State Government Article of the Annotated Code of Maryland, prior to any expenditure of local impact grant funds, the County shall develop, in consultation with the local development council, a multi-year plan for the expenditure of the local impact grant funds for services and improvements including: infrastructure improvements, facilities, public safety, sanitation, economic and community development including housing, and other public services and improvements; and

WHEREAS, at their meeting of April 5, 2011, the Board of County Commissioners of Worcester County, Maryland conceptually approved a draft Multi-year Plan for the Expenditure of Local Impact Grant Funds from the Ocean Downs Video Lottery Facility which was submitted to the Local Development Council for the Ocean Downs Video Lottery Facility for their review and comment in accordance with State law; and

WHEREAS, at their meeting on May 16, 2011 the Local Development Council for the Ocean Downs Video Lottery Facility reviewed and unanimously approved the County's Multi-year plan as presented.


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

1. The attached Multi-year Plan for the Expenditure of Local Impact Grant Funds from the Ocean Downs Video Lottery Facility is hereby formally adopted and shall guide the expenditure of local impact grant funds distributed to Worcester County.

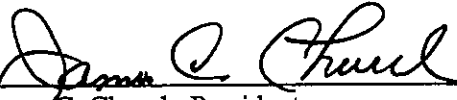
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

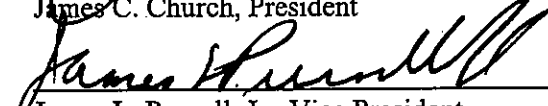
PASSED AND ADOPTED this 7th day of June, 2011.

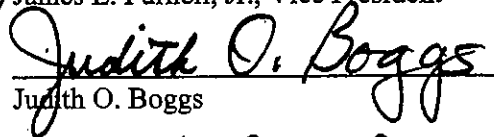
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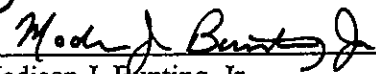

Gerald T. Mason
Chief Administrative Officer

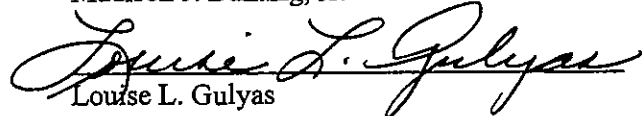
WORCESTER COUNTY COMMISSIONERS

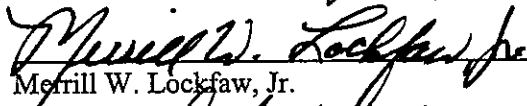

James C. Church, President


James L. Purnell, Jr., Vice President


Judith O. Boggs


Madison J. Bunting, Jr.


Louise L. Gulyas


Merrill W. Lockfaw, Jr.


Virgil L. Shockley

**MULTI-YEAR PLAN
FOR THE
EXPENDITURE OF
LOCAL IMPACT GRANT FUNDS
FROM
THE OCEAN DOWNS VIDEO LOTTERY FACILITY**

BACKGROUND: In 2007 the Maryland General Assembly passed legislation to authorize video lottery terminals in Maryland subject to the passage of a Constitutional Amendment by the voters of the State. The Constitutional Amendment passed by a majority vote in the 2008 general election. One of the components of the original legislation, which was subsequently amended in the 2009 General Assembly Session, provided for the establishment of local development councils. These development councils are to advise county or municipal governments regarding the expenditure of local impact grants received from video lottery terminal facilities located in or adjacent to their jurisdiction. Prior to the expenditure of any such funds the county must develop, in consultation with the development council, a multi-year plan for the use of the funds. While State law is silent relative to the structure of the plan it says that the funds shall be used for improvements in the communities in immediate proximity to the video lottery facilities for the following purposes:

1. Infrastructure improvements;
2. Facilities;
3. Public safety;
4. Sanitation;
5. Economic and community development, including housing; and
6. Other public services and improvements.

PURPOSE: The Ocean Downs Video Lottery Facility has only been in operation for approximately three months. Consequently, the facility's true impacts on the immediate area surrounding it and on the County in general as well as the amounts of the local impact grants are only hypothetical at this time. Until such time as discernable patterns emerge, it is difficult to establish a long term plan for funds distribution. With that being said, this document outlines general classes of distributions that should be considered until sufficient data exists that can be used to refine this plan.

MAJOR IDENTIFIED IMPACTS AND POTENTIAL DISTRIBUTIONS:

1. Education and Workforce Development. Probably one of the most easily overlooked impacts from the video lottery facility, but arguably one of the most important, is the need to ensure that the County has an adequate supply of highly trained and well educated workers. If Worcester County is to benefit economically from the gaming industry over the long term, it is vital that it be County citizens who fill the jobs generated, not only those at the facility itself but also those in all of the other fields it will impact as outlined above. Many of the businesses that constitute the tourism industry or that support and service it are owned by

Worcester County citizens. They, their families and many of their friends and associates make their living primarily from the tourism industry that will benefit from the gaming venue. These people invest in our local economy through the businesses they operate, the homes they construct or buy, the local stores they buy from, the employees they pay, and the tax revenue to local government that ensues from those investments. Additionally, those that live in Worcester County and have invested in it care the most about the quality of life here. Making sure these people stay here is critical.

One way to assist in retaining our citizens is to make sure that they are prepared to fill the job opportunities that are expected to come. It is not only education and training for the two hundred jobs that have reportedly been created as a result of the video lottery operation but even more importantly in those other fields that will be affected such as public safety workers, addictions counselors, traffic engineers, event planners, hospitality workers, food service staff, building trades, and even public sector jobs in the government agencies that will plan for and manage the impacts. Adequate consideration must be given to weight the value of investing in education and training for the future against more short term projects that address only more immediate needs. This should not be construed to mean that we necessarily need to or even should create a number of new education and training programs but instead signifies that proper investment of the impact grants in educational facilities is certainly suitable. In particular, reducing the debt service for the recently completed Worcester County Career and Technology Center with impact grants strikes an appropriate balance since it will provide a large portion of the workforce development education and training.

2. Public Safety Impacts. Without a doubt one of the most important functions of local government is to provide for the health and safety of its citizens. It is also highly probable that this is one area where the impact of the video lottery facility will be most easily identifiable. One will only need to compare the statistics dealing with the number of calls for assistance from police and emergency medical personnel before and after the opening of the video lottery facility to gauge its impact. It has already been reported that the Berlin Fire Company has responded to additional calls for ambulance services since the opening of the facility. It can be expected that during the summer months the number of calls will rise even more due to the influx of summer visitors. The additional direct burdens on law enforcement will also be easy to identify. Certainly the increased traffic will likely result in more traffic accidents. Furthermore, the increased number of visitors will probably lead to a greater number of calls for service to deal with criminal behavior and for assistance for such things as disorderly conduct, petty theft and drunk and disorderly calls. There is also a strong belief by some people that there will be increased burdens on law enforcement personnel from more significant criminal activity such as prostitution, drug use and sale, and burglary, etc. Only time will tell the true extent of the additional demands on personnel and expenses. These factors should be monitored closely and appropriate resources provided to meet the demand.

3. Road and Transportation System Impacts. One can hardly quarrel that the video lottery facility will have impacts on the transportation network in the immediate area of the facility. The mere construction of the MD Rt. 589 improvements in front of Ocean Downs and the US Rt. 50 turn lane extensions are a clear indication of that. More importantly it should be recognized that these improvements were paid for by Ocean Downs and are located on State Highways. This is significant since most additional impacts and the improvements necessary to mitigate them will also occur on these same State Highways and be funded by the developer. At the present time it appears that any impacts to actual County roads in the immediate vicinity will be rather limited with one major exception.

The exception is the provision of a service road on the southerly side of US Rt. 50. Current long term plans for the MD Rt. 589 and US Rt. 50 interchange call for a grade separated interchange with a connection to the proposed and partially constructed County service road. It is entirely possible that construction may occur sooner rather than later should the video lottery facility generate traffic demands greater than currently anticipated or from the addition of table games and other forms of entertainment at Ocean Downs. Estimated costs for construction of such an interchange are significant. However, once again, these costs are not expected to be borne in any part by the County. The County requires that all costs associated with the construction of the service road are borne by the developers of the properties along its alignment. However, there will most likely be some costs to the County in connecting the service road to the interchange should development of the properties south of US Rt. 50 and the construction of the service road occur prior to the construction of a grade separated interchange. Planning for this possibility, from both an engineering and a financial perspective, should begin in the near future.

4. Public Facilities, Services and Improvements. Certainly changes have come and will continue as a result of the video lottery facility opening at Ocean Downs. Increases in attendance over the summer and fall seasons will have impacts different or at least more intense than those evident during the winter. Should table games be introduced, as currently being contemplated in the Maryland Legislature, or current restrictions on entertainment and promotional activities be lifted or modified, the intensity of the existing impacts will certainly escalate and new and perhaps currently unidentified impacts could follow. Actual impacts to public facilities and services, however, may be less significant in Worcester County than other areas due to the unique way in which the County addresses public facilities like water and sewer, trash collection, stormwater management, public housing or other services and improvements not discussed previously.

Worcester County has a long history of requiring development to pay its own way. For example, while the County operates numerous water and wastewater plants, they were not constructed or expanded with the use of County funds. The infrastructure must be built to the County's standards at a developer's expense and then turned over to the County for operation. Any expansion or other modifications due to intensified needs are also at the expense of the developer. In the same manner, all stormwater management facilities are designed and

constructed at the developer's expense. However, unlike water and wastewater facilities, they are not turned over to the County for operation but remain the sole responsibility of the developer. At present, the County does not fund or operate a housing authority. It does manage a number of grant programs for housing rehabilitation but it does not appear that there will be any additional demands on these programs as a result of the video lottery facility as it currently exists or may evolve. Worcester County does not operate a trash collection program either. All businesses contract with private haulers to transport their refuse to the County-owned central landfill site north of Snow Hill. The solid waste division of the County operates as an enterprise fund. This structure of operation is designed so that the cost of operation is borne by the users. Therefore, any additional refuse disposal requirements generated by the facility (which are not anticipated to be significant) will be the sole financial responsibility of the facility. Given that the Town of Ocean City recently ceased taking solid waste to the central landfill, actual landfill capacity should be more than adequate.

5. Problem Gambling and Secondary Impacts. It is anticipated that the presence of the new video lottery facility at the existing Ocean Downs Racetrack will contribute to increases in cases of problem gambling and their secondary impacts, such as family strife, separation, divorce and, at times, problem drinking. These are significant issues affecting the resident population and visitors. We recognize, however, that specific dedicated funding sources for addressing these problems have already been established through legislation. Current law provides that programs to deal with the affects of problem gambling will be administered largely through the Health Department. Certainly there will be instances of non-residents needing some type of assistance; however, when seeking help these individuals generally will do so when returning to their home areas as do the many others with differing issues that visit our County every year.

Kelly Shannahan

From: Maureen L. Howarth
Sent: Friday, March 16, 2018 10:11 AM
To: Kelly Shannahan
Subject: full section being printed at from printer for you.

SG 9-1A-27

Amounts retained at video lottery facility and paid to Education Trust Fund

(d)(1) Each video lottery operation licensee shall retain 80% of the proceeds of table games at the video lottery facility.

(2) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of **table games** at each video lottery facility:

(i) 5% to the local jurisdiction in which the video lottery facility is located, provided that:

1. 50% of the proceeds paid to Baltimore City shall be used to fund school construction projects; and
 2. 50% of the proceeds paid to Baltimore City shall be used to fund the maintenance, operation, and construction of recreational facilities; and
- (ii) 15% to the Education Trust Fund established under § 9-1A-30 of this subtitle.

Maureen F.L. Howarth

County Attorney for Worcester County, Maryland
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863
410-632-1194

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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

10

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. MITRECIĆ

March 13, 2018

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Pending Board Appointments - Terms Beginning January 1, 2018

Attached, please find copies of the Board Summary sheets for the remaining County Boards or Commissions (11) which have current vacancies (14 total). They are as follows: Commission on Aging Board (2), Agricultural Reconciliation Board (1), Drug & Alcohol Abuse Council (2), Local Management Board/Initiative to Preserve Families Board (1), Local Development Council for the Ocean Downs Casino (2), Lower Shore Workforce Investment Board (1), Property Tax Assessment Appeal Board (1, with 3 nominees to Governor), Social Services Board (1), Tourism Advisory Committee (1), Water and Sewer Advisory Council - Ocean Pines (1), and Commission for Women (1). I have circled the members whose terms have expired on each of these boards.

Most of these Boards and Commissions specify that current members' terms will expire on December 31st. Current members will continue to serve beyond their term until they are either reappointed or a replacement is named. Please consider these reappointments or new appointments as soon as possible so I can notify the board members and staff contacts as soon as possible to restore full membership to each of these County Boards and Commissions.

Since your last meeting, we have received a request from the Local Development Council for the Ocean Downs Casino to reappoint At-Large member David Massey for an additional 4-year term through December 31, 2021 (see page 11). Please consider this request at your next meeting.

Pending Board Appointments - By Commissioner

- District 1 - Lockfaw** p. 10 - Local Development Council for Ocean Downs Casino (Ron Taylor - for remainder of term through 2018) - 4-year
p. 14 - Social Services Board (Tracey Cottman) - 3-year

District 2 - Purnell All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"

District 3 - Church All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"

District 4 - Elder All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"

- District 5 - Bertino** p. 16 - Tourism Advisory Committee (Teresa Travatello) - 4-year
p. 17 - Water and Sewer Advisory Council - Ocean Pines (Michael Reilly) - 4-year

District 6 - Bunting p. 17 - Water and Sewer Advisory Council - Ocean Pines (Michael Reilly) - 4-year

District 7 - Mitrecic All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"

All Commissioners

- p. 6 - (1) Agricultural Reconciliation Board (Betty McDermott - At-Large) - 4-year
p. 7 - (1) Drug and Alcohol Abuse Council (Rev. Bill Sterling - Knowledge on Substance Abuse Issues) - 4-year
p. 9 - (1) Local Management Board (Eloise Henry Gordy) - 3-year
p. 10 - (1) Local Development Council for Ocean Downs Casino (David Massey - At-Large - business or institution representative in immediate proximity to Ocean Downs) - 4-year
- See Request to Reappoint David Massey - (page 11) *
p. 12 - (1) Lower Shore Workforce Investment Board (Donna Weaver - Business Representatives) - 4-year
p. 13 - Property Tax Assessment Appeal Board (Robert D. Rose - Pocomoke area) - must submit 3 nominees to Governor for his consideration in making this appointment - 5-year
p. 17 - (2) Water and Sewer Advisory Council - Ocean Pines (Michael Reilly) - 4-year
p. 18 - (2) Commission for Women (Alice Jean Ennis - At-Large-Pocomoke) - 3-year

All Commissioners (Awaiting Nominations)

- p. 3 - (2) Commission on Aging Board (George "Tad" Pruitt and Bonnie C. Caudell - Snow Hill) - self-appointed by Commission on Aging & confirmed by County Commissioners- 3-year to September 30

COMMISSION ON AGING BOARD

Reference: By Laws of Worcester County Commission on Aging
- As amended July 2015

Appointed by: Self-Appointing/Confirmed by County Commissioners

Function: Supervisory/Policy Making

Number/Term: Not less than 12; 3 year terms, may be reappointed
Terms Expire September 30

Compensation: None

Meetings: Monthly, unless otherwise agreed by a majority vote of the Board

Special Provisions: At least 50% of members to be consumers or volunteers of services provided by Commission on Aging, with a representative of minorities and from each of the senior centers; one County Commissioner; and Representatives of Health Department, Social Services and Board of Education as Ex-Officio members

Staff Contact: Worcester County Commission on Aging, Inc. - Snow Hill
Rob Hart, Executive Director (410-632-1277)

Current Members:

<u>Member's Name</u>	<u>Resides/Represents</u>	<u>Years of Term(s)</u>
(George "Tad" Pruitt) - Resigned	Snow Hill	05-08-11-14, 14-17
(Bonnie C. Caudell) - Resigned	Snow Hill	*09-11-14, 14-17
Tommy Tucker	Snow Hill	09-12-15, 15-18
Tommy Mason	Pocomoke	15-18
Helen Whaley	Berlin	*16-18
Fred Grant	Snow Hill	*15-16, 16-19
Joyce Cottman	Berlin	*16, 16-19
Cynthia Malament	Berlin	07-10-13-16, 16-19
Lloyd Parks	Girdletree	08-11-14-17, 17-20
Larry Walton	Ocean Pines	*13-14-17, 17-20
Clifford Gannett	Pocomoke	*12-14-17, 17-20
Rebecca Cathell	Agency - Maryland Job Service	
Lou Taylor	Agency - Worcester County Board of Education	
Roberta Baldwin	Agency - Worcester County Department of Social Services	
Rebecca Jones	Agency - Worcester County Health Department	
Madison J. Bunting, Jr.	Worcester County Commissioners' Representative	

Commission on Aging searching for new members

* = Appointed to fill an unexpired term

Prior Members:

Since 1972

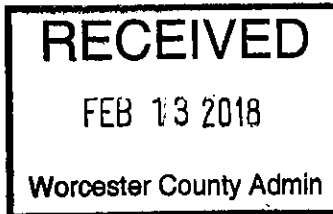
Virginia Harmon
 Maude Love
 Dr. Donald Harting
 John C. Quillen
 Violet Chesser
 William Briddell
 Harrison Matthews
 John McDowell
 Mildred Brittingham
 Maurice Peacock
 Father S. Connell
 Rev. Dr. T. McKelvey
 Samuel Henry
 Rev. Richard Hughs
 Dorothy Hall
 Charlotte Pilchard
 Edgar Davis
 Margaret Quillen
 Lenore Robbins
 Mary L. Krabill
 Leon Robbins
 Claire Waters
 Thelma Linz
 Oliver Williams
 Michael Delano
 Father Gardiner
 Iva Baker
 Minnie Blank
 Thomas Groton III
 Jere Hilbourne
 Sandy Facinoli
 Leon McClafin
 Mabel Scott
 Wilford Showell
 Rev. T. Wall
 Jeaninne Aydelotte
 Richard Kasabian
 Dr. Fred Bruner
 Edward Phillips
 Dorothy Elliott
 John Sauer
 Margaret Kerbin
 Carolyn Dorman
 Marion Marshall
 Dr. Francis Ruffo
 Dr. Douglas Moore
 Hibernia Carey
 Charlotte Gladding
 Josephine Anderson
 Rev. R. Howe
 Rev. John Zellman
 Jesse Fassett
 Delores Waters
 Dr. Terrance A. Greenwood
 Baine Yates
 Wallace T. Garrett
 William Kuhn (86-93)
 Mary Ellen Elwell (90-93)
 Faye Thomes

Mary Leister (89-95)
 William Talton (89-95)
 Sunder Henry (89-95)
 Josephine Anderson
 Saunders Marshall (90-96)
 Louise Jackson (93-96)
 Carolyn Dorman (93-98)
 Constance Sturgis (95-98)
 Connie Morris (95-99)
 Jerry Wells (93-99)
 Robert Robertson (93-99)
 Margaret Davis (93-99)
 Dr. Robert Jackson (93-99)
 Patricia Dennis (95-00)
 Rev. C. Richard Edmund (96-00)
 Viola Rodgers (99-00)
 Baine Yates (97-00)
 James Shreeve (99-00)
 Tad Pruitt (95-01)
 Rev. Walter Reuschling (01-02)
 Armond Merrill, Sr. (96-03)
 Gene Theroux
 Blake Fohl (98-05)
 Constance Harmon (98-05)
 Catherine Whaley (98-05)
 Wayne Moulder (01-05)
 Barbara Henderson (99-05)
 Gus Payne (99-05)
 James Moeller (01-05)
 Rev Stephen Laffey (03-05)
 Anne Taylor (01-07)
 Jane Carmean (01-07)
 Alex Bell (05-07)
 Inez Somers (03-08)
 Joanne Williams (05-08)
 Ann Horth (05-08)
 Helen Richards (05-08)
 Peter Karras (00-09)
 Vivian Pruitt (06-09)
 Doris Hart (08-11)
 Helen Heneghan (08-10)
 Jack Uram (07-10)
 Robert Hawkins (05-11)
 Dr. Jon Andes
 Lloyd Pullen (11-13)
 John T. Payne (08-15)
 Sylvia Sturgis (07-15)
 Gloria Blake (05-15)
 Dr. Jerry Wilson (Bd. of Ed.)
 Peter Buesgens (Social Services)
 Deborah Goeller (Health Dept.)

* = Appointed to fill an unexpired term



Memo



To: Kelly Shannahan, Assistant Chief Administrative Officer
From: Rob Hart, Executive Director
Date: November 18, 2017 (Note - emailed but not received)
Subject: Board Members

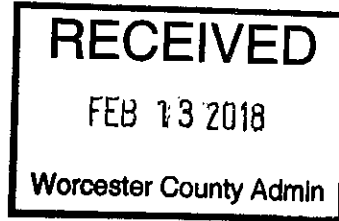
The current board members of the Worcester County Commission on Aging at their November 2017 meeting agreed to recommend that Lloyd Parks, Larry Walton, and Clifford Gannett be reappointed back for another 3-year term. Bonnie Caudell resigned from the Board earlier this year and thanked all for allowing her to serve. We are in the early stages of finding her replacement to present to the Commissioners.

If you have any additional questions, please contact me.

Thanks



Memo



To: Kelly Shannahan, Assistant Chief Administrative Officer
From: Rob Hart, Executive Director
Date: February 12, 2018
Subject: Board Member

At the January Board Meeting Tad Pruitt resigned due to health problems. We are currently doing a search for possible new board members to be presented to the commissioners. We are in the early stages of finding his replacement to present to the Commissioners.

If you have any additional questions, please contact me.

Thanks

AGRICULTURAL RECONCILIATION BOARD

Reference: Public Local Law § ZS 1-346 (Right to Farm Law)

Appointed by: County Commissioners

Function: Regulatory
 Mediate and arbitrate disputes involving agricultural or forestry operations conducted on agricultural lands and issue opinions on whether such agricultural or forestry operations are conducted in a manner consistent with generally accepted agricultural or forestry practices and to issue orders and resolve disputes and complaints brought under the Worcester County Right to Farm Law.

Number/Term: 5 Members/4-Year Terms - Terms expire December 31st

Compensation: None - Expense Reimbursement as provided by County Commissioners

Meetings: At least one time per year, more frequently as necessary

Special Provisions: - All members must be County residents
 - Two Members chosen from nominees of Worcester County Farm Bureau
 - One Member chosen from nominees of Worcester County Forestry Board
 - Not less than 2 but not more than 3 members shall be engaged in the agricultural or forestry industries

Staff Contact: Dept. of Development Review & Permitting
 - Edward A. Tudor, Director (410-632-1200, ext. 100)
 County Agricultural Extension Agent - As Consultant to the Board
 - Doug Jones, District Manager, Resource Conservation District - (632-3109, x112)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Ag/Forest Industry</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Betty McDermott	At-Large	No	Ocean Pines	*09-09-13, 13-17
Tom Babcock	At-Large	No	Whaleyville	14-18
Dean Ennis	Farm Bureau	Yes	Pocomoke	06-10-14, 14-18
Stacey Esham	Forestry Bd.	Yes	Berlin	12-16, 16-20
Brooks Clayville	Farm Bureau	Yes	Snow Hill	00-04-08-12-16, 16-20

Prior Members: Since 2000

Michael Beauchamp (00-06)
 Phyllis Davis (00-09)
 Richard G. Holland, Sr. (00-12)
 Rosalie Smith (00-14)

* = Initial terms staggered

DRUG AND ALCOHOL ABUSE COUNCIL

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

Functions: Advisory
Develop and implement a plan for meeting the needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention and treatment services.

Number/Term: At least 18 - At least 7 At-Large, and 11 ex-officio (also several non-voting members)
At-Large members serve 4-year terms; Terms expire December 31

Compensation: None

Meetings: As Necessary

Special Provisions: Former Alcohol and Other Drugs Task Force was converted to Drug and Alcohol Abuse Council on October 5, 2004.

Staff Contact: Jack Orris, Council Secretary, Health Department (410-632-1100, ext. 1038)
Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
<u>At-Large Members</u>		
Rev. Bill Sterling	Knowledge of Substance Abuse Issues	13-17 - moved/replace
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14, 14-18
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (advisory), 10-14, 14-18
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19
Jennifer LaMade	Knowledgeable on Substance Abuse Issues	*12-15, 15-19
Kat Gunby	Substance Abuse Prevention Provider	*16-19
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12-16, 16-20
Dr. Roy W. Cragway, Jr.	Knowledgeable on Substance Abuse Issues	*17-20
Colleen Wareing	Knowledge of Substance Abuse Treatment	*06-09-13-17, 17-21

Ex-Officio Members

Rebecca Jones	Health Officer	Ex-Officio, Indefinite
Roberta Baldwin	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Beau Oglesby	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Reggie Mason (Doug Dods)	County Sheriff	Ex-Officio, Indefinite
William Gordy (Eloise Henry Gordy)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Thomas Groton (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Donna Bounds	Warden, Worcester County Jail	Ex-Officio, Indefinite

Advisory Members

Lt. Earl W. Starner	Maryland State Police	Since 2004
Charles "Buddy" Jenkins	Business Community - Jolly Roger Amusements	
Chief Ross Buzzuro (Lt. Rick Moreck)	Ocean City Police Dept.	
Leslie Brown	Hudson Health Services, Inc.	

Prior Members:

Since 2004

Vince Gisriel	Aaron Dale
Michael McDermott	Garry Mumford
Marion Butler, Jr.	Sharon Smith
Judge Richard Bloxom	Jennifer Standish
Paula Erdie	Karen Johnson (14-17)
Tom Cetola	
Gary James (04-08)	
Vickie Wrenn	
Deborah Winder	
Garry Mumford	
Judge Theodore Eschenburg	
Andrea Hamilton	
Fannie Birckhead	
Sharon DeMar Reilly	
Lisa Gebhardt	
Jenna Miller	
Dick Stégmaier	
Paul Ford	
Megan Griffiths	
Ed Barber	
Eloise Henry-Gordy	
Lt. Lee Brumley	
Ptl. Noal Waters	
Ptl. Vicki Fisher	
Chief John Groncki	
Chief Arnold Downing	
Frank Pappas	
Captain William Harden	
Linda Busick (06-10)	
Sheriff Chuck Martin	
Joel Todd	
Diane Anderson (07-10)	
Joyce Baum (04-10)	
James Yost (08-10)	
Ira "Buck" Shockley (04-13)	
Teresa Fields (08-13)	
Frederick Grant (04-13)	
Doris Moxley (04-14)	
Commissioner Merrill Lockfaw	
Kelly Green (08-14)	
Sheila Warner - Juvenile Services	
Chief Bernadette DiPino - OCPD	
Chief Kirk Daugherty - SHPD	
Mike Shamburek - Hudson Health	
Shirleen Church - BOE	
Tracy Tilghman (14-15)	
Marty Pusey (04-15)	
Debbie Goeller	
Peter Buesgens	

WORCESTER COUNTY'S INITIATIVE TO PRESERVE FAMILIES BOARD

Previously - Local Management Board; and Children, Youth and Family Services Planning Board

Reference: Commissioners' Resolution No. 09-3, adopted on January 6, 2009

Appointed by: County Commissioners

Functions: Advisory/Policy Implementation/Assessment and Planning
 - Implementation of a local, interagency service delivery system for children, youth and families;
 - Goal of returning children to care and establishment of family preservation within Worcester County;
 - Authority to contract with and employ a service agency to administer the State Service Reform Initiative Program

Compensation: \$50 Per Meeting for Private Sector Members

Number/Term: 9 members/5 Public Sector, 4 Private Sector with 3-year terms
 51% of members must be public sector
 Terms expire December 31st

Meetings: Monthly

Staff Contact: Jessica Sexauer, Director, Local Management Board - (410) 632-3648
 Jennifer LaMade - Local Management Board - (410) 632-3648

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides/Representing</u>	<u>Years of Term(s)</u>
Eloise Henry Gordy	At-Large - J. Purnell	Snow Hill	*07-08-11-14, 14-17
Mark Frostrom	At-Large - Lockfaw	Pocomoke City	*99-12, 12-15, 15-18
Ira "Buck" Shockley	At-Large - D. Purnell	Snow Hill	03-09-12, 13-16, 16-19
Amy Rothermel	At-Large - Mitrecic	Ocean City	17-20
Jennifer LaMade	<i>Ex officio</i>	Core Service Agency	Indefinite
Rebecca Jones	<i>Ex officio</i>	Health Department	Indefinite
Sheila Warner	<i>Ex officio</i>	Juvenile Justice	Indefinite
Louis H. Taylor	<i>Ex officio</i>	Board of Education	Indefinite
Roberta Baldwin	<i>Ex officio</i>	Department of Social Services	Indefinite

Prior Members (since 1994):

Tim King (97)	Rev. Pearl Johnson (05-07)	Jerry Redden
Sandra Oliver (94-97)	Peter Fox (05-07)	Jennifer Standish
Velmar Collins (94-97)	Lou Etta McClafin (04-07)	Anne C. Turner
Catherine Barbierri (95-97)	Bruce Spangler (04-07)	Marty Pusey
Ruth Geddie (95-98)	Sharon DeMar Reilly	Virgil L. Shockley
Rev. Arthur George (94-99)	Kathy Simon	Dr. Jon Andes (96-12)
Kathay Danna (94-99)	Vickie Stoner Wrenn	Dr. Ethel M. Hines (07-13)
Sharon Teagle (97-99)	Robin Travers	Deborah Goeller
Jeanne Lynch (98-00)	Jordan Taylor (09)	Andrea Watkins (13-17)
Jamie Albright (99-01)	Aaron Marshall (09)	
Patricia Selig (97-01)	Allen Bunting (09)	
Rev. Lehman Tomlin (99-02)	LaTrele Crawford (09)	
Sharon Doss	Sheriff Charles T. Martin	
Rick Lambertson	Joel Todd, State's Attorney	
Cyndy B. Howell	Ed Montgomery (05-10)	
Sandra Lanier (94-04)	Edward S. Lee (07-10)	
Dr. James Roberts (98-04)	Toni Keiser (07-10)	
Dawn Townsend (01-04)	Judy Baumgartner (07-10)	
Pat Boykin (01-05)	Claudia Nagle (09-10)	
Jeannette Tresler (02-05)	Megan O'Donnell (10)	
Lou Taylor (02-05)	Kiana Smith (10)	
Paula Erdie	Christopher Bunting (10)	
	Simi Chawla (10)	

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

Reference: Subsection 9-1A-31(c) - State Government Article, Annotated Code of Maryland

Appointed by: County Commissioners

Function: **Advisory**
Review and comment on the multi-year plan for the expenditure of the local impact grant funds from video lottery facility proceeds for specified public services and improvements; Advise the County on the impact of the video lottery facility on the communities and the needs and priorities of the communities in the immediate proximity to the facility.

Number/Term: 15/4 year terms; Terms Expire December 31

Compensation: None

Meetings: At least semi-annually

Special Provisions: Membership to include State Delegation (or their designee); one representative of the Ocean Downs Video Lottery Facility, seven residents of communities in immediate proximity to Ocean Downs, and four business or institution representatives located in immediate proximity to Ocean Downs.

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Maureen Howarth, County Attorney, 410-632-1194

Requests reappointment

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Ron Taylor °	Dist. 1 - Lockfaw	Resident - Pocomoke	*09-10, 10-14
David Massey °	At-Large	Business - Ocean Pines	09-13, 13-17 ←
Cam Bunting °	At-Large	Business - Berlin	*09-10-14, 14-18
James N. Mathias, Jr. °		Maryland Senator	09-10-14, 14-18
Mary Beth Carozza		Maryland Delegate	14-18
Charles Otto		Maryland Delegate	14-18
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15, 15-19
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Mayor Charlie Dorman	Dist. 4 - Elder	Resident - Snow Hill	12-16, 16-20
Rod Murray °	Dist. 6 - Bunting	Resident - Ocean Pines	*09-12-16, 16-20
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16, 16-20
Mayor Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Jim Rosenberg °	Dist. 5 - Bertino	Resident - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite

Prior Members:

Since 2009

J. Lowell Stoltzfus ° (09-10)	Todd Ferrante ° (09-16)
Mark Wittmyer ° (09-11)	Joe Cavilla (12-17)
John Salm ° (09-12)	
Mike Pruitt ° (09-12)	
Norman H. Conway ° (09-14)	
Michael McDermott (10-14)	
Diana Purnell ° (09-14)	
Linda Dearing (11-15)	

* = Appointed to fill an unexpired term/initial terms staggered
° = Charter Member

Kelly Shannahan

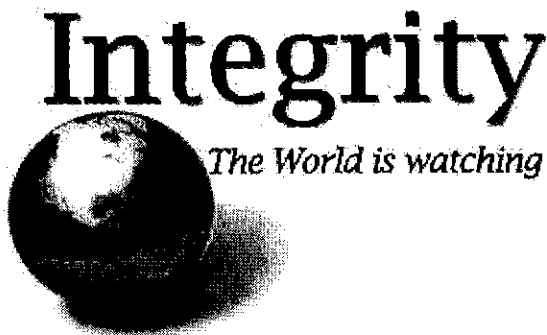
From: Kim Moses
Sent: Friday, March 9, 2018 1:43 PM
To: Kelly Shannahan
Subject: Local Development Council reappointment recommendation

Dear Mr. Shannahan,

David Massey's term on the Local Development Council (LDC) for the Ocean Downs Casino expired December 31, 2021, at the same time that both Berlin Mayor Gee Williams and Jim Rosenberg's terms expired. Mr. Massey was recently re-appointed to serve as LDC vice-chair for 2018 and would like to be considered for reappointment for an additional four-year term expiring December 31, 2021. Mr. Massey faithfully attends all meetings, and his background as the former Ocean City Police Chief and current Ocean Pines Police Chief make him a valued member of this council. Therefore, we respectfully request the Commissioners consideration with regard to this reappointment.

Sincerely,

Kim Moses
Public Information Officer
Worcester County Government
One West Market Street, Room 1103
Snow Hill, MD 21863
410-632-1194 (Work)
410-632-3131 (Fax)



LOWER SHORE WORKFORCE INVESTMENT BOARD
(Previously Private Industry Council Board - PIC)

Reference: Workforce Investment Act of 1998, Section 117

Appointed by: County Commissioners

Functions: Advisory/Regulatory
Provide education and job training opportunities to eligible adults, youth and dislocated workers who are residents of Somerset, Wicomico and Worcester counties.

Number/Term: 24 - 5 Worcester County, 7 At-Large (by Tri-County Council), 12 Other
2, 3 or 4-year terms; Terms expire September 30

Compensation: None

Meetings: Quarterly (January, April, July, October) on the 2nd Wednesday

Special Provisions: Board must be at least 51% business membership.
Chair must be a businessperson

Staff Contact: Lower Shore Workforce Alliance
Milton Morris, Workforce Director (410-341-3835, ext 6)
One-Stop Job Market, 31901 Tri-County Way, Suite 215, Salisbury, MD 21804

Current Members (Worcester County - also members from Wicomico, Somerset and Tri-County Council):

<u>Name</u>	<u>Resides/Agency</u>	<u>Term</u>	<u>Representing</u>
Donna Weaver	Berlin	*08-09-13, 13-17	Business Rep.
Geoffrey Failla	Whaleyville	*15-18	Business Rep.
Jason Cunha	Pocomoke	*16-18	Business Rep.
Walter Maizel	Bishopville	*12, 12-16, 16-20	Private Business Rep.
Robert "Bo" Duke	Ocean City	*17, 17-21	Business Rep.

Prior Members: Since

Baine Yates	Heidi Kelley (07-08)
Charles Nicholson (98-00)	Bruce Morrison (05-08)
Gene Theroux (97-00)	Margaret Dennis (08-12)
Jackie Gordon (98-00)	Ted Doukas (03-13)
Caren French (97-01)	Diana Nolte (06-14)
Jack Smith (97-01)	John Ostrander (07-15)
Linda Busick (98-02)	Craig Davis (13-17)
Edward Lee (97-03)	
Joe Mangini (97-03)	
Linda Wright (99-04)	
Kaye Holloway (95-04)	
Joanne Lusby (00-05)	
William Greenwood (97-06)	
Gabriel Purnell (04-07)	
Walter Kissel (03-07)	

PROPERTY TAX ASSESSMENT APPEAL BOARD

Reference: Annotated Code of Maryland, Tax-Property Article, §TP 3-102

Appointed by: Governor (From list of 3 nominees submitted by County Commissioners)
- Nominees must each fill out a resume to be submitted to Governor
- Nominations to be submitted 3 months before expiration of term

Function: Regulatory
- Decides on appeals concerning: real property values and assessments, personal property valued by the supervisors, credits for various individuals and groups as established by State law, value of agricultural easements, rejection of applications for property tax exemptions.

Number/Term: 3 regular members, 1 alternate/5-year terms
Terms Expire June 1st

Compensation: \$15 per hour (maximum \$90 per day), plus travel expenses

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

Staff Contact: Department of Assessments & Taxation (410-632-1196)

Current Members:

<u>Robert D. Rose</u>	<u>Pocomoke City</u>	<u>*06-07, 07-12, 12-17</u>
Howard G. Jenkins	Ocean Pines	03-04, *04-08, 08-13, 13-18
Gary M. Flater (Alternate)	Snow Hill	13-18
Larry R. Fry	Ocean Pines	*10-13-14 (alt.), 14-19

C) = Chairman

Prior Members: Since 1972

Wilford Showell	Mary Yenney (98-03)
E. Carmel Wilson	Walter F. Powers (01-04)
Daniel Trimper, III	Grace C. Purnell (96-04)
William Smith	George H. Henderson, Jr. (97-06)
William Marshall, Jr.	Joseph A. Calogero (04-09)
Richard G. Stone	Joan Vetare (04-12)
Milton Laws	
W. Earl Timmons	
Hugh Cropper	
Lloyd Lewis	
Ann Granados	
John Spurling	
Robert N. McIntyre	
William H. Mitchell (96-98)	
Delores W. Groves (96-99)	

* = Appointed to fill an unexpired term

Updated: June 3, 2014
Printed: June 6, 2014

SOCIAL SERVICES BOARD

Reference: Human Services Article - Annotated Code of Maryland - Section 3-501

Appointed by: County Commissioners

Functions: Advisory
 Review activities of the local Social Services Department and make recommendations to the State Department of Human Resources.
 Act as liaison between Social Services Dept. and County Commissioners.
 Advocate social services programs on local, state and federal level.

Number/Term: 9 to 13 members/3 years
Terms expire June 30th

Compensation: None - (Reasonable Expenses for attending meetings/official duties)

Meetings: 1 per month (Except June, July, August)

Special Provisions: Members to be persons with high degree of interest, capacity & objectivity, who in aggregate give a countywide representative character.
Maximum 2 consecutive terms, minimum 1-year between reappointment
 Members must attend at least 50% of meetings
 One member (ex officio) must be a County Commissioner
 Except County Commissioner, members may not hold public office.

Staff Contact: Roberta Baldwin, Director of Social Services - (410-677-6806)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Tracey Cottman	D-1, Lockfaw	Pocomoke City	*15-17
Diana Purnell	ex officio - Commissioner		14-18
Faith Coleman	D-4, Elder	Snow Hill	15-18
Harry Hammond	D-6, Bunting	Bishopville	15-18
Voncelia Brown	D-3, Church	Berlin	16-19
Maria Campione-Lawrence	D-7, Mitreic	Ocean City	16-19
Mary White	At-Large	Berlin	*17-19
Nancy Howard	D-2, Purnell	Ocean City	(09-16), 17-20
Cathy Gallagher	D-5, Bertino	Ocean Pines	*13-14-17, 17-20

* = Appointed to fill an unexpired term

SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

James Dryden	Naomi Washington (01-02)
Sheldon Chandler	Lehman Tomlin, Jr. (01-02)
Richard Bunting	Jeanne Lynch (00-02)
Anthony Purnell	Michael Reilly (00-03)
Richard Martin	Oliver Waters, Sr. (97-03)
Edward Hill	Charles Hinz (02-04)
John Davis	Prentiss Miles (94-06)
Thomas Shockley	Lakeshia Townsend (03-06)
Michael Delano	Betty May (02-06)
Rev. James Seymour	Robert "BJ" Corbin (01-06)
Pauline Robertson	William Decoligny (03-06)
Josephine Anderson	Grace Smearman (99-07)
Wendell White	Ann Almand (04-07)
Steven Cress	Norma Polk-Miles (06-08)
Odetta C. Perdue	Anthony Bowen (96-08)
Raymond Redden	Jeanette Tressler (06-09)
Hinson Finney	Rev. Ronnie White (08-10)
Ira Hancock	Belle Redden (09-11)
Robert Ward	E. Nadine Miller (07-11)
Elsie Bowen	Mary Yenny (06-13)
Faye Thornes	Dr. Nancy Dorman (07-13)
Frederick Fletcher	Susan Canfora (11-13)
Rev. Thomas Wall	Judy Boggs (02-14)
Richard Bundick	Jeff Kelchner (06-15)
Carmen Shrouck	Laura McDermott (11-15)
Maude Love	Emma Klein (08-15)
Reginald T. Hancock	Wes McCabe (13-16)
Elsie Briddell	Nancy Howard (09-16)
Juanita Merrill	Judy Stinebiser (13-16)
Raymond R. Jarvis, III	Arlette Bright (11-17)
Edward O. Thomas	
Theo Hauck	
Marie Doughty	
James Taylor	
K. Bennett Bozman	
Wilson Duncan	
Connie Quillin	
Lela Hopson	
Dorothy Holzworth	
Doris Jarvis	
Eugene Birckett	
Eric Rauch	
Oliver Waters, Sr.	
Floyd F. Bassett, Jr.	
Warner Wilson	
Mance McCall	
Louise Matthews	
Geraldine Thweat (92-98)	
Darryl Hagy (95-98)	
Richard Bunting (96-99)	
John E. Bloxom (98-00)	
Katie Briddell (87-90, 93-00)	
Thomas J. Wall, Sr. (95-01)	
Mike Pennington (98-01)	
Desire Becketts (98-01)	

* = Appointed to fill an unexpired term

TOURISM ADVISORY COMMITTEE

Reference: County Commissioners' Resolution of May 4, 1999 and 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory
 Advise the County Commissioners on tourism development needs and recommend programs, policies and activities to meet needs, review tourism promotional materials, judge tourism related contests, review applications for State grant funds, review tourism development projects and proposals, establish annual tourism goals and objectives, prepare annual report of tourism projects and activities and evaluate achievement of tourism goals and objectives.

Number/Term: 7/4-Year term - Terms expire December 31st

Compensation: \$50 per meeting expense allowance

Meetings: At least bi-monthly (6 times per year), more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Contact: Tourism Department - Lisa Challenger (410-632-3110)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)²</u>
Teresa Travatello	D-5, Boggs	Ocean Pines	09-13, 13-17
Gregory Purnell	D-2, Purnell	Berlin	14-18
Barbara Tull	D-1, Lockfaw	Pocomoke	03-11-15, 15-19
Molly Hilligoss	D-4, Elder	Snow Hill	*15, 15-19
Isabel Morris	D-6, Bunting	Bishopville	11-15, 15-19
Elena Ake	D-3, Church	West Ocean City	*16, 16-20
Lauren Taylor	D-7, Mitrecic	Ocean City	13-17, 17-21

Resigned / Replace

Prior Members: Since 1972

- | | |
|-----------------------------------|-----------------------------|
| Isaac Patterson ¹ | Barry Laws (99-03) |
| Lenora Robbins ¹ | Klein Leister (99-03) |
| Kathy Fisher ¹ | Bill Simmons (99-04) |
| Leroy A. Brittingham ¹ | Bob Hulburd (99-05) |
| George "Buzz" Gering ¹ | Frederick Wise (99-05) |
| Nancy Pridgeon ¹ | Wayne Benson (05-06) |
| Marty Batchelor ¹ | Jonathan Cook (06-07) |
| John Verrill ¹ | John Glorioso (04-08) |
| Thomas Hood ¹ | David Blazer (05-09) |
| Ruth Reynolds (90-95) | Ron Pilling (07-11) |
| William H. Buchanan (90-95) | Gary Weber (99-03, 03-11) |
| Jan Quick (90-95) | Annemarie Dickerson (99-13) |
| John Verrill (90-95) | Diana Purnell (99-14) |
| Larry Knudsen (95) | Kathy Fisher (11-15) |
| Carol Johnsen (99-03) | Linda Glorioso (08-16) |
| Jim Nooney (99-03) | |

* = Appointed to fill an unexpired term
 1 = Served on informal ad hoc committee prior to 1990, Committee abolished between 1995-1999
 2 = All members terms reduced by 1-year in 2003 to convert to 4-year terms

**WATER AND SEWER ADVISORY COUNCIL
OCEAN PINES SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 5/4-year terms
Terms Expire December 31

Compensation: Expense allowance for meeting attendance as authorized in the budget.

Meetings: Monthly

Special Provisions: Must be residents of Ocean Pines Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
John Ross - (410-641-5251)

Current Members:

<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>	
Michael Reilly	Ocean Pines	*14-17	← Resigned/Replace
James Spicknall	Ocean Pines	07-10-14, 14-18	
Bob Poremski	Ocean Pines	*17-19	
Frederick Stiehl	Ocean Pines	*06-08-12-16, 16-20	
Gregory R. Sauter, P.E.	Ocean Pines	17-21	

Prior Members: (Since 1993)

- Andrew Bosco (93-95)
- Richard Brady (96-96, 03-04)
- Michael Robbins (93-99)
- Alfred Lotz (93-03)
- Ernest Armstrong (93-04)
- Jack Reed (93-06)
- Fred Henderson (04-06)
- E. A. "Bud" Rogner (96-07)
- David Walter (06-07)
- Darwin "Dart" Way, Jr. (99-08)
- Aris Spengos (04-14)
- Gail Blazer (07-17)
- Mike Hegarty (08-17)

* = Appointed to fill an unexpired term

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 1 1/3-year terms; Terms Expire December 31

Compensation: None

Meetings: At least monthly (3rd Tuesday at 5:30 PM - alternating between Berlin and Snow Hill)

Special Provisions: 7 district members, one from each Commissioner District
 4 At-large members, nominations from women's organizations & citizens
 4 Ex-Officio members, one each from the following departments: Social Services, Health & Mental Hygiene, Board of Education, Public Safety
 No member shall serve more than six consecutive years

Contact: Michelle Bankert and Liz Mumford, Co-Chair
 Worcester County Commission for Women - P.O. Box 1712, Berlin, MD 21811

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Alice Jean Ennis	At-Large	Pocomoke	14-17
Teola Brittingham	D-2, Purnell	Berlin	*16-18
Michelle Bankert	D-3, Church	West Ocean City	*14-15, 15-18
Bess Cropper	D-6, Bunting	Berlin	15-18
Nancy Fortney	D-7, Mitrecic	Ocean City	12-15, 15-18
Lauren Mathias Williams	At-Large	Berlin	*16-18
Hope Carmean	D-4, Elder	Snow Hill	*15-16, 16-19
Mary E. (Liz) Mumford	At-Large	Ocean City	*16, 16-19
Julie Phillips	Board of Education		13-16, 16-19
Shannon Chapman	Dept of Social Services		*17-19
Tamara White	D-1, Lockfaw	Pocomoke City	17-20
Vanessa Alban	D-5, Bertino	Ocean Pines	17-20
Terri Shockley	At-Large	Snow Hill	17-20
Kelly O'Keane	Health Department		17-20
Cristi Graham	Public Safety - Sheriff's Office		17-20

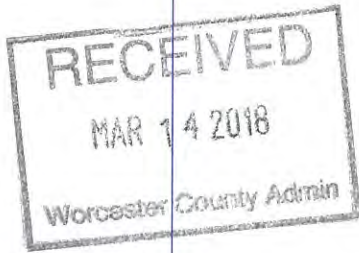
Prior Members: Since 1995

Ellen Pilchard ^c (95-97)	Carole P. Voss (98-00)	Gloria Bassich (98-03)
Helen Henson ^c (95-97)	Martha Bennett (97-00)	Carolyn Porter (01-04)
Barbara Beaubien ^c (95-97)	Patricia Ilczuk-Lavanceau (98-99)	Martha Pusey (97-03)
Sandy Wilkinson ^c (95-97)	Lil Wilkinson (00-01)	Teole Brittingham (97-04)
Helen Fisher ^c (95-98)	Diana Purnell ^c (95-01)	Catherine W. Stevens (02-04)
Bernard Bond ^c (95-98)	Colleen McGuire (99-01)	Hattie Beckwith (00-04)
Jo Campbell ^c (95-98)	Wendy Boggs McGill (00-02)	Mary Ann Bennett (98-04)
Karen Holck ^c (95-98)	Lynne Boyd (98-01)	Rita Vaeth (03-04)
Judy Boggs ^c (95-98)	Barbara Trader ^c (95-02)	Sharyn O'Hare (97-04)
Mary Elizabeth Fears ^c (95-98)	Heather Cook (01-02)	Patricia Layman (04-05)
Pamela McCabe ^c (95-98)	Vyoletus Ayres (98-03)	Mary M. Walker (03-05)
Teresa Hammerbacher ^c (95-98)	Terri Taylor (01-03)	Norma Polk Miles (03-05)
Bonnie Platter (98-00)	Christine Selzer (03)	Roseann Bridgman (03-06)
Marie Velong ^c (95-99)	Linda C. Busick (00-03)	Sharon Landis (03-06)

* = Appointed to fill an unexpired term
 c = Charter member

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)
Dee Shorts (04-07)
Ellen Payne (01-07)
Mary Beth Quillen (05-08)
Marge SeBour (06-08)
Meg Gerety (04-07)
Linda Dearing (02-08)
Angela Hayes (08)
Susan Schwarten (04-08)
Marilyn James (06-08)
Merilee Horvat (06-09)
Jody Falter (06-09)
Kathy Muncy (08-09)
Germaine Smith Garner (03-09)
Nancy Howard (09-10)
Barbara Witherow (07-10)
Doris Moxley (04-10)
Evelyne Tyndall (07-10)
Sharone Grant (03-10)
Lorraine Fasciocco (07-10)
Kay Cardinale (08-10)
Rita Lawson (05-11)
Cindi McQuay (10-11)
Linda Skidmore (05-11)
Kutresa Lankford-Purnell (10-11)
Monna Van Ess (08-11)
Barbara Passwater (09-12)
Cassandra Rox (11-12)
Diane McGraw (08-12)
Dawn Jones (09-12)
Cheryl K. Jacobs (11)
Doris Moxley (10-13)
Kutresa Lankford-Purnell (10-12)
Terry Edwards (10-13)
Dr. Donna Main (10-13)
Beverly Thomas (10-13)
Caroline Bloxom (14)
Tracy Tilghman (11-14)
Joan Gentile (12-14)
Carolyn Dorman (13-16)
Arlene Page (12-15)
Shirley Dale (12-16)
Dawn Cordrey Hodge (13-16)
Carol Rose (14-16)
Mary Beth Quillen (13-16)
Debbie Farlow (13-17)
Corporal Lisa Maurer (13-17)
Laura McDermott (11-16)
Charlotte Cathell (09-17)
Eloise Henry-Gordy (08-17)



11

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: March 6, 2018
SUBJECT: Quitclaim – Fox Chapel

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 have had the opportunity to review the attached February 27, 2018 letter and documentation from James W. Almand, as it relates to the proposed quitclaim by The Board of Education and Fox Chapel Homeowners Association, Inc. for a road within the Fox Chapel subdivision and offer the following comments.

