

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>
Meeting Attendees are required to wear face coverings and practice social distancing.

October 6, 2020

Item #

- 9:00 AM - Vote to Meet In Closed Session in Commissioners' Meeting Room - Room 1101
Government Center, One West Market Street, Snow Hill, Maryland
- 9:01 - Closed Session: Discussion regarding a request to hire an Assistant Warden and
Correctional Officer Trainees at the Jail, a Zoning Administrator at the Department of
Development Review and Permitting, and certain personnel matters; receiving legal advice
from Counsel; and performing administrative functions
- 10:00 - Call to Order, Prayer (Pastor Gary McCabe), Pledge of Allegiance
- 10:01 - Report on Closed Session; Review and Approval of Minutes of September 1, 2020
- 10:05 - Presentation of Proclamations for National Fire Prevention and White Cane Awareness Day 1-2
- 10:10 - Chief Administrative Officer: Consent Agenda
(Jail MOU with Life Crisis, Jail Contract Renewal with Swank Motion Pictures, COA Board Member and Articles of
Incorporation Changes, Small Project W/WW Agreement for Triple Crown Estates, EP MOU for Beach Water Quality Monitoring, Grant
for Police Protection Fund, County Tax Credit for Berlin Community Improvement Association, Bid Acceptance for Abatement of 2816
Snow Hill Road) 3-10
- 10:20 - Chief Administrative Officer: Administrative Matters
(Pending Board Appointments, FY20 Year End Budget Transfers, FY20 Reserve for Assigned Encumbrances, CARES Act
Update on Advertising, Maryland Entertainment Industry Assoc. Request, Injection Well Relocation Agreement, OP WWTP Screen
Rebuild/Retrofit, Newark Spray Irrigation CO #2, Bulk Water Meter Repair Parts Purchase, Solid Waste Plan Amendment, Request for
Nuisance Abatements, 2020 Hazardous Mitigation and Resilience Plan, Public Hearing Requests for Expansion of Mystic Harbour Sewer
Planning Area and Sanitary Service Area, Public Hearing Requests for Rezoning Cases 426 and 428, and potentially other administrative
matters) 11-27
- 10:30 -
- 10:40 -
- 10:45 - Public Hearing: Disposal of County Property - Units 101 and 102 in the Newtown Plaza Condominium
in Pocomoke City, Maryland 28
- 10:50 -
- 11:00 - Public Hearing: Rezoning Case 425 - 54.7 Acres South of Nassawango Road, West of MD Rt. 12 29
- 11:10 - Chief Administrative Officer: Administrative Matters 11-27
- 11:20 -
- 11:30 -
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press; County Commissioner's Remarks

Lunch

- 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary) 11-27

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Weston Young, Asst. CAO.
Please be thoughtful and considerate of others.
Turn off your cell phones & pagers during the meeting!

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Minutes of the County Commissioners of Worcester County, Maryland

September 15, 2020

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

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Development Review and Permitting (DRP) Director Ed Tudor, and DRP Deputy Director Jennifer Keener. Topics discussed and actions taken included the following: hiring Deven Scott as a Correctional Officer Trainee within the County Jail; approving a training reimbursement agreement for new hires in Emergency Services; conducting an employee disciplinary hearing and other personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:08 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Dale Brown of the Community Church at Ocean Pines and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their September 1, 2020 meeting as presented.

The Commissioners presented commendations to the following recently-retired employees to recognize their dedicated service to Worcester County Government: Circuit Court Judicial Assistant Teresa Jackson (35 years); Assistant Chief Administrative Officer Kelly Shannahan (30 years); County Jail Corporal William Riley (18 years); Public Works Maintenance Division Custodial Worker I Elizabeth Watson (33 years); Sheriff's Office K9 Officer Regan (eight years), State's Attorney's Office Community Service/Public Information Program Officer Mallory Eckman (15 years) and Treasurer's Office Accounting Manager Kandi Choisser (29 years).

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The Commissioners presented a proclamation to Worcester County Tourism Director Melanie Pursel and Kate Patton, Executive Director of the Lower Shore Land Trust (LSLT), recognizing September 4-27, 2020 as River Rally 2020 and September 27 as World River Day in Worcester County and encouraging residents and visitors alike to explore Worcester's outdoors. Leading up to World River Day, the LSLT is hosting River Rally 2020, a virtual event aimed at providing environmental, cultural, and historical information and promoting healthy lifestyles.