This road as shown on the subdivision plat Parcel "E" and referenced as "Proposed Road 50' R.O.W." on the northeast side of this subdivision in Fox Chapel is not listed within the Inventory of Public Roads of Worcester County. It is a paper street which has never been improved; therefore, I would recommend that the quitclaim deed be executed for this portion of the paper street that is outside of the existing County right-of-way.

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

Attachment

cc: Frank J. Adkins

Law Offices
AYRES, JENKINS, GORDY & ALMAND, P.A.
6200 COASTAL HIGHWAY, SUITE 200

GUY R. AYRES III
M. DEAN JENKINS
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT
HEATHER E. STANSBURY
JON P. BULKELEY
RYAN D. BODLEY

OCEAN CITY, MARYLAND 21842
(410) 723-1400
FAX (410) 723-1861
E-mail address: jalmand@ajgalaw.com

OCEAN PINES OFFICE
11047 RACETRACK ROAD
BERLIN, MARYLAND 21811
(410) 641-5033
FAX (410) 641-6926

Reply to Ocean City Office

OF COUNSEL
HAROLD B. GORDY, JR.

February 27, 2018

HAND DELIVERED

Maureen Howarth, Esq.
County Attorney
Worcester Government Center
One W. Market Street, Room 1103
Snow Hill, MD 21863

*Copy: John Tustin ✓
For review and
recommendation*

Re: Fox Chapel Quit Claim Deed

Dear Maureen:

Enclosed please find the following:

1. The recorded plat for Fox Chapel in West Ocean City, which shows a "Proposed Road 50' R.O.W. on the northeast side of the subdivision on lands of the Worcester County Board of Education (Ocean City Elementary School). Please note that the deed reference for the Board property (163/264) is incorrect; it is 163/624.
2. The recorded deed to the developers of Fox Chapel and the recorded deed for the Board of Education.
3. Letter dated January 3, 2018 from the County Road Superintendent stating that the "Proposed Road" is a paper street not listed within the Inventory of Public Roads of Worcester County.
4. Proposed Quit Claim Deed, which has been executed by the Board of Education.

Maureen Howarth, Esq.
February 27, 2018
Page 2

I hereby certify that the land on which the "Proposed Road" as located is owned by the Board of Education. It has agreed to divide the "Proposed Road" with Fox Chapel Homeowners Association, Inc.

If you have any questions or concerns, please call.

Best wishes.

Very truly yours,

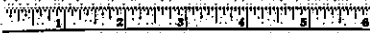
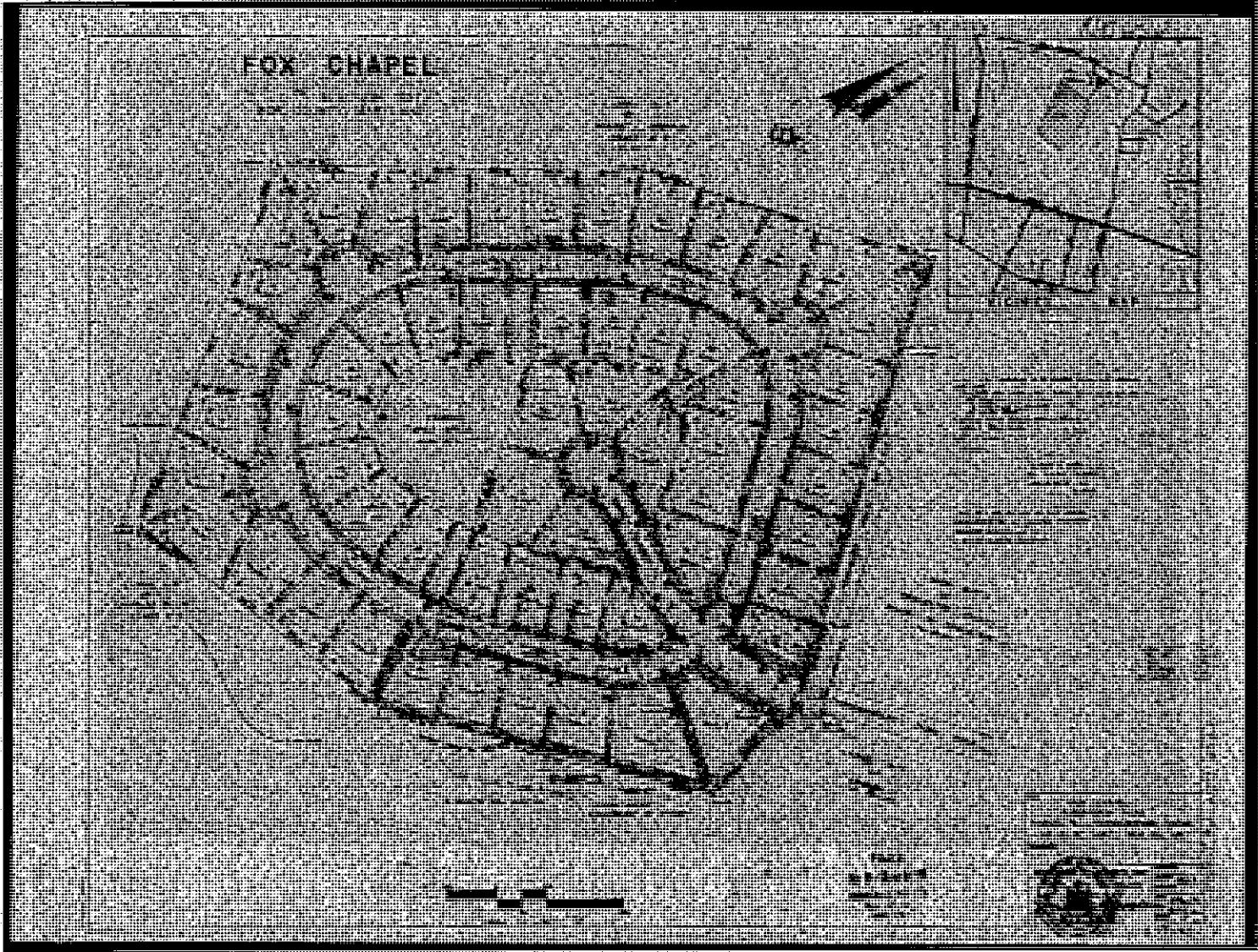
A handwritten signature in black ink, consisting of a long horizontal stroke that curves upwards and ends with a small flourish.

James W. Almand

JWA:dfc

Enclosures

cc: Fox Chapel Homeowners Association, Inc.



SPECIAL WARRANTY DEED

STATE OF MARYLAND
COUNTY OF WORCESTER

RECORDED IN LIBER 636 PAGE 686
INDEXED IN LIBER 636 PAGE 686
FILED IN LIBER 636 PAGE 686

THIS SPECIAL WARRANTY DEED, made this 24th day of August, 1978, by MARYLAND NATIONAL BANK, a national banking association, having its principal place of business at 10 Light Street, Baltimore, Maryland 21203, hereinafter called Grantor,

WITNESSETH:

RETURN TO COURT CLERK & COMPTROLLER

THAT FOR AND IN CONSIDERATION OF the premises and the sum of One Hundred Ten Thousand Dollars (\$110,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto LLOYD B. LEWIS and GAIL T. LEWIS, his wife, as tenants by the entireties as to their proportionate share; and unto CHARLES A. PARKER, JR. and CHARLOTTE H. PARKER, his wife, as tenants by the entireties as to their proportionate share; and unto WILLIAM E. ESHAM and ANNA T. ESHAM, his wife, as tenants by the entireties as to their proportionate share; and unto WILLIAM E. ESHAM, JR. as to his proportionate share; and as tenants in common of the whole, in the proportion of an undivided one-quarter (1/4) interest unto the said LLOYD B. LEWIS and GAIL T. LEWIS, his wife, as tenants by the entireties, their assigns, the survivor of them and the personal representatives and assigns of the survivor of them, forever in fee simple; in the proportions of an undivided one-quarter (1/4) interest under the said CHARLES A. PARKER, JR. and CHARLOTTE H. PARKER, his wife, as tenants by the entireties, their assigns, the survivor of them and the personal representatives and assigns of the survivor of them, forever in fee simple; in the proportion of an undivided one-quarter (1/4) interest under the said WILLIAM E. ESHAM and ANNA T. ESHAM, his wife, as tenants by the entireties, their assigns, the survivor of them and the personal representatives and assigns of the survivor of them, forever in fee simple; and the remaining undivided one-quarter (1/4) interest unto the said WILLIAM E. ESHAM, JR., his successors, personal representatives and assigns, forever in fee simple, all those parcels or lots of land situated in Worcester County, Maryland, and being more particularly described as follows:

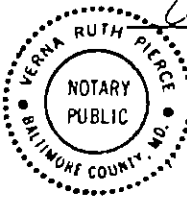
BEGINNING FOR THE SAME at a point where formerly stood a stone at the woods gate on the east side of the Upper Sinepuxent Neck Road, said point being the beginning of that parcel of land firstly described in a deed dated March 19, 1934 recorded among the Land Records of Worcester County, Maryland in Liber BB No. 21, at Folio 286 which was conveyed by Ocean City Golf Club, Inc. to The Farms Company, a body corporate, and running thence binding along the First, Second, Third and part of the Fourth Lines of that parcel of land firstly described in the abovementioned deed, the four following courses and distances, viz.: (1) north 38 degrees 20 minutes 20 seconds west 819.06 feet to the east side of an old farm road on the land of Robert Lee Cropper, (2) north 36 degrees 59 minutes 40 seconds east 553.08 feet binding along the east side of said old farm road and the land of Robert Lee Cropper, (3) north 31 degrees 29 minutes 40 seconds east 231.00 feet binding along the land of Robert Lee Cropper, and (4) north 46 degrees 52 minutes 40 seconds east 513.17 feet thence leaving said outlines

6

President, being authorized so to do, executed the within and foregoing instrument for the purposes therein contained by signing the name of said corporation by himself as Vice President thereof; and further made oath, in due form of law, that this conveyance is not part of a transaction in which there is a sale, lease, exchange or transfer of all, or substantially all, of the property and assets of the Grantor corporation.

AS WITNESS my hand and Official Seal.

Verna Ruth Pierce
NOTARY PUBLIC



My commission expires: 7-1-82

Transferred by
Office of Sup. of Assessments

TAXES FOR WHICH ASSESSMENTS
HAVE BEEN RECEIVED HAVE BEEN
PAID AS OF THIS DATE 8/31/78
TREASURER OF WORCESTER COUNTY
BY _____

19 78 8/31
Duty transferred on assignment
books of Worcester County, Maryland
Office of Supervisor of Assessments
for Worcester County, Md.
By FB
Transfer Clerk

19 78 Aug. 31 3:33 PM The foregoing Warranty Deed filed
for record and is accordingly recorded among the land records of
Worcester County, Md. in Liber P.W.R. No. 636 folio 6 of Book 88
FRANK W. HALES, Clerk

14-63 By mail to Marcus J. Williams

PROOF-READ

RECEIPT NO. 35733

LIBER 163 PAGE 624



THIS DEED, made this 29th day of December, in the year nineteen hundred and sixty-two, by The Farms Company, a corporation incorporated and existing under the laws of the State of Maryland, witnesseth:

THAT in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the said The Farms Company, a corporation as aforesaid, does hereby grant and convey unto The Board of Education of Worcester County, a public corporation of the State of Maryland, its successors and assigns, all that tract, part of a tract or parcel of land lying and being situate in the Tenth Election District of Worcester County, Maryland, on the southwesterly side of a 40-foot wide County Road designated as "County Road", running from lands designated as "Bay Shore Acres" and "Addition to Bay Shore Acres" to lands of Robert Lee Cropper and others, as said properties and said road are designated on a plat entitled "Plat of Residue 'The Thoroughfare Farm'", which said plat was recorded on August 8, 1960, among the Plat Records of Worcester County, Maryland, in Plat Book E.W.R. No. 1, folio 11, being more particularly described as follows: Beginning for the same at a point on the fourth line of that parcel of land which, by deed dated March 19, 1934 and recorded among the Land Records of Worcester County, Maryland, in Liber B.B. No. 21, folios 286 et seq., was conveyed by Ocean City Golf Club, Inc., to The Farms Company, and distant North 46° 52' 40" East, 1278.03 feet from the beginning thereof, said point being also distant South 46° 52' 40" West, 10.28 feet from the southwesternmost line of said County Road as laid out and now existing, 40 feet wide, and running thence South 56° 34' 40" East, parallel to and distant 10 feet southwesterly, measured at right angles, to the southwesternmost line of the aforesaid 40-foot wide County Road, 971.20 feet to a point of curvature; thence 39.27 feet in a southerly direction along the arc of a curve to the right, having a radius of 25 feet and a long chord bearing of South 11° 34' 40" East and a long chord distance of 35.35 feet to a point on the northwesternmost line of a 50-foot wide proposed road, thence binding along the northwesternmost line of the aforesaid 50-foot wide proposed road, the five following courses and distances, viz: (1) South 33° 25' 20" West,

135.00 feet; (2) 101.44 feet in a southwesterly direction along the arc of a curve to the right, having a radius of 157.09 feet and a long chord bearing of South 51° 55' 20" West, and a long chord distance of 99.69 feet; (3) South 70° 25' 20" West, 179.18 feet; (4) 349.29 feet in a southwesterly direction along the arc of a curve to the left, having a radius of 850.00 feet and a long chord bearing of South 58° 39' 00" West, and a long chord distance of 346.84 feet; and (5) South 46° 52' 40" West, 162.96 feet to a point of curvature connecting the northwesternmost line of the aforesaid 50-foot wide proposed road with the northeasternmost line of a 50-foot wide proposed road; thence binding along the northeasternmost line of the above mentioned 50-foot wide proposed road, the two following courses and distances, viz: (1) 39.27 feet in a westerly direction along the arc of a curve to the right, having a radius of 25 feet and a long chord bearing of North 88° 07' 20" West, and a long chord distance of 35.35 feet; and (2) North 43° 07' 20" West, 830.00 feet to a point on the fourth line of the deed to The Farms Company from Ocean City Golf Club, Inc., last above mentioned; thence binding along part of said fourth line, North 46° 52' 40" East, 714.86 feet to the place of beginning; containing 17.40 acres of land, more or less, and being a PART of all and the same property which, by deed dated March 19, 1934 and recorded among the Land Records of Worcester County, Maryland, in Liber B.B. No. 21, folios 286 et seq., was conveyed by Ocean City Golf Club, Inc., to The Farms Company, and which said property is a PART of the property conveyed to The Farms Company by confirmatory deed from David L. Johnson, et al., Surviving Directors, dated March 29, 1949, and recorded among the Land Records aforesaid in Liber C.W.N. No. 28, folios 310 et seq., to which said deeds and plat and the references in said deeds contained, reference is hereby made for a more particular description of the property hereby conveyed.

TOGETHER with all the buildings and improvements thereon, and the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said

WORCESTER COUNTY CIRCUIT COURT (Land Records) FWH 163, p. 0625, MSA_CE31_313. Date available 09/16/2005. Printed 08/25/2017.



The Board of Education of Worcester County, a public corporation of the State of Maryland, its successors and assigns, forever in fee simple.

AND the grantor herein does hereby covenant that it will warrant specially the property hereby conveyed, and that it will execute such other and further assurances of the same as may be requisite.

The execution and delivery of this deed by the officers of the said The Farms Company, who have executed and delivered the same, have been duly authorized by appropriate resolution of the Board of Directors of said corporation at a meeting duly called and held and attended by a quorum of said Directors voting in the affirmative on said resolution.

IN WITNESS WHEREOF, the said The Farms Company has caused this deed to be signed in its corporate name by its President, and its corporate seal to be hereto affixed, and attested by its Secretary, the day and year first herein written.

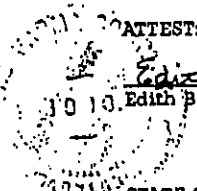
Transferred by
Office of Notarization

✓ THE FARMS COMPANY

By John S. Whaley
John S. Whaley, President

ATTEST:

Edith B. Carmean
Edith B. Carmean, Secretary.



STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 29th day of December, 1962, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared John S. Whaley, President of The Farms Company, and acknowledged the foregoing deed to be the corporate act and deed of said The Farms Company, and made oath in due form of law that he is the duly authorized agent of said corporation for the purpose of making this affidavit.

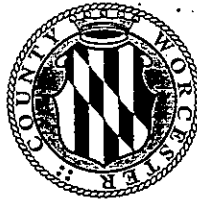
AS WITNESS my hand and official seal.

Joanne Johnson
Notary Public

My Commission expires May 6, 1963.



1962 Jan. 2, The foregoing..... deed filed
for record and is accordingly recorded among the land records of
Worcester County, Md., in Liber F.W.H. No. 163.....folios. 624, 625-626.
..... Frank S. Whaley..... Clerk



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

JOHN H. TUSTIN, P.E.
DIRECTOR

January 3, 2018

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

James W. Almand
Ayres, Jenkins, Gordy, and Almand, P.A.
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

TEL: 410-632-5623
FAX: 410-632-1753

RE: Fox Chapel

DIVISIONS

Dear Mr. Almand:

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

This letter is in response to your email letter dated January 2, 2018 regarding the status of the road as shown on the subdivision plat Parcel "E" and labeled as "proposed road 50' right-of-way" located in the Fox Chapel subdivision in Worcester County.

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

This road in Fox Chapel is not listed within the Inventory of Public Roads of Worcester County. It is a paper street which has never been improved.

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

Should you have any questions or concerns regarding this issue, please feel free to call me directly at (410) 632-2244.

FLEET
MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

Sincerely,

Frank J. Adkins
Roads Superintendent

WATER AND
WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

cc: John H. Tustin, P.E., Director of Public Works

FJA/l
\\wfile2\users\llawrence\Letters\Almand.Fox Chapel.doc

NO TITLE EXAMINATION REQUESTED OR PERFORMED - NO MONETARY CONSIDERATION

THIS QUITCLAIM DEED, made this _____ day of _____, 2018, by and between **County Commissioners of Worcester County, Maryland, a body corporate and politic of the State of Maryland and Board of Education of Worcester County**, hereinafter called Grantors, and **Fox Chapel Homeowners Association, Inc. and Board of Education of Worcester County**, hereinafter called Grantees.

WHEREAS the residential housing community of Fox Chapel is adjacent to lands of the Board of Education of Worcester County that are being used for Ocean City Elementary School ("OCES") in West Ocean City, Maryland as shown on the Fox Chapel Subdivision Plat recorded among the Land Records of Worcester County, Maryland in Plat Book RHO No. 123, folio 12, et seq., and

WHEREAS said Plat as well as the deed for the OCES land, which is recorded among the Land Records of Worcester County, Maryland in Liber FWH No. 163, folio 624, et seq., reference a 50-foot wide Proposed Road or right of way ("50' R.O.W.") located on the north side of the Fox Chapel land and on the OCES land, and

WHEREAS, the Grantors do not have a use for the 50' R.O.W. and do not intend to build a road on said right of way, and

WHEREAS the parties have agreed to divide the 50' R.O.W. between Fox Chapel and the Board of Education of Worcester County.

NOW, THEREFORE, THIS QUITCLAIM DEED, WITNESSETH, that for good consideration but no monetary consideration, Grantors convey to the Grantees whatever right, title and interest the Grantors may have in the 50' R.O.W. as follows:

The southernmost 25 feet of the 50' R.O.W. (closest to Fox Chapel) is hereby conveyed, forever in fee simple, to Fox Chapel Homeowners Association, Inc., its successors and assigns, and the northernmost 25 feet of the 50' R.O.W. is conveyed, forever in fee simple, to the Board of Education of Worcester County, its successors and assigns.

TOGETHER with all the improvements thereon and all the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto Fox Chapel Homeowners Association, Inc., its successors and assigns, as to the southernmost 25 feet of the 50' R.O.W., and unto Board of Education of Worcester County, its successors and assigns, as to the remaining 25 feet of the 50' R.O.W., forever in fee simple.

AS WITNESS the hands and seals of the Grantors.

WITNESS:

County Commissioners of Worcester County,
Maryland

By: _____ (SEAL)

Name: Diana Purnell
Title: President

STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 2018, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **Diana Purnell**, who acknowledged herself to be the President of **County Commissioners of Worcester County, Maryland**, and that she, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires:

Attest:

By:

Louis H. Taylor
Louis H. Taylor, Secretary

Board of Education of Worcester County

By:

William L. Gordy
Name: William L. Gordy
Title: President

STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this 19th day of December, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared William L. Gordy, who acknowledged himself to be the President of **Board of Education of Worcester County**, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

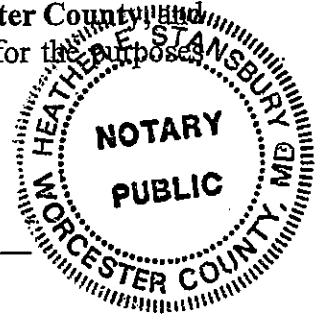
~~NOTARY PUBLIC~~

My Commission Expires:

~~12-19-17~~ 113
8-3-19

I, an Attorney-at-Law of the State of Maryland, do hereby certify that the within instrument was either prepared by me or prepared under my supervision.

James W. Almand
James W. Almand



After recording please return to:
Ayres, Jenkins, Gordy & Almand, P.A.
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

**RESOLUTION ADOPTING PROCEDURES FOR
QUIT CLAIM DEEDS FOR PLATTED ROADS**

1. Applications to the County Commissioners for quitclaim deeds for platted roads not included in the Inventory of Public Roads of Worcester County shall be addressed to the County Commissioners and shall be accompanied by

- a.) A plat or sketch showing the road and abutting properties, property owners and deed references;
- b.) A copy of the Applicant's Deed of Record;
- c.) A title letter from an attorney licensed to practice law in Maryland certifying the ownership of the property by the applicant;
- d.) A letter from the County Roads Engineer Certifying that the road is not included in Inventory of Public Roads of Worcester County; and
- e.) A proposed quitclaim deed.

2. Upon receipt of the application and required certifications and information, the Commissioners shall consider the application and upon favorable consideration may execute the deed.

3. No public hearing or presentation by applicant shall be required.

Passed and Adopted this 18th day of April, 1995.

THE WORCESTER COUNTY COMMISSIONERS



 Gerald T. Mason
 Chief Administrative Officer

Floyd P. Bassett, Jr., President



 John E. Bloxom



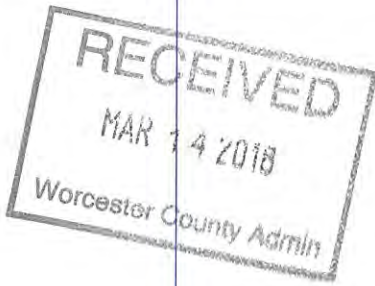
 Reginald T. Hancock



 George M. Hurley



 Jeanne Lynch



12

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

JOHN H. TUSTIN, P.E.
DIRECTOR

MEMORANDUM

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: March 13, 2018
SUBJECT: Groundwater Monitoring & Analytical Services at the Three Closed Landfills – Pocomoke, Berlin and Snow Hill, Calendar Years 2018 – 2019

TEL: 410-632-5623
FAX: 410-632-1753

DIVISIONS

.....

MAINTENANCE
TEL: 410-632-3766
FAX: 410-632-1753

I have received the attached proposal dated February 6, 2018, from EA Science and Technology to continue their program of groundwater monitoring and analytical services at the referenced sites. The most recent contract that was signed in February of 2016, in the amount of \$50,806.17, allowed for five (5), two-year extensions to the contract and we would like to exercise the first of the five extensions. The quoted price for the next year program is \$73,751.40. Increased costs are derived from about \$13,000 in analytical costs, in which EA solicited proposals from 3 different labs and \$10,000 in EA's cost due to requirements of MDE requiring us to go to low flow sampling which reduces the turbidity in each sample which then results in lower organic results. The change in sampling protocol impacts the statistical analysis which requires at least 8 low flow samples to be used as a baseline for future analysis. EA now has these 8 samples taken and analyzed over the last 4 years and will be updating the analysis to reflect the new sampling technique for all 3 sites. This increase is expected to be a onetime expense and the following 2 year extensions will not include this effort. Funding on the annual basis of \$50,000 was approved in the General Fund operating budget within the Department of Public Works Administration account 100.1203.200.6530.070.

ROADS
TEL: 410-632-2244
FAX: 410-632-0020

It is recommended that the Commissioners review this proposal from EA for the next two years and approve a contract extension to meet the regulatory requirements imposed upon the County by MDE.

SOLID WASTE
TEL: 410-632-3177
FAX: 410-632-3000

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

FLEET MANAGEMENT
TEL: 410-632-5675
FAX: 410-632-1753

Attachments

WATER AND WASTEWATER
TEL: 410-641-5251
FAX: 410-641-5185

cc: Mike Mitchell



EA Engineering, Science,
and Technology, Inc., PBC

225 Schilling Circle, Suite 400
Hunt Valley, MD 21031
Telephone: 410-584-7000
Fax: 410-771-1625
www.eaest.com

February 6, 2018
Proposal No. 0791047A

Mr. John Tustin, P.E., Director
Worcester County Department of Public Works
6113 Timmons Road
Snow Hill, Maryland 21863

Re: Proposal for Groundwater Monitoring and Analytical Services at the Three Closed Landfill Facilities (Pocomoke, Berlin, and Snow Hill) - Calendar Years 2018-2019

Dear Mr. Tustin:

EA Engineering, Science, and Technology, Inc., PBC (EA) is once again pleased to submit this proposal to the Worcester County Department of Public Works for sampling and reporting of groundwater at the Pocomoke, Snow Hill, and Berlin Landfill Facilities located in Worcester County. The work described under this proposal will be performed in accordance with the same terms and conditions as our previous work with Worcester County. The work under this contract will be performed over a two-year period, consisting of four semi-annual monitoring events. All work will be completed by December 2019.

The scope of services for groundwater monitoring covered by this proposal includes: sampling and analysis of 18 monitoring wells at the three facilities described above (Task 1), statistical analysis and reporting of each semi-annual groundwater-monitoring event, including a groundwater contour map of each facility (Task 2). Groundwater monitoring will be performed on a semi-annual basis for a period of two years and will typically coincide with the work for the monitoring program at the Central Landfill. The required sampling and reporting will be performed in accordance with the attached Scope of Work (Attachment A1) and in accordance with the existing Facility Monitoring Program document for the Pocomoke, Snow Hill, and Berlin Landfill Facilities prepared by EA, revised February 2016, as required by the Maryland Department of the Environment (MDE). This scope of work includes the recent requirement by MDE to perform low-flow sampling methods for sample collection at all of the landfills.

On behalf of Worcester County, EA will utilize the analytical laboratory services of Microbac Laboratories, Inc. located in Baltimore, Maryland, to perform the required analytical services. The laboratory that had been used for the last few events has increased pricing significantly. As a result, EA obtained competitive pricing for this scope of work. This laboratory is very cost-effective to the County and EA has developed a strong working relationship with them on other projects. Microbac Laboratories has agreed to maintain their pricing levels constant for the two-year period of this contract.

The cost of this work effort has increased over our prior contract mainly due to the increased cost associated with laboratory analytical services, as well increasing labor costs of field personnel and reporting requirements with MDE. Due to the change in sampling methodology requested by MDE, updates to the baseline data sets for statistical analyses need to be made in the



semi-annual reports this period (2018-2019). However, we have proposed to utilize experienced field personnel from other EA offices whom perform groundwater sampling and monitoring regularly, in an effort to reduce labor costs and improve efficiency.

Enclosed for your consideration is the lump sum cost for these services of \$73,751.40 and is presented in a detailed breakdown in Attachment B.

The services proposed herein are a natural extension of EA's previous involvement with the closed landfill facilities and Worcester County. We wish to thank you for this opportunity to help you meet your solid waste objectives, and continue to look forward to working and supporting you on this project.

It is our sincere desire to continue to be of service at this and other facilities in Worcester County. If you have any questions, do not hesitate to give me a call at (410)-329-5133.

Sincerely,

EA Engineering, Science, and Technology, Inc., PBC

A handwritten signature in black ink, reading "Geoffrey A. Tizard, II". The signature is written in a cursive style and is positioned over the typed name and title.

Geoffrey A. Tizard, II, P.E.
Senior Project Manager

Enclosures

cc: D. Kolar, P.E. (EA)
L. Oakes, P.E. (EA)

ATTACHMENT A1

Scope of Services Worcester County Closed Landfill Facilities Sampling and Reporting of Groundwater

Task 1 – Field Sampling and Analysis

EA will perform four semi-annual groundwater sampling events during calendar years 2018 and 2019 at the Worcester County Closed Landfills (Pocomoke, Snow Hill, and Berlin Landfill Facilities) in accordance with the Facilities' most recently updated Facility Monitoring Program prepared by EA, February 2016 which includes monitoring and reporting requirements for the three Closed Landfills.

The semi-annual sampling events will occur during the Spring and Fall each year and will include low flow sampling of four wells at the Pocomoke Landfill (P-MW-01, P-MW-02, P-MW-03, and P-MW-04); six wells at the Snow Hill Landfill (EA-1, EA-2, EA-3, EA-4, EA-5, and EA-6), and eight wells at the Berlin Landfill (B-MW-01S, B-MW-02S, B-MW-03S, B-MW-05S, B-MW-07S, B-MW-09, B-MW-10S, and B-MW-11). Additionally, water level gauging will be performed at three shallow wells at the Berlin Landfill (B-MW-04S, B-MW-06S, and B-MW-08S).

Groundwater samples will be analyzed for the parameters shown in Table I and II of the Facility Monitoring Program (see attached). Quality control samples will include:

- 1 rinsate blank per sampling event (assume 4 total)
- 1 field blank and 1 trip plank per sampling date (assume 3 each per event, 12 total)
- 1 field duplicate sample per 10 samples (assume 3 per event, 12 total)

Duplicate samples will be collected utilizing low-flow sampling techniques. The samples will be analyzed for the parameters identified in Tables I and II, and the Appendix II parameters, as required. Groundwater analysis will be performed by a MDE certified independent laboratory (Microbac Laboratories, Inc.).

In addition to sampling, EA will perform gauging of each well prior to sample collection.

Task 2 – Preparation of Groundwater Contour Maps, Statistical Analysis, and Reporting

EA will prepare four semi-annual reports per landfill (12 reports total) on water quality containing a summary of findings and interpretive discussion of groundwater analytical results for the sampling event. Per the Facility Monitoring Program approved by MDE, the report will include the following:

- Narrative/Summary

- Statistical Analysis
- Historical Data Tables (time series format)
- Groundwater Elevations and Contour Map (historical)
- Laboratory Analytical Data (laboratory reports)
- Field Records of Well Gauging, Purging, and Sampling
- Chain of Custody

EA will utilize depth to water levels (gauging) recorded prior to sampling at each well to develop a groundwater contour map for each landfill.

EA will submit one copy of each report to the Maryland Department of the Environment (MDE) on behalf of the County and two copies of the report to the County for each sampling event (four events total). Reports will be submitted to MDE in accordance with the permit, 90 days following the end of the first quarter (June 30th) and 90 days following the end of the third quarter (December 31st) reporting period, unless otherwise agreed upon.

TABLE I
MONITORING PARAMETERS

VOLATILE ORGANIC COMPOUNDS	PQL (ppb)
Acetone	5.0
Acrylonitrile	5.0
Benzene	1.0
Bromochloromethane	1.0
Bromodichloromethane	1.0
Bromoform	1.0
Bromomethane	1.0
2-Butanone	5.0
Carbon disulfide	1.0
Carbon tetrachloride	1.0
Chlorobenzene	1.0
Chloroethane	1.0
Chloroform	1.0
Chloromethane	1.0
Dibromochloromethane	1.0
1,2-Dibromo-3-chloropropane	1.0
1,2 - Dibromoethane (EDB)	1.0
Dibromomethane	1.0
1,2 - Dichlorobenzene	1.0
1,4 - Dichlorobenzene	1.0
Trans-1,4-dichloro-2-butene	5.0
1,1-Dichloroethane	1.0
1,2-Dichloroethane	1.0
1,1-Dichloroethene	1.0
Cis-1,2-Dichloroethene	1.0
Trans-1,2-Dichloroethene	1.0
Methylene chloride	1.0
1,2-Dichloropropane	1.0
Trans-1,3-Dichloropropene	1.0
Cis-1,3-Dichloropropene	1.0
Ethylbenzene	1.0
2-Hexanone	5.0
Iodomethane	1.0
4-Methyl-2-pentanone	5.0
Methyl Tertiary Butyl Ether	2.0
Styrene	1.0
1,1,1,2-Tetrachloroethane	1.0
1,1,2,2-Tetrachloroethane	1.0
Tetrachloroethene	1.0
Toluene	1.0
1,1,1-Trichloroethane	1.0
1,1,2-Trichloroethane	1.0
Trichloroethene	1.0
Trichloroflouromethane	1.0
1,2,3-Trichloropropane	1.0
Vinyl acetate	1.0
Vinyl chloride	1.0
Xylene	1.0

**TABLE II
MONITORING PARAMETERS**

ELEMENTS AND INDICATOR PARAMETERS	PQL (ppm)
Total Antimony	0.002
Total Arsenic	0.002
Total Barium	0.010
Total Beryllium	0.002
Total Cadmium	0.004
Total Chromium	0.010
Total Calcium	0.08
Total Cobalt	0.010
Total Copper	0.010
Total Iron	0.005
Total Lead	0.002
Total Nickel	0.011
Total Magnesium	0.004
Total Manganese	0.0100
Total Mercury	0.0002
Total Potassium	0.39
Total Selenium	0.035
Total Silver	0.010
Total Sodium	0.2
Total Thallium	0.002
Total Vanadium	0.010
Total Zinc	0.010
pH	0.1 (SU)
Alkalinity	1
Hardness	0.5
Chloride	0.39
Specific conductance	1
Nitrate	0.06
Chemical oxygen demand	10
Turbidity	0.11 (NTU)
Ammonia	1
Sulfate	0.38
Total dissolved solids	10

Pocomoke, Snow Hill, and Berlin Landfill Facilities
 Groundwater Monitoring and Statistical Analysis
 Calendar Years 2018-2019 (Four Semi-Annual Groundwater Events)

Total Tasks 1 and 2

EA Labor	Hours	Rate	Effort
Senior Technical Review	24	\$170.00	\$4,080.00
Project Manager	10	\$226.00	\$2,260.00
Senior Civil Engineer	0	\$146.00	\$0.00
Senior Geologist	6	\$142.00	\$852.00
Geologist	0	\$72.00	\$0.00
Senior Scientist	0	\$143.00	\$0.00
Mid Level Engineer	28	\$120.00	\$3,360.00
Staff Engineer	128	\$83.00	\$10,624.00
Engineering Technician	152	\$84.00	\$12,768.00
CADD	6	\$85.00	\$510.00
Clerical	6	\$62.00	\$372.00
Word Processing	6	\$125.00	\$750.00
Total Personnel Effort			\$35,576.00
Other Direct Costs			
Mobile Phone	0 minute	\$0.12	\$0.00
Digital Camera	0 days	\$9.06	\$0.00
Copies	2500 pages	\$0.07	\$175.00
Color Copies	12 pages	\$0.16	\$1.92
Report Preparation Materials	12 inch	\$24.92	\$299.04
Shipping	4 ea	\$200.00	\$800.00
Auto	0 days	\$67.59	\$0.00
Auto mileage	0 miles	\$0.26	\$0.00
Truck	12 days	\$84.42	\$1,013.04
Truck Mileage	400 miles	\$0.42	\$168.00
Generator	12 days	\$57.24	\$686.88
2" Submersible Pump	12 days	\$42.16	\$505.92
Water Level Indicator	12 days	\$31.80	\$381.60
Water Quality Meter	12 days	\$159.00	\$1,908.00
Supplies	2 ls	\$200.00	\$400.00
Per Diem	0 days	\$100.00	\$0.00
Total Other Direct Costs			\$6,339.40
Analytical			
Water Quality Analysis - Wells	100 each	\$296.00	\$29,600.00
Water Quality Analysis - Trip Blanks	12 each	\$60.00	\$720.00
Subtotal Analytical			\$30,320.00
Mark-up on Analytical @ 5%			\$1,516.00
Total Analytical			\$31,836.00
		TOTAL TASK	\$73,751.40

Pocomoke, Snow Hill, and Berlin Landfill Facilities
Groundwater Monitoring and Statistical Analysis
Calendar Years 2018-2019 (Four Semi-Annual Groundwater Events)

Task 1: Groundwater Sampling and Gauging

EA Labor	Hours	Rate	Effort
Senior Technical Review	0	\$170.00	\$0.00
Project Manager	2	\$226.00	\$452.00
Senior Civil Engineer	0	\$146.00	\$0.00
Senior Geologist	0	\$142.00	\$0.00
Geologist	0	\$72.00	\$0.00
Senior Scientist	0	\$143.00	\$0.00
Mid Level Engineer	4	\$120.00	\$480.00
Staff Engineer	0	\$83.00	\$0.00
Engineering Technician	152	\$84.00	\$12,768.00
CADD	0	\$85.00	\$0.00
Clerical	0	\$62.00	\$0.00
Word Processing	0	\$125.00	\$0.00
Total Personnel Effort			\$13,700.00
Other Direct Costs			
Mobile Phone	0 minute	\$0.12	\$0.00
Digital Camera	0 days	\$9.06	\$0.00
Copies	0 pages	\$0.07	\$0.00
Color Copies	0 pages	\$0.16	\$0.00
Report Preparation Materials	0 inch	\$24.92	\$0.00
Shipping	0 ea	\$200.00	\$0.00
Auto	0 days	\$67.59	\$0.00
Auto mileage	0 miles	\$0.26	\$0.00
Truck	12 days	\$84.42	\$1,013.04
Truck Mileage	400 miles	\$0.42	\$168.00
Generator	12 days	\$57.24	\$686.88
2" Submersible Pump	12 days	\$42.16	\$505.92
Water Level Indicator	12 days	\$31.80	\$381.60
Water Quality Meter	12 days	\$159.00	\$1,908.00
Supplies	2 ls	\$200.00	\$400.00
Per Diem	0 days	\$100.00	\$0.00
Total Other Direct Costs			\$5,063.44
Analytical			
Water Quality Analysis - Wells	100 each	\$296.00	\$29,600.00
Water Quality Analysis - Trip Blanks	12 each	\$60.00	\$720.00
Subtotal Analytical			\$30,320.00
Mark-up on Analytical @ 5%			\$1,516.00
Total Analytical			\$31,836.00
		TOTAL TASK	\$50,599.44

Pocomoke, Snow Hill, and Berlin Landfill Facilities
 Groundwater Monitoring and Statistical Analysis
 Calendar Years 2018-2019 (Four Semi-Annual Groundwater Events)

Task 2: Semi-Annual Groundwater Monitoring Reports

EA Labor	Hours	Rate	Effort
Senior Technical Review	24	\$170.00	\$4,080.00
Project Manager	8	\$226.00	\$1,808.00
Senior Civil Engineer	0	\$146.00	\$0.00
Senior Geologist	6	\$142.00	\$852.00
Geologist	0	\$72.00	\$0.00
Senior Scientist	0	\$143.00	\$0.00
Mid Level Engineer	24	\$120.00	\$2,880.00
Staff Engineer	128	\$83.00	\$10,624.00
Engineering Technician	0	\$84.00	\$0.00
CADD	6	\$85.00	\$510.00
Clerical	6	\$62.00	\$372.00
Word Processing	6	\$125.00	\$750.00
Total Personnel Effort			\$21,876.00
Other Direct Costs			
Mobile Phone	0 minute	\$0.12	\$0.00
Digital Camera	0 days	\$9.06	\$0.00
Copies	2500 pages	\$0.07	\$175.00
Color Copies	12 pages	\$0.16	\$1.92
Report Preparation Materials	12 inch	\$24.92	\$299.04
Shipping	4 ea	\$200.00	\$800.00
Auto	0 days	\$67.59	\$0.00
Auto mileage	0 miles	\$0.26	\$0.00
Truck	0 days	\$84.42	\$0.00
Truck Mileage	0 miles	\$0.42	\$0.00
Generator	0 days	\$57.24	\$0.00
2" Submersible Pump	0 days	\$42.16	\$0.00
Water Level Indicator	0 days	\$31.80	\$0.00
Water Quality Meter	0 days	\$159.00	\$0.00
Supplies	0 ls	\$200.00	\$0.00
Per Diem	0 days	\$100.00	\$0.00
Total Other Direct Costs			\$1,275.96
Analytical			
Water Quality Analysis - Wells	0 each	\$296.00	\$0.00
Water Quality Analysis - Trip Blanks	0 each	\$60.00	\$0.00
Subtotal Analytical			\$0.00
Mark-up on Analytical @ 5%			\$0.00
Total Analytical			\$0.00
		TOTAL TASK	\$23,151.96

Pocomoke, Snow Hill, and Berlin Landfill Facilities
 Groundwater Monitoring and Statistical Analysis
 Calendar Years 2018-2019 (Four Semi-Annual Groundwater Events)

Task 1: Groundwater Sampling and Gauging

	Senior Technical Reviewer	Project Manager	Senior Geologist	Mid Level Engineer	Staff Engineer	Engineering Technician	CADD	Clerical
Ground Water Gauging Events	0	1	0	0	0	68	0	0
Ground Water Quality Testing	0	1	0	4	0	84	0	0
Total - Task 1	0	2	0	4	0	152	0	0

Task 2: Semi-Annual Groundwater Monitoring Reports

	Senior Technical Reviewer	Project Manager	Senior Geologist	Mid Level Engineer	Staff Engineer	CADD	Word Processing	Clerical
Statistical Analyses	12	2	0	8	48	0	0	0
Ground Water Contour Plan	0	2	6	8	8	6	0	0
Ground Water Report	12	4	0	8	72	0	6	6
Total - Task 2	24	8	6	24	128	6	6	6



CONSULTING SERVICES CONTRACT

Contract # _____

Date: _____

EA as used herein means EA Engineering, Science, and Technology, Inc., PBC

Client as used herein means the other party to this contract.

WHEREAS, EA provides an extensive range of integrated and comprehensive consulting, engineering, scientific, and analytical services; and

WHEREAS, Client desires to utilize EA's services.

NOW, THEREFORE, for good and valuable consideration, EA agrees to provide the professional services described herein, and Client agrees to accept and pay for such services, all in accordance with the following terms and conditions:

1. **Definitions** The following terms shall have the meanings set forth below whenever they are used in this Agreement:

- a) "Scope of Work" (SOW) shall mean the description of the services to be provided by EA as mutually agreed upon by EA and Client, and will be performed on either a firm fixed price (FFP) or time and materials (T&M) basis. The SOW and the Price will be set out in the attached Exhibit "A"(s) (or EA's Proposal) as described below, incorporated by reference into this Agreement.
- b) "Documentation" shall mean deliverable documentation as described in the SOW.
- c) "Equipment" shall mean all indoor and outdoor equipment used by EA at Client sites for the purpose of providing services as described in the SOW.
- d) "Proprietary Information" shall mean all data, information, manuals, materials, trade secrets, patents, products, processes, plans, whether in written, graphic or oral form, and similar proprietary know-how of EA.

2. **Ordering** EA services sought by the Client shall be ordered as follows:

- a) In response to either a written or verbal request from Client, EA will prepare a written proposal that shall minimally contain a SOW, cost and form of compensation (FFP or T&M).
- b) Each EA Proposal shall be dated and sequentially numbered as Exhibit A1, A2, A3, etc. and reference this EA Consulting Service Agreement contract number.
- c) If acceptable, the Client will sign and date the EA proposal acknowledging acceptance of the costs of the services to be rendered by EA

3. **Compensation / Billing** EA's invoices will be issued at least monthly and are payable upon receipt. Invoices shall reference the appropriate EA Proposal

Letter or Exhibit A numbers. Balances thirty (30) days past due are subject to interest at 1.5% per month. EA may suspend services under any Client Agreement until all past due accounts have been paid.

The SOW is often not fully definable prior to the execution of this Agreement as investigation may uncover additional facts and information requiring an alteration in the SOW and/or the Price for the services. For services on a time and materials basis, the proposed fees are EA's best estimate of the charges required to complete the SOW. EA will inform Client of any material changes to either the SOW or the Price that may be required and which may alter the terms of this Agreement.

Costs and schedule commitments are subject to renegotiation for unreasonable delays caused by Client's failure to provide free access to sampling areas, specified facilities, or information, or for delays caused by unpredictable occurrences, or force majeure, such as fires, floods, strikes, riots, unavailability of labor or materials or services, acts of God or of the public enemy, or acts or regulations of any governmental agency. Temporary work stoppage caused by any of the above may result in additional cost beyond that outlined in this Agreement.

In the event EA is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a proceeding to which it is not a party, Client shall reimburse EA for its costs and compensate EA at its then standard rates for the time spent gathering information and documents. Client agrees to compensate EA at the rate of one and one-half times EA's then current hourly rates for time spent in any deposition, hearing, proceeding or trial.

For services provided on a time-and-materials basis, the minimum time segment is four (4) hours for field work is and one (1) hour for office work. The rental or use of EA's Equipment will be charged to the project in accordance with EA's "Corporate Equipment Rate Billing Schedule" which is either incorporated into the rates shown in Exhibit B, or is available upon Client's request. Equipment rates are subject to annual adjustment each September. EA's labor rates for services provided on a time-and-materials basis are fixed for one year with annual adjustment upon notice to Client.

Expenses related to the services and reimbursable by Client ("Other Direct Costs") include without limitation, travel and living expenses, phone, FAX, overnight delivery services, postage, shipping, and production costs; identifiable drafting and word processing supplies; equipment usage and rental fees; and expendable materials and supplies. Other Direct Costs are reimbursable by Client and are billed at EA's cost plus 20 percent.

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Subconsultant and/or subcontractor costs are reimbursable by Client and are billed at EA's cost plus 20%. Where applicable, any local or state taxes or fees (except state income taxes) are in addition to any quoted price/cost.

4. **Termination** This Agreement may be terminated by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party. Such termination is effected upon providing: (1) not less than thirty (30) calendar days written notice, and

(2) an opportunity for consultation with the terminating party prior to termination. Client will be responsible for all services and direct expenses associated with the project through the effective date of cancellation, plus reasonable fee(s) and/or expenses for reallocation and demobilization of personnel and equipment.

5. **Confidential Information / Inventions** All Proprietary Information furnished by EA in connection with this Agreement, but not developed as a result of work under this Agreement or under prior agreements between Client and EA, shall be held confidential by Client, and returned to EA within thirty (30) days of the completion of the services or conclusion of the litigation wherein EA's services were provided.