The Commissioners conducted a work session on draft Bill 20-7 (Zoning – Casino Entertainment District), which seeks to add a Casino Entertainment District as an overlay district in the Zoning and Subdivision Control Article and to establish such a use as a permitted use in the A-2 Agricultural District. Draft Bill 20-7 was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell on August 18, 2020. Development Review and Permitting Director Ed Tudor reviewed the zoning history of the Ocean Downs Property, noting that a portion of the property zoned A-1 Agricultural District was rezoned to A-2 Agricultural District, and the portion zoned B-2 General Business Category was rezoned C-2 General Commercial District, maintaining the same general uses. He noted that the property is almost surrounded by C-2 zoned properties, as a result of the Comprehensive Rezoning of properties across MD Rt. 589 from Ocean Downs and recent rezoning of properties to the north on MD Rt. 589. Mr. Tudor explained that the Board of Zoning Appeals granted a Special Exception for the fairgrounds, which permits over 21 various events, with slots approved by State referendum in 2008. He then reviewed the mix of uses that could be permitted in the proposed overlay district under the C-2 portion of the property and the uses allowed by the fairgrounds by special exception. He also advised that the underlying A-2 zoning district allows 65 different principle and special exception uses, though the designation as an overlay district does not happen automatically. Rather, it is a two-step application process with the Technical Review Committee and Planning Commission that includes requirements for traffic studies and a community impact statement. He clarified that an overlay district can only be established on A-2 zoned property that has a fully licensed and operating Casino, noting County staff worked with the applicant to develop a text amendment that would fit the County Code, and most of the proposed uses would be permitted with the existing zoning by special exception.

In response to concerns raised by Commissioner Bunting, Mr. Tudor confirmed that the principal and special exception uses that could be permitted on the casino property would not be permitted on any other A-2 property, unless said property was the site of an authorized casino. In response to follow up questions from Commissioners Bertino and Bunting, Mr. Tudor confirmed that the property owner currently cannot have a hotel/motel, restaurant, bar, nightclub, or banquet hall on the portion of the property zoned A-2, but such uses are permitted by the County on the 7.77 acres of the property zoned C-2 and would be permitted if the overlay district is approved. However, some of these same uses would also require approval from the State. Commissioner Bunting stated that such uses are inappropriate in the A-2 district, and he would prefer to protect the integrity of the A-2 district, which acts as a buffer between the A-1 district and districts that allow higher use activities.

Commissioner Bertino expressed concerns regarding taking any actions that could potentially increase on MD Rt. 589, an impacted highway, prior to dualizing this roadway.

Following some discussion, Commissioner Mitrecic thanked staff and the public for attending the work session and advised that the public hearing on the matter will take place

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October 20, 2020.

The Commissioners conducted a public hearing to obtain public comment on the proposed submission of a Community Development Block Grant (CDBG) application for funds that may be awarded to the County during round two of the federal CARES Act. Senior Budget Accountant Kim Reynolds advised that the County is applying for \$336,000 in funding, which would require an overall in-kind match of \$29,549. She stated that any funds awarded would be used by Diakonia, Worcester County's grant sub-recipient, to assist up to 70 county residents, including individuals and family groups, with emergency rental assistance for a period of up to six months.

Commissioner Mitrecic opened the floor to receive public comment.

There being no public comment, Commissioner Mitrecic closed the public hearing.

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 20-26, Maryland CDBG Program Coronavirus Funding.

Commissioner Bertino thanked Ms. Reynolds for her efforts to secure computers for the Worcester County Developmental Center.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Devita Washington to the Commission on Aging for a three-year term expiring September 30, 2022.

Pursuant to the request of Local Management Board Director Jessica Sexauer and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the Community Partnership Agreement between the County, the Local Management Board (LMB), and the Governor's Office for Children for FY21 with grant funds of \$755,043 to assist Building Bridges; Worcester Education, Employment, and Empowerment; Worcester Connects, a mentoring program; Local Care Team Coordinator; and Evaluating and Enhancing Outcomes for Worcester's children, youth, and families.

Pursuant to the recommendation of Assistant Chief Administrative Officer Weston Young and the request of Circuit Court Administrative Judge Brian Shockley and upon a motion by Commissioner Nordstrom, the Commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to authorize Commission President Mitrecic to sign the license agreement between the Snow Hill Volunteer Fire Company (SHVFC) and the County Commissioners, on behalf of the Worcester County Circuit Court, to use of portion of the SHVFC building for jury selection, which can include a pool of 60 or more individuals, to address social distancing in light of COVID-19 concerns.

Commissioner Bertino stated that certain logistical and safety concerns should be resolved prior to moving forward with this request. Commissioner Bunting concurred.