All inventions, techniques, and improvements held by EA to be proprietary or trade secrets of EA prior to any use on behalf of Client, as well as all inventions, techniques, and improvements developed by EA independent of the services rendered to Client under this Agreement, remain the property of EA. Documents provided by Client will remain the Client's property, but EA may retain one confidential file copy.

6. **Standard of Care** EA will prepare all work and provide services in accordance with generally accepted professional practices ordinarily exercised by reputable companies performing the same or similar services in the same geographic area. **NO WARRANTIES OR GUARANTIES, EXPRESS OR IMPLIED, ARE MADE WITH RESPECT TO ANY GOODS OR SERVICES PROVIDED UNDER THIS AGREEMENT, AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.**

Client shall furnish documents and information reasonably within Client's control and deemed necessary by EA for proper performance of its services. EA may rely upon Client-provided documents and information in performing the services required under this Agreement and EA assumes no responsibility or liability for their accuracy.

Client agrees to advise EA, no later than upon the execution of this Agreement, of any hazardous substance or any condition, known or that reasonably should be known by Client, existing in, on, or near the

site where EA's services are to be performed, that presents a potential danger to human health, the environment, or EA's equipment. Client agrees to a continuing obligation to provide EA related information as it becomes available to the Client. By virtue of entering into this Agreement or providing services hereunder, EA does not assume control of, or responsibility as an operator, waste generator or otherwise for the site or the person(s) in charge of the site, or undertake responsibility for reporting to any federal, state or local public agencies any conditions at the site that may present a potential danger to public health, safety or the environment. Client agrees to notify the appropriate federal, state or local public agencies as required by law, or otherwise to disclose, in a timely manner, any information that may be necessary to prevent damage to human health, safety, or the environment.

Upon Client's request, EA's work product may be provided on magnetic media. By such request, Client agrees that the written copy retained by EA in its files shall be the official base document. The Client will retain one conformed written copy. EA makes no warranty or representation to Client that the magnetic copy is accurate or complete. Any modifications of such magnetic copy by Client shall be at Client's sole risk and without liability to EA. Such magnetic copy is subject to all conditions of this Agreement.

7. **Indemnification** Each party shall indemnify, defend and hold harmless the other party from and against all liability, loss, cost, expense, or damage caused by the indemnifying party's negligent acts or negligent omissions in the performance of this contract. However in the event of any loss, damage or liability, whether to person or to property, arising out of the sole negligence of either EA or Client, such party will assume full responsibility for any liability arising thereof and hold harmless the other party. EA and Client further agree that if either EA or Client engages in willful misconduct, such party shall assume full responsibility for any liability arising thereof irrespective of the nature and degree of the other party's negligence, and will indemnify and hold harmless the other party. In no event shall EA be liable for any special, incidental, economic, or consequential damages whatsoever, regardless of the legal theory under which such damages may be incurred. In no event will EA's liability under this provision or Agreement exceed the lesser of the fees actually paid to EA under this Agreement or \$50,000.

For claims related to or involving pollution, toxic substances or hazardous wastes or for any other claims arising from underground hidden or undisclosed hazards, Client agrees to release, defend, indemnify and hold harmless EA and its officers, directors, employees, agents, consultants, and subcontractors from all claims, damages, losses, and expenses, including, but not limited to, reasonable fees and expenses of attorneys and



CONSULTING SERVICES CONTRACT

Contract # _____

Date: _____

consultants, and court costs, arising out of the performance of this Agreement. Such indemnification and release includes claims which arise out of the actual, alleged, or threatened dispersal, escape, or release of chemicals, wastes, liquids, gases or any other material, irritant, contaminant or pollutant regardless of the legal theory under which such damages may be incurred.

EA's field personnel will avoid hazards or utilities that are visible to them at the site. EA is not responsible for any damage or loss to property owned by Client or third parties due undisclosed or unknown surface or subsurface conditions, except to the extent such damage or loss is a direct result of EA's gross negligence.

- 8. Severability... 9. Third Party Rights... 10. Entire Agreement... 11. Assignment... 12. Governing Law...

ATTACHMENTS

- Exhibit A Statement of Work... Exhibit B EA Price Schedule, and/or EA Labor Rates and, EA Equipment Cost Rate Schedule...

EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC., PBC

By: _____

Name: _____

Title: _____

Date: _____

CLIENT

By: _____

Name: _____

Title: _____

Date: _____



Microbac Laboratories, Inc.

Baltimore Division

2101 Van Deman Street • Baltimore, MD 21224

Phone: 410-633-1800

Fax: 410-633-6553

www.microbac.com

Job Proposal

Effective Date: **February 02, 2018**

Expiration Date: **December 31, 2019**

Page Number: **Page 1 of 2**

Account Manager: **Michael D. Arbaugh**

Section I: Client Information

Company: **EA Engineering - Hunt Valley**

Contact: **Laura Jo Oakes**

Address: **225 Schilling Circle, Ste 400**

City: **Hunt Valley**

State: **MD** Zip: **21031**

Main Phone: **(410) 771-4950**

Cell Phone:

Email: **loakes@eaest.com**

Section II: Client Project Information

Project Name: **Worcester County Landfill**

Project #:

P.O. #:

Section III: Project Pricing Details:

Item	Analysis Description	Matrix	TAT	Quantity	Item Cost	Total Cost
1	Hg, Total - EPA 7470A	Ground Water	Standard	100	\$18.00	\$1,800.00
2	Antimony by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
3	Arsenic by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
4	Barium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
5	Beryllium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
6	Cadmium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
7	Calcium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
8	Chromium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
9	Cobalt by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
10	Copper by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
11	Iron by ICP - EPA 6010B	Ground Water	Standard	100	\$5.00	\$500.00
12	Lead by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
13	Magnesium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
14	Manganese by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
15	Nickel by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
16	Potassium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
17	Selenium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
18	Silver by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
19	Sodium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
20	Thallium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
21	Vanadium by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
22	Zinc by ICPMS - EPA 6020	Ground Water	Standard	100	\$5.00	\$500.00
23	Volatiles by 8260 - EPA 8260C	Ground Water	Standard	112	\$60.00	\$6,720.00
24	Alkalinity by Titration to pH 4.5 - SM 2320 B-11	Ground Water	Standard	100	\$12.00	\$1,200.00
25	Ammonia by Distillation/Automated Analysis - SM 4500-NH3 B+G-11	Ground Water	Standard	100	\$18.00	\$1,800.00
26	Chemical Oxygen Demand Low Level - EPA 410.4	Ground Water	Standard	100	\$14.00	\$1,400.00
27	Chlorides by Ion Chromatography - SW-846 9056A	Ground Water	Standard	100	\$10.00	\$1,000.00
28	Conductivity in Water - SM 2510 B-11	Ground Water	Standard	100	\$8.00	\$800.00
29	Hardness, Total by Titration - SM 2340 C-11	Ground Water	Standard	100	\$12.00	\$1,200.00
30	Nitrate by Ion Chromatography - SW-846 9056A	Ground Water	Standard	100	\$10.00	\$1,000.00
31	pH by SM4500H B/EPA9040C/9045D - SW-846 9040C	Ground Water	Standard	100	\$5.00	\$500.00
32	Sulfate by Ion Chromatography - SW-846 9056A	Ground Water	Standard	100	\$10.00	\$1,000.00
33	Total Dissolved Solids - SM 2540 C-11	Ground Water	Standard	100	\$9.00	\$900.00
34	Turbidity in Water Samples - EPA 180.1	Ground Water	Standard	100	\$5.00	\$500.00

Estimated Proposal Costs:

\$30,320.00

Section IV: Project Notes & Provisions:

The following surcharge rates will be applied for expedited results requests. Results will be due at the end of business on the due date.

0 Business Day(s): 200%

3 Business Day(s): 50%

1 Business Day(s): 100%

4 Business Day(s): 30%

2 Business Day(s): 75%

5 Business Day(s): 25%

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Microbac Laboratories, Inc.

Baltimore Division

2101 Van Deman Street • Baltimore, MD 21224

Phone: 410-633-1800

Fax: 410-633-6553

www.microbac.com

Job Proposal

Effective Date: **February 02, 2018**

Expiration Date: **December 31, 2019**

Page Number: **Page 2 of 2**

Account Manager: **Michael D. Arbaugh**

General Job Proposal Information

Prices Include The Following:

Shipping to Client

Sample Labels

Coolers

Sample Chain of Custody and Submittal Forms

Sample Containers / Bottlware

Level I Data Deliverables Packages

Data Deliverables Options:

Level I Data Deliverables Package (Standard Rates Reflected in Section III)

Includes, but may not be limited to, the standard laboratory report with sample information, chain of custody, sample submittal form, data review signature, data approval signature, and results presentation.

Level II Data Deliverables Package (Standard Rates Reflected in Section III)

Includes, but may not be limited to, LEVEL I Data Deliverables plus reporting of continuing calibration verification (CCV), continuing calibration blank (CCB), matrix spike (MS), and matrix spike duplicate (MSD) results.

Level III Data Deliverables Package (Surcharge Reflected on Rates in Section III)

Includes, but may not be limited to, LEVEL I and LEVEL II Data Deliverables plus reporting of sample preparation blank, laboratory control sample (LCS), sample preparation logs, sample run logs, and inter element correction samples (metals analyses only).

Level IV Data Deliverables Package (Surcharge Reflected on Rates in Section III)

Includes, but may not be limited to, LEVEL I, II, and III Data Deliverables plus reporting of method detection limit studies, surrogate recovery studies, retention times, and electronic data reporting.

Terms & Conditions

TERMS AND CONDITIONS: This Proposal is only valid if signed within thirty (30) calendar days from the Date of Proposal listed above. Unless otherwise agreed upon in writing by authorized agents or Officers of both parties, the enclosed Standard Terms and Conditions of Microbac Laboratories, Inc. (Microbac) will be in effect. By signing this document, it is assumed that you have reviewed the Proposal and enclosed Standard Terms and Conditions binding this agreement. This proposal will not be considered legally binding by Microbac unless the Authorization and Acceptance portion of this document or Sample Submittal Form that accompanies the samples has been signed, dated, and returned, or alternate contractual documents have been signed by an authorized agent of Microbac. You may also be requested to provide documentation verifying the company information listed in SECTION I above.

Acceptance & Authorization To Proceed As Proposed

ACCEPTANCE AND AUTHORIZATION TO PROCEED AS PROPOSED: As an authorized agent or Officer of the Client/Company listed in SECTION I above, I hereby authorize Microbac Laboratories, Inc. to proceed with the project in accordance with this proposal and Microbac's Standard Terms and Conditions, unless otherwise mutually agreed upon in writing.

Proposal Authorized By:

Proposal Accepted By:

Project Manager Name: **Michael D. Arbaugh**

Signature: _____

Print Name: _____

Authorized Agent or Officer of: **EA Engineering - Hunt Valley**

Title: _____

Date Authorized: _____

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Thank you for the opportunity to submit this proposal.

Laura Oakes
EA Engineering
_EA_Global_Landfill Monitoring

Analytical Services Quotation

Printed: 01/12/18
Effective: 01/12/18
Expires: 01/12/20

Pricing Summary

Parameter	Method	Quantity	TAT (Bus days)	Unit Price	Extended Price
Water					
Turbidity	180.1	1	7	\$5.00	\$5.00
Nitrogen, Ammonia	350.1	1	7	\$12.00	\$12.00
Chemical Oxygen Demand	410.4	1	7	\$25.00	\$25.00
6010-Sodium	6010	1	7	\$7.25	\$7.25
6010-Calcium	6010	1	7	\$7.25	\$7.25
6010-Iron	6010	1	7	\$7.25	\$7.25
6010-Potassium	6010	1	7	\$7.25	\$7.25
6010-Magnesium	6010	1	7	\$7.25	\$7.25
6010-Manganese	6010	1	7	\$7.25	\$7.25
6010-Silver	6010	1	7	\$7.25	\$7.25
6020-Copper	6020	1	7	\$7.25	\$7.25
6020-Chromium	6020	1	7	\$7.25	\$7.25
6020-Cobalt	6020	1	7	\$7.25	\$7.25
6020-Cadmium	6020	1	7	\$7.25	\$7.25
6020-Beryllium	6020	1	7	\$7.25	\$7.25
6020-Arsenic	6020	1	7	\$7.25	\$7.25
6020-Antimony	6020	1	7	\$7.25	\$7.25
6020-Barium	6020	1	7	\$7.25	\$7.25
6020-Mercury	6020	1	7	\$7.25	\$7.25
6020-Lead	6020	1	7	\$7.25	\$7.25
6020-Selenium	6020	1	7	\$7.25	\$7.25
6020-Thallium	6020	1	7	\$7.25	\$7.25
6020-Vanadium	6020	1	7	\$7.25	\$7.25
6020-Zinc	6020	1	7	\$7.25	\$7.25
6020-Nickel	6020	1	7	\$7.25	\$7.25
8260 Volatile Organics (Low Level)	8260B	1	7	\$70.00	\$70.00
Chloride	EPA 300.0	1	7	\$15.00	\$15.00
Nitrogen, Nitrate	EPA 300.0	1	7	\$15.00	\$15.00
Sulfate	EPA 300.0	1	7	\$15.00	\$15.00
Alkalinity	SM2320B	1	7	\$12.00	\$12.00
Conductance	SM2510	1	7	\$5.00	\$5.00
Solids, Total Dissolved	SM2540C	1	7	\$10.00	\$10.00
pH	SM4500H+	1	7	\$5.00	\$5.00

Bid Total: \$348.50

We reserve the right to alter the analytical method for metals analysis so long as the documented PQLs are adhered to.

Cory Koons
Laboratory Manager

2

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QC

Laboratory Services Quotation

AL0081
MS. LAURA JO OAKES
EA ENGINEERING
225 SCHILLING DR.
STE 400
HUNT VALLEY, MD 21031

Project 2017-2018 PRICING
Quote # Q30755 AMSM
Quote Date 10-06-17
Expiration Date 09-12-18
Phone 410-584-7000 Ext. 5607
Fax 410-771-1625

Deliverables Format:

Quantity	Matrix	Analysis	Unit Price	Total Price
96	GROUND WTR	TOTAL HARDNESS	\$24.00	\$2,304.00
108	GROUND WTR	EPA METHOD 8260	\$101.00	\$10,908.00
96	GROUND WTR	ANTIMONY	\$10.00	\$960.00
96	GROUND WTR	ARSENIC	\$10.00	\$960.00
96	GROUND WTR	BARIUM	\$10.00	\$960.00
96	GROUND WTR	BERYLLIUM	\$10.00	\$960.00
96	GROUND WTR	CADMIUM	\$10.00	\$960.00
96	GROUND WTR	CHROMIUM	\$10.00	\$960.00
96	GROUND WTR	COBALT	\$10.00	\$960.00
96	GROUND WTR	COPPER	\$10.00	\$960.00
96	GROUND WTR	LEAD	\$10.00	\$960.00
96	GROUND WTR	MERCURY	\$15.00	\$1,440.00
96	GROUND WTR	NICKEL	\$10.00	\$960.00
96	GROUND WTR	SELENIUM	\$10.00	\$960.00
96	GROUND WTR	SILVER	\$10.00	\$960.00
96	GROUND WTR	THALLIUM	\$10.00	\$960.00
96	GROUND WTR	VANADIUM	\$10.00	\$960.00
96	GROUND WTR	ZINC	\$10.00	\$960.00
96	GROUND WTR	CALCIUM	\$10.00	\$960.00
96	GROUND WTR	IRON	\$10.00	\$960.00
96	GROUND WTR	MAGNESIUM	\$10.00	\$960.00
96	GROUND WTR	POTASSIUM	\$10.00	\$960.00
96	GROUND WTR	SODIUM	\$10.00	\$960.00
96	GROUND WTR	MANGANESE	\$10.00	\$960.00
96	GROUND WTR	AMMONIA	\$21.00	\$2,016.00
96	GROUND WTR	CHLORIDE	\$10.00	\$960.00
96	GROUND WTR	CONDUCTANCE	\$8.00	\$768.00
96	GROUND WTR	TURBIDITY	\$9.23	\$886.08
96	GROUND WTR	COD	\$21.00	\$2,016.00

Accepted: _____

Unless otherwise established in an agreement signed by you and Eurofins QC, Inc. (EQC), laboratory analytical services (sample collection, data analysis and interpretation) provided by EQC to you, the client, are subject solely to the EQC's standard terms & conditions and shall control in the event of any conflict with any other written document. Please see www.qclaboratories.com/terms for a copy of our Terms & Conditions.

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Laboratory Services Quotation

AL0081
 MS. LAURA JO OAKES
 EA ENGINEERING
 225 SCHILLING DR.
 STE 400
 HUNT VALLEY, MD 21031

Project 2017-2018 PRICING
Quote # Q30755 AMSM
Quote Date 10-06-17
Expiration Date 09-12-18
Phone 410-584-7000 Ext. 5607
Fax 410-771-1625

Deliverables Format:

Quantity	Matrix	Analysis	Unit Price	Total Price
96	GROUND WTR	SULFATE	\$16.00	\$1,536.00
96	GROUND WTR	ALKALINITY	\$7.00	\$672.00
96	GROUND WTR	NITRATE AS N	\$13.00	\$1,248.00
96	GROUND WTR	PH	\$5.50	\$528.00
96	GROUND WTR	TOTAL DISSOLVED SOLIDS	\$8.50	\$816.00
52	MISC	DELIVERY CHARGE	\$35.00	\$1,820.00
52	MISC	PICK UP CHARGE	\$20.00	\$1,040.00
0	MISC	SAMPLING WITH FIELD READINGS	\$75.00	\$0.00
0	MISC	SAMPLING WITHOUT FIELD READINGS	\$60.00	\$0.00
37 Analyses Total Quote Amount			\$49,118.08	

NOTE: Upgraded deliverables requested after date of sample analysis, subject to surcharge at rate equivalent to two times customary surcharge listed above plus any cost of required re-analysis.

Pricing is subject to Eurofins QC Standard Terms and Conditions attached.

Pricing is based on standard laboratory turnaround. Accelerated turnaround will be subject to surcharge.

Should you have any questions or comments regarding the above or attached please be sure to contact me, Ann Smith, at 215-444-5254. Thank you for considering Eurofins QC for your analytical needs.

Eurofins QC, Inc:



Eurofins QC, Inc.

CLIENT PROJECT AUTHORIZATION:

 (Print Name)

 (Signature)

 (Date)

Accepted: _____

Unless otherwise established in an agreement signed by you and Eurofins QC, Inc. (EQC), laboratory analytical services (sample collection, data analysis and interpretation) provided by EQC to you, the client, are subject solely to the EQC's standard terms & conditions and shall control in the event of any conflict with any other written document. Please see www.qclaboratories.com/terms for a copy of our Terms & Conditions.

General Terms and Conditions of Sale

1. Area of Application

1.1 All Orders accepted by "Eurofins QC, Inc. or any of its subsidiaries or affiliates" (collectively, "QC") will be governed by these General Terms and Conditions of Sales (the "Terms and Conditions"), including orders placed by telephone which have not been confirmed in writing and orders made by delivery of samples. A contract with these Terms and Conditions comes into being when an order that has been placed with QC is accepted by QC. An order placed with QC is considered as accepted by QC when (a) QC proceeds to fulfill that order, without need for any written confirmation from QC or (b) QC accepts the order in writing.

If QC and Customer have an existing Services Agreement in place (i.e. Master Service Agreement, Laboratory Service Agreement or Environmental Service Agreement), that Agreement will constitute the entire agreement between the parties and any additional or conflicting terms and conditions are null and void.

1.2 These Terms and Conditions supersede and replace all prior verbal or written price quotations and agreements between the parties and, unless specifically indicated otherwise therein, take precedence over all conflicting or inconsistent provisions of subsequent written agreements between the parties. Only the chairman or president (collectively, "officer") has the authority to alter or waive any of these Terms and Conditions or to make any representation which conflicts with or purports to override any of these Terms and Conditions; and no such alteration, waiver or representation shall be binding upon QC, unless it is in writing and signed by an officer of QC.

2. Placement of Order

2.1 A customer's order will be valid only if it is sent by mail or fax or other electronic message on letterhead of the customer or by using QC approved sample dispatch sheets or electronic order forms and the commercial aspects of the order which are not specifically set out in these Terms and Conditions (including price, estimated turnaround times and delivery date) must be agreed at the time of the order. The customer must confirm in writing orders given by telephone immediately after they are made and will be deemed to have placed an order if the customer sends samples to QC quoting the customer reference. QC is not obligated to start any analytical work unless the order is clear and it has been provided all required information.

2.2 Unless specifically accepted in writing and signed by an officer of QC, any terms proposed or submitted by a customer at any time (including, but not limited to, terms or provisions in the customer's purchase order, instructions or other document) which differ from these Terms and Conditions are rejected as a material alteration of these Terms and Conditions and shall be of no force or effect. Furthermore, special terms or conditions of prior orders, including special pricing, will not automatically apply to subsequent orders. Each order accepted by QC will be treated as a separate contract between QC and the customer.

2.3 A request for additional services on samples that have entered the laboratory will be treated as a new order and may postpone estimated delivery date accordingly.

3. Price and Terms of Payment

3.1 If the acknowledgment of an order does not state otherwise, QC's prices apply. Any additional cost or disbursement (e.g. incurred by QC in connection with the order) must be paid by the customer.

3.2. Prices are exclusive of all applicable taxes (including sales, use and VAT) and are based on tariffs in force at the day of the remittance of the offer to the customer. Applicable taxes are those in force at the date of invoicing.

3.3 Unless specifically agreed otherwise by QC in its acceptance of an order, payment of all invoices is due strictly within 30 days of the invoice date. Any dispute about invoices must be raised within 30 days of the invoice date. The challenge of an analytical result will not entitle a customer to defer payment. Any invoice which remains outstanding after due date, may be additionally charged with an administrative penalty of Seventy Five Dollars (\$75) and may carry interest at the rate of one percent (1%) per month or the maximum interest rate permitted by applicable law, whichever is lower.

3.4 QC has the right to charge an administrative fee of up to Fifteen Dollars (\$15) to re-issue an invoice.

3.5 The invoice settlement method is check, bank transfer or direct debit. Any other method of payment must receive prior agreement from QC. The customer undertakes to provide bank account details.

3.6 QC is entitled to require payment of up to 100% of the quoted order price as a condition of acceptance.

4. Duties of Customer in Delivering Samples or Materials

4.1 The samples or materials must be in a condition that makes the preparation of reports/analyses or the production of ordered products possible without difficulty. QC is entitled to conduct an initial examination of the samples or materials to check their condition before processing the samples, drawing up a report or using them in production. The customer shall bear the costs of this initial examination, if the samples or materials do not comply with the requirements described in this clause 4.1. If the result of the initial examination is that an analysis or production is impossible or is possible only under more difficult conditions than originally anticipated – for example, because the samples or materials have been interspersed with foreign materials or substances that were not reported by the customer or are degraded - QC shall be entitled to terminate or interrupt the order and the customer shall bear costs incurred by QC to that point.

4.2 The customer must ensure, and hereby warrants, that no sample poses any danger, including on its site, during transportation, in the laboratory or otherwise to QC premises, instruments, personnel or representatives. It is the customer's responsibility to insure compliance with hazardous waste regulations, including regarding information, transportation and disposal and to inform QC personnel or representatives about sample health and safety concerns, including any known or suspected toxic or other contaminant that may be present in the sample and its likely level of contamination as well as the risks to QC premises, instruments, personnel and representatives related to the contamination. The customer shall be responsible for, and indemnifies QC against, all costs, damages, liabilities and injuries that may be caused to or incurred by QC or its personnel or representatives including on the sampling site, during the transportation or in the laboratory by the customer's sample or by sampling site conditions. The customer shall bear all extraordinary costs for adequate disposal of hazardous waste resulting from the sample, whether or not described as hazardous waste. At QC's request, the customer must provide QC with the exact composition of the samples.

5. Property Rights on Sample Material and Sample Storage

5.1 All samples become the property of QC to the extent necessary for the performance of the order.

5.2 QC can dispose of or destroy samples immediately after the analysis has been performed, unless QC and the customer have agreed in writing on the terms of QC's retention of the sample. QC also can dispose of or destroy the samples after the agreed upon retention period, without further notice and at customer's cost, should an extra cost for QC arise to comply with any regulation (for example, with respect to disposal of hazardous waste). If the customer requests the return of unneeded sample material, QC will return them to the customer, at the customer's cost and risk.

6. Delivery Dates, Turnaround Time

6.1 Delivery dates and turnaround times are estimates and do not constitute a commitment by QC. Nevertheless, QC shall make commercially reasonable efforts to meet its estimated deadlines.

6.2 Results are generally sent by email and/or by USPS mail, or via other electronic means, to the attention of the persons indicated by the customer in the order, promptly after the analysis is completed.

7. Transfer of Property

7.1 Title in any analysis results, products, equipment, software or similar supplied by QC to the customer will remain with QC until all invoices in respect thereof have been paid by the customer in full, and until such full payment, the customer shall have no property rights or other rights to use them. In addition, even if QC has accepted and begun to fulfill an order, QC has the right at any time stop processing that order and to stop doing any work for a customer if that customer is late in paying any amount due to ELLE, whether for that or any other order.

8. Limited Warranties and Responsibilities

8.1 Orders are handled in the conditions available to QC in accordance with the current state of technology and methods developed and generally applied by QC and the results may not always be 100% exact and/ or relevant. Analyses, interpretations, assessments, consulting work and conclusions are prepared with a commercially reasonable degree of care but QC cannot guarantee that these will always be correct or absolute. This limited warranty expires six months after the delivery date of the samples, if the acknowledgement of the order does not specifically state otherwise. In all cases, the customer must independently verify the

validity of any results, interpretations, assessments and conclusions supplied by QC, if it wishes to rely on the same in respect of matters of importance and shall do so at its own risk.

8.2 Each analytical report relates exclusively to the sample analyzed by QC. If QC has not expressly been mandated and paid for the definition of the sampling plan (including which samples of which raw materials and finished products and at which frequency should be analyzed) and the definition of the precise range of analysis to be performed or if the customer has not followed QC recommendations, QC shall not bear any responsibility if the sampling plan and/or the range of analysis to be performed prove to be insufficient or inappropriate.

8.3 The customer is responsible for the proper delivery of samples sent to QC for examination/analyses or materials sent for production. Unless otherwise specifically agreed in writing by QC, QC accepts no responsibility for any loss or damage, which may occur to any sample in transit or to any facility or site where logistics services are being delivered. The customer will at all times be liable for the security, packaging and insurance of the sample from its dispatch until it is delivered to the offices or the laboratories of QC. QC will use commercially reasonable care in handling and storing samples, but QC shall not be held responsible for any loss or destruction of samples even after their receipt at its laboratories.

8.4 The customer warrants and represents to QC that all samples sent to QC for analysis are safe and in a stable condition and undertakes to indemnify QC for any losses, injuries, claims and costs which QC, or its personnel, may suffer as a result of any sample not being in a safe or stable condition, notwithstanding that the customer may have given an indication on the sample or any order form of any perceived problem with the sample. The customer must always inform QC in writing prior to shipment and label the packaging, samples and/or containers appropriately, if the samples are dangerous or otherwise of a hazardous nature.

8.5 Unless explicitly agreed in writing by all parties, the contractual relationship shall be exclusively between the customer and QC. There shall be no third party beneficiary or collateral warranty relating to any order and the customer shall indemnify and hold QC harmless from and against any and all third party claims in any way relating to the customer or to the order by the customer.

9. Limitation of Liability

9.1 Except to the extent that such limitations are not permitted or void under applicable law: (a) QC (together with its workers, office clerks, employees, representatives, managers, officers, directors, agents and consultants and all QC partners and affiliates, the "QC Indemnifying Parties") shall be liable only for the proven direct and immediate damage caused by the QC Indemnifying Party's willful misconduct in connection with the performance of an order and then, only if QC has received written notice thereof not later than six (6) months after the date of the customer's knowledge of the relevant claim (unless any longer period is prescribed under the applicable law and cannot be contractually limited), and (b) in all cases (whether arising under contract, tort, negligence, strict liability, through indemnification or otherwise), the QC Indemnifying Parties' liability per claim or series of related claims, and the customer's exclusive remedy, with respect to the QC services which fall under these Terms and Conditions, shall be limited to the lesser of: (i) the direct and immediate loss or damage caused by the QC Indemnifying Party's willful misconduct in connection with the performance of the order and (ii) ten times the amount QC actually received from the customer in relation to the order up to fifteen thousand dollars (\$15,000).

9.2 The QC Indemnifying Parties shall not be liable for the indirect, direct, or consequential loss or damage (including, but not limited to, loss of business, profits, goodwill, business opportunities or similar) incurred by the customer or by any third party.

9.3 It is a condition of QC acceptance of an order that the customer indemnifies the QC Indemnifying Parties for any losses, injuries, claims and costs which the QC Indemnifying Parties may suffer as a result of arising from or in any way connected with its role under or services or products or software provided pursuant to these Terms and Conditions, except to the extent that the QC Indemnifying parties are required to bear them according to these Terms and Conditions, and by placing an order the customer agrees to provide that indemnification.

10. Repeated Analysis

Objections to test results can be made within thirty (30) days after the customer receives the results. However, unless it would appear that the results of the repeated analysis do not match those of the first one, the customer shall bear the costs of the repeat testing or review. Furthermore, a repeated analysis will be possible only if QC has a sufficient amount of the original sample on hand when it receives the customer's objection. Otherwise the customer will be required to pay all costs, including sampling, transportation, analytical and disposal costs for the repeat analysis.

11. Force Majeure

QC cannot be held liable for delays, errors, damages or other problems caused by events or circumstances which are unforeseen or beyond QC's reasonable control, or which result from compliance with governmental requests, laws and regulations.

12. Confidentiality & Processing of Customer Data

12.1 QC shall be entitled to save and process personal or commercial data received from the customer in any way, no matter whether such data stem from the customer directly or from a third party and shall use commercially reasonable efforts to keep such data confidential, in compliance with applicable law.

12.2 QC shall use commercially reasonable efforts to keep all analysis results and service reports confidential, and the right to use them in order to demonstrate its entitlement to payment for services rendered.

12.3 Analysis results are prepared and supplied exclusively for the use of the customer and should not be divulged to a third party for any purposes without the prior written agreement of QC. In addition, the customer is required to maintain secrecy concerning all services provided by QC and their results as well as the composition of products and software delivered by QC. Analysis results are not to be publicly disclosed or exploited without the prior written consent of QC. Even if such written consent is given by QC, the customer (a) remains responsible for any consequences due to the divulgence of such results to a third party and any reliance of such third party on such results and (b) hereby agrees to indemnify the QC Indemnified Parties against any liability which the QC Indemnified Parties may incur as a result of such divulgence or any such third party reliance.

13. Disclaimer and Miscellaneous

13.1 ALL TERMS, CONDITIONS AND WARRANTIES (INCLUDING ANY IMPLIED WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE) AS TO THE MANNER, QUALITY AND TIMING OF THE TESTING SERVICE AND RESULTS, EQUIPMENT, PRODUCTS OR SOFTWARE SUPPLIED BY ELLE ARE EXCLUDED TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW. THE WARRANTIES, OBLIGATIONS AND LIABILITIES OF QC CONTAINED IN THESE TERMS AND CONDITIONS ARE EXCLUSIVE.

13.2 These Terms and Conditions may be modified in writing from time to time by QC and orders will be governed by the most recent version of these Terms and Conditions that is in effect at the time QC accepts the order.

13.3 Should a court waive, limit or hold to be invalid, illegal or unenforceable any part of these Terms and Conditions, all other parts shall still apply to the greatest extent possible.

13.4 Failure by either QC or the customer to exercise the rights under these Terms and Conditions shall not constitute a waiver or forfeiture of such rights.

14. Governing Law/Jurisdiction

14.1 The construction, validity and performance of these Terms and Conditions shall be governed by the laws and the commercial courts of Pennsylvania in which the registered office of the QC company which accepted the order in question is located (including in cases involving multiple counsels for the defense or third-party respondents), which shall have exclusive jurisdiction.



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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: 410-632-5623
FAX: 410-632-1753

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John Tustin, P. E., Director *JTB*
SUBJECT: Salisbury Scrap Metal, Inc.
DATE: March 8, 2018

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 attached Independent Contractors' Agreement with Westover Scrap Metal Inc., (now doing business as Salisbury Scrap Metal, Inc., see attached letter) was awarded on June 6, 2015, has no expiration date or any clauses for renegotiating the percentage of funds paid to the County during the course of the open ended contract. The following is an explanation to support Salisbury Scrap Metal, Inc's request to change the present scrap payout formula to Worcester County.

All of the following figures are based from the January American Metal Market of \$217.00 per GT. The present formula is 93% of \$217.00 GT, which is a payout of \$201.81 GT with no freight charges to Worcester County. The flat freight cost to Salisbury Scrap is \$180.00 from any of Worcester County's locations. Salisbury Scrap has a \$10.00 GT cost for handling and processing the material at their yard. Salisbury Scrap out bound freight cost to their mill is \$495.00 per load. Salisbury Scrap is paid \$225.00 GT from the mill. With the above facts, Salisbury Scraps breakeven point is \$180.00 GT. On what they pay out to Worcester County, they are losing \$21.81 GT per load. The new formula that they are presenting to Worcester County would be 65% of \$217.00 GT with a payout of \$141.05. This gives Salisbury Scrap a margin of \$38.95 GT from their breakeven point of \$180.00 GT. This is less than 8%.

We would therefore recommend to the County Commissioners accept Salisbury Scrap Metal, Inc.'s proposal of 65% in lieu of the current 93% as stated in the current contract. Due to the fluctuation in the metal market we feel this is a fair proposal. Salisbury Scrap Metal, Inc. is a dependable company and we have a good working relationship with them. We would like to continue utilizing their services to manage our scrap metal program at all Homeowners Convenience Centers and the Central Landfill. *

I look forward to discussing this with you in the near future.

Attachments

cc: Michael Mitchell
Mike McClung



Salisbury Scrap Metal, Inc.

909 Boundary St.

Salisbury, Md. 21801

Kelly Shannahan

Worcester County Government Center

Commissioner's Office

Snow Hill, Md.

The following is an explanation of why Salisbury Scrap Metal, Inc. needs to change the present scrap payout formula to Worcester County Solid Waste.

All the following figures are based from the January AMM (American Metal Market) of \$217 per GT.

The present formula is 93% of \$217 GT, which is a payout to you of \$201.81 GT with no freight charges to you.

The flat freight cost to Salisbury Scrap is \$180.00 from any of your locations.

We have a \$10 GT cost for handling and processing the material at our yard.

Salisbury Scrap out bound freight cost to the mill is \$495 per load.

Salisbury Scrap is paid \$225 GT from the mill.

With all the above facts our breakeven point is \$180 GT.

As you can see on what we payout to you (\$201.81 GT) and our breakeven point (\$180 GT) we our losing \$21.81 GT per load from you.

The new formula that we presented to you would be 65% of \$217 GT with a payout to you of \$141.05. This still only gives us a margin of \$38.95 GT from our breakeven point of \$180.00 GT. This is less than 8%.

I appreciate the opportunity to present this to Worcester County Solid Waste.

Sincerely,

Kevin Kuhn – Buyer

Salisbury Scrap Metal, Inc.



Salisbury Scrap Metal, Inc.

909 Boundary St.
Salisbury, Md. 21801

Worcester County
Department of Public Works
Solid Waste Division
Snow Hill, Md.

This letter is to inform you of the following:

Smith EMR Industries is the Parent Company of Westover Scrap Metal, Inc. and Salisbury Scrap Metal, Inc.

Smith EMR Industries made a decision on November 1, 2015 to close down all scrap operations at Westover Scrap. At that time Salisbury Scrap took over all the scrap metal operations that Westover Scrap was responsible for.

On June 6, 2015 there was a signed contract between Worcester County Public Works and Westover Scrap Metal, Inc. to meet all the needs for removal of any scrap metal at all Worcester County Public Works locations.

When Smith EMR Industries closed Westover Scrap all contracts were honored by Salisbury Scrap through the parent company.

Worcester County Public Works has been doing business with Salisbury Scrap Metal, Inc. since the closer of Westover Scrap Metal, Inc. on November 1, 2015.

Sincerely,

Kevin Kuhn - Buyer

Salisbury Scrap Metal, Inc.

County Commissioners of Worcester County, Maryland
INDEPENDENT CONTRACTOR'S AGREEMENT
(For Contracts Under \$250,000.00)

THIS AGREEMENT, made this 6th day of June, 2015, by and between the **COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND**, of Room 1103, Government Center, One West Market Street, Snow Hill, Maryland 21863-1195, hereinafter called "County" and Westover Scrap Metal, Inc., of 8491 Ocean Highway, Westover, Maryland 21871 hereinafter called "Contractor".

1. **Services.** The County hereby contracts with Contractor to perform the following services as an Independent Contractor for the County: collection and recycling of mixed metals from the three County-owned homeowner convenience facilities and the Central Landfill facility in Worcester County, Maryland pursuant to bid specifications dated April 8, 2015 (attached hereto as Attachment A) by County and bid submittal dated May 8, 2015 (attached hereto as Attachment B) by Contractor.
2. **Terms of Agreement.** This Agreement shall commence upon signing. Contractor services shall continue uninterrupted indefinitely or until notice of termination by County upon thirty (30) days written notice to Contractor.
3. **Payment.** Contractor shall remit to County ninety-three percent (93%) of the American Metals Market (AMM) price received by Contractor for collected materials along with a report to the County on the total metals recycled each month which shall include weigh slips and other justification as required by the County to support the transactions. County shall not be required to pay for incomplete work. At the time of any payment or upon request, Contractor shall provide complete and proper lien releases, in such form as County may require, from all entities or persons having any right to claim a lien on account of the work.
4. **Performance by Contractor.** Contractor shall expeditiously proceed with Contractor's

services hereunder and shall devote such time as may be necessary to complete them within the time provided. Contractor shall perform this contract promptly, properly, completely, in accordance with all codes, in a workmanlike manner and in accordance with industry standards and all plans and specifications. Contractor pledges any and all payments paid or due hereunder for the faithful performance hereof.

5. **County will Provide:** County will provide the following services, materials, space or support: Access and space at the three County-owned homeowner convenience facilities and the Central Landfill facility for placement of collection containers.

6. **Terminations**

6.1 **Termination for Cause.** County may terminate this Agreement for any cause upon notice to Contractor. For the purposes hereof, "Cause" shall include, but not be limited to:

- A. Material breach of Contract
- B. Dishonesty, Fraud or Criminal Activity
- C. Incapability to perform
- D. Nonperformance
- E. Substandard performance or failing to make satisfactory progress in the prosecution of the contract
- F. Termination of any grant to the County which provides funding for this Contract.

In the event of termination, Contractor shall be entitled to be paid for work performed to date of termination, subject to the limitations herein set forth.

6.2 **Termination for Convenience.** The County may terminate the contract, in whole or in part, without cause, by providing written notice thereof to the Contractor. In the event of termination, without cause, the County shall advise the Contractor in writing of the termination date and of work to be performed during the final days prior to contract termination. The Contractor shall be paid for all reasonable costs incurred

by the Contractor up to the date of termination set forth in the written notice of termination. The Contractor will not be reimbursed for any anticipatory profits, which have not been earned up to the date of termination. Payments to be provided on a lump sum basis shall be prorated by the County based on the services rendered or goods delivered up to the date of termination set forth in the written notice.

7. **Contract Official.** Contractor shall report directly to, and receive instructions as necessary from Mike Mitchell, Solid Waste Manager, Solid Waste Division of Public Works (410-632-3177) who shall be the County Contract Official. Final decisions with respect to the Contract on behalf of the County will be made by the Worcester County Commissioners.

8. **Confidential Information - Reports.** Contractor agrees that information received by Contractor during the administration of the Contract may be considered confidential and upon notice agrees to keep such information confidential. Any report by Contractor shall be the sole and exclusive property of the County and may not be released to any other person or entity without the express written permission of the County.

9. **Employment of Others - Subcontractors.** Any Subcontractors of the Contractor shall be first approved in writing by the County prior to engagement. County may, from time to time, provide other employees to assist Contractor with performance of Contractor services or to perform related services required of Contractor hereunder. This Contract is not assignable or transferrable and will be performed personally by Contractor as set forth in Contractor's proposal.

10. **Inducement.** Contractor has represented to County that Contractor is fully qualified to perform the services hereunder in a professional, state of the art manner to the highest standards within the parameters of this Contract and specifically that the services required of Contractor hereunder may be accomplished under this Contract for the compensation stated herein. Nothing herein shall require County to pay any overage or additional payment; the

Contract price herein stated being firm. Any limitation on County's liability hereunder, shall not be a limitation on services required of the Contractor.

11. **Independent Contractor.** The parties hereto do hereby agree that Contractor is an independent contractor in its performance of its obligations hereunder. Accordingly, Contractor shall be responsible for the payment of all taxes including, without limitation, Federal, State and Local taxes, State Income Tax, Social Security Tax, Unemployment Insurance Tax and all other taxes or business license fees as required arising out of Contractor's performance hereof. Contractor specifically agrees that to the extent required by law, Contractor shall carry Workers' Compensation Insurance in statutory required amounts and Liability Insurance unless waived in writing by County and agrees to provide County with copies of policies as requested. The Contractor agrees to indemnify and hold harmless County with respect to all the Contractor's activities hereunder including, without limitation, claims for negligence or malfeasance against Contractor and as well as Workers' Compensation claims. If this contract is for professional services, contractor shall provide a minimum of \$1,000,000.00 (one million and 00/100 dollars) Errors and Omissions Insurance. At the option of the County, the Contractor may be required to add the County as an additional insured to any insurance that is required hereunder.

12. **Illegality of Performance.** If for any reason this Agreement or its execution by County Commissioners is determined to be illegal, ultra-vires or not in accordance with the law by County Commissioners, then County Commissioners may in their sole discretion and in good faith, declare it null and void.

13. **Immunity/limitation on Actions Against County Commissioners.** Nothing herein or any related agreement or any amendment hereto shall under any circumstances constitute or be construed as a waiver of immunities or limitations of liability that the County Commissioners, their officers, employees, agents, or servants, may have in by virtue of and in accordance with any law, including sovereign, statutory, qualified, official, common law,

public general law or public local law immunity. No action may be brought with respect hereto other than in the appropriate State Court in Worcester County, Maryland. Contractor hereby consents and agrees to such provision and further waives any right to jury trial in any action relating hereto. County Commissioners, as a body politic, has become a party hereto only in the capacity stated herein. No individual elected County Commissioner, contractor, employee, agent, or servant of County shall have any personal liability hereunder. Any indemnity herein or arising out of this Agreement, on the part of the County Commissioners, shall be only to the extent permitted by law and shall be subject to the non-waiver of immunity, limitations of liability and all other provisions of this Agreement. County Commissioners' liability under or arising out of this agreement shall be subject to annual budget appropriation and strictly conditioned thereon. The non-waiver and the limitation of liability to County Commissioners hereunder shall be contractual and it is agreed that such limitation is fair and equitable under the totality of the circumstances hereof. It is further agreed and understood that this provision is of the essence.

14. **Hold Harmless - Indemnification.** The Contractor shall defend, indemnify and hold harmless the County, its employees, agents and officials from any and all liabilities, claims, suits, or demands including attorney's fees and court costs which may be incurred or made against the County, its employees, agents or officials resulting from any act or omission committed in the performance of the duties imposed by and performed under the terms of the contract. The Contractor shall not be responsible for acts of gross negligence or willful misconduct committed by the County.

15. **Insurance.** Contractor shall also provide Motor Vehicle Insurance and General Liability Insurance in amounts and with companies satisfactory to County. At the option of the County, the Contractor may be required to add the County as an additional insured to any insurance that is required hereunder.

16. **Bonds.** Contractor shall provide such bonds as required by the bid specifications.

Contractor hereby binds Contractor to pay and satisfy to the extent legally required all suppliers, subcontractors or others having any right to a claim or action under the Maryland Little Miller Act and hereby pledges any amounts paid or due hereunder as payment security to provide for such payments or satisfactions. Contractor shall provide all lien releases required by County. Where lien releases satisfactory to County are not provided, County may withhold payment to Contractor to the extent determined by County to be reasonably necessary to adequately provide for such claim or action.

17. **Delays and Extensions of Time.** The Contractor agrees to prosecute the work continuously and diligently and no changes or claims for damages shall be made by him for any delays or hindrances, from any cause whatsoever during the progress of any portion of the services specified in this Agreement. Such delays or hindrances, if any, may be compensated for by an extension of time for such reasonable period as the County may decide. Time extensions will be granted only for excusable delays such as delays beyond the control and without the fault or negligence of the Contractor as determined by the County.

18. **Accounting System and Audit, Accurate Information.** The contractor certifies that all information the contractor has provided or will provide to the County is true and correct and can be relied upon by the County in awarding, modifying, making payments, or taking any other action with respect to this contract including resolving claims and disputes. Any false or misleading information is a ground for the County to terminate this contract for cause and to pursue any other appropriate remedy. The contractor certifies that the contractor's accounting system conforms with generally accepted accounting principles, is sufficient to comply with the contract's budgetary and financial obligations, and is sufficient to produce reliable financial information.

The County may examine the contractor's and any first-tier subcontractor's records to determine and verify compliance with the contract and to resolve or decide any claim or dispute arising under this contract. The contractor and any first-tier subcontractor must grant

the County access to these records at all reasonable times during the contract term and for 3 years after final payment. If the contract is supported to any extent with federal or state funds, the appropriate federal or state authorities may also examine these records. The contractor must include the preceding language of this paragraph in all first-tier subcontracts.

19. **Inspections.** The County has the right to monitor, inspect and evaluate or test all supplies, goods, services, or construction called for by the contract at all reasonable places (including the contractor's place of business) and times (including the period of preparation or manufacture).

20. **Applicable Laws.** This contract must be construed in accordance with the laws and regulations of Maryland and Worcester County. The contractor must, without additional cost to the County, pay any necessary fees and charges, obtain any necessary licenses and permits, and comply with applicable federal, state and local laws, codes and regulations. For purposes of litigation involving this contract, exclusive venue and jurisdiction must be in the Circuit Court for Worcester County, Maryland or in the District Court of Maryland for Worcester County.

21. **Equal Opportunity Employer.** The Contractor represents to County that Contractor is an Equal Opportunity Employer.

22. **Notice of Political Contributions.** The Contractor shall comply with the political contribution reporting requirements under Title 14 of the Election Law Article, Maryland Annotated Code, to which the contractor may be subject.

23. **Notices.** All notices and communications hereunder shall be in writing and shall be deemed given when sent postage prepaid by registered or certified mail, return receipt requested, and, if intended for the County Commissioners, shall be addressed to it, to the attention of its President, at Room 1103, Government Center, One West Market Street, Snow Hill,

Maryland 21863-1195, or at such other address of which the County provided, and if intended for the Contractor, shall be addressed to its attention at 8491 Ocean Highway, Westover, Maryland 21871, or at such other address of which the Contractor shall have given notice to the County in the manner herein provided.

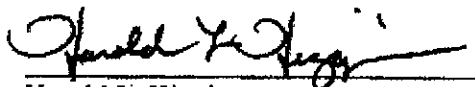
24. **Additional Attachments/Addendums** (if any). N/A

25. **Entire Agreement.** There are no promises, terms, conditions, or obligations other than those contained in this contract. This contract supersedes all communications, representations, or agreements, either verbal or written, between the parties hereto, with the exception of express warranties given to induce the County to enter into the contract.

If there are any conflicts between the terms and conditions of this Independent Contractor's Agreement and the terms and conditions of any attachments or addendums hereto, then the terms and conditions of this Independent Contractor's Agreement shall prevail and be binding on the parties.

ATTEST:


COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND


Harold L. Higgins
Chief Administrative Officer

By:  (SEAL)
Madison J. Bunting, Jr., President

ATTEST:

WESTOVER SCRAP METAL, INC.



(Printed name) - Rodney W. Dwyer

By:  (SEAL)
Raymond Lindsay, Purchasing Manager

H:\1-wpdocs\BIDS.Contracts-Recycling Mixed Metals 2015 - Westover Scrap.wpd



14
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

March 13, 2018

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Request for Allocation of EDUs for Victor H. Birch Property

Please be advised that on February 23, 2018 we received the attached requests from Victor H. Birch for the allocation of two (2) equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) with one EDU to serve his single family home and a second EDU to serve his produce stand. The subject properties are identified on Tax Map 26 as Parcel 367 (home) and Tax Map 33 as Parcel 308 (produce stand). The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on March 7, 2018. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

Background on Birch Property EDUs: You will recall that at your meeting on January 5, 2016 you approved a Utility Easement agreement with Mr. Birch which enabled the County to complete the Mystic Harbour Waterline Extension project along MD Route 611 in exchange for providing Mr. Birch with the following: two water EDUs at no cost to Mr. Birch, one for the Victor Birch Produce Stand and one for his home; approval to purchase two sewer EDUs for the same purposes; and, at no cost to Mr. Birch, install a small diameter service line extended under MD Rt. 611 for his use when he acquires the sewer EDUs. Mr. Birch is now exercising his right to purchase those two sewer EDUs in accordance with the Utility Easement agreement. P.7

Summary of Request: Mr. Birch is requesting to purchase 2 EDUs of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) with one EDU to serve his single family home and one EDU to serve his produce stand.

Current Available Capacity - South: There are currently 55 EDUs allocated in Area 2 (south of the airport), in which Mr. Birch's properties are located, which have not yet been purchased. These remaining EDUs have been allocated for the following uses: Commercial Infill South of Airport (20 EDUs), Vacant or Multi-Lot properties (4 EDUs - 2 of which were planned for Mr. Birch's properties), Assateague Greens Executive Golf Course/Range (6 EDUs), Church (5 EDUs), and Single Family Dwellings (20 EDUs) to replace septic systems for existing homes.

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. While staff recognizes that revisions to the original allocations may be prudent from time to time, any such transfer of allocations should be in keeping with the original intent of the Planning Commission and the County Commissioners in 2008 when the Mystic Harbour WWTP expansion was approved and upon which the USDA committed funding for the expansion project. Furthermore, once EDUs are transferred from one category to another and sold, they will no longer be available for the originally intended purpose.

Options for Commissioners' Action on the Request:

Option 1 - Approve the request for 2 EDU's of sewer service from the MHSSA to serve the Birch properties as previously agreed, and allocate the EDU's from the "Vacant or Multi-Lot Property" category as originally planned (see attached map) or from another of the available categories as follows:

- **Area 2 (south):** 20 EDUs - Commercial Infill South of Airport
- 4 EDUs - Vacant or Multi-Lot properties
- 6 EDUs - Assateague Greens Executive Golf Course
- 5 EDUs - Church
- 20 EDUs - Single Family Dwellings

Option 2 - Approve a portion of the request for 2 EDU's of sewer service from the MHSSA to serve the Birch properties.

Option 3 - Deny the request for 2 EDU's of sewer service from the MHSSA to serve the Birch properties.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for you to make the most informed decision on this request.

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

Name: Victor H. Birch Date: 2-5-18

Mailing address: 12217 Sinepuxent Rd. Berlin Md. 21811

Address of service location: 9141 Stephen Decatur Hwy

Property identification (acct # & map/parcel): 10009391 map 0026 parcel 0367

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: _____ EDU's to be purchased: _____

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:

Paul W. Sans Reg# 7462 Exp 2019-07-06

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

Victor H. Birch 443-614-9844

Signature: Victor H. Birch Date: 2-5-18

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: 2/23/18 By: Jessica Wilson

Environmental Programs approval: _____ Date: _____

Treasurer's Office approval: _____ Date: _____

Public Work's approval: _____ Date: _____

FEES PAID:

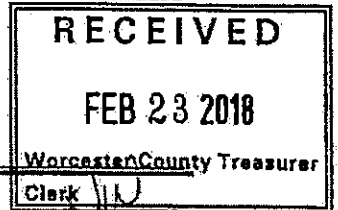
Deposit \$1,000 per EDU X 1 (EDU's) = \$ 1000.00
Remaining Balance \$6,700 per EDU X _____ (EDU's) = \$ _____

Date received: 2/23/18 By: Jessica Wilson

RETURN TO:

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

FULL POLICY ATTACHED AND INCORPORATED.



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

Name Victor H. Birch Date 2-5-18

Mailing address 12217 Sinepuxent Rd.
Berlin Md. 21811

Address of service location 9141 Stephen Decatur Hwy

Property identification (acct # & map/parcel) _____

Property's current service area: Mystic WOC Both Unknown

Type of service requested (circle one): Residential Commercial

If commercial, list type of business: _____

EDU's/gals assigned to property, if known (single family home = 1 EDU): _____

Size of meter requested, if known: _____

If developer new construction, will you be providing the meter: yes no n/a

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

Paul W. Sens Reg # 7462 Exp. 2019-07-06

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

Victor H. Birch 443-614-9844

NOTICE: Connection (or approval process for large projects) must be accomplished no later than 6 months after approvals or approvals expire -- no refunds unless delay is fault of service area. If mains are to be installed by applicant a separate "Small Sewer and Water Project Agreement" will be required.

OFFICE USE ONLY:

Date received: 2/23/18 By: Jessica Wilson

Environmental Programs approval: _____ Date: _____

Treasurer's office approval: _____ Date: _____

Public Work's approval: _____ Date: _____

FEES PAID: no charge
\$3,000 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

FOR OFFICIAL USE ONLY
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545.2300.020
546.1300.130
546.5042

RECEIVED
FEB 23 2018
Worcester County Treasur
Clerk JW

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

Name: Victor H. Birch Date: 2-5-18
Mailing address: 12217 Sinepuxent Rd. Berlin Md 21811
Address of service location: 9141 Stephen Decatur Hwy.
Property identification (acct # & map/parcel): 10289696 MAP 0033 Parcel 0308

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):

Birch's Market

EDU's/gallons assigned to property: _____ EDU's to be purchased: _____

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:

Paul N. Sens Reg # 7462 Exp. 2019-07-06

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

Victor H. Birch 443-614-9844

Signature: Victor H. Birch Date: 2-5-18

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.

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OFFICE USE ONLY:

Date received: 2/23/18 By: Jessica Wilson

Environmental Programs approval: _____ Date: _____

Treasurer's Office approval: _____ Date: _____

Public Work's approval: _____ Date: _____

FEES PAID:

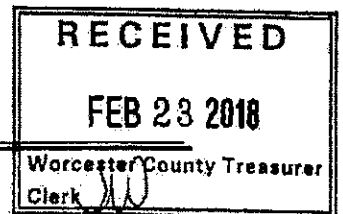
Deposit \$1,000 per EDU X 1 (EDU's) = \$ 1,000

Remaining Balance \$6,700 per EDU X _____ (EDU's) = \$ _____

Date received: 2/23/18 By: Jessica Wilson

RETURN TO:

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



FULL POLICY ATTACHED AND INCORPORATED.

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

Name Victor H. Birch Date 2-5-18

Mailing address 12217 Sinepuxent Ave
Berlin Md. 21811

Address of service location 9141 Stephen Decatur Hwy

Property identification (acct # & map/parcel) _____

Property's current service area: Mystic WOC Both Unknown

Type of service requested (circle one): Residential Commercial

If commercial, list type of business: Birch's Market

EDU's/gals assigned to property, if known (single family home = 1 EDU): _____

Size of meter requested, if known: _____

If developer new construction, will you be providing the meter: yes no n/a

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

Paul W. Sens Reg# 7462 Exp. 2019-07-06

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

Victor H. Birch 443-614-9844

NOTICE: Connection (or approval process for large projects) must be accomplished no later than 6 months after approvals or approvals expire - no refunds unless delay is fault of service area. If mains are to be installed by applicant a separate "Small Sewer and Water Project Agreement" will be required.

OFFICE USE ONLY:

Date received: 2/23/18 By: Jessica Wilson

Environmental Programs approval: _____ Date: _____

Treasurer's office approval: _____ Date: _____

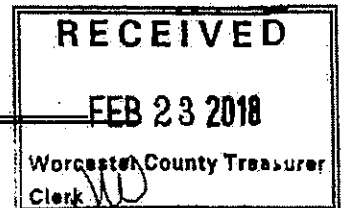
Public Work's approval: _____ Date: _____

FEES PAID: NO charge
\$3,000 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

FOR OFFICIAL USE ONLY:
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546.5042



The Commissioners met with Mr. Tustin to discuss obtaining a utility easement on property owned by Victor and Susan Birch to complete the Mystic Harbour Waterline Extension. Mr. Tustin stated that construction of the waterline extension was proposed to be completed within the right-of-way (ROW) for MD Rt. 611, but the area in question is very narrow, which would require the waterline to be shifted very near the travel lanes, making it difficult to place the pipe without disturbing an area outside of the ROW boundary. He stated that, to avoid this condition, staff approached Mr. Birch who has agreed to grant the easement to the County

provided the County provides the following: two water EDUs at no cost to Mr. Birch, one for the Victor Birch Produce Stand and one for his home; approval to purchase at the currently adopted charge two sewer EDUs for the same purposes; and, at no cost to Mr. Birch, install a small diameter service line extended under MD Rt. 611 for his use when he acquires the sewer EDUs.

Mr. Tustin stated that meeting the conditions would require minimal out-of-pocket expense and has a number of positive benefits to the County, including future removal of a septic system in the Critical Area and keeping the waterline on a more favorable alignment.

In response to a question by Commissioner Church, Mr. Tustin advised that the request from Mr. Birch is reasonable. In response to questions by Commissioners Bunting and Lockfaw, Mr. Tustin advised that the proposed alignment of the waterline only requires a 10-foot wide easement, and an additional five feet of width to align with the property corner was not necessary. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously approved the proposed Utility Easement agreement subject to review by County Attorney Maureen Howarth.

WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS

UTILITY EASEMENT

THIS UTILITY EASEMENT, made this 19th day of January, 2016, between Victor Henry Birch and Susan Cropper Birch, hereinafter called a Grantor, and the COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, hereinafter called a Grantee.

WHEREAS, Grantor is the owner of two parcels of land located in Worcester County, Maryland, described as being along the western side of State Route 611 (Stephen Decatur Highway), approximately 1.3 miles south of the intersection of State Route 611 and State Route 50 and recorded among the Land Records of Worcester County in in Liber 1117, Folio 526 and Liber 456, Folio 661, located in the Tenth Tax District of Worcester County, 9141 Stephen Decatur Highway, Berlin Maryland; and

WHEREAS, Grantee is the governing body of the Mystic Harbour Sanitary Service Area pursuant to the Public Works Article of the Code of Public Laws of Worcester County, Maryland and has requested a Utility Easement as described herein;

WHEREAS, the parties have agreed upon a Utility Easement benefiting Grantee crossing the property of Grantor, herein before referred to; and

NOW, THEREFORE, this Utility Easement, WITNESSETH:

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby grants and conveys unto Grantee a perpetual easement being ten (10) feet in width over, across, under and through the property as shown on the drawing attached hereto entitled "Easement Plan, Lands of Victor H. and Susan C. Birch" as prepared by Frank G. Lynch, Jr. on December 15, 2014, and recorded together herewith this Utility Easement for the purposes hereinafter stated:

1. To install, operate, maintain, add to, extend, relocate and remove sewer and water lines, laterals and mains and/or water lines and other facilities relating thereto, including all necessary accessories and appurtenances, together with the right to enter upon the property for the purpose of performing such installations, operations,

maintenance, extensions, relocation or removal. The Grantee shall have the right to dig, grade, plow or otherwise disturb the soil upon the property for the purposes hereof and shall have all necessary rights of ingress, egress and regress over the property of the Grantor as required for the enjoyment of the rights granted herein.

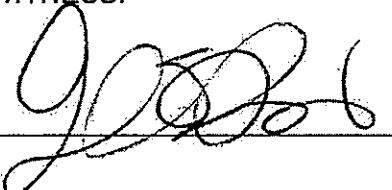
2. Grantor agrees not to place any improvements, including trees or other foliage within five (5) feet of either side of the center line of this Utility Easement and shall not erect any structures or improvements which would in any way interfere with Grantee's enjoyment of its rights hereunder.
3. Grantor covenants that it is seized of and has the right to convey the foregoing Utility Easement and its rights and privileges and agrees that Grantee shall have quiet and peaceful possession, use and enjoyment of the aforesaid Utility Easement, rights and privileges and agrees that this Utility Easement shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, personal representatives, administrators, successors and assigns.
4. Grantee shall make application to the Worcester County Department of Environmental Programs on behalf of the Grantor to change the water and sewer planning designation from W-3 and S-3 to W-1 and S-1 for the two (2) properties referred to in the easement document (Parcels 308 on Tax Map 33 and 367 on Tax Map 26). Grantee does not guarantee the water and sewer planning designation change.
5. Grantors shall be granted by the Grantee two (2) water EDUs, one for each of the subject properties, at no cost (Equity Contribution or Future Capital Contribution) to the Grantor. The current value of this condition is \$7,000.
6. Grantors shall be allowed to purchase two (2) sewer EDUs, one for each of the subject properties, at the rates in force at the time of the purchase. The Grantee shall provide a sewer service line (up to 2" diameter) under Route 611 from the Grantee's property to the main sewer line for use by the Grantor to serve the subject properties.
7. The parties agree that the easement granted in this document be described as

follows: Utility Easement for water and sewer lines and shall be located on the property referred to above.

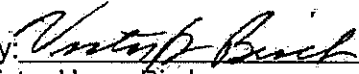
8. Grantor covenants that there is no lienholder on said property.

WITNESSETH the hands and seals of the authorized representatives of the parties on the date first above written.

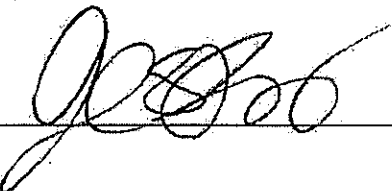
WITNESS:



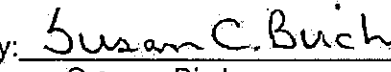
GRANTOR

By:  (SEAL)
Victor Henry Birch

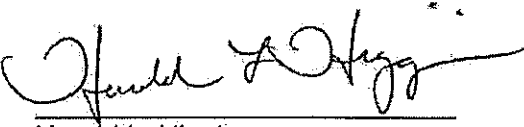
WITNESS:




GRANTOR

By:  (SEAL)
Susan Cropper Birch

WITNESS:


Harold L. Higgins
Chief Administrative Officer

GRANTEE
County Commissioners of
Worcester County, Maryland

By:  (SEAL)
Merrill W. Lockfaw, Jr.
Vice President

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 19th day of January, 2016, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared _____, _____ known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:

Notary Public

Commission Expires: _____

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 19th day of September, 2017.


ATTEST:



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

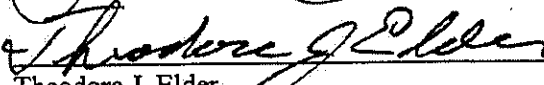
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

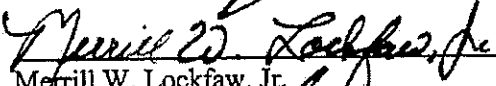

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Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity)

North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
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
Subtotal EDUs in "Area 1"	331	325	0	27	298	
Airport and South of Airport, East of Route 611 - "Area 2"						
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	
Subtotal EDUs in "Area 2"	335	341	120	166	55	
TOTAL EDUs	666	666	120	193	353	

Note: See attached map for location of EDU allocations

Footnotes:

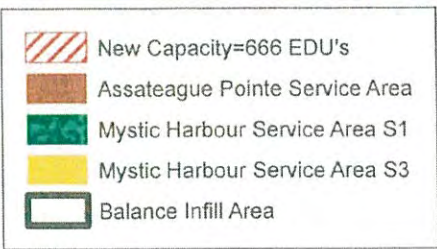
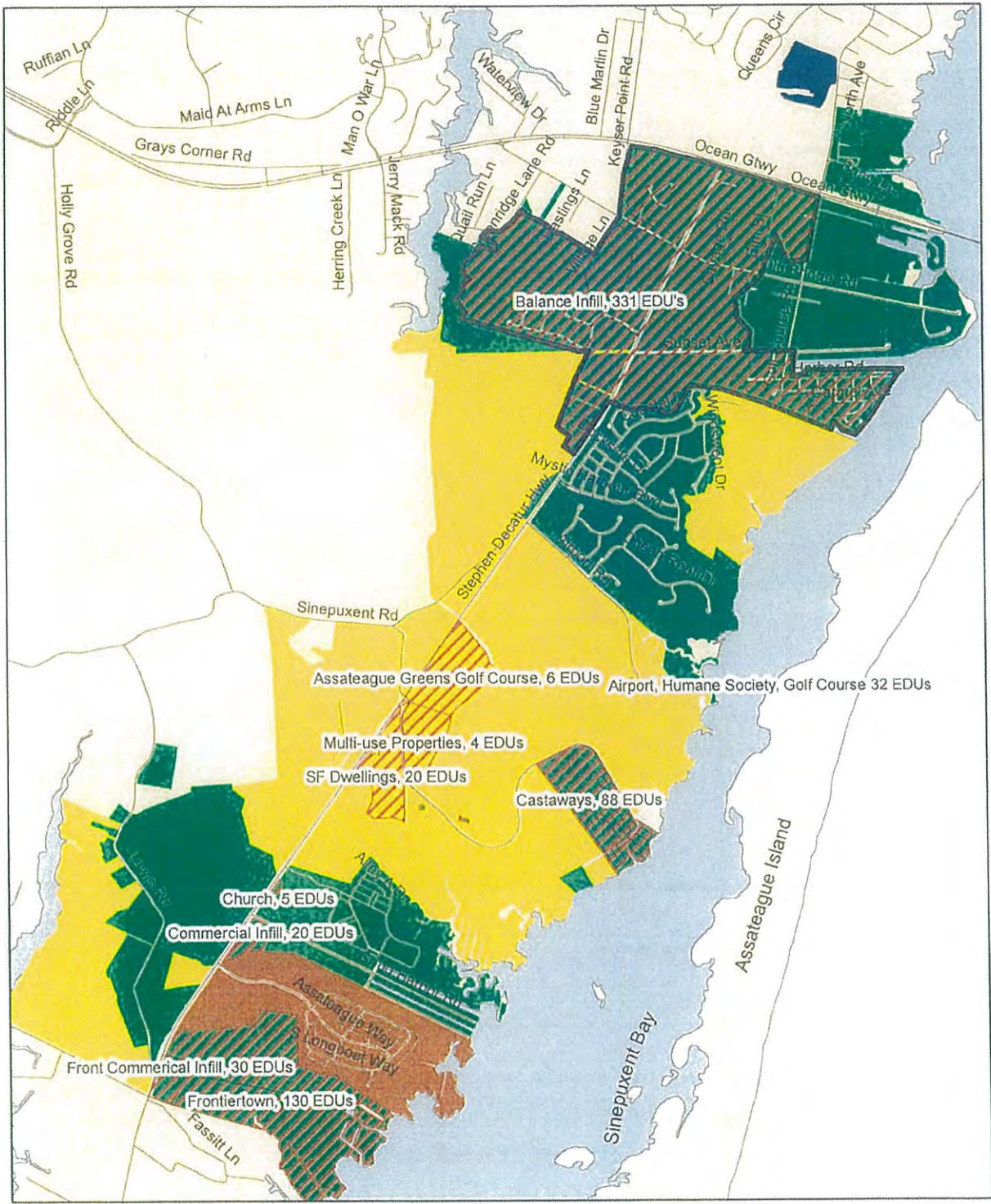
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.

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.

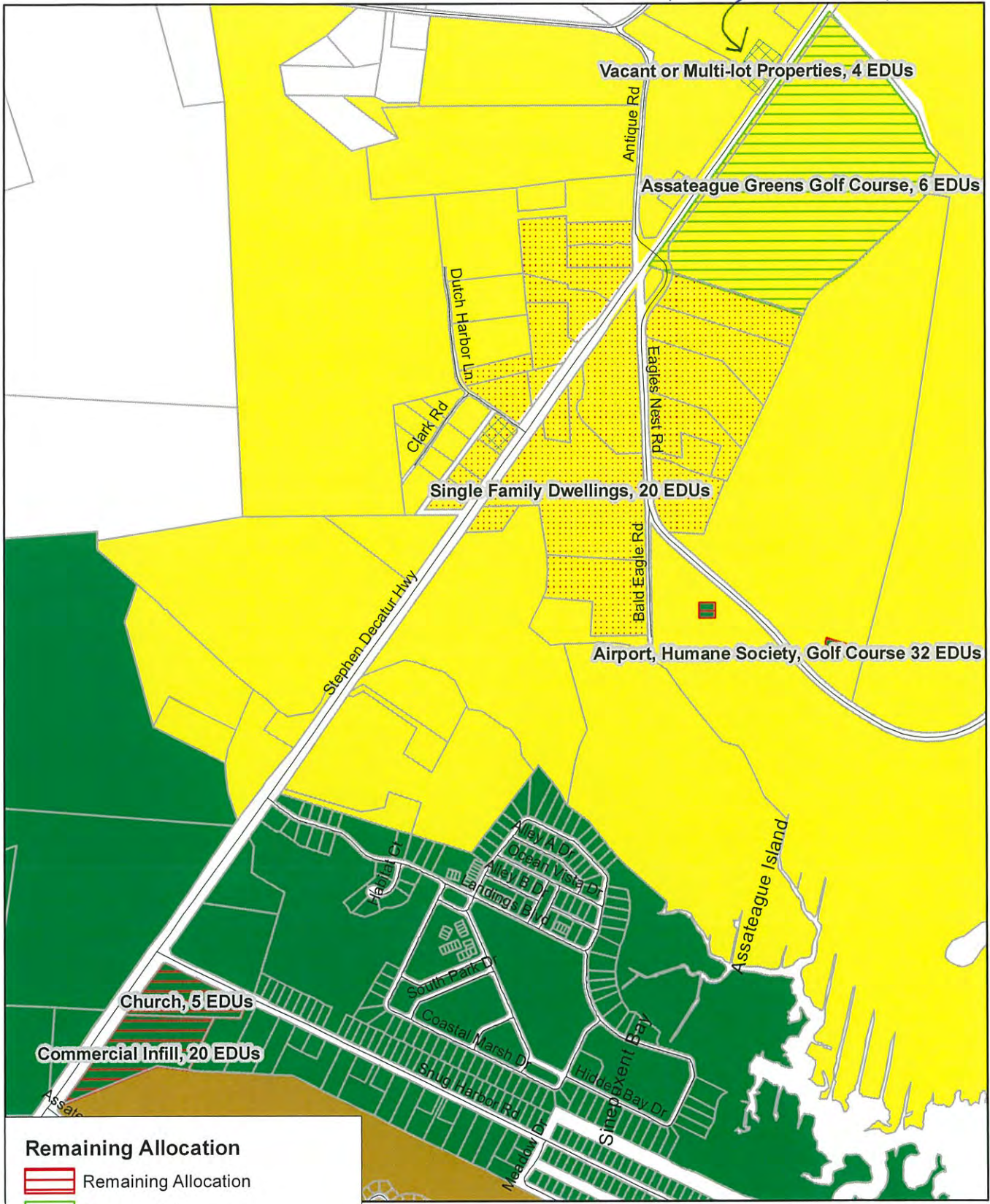
4 - Sold 14 EDUs to Park Place on May 16, 2017.

5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.










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

Birch Properties



Remaining Allocation

-  Remaining Allocation
-  Commercial
-  Residential
-  Vacant or multi-lot
-  Assateague Pointe Service Area
-  Mystic Harbour Service Area S1
-  Mystic Harbour Service Area S3



Mystic Harbour Sewer Planning Area
 Remaining Allocation of Sewer Capacity
 South of Airport (Area 2)

Prepared by the Worcester County
 Department of Environmental Programs
 February 15, 2018

16



15

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

March 13, 2018

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *K.S.*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Request for Allocation of EDU for Eugene Parker Trust Property

Please be advised that on February 20, 2018 we received the attached request from Attorney Hugh Cropper, IV on behalf of Eugene R. Parker, Jr, Irrevocable Trust, for the allocation of one (1) equivalent dwelling unit (EDU) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) to serve an existing residential structure used as an office which is currently served by a septic system. The subject property is identified on Tax Map 26 as Parcel 274, Lot 3B. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on March 7, 2018. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

Summary of Request: Mr. Cropper is requesting on behalf of the Eugene R. Parker, Jr, Irrevocable Trust to purchase 1 EDU of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) to serve an existing 1,636 square foot residential structure used as an office which is currently served by a private well and septic system. The subject property is located on the west side of Stephen Decatur Highway (MD Route 611) north of Sinepuxent Road, is approximately 1.84 acres in area, currently zoned C-1 Neighborhood Commercial, and is designated S-1 in the County Water and Sewerage Plan which indicates an area of existing or planned sewer service to be built within 2-years, but does not guarantee any service or obligate the provision of services in that time frame. If approved, the well and septic system would be abandoned and properly capped (well) and filled (septic system) which would further the County's goal of removing private well and septic systems where more environmentally-sensitive public water and sewer facilities are available.

Current Available Capacity - North: There are currently 298 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 (148 EDUs), Vacant or Multi-Lot properties (80 EDUs), Single Family Dwellings (17 EDUs), and Commercial (53 EDUs). Given the nature of this request and the current zoning of the property, we suggest that the "Commercial" allocation would be the most appropriate category from which to consider assigning this EDU.

Citizens and Government Working Together

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. This request appears to be in keeping with priority 3 above since it will result in the replacement of an existing septic system.

Options for Commissioners' Action on the Request:

Option 1 - Approve the request for allocation of 1 EDU of sewer service from Area 1 (North) of the MHSSA to serve the Eugene R. Parker, Jr, Irrevocable Trust property, and allocate the EDU from the "Commercial" category or from another of the available categories as follows:

- **Area 1 (north):** 148 EDUs - Infill and Intensification
- 80 EDUs - Vacant or Multi-Lot properties
- 17 EDUs - Single Family Dwellings
- 53 EDUs - Commercial

Option 2 - Deny the request for 1 EDU of sewer service from the MHSSA to serve the Eugene R. Parker, Jr, Irrevocable Trust property.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for you to make the most informed decision on this request.

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

9923 STEPHEN DECATUR HIGHWAY, #D-2
OCEAN CITY, MARYLAND 21842
(410) 213-2681

EMAIL: hcropper@bbcmlaw.com

EASTON OFFICE

130 NORTH WASHINGTON ST.
EASTON, MD 21601
(410) 822-2929
FAX (410) 820-6586

WEBSITE

www.bbcmlaw.com

February 16, 2018

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

Dear Ms. Wilson:

Please find enclosed an Application pursuant to Resolution 17-19 for the allocation of one (1) wastewater treatment EDU in the Mystic Harbour Sanitary Service Area to the property of the Eugene R. Parker, Jr. Irrevocable Trust, Worcester County Tax Map 27, Parcel 274, Parcel 3B.

I have enclosed a second application for the allocation of four (4) wastewater treatment EDU's to the property of L&B Ocean City, LLC, Worcester County Tax Map 27, Parcel 274, Parcels A and B.

The deposit check in the amount of \$5,000.00 is enclosed to cover both transactions.

This is an application to connect existing uses.

Thank you, and have a great day.

Very truly yours,



Hugh Cropper, IV

HC/tgb

Enclosures

CC: Kelly Shannahan, Assistant CAO, Worcester County
Eugene R. Parker, Jr.
Mr. Lew Bush
Mr. and Mrs. Jim Hudson

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

Name: Eugene R. Parker, Jr Irrevocable Trust Date: 2/14/18
Mailing address: 10425 Keyser Point Road, Ocean City, MD 21842
Address of service location: 9521 Stephen Decatur Hwy, Ocean City, MD
Property identification (acct # & map/parcel): M 26, P 274, Parcel 3B 10-011620

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: _____ EDU's to be purchased: 1

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 Cropper IV 410-213-2681 hcropper@bbemlaw.com

Signature: [Signature] Date: 2/14/18

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.

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 10 Account Number - 011620							
Owner Information									
Owner Name:	EUGENE R PARKER JR IRREVOCABLE TRUST MARINER WILLIAM C & THOMAS K COATES TRUSTEES				Use:	COMMERCIAL			
					Principal Residence:	NO			
Mailing Address:	10425 KEYSER POINT RD OCEAN CITY MD 21842-0000				Deed Reference:	/06686/ 00074			
Location & Structure Information									
Premises Address:	9521 STEPHEN DECATUR HWY OCEAN CITY 21842-0000				Legal Description:	PAR 3B 1.84 ACS R-611 RESUB PAR 3 SOUTH POINT SUBDIV			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0026	0018	0274		74Z8				2016	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area		County Use			
1940	1,636 SF			1.8400 AC					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		OFFICE BUILDING							
Value Information									
	Base Value	Value		Phase-In Assessments					
		As of		As of		As of			
		01/01/2016		07/01/2017		07/01/2018			
Land:	352,900	265,400							
Improvements	43,400	62,100							
Total:	396,300	327,500		327,500		327,500			
Preferential Land:	0					0			
Transfer Information									
Seller: PARKER EUGENE R JR				Date: 12/14/2015		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /06686/ 00074		Deed2:			
Seller: PARKER EUGENE R JR & BRUCE A MOORE				Date: 06/30/1986		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: WCL /01192/ 00538		Deed2:			
Seller: KELLY SARAH J & SARAH				Date: 11/20/1984		Price: \$119,000			
Type: ARMS LENGTH IMPROVED				Deed1: WCL /01038/ 00405		Deed2:			
Exemption Information									
Partial Exempt Assessments:	Class			07/01/2017		07/01/2018			
County:	000			0.00					
State:	000			0.00					
Municipal:	000			0.00 0.00		0.00 0.00			
Tax Exempt:	Special Tax Recapture:								

RESOLUTION NO. 17 - 19

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

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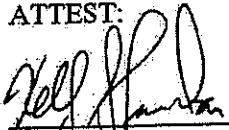
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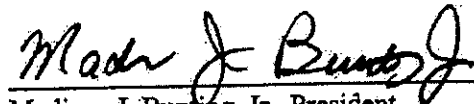
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.


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ATTEST:

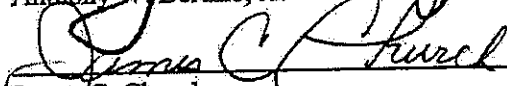

Harold L. Higgins - Kelly Shanahan
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COUNTY COMMISSIONERS OF
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Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	0	20	
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	166	0	166	0	3
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	341	120	166	55	
TOTAL EDUs	666	666	120	193	353	

Note: See attached map for location of EDU allocations

Footnotes:

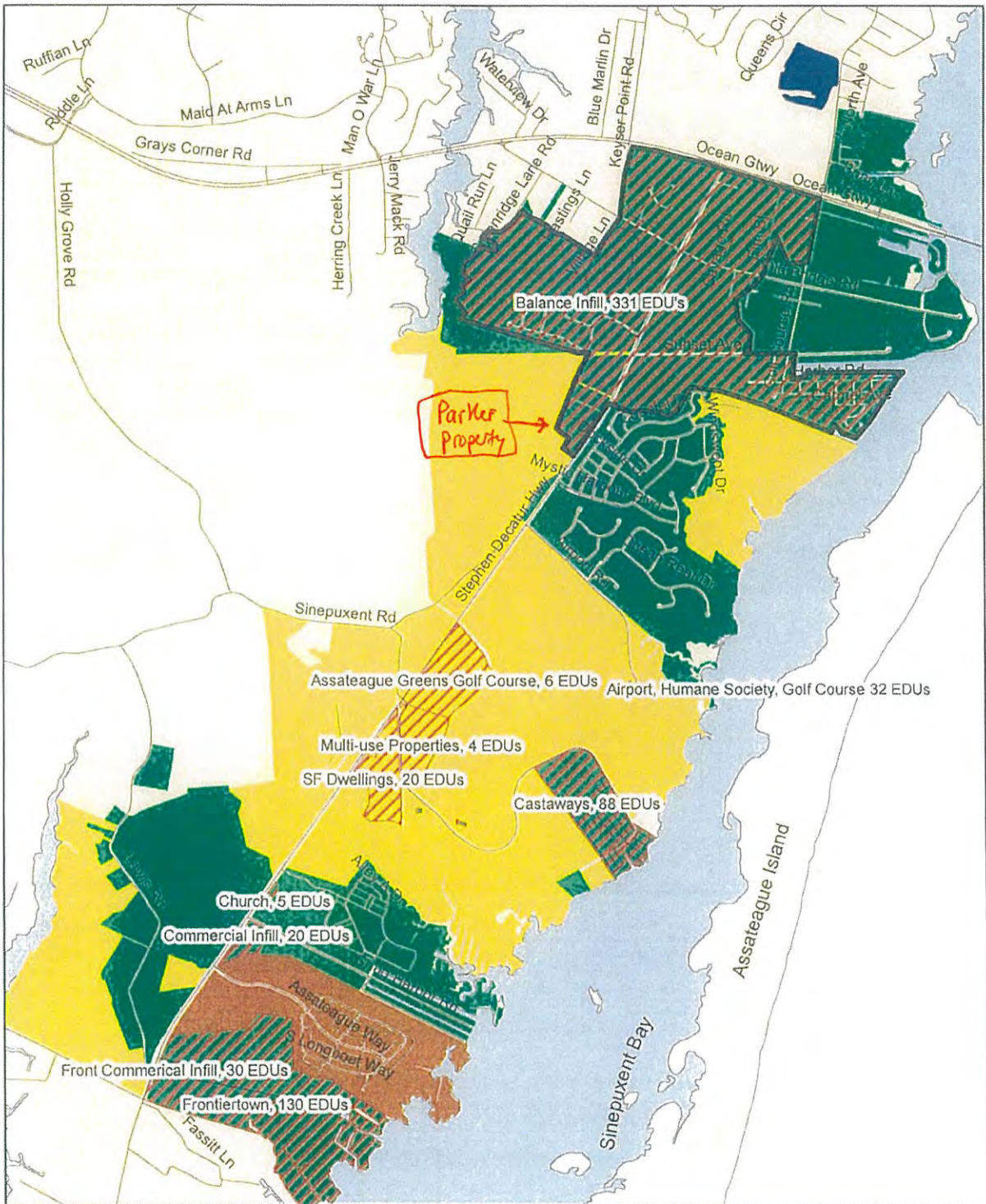
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.

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.



Mystic Harbour Sewer Planning Area
New Mystic Capacity--666 EDU's

Prepared by the Worcester County
Department of Environmental Programs
June 2015



WORCESTER COUNTY, MARYLAND



Tax Map: 26, Parcel 274, Parcels 1A, 1B and 3B

AERIAL MAP





16

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

March 13, 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 L & B Ocean City, LLC Properties

Please be advised that on February 20, 2018 we received the attached request from Attorney Hugh Cropper, IV on behalf of L & B Ocean City LLC, for the allocation of four (4) equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) to serve two adjacent parcels of land improved with a former tennis center which is now used as a warehouse and a roadside stand both of which are currently served by a septic system. The subject properties are identified on Tax Map 26 as Parcel 274, Lots 1A and 1B. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on March 7, 2018. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

Summary of Request: Mr. Cropper is requesting on behalf of L & B Ocean City LLC to purchase 4 EDUs of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) to serve the subject properties. There was no site plan provided with the application, so we must assume that the requested EDUs are intended to serve the existing 14,100 square foot warehouse and the 464 square foot roadside stand and bathroom which serves the stand, both of which are currently served by a private septic system (with the septic reserve areas located on Lot 3B - the Parker property) and with public water service from MHSSA (5 EDUs of public water service were purchased from the former owner of the Mystic Harbour system before the County assumed ownership). The subject properties are located on the west side of Stephen Decatur Highway (MD Route 611) north of Sinepuxent Road, are approximately 7.51 acres in area (Lot 1A is 5.6 acres and Lot 1B is 1.85 acres), currently zoned C-1 Neighborhood Commercial, and are designated S-1 in the County Water and Sewerage Plan which indicates an area of existing or planned sewer service to be built within 2-years, but does not guarantee any service or obligate the provision of services in that time frame. Both of the current structures are located on Lot 1B.

The design flow estimation for the warehouse is 423 gallons per day (gpd) at 14,100 square feet x 0.03 gallons/square foot/day = 423 gpd, and for the roadside stand retail operation is 23 gallons

per day at 464 square feet x 0.05 gallons/square foot/day = 23 gpd. At a rate of 300 gallons per day per EDU and since we round up to determine EDUs required, in order to serve the existing improvements as a combined use (423 gpd + 23 gpd = 446 gpd total), a total of 2 EDU's would be required. To serve the existing improvements as stand-alone uses, 2 EDUs would be required for the warehouse (423 gpd rounds up to 2 EDUs) and 1 EDU would be required for the roadside stand (23 gpd rounds up to 1 EDU). If the EDU allocation request is approved, the septic system would be abandoned and properly filled which would further the County's goal of removing private septic systems where more environmentally-sensitive public sewer facilities are available.

Current Available Capacity - North: There are currently 298 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 (148 EDUs), Vacant or Multi-Lot properties (80 EDUs), Single Family Dwellings (17 EDUs), and Commercial (53 EDUs). Given the nature of this request and the current zoning of the property, we suggest that the "Commercial" allocation would be the most appropriate category 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. This request appears to be in keeping with priority 3 above since it will result in the replacement of an existing septic system.

Options for Commissioners' Action on the Request:

Option 1 - Approve the request for allocation of 4 EDUs of sewer service from Area 1 (North) of the MHSSA to serve the L & B Ocean City LLC properties, and allocate the EDUs from the "Commercial" category or from another of the available categories as follows:

- **Area 1 (north):** 148 EDUs - Infill and Intensification
- 80 EDUs - Vacant or Multi-Lot properties
- 17 EDUs - Single Family Dwellings
- 53 EDUs - Commercial

Option 2 - Approve a portion of the request for 4 EDU's of sewer service from the MHSSA to serve the L & B Ocean City LLC properties. Based upon design flow estimation of the current uses, to serve the existing improvements as a combined use, a total of 2 EDU's would be required. To serve the existing improvements as stand-alone uses, 2 EDUs would be required for the warehouse and 1 EDU would be required for the roadside stand, for a total of 3 EDUs to these properties.

Option 3 - Deny the request for 4 EDUs of sewer service from the MHSSA to serve the L&B Ocean City LLC properties.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for you to make the most informed decision on this request.

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

9923 STEPHEN DECATUR HIGHWAY, #D-2
OCEAN CITY, MARYLAND 21842
(410) 213-2681

EMAIL: hcropper@bbcmlaw.com

EASTON OFFICE
130 NORTH WASHINGTON ST.
EASTON, MD 21601
(410) 822-2929
FAX (410) 820-6586

WEBSITE
www.bbcmlaw.com

February 16, 2018

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

Dear Ms. Wilson:

Please find enclosed an Application pursuant to Resolution 17-19 for the allocation of one (1) wastewater treatment EDU in the Mystic Harbour Sanitary Service Area to the property of the Eugene R. Parker, Jr. Irrevocable Trust, Worcester County Tax Map 27, Parcel 274, Parcel 3B.

I have enclosed a second application for the allocation of four (4) wastewater treatment EDU's to the property of L&B Ocean City, LLC, Worcester County Tax Map 27, Parcel 274, Parcels A and B.

The deposit check in the amount of \$5,000.00 is enclosed to cover both transactions.

This is an application to connect existing uses.

Thank you, and have a great day.

Very truly yours,



Hugh Cropper, IV

HC/tgb

Enclosures

CC: Kelly Shannahan, Assistant CAO, Worcester County
Eugene R. Parker, Jr.
Mr. Lew Bush
Mr. and Mrs. Jim Hudson

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

Name: L+B Ocean City LLC Date: 2/14/18

Mailing address: 6502 South Point Road, Berlin, MD 21811

Address of service location: Stephen Decatur Highway, Ocean City

Property identification (acct # & map/parcel): M 26, P 274, Parcels A+B

Type of project (circle one below): 10-292530 + 10-292549

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: _____ EDU's to be purchased: 4

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 Cropper III 410-213-2681 hcropper@bbcmllaw.com

Signature: [Signature] Date: 2/14/18

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: _____

FEEES 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.

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration					
Account Identifier:		District - 10 Account Number - 292530								
Owner Information										
Owner Name:	L & B OCEAN CITY LLC			Use:	COMMERCIAL					
Mailing Address:	6502 S POINT RD BERLIN MD 21811-2634			Principal Residence:	NO					
				Deed Reference:	/05199/ 00375					
Location & Structure Information										
Premises Address:	STEPHEN DECATUR HWY OCEAN CITY 21842-0000			Legal Description:	PAR 1 A 5.66 ACS W S R 611 RESUB PL PAR 1 SOUTH POINT SUBDIV					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	102027
0026	0018	0274		0000			1A	2016	Plat Ref:	
Special Tax Areas:				Town:	NONE					
				Ad Valorem:						
				Tax Class:						
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area		County Use			
					5.6600 AC					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
			Base Value	Value	Phase-in Assessments					
				As of	As of		As of			
				01/01/2016	07/01/2017		07/01/2018			
Land:			533,800	486,300						
Improvements			0	0						
Total:			533,800	486,300	486,300		486,300			
Preferential Land:			0				0			
Transfer Information										
Seller: BUSH, LEWIS W. & BETTY S.				Date: 02/18/2009			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: SVH /05199/ 00375			Deed2:			
Seller: PARKER EUGENE R JR				Date: 05/14/2001			Price: \$320,000			
Type: ARMS LENGTH IMPROVED				Deed1: SVH /03040/ 00324			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class	07/01/2017		07/01/2018					
County:		000	0.00							
State:		000	0.00							
Municipal:		000	0.00 0.00		0.00 0.00					
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application					Date:					

5

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 10 Account Number - 292549								
Owner Information										
Owner Name:		L & B OCEAN CITY LLC			Use:		COMMERCIAL			
Mailing Address:		6502 S POINT RD BERLIN MD 21811-2634			Principal Residence:		NO			
					Deed Reference:		/05199/ 00375			
Location & Structure Information										
Premises Address:		9529 STEPHEN DECATUR HWY OCEAN CITY 0-0000			Legal Description:		PAR 1-B 1.857 ACS W/S R-611 RESUB PL PAR 1 SOUTH POINT SUBDIV			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	102027
0026	0018	0274		0000			1B	2016		
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use						
1986	14,100 SF		1.8500 AC							
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		STORAGE WAREHOUSE								
Value Information										
		Base Value	Value	Phase-in Assessments						
			As of	As of	As of					
			01/01/2016	07/01/2017	07/01/2018					
Land:		419,900	326,200							
Improvements		89,100	133,800							
Total:		509,000	460,000	460,000	460,000					
Preferential Land:		0			0					
Transfer Information										
Seller:		BUSH, LEWIS W. & BETTY S.			Date:		02/18/2009			
Type:		NON-ARMS LENGTH OTHER			Deed1:		SVH /05199/ 00375			
Seller:		SOUTH POINT INDOOR CLUB INC			Date:		05/10/2001			
Type:		ARMS LENGTH IMPROVED			Deed1:		SVH /03040/ 00328			
Seller:		PARKER EUGENE R JR			Date:		12/03/1985			
Type:		NON-ARMS LENGTH OTHER			Deed1:		WCL /01140/ 00075			
					Price:		\$0			
					Deed2:					
					Price:		\$480,000			
					Deed2:					
					Price:		\$0			
					Deed2:					
Exemption Information										
Partial Exempt Assessments:	Class			07/01/2017			07/01/2018			
County:	000			0.00						
State:	000			0.00						
Municipal:	000			0.00 0.00			0.00 0.00			
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application Date:										

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

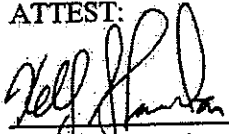
thereafter until the debt is paid in full. The equity contribution will be recalculated each fiscal year to include the debt service from the prior year. Quarterly debt service payments may be adjusted in the future to pay for additional debt incurred by the Mystic Harbour Sanitary Service Area.

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 19th day of September, 2017.

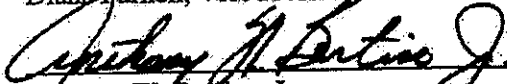
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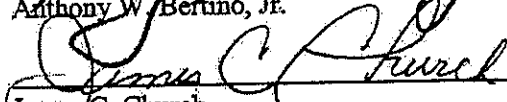

Kelly Shanahan For MLH
Harold L. Higgins - Kelly Shanahan
Chief Administrative Officer; Assistant CAO

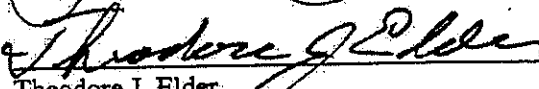
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

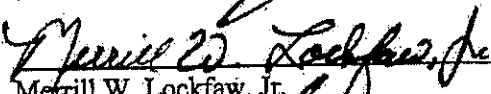

Madison J. Bunting, Jr., President



Diana Burnell, Vice President


Anthony W. Bertino, Jr.


James C. Church


Theodore J. Elder


Merrill W. Lockfaw, Jr.


Joseph M. Mitrecic

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity)

North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
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
Subtotal EDUs in "Area 1"	331	325	0	27	298	
Airport and South of Airport, East of Route 611 - "Area 2"						
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	
Subtotal EDUs in "Area 2"	335	341	120	166	55	
TOTAL EDUs	666	666	120	193	353	

Note: See attached map for location of EDU allocations

Footnotes:

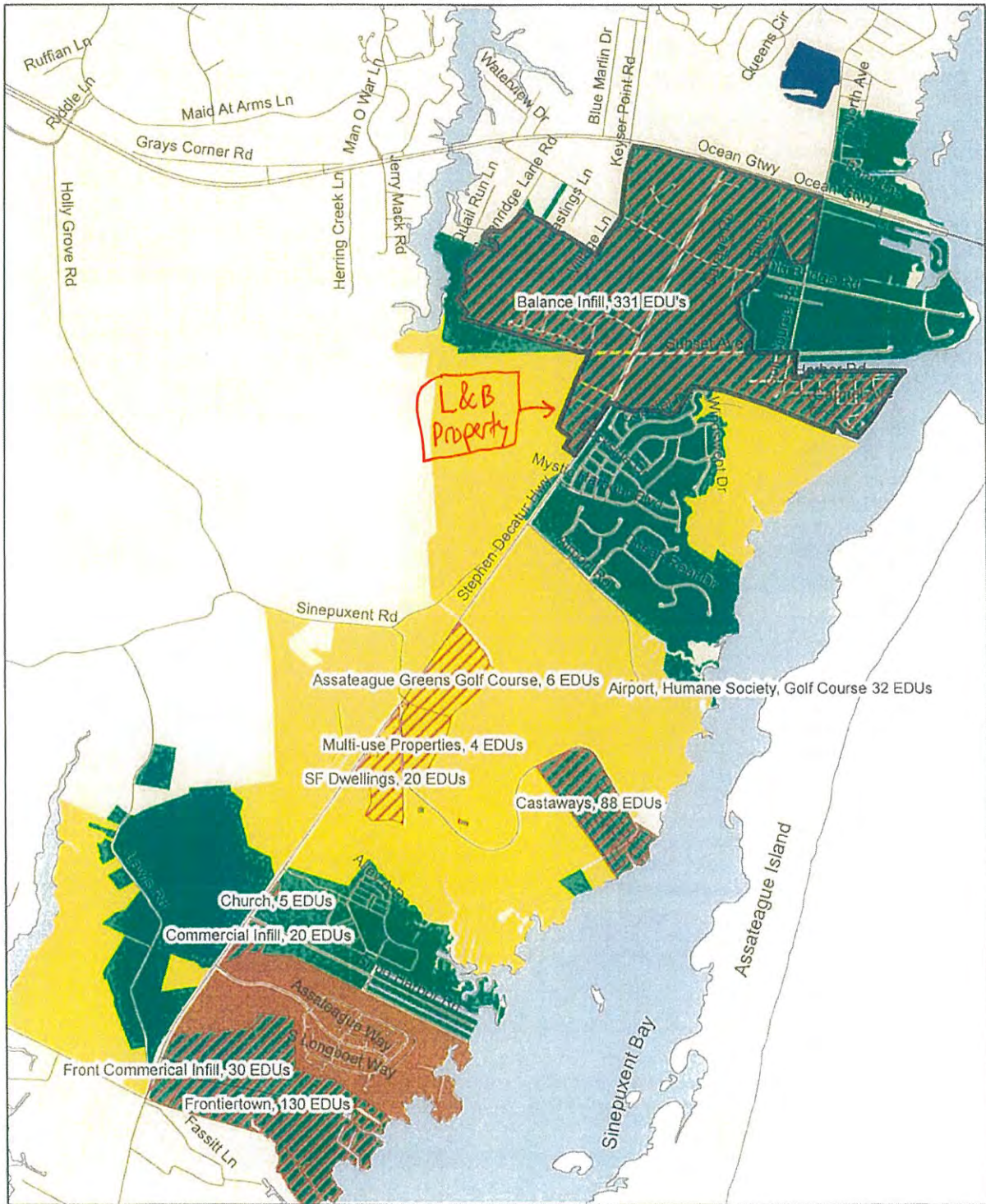
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2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.

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.



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

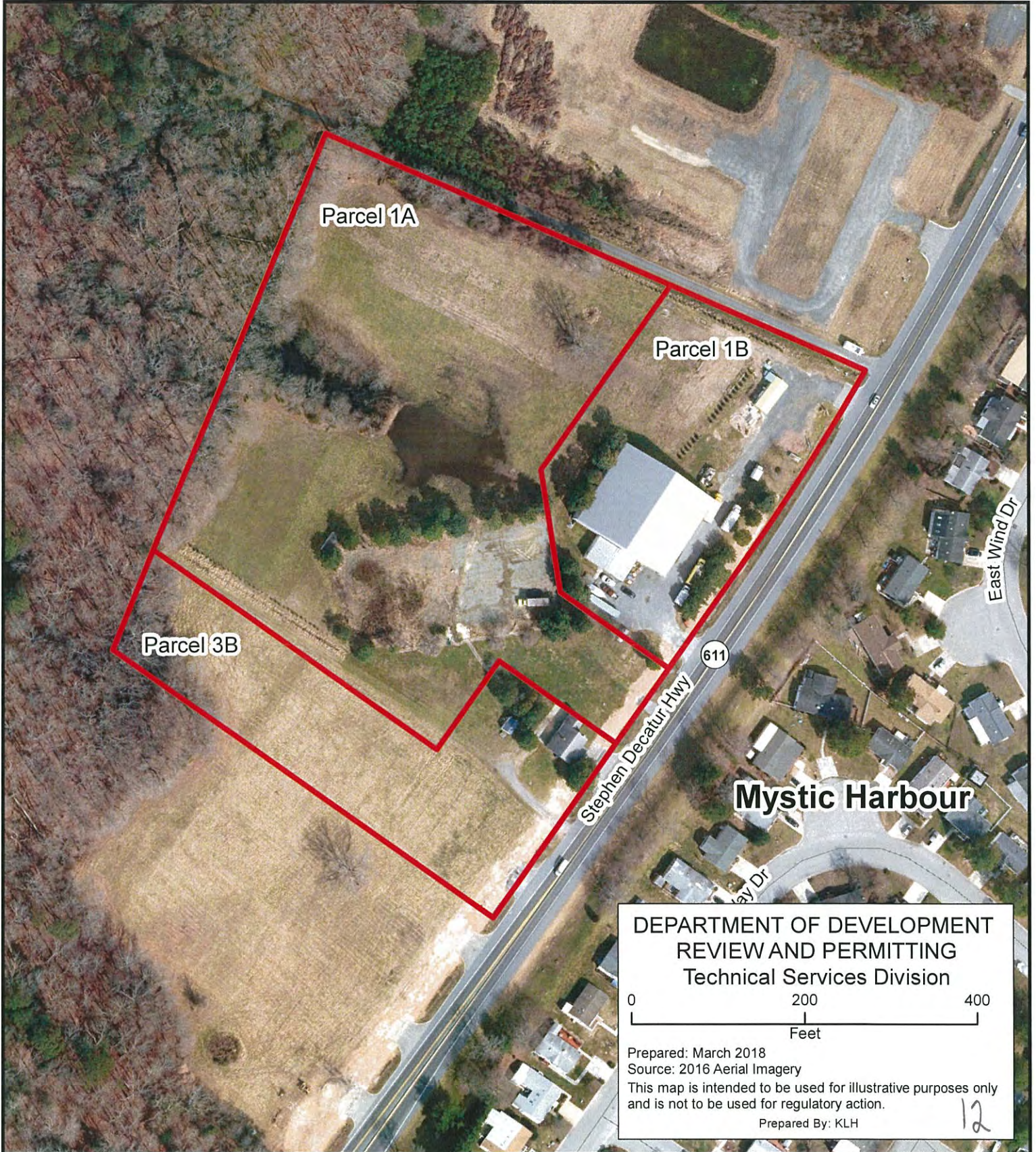


WORCESTER COUNTY, MARYLAND



Tax Map: 26, Parcel 274, Parcels 1A, 1B and 3B

AERIAL MAP

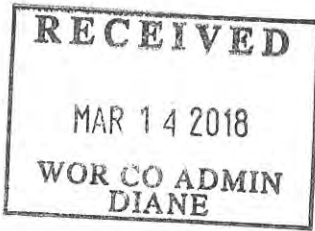


DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division

0 200 400
 Feet

Prepared: March 2018
 Source: 2016 Aerial Imagery
 This map is intended to be used for illustrative purposes only
 and is not to be used for regulatory action.
 Prepared By: KLH

12



17

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

Proposed Public Hearing
on April 17, 2018

MEMORANDUM

(Full package to be
provided at hearing)

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: March 5, 2018
RE: Planning Commission Findings of Fact and Recommendation
Rezoning Case No. 416
(MEJ Investments, LLC, Applicant, and Hugh Cropper, IV,
Attorney for the Applicant)



Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 416, seeking to rezone approximately 0.372 acres of land located on the westerly side of Golf Course Road and southerly side of Townsend Road in West Ocean City from R-3 Multi-Family Residential District to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on February 1, 2018 and given a favorable recommendation.

Also attached for your use is a draft public notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Kelly Shannahan. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

EAT/phw

NOTICE
OF
PROPOSED CHANGE
IN ZONING

DRAFT

WEST SIDE OF GOLF COURSE ROAD
SOUTH OF TOWNSEND ROAD

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 416 has been filed by Hugh Cropper, IV, attorney, on behalf of MEJ Investments, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 0.372 acres of land located on the west side of Golf Course Road and southerly side of Townsend Road, in the Tenth Tax District of Worcester County, Maryland, from R-3 Multi-Family Residential District to C-2 General Commercial District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

TUESDAY,

at

in the

COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101

WORCESTER COUNTY GOVERNMENT CENTER

ONE WEST MARKET STREET

SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 416 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 416 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863-1070.

Diana Purnell, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 416

APPLICANT:

**MEJ Investments LLC
Giovanni Tomasello, Managing Member
10423 Golf Course Road
Ocean City, Maryland 21842**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

February 1, 2018

WORCESTER COUNTY PLANNING COMMISSION

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I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 416, originally filed on September 29, 2017.

~~B. APPLICANT: MEJ Investments, LLC
Giovanni Tomasello, Managing Member
10423 Golf Course Road
Ocean City, Maryland 21842~~

APPLICANT'S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 27 - Parcels 309 and 485 - Lots 13, 14 and 15 - Tax District 10

D. SIZE: The petitioned area is approximately 0.372 acres in size. It is comprised of two parcels, each totaling 8,100 square feet in area, for a total size of 16,200 square feet (0.372 acres).

E. LOCATION: The petitioned area is located on the westerly side of Golf Course Road at the southerly side of the intersection with Townsend Road, north of the intersection with Sunset Avenue in West Ocean City.

F. CURRENT USE OF PETITIONED AREA: The petitioned area is presently developed with two residences, one on each of the two parcels.

G. CURRENT ZONING CLASSIFICATION: R-3 Multi-Family Residential District.

H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

I. ZONING HISTORY: The petitioned area was given a R-3 Multi-Family Residential District zoning classification at the time zoning was first established in the 1960s. That classification was retained during the 1992 comprehensive rezoning and again as part of the 2009 comprehensive rezoning.

J. SURROUNDING ZONING: All adjoining and nearby properties, with one exception, are zoned R-3 Multi-Family Residential District. The property on the easterly side of Golf Course Road, directly opposite the petitioned area, is zoned C-2 General Commercial District.

- K. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Existing Developed Area Land Use Category.
- L. **WATER AND WASTEWATER:** 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 two properties which comprise the petitioned area have existing individual dwellings served by sewer from the West Ocean City Sanitary District and private wells. He further stated that additional sanitary capacity along with public water from the Mystic Harbour Sanitary District will need to be acquired for intensive redevelopment of these properties.
- M. **ROAD ACCESS:** The petitioned area fronts on and currently has access to Golf Course Road. Parcel 485 also fronts on Townsend Road, a County road. This segment of Golf Course Road is county-owned and -maintained and connects to US Rt. 50. It also intersects with Sunset Avenue and MD Route 707 (Old Bridge Road) and thus leads to MD Route 611. The Comprehensive Plan classifies Golf Course Road as a two-lane highway/undesignated highway while Townsend Road is considered a minor local road.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Pino Tomasello, property owner/applicant, Hugh Cropper, IV, applicant's attorney, R. D. Hand, landscape architect, and Greg Wilkins, surveyor, were present for the review. Mr. Cropper stated that Mr. Tomasello owns Sello's Restaurant, located across Golf Course Road from the petitioned area. He provided a color photograph of the two existing dwellings on the petitioned area as Applicant's Exhibit No. 1. Mr. Cropper stated that the two lots that comprise the petitioned area were part of the original Ocean City Heights subdivision done by Bert Cropper in the 1930s. Subsequent property owners further subdivided the lots in half, though not by plat, and sold them separately around 1939. The two small dwellings were built in the 1940s. Mr. Cropper stated that the two lots and dwellings are nonconforming in that Golf Course Road is a collector highway and requires an increased front yard setback and Parcel 485 must also provide a front yard setback from Townsend Road. Both dwellings are located within the required front yard setbacks. Mr. Cropper asserted that the previous property owner sold the land because he felt the neighborhood was not a suitable place to live any longer due to the truck traffic, cars, etc.. He stated that the basis for the rezoning request from R-3 Multi-Family Residential District to C-2 General Commercial District was a change in the character of the neighborhood since the comprehensive rezoning of 2009. He alleged that commercial use of the West Ocean City Harbor area has intensified, as have the associated impacts such as

traffic, and that, as a consequence, the lots along Golf Course Road and other nearby roadways are no longer suitable or attractive for residential use. Additionally, the property owners cannot rebuild any larger than the cottage type dwellings that exist because the building envelopes of the lots are so small.

Mr. Cropper noted that the County Commissioners approved Rezoning Case No. 397 in 2016, reclassifying a 3.45 acre property located on the westerly side of Golf Course Road to the south of this petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District based upon an argument of mistake in existing zoning. He introduced the Formal Notice of Zoning Action with attached County Commissioners' Findings of Fact and Resolution with regard to Rezoning Case No. 397 as Applicant's Exhibit No. 2. Mr. Cropper stated that the current case uses the same definition of the neighborhood as that used in Rezoning Case No. 397 and noted that this definition was accepted by both the Planning Commission and the County Commissioners. Mr. Cropper called R. D. Hand, landscape architect with R. D. Hand and Associates, Inc., as a witness. A large scale, full color zoning map of the West Ocean City area highlighting the petitioned area and showing the boundaries of the applicant's defined neighborhood was entered as Applicant's Exhibit No. 3. Mr. Hand defined the neighborhood as being bound on the north by US Route 50, on the east by the Isle of Wight and Sinepuxent Bays, on the south by a line between Mystic Harbor and West Ocean City, and on the west by MD Route 611. He asserted that there have been substantial changes in the character of the neighborhood since 2009 as well as since the Land Use Map was adopted as part of the Comprehensive Plan in 2006. Particularly notable changes include an intensification of the West Ocean City Harbor area and an increase in the marine activity it has generated, increased popularity of the Sunset Marina, an expansion of the Sunset Grille Restaurant, and the addition of a small restaurant with a liquor license at the Martin's Fish Company. Mr. Cropper noted that the Public Service Commission recently issued licenses for off-shore wind energy systems near Ocean City. Mr. Hand agreed with Mr. Cropper that the approval of Rezoning Case No. 397 constituted an unplanned change to the character of the neighborhood. He stated that, in his opinion, another unplanned change was the upgrade of power service in the vicinity by Delmarva Power with very large, tall poles. A color photograph looking north from the Sello's Restaurant parking lot and showing these new poles and transmission lines was introduced as Applicant's Exhibit No. 4. Mr. Cropper noted that since the 2009 comprehensive rezoning the Worcester County Commissioners have upgraded the Mystic Harbour wastewater treatment plant which resulted in an additional 200,000 gallons per day (666 Equivalent Dwelling Units) of capacity and established a policy regarding the allocation of these EDUs within the service area. This allocation policy was set forth by the County Commissioners in Resolution No. 17-19 which was entered as Applicant's Exhibit No. 5. Mr. Cropper asserted that

this wastewater capacity was not available for purchase at the time the comprehensive rezoning and thus is a change in the character of the neighborhood. Mr. Hand stated that the Water and Sewerage Plan identifies the petitioned area as S-1, meaning that sewer service is available for immediate service. He stated that recent developments within the defined neighborhood that could not have occurred without this upgrade of the Mystic Harbor wastewater system include the Park Place Plaza and the Hampton Inn Hotel. Mr. Cropper stated that there are not enough EDUs available within the West Ocean City Service Area to provide for uses such as these and therefore they could not have been built without the expansion of the Mystic Harbour system. Mr. Hand noted that the petitioned area is shown by the Comprehensive Plan's Land Use Map as being within the Existing Developed Area which calls for infill type of development. Mr. Cropper asserted that the County Commissioners should therefore adopt zoning that is consistent with the uses available in this land use classification. He contended that a commercial zoning category is more consistent than residential and is more desirable with respect to the Comprehensive Plan.

Mr. Cropper called Greg Wilkins, surveyor, as his next witness. Mr. Wilkins stated that he had done a survey of the parcel and house comprising the southerly portion of the petitioned area. This survey plat was introduced as Applicant's Exhibit No. 6. Mr. Wilkins stated that the required front yard setback is 75 feet from the center line of Golf Course Road and stated that the house on this parcel is almost completely within this required setback. It was noted that the house on the northerly parcel within the petitioned area also reflects the same front yard setback on Golf Course Road but is also subject to a front yard setback from Townsend Road, as it is a corner lot. Mr. Wilkins asserted that if either house was torn down or otherwise destroyed, there is no reasonable use that could be put back in its place without extensive variances. Mr. Cropper maintained that if the petitioned area were zoned commercial, Mr. Tomasello could put limited uses such as overflow parking on the site, acknowledging that those spaces would not count toward the required parking for the restaurant. Mr. Wilkins also agreed that there has been a substantial change in the character of the neighborhood per Mr. Cropper's previous statements and that the neighborhood has become more intensely commercial, with the associated impacts such as traffic. He concurred that the petitioned area would be a difficult place to live. He also agreed that the commercial zoning is more consistent with the area and current surrounding uses and with the Existing Developed Area land use classification of the Comprehensive Plan.

Mr. Cropper called Mr. Tomasello as a witness. Mr. Tomasello stated that he is not seeking to expand his restaurant business and that, rather, his concern is the number of staff he has and the need for parking, as he does not have enough on

site.

Mr. Cropper then went through the matters which the Planning Commission must consider with regard to rezonings. They were as follows:

1. Regarding the definition of the neighborhood: Mr. Cropper referred back to Exhibit No. 3, a tax map of the West Ocean City area which outlined the defined neighborhood as being bound on the north by US Route 50, on the east by the Isle of Wight and Sinepuxent Bays, on the south by a line between Mystic Harbor and West Ocean City, and on the west by MD Route 611. Mr. Cropper contended that while he argued for a mistake in zoning with respect to Rezoning Case No. 397, he had provided the Planning Commission with the same exhibit showing the same neighborhood and they had accepted his definition of the neighborhood at that time.
2. Regarding population change in the neighborhood: Mr. Cropper maintained that there had been moderate growth in the population of the neighborhood, though primarily commercial in nature. He stated that growth in the residential population had been minimal.
3. Regarding availability of public facilities: Mr. Cropper reiterated his comments regarding the expansion of the Mystic Harbour wastewater treatment system and the subsequent availability of an additional 666 EDUs of sewer service and the lack of availability of EDUs through the West Ocean City service area.
4. Regarding present and future transportation patterns: Mr. Cropper maintained that there would be no significant change in the transportation patterns as a result of the requested rezoning to C-2 General Commercial District, as the small size and required setbacks limit potential use of the property and thus will limit additional traffic impacts.
5. Regarding compatibility with existing and proposed development and environmental conditions in the area: Mr. Cropper stated that the area is completely developed and mostly commercial and that there are no environmental conditions that would be impacted as a result of the requested rezoning. He contended that the upgraded power lines have changed the look of the neighborhood, making it less attractive for residential use and more commercial in nature.
6. Regarding compatibility with the Comprehensive Plan: Mr. Cropper noted that the petitioned area is within the Comprehensive Plan's Existing

Developed Area land use category and asserted that the Golf Course Road area has become more of a commercial corridor rather than a residential one. He maintained that the zoning should reflect this commercial nature of the neighborhood. He again noted that the upgraded power lines are not conducive to a residential neighborhood but are more commercial in appearance.

7. Regarding whether there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning: Mr. Cropper argued that there has been a change as a result of Rezoning Case No. 397, the additional and expanded restaurants and other commercial facilities in the harbor area, the expansion of the Mystic Harbor wastewater facilities and availability of additional EDUs, and the Delmarva Power transmission line upgrades.
8. Regarding whether the change in zoning would be more desirable in terms of the Comprehensive Plan: Mr. Cropper asserted that the change in zoning from R-3 Multi-Family Residential District to C-2 General Commercial District would be more desirable in that the petitioned area is within the Existing Developed Area land use category of the Comprehensive Plan and therefore the zoning would reflect the commercial nature of the area.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The neighborhood was defined by the applicant as being bound on the north by US Route 50, on the east by the Isle of Wight and Sinepuxent Bays, on the south by a line between Mystic Harbor and West Ocean City, and on the west by MD Route 611. The Planning Commission concurred with the applicant's definition of the neighborhood, as they did in 2016 relative to Rezoning Case No. 397.
- B. Regarding population change: The Planning Commission concluded that there has been very little change to the residential population of the neighborhood since the comprehensive rezoning of 2009, although the number of persons patronizing commercial businesses has moderately increased due to new or improved commercial uses in the neighborhood.
- C. Regarding availability of public facilities: The Planning Commission found that as it pertains to wastewater disposal and the provision of potable water, the petitioned area is located within the sewer planning area of the West Ocean City Sanitary District and the water and sewer planning area of the Mystic Harbour Sanitary District. The latter district overlays the former district in those areas to

the south of US Route 50. According to the response memo (copy attached) from Robert J. Mitchell, Director of the Department of Environmental Programs, the two properties which comprise the petitioned area have existing individual dwellings served by sewer from the West Ocean City Sanitary District and private wells. He further stated that additional sanitary capacity along with public water from the Mystic Harbour Sanitary District will need to be acquired for intensive redevelopment of these properties. Based upon the testimony of the applicant's representatives, the Planning Commission found that the Mystic Harbour wastewater treatment plant has capacity due to the expansion of that system and that the applicant will have to follow the proper procedures to seek said service. The West Ocean City wastewater system lacks available EDUs. Furthermore, potable water is also available from the Mystic Harbour facilities. The Planning Commission concluded that the applicant will again have to follow the proper procedures to receive potable water service if capacity is available. With regard to other public facilities and services the Planning Commission determined that fire and ambulance service will be available from the Ocean City Volunteer Fire Department. The OCVFD station is located approximately five minutes away on Keyser Point Road. No comments were received from the OCVFD. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks nor from the Worcester County Sheriff's Office. The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, that the property owner will have to acquire sufficient sewer EDUs from the Mystic Harbor Sanitary District to serve any proposed use on the petitioned area, and that sewer EDUs are available.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on and currently has access to Golf Course Road. This segment of the roadway is county-owned and -maintained and connects to US Rt. 50 and intersects with Sunset Avenue and MD Route 707 (Old Bridge Road) and thus leads to MD Route 611. Additionally, one of the two parcels which comprises the petitioned area, Parcel 485, also fronts on Townsend Road, a County road, which terminates in a dead end to the west of Parcel 485. The Comprehensive Plan classifies Golf Course Road as a two-lane highway/undesignated highway and states that this road serves northern West Ocean City, that traffic volume has increased to the point that widening and shoulders with striping for bike lanes and sidewalks should be added, that, like all

of West Ocean City, drainage improvements are needed, and that the county road designation should be upgraded to "minor collector highway." The Comprehensive Plan does not make any specific remarks with regard to Townsend Road and it is therefore considered to be a minor local road. Frank J. Adkins, County Roads Superintendent, noted in his response memo (copy attached) that Townsend Road is narrow and not built for heavy commercial vehicles and has a narrow 40' right-of-way. He states that Golf Course Road has a 40' right-of-way which may not be enough to support more heavy commercial vehicles and that the property owner/developer shall be responsible for roadway improvements relative to any future project. James W. Meredith, District Engineer, for 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, 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, and that future development may also require an access permit to be issued from his office. Mr. Meredith further states that with the exception of his aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Based upon its review, the Planning Commission concluded that the small size of the petitioned area and the required yard setbacks would limit the type and size of any future development and thus the potential traffic impacts. The Planning Commission found that consequently there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area, though they expressed concern about the capability of Townsend Road to handle additional traffic. The Planning Commission concluded that the property owner will be responsible for any necessary upgrades to either roadway at the time of redevelopment of the petitioned area.

- E. 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: The Planning Commission concluded that the neighborhood displays a mixture of commercial and residential land uses and is basically completely developed. The commercial nature of the neighborhood has intensified, particularly in the vicinity of the West Ocean City Harbor, as new or expanded restaurants and other commercial facilities have opened. The Planning Commission agreed with Mr. Cropper's statement that Golf Course Road is essentially a commercial corridor. Mr. Cropper also asserted that the upgraded power transmission lines in the area have changed the look of the neighborhood, making it less attractive for residential use and more commercial in nature. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District is compatible with existing and proposed development and

existing environmental conditions in the area.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area Land Use Category. With regard to the Existing Developed Area (EDA) category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. Having concluded that the neighborhood displays a mixed use nature, the Planning Commission determined that the requested rezoning to a commercial classification is consistent with the EDA land use category and that the petitioned area's zoning should reflect the intensified commercial nature of the neighborhood. Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there has been a change in the character of the neighborhood since the comprehensive rezoning of 2009. The Planning Commission found that commercial use of the West Ocean City Harbor area has intensified, as have the associated impacts such as traffic. Additionally, the County Commissioners approved Rezoning Case No. 397 in 2016, reclassifying a 3.45 acre property located on the westerly side of Golf Course Road to the south of this petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District. The Planning Commission concluded that this was an unplanned change to the character of the neighborhood. Other notable changes include an intensification of the West Ocean City Harbor and an increase in the marine activity it has generated; increased popularity of the Sunset Marina, an expansion of the Sunset Grille Restaurant, and the addition of a small restaurant with a liquor license at the Martin's Fish Company. The Planning Commission concurred with Mr. Cropper's assertion that another change is the upgrade of

power service in the vicinity by Delmarva Power with very large, tall poles which are unappealing to residential use and appear much more commercial in nature. Furthermore, the Planning Commission found that since the 2009 comprehensive rezoning the Worcester County Commissioners have upgraded the Mystic Harbour wastewater treatment plant which resulted in an additional 200,000 gallons per day (666 Equivalent Dwelling Units) of capacity and established a policy regarding the allocation of these EDUs within the service area. This wastewater capacity was not available for purchase at the time the comprehensive rezoning. The Planning Commission agreed with Mr. Cropper's claim that certain developments within the defined neighborhood, including Park Place Plaza and the Hampton Inn Hotel, could not have occurred without this upgrade of the Mystic Harbor wastewater system because there are not enough EDUs available within the West Ocean City Service Area to provide for uses such as those and therefore they could not have been built without the expansion of the Mystic Harbour system. The Planning Commission agreed with Mr. Cropper's statement because the petitioned area is shown by the Comprehensive Plan's Land Use Map as being within the Existing Developed Area which calls for infill type of development, the County should therefore adopt zoning that is consistent with the uses available in this land use classification. The Board also concurred with his contention that a commercial zoning category is more consistent than residential and is more desirable with respect to the Comprehensive Plan. Based upon its 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. 416, seeking a rezoning of the petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District.

V. RELATED MATERIALS AND ATTACHMENTS

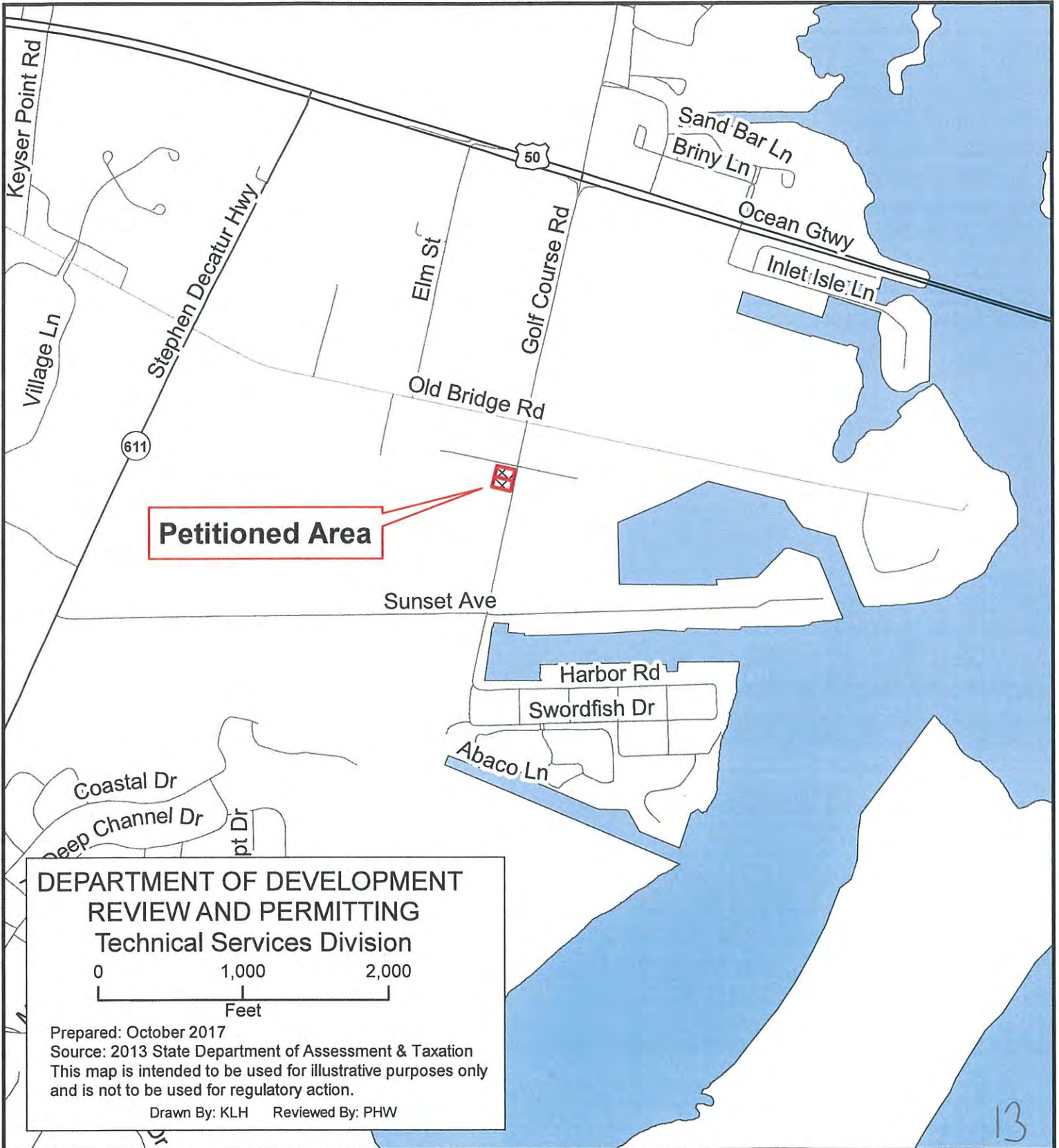


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 416
R-3 Multi-family District to C-2 General Commercial District
Tax Map: 27, Parcel 309 & 485, Lots 13, 14 & 15

LOCATION MAP



NOTICE
OF
PROPOSED CHANGE
IN ZONING

DRAFT

WESTERLY SIDE OF MD ROUTE 611
NORTH OF SINEPUXENT ROAD

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 417 has been filed by Hugh Cropper, IV, attorney, on behalf of L & B Ocean City LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 7.517 acres of land located on westerly side of MD Route 611 to the north of Sinepuxent Road in the Tenth Tax District of Worcester County, Maryland, from C-1 Neighborhood Commercial District to C-2 General Commercial District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

TUESDAY,

at

in the

COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101

WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 417 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 417 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863-1070.

Diana Purnell, President

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**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 417

APPLICANT:

**L & B Ocean City LLC
Lewis Bush, Managing Member
6502 Southpoint Road
Berlin, Maryland 21811**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

February 1, 2018

WORCESTER COUNTY PLANNING COMMISSION

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I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 417, filed on September 29, 2017.

B. APPLICANT: L & B Ocean City LLC
Lewis Bush, Managing Member
6502 Southpoint Road
Berlin, Maryland 21811

APPLICANT'S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 26 - Part of Parcel 274 - Lots 1A and 1B - Tax District 10

D. SIZE: The petitioned area is comprised of two lots. Lot 1A is 5.66 acres in size while Lot 1B is 1.857 acres, for a total size of approximately 7.517 acres.

E. LOCATION: The petitioned area is located on the westerly side of MD Route 611, to the north of Sinepuxent Road and south of Sunset Avenue.

F. CURRENT USE OF PETITIONED AREA: Lot 1A has an abandoned tennis court and a shed. Lot 1B is developed with a warehouse/office structure which totals approximately 14,200 square feet in size.

G. CURRENT ZONING CLASSIFICATION: C-1 Neighborhood Commercial District.

H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

I. ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. It was rezoned to B-1 Neighborhood Business District to a depth of 500 feet from the MD Route 611 right-of-way by Rezoning Case No. 191 approved on October 16, 1984. That classification and depth was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning the petitioned area was placed in the C-1 Neighborhood Commercial District, the equivalent of the B-1 Neighborhood Business District, and extended to follow the property line at the west rear.

J. SURROUNDING ZONING: The properties directly to the south of the petitioned area are also zoned C-1 Neighborhood Commercial District while those to the

west rear are zoned R-3 Multi-Family Residential District. The properties to the north are zoned C-2 General Commercial District and R-2 Suburban Residential District. Properties on the easterly side of MD Route 611 are zoned R-4 General Residential District and C-2 General Commercial District.

- K. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Existing Developed Area Land Use Category.
- L. **WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), Parcel 1A has five water equivalent dwelling units (EDUs) assigned from the Mystic Harbor Sanitary Area and is served by existing onsite sewage. (He further states that this is the former tennis facility which is currently being used as a storage building and that Parcel 1B has a seasonal snowball and fruit and vegetable stand. However, the maps prepared by DRP's GIS division as well as an exhibit submitted by the applicant indicate that the storage building is located on Parcel 1B and that the abandoned tennis court is located on Parcel 1A.) Mr. Mitchell states that the subject property has a designation of Sewer Service Category S-1/W-1 (existing to two years) in the Mystic Sewer and Water Planning Areas and that additional sanitary capacity from the Mystic Harbor Sanitary District will need to be allocated and acquired for this property to intensify current uses if this rezoning is successful.
- M. **ROAD ACCESS:** The petitioned area fronts on and currently has access to MD Route 611, a State-owned and -maintained roadway. The Comprehensive Plan classifies MD Route 611 as a two-lane secondary highway/major collector highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, Gregory Wilkins, surveyor, and Lewis Bush, owner/applicant, were present for the review. Mr. Cropper began his presentation by stating that he was requesting the change in zoning based on a mistake in existing zoning and that he was not asserting that there has been a change in the character of the neighborhood. He stated that the petitioned area, comprised of two lots, was originally developed with a large structure which functioned as an indoor tennis facility and that outdoor tennis courts were constructed as well. It was zoned B-1 Neighborhood Business District at the time. He explained that in 1999 the property owner wished to convert the enclosed structure into a warehouse facility, a use not permitted by the B-1 Neighborhood Business District zoning. Therefore a text amendment was sought by the owner and approved by the County Commissioners to allow by special exception the

conversion of structures existing prior to 1992 in that zoning district to wholesale businesses, including warehousing. A copy of the B-1 Neighborhood Business District regulations showing this approved text amendment as an addition to the 1992 Zoning Code was submitted by Mr. Cropper as Applicant's Exhibit No. 1. The necessary special exception to permit the conversion to warehouses was subsequently obtained in 2000. A copy of the Board of Zoning Appeals opinion on that case was submitted as Applicant's Exhibit No. 2. Mr. Cropper stated that during the 2009 comprehensive rezoning the site was given a C-1 Neighborhood Commercial District zoning classification, the B-1's successor. However, the use of structures of this size for wholesaling or warehousing was removed from the C-1 Neighborhood Business District regulations in the updated Zoning Code and instead placed in the C-2 General Commercial District. Consequently, the current use is legally existing but nonconforming. Mr. Cropper noted that the Zoning and Subdivision Control Article states that nonconformities are allowed to continue but their conformance with current regulations is encouraged whenever possible. He asserted that there is a mistake in existing zoning of the petitioned because of the moving of the uses previously approved on the petitioned area in the B-1 Neighborhood Business District to the C-2 General Commercial District yet retaining the site in the C-1 Neighborhood Commercial District, thus making those uses non-conforming on the petitioned area under its existing zoning. Mr. Cropper asserted that the petitioned area should have been given a C-2 General Commercial District classification during the 2009 comprehensive rezoning in order to prevent the use from becoming non-conforming. Mr. Cropper stated that the petitioned area is shown on the Comprehensive Plan's Land Use Map as being within the Existing Developed Area land use classification. He stated that this land use classification calls for zoning to be in accordance with existing uses and that the petitioned area therefore needs to be rezoned to C-2 General Commercial District so that the use becomes conforming. He noted that the existing structure has three times as much square footage as is allowed by the C-1 Neighborhood Commercial District regulations. Mr. Cropper called Mr. Wilkins to testify. Mr. Wilkins stated that he had prepared a survey of the petitioned area and that the structure on the site is a bit over 14,000 square feet in gross floor area. He noted that MD Route 611 is a collector highway and that the property immediately to the north of the petitioned area is zoned C-2 General Commercial District, as are most of the properties along the MD Route 611 corridor extending north to the junction with US Route 50.

Mr. Cropper then went through the matters which the Planning Commission must consider with regard to rezonings. They were as follows:

1. Regarding the definition of the neighborhood: Mr. Cropper asserted that because his argument for rezoning is based solely on mistake in existing zoning, a definition of the neighborhood is not required.

2. Regarding population change in the neighborhood: Mr. Cropper maintained that there has been no significant change in the area's population.
3. Regarding availability of public facilities: Mr. Cropper stated that the petitioned area is connected to the Mystic Harbour water and sewer facilities. However, the comments submitted by Robert Mitchell, Director of Environmental Programs, and attached to the staff report state that while sewer is available, the petitioned area is not connected at this time. Mr. Cropper stated that despite the confusion, he believed that sewer EDUs are available for purchase from the Mystic Harbour system and the interconnection point exists on the petitioned area.
4. Regarding present and future transportation patterns: Mr. Cropper maintained that there would be no significant change in the transportation patterns as a result of the requested rezoning to C-2 General Commercial District. He stated that the two existing points of access to MD Route 611 are sufficient for current needs and that the Maryland State Highway Administration will have to approve any modifications or future development.
5. Regarding compatibility with existing and proposed development and environmental conditions in the area: Mr. Cropper stated C-2 General Commercial District zoning is currently in place along almost the entire length of the MD Route 611 corridor extending north to US Route 50 from the petitioned area. Given the 7.5 acre size of the petitioned area, Mr. Cropper contended that the C-2 General Commercial District zoning is much more appropriate for the property than is the C-1 Neighborhood Commercial District, which provides for limited types of uses and restrictions on structure sizes. Mr. Cropper stated that the proposed rezoning will not have any adverse impacts on environmental concerns.
6. Regarding compatibility with the Comprehensive Plan: Mr. Cropper noted that the petitioned area is within the Comprehensive Plan's Existing Developed Area land use category and that the Comprehensive Plan calls for zoning on properties within EDAs to be consistent with the existing uses on the sites. Mr. Cropper asserted that the proposed rezoning of the petitioned area from C-1 Neighborhood Commercial District to C-2 General Commercial District is compatible with the Comprehensive Plan because it will make an existing warehouse a conforming use as called for in the Zoning Code.
7. Regarding whether there has been a substantial change in the character of

the neighborhood since the last comprehensive rezoning: Mr. Cropper stated that this is not applicable in the extant case because the argument for rezoning is based solely on a mistake in existing zoning.

8. Regarding whether the change in zoning would be more desirable in terms of the Comprehensive Plan: Mr. Cropper asserted that the change in zoning from C-1 Neighborhood Commercial District to C-2 General Commercial District would be more desirable in that the petitioned area is within the Existing Developed Area land use category of the Comprehensive Plan and the proposed rezoning would bring a nonconforming use into conformity with the Zoning Code. Mr. Cropper maintained that the existing C-1 Neighborhood Commercial District zoning to the immediate south of the petitioned area would act as a transition zone between the C-2 General Commercial District zoning to the north and the agricultural zoning further south. Mr. Cropper maintained that the proposed C-2 General Commercial District zoning to accommodate an existing use is consistent with the Existing Developed Area land use category and thus with the Comprehensive Plan. He contended that there is a mistake in the existing zoning because the existing use on the petitioned area does not comply with the current zoning. He asserted that the petitioned area should have been given a C-2 General Commercial District classification in 2009 so as not to make the existing use non-conforming.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found 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.
- B. Regarding population change: The Planning Commission concluded that there has been no significant change to the population of the vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.
- C. Regarding availability of public facilities: The Planning Commission found 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 Parcel 1A has five water equivalent dwelling units (EDUs) assigned from the Mystic Harbor Sanitary Area and is served by existing onsite sewage. (He further stated in his memo that this is the former tennis facility which is currently being used as a storage building and that Parcel 1B has a seasonal snowball and fruit and vegetable stand. However, the survey

plat submitted as Applicant's Exhibit No. 3 as well as the maps prepared by DRP's GIS division indicate that the warehouse is located on Parcel 1B and that an abandoned tennis court is located on Parcel 1A.) Mr. Mitchell states that the subject property has a designation of Sewer Service Category S-1/W-1 (existing to two years) in the Mystic Sewer and Water Planning Areas and that additional sanitary capacity from the Mystic Harbor Sanitary District will need to be allocated and acquired for this property to intensify current uses if this rezoning is successful. No comments were received from John H. Tustin, P. E., Director of Public Works, or John Ross, P. E., Deputy Director of Public Works. According to the Worcester County Soil Survey the primary soil types on the petitioned area have severe limitations to on-site wastewater disposal. Fire and ambulance service will be available from the Ocean City Volunteer Fire Company's substation on Keyser Point Road, approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Worcester County Sheriff's Office. The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on and currently has direct access to MD Route 611. This roadway is owned and maintained by the State. The Comprehensive Plan classifies MD Route 611 as a two-lane secondary highway/major collector highway. With regard to MD Route 611 the Comprehensive Plan recommends that scenic and transportation corridor planning be conducted to continue this road's rural and coastal character, particularly from MD Route 376 to Assateague Island, that capacity improvements from MD Route 376 to US Route 50 need to be studied and implemented, that interparcel connectors, service roads and other access controls need to be provided, that growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system, and that widening and intersection improvements of the corridor's northern end needs to be planned. James W. Meredith, District Engineer for State Highway Administration District 1, states in his response memo (copy attached) that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, 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, and that future development may also require an access permit to be issued from his office. Mr. Meredith further states that with the exception of his aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment, in that MD Route 611 is a state highway. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

- E. 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: The Planning Commission found that C-2 General Commercial District zoning is currently in place along almost the entire length of the MD Route 611 corridor extending north to US Route 50 from the petitioned area. The Planning Commission agreed with Mr. Cropper's assertion that because of the petitioned area's 7.5 acre size, the C-2 General Commercial District zoning is much more appropriate for the property than is the C-1 Neighborhood Commercial District, which provides for limited types of uses and restrictions on structure sizes and thus do not require large parcels. The Planning Commission found that the existing warehouse use on the petitioned area was a conforming special exception under the previous B-1 Neighborhood Business District regulations but was made nonconforming when the 2009 update of the zoning maps left the property in the C-1 Neighborhood Commercial District but removed the warehousing use for structures of this size from those district regulations and moved it to the C-2 General Commercial District regulations. The Planning Commission concluded that the C-2 General Commercial District zoning classification would therefore be more in keeping with the actual use located on the petitioned area. The Planning Commission found that the proposed rezoning will not have any adverse impacts on environmental concerns. 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 warehouse facility of approximately 14,000 square feet in gross floor area into conformance with the zoning regulations. The Planning Commission notes that Mr. Cropper stated that the existing warehouse facility is three times the size of that permitted by the C-1 Neighborhood Commercial District regulations. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from C-1 Neighborhood Commercial District to C-2 General Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.

- F. Regarding compatibility with the Comprehensive Plan: The Planning

Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area Land Use Category. With regard to this category the Comprehensive Plan states that it identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. Having found that the MD Route 611 corridor extending from the petitioned area north to US Route 50 is primarily zoned C-2 General Commercial District and that such a zoning classification is in fact necessary to bring the existing structure on the petitioned area into conformance with the zoning regulations, the Planning Commission determined that the requested rezoning to a general commercial classification is consistent with the EDA land use category and that the petitioned area's zoning should reflect the existing uses on the site. Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from C-1 Neighborhood Commercial District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. Given the existing warehouse of approximately 14,000 square feet in gross floor area on the site, the Planning Commission found that it was a mistake to have placed the petitioned area in a C-1 Neighborhood Commercial District designation during the comprehensive rezoning of 2009 because that structure, due to its size, was made non-conforming by its removal from the C-1 Neighborhood Commercial District regulations and placement in the C-2 General Commercial District instead. In that the structure and its use as a warehouse 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 warehouse structure from being made nonconforming through no action of the property owner. Based upon its 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. 417, seeking a rezoning of the petitioned area from C-1 Neighborhood Business District to C-2 General Commercial District.

V. RELATED MATERIALS AND ATTACHMENTS

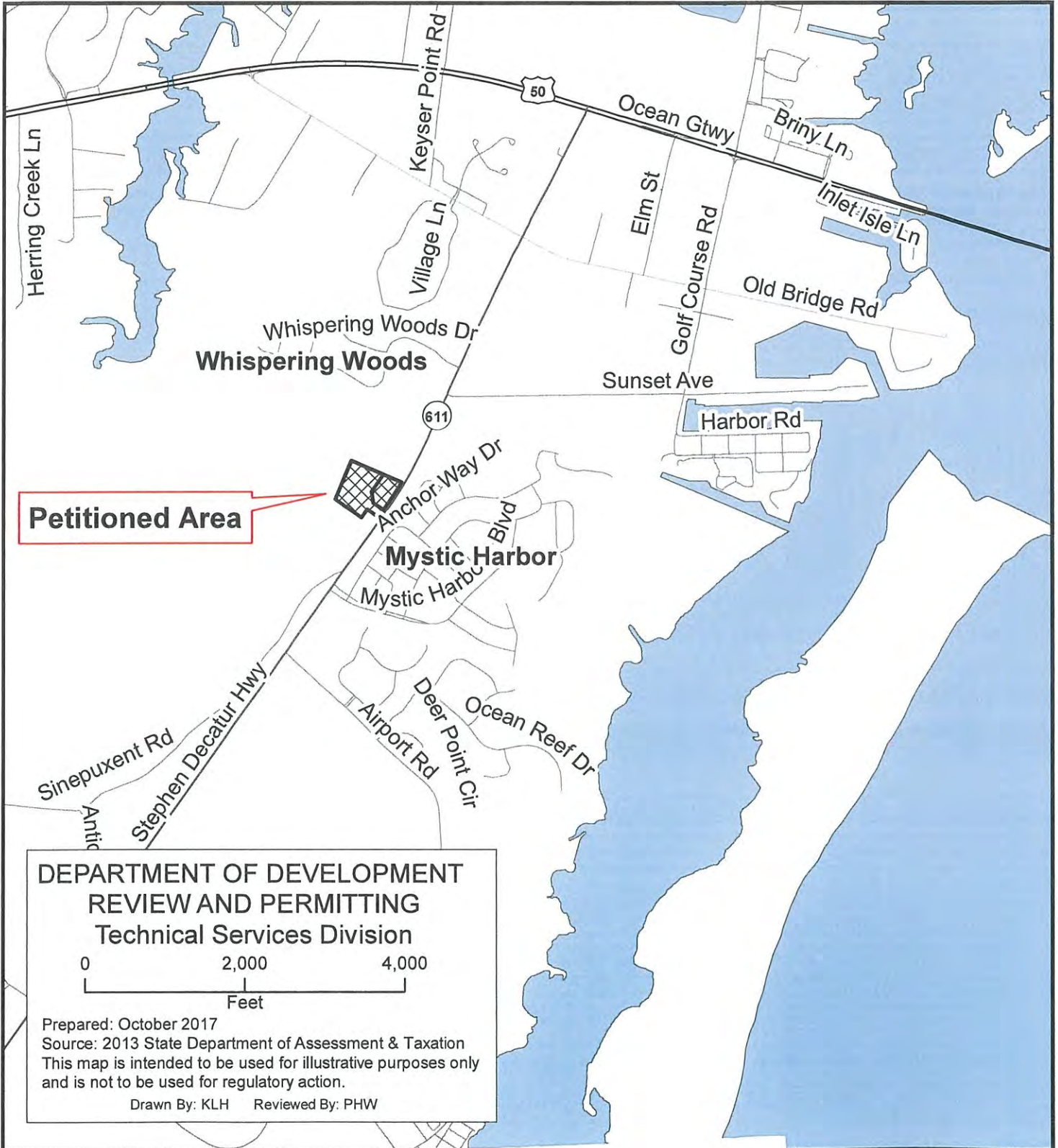


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 417
 C-1 Neighborhood Commercial District to C-2 General Commercial District
 Tax Map: 26, Parcel 274, Parcels 1A and 1B

LOCATION MAP



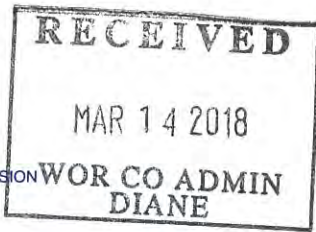


DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

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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 *EAT*
Development Review and Permitting
DATE: March 6, 2018
RE: Proposed Sectional Rezoning - MD Route 589, McAllister Road,
Griffin Road and Grays Corner Road

As you may be aware, five rezoning applications were recently submitted for properties located to the west of MD Route 589, opposite the Ocean Downs Casino. Two of these sites front directly on MD Route 589 while the other three front on McAllister Road, one of which also has frontage on Griffin Road. All five of these applications sought rezonings from E-1 Estate District to C-2 General Commercial District or, alternatively, C-1 Neighborhood Commercial District. The Planning Commission reviewed these five applications at its meeting on March 1, 2018.

The five areas petitioned for rezoning are part of a larger area that is currently zoned E-1 Estate District. It was originally given that classification as part of the 1992 comprehensive rezoning. The area in question is shown by the 2006 Comprehensive Plan as being within the Agriculture Land Use Category. At the time of the 2009 comprehensive rezoning several property owners in the area requested commercial zoning classifications for their properties. The staff and Planning Commission, however, recommended that the area be given a R-1 Rural Residential District zoning classification. This recommendation was based upon the staff's and Planning Commission's conclusions that there was already sufficient commercial zoning in place along the US Route 50 and MD Route 589 corridor to serve the needs of the residents of the area and the traveling public, that there were already a number of undeveloped or underdeveloped commercially zoned properties in the area, and that the area was properly placed within the Comprehensive Plan's Agricultural Land Use Category. Additionally, the Comprehensive Plan recommends that development in the MD Route 589 corridor should be limited until the highway's capacity increases. In 2009 the staff concluded that to place commercial zoning on the McAllister Road/Griffin Road/MD Route 589 area would be inappropriate. The planning staff noted at that time that while there was a mix of uses in the area they were those that were allowed either under prior district regulations or by special exception. These uses were not ones that would require a commercial classification and such a classification would make the residences in the area non-conforming uses. However, the County Commissioners ultimately decided to retain the existing E-1 Estate District zoning classification in 2009.

During its deliberations on March 1, 2018 the Planning Commission determined that the conditions cited in 2009 remain, particularly relative to the Agricultural Land Use Category and the Comprehensive Plan's recommendations, the existing uses within the area, and the concerns relative to the capacity of MD Route 589 to effectively and safely handle traffic. The Planning Commission therefore concluded that it is inappropriate to consider the five rezonings in a piecemeal fashion because of the potential impacts. Additionally, the Planning Commission is concerned about setting a precedent for future rezoning requests in the vicinity. The Planning Commission therefore recommends to the County Commissioners that potential rezoning of the area currently zoned E-1 Estate District and A-1 Agricultural District located to the west of MD Route 589 and north of Grays Corner Road be considered in a more comprehensive manner as part of a sectional rezoning of that area.

*

Maps of the area in question are attached for your consideration.

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

EAT/phw

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator



WORCESTER COUNTY, MARYLAND

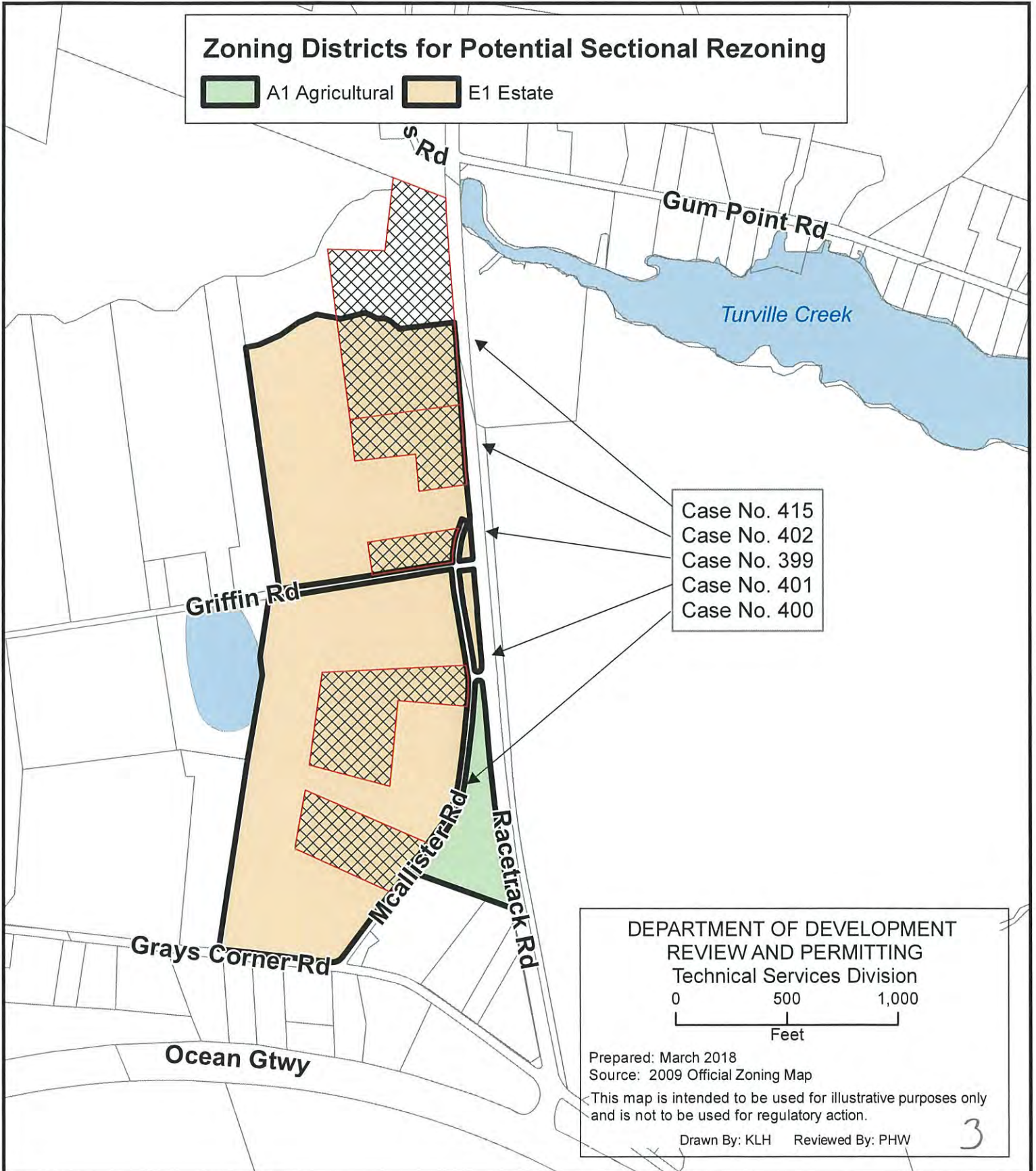


SECTIONAL REZONING MD ROUTE 589 / RACETRACK ROAD SOUTH

ZONING MAP

Zoning Districts for Potential Sectional Rezoning

A1 Agricultural
 E1 Estate



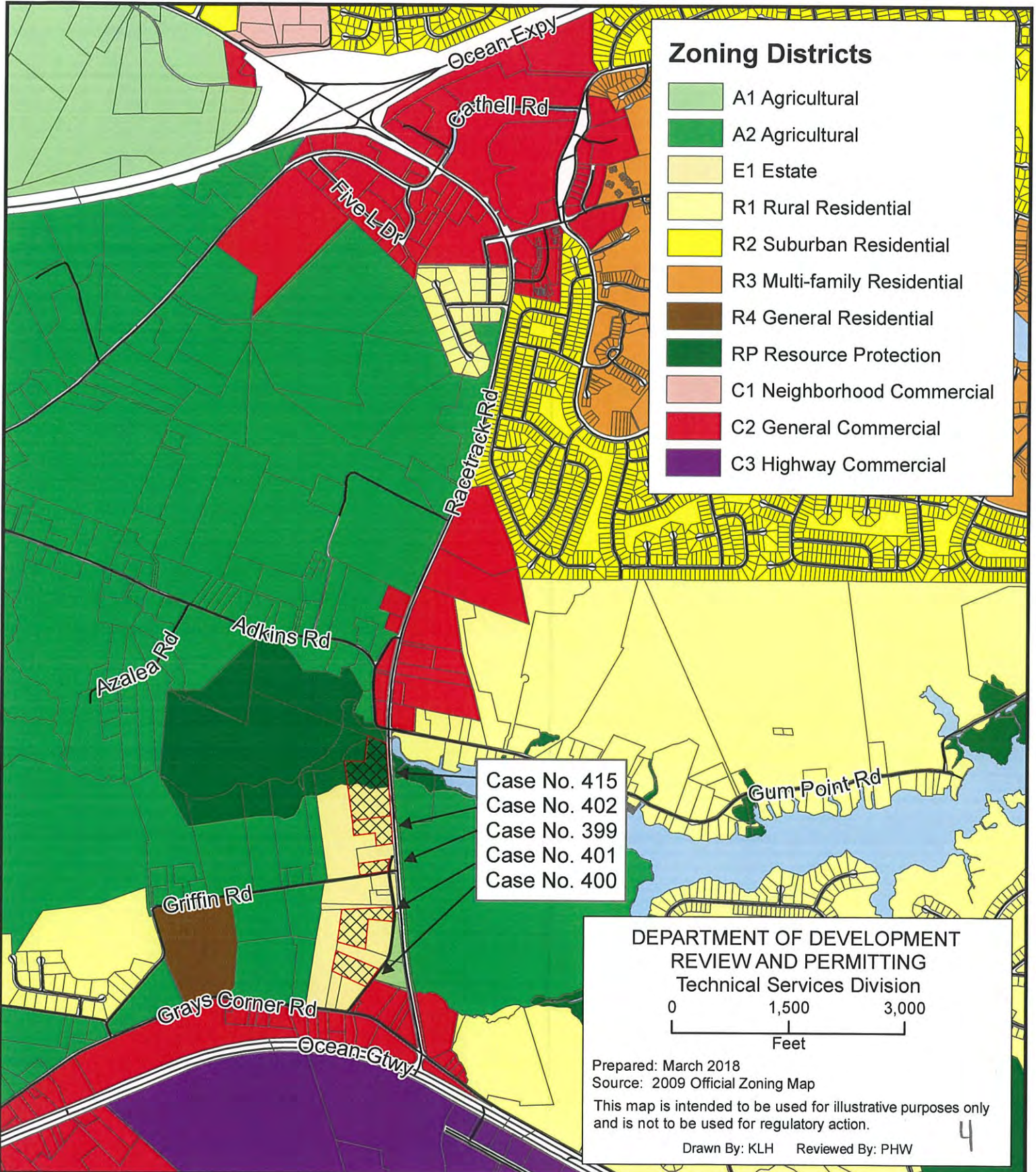


WORCESTER COUNTY, MARYLAND



SECTIONAL REZONING MD ROUTE 589 / RACETRACK ROAD CORRIDOR

ZONING MAP



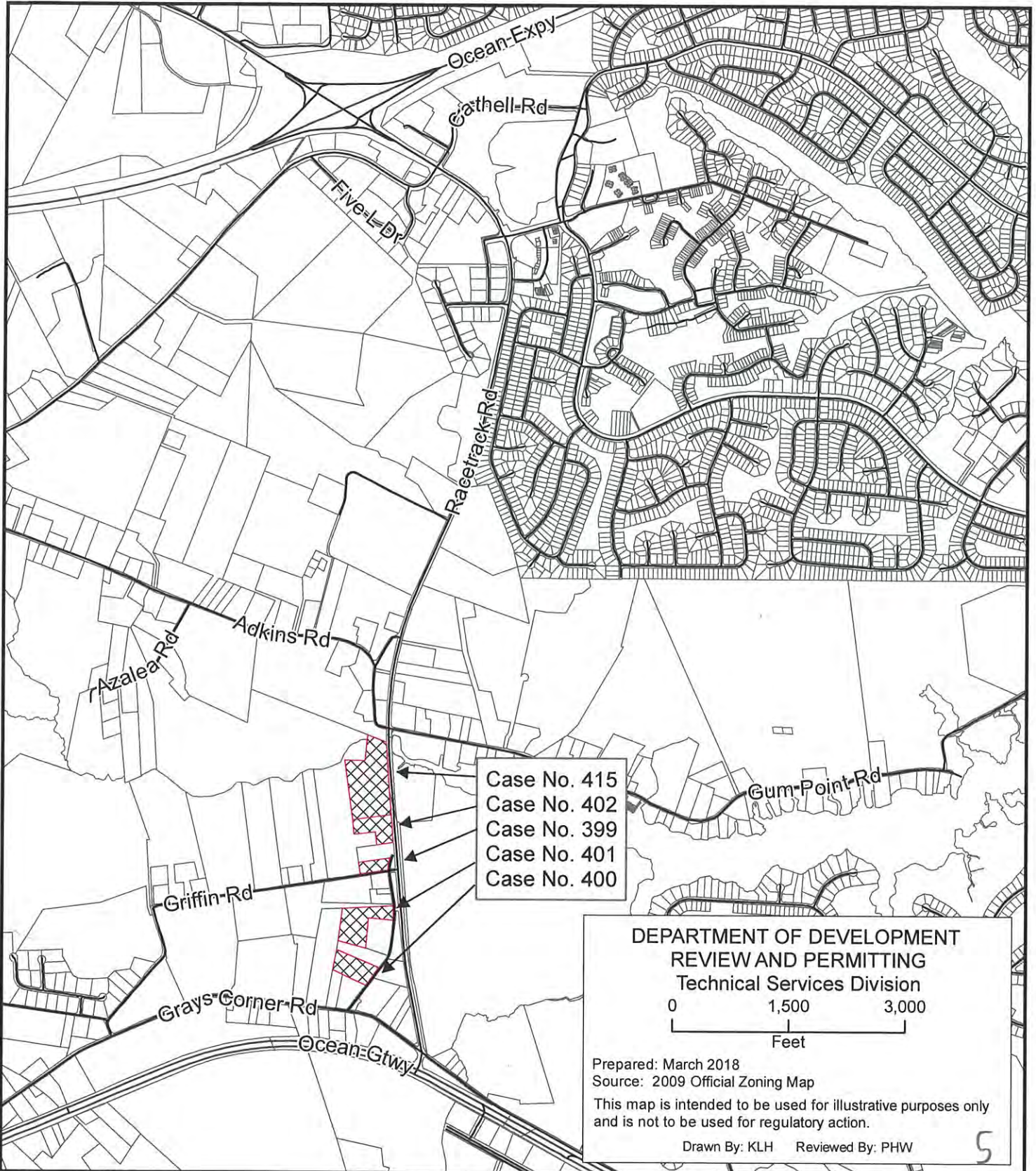


WORCESTER COUNTY, MARYLAND



SECTIONAL REZONING MD ROUTE 589 / RACETRACK ROAD CORRIDOR

LOCATION MAP



- (6) Comprehensive (sectional) reclassification map amendments.
- A. Comprehensive (sectional) reclassifications may only be initiated by the Planning Commission or the County Commissioners.
 - B. The Planning Commission shall review the proposed comprehensive reclassification and make a recommendation to the County Commissioners. In the case of a comprehensive (sectional) reclassification initiated by the County Commissioners, the Planning Commission shall make a recommendation to the County Commissioners within one hundred twenty days after its first review by the Planning Commission, unless an extension of time is granted by the County Commissioners. The Planning Commission may make such studies as it deems necessary and appropriate.
 - C. After receiving the recommendation of the Planning Commission, the County Commissioners may require further studies and shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. Public notice of such hearing shall be given in accordance with the provisions of § ZS 1-114 hereof.
 - D. Comprehensive (sectional) reclassifications shall be by resolution of the County Commissioners.
 - E. Notification of property owners and neighboring property owners and the posting of the property, as required in piecemeal rezonings, shall not be required when the property is the subject of the comprehensive (sectional) reclassification.
 - F. Findings of fact as required in piecemeal rezonings shall not be required for comprehensive (sectional) reclassifications.
 - G. In the case of a comprehensive (sectional) rezoning, conditions placed upon a property by virtue of a prior conditional rezoning shall be null and void unless specifically carried forward by the County Commissioners upon a finding that the reasons for which the conditions were originally imposed are still valid.



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ADMINISTRATIVE DIVISION
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TECHNICAL SERVICE DIVISION

MEMORANDUM

See also Ocean City's
request received 3/15/18
beginning on page 10

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: March 14, 2018
RE: State Transportation Priority Letters

On February 20, 2018 I reviewed with the County Commissioners a memorandum dated February 13, 2018 that I had prepared with regard to the submission of our Transportation Priority Letter to the Maryland Department of Transportation (MDOT). At that time I reminded the Commissioners of the April 1st deadline to submit such a letter and the need to coordinate with the municipalities in its preparation. I also provided draft letters to the Mayors of our incorporated towns to solicit their input. These letters were mailed on February 20, 2018 with a requested response by Tuesday, March 13, 2018. As of today's date I am not aware of a response being received from any of the towns.

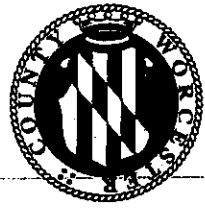
Absent a response from the Towns and with the April 1st date fast approaching, unless the County Commissioners have additional or different priorities from our last letter submitted in 2015, I suggest we simply reiterate those same priorities to MDOT with the exception of the Town of Snow Hill's previous project. Of course the principal project is the completion of the dualization of US Rt. 113. In addition, in no particular order, the other projects were:

- A. Improvements to MD Route 589/Racetrack Road from US Route 50 to US Route 113.
- B. Replacement of the Harry W. Kelly Memorial Bridge on US Route 50 into downtown Ocean City.
- C. Dualization of MD Route 90 from US Route 50 to MD Route 528/Coastal Highway in Ocean City.

As always, I will be happy to discuss the matter further with you and the County Commissioners at your convenience.

cc: John Tustin, Public Works Director
Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator

RECEIVED
FEB 14 2018
Worcester County Admin



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: February 13, 2018
RE: Transportation Priority Letters - Chapter 30 Requirements

Last December I reviewed with the County Commissioners the requirements of what is known as Chapter 30 of the Acts of 2017 with regard to the transmittal of our transportation priorities to the Maryland Department of Transportation (MDOT). If you recall, Chapter 30 alters the system by which local jurisdictions submit their transportation priority projects. Beginning this year all projects with an estimated cost exceeding \$5,000,000 with the exclusion of these projects that are solely for system preservation must be submitted through an online portal and be substantiated with a feasibility study, numerous checklists and a detailed project cost estimate.

MDOT held a webinar for local governments on January 17, 2018 to review the requirements of the new scoring system and answer questions. Through that process I was able to get clarification on a question that arose during my recent discussion with the County Commissioners. That question was, do we have to meet the Chapter 30 requirements for the projects that are shown in the primary construction or development and evaluation program in the handout from our tour meeting last meeting? The answer is that unless the project is fully funded we do have to take it through the Chapter 30 application process. For us that means improvements to MD Route 589 and the Harry Kelly Bridge replacement which were both included in our last priority letter will have to comply with Chapter 30. Additionally, the complete dualization of MD Route 90 from MD Route 528 to US Route 50 which was also in our last priority letter must meet the requirements as well. We may still place all of these projects in our priority letter. However, they will not be scored until we perform all of the work necessary to comply with the Chapter 30 requirements and I recommend that we do so.

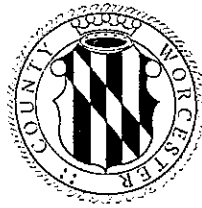
One important component of this process is and always has been coordination with the municipalities. In years past I sent letters to all of the Towns requesting their transportation priorities for consideration by the Commissioners. Since the April 1st deadline for priority letter submission is fast approaching I believe we would be better served if the letter to the Towns requesting project inclusion be sent directly from the County Commissioners to each mayor. In that spirit I have taken the liberty of drafting such a letter for the Commissioners' consideration.

In addition to the draft letter referenced above, I have also provided herewith a copy of the last priority letter we submitted to MDOT as well as the relevant pages of the handout from our transportation tour meeting last fall.

As always, I will be happy to discuss the matter further with you and the County Commissioners at your convenience.

cc: John Tustin, Public Works Director
Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator

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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND

21863-1195

February 20, 2018

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.
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JAMES C. CHURCH
MERRILL W. LOCKFAW, JR.
JOSEPH M. MITRECIC

The Honorable Richard W. Meehan
Mayor and Council of Ocean City
Post Office Box 158
Ocean City, Maryland 21843

RE: Maryland Department of Transportation's Consolidated
Transportation Program- Local Transportation Priorities

Dear Mayor Meehan:

As you may be aware, in 2017 the Maryland Legislature passed Senate Bill 307, now known as Chapter 30 of the Acts of 2017. Development of a project-based scoring system for all capital projects was the purpose of the legislation. Thus, it alters the system by which local jurisdictions submit their transportation priority projects. Beginning this year, all projects with an estimated cost exceeding \$5,000,000, excluding those projects that are solely for system preservation, must be submitted through an online portal and be substantiated with a feasibility study, numerous checklists and a detailed project cost estimate. All projects meeting the criteria for scoring must be submitted by March 1st to be included in the evaluation process. Written guidance for this process was not provided in draft form until early December 2017 and just finalized last month, making submittals by March 1st improbable at best. This process does not preclude the submission of a priority letter as we have done in the past. However, projects contained therein which exceed a \$5,000,000 cost will not be scored. Projects of a lesser cost are included in this letter as well. This letter is due by April 1, 2018.

Just as has been done in the past, a great emphasis is placed on cooperation between the county and municipal governments in the selection of transportation priority projects. It is for this reason that I write to you now to solicit the Town's capital transportation projects that you may wish the County Commissioners to consider for inclusion in our priority letter to the Maryland Department of Transportation. Please keep in mind that the purpose of this letter is for capital projects only and not system preservation needs.

Your prompt attention to this request would be most appreciated, as we hope to finalize our discussions on a project list at the County Commissioners meeting to be held on March 20,

The Honorable Richard W. Meehan
Page Two
February 20, 2018

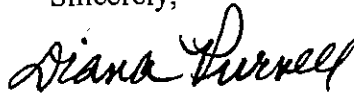
2018 for submission to MDOT prior to the April 1, 2018 deadline. If at all possible we would appreciate your response by Tuesday, March 13, 2018. Please be aware that the MDOT requires the following information to be submitted for each project:

- 1) A brief project purpose and need statement with a map of the project location;
- 2) A brief description as to how the project meets the goals of the Consolidated Transportation Program; and
- 3) A brief description of how the project supports the goals and objectives of the local government's land use plan.

This requirement may be fulfilled by the completion of the "Project Questionnaire: Annual Request to the Maryland DOT for Project Funding." I have included a blank copy of this form for your convenience.

Thank you for your prompt attention to this matter. Should you have any questions or require additional information, please contact Edward A. Tudor, Director of Development Review and Permitting, at 410-632-1200, ext. 1100, or by email at etudor@co.worcester.md.us.

Sincerely,



Diana Purnell
President

DP/PHW:dd
cf: Edward A. Tudor, Director of Development Review & Permitting
John H. Tustin, Public Works Director
CC125/OC.SB307

Project Questionnaire: Annual Request to Maryland DOT for Project Funding

Please provide the following information for each major capital project priority identified

- 1) Name of Project: _____
- 2) Submitting Jurisdiction: _____
- 3) Location of the project (describe project limits and location, attach map if available and applicable) _____
- 4) Anticipated cost (approximate if available): _____
- 5) Description of project purpose and need (up to one paragraph): _____
- 6) Is the project contained within the local Metropolitan Planning Organization's fiscally constrained long-range transportation plan? Yes No Project located outside of MPO boundaries _____
- 7) Is the project consistent with the local land use plans? Yes No Describe specifics on how the project supports the local land use plan goals, objectives and/or policies _____
- 8) Please indicate which of the following Maryland Transportation Plan goals and objectives are served by the requested project investment (mark each goal served by the project and relevant objectives within each goal)

Goal: Quality of Service. Enhance users' access to, and positive experience with, all MDOT transportation services.

Objective: Enhance customer service and experience.

Objective: Provide reliable and predictable travel time across modal options for people and goods.

Objective: Facilitate coordination and collaboration with agency partners and stakeholders.

If checked, please describe how the project supports the goal and objectives _____

Goal: Safety and Security: Provide transportation assets that maximize personal safety and security in all situations.

Objective: Reduce the number and rate of transportation related fatalities and injuries.

Objective: Secure transportation assets for the movement of people and goods.

Objective: Coordinate and refine emergency response plans and activities.

If checked, please describe how the project supports the goal and objectives _____

Goal: System Preservation and Performance: Protect Maryland's investment in its transportation system through strategies to preserve existing assets and maximize the efficient use of resources and infrastructure.

Objective: Preserve and maintain the existing transportation network.

Objective: Maximize operational performance and efficiency of existing systems.

If checked, please describe how the project supports the goal and objectives _____

Goal: Environmental Stewardship: Develop transportation policies and initiatives that protect the natural, community, and historic resources of the State and encourage development in areas that are best able to support growth.

Objective: Coordinate land use and transportation planning to better promote Smart Growth.

Objective: Preserve and enhance Maryland's natural, community, and historic resources.

Objective: Support initiatives that further our commitments to environmental quality.

If checked, please describe how the project supports the goal and objectives _____

Goal: Connectivity for Daily Life: Support continued economic growth in the State through strategic investments in a balanced, multimodal transportation system.

Objective: Provide balanced, seamless, and accessible multimodal transportation options for people and goods.

Objective: Facilitate linkages within and beyond Maryland to support a healthy economy.

Objective: Strategically expand network capacity to manage growth.

If checked, please describe how the project supports the goal and objectives _____

9) Additional Comments/Explanation: _____

10) Provide description of project location (also attach PDF or JPEG map of project location) _____



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

October 21, 2015

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
JOHN E. "SONNY" BLOXOM
COUNTY ATTORNEY

COMMISSIONERS
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ANTHONY W. BERTINO, JR.
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THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

Heather Murphy, Director
Office of Planning and Capital Programing
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076

RE: State Transportation Priorities in Worcester County for 2015

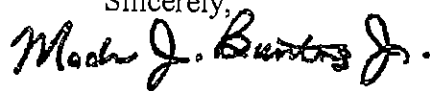
Dear Ms. Murphy:

This letter and its supporting documents shall serve to reiterate Worcester County's priorities for inclusion in the construction program of the State's Consolidated Transportation Program (CTP). Please be advised that Worcester County's Priority Project continues to be the complete dualization of US Route 113 in Worcester County. We thank you for continuing to move forward with this project.

While we recognize that prior instructions have advised the County to limit the number of priority projects included in our annual request, the Commissioners wish to express their support for the following additional projects, in no particular order: Improvements to Route 589, Racetrack Road, from US Route 50 North to US Route 113; replacement of the Harry W. Kelly Memorial Bridge on US Route 50 into downtown Ocean City; the complete dualization of Maryland Route 90 from US Route 50 to Maryland Route 528, Coastal Highway in Ocean City; and the Market Street Streetscape Project in the Town of Snow Hill. The development of these additional priority projects were coordinated with the local municipalities. Relevant support materials are attached hereto for your reference.

Heather Murphy
Page Two
October 21, 2015

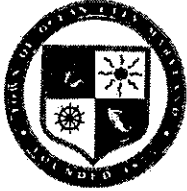
Thank you for moving forward with the dualization of US Route 113 and for your considerations of these other priority projects in Worcester County as you develop the State's Consolidated Transportation Program this year and in future years. We sincerely appreciate your support of these needed transportation projects in Worcester County. If you should require any additional information or should you have any questions or concerns with regard to this matter, please feel free to contact either me or Harold L. Higgins, Chief Administrative Officer, at this office.

Sincerely,


Madison J. Bunting, Jr.
President

KS:kdg

cc: Edward A. Tudor, Director of Development Review Permitting
John H. Tustin, Director of Public Works
Rick Meehan, Mayor, Town of Ocean City
Charles Dorman, Mayor, Town of Snow Hill
Donnie Drewer, District Manager SHA
Senator James N. Mathias, Jr.
Delegate Mary Beth Carozza
Delegate Charles J. Otto



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

March 13, 2018

The Honorable Diana Purnell, President
Worcester County Commissioners
One West Market Street, Room 1103
Snow Hill, MD 21863-1103

RE: MDOT Consolidated Transportation Program (CTP)
Local Transportation Priorities
Ocean City Transportation Priority: MD90 Dualization

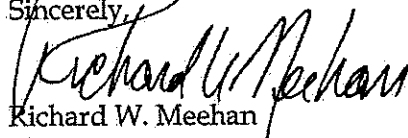
Dear President Purnell:

In response to your letter of February 20, 2018, please include the attached documents with the County's submittal to the Maryland Department of Transportation for inclusion in the Consolidated Transportation Program annual funding requests.

As noted in my June 18, 2018 letter to the County Commissioners, a Studies and Alternatives Analysis to determine the eventual replacement of the US50 Bridge has the potential (and reality) of causing severe traffic congestion issues for multiple summer seasons. Relative to long-range planning and the effects the replacement of the US50 Bridge will have on overall accessibility to Ocean City, we continue to believe it is far more prudent to complete the dualization of the entire MD90 corridor, from US50 to MD528, prior to replacement of the US50 Bridge. With the right of way already in place, a major time consuming hurdle on such a project is a non-issue and should position the State to expedite the project.

We appreciate the Commissioners' assistance and support. Feel free to contact me with additional questions or concerns.

Sincerely,


Richard W. Meehan
Mayor

Attachments: (1) June 18, 2013 letter from Richard Meehan to County Commissioners re: Transportation priorities in Worcester County, MD
(2) MD90 Dualization Project Summary and Questionnaire

cc: City Council

- Hal Adkins, Public Works Director
- Terry McGean, City Engineer
- Harold Higgins, Chief Administrative Officer
- Edward A. Tudor, Director of Development Review & Permitting
- John H. Tustin, Public Works Director

Ocean City, MD



MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY,
MARYLAND 21843-0158

www.oceancitymd.gov

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL MEMBERS

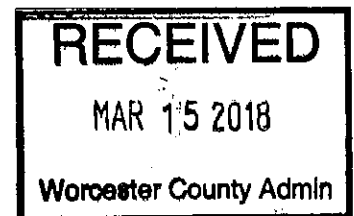
LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

DENNIS W. DARE
ANTHONY J. DELUCA
JOHN F. GEHRIG, JR.
WAYNE A. HARTMAN
MATTHEW M. JAMES

DOUGLAS R. MILLER
City Manager

DIANA L. CHAVIS
City Clerk



10

Project Questionnaire: Annual Request to Maryland DOT for Project Funding

Please provide the following information for each major capital project priority identified

- 1) Name of Project: Rt. 90 Corridor
- 2) Submitting Jurisdiction: Ocean City
- 3) Location of the project (describe project limits and location, attach map if available and applicable) Rt. 90 from Rt. 50 to MDS28
- 4) Anticipated cost (approximate if available) Unknown
- 5) Description of project purpose and need (up to one paragraph): See attached
- 6) Is the project contained within the local Metropolitan Planning Organization's fiscally constrained long-range transportation plan? Yes No Project located outside of MPO boundaries
- 7) Is the project consistent with the local land use plans? Yes No Describe specifics on how the project supports the local land use plan goals, objectives and/or policies See attached
- 8) Please indicate which of the following Maryland Transportation Plan goals and objectives are served by the requested project investment (mark each goal served by the project and relevant objectives within each goal)

Goal: Quality of Service. Enhance users' access to, and positive experience with, all MDOT transportation services.

Objective: Enhance customer service and experience.

Objective: Provide reliable and predictable travel time across modal options for people and goods.

Objective: Facilitate coordination and collaboration with agency partners and stakeholders.

If checked, please describe how the project supports the goal and objectives See attached

Goal: Safety and Security: Provide transportation assets that maximize personal safety and security in all situations.

Objective: Reduce the number and rate of transportation related fatalities and injuries.

Objective: Secure transportation assets for the movement of people and goods.

Objective: Coordinate and refine emergency response plans and activities.

If checked, please describe how the project supports the goal and objectives See attached

Goal: System Preservation and Performance: Protect Maryland's investment in its transportation system through strategies to preserve existing assets and maximize the efficient use of resources and infrastructure.

Objective: Preserve and maintain the existing transportation network.

Objective: Maximize operational performance and efficiency of existing systems.

If checked, please describe how the project supports the goal and objectives See attached

Goal: Environmental Stewardship: Develop transportation policies and initiatives that protect the natural, community, and historic resources of the State and encourage development in areas that are best able to support growth.

Objective: Coordinate land use and transportation planning to better promote Smart Growth.

Objective: Preserve and enhance Maryland's natural, community, and historic resources.

Objective: Support initiatives that further our commitments to environmental quality.

If checked, please describe how the project supports the goal and objectives See attached

Goal: Connectivity for Daily Life: Support continued economic growth in the State through strategic investments in a balanced, multimodal transportation system.

Objective: Provide balanced, seamless, and accessible multimodal transportation options for people and goods.

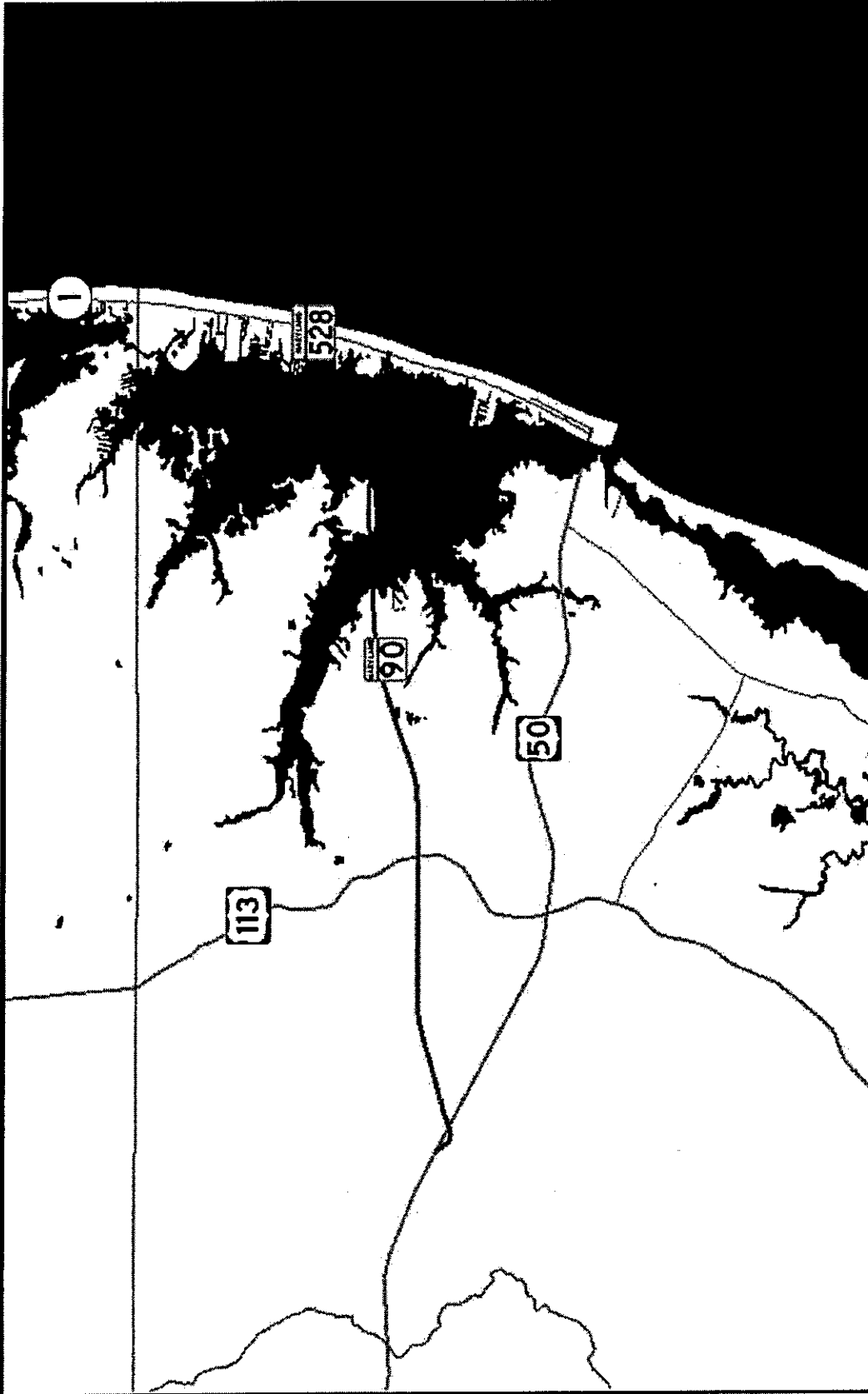
Objective: Facilitate linkages within and beyond Maryland to support a healthy economy.

Objective: Strategically expand network capacity to manage growth.

If checked, please describe how the project supports the goal and objectives See attached

9) Additional Comments/Explanation: _____

10) Provide description of project location (also attach PDF or JPEG map of project location) _____



Maryland Route 90 (MD 90) is a state highway in the U.S. state of Maryland. Known as the Ocean City Expressway, the state highway runs 11.83 miles (19.04 km) from U.S. Route 50 (US 50) near Whaleyville to MD 528 in Ocean City.

MD 90 begins at a partial directional interchange with US 50 (Ocean Gateway) east of Whaleyville. There is no access from westbound MD 90 to eastbound US 50 or from westbound US 50 to eastbound MD 90. MD 90 heads east as a two-lane undivided freeway with rumble strips within the painted median. Headlight use is required at all times. After passing under MD 346 (Old Ocean City Boulevard) with no access, the state highway crosses over Church Branch. MD 90 crosses over the Snow Hill Line of the Maryland and Delaware Railroad before reaching a partial cloverleaf interchange with US 113 (Worcester Highway). After passing over MD 575 (Worcester Highway), the old alignment of US 113, with no access, the state highway becomes divided with a narrow guardrail median barrier.

MD 90 continues east through Ocean Pines, where the highway has a diamond interchange with MD 589 (Race Track Road) and passes over Ocean Parkway within that community. The median barrier ends and the state highway becomes an undivided highway again immediately before crossing the St. Martin River on a long bridge. A median returns right after the bridge ends at Isle of Wight, where MD 90 has an at-grade signalized intersection with St. Martins Neck Road and the entrance to Isle of Wight Nature Park. MD 90 becomes undivided again for the Assawoman Bay Bridge over Assawoman Bay. After that bridge, the state highway expands to four lanes with a Jersey barrier for a short distance before its terminal intersection with MD 528 (Coastal Highway) at 62nd Street in Ocean City.

MD 90 serves as an access route to the northern part of Ocean City and sees heavy traffic in the summer months. The route is also designated as a hurricane evacuation route out of Ocean City in which contraflow lane reversal can be used for a quicker evacuation. MD 90 is a part of the main National Highway System for its entire length.

https://en.wikipedia.com/wiki/Maryland_Route_90

**Town of Ocean City Priority Project for Inclusion in the
Capital Improvement Program of the Maryland CTP**

Project Name:

MD Route 90 Corridor Dualization

Project Description:

Improvement of MD Route 90, from US Route 50 to MD Route 528 (Coastal Highway) to a four lane limited access freeway with all associated interchange and bridge expansions and enhancements. For the purpose of meeting CTP budgetary constraints, it is clear that a phased approach to completing the project will be necessary. Incremental improvements in the 5.82 mile segment between Ocean City (MD Route 528) and Ocean Pines (MD Route 589) would meet the first priority goal to increase capacity and improve safety to the nearest alternate road corridor.

Purpose and Need:

Ocean City, Maryland has two vital links from the mainland over the coastal bays via the US Route 50 and MD Route 90 bridges. With the impending replacement of the US Route 50 Bridge into Ocean City, that MDOT has indicated has become functionally obsolete, the Town is extremely concerned about the negative impacts such a long term construction project will have on the overall ingress and egress to Town. It is with that in mind that the Town believes it is far more important and prudent to complete the Dualization of MD Route 90 prior to reconstruction of the US Route 50 Bridge.

Having been historically listed in the Highway Needs Inventory (HNI), we believe the State needs to complete the intended design and construction of a four lane freeway open section concept with a width of 300 feet. This improvement should also include all necessary enhancements to interchanges at US Route 50, US Route 113, and MD Route 589 along with associated bridge expansions at MD Route 575, MD Route 346, Church Branch, MD/DE Railroad, Ocean Parkway (to include a roadway grade change to expand both the vertical and horizontal clearances beneath the bridge in an effort to improve emergency response vehicle access from South Ocean Pines to North Ocean Pines, and vice versa), St. Martins River, and the Assawoman Bay. The total length of the project would be approximately 11.8 miles.

Goal – Quality of Service:

This Project would enhance visitor ease and experience travelling to Maryland's seaside resort while drastically enhancing the motorist's ability to access, and exit, Ocean City. When considering the massive influx of tourism Ocean City experiences on a typical summer day with over 300,000 residents on peak days, this project is critical to meet current and future needs.

Goal – Safety and Security:

This Project would facilitate the movement of people and goods and meet public safety concerns of the community. Ocean City is limited to two vital links to the mainland in the State

of Maryland; US Route 50 and MD Route 90. When considering the sheer volume of traffic movement Ocean City experiences on any given summer day, the MD Route 90 corridor experiences continual congestion. Over these years this level of service has been further impacted by surrounding area growth and development that directly feeds into the MD Route 90 corridor for access to the beach (day trippers).

MD Route 90 is a two lane highway, which is inherently dangerous and can result in severe head-on collisions. A single accident closes the roadway in both directions and completely shuts off a critical access to Ocean City and the MD Route 589/113 corridors. Emergency response and transports from the resort to local hospitals has increased over 30 percent in the last 10 years and transport times are adversely impacted as a result of Route 90 traffic congestion. MD Route 90 also plays a vital role during emergency evacuations, particularly when flooding impedes Route 50 and Delaware Route 54 access routes.

Goal – System Preservation and Performance

This Project will help to achieve the goal of protecting Maryland's investment in its transportation system through a strategy to preserve existing assets (two lane limited access corridor with existing right of way adequate for Dualization), and maximize the efficient use of resources and infrastructure.

The only alternative would be to increase capacity of the area roadway system and provide another emergency access/disaster evacuation route requiring extensive land condemnation and improvements through Delaware Route 54 or Maryland Route 368/367 St. Martins Neck Road.

Based on the increasing demand of local traffic on the MD Route 50 corridor, investment in this priority project for Dualization of Route 90 is a smart use of existing resources necessary for future regional transportation needs.

Goal – Environmental Stewardship

The Project will help to achieve the goal of protecting natural, community, and historic resources of the State by encouraging incremental expansion of existing critical transportation infrastructure which expands the capacity of a priority growth area without significant impact to conservation areas.

Goal – Connectivity for Daily Life

The Dualization of MD Route 90 will not only support a healthy economy for both Ocean City and the surrounding areas of the mainland, it will also assist in expansion of network capacity to manage growth in the region. When considering the lack of manufacturing within the corporate limits of Ocean City, nearly all goods are delivered into Ocean City via US Route 50 or MD Route 90. Expansion of the lane capacity to expedite movement of this freight is vital to the success of our business community. Additionally, more and more individuals are deciding to retire to the lower Eastern Shore. Many of them have chosen to live in the areas west of Ocean City such as Ocean Pines, Berlin, Showell, Bishopville, etc. and to enjoy the benefits of

Ocean City on a daily basis via "day trips". This permanent year round traffic compounds the tourist traffic coming from areas further west and north of Ocean City, placing even greater demands on our roadway system and capacity.

2017 Town of Ocean City, MD Comprehensive Plan

The priority project of MD Route 90 Dualization is consistent with the recently updated Town of Ocean City, MD Comprehensive Plan. With a primary goal to maintain and improve the transportation system to accommodate the movement of people and goods as efficiently as possible, with minimum congestion and maximum safety, several objectives and recommendations are highlighted within Chapter 4 (see attached).

CHAPTER 4: Transportation

Ocean City's transportation system has evolved over many years into a true multi-modal system. The transportation system is still dominated by the automobile. Automobile movement via highways and streets will continue to have capacity limits, will be seasonally stressed, and congestion will continue to be evident in future years. Given the linear form of the community and its condition as largely developed, opportunities to construct or widen existing highways and streets to accommodate vehicular traffic and build additional parking lots to store vehicles will be quite limited.

Therefore, the communities' growing use of alternative modes of public transportation including bus, trolley, bike and pedestrian means of transport will continue to demand attention and be required to augment the capacity of the Town to accommodate automobile transport via highways and street systems. Autonomous vehicular traffic is expected to affect both parking and vehicular traffic within the next decade. Changing patterns of land use and traffic flow may require policy decisions and design elements to adapt to new vehicular automation requirements.

Successfully moving both people and goods will be among the Town's greatest future challenges and will call on the community to continue to explore more cost-effective and efficient modes of transport. The following goal and objectives are designed to support efforts to meet expected ongoing transportation system needs and demands.

Goal: To maintain and improve the transportation system to accommodate the movement of people and goods as efficiently as possible, with minimum congestion and maximum safety.

Objectives: In order to achieve the transportation goal for a balance of auto, transit, bicycle and pedestrian mobility, the following objectives are adopted.

- 4.1. Identify and implement opportunities for short and long-term improvements to the thoroughfare system.
- 4.2. Continue to develop public transportation system alternatives to and on the island to its maximum potential to minimize automobile congestion and impact to air quality.
- 4.3. Identify property in key locations to accommodate parking, park and ride and public transportation facilities where possible to augment existing facilities.

Coordinate with Worcester County and SHA on a potential park and ride facility along Route 90 to the west of Ocean City.

- 4.4. Continue to implement a bikeway system using alleys, secondary streets, the Boardwalk, bay front and the beachfront connections.
- 4.5. Develop additional bike storage (racks) and lockers to encourage additional bike use.
- 4.6. Decrease reliance on automobile use by continuing to increase transit ridership.
- 4.7. Encourage walking activity by enhancing the pedestrian environment through the use of pedestrian signals, pedestrian pushbuttons, and location of crosswalks in appropriate location.
- ✓ 4.8. Support completion by SHA of future phases for the dune-style median fence down the center of Coastal Highway to improve pedestrian safety and use of crosswalks and continue the Walk Smart Bike Smart public information campaign.
- 4.9. Coordinate with Worcester County and Sussex County to improve transit connections between Ocean City and new growth areas along the Route 50 and 54 corridors.
- 4.10. Facilitate use of Tram by improvements to ticketing and reduce pedestrian/tram conflicts along the boardwalk.
- 4.11. Explore opportunities to establish a bay-side ferry service or encourage use of bayside water-taxis as an alternate mode of transportation.
- 4.12. Continue to upgrade and improve the Ocean City airport to meet future demand for air transportation.
- 4.13. Continue to cooperate with Wicomico County in the operation and improvement of the Wicomico/Ocean City Regional Airport.
- 4.14. Ensure adequate off-street parking for new and existing land uses.
- 4.15. Utilize traffic system management (TSM) techniques to preserve street capacity, promote smooth traffic flow, and maximize safety.
- 4.16. Coordinate with State and Federal agencies to maintain and improve long-range local and regional transit options along with demand and financing requirements.

- 4.17. Continue to improve bicycle and pedestrian safety and accommodate non-motorized circulation throughout town, and prepare an updated bicycle study to support planned improvements.
- 4.18. Enhance pedestrian and bicycle connections between the Oceanfront and bay front to foster greater pedestrian activity, particularly within the downtown.
- ✓ 4.19. Incorporate the SHA Route 50 Bridge Replacement project – Alternate 5A into long range planning and evaluate potential impacts to the local street system.
- 4.20. Identify preliminary design criteria for improving Baltimore Avenue between North Division Street and 15th Street to complete the streetscape improvement project with wider sidewalks, relocated utilities, etc.
- 4.21. Study the location of the southern terminus of the bus system to identify a possible relocation of the transit station north of Route 50 in order to reduce downtown traffic congestion and periodic flooding impacts to operations.
- ✓ 4.22. Investigate improvements to the Route 90-Coastal Highway intersection to increase traffic flow through the intersection.
- ✓ 4.23. Continue to advocate for the Dualization of Route 90 in long term State Transportation Plan priorities to address long term safety, access and emergency route needs. Study potential traffic impacts on town streets with increased capacity at the intersection with Coastal Highway, as well as land use and growth impacts.
- 4.24. Coordinate with Sussex County and Delaware state agencies to maintain an improved third point of access to Ocean City from Route 54 to the north.
- 4.25. Identify areas with acute parking deficiencies and develop financing mechanisms to provide necessary parking. Parking districts, fee in lieu of parking, and other methods of development and financing should be considered.
- 4.26. Evaluate costs and benefits of design and construction of parking decks or garages to augment parking in the downtown and to enhance or reinforce downtown streetscapes.
- ✓ 4.27. Encourage and work with the State of Maryland and Worcester County to improve the flow of traffic on the Rt. 50 corridor gateway into Ocean City.
- 4.28. Study the impact of establishing a 'complete streets' policy on the long term management of the existing street system.

Substantial development along Route 50 in Worcester County west of Ocean City has caused increased congestion in recent years and will likely limit the highway capacity for beach access in the future. Every effort should be made by the State to manage access and highway capacity and by the City and County to monitor and manage growth to address this growing problem.

A vital part of the Route 50 access to Ocean City is the Chesapeake Bay Bridge. Given growth trends in traffic volume crossing this span (approximately 3% annually), it is important that the capacity of current spans to accommodate traffic flows be evaluated to assure continued access to the Eastern Shore of Maryland and the Town of Ocean City. In 2015, State funding was approved by the Governor to complete a 4 year study of a third Chesapeake Bay crossing.

✓ Route 90

Route 90 is a limited access two lane road linking Route 50 to Ocean City at 62nd Street. This twelve mile expressway is the primary access to the northern part of Ocean City. As shown in figure 4-1, the average annual daily traffic volume on the Expressway entering Ocean City was 16,402 in 2015. Peak volumes during the summer months are lower than those on Route 50, since the route provides only 2 lanes, and range from 28,000 to 32,000 daily.

The safety of Route 90 has been questioned due to the number of serious accidents over the years. Various improvements to Route 90 have been studied, and several safety improvements have been made over the years by the State Highway Administration. Larger scale improvements, including dualization and the construction of a new road and bridge entering Ocean City somewhere north of 100th Street, have been considered.

The City has placed a priority on pursuing the Route 90 dualization project because of its many advantages: increasing capacity on Route 90 and enhancing its safety; creating improved emergency access into and out of Ocean City in the event of an accident, providing a viable means of access when Route 50 is limited by bridge construction or future development; and providing an expanded hurricane evacuation route.

Route 113/13

Route 113 links the coastal areas of the Eastern Shore with Route 13, the main north-south interstate travel route on the Shore. Diverging from Route 13 at Dover, Delaware, it swings east serving Milford, Georgetown, Selbyville, Berlin, Snow Hill and reconnects to Route 13 at Pocomoke City where it continues south through Virginia to the Chesapeake Bay Bridge Tunnel and Norfolk, VA. In conjunction with Route 13, Route 113 expands Ocean City's market area for vacationers within a three hour drive, and improves both emergency and supply access.

Like Route 90, Route 113 has experienced many serious accidents over the past several years and safety improvements are being completed as the top regional priority for State funding. In

The airport can be a valuable alternative to the automobile for many vacationers. As air travel alternatives grow, so will the Ocean City Airport's role in the transportation system. The airport could also be an important factor in the growth of conventions in Ocean City. The continued expansion of the Convention Center is expected to attract larger groups to the resort, and many of the participants may want to fly to the area if the airport facility is adequate. Thus, for both vacationers and conventions, the airport has an important role in transportation and economic development.

Recommendations

Ocean City's transportation system moves goods and people on land, sea, and in the air. By far, the primary transportation access is by private vehicles via the well-developed roadway system. Pleasure and sport-fishing boats have public access to the bays and open ocean along with the commercial fishing fleet. The airport provides rapid access for visitors from the Middle Atlantic States and historic rail access may be viable again from Delaware to nearby Berlin, Maryland. Like much of the town's other infrastructure the transportation system is strongly influenced by Ocean City's long and narrow shape.

- ✓ The main arterial road corridors carry a seasonal burden adequately most of the time. However, at peak periods roadway capacity is stretched to the limit. Future improvements will be needed to keep pace with the town's growth. Opportunities for improvement are limited, but should be pursued. Below are recommendations for action to improve Ocean City's transportation system:

1) Highways and Street Systems

- ✓
- a) Continue to work with the State Highway Administration to improve the efficiency and safety of Route 90 including Dualization from Ocean City to Route 50. Include proposed state road projects such as Route 90 Dualization in Worcester County's Transportation Priority Letter which is submitted annually to MDOT Office of Planning and Capital Programming (April 1st)
 - b) Consider developing a 'complete streets' policy to provide increased transportation choices and mobility for all users, based on the Maryland State Highway Administration guidance.
 - c) Continue working to improve the stormwater management system on Coastal Highway.
 - d) Coordinate with the SHA to implement the Route 50 north parallel bridge replacement when necessary and as funds are available.
 - e) Encourage Delaware to continue improvements to Route 54 which would improve the third means of access to the north end of Ocean City.
 - f) Keep the remaining alley system open; only close alleys that have no present or potential benefit to the public.
 - g) Minimize curb cuts on Coastal Highway to maintain capacity.

- h) Continue to monitor the structural integrity of the Route 50 Harry W. Kelley Memorial Bridge and Route 90 Bridge to ensure their safety and serviceability.
- i) Continue to cooperate with the state to improve the safety and capacity of Coastal Highway.
- j) Continue to implement the street system improvements identified in the 10-year capital plan for improvement of 78 miles of town streets and alleys.
- k) Initiate the design of a streetscape project to complete Baltimore Avenue improvements between N. Division Street and 15th Street for consideration in the next capital improvement plan update.
- l) Coordinate special event use of the public streets for car shows, parades and short term controlled access. Evaluate maximum carrying capacity of roadway system during peak periods and multiple event schedules.
- m) Support efforts to prepare a Cape to Cape Scenic Byway corridor management plan and refer to MDOT SHA Context Sensitive Solutions Guide for projects along the corridor.

2) Parking

- a) Provide additional public parking in the downtown area. If feasible, plan for long term parking districts and parking structures which incorporate retail stores at the ground level of the garage to enhance commercial activities at the pedestrian street level. The architectural design of the garage(s) should be attractive and compatible with the character of the neighborhood and should be constructed in a manner that reinforces or enhances the streetscape.
- b) Continue to provide or permit public parking lots and street parking where needed throughout the town. Study downtown parking demand and potential impacts of conversion/redevelopment of interim use private parking lots.
- c) Examine current parking standards and consider revising regulations to address offsite parking facilities, fee-in-lieu parking fund, and alternate parking minimums to encourage responsible redevelopment.
- d) Adjust off-street parking requirements in the Zoning Code to establish minimum criteria for change of use or redevelopment in order to phase out non-conformity with current parking standards.
- e) Identify areas with parking deficiencies and establish parking districts or a fee in lieu of parking program to finance the provision of public parking in these areas.
- f) Require compact car only parking, at corners in need of improved sight distance.
- g) Continue to monitor the functions and flow of traffic into and out of parking lots and institute measures to improve their function or minimize disruption to traffic flow where possible (e.g. inlet lot).
- h) Incorporate electric vehicle (EV) charging stations at selected public parking lots to meet the demand of seasonal visitors.

3) Transit/Bus System

- a) Provide more widespread dissemination of transit routing, schedule, and fare information at visitor centers, in visitor guidebooks, through motels and hotels, and other means (social media, smart phone apps, website) in order to increase ridership.
- b) Plan and design a dedicated bus lane extension southbound along Philadelphia Avenue from 17th Street to 9th Street.
- c) Evaluate the feasibility of express bus service to supplement current service recognizing limitations posed by available bus lanes to accommodate both.
- d) Identify express buses with a different paint scheme or markings from local buses.
- e) Install an Automated Vehicle Locator (AVL) system to permit monitoring and adjustments to intervals between buses along the length of Coastal Highway and allow waiting passengers to find the anticipated time of the next bus through a web application.
- f) Study potential relocation of the southern terminus of the transit system to a location north of the Route 50 Bridge as a means of solving traffic congestion and impacts of coastal flooding.
- g) Investigate a potential design for Route 90 Dualization which incorporates multimodal access and/or express lane connection to an additional park and ride facility in Worcester County.
- h) Evaluate the benefits and costs of developing a park and ride lot near the northern end of the bus route. The North End Transit Center is currently being designed by the Town and may serve as the first step toward developing such a facility with the addition of parking in the future.
- i) Prepare and adopt an updated Transit Development Plan

4) Pedestrian and Bike Movement

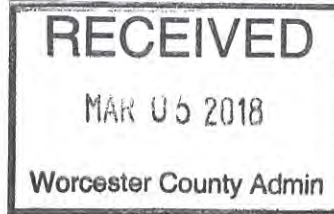
- a) Prepare and adopt a Bikeway Master Plan which includes location specific Pedestrian and Bicycle recommendations, AASHTO compliant design standards and draft easement documents. Incorporate funding options through SHA and MDOT programs.
- b) Develop strategies and tools to address implementation of non-motorized facilities which include funding mechanisms, a 'complete streets' policy and modified development regulations.
- c) Develop recreational and destination bike routes minimizing the use of Coastal Highway.
- d) Consider development of Pedestrian overpasses over Coastal Highway at locations where they may support the needs of key concentrations of bayside population.
- e) Continue to develop the "Bayside Boardwalk" to invite pedestrian activity to the bayside and distribute greater pedestrian activity in the Downtown area.
- f) Monitor pedestrian signal cycle lengths, install additional pedestrian signal heads and additional pedestrian pushbuttons in key locations as needed.



TOWN OF OCEAN CITY

The White Marlin Capital of the World

21



February 27, 2018

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

MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY,
MARYLAND 21843-0158

www.oceancitymd.gov

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL MEMBERS

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JOHN F. GEHRIG, JR.
WAYNE A. HARTMAN
MATTHEW M. JAMES

DOUGLAS R. MILLER
City Manager

DIANA L. CHAVIS
City Clerk

Dear Honorable President Purnell and Distinguished Worcester County Commissioners:

The Mayor and Council look forward to meeting with the County Commissioners on March 20, 2018 to discuss grants for FY19. In order to allow you time to prepare for our meeting, please find the summation of our requests.

The Undesignated Grant that Ocean City receives toward the cost of services that Ocean City provides in lieu of the County providing these services has been increased by just \$22,000 over the past 5 years. We request that the Undesignated Grant for FY19 be increased by 5%. We further request that the grants for Tourism, Recreation, the Convention Bureau and the Park and Ride be continued to be funded as they were in FY18.

For FY19 we request that you consider the following grant for an essential project provided by Ocean City that will protect the health, safety and welfare of all Worcester County residents and visitors:

Recent events both in the US and Europe involving the use of cars and trucks on pedestrian ways to cause mass casualties have caused the Town to question the ease with which vehicles can access the boardwalk. Ocean City Public Safety Officials believe that the boardwalk's current open vehicles access poses a significant risk to the many Worcester County residents and tourists that visit the boardwalk, especially during the peak summer season. Therefore, the Town has initiated a project to restrict vehicle access on the boardwalk by constructing a combination of fixed, movable and operable barriers at every potential vehicle access point. The project will be installed over a two year period with temporary barriers in place for the 2018 summer season and permanent barriers and gates in place for the 2019 season. We request a grant of \$600,000 over the next two years to fund one half the cost of this important project.

Ocean City, MD



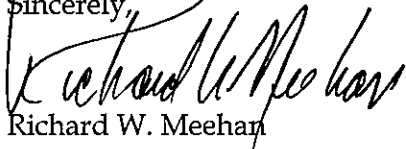
February 27, 2018

Page Two

The issue of tax differential remains very important to Ocean City taxpayers and remains to be resolved. In the interim the above grants provided in lieu of tax differential will be applied to the Town's FY19 budget to provide relief for Ocean City taxpayers for services provided by Worcester County in the Town.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Meehan". The signature is written in a cursive style and is positioned above the printed name.

Richard W. Meehan

Mayor

cc: Ocean City Council

Kathy Whited, Worcester County Budget Officer

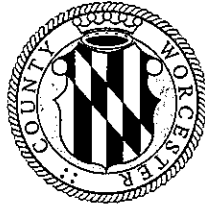
**GRANTS TO TOWNS - FY2019
REQUESTED**

	Ocean City FY2018 Approved	Ocean City FY2019 Request
COUNTY GRANTS TO TOWNS		
Convention Bureau	50,000	50,000
Recreation Grant	100,000	100,000
Unrestricted Grant	455,000	455,000
Ocean City Unrestricted Grant	1,976,956	1,976,956
Unrestricted Grant Grant increase 5.0%	-	121,598
Tourism Marketing	300,000	300,000
Other Grants - Park & Ride	80,000	80,000
Volunteer Firefighters hand held radios - 50%	172,000	-
Boardwalk Vehicle Access Control(Half FY19+FY20)		300,000
Downtown Redevelopment	100,000	100,000
Restricted Fire Grant	118,000	118,000
	3,351,956	3,601,554
Ocean City MOU Additional Request	-	-
Sub-Total	3,351,956	3,601,554
Ambulance Grant ***Included in 1105 budget	1,251,801	1,302,878
* Cnty Grant Vol. Fire Dept-General Fund Bgt	200,784	204,956
(1) Supplemental Cnty Grant Vol. Fire Dept	49,216	45,044
(2) Ambulance Grant- Vol Fire Co	n/a	n/a
DEBT SERVICE FOR BENEFIT OF OCEAN CITY		
Beach Maintenance-DNR Fund	450,000	450,000
	1,951,801	2,002,878
Sub-Total County Grants & Debt	5,303,757	5,604,432
Tourism Marketing On-Behalf	270,000	270,000
SHARED REVENUES		
* Income Tax	1,208,000	1,208,000
* Food Tax at 1/2%	1,100,000	1,100,000
* Room Tax at 4.5%	13,750,000	13,750,000
* Bingo License Receipts	3,100	3,100
* Liquor License Distribution	299,813	299,813
	16,360,913	16,360,913
STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	32,343	31,895
* Fire Co. Aid-State Pass Thru Towns-est	50,707	47,198
TOTAL	\$ 22,017,720	\$ 22,314,438

* Mandated by State or County Code

(1) Supplement approved from General Fund FY14-FY18 and FY19 Request

(2) FY2016 Ambulance Grant included increased rates



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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

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 22, 2018

FAXED
2/22/18 @ 12:30 pm

TO: *The Daily Times* Group and *Ocean City Today* Group
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*

Please print the attached Notice of Introduction of Bill 18-1 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on March 1, 2018 and March 15, 2018. Thank you.

NOTICE OF INTRODUCTION OF BILL 18-1 WORCESTER COUNTY COMMISSIONERS

Take Notice that Bill 18-1 (Taxation and Revenue - Trailer Camp Licenses) was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell on February 20, 2018.

A fair summary of the bill is as follows:

§ TR Subtitle V - Trailer Camp Licenses. (Repeals and reenacts this subtitle for the purpose of modernizing existing language with regard to Mobile Home Park and Manufactured Home Park licenses and provides additional language to enhance the provisions dealing with enforcement and penalties of trailer camp, mobile home park and manufactured home park licensing, taxes and fees; provides that a license is required to be obtained from the County Commissioners to operate any mobile or manufactured home park in the County; establishes definitions of Department, Manufactured or Mobile Home Park, and Mobile Home as referenced in this subtitle; establishes requirements and procedures for applications for said license including the form, content, filing requirements and renewal requirements; provides that licenses shall be issued annually on a calendar year basis with no pro-rating of fees and no transfer of licenses; establishes license taxes and provisions for collection, including applicability, determination of tax where the licensee owns the mobile or manufactured homes, quarterly reporting and accounting requirements, forms for quarterly returns, credit for expense in remittance, procedures by the County for failure to file a complete report, and providing that the owner of the premises is responsible for filing the report; and establishing provisions for enforcement, inspections and penalties for violations, including the right of entry for inspections of the property, books or records, defining the types of violations which constitute a civil infraction, establishing a method for determining the amount of penalty, enabling revocation of licenses by the County, and establishing collection procedures, legal proceedings, and providing for collection of delinquent taxes as a lien on the real property.)

A Public Hearing

will be held on Bill 18-1 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on Tuesday, March 20, 2018 at 11:00 a.m.

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center and is available on the County Website at www.co.worcester.md.us .

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 18-1

BY: Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell
INTRODUCED: February 20, 2018

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Trailer Camp Licenses

For the purpose of amending the Taxation and Revenue Article to modernize existing language and provide additional language to enhance the provisions dealing with enforcement and penalties of trailer camp, mobile home park and manufactured home park licensing, taxes and fees.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subtitle V of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

SUBTITLE V

Mobile and Manufactured Home Park Licenses

§ TR 1-501. License required.

No person shall establish, maintain or operate any mobile or manufactured home park in the County without first having obtained a mobile and manufactured home park license from the County Commissioners.

§ TR 1-502. Definitions.

For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DEPARTMENT — The County department designated by the County Commissioners to administer and enforce this Title.

MANUFACTURED HOME — A factory built structure which is manufactured or constructed after June 15, 1976, under authority of 42 U.S.C. § 5403, Federal Manufactured Home Construction and Safety Standards Act of 1974, as from time to time amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent location and which does not have any wheels or axles permanently attached to its body or frame. The placing of a manufactured home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such manufactured home.

MANUFACTURED OR MOBILE HOME PARK — Any area or tract of land designed or used for the parking or other type of installation of manufactured or mobile homes on spaces or lots offered for lease, rent or use, with or without compensation, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development. A manufactured or mobile home park does not include sales lots on which unoccupied manufactured or mobile homes are parked for inspection or sale or to manufactured or mobile homes used as farm dwellings or accessory structures or for seasonal use on a farm as permitted by the terms of the Zoning and Subdivision Control Article.

MOBILE HOME — A detached residential or business unit manufactured prior to June 15, 1976, and not required to be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 and which contains not less than five hundred square feet of gross livable floor area in the original manufactured unit and was designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. The placing of a mobile home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile home.

§ TR 1-503. Application for license.

- (a) Form. Applicants for a mobile or manufactured home park license shall make application on forms to be supplied by the Department.
- (b) Content. All applications must contain the following:
 - (1) The proper name and permanent mailing address of each applicant.
 - A. If the applicant is the owner of the premises, each owner must apply, including each spouse if the property is owned by husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including each spouse.
 - B. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.
 - C. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the name and permanent mailing addresses of the principal officers must be listed.
 - (2) A statement of the number of lots or parcels upon which mobile or manufactured homes may be placed and which are held out for rental use.
- (c) Filing of application. All applications must be filed with the Department, together with a license fee as established by resolution of the County Commissioners and a plat, or drawing of the premises showing the outlines of the property, the streets, and roads, all improvements, if any, and each lot or parcel of land to be occupied by one individual mobile or manufactured home. The lots or parcels designated for use by a mobile or manufactured home shall be numbered. The plat or drawing required hereby shall be to scale and accurately show the location and number of lots and parcels set aside for rental use.
- (d) Renewal. Renewal applications shall be made in the same manner as hereinabove set forth for new applications, with the exception of the necessity of filing a plat or drawing of the premises, unless there have been changes during the previous year with respect to the number or location of lots or in the use of the property, in which case an amended plat or drawing shall be filed with the renewal application.

§ TR 1-504. License year; proration of fees; transfer.

- (a) Term. Mobile or manufactured home park licenses shall be issued annually by the County Commissioners for the period of one year from January 1 to December 31 in each and every year. Licenses may be issued for a shorter period of time, at the discretion of the Commissioners, for cause shown.
- (b) Prorating fees prohibited. No license fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
- (c) Licenses not transferable. No license issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.

§ TR 1-505. License taxes and provisions for collection.

- (a) Applicability. Every person or entity licensed to operate a mobile or manufactured home park in the County under existing laws and/or regulations pertaining thereto shall collect from any person paying charges for the rental, leasing or use of any space, facilities or accommodations in or for the providing of any services by such mobile or manufactured home park a tax thereon, computed at a percentage of such charges to be established by resolution of the County Commissioners, provided that no tax shall be levied on individually metered natural or propane or other manufactured gas, electricity or fuel oil, and further provided that the providing of any services shall include, without limitation, the leasing of sites or lots for the placement of a mobile or manufactured home.
- (b) Determination of tax where licensee owns mobile or manufactured home. In those cases where the licensee itself maintains mobile or manufactured homes which themselves are owned, leased, controlled or operated by such licensee upon the premises of a licensed mobile or manufactured home park and leases or rents those mobile or manufactured homes to others, for the purpose of determining the tax created hereby, the gross charges for the rental, leasing or use of the spaces or lots or parcels occupied by such mobile or manufactured homes and the gross charges for providing any services therefor shall be deemed to be equivalent to the gross charges collected for other spaces, lots or parcels rented to other persons for the use of their mobile or manufactured home and the gross charges for providing any services thereof.
- (c) Reporting and accounting. The aforesaid tax shall be accumulated and paid quarterly to the County Commissioners. On or before the 21st day of April, July, October and January of each year, every licensed mobile or manufactured home park operator shall file with the Department a report showing the amount of tax due for each of the three months preceding the filing of such report and shall pay unto the County Commissioners the total tax for the three preceding months as shown thereon. Any person or entity required to collect or remit the tax imposed by this section shall be liable to the County Commissioners in the amount of any such tax or portion thereof required to be collected and remitted by it which it fails either to collect or remit.
- (d) Forms for returns. The quarterly report shall be prepared and filed with the Department on forms to be furnished by the Department.
- (e) Credit for expense in remittance. The owner shall be entitled to apply and credit against the amount of tax collected and payable by him an amount equal to two percent of the gross tax to be remitted by him to cover his expense in the collection and remittance of the tax, provided that nothing contained in this subsection shall apply to any licensee who shall fail or refuse to collect the tax provided hereby or who shall fail or refuse to file his return with the Department within the time prescribed by this section.

- (f) Failure to file reports. If any person or entity required to collect and remit the tax imposed by this section fails to file a statement and a remittance within the time provided herein or if the Department has reason to believe that any report which has been filed is in error or incomplete, the Department may proceed to determine the amount due to the County Commissioners and in connection therewith shall make such investigation and take such testimony and other evidence as may be necessary, provided that notice and opportunity to be heard is given by the County Commissioners to any person who may become liable for an amount determined by it. The Department may refuse to accept an incomplete return. The filing of an incomplete return shall not constitute filing under this section.
- (g) Responsibility of owner. The owner of the premises upon which any mobile or manufactured home park is operated or maintained shall be responsible for the filing of reports and remittance of taxes as provided in this section regardless of who may actually prepare and file the report. If adequate records cannot be found to determine the amount of taxes due the County, they shall be determined in the manner above provided.

§ TR 1-506. Enforcement; inspections; penalties.

- (a) Enforcement. The provisions of this Subtitle shall be enforced by the Department, who shall perform such duties as may be assigned to or required of them under this regulation and such other duties as may be assigned to them by the County Commissioners. In the performance of their duties, they shall have all authority, rights, privileges, powers, limitations and immunities reasonably necessary to enable them to carry out such duties and shall be considered to be law enforcement officers and peace officers of the County.
- (b) Right of entry; inspections. The Department shall have the right to enter upon any premises for which a mobile or manufactured home park license has been issued hereunder in order to inspect such premises and, in addition thereto, any books or records kept by the licensee pertaining to the gross monthly charges as defined herein.
- (c) Reports. If the reports by this Subtitle are not filed, the Director of the Department may estimate the tax due based on any information the Director can obtain, including prior years' information. The Director shall make such investigation as may be necessary to estimate this tax, provided, however, that notice and opportunity to be heard shall be given to any person or corporate entity that may become liable for any amount determined by the County to be due.
- (d) Violations and penalties.
 - (1) Any person or entity who (1) establishes, maintains or operates any mobile or manufactured home park in the County without having first obtained a mobile or manufactured home park license, (2) willfully fails to collect, remit or pay the taxes imposed by this Subtitle, (3) willfully fails to file any report required by this Subtitle or (4) willfully makes any false statement or misleading omission in any report filed as required by this Subtitle, shall be guilty of a civil infraction and shall be subject to a fine. The Department is authorized to issue said civil infractions.
 - (2) Any person or entity who fails to file a timely return or pay the appropriate tax in a timely manner pursuant to the terms of this Subtitle shall be liable for penalty in the amount of twenty percent per annum, computed from the date due to the date of payment, based upon the gross tax due as determined by the terms of this Subtitle.
 - (3) In addition to any other penalty for violation, any person or entity who violates any provision of this Subtitle may, at the discretion of the County Commissioners, have the

mobile or manufactured home park license revoked without further action and may, at the discretion of the County Commissioners, be denied any further mobile or manufactured home park licenses.

- (4) The County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (5) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (6) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.

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

SUBTITLE IV
(Reserved)

Current language

SUBTITLE V
Trailer Camp Licenses**§ TR 1-501. License required.**

No person shall establish, maintain or operate any automobile trailer camp, park or court in the County without first having obtained a trailer camp license from the County Commissioners.

§ TR 1-502. Definitions.

For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AUTOMOBILE TRAILER — Any vehicle or structure designed and constructed in such manner as to permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business, profession, occupation or trade or use as a selling or advertising device for any business, profession, occupation or trade and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

TRAILER CAMP — Any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location, facilities or accommodations and services for any automobile trailer, upon which any automobile trailer is parked and as to which charges are made for the use thereof. The term does not include automobile trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.

§ TR 1-503. Application for license.

- (a) Form. Applicants for a trailer camp license shall make application on forms to be supplied by the County License Clerk, located in the office of the County Commissioners, Snow Hill, Maryland.
- (b) Content. All applications must contain the following:
 - (1) The proper name and permanent mailing address of each applicant.
 - A. If the applicant is the owner of the premises, each owner must apply, including the husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including husband and wife.

- B. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.
 - C. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the name and permanent mailing addresses of the principal officers must be listed.
- (2) If the applicant is not the owner of the premises, in addition to the information required above, the applicant shall provide the name and permanent mailing address of the owner and a statement of how the premises are held by the applicant under such owner, such as tenant, subtenant, trustee, agent, etc.
 - (3) A statement of the number of lots or parcels upon which automobile trailers may be parked and which are held out for rental use.
- (c) Filing of application. All applications must be filed with the County License Clerk, Snow Hill, Maryland, together with (1) a license fee as established by resolution of the County Commissioners; (2) to the original application for a trailer camp license, there shall be attached a plat, sketch or drawing of the premises showing the outlines of the property, the streets, avenues and roads, the improvements, if any, and each lot or parcel of land to be occupied by one individual automobile trailer. The lots or parcels designated for use by automobile trailers shall be numbered. The plat, sketch or drawing required hereby need not be to scale but should accurately show the number of lots and parcels set aside for rental use. This requirement is not necessary when applicants file for renewal licenses. If any changes in the use of the property are made during the license year, an amended plat, sketch or drawing shall be filed with the County License Clerk.
- (d) Renewal. Renewal applications shall be made in the same manner as hereinabove set forth, with the exception of the necessity of filing a plat, sketch or drawing of the premises, unless there have been changes during the previous year, in which case an amended plat, sketch or drawing shall be filed with the renewal application.

§ TR 1-504. License year; proration of fees; transfer.

- (a) Term. Trailer camp licenses shall be issued annually by the County Commissioners for the period of one year from January 1 to December 31 in each and every year. Licenses may be issued for a shorter period of time, at the discretion of the Commissioners, for cause shown.
- (b) Prorating fees prohibited. No license fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
- (c) Licenses not transferable. No license issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.

§ TR 1-505. License taxes and provisions for collection. ²

- (a) Applicability. Every person licensed to operate and conduct an automobile trailer camp in the County under existing laws and/or regulations pertaining thereto shall collect from any person paying charges for the rental, leasing or use of any space, facilities or accommodations in or for the providing of any services by such automobile trailer camp a tax thereon, computed at a percentage of such charges to be established by resolution of the County Commissioners, provided that no tax shall be levied on individually metered natural or propane or other manufactured gas, electricity or fuel oil, and further provided that the providing of any services shall include, without limitation, camping privileges.
- (b) Determination of tax where licensee owns trailers. In those cases where the licensee itself maintains automobile trailers which themselves are owned, leased, controlled or operated by such licensee upon the premises of a licensed trailer camp and leases or rents those automobile trailers to others, for the purpose of determining the tax created hereby, the gross charges for the rental, leasing or use of the spaces or lots or parcels occupied by such automobile trailers and the gross charges for providing any services therefor shall be deemed to be equivalent to the gross charges collected for other spaces, lots or parcels rented to other persons for the use of their automobile trailers and the gross charges for providing any services thereof.
- (c) Reporting and accounting. The aforesaid tax shall be accumulated and paid quarterly to the County Commissioners. On or before the 21st day of April, July, October and January of each year, every licensed trailer camp operator shall file with the County License Clerk a report showing the amount of tax due for each of the three months preceding the filing of such report and shall pay unto the County Commissioners the total tax for the three preceding months as shown thereon. Any person required to collect or remit the tax imposed by this section shall be liable to the County Commissioners in the amount of any such tax or portion thereof required to be collected and remitted by it which it fails either to collect or remit.
- (d) Forms for returns. The quarterly report shall be prepared and filed with the County License Clerk on forms to be furnished by him upon request of the licensee.
- (e) Credit for expense in remittance. The licensee shall be entitled to apply and credit against the amount of tax collected and payable by him an amount equal to two percent of the gross tax to be remitted by him to cover his expense in the collection and remittance of the tax, provided that nothing contained in this subsection shall apply to any licensee who shall fail or refuse to collect the tax provided hereby or who shall fail or refuse to file his return with the County License Clerk within the time prescribed by this section.
- (f) Failure to file reports. If any person required to collect and remit the tax imposed by this section fails to file a statement and a remittance within the time provided herein or if the County License Clerk has reason to believe that any report which has been filed is in error or incomplete, the County License Clerk may proceed to determine the amount due to the County Commissioners and in connection therewith shall make such investigation

2. Editor's Note: The trailer park excise tax is authorized by Art. 24, § 9-401, of the Annotated Code of Maryland, as from time to time amended.

and take such testimony and other evidence as may be necessary, provided that notice and opportunity to be heard is given by the County Commissioners to any person who may become liable for an amount determined by it. The County License Clerk may refuse to accept an incomplete return. The filing of an incomplete return shall not constitute filing under this section.

- (g) Default of licensee; responsibility of owner. The owner of the premises upon which any automobile trailer court is operated or maintained shall be responsible for the filing of reports and remittance of taxes as provided in this section in case of default by his agent or tenant as licensee. If adequate records cannot be found to determine the amount of taxes due the County, they shall be determined in the manner above provided.

§ TR 1-506. Enforcement; inspections; penalties.

- (a) Enforcement. The provisions of this Subtitle shall be enforced by the County License Inspectors, who shall perform such duties as may be assigned to or required of them under this regulation and such other duties as may be assigned to them by the County Commissioners. In the performance of their duties, they shall have all authority, rights, privileges, powers, limitations and immunities reasonably necessary to enable them to carry out such duties and shall be considered to be law enforcement officers and peace officers of the County.
- (b) Right of entry; inspections. The County License Inspectors shall have the right to enter upon any premises for which a trailer camp license has been issued hereunder in order to inspect such permit and such premises and, in addition thereto, any books or records kept by the licensee pertaining to the gross monthly charges as defined herein.
- (c) Violations and penalties.
- (1) Any person who (1) establishes, maintains or operates any automobile trailer camp, park or court in the County without having first obtained a trailer camp license, (2) willfully fails to collect, remit or pay the taxes imposed by this Subtitle, (3) willfully fails to file any report required by this Subtitle or (4) willfully makes any false statement or misleading omission in any report filed as required by this Subtitle, upon conviction thereof, shall be guilty of a civil infraction.
 - (2) Any person who fails to file a timely return or pay the appropriate tax in a timely manner pursuant to the terms of this Subtitle shall be liable for penalty in the amount of twenty percent per annum, computed from the date due to the date of payment, based upon the gross tax due as determined by the terms of this Subtitle.
 - (3) In addition to any other penalty for violation, any person who violates any provision of this Subtitle may, at the discretion of the County Commissioners, have his trailer camp license revoked without further action and may, at the discretion of the County Commissioners, be denied any further trailer camp licenses.
[Amended 11-10-1987 by Bill No. 87-5]



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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

Introduced as
Bill 18-1
Public Hearing on 3/20/18

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director
DATE: February 14, 2018
RE: Text Amendment - Trailer Camp Licenses

Pursuant to our discussions last fall, I have been working with Maureen Howarth, County Attorney, to revise and modernize the language in Subtitle V of the Taxation and Revenue Article concerning Trailer Camp Licenses and Excise Tax. In addition to modernizing the language we have included additional language to enhance the provisions dealing with enforcement and penalties.

Attached herewith you will find a copy of the revised language in Bill form should one of the County Commissioners wish to introduce the amendment at their upcoming legislative session. An electronic version has been transmitted to your office for your convenience as well.

As always, I will be available to discuss the matter with you and the County Commissioners at your convenience. In the interim, should you have any questions or need any additional information, please let me know.

Attachment

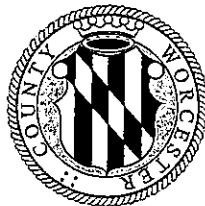
cc: Maureen Howarth, County Attorney
Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator

APPROVED
Worcester County Commissioners
Date FM 2/20/18

RECEIVED
FEB 14 2018
WOR CO ADMIN
Dud

12

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



COMMISSIONERS
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JOSEPH M. MITRECIC

OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

August 16, 2017

TO: Edward A. Tudor, Director of Development Review & Permitting
FROM: Harold L. Higgins, Chief Administrative Officer *HLH For MLH*
RE: Trailer Park Excise Tax

As you are aware, at their meeting of August 15, 2017, the Worcester County Commissioners reviewed your memo with regards to collections of the trailer park excise tax in Worcester County and specifically the delinquent payments from Sunset Lakes and Greenridge Lane Mobile Home Parks. In addition to approving the collections letter which has been sent to Greenridge Lane and Sunset Lakes Mobile Home Parks, the Commissioners have requested that you draft legislation to update Subtitle V - Trailer Camp Licenses of the Taxation Article of the Code of Public Local Laws of Worcester County, Maryland in order to update the Code language and to specify the collections of the excise tax will be the responsibility of the Worcester County Treasurer's Office beginning October 1, 2017.

Thank you for your attention to this matter. We look forward to receiving the draft legislation as soon as possible for introduction at a future legislative session. If you should have any questions or concerns with regard to this matter, please feel free to contact me at this office.

HH/KS/fc

cc: Phil Thompson, Finance Officer
Maureen Howarth, County Attorney
Kelly Shannahan, Assistant Chief Administrative Officer

H:\CC108\excise tax memo.et.wpd



23

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

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21863-1195

IF Introduced
Bill 18-3 - Public
Hearing on April 17, 2018

To: County Commissioners
From: Maureen Howarth **MH**
Date: February 28, 2018
Re: Amendments to the Ethics Code

I received a letter from the State Ethics Commission requiring the County to amend our Ethics Code based on 2017 changes to the State Ethics Code. The needed changes are incorporated into the attached legislative bill. P.18

Additionally, I amended the applicability of Section 5-106 "Financial disclosure of employees and appointed officials" to require the reporting of gifts and conflicts of interest by deputy directors and all employees holding a supervisory position.

I request that the legislative bill be introduced and set for public hearing.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 18-

BY: Commissioners
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

County Government - County Ethics Law

For the purpose of repealing and reenacting the Worcester County Ethics Law to conform to amendments to the State Ethics Law passed by the Maryland General Assembly in 2017 as referenced in General Provisions Article, Title 5 Maryland Public Ethics Law, of the Annotated Code of Maryland.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Title CG5 (Ethics) of the County Government Article of the Code of Public Local Laws of Worcester County, Maryland is hereby repealed and reenacted to read as follows:

**Title CG5
ETHICS**

**SUBTITLE I
County Ethics Law**

§ CG 5-101. **Short title.** This Subtitle may be cited as the Worcester County Public Ethics Law.

§ CG 5-102. **Applicability.** The provisions of this Subtitle apply to all Worcester County elected officials, employees, and appointees to boards and commissions of Worcester County.

§ CG 5-103. **Ethics Board.**

- (a) Appointment. There is a Worcester County Ethics Board that consists of seven members appointed by the County Commissioners.
- (b) Duties. The Ethics Board shall:
 - (1) Devise, receive, and maintain all forms required by this Subtitle;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Subtitle regarding the applicability of the provisions of this Subtitle to them;

- (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Subtitle; and
 - (4) Conduct a public information program regarding the purposes and application of this Subtitle.
- (c) Other duties and responsibilities. The Ethics Board shall have other duties and responsibilities as follows:
- (1) The Ethics Board shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, as from time to time amended, for elected local officials.
 - (2) The Ethics Board shall determine if changes to this Subtitle are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, as from time to time amended, and shall forward any recommended changes and amendments to the Worcester County Commissioners for enactment.
 - (3) The Ethics Board may adopt other policies and procedures to assist in the implementation of the Ethics Board's programs established in this Subtitle.
- (d) Staff support. The Worcester County Attorney shall advise the Ethics Board.

§ CG 5-104. Conflicts of interest.

- (a) Qualified relative. In this section, "qualified relative" means a spouse, parent, child, or sibling.
- (b) Applicability. All Worcester County elected officials, officials appointed to Worcester County boards and commissions subject to this Subtitle, and employees are subject to this section.
- (c) Participation prohibitions. Except as permitted by Ethics Board regulation or opinion, an official or employee may not participate in:
 - (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - A. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

- B. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - C. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.
 - D. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - E. An entity, doing business with Worcester County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - F. A business entity that:
 - 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- A. The disqualification leaves a body with less than a quorum capable of acting;
 - B. The disqualified official or employee is required by law to act; or
 - C. The disqualified official or employee is the only person authorized to act.
- (4) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS A PUBLIC OFFICIAL ONLY AS A MEMBER OF A BOARD AND WHO RECEIVES ANNUAL COMPENSATION THAT IS LESS THAN 25% OF THE LOWEST ANNUAL COMPENSATION AT COUNTY GRADE LEVEL 19. A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS TITLE AS A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC OFFICIAL OR EMPLOYEE FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE

REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER
REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED
ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

- (5) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Ethics Board.

(d) Employment and financial interest restrictions.

- (1) Except as permitted by regulation of the Ethics Board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

A. Be employed by or have a financial interest in any entity:

1. Subject to the authority of the official or employee or the Worcester County agency, board, commission with which the official or employee is affiliated; or
2. That is negotiating or has entered into a contract with the agency, board, or commission with which the official or employee is affiliated; or

B. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

- (2) This prohibition does not apply to:

- A. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- B. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Ethics Board;
- C. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Ethics Board; or
- D. Employment or financial interests allowed by regulation of the Ethics Board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

- (1) A former official or employee may not assist or represent any party other than Worcester County for compensation in a case, contract, or other specific matter involving

Worcester County if that matter is one in which the former official or employee significantly participated as an official or employee.

- (2) ~~Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Worcester County Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.~~
- (f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving Worcester County.
- (g) Use of prestige of office.
 - (1) An official or employee may not intentionally use the prestige of office or public position:
 - A. For the private gain of that official or employee or the private gain of another.
 - B. TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A COUNTY CONTRACT TO A SPECIFIC PERSON.
 - (2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.
 - (3) A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR THE TITLE OF THE PUBLIC OFFICIAL OR EMPLOYEE TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE STATE ELECTION LAW ARTICLE.
 - (4) IN THIS PARAGRAPH, "LEGISLATIVE ACTION" DOES NOT INCLUDE TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE COUNTY COMMISSIONERS BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.
 - (A) A FORMER MEMBER OF THE COUNTY COMMISSIONERS MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION FOR ONE CALENDAR YEAR FROM THE DATE THE COMMISSIONER LEAVES OFFICE.
 - (5) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- (h) Solicitation and acceptance of gifts.
 - (1) An official or employee may not solicit any gift.

- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - A. Is doing business with or seeking to do business with the Worcester County office, agency, board, or commission with which the official or employee is affiliated;
 - B. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - C. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - D. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) Paragraph (5) of this subsection does not apply to a gift:
 - A. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - B. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - C. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - A. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - B. Ceremonial gifts or awards that have insignificant monetary value;
 - C. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - D. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

- E. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - F. A specific gift or class of gifts that the Ethics Board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of Worcester County and that the gift is purely personal and private in nature;
 - G. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - H. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
 - (j) Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a Worcester County agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Ethics Board may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

§ CG 5-105. Financial disclosure — local elected officials and candidates to be local elected officials.

- (a) Financial disclosure statements.
 - (1) This section applies to all local elected officials and candidates to be local elected officials.
 - (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - A. On a form provided by the Ethics Board;
 - B. Under oath or affirmation; and

- C. With the Ethics Board.
- (3) Deadlines for filing statements.
- A. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - B. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - C. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - 1. The statement shall cover:
 - (i) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - (ii) The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - A. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - B. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - C. In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - A. May file the statement required under §CG 5-105(b)(2)(A) hereof with the Worcester County Board of Election Supervisors with the certificate of candidacy or with the Ethics Board prior to filing the certificate of candidacy; and
 - B. Shall file the statements required under §CG 5-105(b)(2)(B) and (C) hereof with the Ethics Board.

- (4) If a candidate fails to file a statement required by this section after written notice is provided by the Ethics Board or Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - (5) The Ethics Board or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
 - (6) Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Ethics Board or the office designated by the Ethics Board.
- (c) Public record.
- (1) The Ethics Board or office designated by the Ethics Board shall maintain all financial disclosure statements filed under this section.
 - (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Ethics Board.
 - (3) If an individual examines or copies a financial disclosure statement, the Ethics Board or the office designated by the Ethics Board shall record:
 - A. The name and home address of the individual reviewing or copying the statement; and
 - B. The name of the person whose financial disclosure statement was examined or copied.
 - (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Ethics Board or the office designated by the Ethics Board shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
 - (5) FOR STATEMENTS SUBMITTED ON OR AFTER JANUARY 1, 2019, THE ETHICS BOARD MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT THAT INCLUDES AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL'S HOME ADDRESS.
- (d) Retention requirements. The Ethics Board or the office designated by the Ethics Board shall retain financial disclosure statements for four years from the date of receipt.
- (e) Contents of statement.
- (1) Interests in real property.
 - A. A statement filed under this section shall include a schedule of all interests in real property wherever located.

- B. For each interest in real property, the schedule shall include:
1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 6. The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

- A. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with Worcester County.
- B. For each interest reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- C. An individual may satisfy the requirement to report the amount of the interest held under item (B)(2) of this paragraph by reporting, instead of a dollar amount:
 - 1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - 2. For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with Worcester County.
 - A. A statement filed under this section shall include a schedule of all interests in any business entity that does business with Worcester County, other than interests reported under paragraph (2) of this subsection.
 - B. For each interest reported under this paragraph, the schedule shall include:
 - 1. The name and address of the principal office of the business entity;
 - 2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 - 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - 4. With respect to any interest acquired during the reporting period:
 - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts.
 - A. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by Worcester County.
 - B. For each gift reported, the schedule shall include:
 - 1. A description of the nature and value of the gift; and

2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with Worcester County.
 - A. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with Worcester County.
 - B. For each position reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the business entity;
 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. The name of each Worcester County agency with which the entity is involved.
- (6) Indebtedness to entities doing business with Worcester County.
 - A. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with Worcester County owed at any time during the reporting period:
 1. By the individual; or
 2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - B. For each liability reported under this paragraph, the schedule shall include:
 1. The identity of the person to whom the liability was owed and the date the liability was incurred;
 2. The amount of the liability owed as of the end of the reporting period;
 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 4. The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by Worcester County in any capacity at any time during the reporting period.
- (8) Sources of earned income.

- A. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 - B. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 - C. FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A REGULATED LOBBYIST, THE INDIVIDUAL MUST DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.
- (9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (f) Interests. For the purposes of §CG 5-105(e)(1), (2), and (3) hereof, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - A. The individual held a reversionary interest or was a beneficiary; or
 - B. If a revocable trust, the individual was a settlor.
- (g) Ethics board review.
- (1) The Ethics Board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
 - (2) The Worcester County Ethics Board may take appropriate enforcement action to ensure compliance with this section.

§ CG 5-106. Financial disclosure — employees and appointed officials.

- (a) Applicability. This section only applies to the following appointed officials and employees: Chief Administrative Officer, Assistant Chief Administrative Officer, County Attorney, all Department Heads, ALL DEPUTY DEPARTMENT HEADS, ALL NON- CLASSISIFIED EMPLOYEES THAT SERVE IN A SUPERVISORY CAPACITY all members of the Planning

Commission, Board of Zoning Appeals, Shoreline Commission, Board of Electrical Examiners and any other board, commission or agency OR EMPLOYEE that the County Commissioners may designate by future resolution.

- (b) Filing requirements. A statement filed under this section shall be filed with the Ethics Board under oath or affirmation.
- (c) Deadline for filing. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Worcester County, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- (d) Disclosure of conflicts of interest. An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (e) Maintenance of records. The Ethics Board shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §CG 5-105(c) and (d) (Financial disclosure - local elected officials and candidates to be local elected officials) of this Subtitle, as from time to time amended.

§ CG 5-107. Lobbying.

- (a) Applicability. A person shall file a lobbying registration statement with the Ethics Board if the person:
 - (1) Personally appears before a Worcester County official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$350.00 on food, entertainment, or other gifts for officials or employees of Worcester County.
- (b) Deadline for filing. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.
- (c) Registration statement.
 - (1) The registration statement shall identify:
 - A. The registrant;
 - B. Any other person on whose behalf the registrant acts; and
 - C. The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

- (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- (d) Annual report. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Ethics Board disclosing:
 - (1) The value, date, and nature of any food, entertainment, or other gift provided to a Worcester County official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$50.00 in value, the identity of the official or employee.
- (e) Maintenance of records. The Ethics Board shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Ethics Board.

§ CG 5-108. Exemptions and modifications.

- (a) Exemptions and modifications. The Ethics Board may grant exemptions and modifications to the provisions of §§CG 5-104 (Conflicts of interest) and CG 5-106 (Financial disclosure - employees and appointed officials) of this Subtitle, as from time to time amended, to employees and to appointed members of Worcester County Boards and Commissions, when the Ethics Board finds that an exemption or modification would not be contrary to the purposes of this Subtitle, and the application of this Subtitle would:
 - (1) Constitute an unreasonable invasion of privacy; and
 - (2) Significantly reduce the availability of qualified persons for public service.

§ CG 5-109. Enforcement.

- (a) Late fees; cease and desist orders. The Ethics Board may:
 - (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §CG 5-105 (Financial disclosure - local elected officials and candidates to be local elected officials) or CG 5-106 (Financial disclosure - employees and appointed officials) of this Subtitle, as from time to time amended;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended; and
 - (3) Issue a cease and desist order against any person found to be in violation of this Subtitle.
- (b) Actions on violations.
 - (1) Upon a finding of a violation of any provision of this Subtitle, the Ethics Board may:

- A. Issue an order of compliance directing the respondent to cease and desist from the violation;
 - B. Issue a reprimand; or
 - C. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the Ethics Board finds that a respondent has violated §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, the Ethics Board may:
- A. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended;
 - B. Impose a fine not exceeding \$5,000 for each violation; and
 - C. Suspend the registration of an individual registered lobbyist if the Ethics Board finds that the lobbyist has knowingly and willfully violated §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, or has been convicted of a criminal offense arising from lobbying activities.
- (c) Judicial actions.
- (1) Upon request by the Ethics Board, the Worcester County Attorney may file a petition for injunctive or other relief in the circuit court of Worcester County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Subtitle.
- (2) Actions by the court.
- A. The court may:
 - 1. Issue an order to cease and desist from the violation;
 - 2. Except as provided in subparagraph (B) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Subtitle when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - 3. Impose a fine of up to \$5,000 for any violation of the provisions of this Subtitle, with each day upon which the violation occurs constituting a separate offense.
 - B. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

- (d) Other enforcement actions. In addition to any other enforcement provisions in this Subtitle, a person who the Ethics Board or a court finds has violated this Subtitle:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Ethics Board or a court.
- (e) Disciplinary action. A Worcester County official or employee found to have violated this Subtitle is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (f) Lobbying violations. Violation of §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, shall be a misdemeanor subject to a fine of up to \$10,000 and/or imprisonment of up to one year.
- (g) Public information. A finding of a violation of this Subtitle by the Ethics Board is public information.

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:

WORCESTER COUNTY COMMISSIONERS

 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



COMMISSION MEMBERS:
JANET E. McHUGH, *Chair*
JAMES R. BENJAMIN, JR.
KIM L. COBLE
JACOB YOSEF MILIMAN
CRAIG D. ROSWELL

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770
Toll Free 1-877-669-6085
FAX: 410-260-7746

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

October 3, 2017

Maureen F.L. Howarth
County Attorney
Worcester County
One West Market Street, Room 1103
Snow Hill, MD 21863

Re: Local Government Ethics Update

Dear Mr. Howarth:

As you are aware, there were significant changes mandated to county and municipal ethics laws and county boards of education ethics regulations by legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session. The law became effective October 1, 2010. Counties and municipalities required to adopt a local ethics law must include conflict of interest and financial disclosure provisions for local elected officials that are at least equivalent to the State's provisions; financial disclosure provisions for candidates for local elected office that are at least equivalent to State provisions; conflict of interest and financial disclosure provisions for local employees and appointed officials that are similar to State provisions; and local lobbying provisions that are substantially similar to State provisions. The State Ethics Commission previously approved the Worcester County local Ethics Law as being in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2016)).

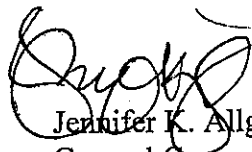
We are writing to notify the Worcester County that the requirements under the State Ethics Law are changing. House Bill 879, enacted during the 2017 Legislative session, made multiple modifications to the State Ethics Law, some of which will change the requirements for local government ethics laws. Those changes include additional disclosures for State elected officials that local governments must incorporate into their Ethics Ordinances for their elected officials. However, a number of changes relax certain of the financial disclosure requirements, particularly for debt and stock holding disclosures, and make home addresses confidential from public disclosure. We have included an attachment describing the changes that need to be included in the new drafts of Ethics Law, highlighting the additional provisions that must be included in a law to be compliant with State law, and the changes that relax some requirements and may be adopted if desired by the City. In addition, we have also included our new model laws with the changes

highlighted on our website. Most of the changes take effect October 1, 2017 and our regulations implementing these changes are in the approval process.

Commission staff is available to provide guidance and assistance to the Worcester County as you work through updating your law to incorporate the new changes. Please do not hesitate to contact us should you have any questions regarding the new local government ethics law requirements. As a reminder, any and all future changes to the ethics ordinance must be submitted to the Commission for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04.

Finally, Section §5-807(b) of the Public Ethics Law requires each local jurisdiction to file the Local Government Ethics Law Annual Certification by October 1 of each year. Given the timing of these legislative changes, we do not anticipate 2017 certifications will include any of the changes discussed above. Our office has already received the Worcester County's certification for 2017. Please contact our office if you have any questions regarding this matter.

Sincerely,



Jennifer K. Allgair
General Counsel

Enclosures

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04.:

1. 5-504(d)(2). Precludes Governor, Lieutenant Governor, AG, Comptroller, Treasurer or a Member of the General Assembly from lobbying (legislative matters) for one calendar year after leaving office. *Needs to be added to the conflict of interest section covering local elected officials.*
2. 5-606(a)(3). Effective January 1, 2019, Commission may not provide public access to the portion of a financial disclosure statement that includes an individual's home address as identified by the individual (i.e. the Commission must redact the information before making it publicly available). Applies to all statements, whether posted on the Internet or viewable only in the Office. *Home addresses should be redacted from public disclosure. Local employees and elected officials don't have to worry about the public being able to see their home address on their filings submitted after January 1, 2019.*

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04. for those local governments with **lobbying provisions**:

1. 5-501(a-1). Adds new subsection prohibiting former lobbyists who become a public official or State employee (i.e. take job with the State) from participating in a case, contract or other specific matter for 1 calendar year after terminating their registrations if they previously assisted or represented another party in the matter (a "reverse" post-employment restriction for lobbyists). Does not apply to uncompensated or minimally compensated (less than 25% of grade 16) board/commission members or elected officials. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Needs to be added the conflict of interest provisions to cover employees compensated over a certain amount.*
2. 5-607(i). Adds another category to Schedule H – for a statement filed on or after January 1, 2019, if the filer's spouse is a regulated lobbyist, must disclose the entity that has engaged the spouse to lobby. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires spouses of lobbyists to disclose the entities that engage the lobbyist spouse on their annual disclosure filings.*

Changes that **may** be adopted if the local government chooses:

1. 5-101(t). Removes "exchange-traded funds" from the definition of "interest". An ETF is a diversified collection of assets (like a mutual fund) that trades on an exchange (like a stock). *Now, as is the case with mutual funds, financial disclosure filers will no longer have to disclose interests they hold in ETFs.*
2. 5-506. Adds three specific circumstances that constitute violation of the prestige of office provision (influencing the award of a State or local contract to a specific person; initiating a solicitation for a person to retain the compensated services of a particular lobbyist or firm; using public resources or title to solicit a political contribution regulated in accordance with the Election Law Article). In the last situation, employees and public officials may not use title or public resources, State officials may not use public

resources. *The State Ethics Commission has already interpreted these kinds of actions to be in violation of the prestige of office provision. Local governments are able to include these specific circumstances in their law if they would like or any other for clarifying purposes.*

3. 5-607(g). Changes the Schedule F disclosure (indebtedness to entities doing business with the State) to indebtedness to entities doing business with or regulated by the individual's governmental unit. *Instead of disclosing all indebtedness to entities doing business with the local government, only debts with entities doing business with the specific governmental unit must be disclosed by filers.*
 4. 5-606(a)(2). Effective January 1, 2019, Ethics Commission must provide Internet access, through an online registration program, to financial disclosure statements submitted by State officials, candidates for office as State officials, and Secretaries of a principal department of the Executive Branch. *Local governments can now decide to put the local disclosure forms online for public viewing.*
 5. 5-704. Codifies disclosure requirements for lobbyists who serve on State boards and commissions. Also codifies a requirement for such a lobbyist who is disqualified from participating in a specific matter to file a statement of recusal with the board or commission. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires lobbyists who serve on local boards to submit disclosure forms that mirror the forms for local elected officials.*
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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

March 14, 2018

Worcester County Commissioners
One West Market Street
County Government Center - Room 1103
Snow Hill, MD 21863

RE: **Requested** FY2019 Operating Budget

Commissioners:

In accordance with Section 4-201 of the County Government Article of the Code of Public Local Laws of Worcester County, Maryland, enclosed are the Worcester County Departmental Operating Budget Requests for Fiscal Year 2019.

General Fund revenues based on current tax rates are estimated to be \$202,605,379. Requested general fund operating expenditures total \$211,611,999. This leaves a **shortfall** of \$8,946,620 which must be reconciled, either with reductions in expenditures, additional revenues or a combination of the two. Since the State budget is not finalized, the County could be further burdened by State cuts, continued unfunded mandates and/or the transfer of State responsibilities. Listed below are significant budget variances as compared to the current year:

Anticipated General Fund Revenues

The estimated revenues for FY2019 total \$202,665,379 which is an **increase** of \$3,732,704 or 2% more than the current year. The requested budget for revenue does not include a transfer from budget stabilization for the Solid Waste Enterprise Fund.

- **Net Property Tax Revenues** increase by \$2,612,020, primarily as a result of increased assessments and Homeowner Tax Credits. These estimates are based on the current tax rate of \$0.835 per \$100 of the assessed value for the Real property.
- **Income Tax revenues** are anticipated to increase by \$500,000 from the current year based upon actual receipts and increased estimates. The income tax estimate is based on the recently increased tax rate of 1.75%, which became effective January 1, 2016.
- **Other Local Taxes** increased by \$1,325,000 based on current year estimates and includes an increase of \$750,000 in Recordation, \$250,000 Transfer Taxes and an increase of \$325,000 for

Room Tax collections in the unincorporated areas.

- State Shared Revenues increased by \$7,546 due to a slight increase in Highway User Revenues.
- Licenses and Permits increased \$99,306; significant changes include an additional \$60,000 for liquor licenses, \$14,000 in vending machine licenses account, \$35,000 for building permits, \$5,000 for plumbing permits and \$14,606 in various other accounts all at the current fees. **Decreases** of \$29,300 are included in the biannual Occupation license account.
- Charges for Services increased by \$29,500 overall; significant changes in accounts include \$30,000 for Stormwater Management Review fees, \$25,000 for Fire inspection plan review fees, \$27,000 for Recreation fees, \$25,000 Parks tournament rental fees all at the current fee rates. **Decreases** of \$21,750 for Library Erate reimbursement, \$25,000 for Park field rental fees, \$18,000 for Tournament Fees and \$9,950 for solar renewable energy credits which are ending.
- Interest on Investments increased \$950,000 due to increased rates of return.
- Other Revenue increased \$78,938 mainly due to \$34,938 for increased rents, \$24,000 for drug subsidy, \$20,000 for miscellaneous receipts.
- Federal grants project an overall increase of \$17,076. This account category includes an increase of \$8,000 in the account for US Fish and Wildlife and an increase of \$8,915 for the Emergency Shelter Grant.
- State grants increased \$516,546; Increases include additional funds of \$25,558 Share of State Park Receipts, \$659,651 for Program Open Space for Parks and \$280,678 Transportation Grant. **Decreases** include \$26,416 Waterway Improvement grant, \$40,000 BRF Grant, \$211,274 for the 911 Systems Grant and \$120,000 for Court Security Grant.
- Transfers in:
 - Other Funds **decreased** by \$208,125 based on the transfer in of bond premium proceeds that occurred in the fiscal year FY2016.
 - Planned use of Casino/Local Impact Grant Funds **decreased** by \$223,780 for the debt payment for the Worcester Technical High School in FY19.
 - Transfers In of existing Budget Stabilization Funds **decreased** by \$1,698,323 for the pass through to the Solid Waste Enterprise Fund to cover the cost of Recycling at \$1,033,339 and Homeowner Convenience Centers at \$664,984.

Major Requested General Fund Expenditures

The **Requested expenditures** for FY2019 total \$211,611,999 which is an increase of \$12,679,324 or 6.0% more than the current year. Significant budget variances are listed below:

County Departments and Agencies

- Circuit Court **decreased** \$122,682
 - **Decreased** by \$124,000 for the Court Security Grant funded in the current year
- Elections Office increased \$202,629
 - Increased by \$79,039 for salaries and benefits based on State Elections requested salary upgrades
 - Increased by \$102,771 for temporary clerical staff to assist with elections and \$67,800 in rent to cover temporary office space
- Other General Government increased \$601,930
 - Increased by \$181,473 for annual contracts for County fiber network established for new radio system and budget to cover equipment maintenance for fiber disruptions
 - Increased by \$587,557 for reimbursement to the State for the operating expenses for the State Department of Taxation should legislation pass in May, an increased State mandate
 - **Decreased** by \$205,140 for capital equipment needed in the current year only for the video system, fiber project and P25 radios

- Sheriff's Office increased \$891,622
 - Increased by \$469,990 for the following: 1 new operations officer, \$137,592 for 3 full time deputies, \$30,016 part time school security and \$295,394 additional overtime for the department
 - Increased by \$344,907 for 10 patrol vehicles, 2 animal control trucks, 1 operations officer and 3 new vehicles for new full time deputies
 - Increased by \$30,000 for 2 new office spaces in building improvements
- Emergency Services increased \$302,434
 - Increased by \$66,426 in salaries for 1 new position
 - **Decreased** by \$207,497 for the following: \$155,500 for the radio maintenance contract covered by debt service, \$213,774 Emergency Number Systems grant funds need in the current year
 - Increased by \$165,470 to purchase P25 radios and pagers for non public safety
 - Increased by \$300,000 to replace the Snow Hill water tower building
- Fire Company Grant increased \$20,000
 - Increased by \$20,000 based on the Volunteer Fire Companies request to supplement companies not in town limits
- Ambulance Grants increased \$28,609
 - Increased based on the current funding formula
- Roads increased \$1,547,315
 - Increased by \$184,553 for 5 new positions
 - Increased by \$500,000 for road paving
 - Increased by \$280,678 for the State Highway Transportation grant
 - Increased by \$530,411 for capital equipment mainly for 4 dump trucks with snow plows, grader, trailer and 2 pickup trucks
- Other Social Services increased \$279,606
- Wor-Wic Community College increased \$146,050
 - Increased by \$146,050, Worcester County local funding allocation is 29.21%
- Recreation increased \$115,442
 - Increased by \$24,632 in salaries due to personnel changes
 - Increased by \$20,450 mainly for replacement of floor scrubber and concession equipment
 - Increased by \$67,000 for 1 new SUV and replacement of 2 pickup trucks
- Parks increased \$774,478
 - Increased by \$732,945 for park improvements from the State Program Open Space funds over the current year
 - Increased by \$26,000 to replace 2 pickup trucks
- Library increased \$232,147
 - Increased by \$107,849 for 1 new position and full fiscal year to staff new Berlin library
 - Increased by \$53,975 for the operating expenses for the new Berlin library for a full year
 - Increased by \$74,115 for and includes \$125,000 for Ocean Pines carpet replacement and **decreased** by \$50,885 for current year phone system and fiber to new Berlin library
- Grants to Towns increased \$589,308
 - Increased by \$418,808 for Town requests presented to the County Commissioners on March 7 and March 20, 2018
 - Increased by \$170,500 for Ocean Pines Association request for Police aid, tourism, recreational programs and roads and bridges
- Salary, Insurance & Benefits increased \$2,646,928
 - Increased by \$914,706 for salaries for County employees and personnel requests which includes a 2.5% step and longevity for those eligible and a 1.0% COLA

- Increased by \$272,805 based on an estimated increase of 5.18% for health benefits allocated to each plan
- Increased by \$1,000,000 for Other Post Employment Benefits for a total of \$5,000,000
- Increased by \$207,019 for the retirement plan based on increased rates and estimated payroll
- Increased by \$196,609 for social security taxes based on the estimated payroll
- Debt Service **decreased** \$690,045
 - **Decreased** due to 2015 bond for County projects and existing debt
- Interfund Charges increased by \$1,184,665
 - **Decreased** by \$8,916 for Transfers Out to Recycling for the Enterprise Fund
 - Increased by \$40,916 for Transfers Out to Convenience Centers for the Enterprise Fund
 - Increased by \$1,152,655 for Transfer to Reserve to maintain the current 10% reserve based on fully funding the requested expense budget.

Board of Education

- The Board of Education has requested \$88,433,275 from the County, an increase of \$3,520,499 over the **current** year adopted budget as shown below. School construction debt is paid by the County on behalf of the Board of Education. It is not reflected in the Board’s budget; however it is included in the County’s operating budget. The Board’s operating and capital budget request is \$88,433,275 plus debt of \$10,396,581 which totals \$98,829,856 or 49.0% of the County’s total estimated revenue.

	FY2019 Requested Budget	FY2018 Approved Budget	Dollar Variance +/- FY2018
County Appropriation *	\$86,575,293	\$83,570,125	+3,005,168
County Appropriation – Technology + Capital Outlay	300,000	300,000	+0
County Appropriation -Retirement for Non Teachers	514,482	476,551	+37,931
School Construction Projects	1,043,500	566,100	+477,400
Sub-Total County Appropriation	<u>\$88,433,275</u>	<u>\$84,912,776</u>	<u>+3,520,499</u>
State and Other Funding Sources	19,888,092	19,854,725	+33,367
Sub-Total Unrestricted Budget	<u>\$108,321,367</u>	<u>\$104,767,501</u>	<u>+3,553,866</u>
Restricted: State and Federal Programs	4,901,798	5,652,731	-750,933
Restricted: State funded Teachers Retirement	6,680,664	6,708,241	-27,577
Total	<u>\$119,903,829</u>	<u>\$117,128,473</u>	<u>+2,775,356</u>

*Fiscal 2019 Maintenance of Effort (MOE) level of \$83,870,125 is affected by the escalator provision:

1. An MOE escalator provision will take effect in FY19 for 1.3%. This provision was enacted as part of Senate Bill 848 of 2012, Section 5-202(d)(ii)2 and became effective FY15. Due to a negative statewide average for FY15 and FY16, the escalator effects FY17, FY18 and FY19.
2. MOE requires an increase of \$1,252,347 in FY19.

Board of Education Requested Salary Increase:

The Board of Education submission includes the following salary request:

- The salary package for the Board of Education reflects a payroll increase of \$1,752,315, which includes a step, longevity step for those eligible and salary scale adjustments as negotiated with a 1% COLA for Teachers and a 1.5% COLA for support staff employees.
- The bus contracts account increase over FY18 is \$135,664 and reflects a 1% increase to bus contractor's hourly rate and mileage rate effective July 1, 2018. The increase includes funding to several contractors to purchase new buses for \$45,000.
- Starting Teacher pay would increase 1.0% from \$44,257 to \$44,700.

Budget Adoption Schedule

The first budget review session with selected County Departments and Agencies is scheduled for April 3rd and another is scheduled for April 10th. These sessions provide the opportunity for your detailed review of the various budget requests. The Public Hearing on the Requested Operating Budget is scheduled for Tuesday, May 1, 2018 at 7:00 p.m. at Snow Hill High School. Additional budget work sessions are scheduled for May 8, and May 15. May 22, 2018 is also scheduled if needed. The FY2018/2019 General Fund Operating Budget must be adopted on June 5, 2018.

Respectfully Submitted,



Harold L. Higgins
Chief Administrative Officer

HLH:kjw

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Attachments: FY19 Requested Summary – Pages 6-11
 FY19 Revenue by Account Classification – Pages 12-16
 Budget Work Session Agenda April 3, 2018 –Page 17
 Budget Work Session Agenda April 10, 2018 – Page 18

WORCESTER COUNTY
Summary
FY2019 Revenue Estimate

	FY2019 Estimate	FY2018 Estimate	(\$)	Difference (%)
Property Taxes	\$ 135,552,164	\$ 132,940,144	\$ 2,612,020	2%
Income Taxes	23,000,000	22,500,000	500,000	2%
Other Local Taxes	26,948,314	25,623,314	1,325,000	5%
State Shared	971,020	963,474	7,546	1%
Licenses & Permits	1,944,507	1,845,201	99,306	5%
Charges for Services	6,392,186	6,362,686	29,500	0%
Interest on Investments	950,000	300,000	650,000	217%
Fines & Forfeits	52,500	52,500	0	0%
Misc./Sale of Assets/Other Revenue	514,123	430,185	83,938	20%
Federal Grants	468,272	451,196	17,076	4%
State Grants	3,615,667	3,099,121	516,546	17%
Transfers In - Other Funds	0	208,125	(208,125)	-100%
Transfers In - Casino/Local Impact Grant	2,256,626	2,490,406	(233,780)	-9%
Transfers In - Budget Stabilization	0	1,666,323	(1,666,323)	-100%
TOTAL REVENUES	\$ 202,665,379	\$ 198,932,675	\$ 3,732,704	2%

FY 2019 Requested General Fund Budget

	FY2019 Request	FY2018 Approved	(\$)	Difference (%)
County Commissioners & Admin.				
Personnel Services	911,513	896,287	15,226	2%
Supplies & Materials	36,203	34,788	1,415	4%
Maintenance & Services	24,437	28,990	(4,553)	-16%
Other Charges	46,914	47,154	(240)	-1%
Interfund Charges	(90,384)	(89,526)	(858)	1%
Capital Equipment	0	0	0	N/A
	928,683	917,693	10,990	1%
Circuit Court				
Personnel Services	911,350	903,400	7,950	1%
Supplies & Materials	181,477	305,609	(124,132)	-41%
Maintenance & Services	112,300	119,100	(6,800)	-6%
Other Charges	10,925	10,625	300	3%
Capital Equipment	0	0	0	N/A
	1,216,052	1,338,734	(122,682)	-9%
Orphan's Court				
Personnel Services	21,000	21,000	0	0%
Supplies & Materials	0	0	0	N/A
Other Charges	7,294	7,294	0	0%
	28,294	28,294	0	0%

	FY2019 Request	FY2018 Approved	(\$) Difference (%)	
State's Attorney				
Personnel Services	1,246,301	1,248,972	(2,671)	0%
Supplies & Materials	58,254	57,750	504	1%
Maintenance & Services	32,300	30,300	2,000	7%
Other Charges	26,500	30,500	(4,000)	-13%
Interfund Charges	0	0	0	N/A
Capital Equipment	0	0	0	N/A
	1,363,355	1,367,522	(4,167)	0%
Treasurer				
Personnel Services	1,162,981	1,218,981	(56,000)	-5%
Supplies & Materials	132,845	131,203	1,642	1%
Maintenance & Services	6,100	6,300	(200)	-3%
Other Charges	6,735	5,900	835	14%
Interfund Charges	(239,920)	(254,098)	14,178	-6%
Capital Equipment	0	0	0	N/A
	1,068,741	1,108,286	(39,545)	-4%
Elections Office				
Personnel Services	477,401	398,362	79,039	20%
Supplies & Materials	317,613	298,926	18,687	6%
Maintenance & Services	143,105	40,334	102,771	255%
Other Charges	12,741	10,609	2,132	20%
Capital Equipment	0	0	0	N/A
	950,860	748,231	202,629	27%
Human Resources				
Personnel Services	400,146	351,888	48,258	14%
Supplies & Materials	24,040	22,155	1,885	9%
Maintenance & Services	23,950	20,350	3,600	18%
Other Charges	6,045	4,255	1,790	42%
Interfund Charges	(69,190)	(66,859)	(2,331)	3%
Capital Equipment	23,000	28,000	(5,000)	-18%
	407,991	359,789	48,202	13%
Development Review & Permitting				
Personnel Services	1,370,042	1,324,167	45,875	3%
Supplies & Materials	269,137	266,259	2,878	1%
Maintenance & Services	60,120	55,620	4,500	8%
Other Charges	21,040	19,631	1,409	7%
Interfund Charges	(74,972)	(74,270)	(702)	1%
Capital Equipment	60,000	23,000	37,000	161%
	1,705,367	1,614,407	90,960	6%
Environmental Programs				
Personnel Services	1,000,047	957,979	42,068	4%
Supplies & Materials	262,392	267,890	(5,498)	-2%
Maintenance & Services	104,842	68,088	36,754	54%
Other Charges	5,929	5,297	632	12%
Interfund Charges	(24,547)	(24,547)	0	0%
Capital Equipment	0	0	0	N/A
	1,348,663	1,274,707	73,956	6%

	FY2019 Request	FY2018 Approved	(\$) Difference (%)	
Other General Government				
Supplies & Materials	907,678	726,205	181,473	25%
Maintenance & Services	865,244	827,204	38,040	5%
Other Charges	1,700,309	1,112,752	587,557	53%
Capital Equipment	0	205,140	(205,140)	-100%
	3,473,231	2,871,301	601,930	21%
Sheriff's Department				
Personnel Services	6,324,003	5,854,013	469,990	8%
Supplies & Materials	716,657	723,602	(6,945)	-1%
Maintenance & Services	526,627	463,527	63,100	14%
Other Charges	91,989	91,989	0	0%
Capital Equipment	655,392	289,915	365,477	126%
	8,314,668	7,423,046	891,622	12%
Emergency Services				
Personnel Services	1,812,487	1,746,061	66,426	4%
Supplies & Materials	692,721	900,218	(207,497)	-23%
Maintenance & Services	298,231	225,101	73,130	32%
Other Charges	12,215	11,800	415	4%
Interfund Charges	(32,416)	(32,416)	0	0%
Capital Equipment	369,960	0	369,960	N/A
	3,153,198	2,850,764	302,434	11%
County Jail				
Personnel Services	5,772,409	5,808,244	(35,835)	-1%
Supplies & Materials	1,233,491	1,201,827	31,664	3%
Maintenance & Services	2,117,835	2,078,494	39,341	2%
Other Charges	12,856	12,856	0	0%
Capital Equipment	68,875	92,000	(23,125)	-25%
	9,205,466	9,193,421	12,045	0%
Fire Marshal's Office				
Personnel Services	369,613	364,613	5,000	1%
Supplies & Materials	75,752	43,546	32,206	74%
Maintenance & Services	16,160	24,915	(8,755)	-35%
Other Charges	26,405	24,015	2,390	10%
Capital Equipment	0	31,500	(31,500)	-100%
	487,930	488,589	(659)	0%
Volunteer Fire & Ambulance				
Supplies & Materials	14,270	19,080	(4,810)	-25%
Maintenance & Services	25,810	20,577	5,233	25%
Other Charges	7,094,371	7,120,770	(26,399)	0%
Capital Equipment	49,000	0	49,000	N/A
	7,183,451	7,160,427	23,024	0%

	FY2019 Request	FY2018 Approved	(\$) Difference (%)	
Public Works Department				
Personnel Services	526,024	547,089	(21,065)	-4%
Supplies & Materials	22,822	20,250	2,572	13%
Maintenance & Services	61,396	58,896	2,500	4%
Other Charges	2,865	2,535	330	13%
Interfund Charges	(156,956)	(156,956)	0	0%
Capital Equipment	23,000	0	23,000	N/A
	479,151	471,814	7,337	2%
Maintenance Division				
Personnel Services	876,883	777,344	99,539	13%
Supplies & Materials	56,488	61,972	(5,484)	-9%
Maintenance & Services	73,978	74,004	(26)	0%
Other Charges	5,225	5,225	0	0%
Capital Equipment	27,326	111,888	(84,562)	-76%
	1,039,900	1,030,433	9,467	1%
Roads Division				
Personnel Services	1,519,342	1,334,789	184,553	14%
Supplies & Materials	2,253,018	1,435,516	817,502	57%
Maintenance & Services	519,130	504,806	14,324	3%
Other Charges	2,265	1,740	525	30%
Capital Equipment	1,100,182	569,771	530,411	93%
	5,393,937	3,846,622	1,547,315	40%
Boat Landings				
Supplies & Materials	32,584	50,000	(17,416)	-35%
Maintenance & Services	21,515	21,515	0	0%
Capital Equipment	0	0	0	N/A
	54,099	71,515	(17,416)	-24%
Health Department				
Supplies & Materials	3,000	3,000	0	0%
Maintenance & Services	416,002	416,152	(150)	0%
Other Charges	5,128,751	5,056,304	72,447	1%
Capital Equipment	0	28,368	(28,368)	-100%
	5,547,753	5,503,824	43,929	1%
Mosquito Control Division				
Personnel Services	77,440	41,746	35,694	86%
Supplies & Materials	2,850	2,000	850	43%
Maintenance & Services	17,850	16,650	1,200	7%
Other Charges	90,000	90,000	0	0%
Capital Equipment	97,120	69,162	27,958	40%
	285,260	219,558	65,702	30%
Commission on Aging				
Supplies & Materials	26,500	27,100	(600)	-2%
Maintenance & Services	213,450	216,850	(3,400)	-2%
Other Charges	913,700	867,100	46,600	5%
Capital Equipment	0	0	0	N/A
	1,153,650	1,111,050	42,600	4%

	FY2019 Request	FY2018 Approved	(\$) Difference (%)	
Social Service Groups				
Personnel Services	0	0	0	N/A
Other Charges	1,143,976	864,370	279,606	32%
	1,143,976	864,370	279,606	32%
Wor-Wic Community College				
Other Charges	2,291,392	2,145,342	146,050	7%
Capital Equipment	0	0	0	N/A
	2,291,392	2,145,342	146,050	7%
Board of Education				
Personnel Services	66,703,626	65,051,311	1,652,315	3%
Supplies & Materials	3,255,833	3,055,833	200,000	7%
Maintenance & Services	7,633,874	7,506,560	127,314	2%
Other Charges	29,189,992	28,093,155	1,096,837	4%
Interfund Charges	(19,888,092)	(19,854,725)	(33,367)	0%
Capital Equipment	1,538,042	1,060,642	477,400	45%
Total Operating Budget	88,433,275	84,912,776	3,520,499	4%
School Debt Service	10,396,581	10,720,812	(324,231)	-3%
Total Operating & Debt Service	98,829,856	95,633,588	3,196,268	3%
Recreation Department				
Personnel Services	719,144	694,512	24,632	4%
Supplies & Materials	241,210	220,760	20,450	9%
Maintenance & Services	168,328	164,968	3,360	2%
Other Charges	10,980	10,980	0	0%
Capital Equipment	67,000	0	67,000	N/A
	1,206,662	1,091,220	115,442	11%
Parks Department				
Personnel Services	332,019	316,248	15,771	5%
Supplies & Materials	799,993	67,048	732,945	1093%
Maintenance & Services	82,971	83,319	(348)	0%
Other Charges	600	490	110	22%
Capital Equipment	39,000	13,000	26,000	200%
	1,254,583	480,105	774,478	161%
Library				
Personnel Services	1,746,656	1,638,807	107,849	7%
Supplies & Materials	473,710	475,806	(2,096)	0%
Maintenance & Services	386,422	332,447	53,975	16%
Other Charges	8,804	10,500	(1,696)	-16%
Capital Equipment	125,000	50,885	74,115	146%
	2,740,592	2,508,445	232,147	9%
Recreation & Culture				
Other Charges	127,701	105,500	22,201	21%
	127,701	105,500	22,201	21%

	FY2019 Request	FY2018 Approved	(\$) Difference (%)	
Extension Service				
Supplies & Materials	26,093	25,293	800	3%
Maintenance & Services	2,500	2,000	500	25%
Other Charges	152,845	148,877	3,968	3%
Capital Equipment	0	0	0	N/A
	181,438	176,170	5,268	3%
Natural Resources				
Supplies & Materials	1,700	1,700	0	0%
Other Charges	524,554	501,796	22,758	5%
	526,254	503,496	22,758	5%
Economic Development Department				
Personnel Services	168,942	168,942	0	0%
Supplies & Materials	141,400	109,460	31,940	29%
Maintenance & Services	93,950	78,300	15,650	20%
Other Charges	18,675	15,575	3,100	20%
Capital Equipment	27,061	0	27,061	N/A
	450,028	372,277	77,751	21%
Tourism Department				
Personnel Services	224,979	215,541	9,438	4%
Supplies & Materials	157,717	204,664	(46,947)	-23%
Maintenance & Services	707,884	707,780	104	0%
Other Charges	4,250	4,250	0	0%
Capital Equipment	0	0	0	N/A
	1,094,830	1,132,235	(37,405)	-3%
Taxes Shared W/Towns				
Other Charges	17,335,070	17,335,070	0	0%
	17,335,070	17,335,070	0	0%
Grants to Towns				
Supplies & Materials	100,000	0	100,000	N/A
Other Charges	6,299,764	5,810,456	489,308	8%
	6,399,764	5,810,456	589,308	10%
Insurance & Benefits				
Maintenance & Services	5,000	5,000	0	0%
Health, OPEB & Other	19,152,521	16,505,593	2,646,928	16%
	19,157,521	16,510,593	2,646,928	16%
Debt Service				
Interfund Charges	11,628,225	12,318,270	(690,045)	-6%
Less: Alloc. Brd of Ed Debt	(10,396,581)	(10,720,812)	324,231	-3%
	1,231,644	1,597,458	(365,814)	-23%
Interfund				
Interfund Charges	2,850,988	1,666,323	1,184,665	71%
	2,850,988	1,666,323	1,184,665	71%
TOTAL EXPENDITURES	\$ 211,611,999	\$ 198,932,675	\$ 12,679,324	6%

FY2019 General fund Revenue by Account Classification

	Account Number	Account Description	2019 Department Requested	2018 Adopted Budget	\$ Variance	% Variance
PROP TAX - Property Taxes						
	4000	Full Year Real Property Taxes	129,314,082.00	126,606,231.00	2,707,851.00	2%
	4010	Personal Property Taxes	333,491.00	333,361.00	130.00	0%
	4020	Corporation Property Taxes	4,113,051.00	4,111,449.00	1,602.00	0%
	4030	Railroad & Utility Property Tax	3,053,512.00	2,993,705.00	59,807.00	2%
	4035	Railroad Real Property	3,323.00	3,891.00	(568.00)	-15%
	4040	Half Year Real Property Taxes	181,860.00	271,375.00	(89,515.00)	-33%
	4050	Tax Additions & Abatements	(358,200.00)	(358,200.00)	-	0%
	4060	Interest on Delinquent Taxes	690,000.00	700,000.00	(10,000.00)	-1%
	4070	Discounts Allowed on Taxes	(440,000.00)	(415,000.00)	(25,000.00)	6%
	4080	Tax Credits For Assessment I	(1,338,955.00)	(1,306,668.00)	(32,287.00)	2%
Account Classification Total: - Property Taxes			135,552,164.00	132,940,144.00	2,612,020.00	2%
INC TAX - Income Tax						
	4100	Income Tax	23,000,000.00	22,500,000.00	500,000.00	2%
Account Classification Total: - Income Tax			23,000,000.00	22,500,000.00	500,000.00	2%
OTHER TAX - Other Taxes						
	4200	Admission & Amusement Taxes	500,000.00	500,000.00	-	0%
	4210	Recordation Taxes	6,500,000.00	5,750,000.00	750,000.00	13%
	4230	Trailer Park Excise Tax	100,000.00	100,000.00	-	0%
	4240	Food Tax	57,895.00	57,895.00	-	0%
	4240.010	Food Tax Food Tax Due to Ocean City	1,100,000.00	1,100,000.00	-	0%
	4250.010	Room Tax Due To Ocean City	13,888,900.00	13,888,900.00	-	0%
	4250.020	Room Tax Due to Pocomoke	126,265.00	126,265.00	-	0%
	4250.030	Room Tax Due to Snow Hill	5,051.00	5,051.00	-	0%
	4250.040	Room Tax Due to Unincorporated Areas	900,000.00	575,000.00	325,000.00	57%
	4250.050	Room Tax Due to Berlin	20,203.00	20,203.00	-	0%
	4340	Transfer Tax	3,750,000.00	3,500,000.00	250,000.00	7%
Account Classification Total: - Other Taxes			26,948,314.00	25,623,314.00	1,325,000.00	5%
ST SHRD - State Shared						
	4300	Highway Users Taxes	521,020.00	513,474.00	7,546.00	1%
	4310	911 Fees	450,000.00	450,000.00	-	0%
Account Classification Total: - State Shared			971,020.00	963,474.00	7,546.00	1%
FRNCH - Franchise Fees						
	4400	Franchise Fees	22,500.00	22,500.00	-	0%
Account Classification Total: - Franchise Fees			22,500.00	22,500.00	-	0%
LOSS DSP ASTS - Gain/Loss on Disposal of Assets						
	4600	Sale Of Fixed Assets	30,000.00	25,000.00	5,000.00	20%
Account Classification Total: - Gain/Loss on Disposal of Assets			30,000.00	25,000.00	5,000.00	20%
LIC/PRMT - Licenses and Permits						
	4900	Liquor Licenses	840,000.00	780,000.00	60,000.00	8%
	4905	Vending Machine Licenses	100,000.00	86,000.00	14,000.00	16%
	4910	Traders Licenses	90,000.00	90,000.00	-	0%
	4915	Occupational Licenses	5,700.00	35,000.00	(29,300.00)	-84%
	4920	Bingo Permits	16,500.00	16,500.00	-	0%
	4925	Tourist & Trailer Park Permits	8,000.00	8,000.00	-	0%
	4930	Building Permits	250,000.00	215,000.00	35,000.00	16%
	4932	Electrical Permits	18,650.00	16,000.00	2,650.00	17%
	4933	Commercial Plumbing Plan Review	2,500.00	2,500.00	-	0%
	4935	Marriage Licenses	24,000.00	24,000.00	-	0%
	4936	Civil Ceremony	1,500.00	1,500.00	-	0%
	4941	Shoreline Construction Permit	15,000.00	13,000.00	2,000.00	15%

FY2019 General fund Revenue by Account Classification

Account Number	Account Description	2019 Department Requested	2018 Adopted Budget	\$ Variance	% Variance
4942	Timber Harvest Permit	2,500.00	2,500.00	-	0%
4943	SEC/SWM Permit	18,000.00	16,000.00	2,000.00	13%
4945.010	Environmental Permits Burn Permit	600.00	600.00	-	0%
4945.020	Environmental Permits Campground Permit	3,325.00	3,325.00	-	0%
4945.030	Environmental Permits Septic Permit	23,500.00	23,500.00	-	0%
4945.040	Environmental Permits Waste Hauler Permit	2,100.00	2,100.00	-	0%
4945.050	Environmental Permits Well Permit	22,000.00	25,000.00	(3,000.00)	-12%
4945.060	Environmental Permits Other	300.00	300.00	-	0%
4950	Health Permits	383,532.00	385,576.00	(2,044.00)	-1%
4955	Raffle Permits	1,800.00	1,800.00	-	0%
4960	Plumbing Permits	45,000.00	40,000.00	5,000.00	13%
4965	Gas Permits	18,000.00	18,000.00	-	0%
4970	Forestry Conservation Review Fees	5,000.00	3,000.00	2,000.00	67%
5060.100	Licenses and Permits Board of Zoning Appeal Fee	18,000.00	15,000.00	3,000.00	20%
5060.300	Licenses and Permits Site Plan Review	11,000.00	9,000.00	2,000.00	22%
5060.400	Licenses and Permits Rezoning Fee	4,000.00	2,000.00	2,000.00	100%
5060.500	Licenses and Permits Subdivision Review Fee	12,000.00	9,000.00	3,000.00	33%
5060.600	Licenses and Permits Text Amendment Application Fee	2,000.00	1,000.00	1,000.00	100%
Account Classification Total: - Licenses and Permits		1,944,507.00	1,845,201.00	99,306.00	5%
CHG SVC - Charges for Services					
4940	Shoreline Construction Application Fee	12,000.00	12,000.00	-	0%
5045	EDU Transfer/Application Fee	2,000.00	600.00	1,400.00	233%
5047	Stormwater Management Review Fee	75,000.00	45,000.00	30,000.00	67%
5065.100	Sheriff Fees Sheriff Fees - Paper Service	40,000.00	40,000.00	-	0%
5065.200	Sheriff Fees Sheriff Fees - Peddler's License	500.00	500.00	-	0%
5065.300	Sheriff Fees Sheriff Fees - Parking Fines	1,000.00	1,000.00	-	0%
5065.400	Sheriff Fees Animal Control Fees	8,000.00	8,000.00	-	0%
5065.405	Sheriff Fees Spay & Neuter Fees	25,000.00	25,000.00	-	0%
5065.700	Sheriff Fees Contractual Services	7,000.00	7,000.00	-	0%
5070.100	Sale of Publications & Copies Commissioners	500.00	500.00	-	0%
5070.300	Sale of Publications & Copies Dev. Review & Permitting	1,000.00	1,000.00	-	0%
5070.400	Sale of Publications & Copies 911 Recordings	50.00	100.00	(50.00)	-50%
5070.600	Sale of Publications & Copies Elections	500.00	300.00	200.00	67%
5070.700	Sale of Publications & Copies Circuit Court	-	100.00	(100.00)	-100%
5070.900	Sale of Publications & Copies Environmental Programs	-	1,000.00	(1,000.00)	-100%
5075	Library Use Charges	28,000.00	36,000.00	(8,000.00)	-22%
5076	Library Erate Reimbursement	8,500.00	30,250.00	(21,750.00)	-72%
5080	County Share Vehicle Tag Fee	4,500.00	4,500.00	-	0%
5085	Liquor Advertising Fees	2,500.00	2,500.00	-	0%
5086	Tourism Co-Op Advertising	1,500.00	-	1,500.00	N/A
5090	Firearms Training Center Fee	3,000.00	3,000.00	-	0%
5095.100	Payments For Jail Use Work Release	40,000.00	40,000.00	-	0%
5095.200	Payments For Jail Use ICE Housing	5,200,000.00	5,200,000.00	-	0%
5095.400	Payments For Jail Use State Housing	50,000.00	50,000.00	-	0%
5095.500	Payments For Jail Use Weekenders	5,000.00	5,000.00	-	0%
5095.600	Payments For Jail Use Social Security	10,000.00	10,000.00	-	0%
5095.700	Payments For Jail Use State Medical Records Reimb.	20,000.00	20,000.00	-	0%
5100.100	Fire Inspection Fees Plan Review Fee	100,000.00	75,000.00	25,000.00	33%
5100.200	Fire Inspection Fees Fire Safety Fee	25,000.00	25,000.00	-	0%

FY2019 General fund Revenue by Account Classification

Account Number	Account Description	2019 Department Requested	2018 Adopted Budget	\$ Variance	% Variance
5100.600	Fire Inspection Fees Fire Inspections QAP	15,000.00	15,000.00	-	0%
5105.100	Public Works Revenues Pipe Sales	10,000.00	10,000.00	-	0%
5107	Roads Department Fees	35,000.00	35,000.00	-	0%
5110	Recreation Fees	175,000.00	148,000.00	27,000.00	18%
5115	Mosquito Control Charges	50,000.00	50,000.00	-	0%
5120	Circuit Court Bar Library	5,000.00	5,000.00	-	0%
5127	Recreation Center Rental Fees	1,400.00	-	1,400.00	N/A
5130	Tourism Programs and Events	3,000.00	-	3,000.00	N/A
5142	Election Filing Fee	-	500.00	(500.00)	-100%
5155	CommunityService Fees	65,000.00	65,000.00	-	0%
5160	Family Services Legal Fees Other	1,500.00	1,500.00	-	0%
5161	Casino Security	15,000.00	15,000.00	-	0%
5162	Seacrets Security	97,696.00	97,696.00	-	0%
5165	Critical Area Review Fees	27,000.00	25,000.00	2,000.00	8%
5167	Water/Sewer Plan Amendment Fee	2,000.00	2,000.00	-	0%
5175.200	Donations Sponsorship Program Recreation	450.00	200.00	250.00	125%
5175.205	Donations Sponsorship Program Youth Scholarship Donations	6,000.00	6,000.00	-	0%
5215	Motor Coach Fees	28,000.00	28,000.00	-	0%
5220.010	Park Fees Field Rental	5,000.00	30,000.00	(25,000.00)	-83%
5220.020	Park Fees Pavilion Rental	4,000.00	4,000.00	-	0%
5220.030	Park Fees Tree of Life	400.00	400.00	-	0%
5220.035	Park Fees Tournament Rental	25,000.00	-	25,000.00	N/A
5220.040	Park Fees User Fees	240.00	240.00	-	0%
5225	Concession Stand Fees	50,000.00	50,000.00	-	0%
5226	Special Events Fees	14,000.00	14,000.00	-	0%
5227	Tournament Fees	22,000.00	40,000.00	(18,000.00)	-45%
5230.010	Environmental Fees Perk Test Fee	10,000.00	9,900.00	100.00	1%
5230.020	Environmental Fees Plat Review Fee	6,000.00	8,000.00	(2,000.00)	-25%
5230.030	Environmental Fees Water Sample Fee	400.00	400.00	-	0%
5240	Shared Facility/Service Area Fee	500.00	500.00	-	0%
5245	Solar Renewable Energy Credits	50.00	10,000.00	(9,950.00)	-100%
5330	Economic Development Programs and Events	3,000.00	4,000.00	(1,000.00)	-25%
5435	BRF Admin Fee	21,000.00	21,000.00	-	0%
Account Classification Total: - Charges for Services		6,369,186.00	6,339,686.00	29,500.00	0%
INT/PEN - Interest & Penalties					
4700	Interest On Investments	950,000.00	300,000.00	650,000.00	217%
Account Classification Total: - Interest & Penalties		950,000.00	300,000.00	650,000.00	217%
FINES - Fines & Forfeitures					
5300	Court Fines	50,000.00	50,000.00	-	0%
5310	Civil Infraction Fines	2,500.00	2,500.00	-	0%
Account Classification Total: - Fines & Forfeitures		52,500.00	52,500.00	-	0%
MISC - Miscellaneous					
4260	Rents/State Revenue	132,303.00	97,365.00	34,938.00	36%
4270	Rents-Tower Site/Contrib & Donat	21,820.00	21,820.00	-	0%
4800	Other Miscellaneous Revenue	80,000.00	60,000.00	20,000.00	33%
5420	Retiree Drug Subsidy	250,000.00	226,000.00	24,000.00	11%
Account Classification Total: - Miscellaneous		484,123.00	405,185.00	78,938.00	19%

FY2019 General fund Revenue by Account Classification

Account Number	Account Description	2019 Department Requested	2018 Adopted Budget	\$ Variance	% Variance
INTGOV FED - Intergovernmental - Federal Revenues					
5541	Traffic Safety SHA	720.00	720.00	-	0%
5600	Federal Payments In Lieu of Tax	20,501.00	20,501.00	-	0%
5625	CDBG Housing Rehab Grant	150,000.00	150,000.00	-	0%
5664.020	US Fish and Wildlife Service Other General Government	8,000.00	-	8,000.00	N/A
5675	Child Support Enforcement Grant	7,000.00	7,000.00	-	0%
5745.300	Homeland Security Grant SHSGP	79,890.00	79,890.00	-	0%
5745.600	Homeland Security Grant EMPG	75,000.00	75,000.00	-	0%
5770	Bulletproof Vest Program	4,000.00	4,000.00	-	0%
5780	Emergency Shelter Grant	119,900.00	110,985.00	8,915.00	8%
5785	MDE Beach Monitoring Grant	3,261.00	3,100.00	161.00	5%
Account Classification Total: - Intergovernmental - Federal Revenues		468,272.00	451,196.00	17,076.00	4%
INTGOV ST - Intergovernmental - State Revenues					
5515	DHCD Housing Administration Fee	7,000.00	7,000.00	-	0%
5517	Other Housing Rehab Income	4,000.00	2,500.00	1,500.00	60%
5525	Conservation Easement Administrative Fee	20,000.00	20,000.00	-	0%
5530	Eastern Shore Library Grant	75,000.00	75,000.00	-	0%
5543	Dental Program Reimbursement	22,220.00	22,220.00	-	0%
5630	Water System Monitoring Grant	17,560.00	17,560.00	-	0%
5635	Police Protection Grant	152,297.00	152,297.00	-	0%
5640	State Library Aid	159,476.00	154,620.00	4,856.00	3%
5645	Share of State Park Receipts	425,000.00	399,442.00	25,558.00	6%
5650	State Aid for Fire Companies	381,886.00	383,381.00	(1,495.00)	0%
5655	Program Open Space Grant - Parks	676,751.00	17,100.00	659,651.00	3858%
5660	Waterway Improvement Grants	23,584.00	50,000.00	(26,416.00)	-53%
5662	BRF Operations & Maintenance Grant	10,000.00	50,000.00	(40,000.00)	-80%
5663	Share of State Forest Land	65,000.00	75,000.00	(10,000.00)	-13%
5680	State Grant for Critical Areas	13,000.00	13,000.00	-	0%
5688	MD Dept of Aging Grant	-	25,000.00	(25,000.00)	-100%
5700	911 Systems Grant	7,000.00	218,274.00	(211,274.00)	-97%
5704	MD AOC Security Grant	-	120,000.00	(120,000.00)	-100%
5705	State Grant for Tourism	102,931.00	109,443.00	(6,512.00)	-6%
5725	Family Support Grant	184,820.00	184,820.00	-	0%
5726	Family Support Services MACRO Grant	13,800.00	13,800.00	-	0%
5730	Septic System BRF Grant Program	240,000.00	240,000.00	-	0%
5732	Conservation Easements Reimbursements	60,000.00	60,000.00	-	0%
5735.010	Other Grants Roads	520,299.00	239,621.00	280,678.00	117%
5735.050	Other Grants Recreation	500.00	500.00	-	0%
5735.055	Other Grants Environmental Programs	-	20,000.00	(20,000.00)	-100%
5757	Trial Jury Reimbursement	54,000.00	54,000.00	-	0%
5760	Drug Court Grant	218,109.00	218,109.00	-	0%
5762	Heroin Coordinator Grant	65,433.00	65,433.00	-	0%
5890	Homeless Women Grant	24,557.00	24,557.00	-	0%
5905	Sheriff-Sex Offender Grant	9,444.00	9,444.00	-	0%
5912	Sher-Health Underage Drinking	2,000.00	2,000.00	-	0%
5915.030	CREP Program Environmental Programs	5,000.00	-	5,000.00	N/A
5925	MALPF Admin Fee	5,000.00	5,000.00	-	0%
5930	Rental Assistance Program Grant	40,000.00	40,000.00	-	0%
5940	Intern Program Grant	10,000.00	10,000.00	-	0%
Account Classification Total: - Intergovernmental - State Revenues		3,615,667.00	3,099,121.00	516,546.00	17%

FY2019 General fund Revenue by Account Classification

Account Number	Account Description	2019 Department Requested	2018 Adopted Budget	\$ Variance	% Variance
OTH REV - Other Revenue					
5845	Salary Reimbursement	500.00	500.00	-	0%
Account Classification Total: - Other Revenue		500.00	500.00	-	0%
TRNS IN - Transfers In					
5510	Transfers From Other Funds	-	208,125.00	(208,125.00)	-100%
5511	Casino/Local Impact Grant Funds	2,256,626.00	2,490,406.00	(233,780.00)	-9%
5975	Transfers	-	1,666,323.00	(1,666,323.00)	-100%
Account Classification Total: - Transfers In		2,256,626.00	4,364,854.00	(2,108,228.00)	-48%
Fund REVENUE Total: 100 - General Fund		202,665,379.00	198,932,675.00	3,732,704.00	2%

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

FISCAL YEAR 2019 Budget Meetings

Budget Work Session - Tuesday, April 3, 2018

	<u>Department #</u>
1:00p.m. Board of Education, Mr. Louis Taylor	1505
1:30 p.m. Recreation, Tom Perlozzo	1601
1:45 p.m. Parks, Tom Perlozzo Boat Landings	1602 1204
2:00 p.m. Tourism, Lisa Challenger	1803
2:15 p.m. Environmental Programs, Robert Mitchell	1010
2:30 p.m. Health Dept., Rebecca Jones, RN, BSN, MSN	1301
2:45 p.m. Jail, Warden Donna Bounds	1103
3:00 p.m. Elections Board, Patti Jackson	1006
3:15 p.m. Commission on Aging, Rob Hart	1401
3:30 p.m. Development, Review & Permitting, Ed Tudor	1008

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Unites Available – See Kelly Shannahan, Asst. CAO

Please be thoughtful and considerate of others.
Turn off your cell phones & pagers during the meeting!

AGENDA
WORCESTER COUNTY COMMISSIONERS

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

FISCAL YEAR 2019
Budget Meetings

<u>Budget Work Session - Tuesday, April 10, 2018</u>	<u>Department #</u>
9:00 a.m. Circuit Court, Judge Shockley	1002
9:20 a.m. Library, Jennifer Ranck	1603
9:35 a.m. States Attorney, William McDermott	1004
10:00 a.m. Sheriff Dept. Reggie Mason	1101
10:30 a.m. Economic Development, Kathryn Gordon	1801
10:45 a.m. Treasurer, Phil Thompson	1005
Other General Government – Mgmt Information Systems	1090.025
Debt Service, Jennifer Swanton	1975
11:00 a.m. Fire Marshal, Jeff McMahon	1104
Fire Training Center	1105.197
11:20 a.m. Volunteer Fire & Ambulance, Fred Webster & Jeff McMahon	1105
Emergency Services, Fred Webster	1102
Other General Government, Information Technology	1090.020
12:00 p.m. Lunch	
1:00 p.m. Public Works Admin, John Tustin	1203
Maintenance, Ken Whited	1201
Mosquito Control	1302
Roads, Frank Adkins	1202
Solid Waste, Jessica Wilson	
Water & Wastewater, Jessica Wilson	
3:00 p.m. Human Resources, Stacey Norton	1007
Benefits	1950
3:30 p.m. County Administration, Harold Higgins	1001
Orphans Court	1003
Other General Government	1090.050-.085
Extension Service	1701
Natural Resources	1702
Taxes Shared w/Towns	1901
Grants to Towns	1902
Interfund	1985
Wor-Wic Community College	1502
Social Service Groups	1402
Recreation & Culture	1604

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

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

Please be thoughtful and considerate of others.
Turn off your cell phones & pagers during the meeting!



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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

March 14, 2018

Worcester County Commissioners
One West Market Street
County Government Center - Room 1103
Snow Hill, MD 21863

RE: **Requested** FY2019 Enterprise Fund Operating Budgets

Commissioners:

In accordance with the County Government Article of the Code of Public Local Laws of Worcester County MD, the Worcester County Enterprise Fund Operating Budget Requests for Fiscal Year 2019 will be included in your Budget Work Session packages for your review and discussion on April 10, 2018.

Enterprise Funds

Enterprise Funds are used to account for functions of the County in which user charges are collected to cover the cost of the service being provided. The County uses enterprise funds to account for its water and wastewater and solid waste operations.

Water and Wastewater Enterprise Fund

The proposed budget contains rate adjustments for Assateague Point, Briddletown, Edgewater Acres, Landings, Mystic Harbor, Ocean Pines, Riddle Farm, and River Run. These adjustments are necessary in order to provide a revenue stream sufficient to support the water and wastewater operations.

Solid Waste Enterprise Fund

The tipping and permits fees are proposed to remain at current year rates.

The department is requesting the following transfers from the general fund to prevent increased rates for the customers and continual losses for the department:

- \$1,033,339 for Transfers In to Recycling for the Solid Waste Enterprise Fund
- \$664,984 for Transfers In to Convenience Centers for the Solid Waste Enterprise Fund

Budget Adoption Schedule

The budget review session with the Enterprise Fund Departments is scheduled for April 10, 2018. This session provides the opportunity for your detailed review of the various budget requests. Additional budget work sessions are scheduled for May 8, and May 15. May 22, 2018 is also scheduled if needed. The Public Hearings on the Requested Enterprise Fund Operating Budgets are scheduled for Tuesday, June 5, 2018 at the Government Center. The FY2019 Enterprise Fund Operating Budget will be adopted on Tuesday, June 19, 2018.

Respectfully Submitted,



Harold L. Higgins
Chief Administrative Officer