The Commissioners conducted a concurrent public hearing to consider applications filed by Hugh Cropper, attorney for Mark Odachowski, to amend the Comprehensive Water and Sewerage Plan and to expand the Mystic Harbour Sanitary Service Area (SSA) to include an

entire 10-acre property located at 12424 Old Bridge Road in West Ocean City (WOC), and more specifically identified on Tax Map 26 as Parcel 193, and for a sewer planning category as an S-1 (immediate to two years) within the Mystic Harbour SSA to serve a proposed 41-unit residential development. The westerly portion of this parcel is included in the Mystic Harbour SSA.

Environmental Programs Director Bob Mitchell reviewed the proposed amendment and stated that the applicant is also seeking an expansion of the Mystic Harbour SSA and will seek an allocation of equivalent dwelling units (EDUs) of sewer allocation from the Mystic Harbour SSA. He noted that the subject property is already designated S-1 in the plan for the WOC sewer planning area, which has limited capacity, and overlays the subject property and adjacent properties. The applicant has seven sewer EDUs in the Mystic Harbour SSA, one of which has been used in connection with his single-family dwelling, and the proposed expansion of the Mystic Harbour sewer planning area would accommodate the proposed sanitary needs of this development. Mr. Mitchell stated that the subject property is mapped as an Intensely Developed Area (IDA) for the Atlantic Coastal Bays Critical Area, with the easternmost portion of the property located outside the critical area. He explained that, if the SSA expansion is approved, the applicant will apply to purchase 35 additional sewer EDUs, pursuant to Resolution No. 17-19. He concluded that this proposal, which does not require the expansion of the Mystic Harbour Wastewater Treatment Plant due to the recent upgrade, is consistent with the County's Comprehensive Development Plan and the Planning Commission granted the proposal a favorable recommendation.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper concurred with the findings of the Planning Commission and County staff and asked the Commissioners to accept these findings as his testimony also. He advised that his client is not asking for an increase in capacity, but rather he is seeking an expansion of the Mystic Harbour SSA, so that this parcel is not cut in half by a service line.

Land Planner Bob Hand explained that the entire R-4 zoned property is mapped as an IDA, and the proposed expansion is consistent with infill development, within the Comprehensive Plan and Land Use Map.

Consultant Dane Bauer, co-owner of H&B Solutions, LLC, advised that the bisection of this property is not a good idea from a water and sewer planning perspective. He stated that service from the Mystic Harbour SSA is the preferable option and is financially feasible.

Commissioner Bertino stated that Resolution No. 17-19 specifically says EDUs may not be transferred from one service area to the other, and that the capacity may only be allocated to those properties according to the procedures outlined within said resolution. In response to a question by Commissioner Bertino, Enterprise Fund Controller Jessica Wilson stated that there is a provision within Resolution No. 17-19, the annual reservation fee, which has been paid by the applicant, is non-refundable.

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

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously approved Resolution No. 20-27, amending the Water and Sewerage Plan for Reclassification/Expansion of the Mystic Harbour SSA, and Resolution No. 20-28, expanding the Mystic Harbour SSA for 12424 Old Bridge Road.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and

upon a motion by Commissioner Bertino, the Commissioners unanimously approved the sole bid of \$14,249 from Doug Vann Excavating, Inc. during the rebidding to replace a single-family home septic system in the Stockton area. Ms. Bynum stated that the County has now exhausted the options available under the terms of the Community Development Block Grant (CDBG) agreement with the State, which requires projects receiving less than three bids to be rebid a minimum of one additional time, and is now able to use CDBG funds for this project.

Public Works Director John Tustin informed the Commissioners that the next Household Hazardous Waste Collection Day and electronics collection (limited to computers, servers, and laptops) will take place Saturday, October 31, 2020, from 10:00 a.m. to 2:00 p.m. at the West Ocean City Park and Ride. Mr. Tustin advised that the towns of Ocean City, Berlin, Snow Hill, and Pocomoke will be notified and invited to participate in this event.

Pursuant to recommendations from Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to post the following speed limit signs: one 25 mph sign on Carry Back Road and one 25 mph sign on all streets on Secretariat Drive and Sea Biscuit Road in response to request from Beth Monte of Equestrian Shores in Snow Hill; and one 25 mph speed limit sign on Cove Court and Terrapin Point Road and one 25 mph speed limit sign on all streets on Fox Run and Knoll Hill Drive (which will also cover Hammock Point) in response to a request from Maria Haynes of Genezer Estates. Mr. Tustin stated that there are currently no speed limit signs in these subdivisions, so a speed limit of 50 mph currently governs the area

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the no-cost Change Order No. 1 to allow Bunting and Murray Construction to construct a new precast wet well at the Newark Wastewater Treatment Plant instead of modifying the existing chlorine contact tank, as part of the Newark spray irrigation project.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the State Homeland Security Program 2020 Sub-Recipient Grant Agreement administered by the Maryland Emergency Management Agency (MEMA) for the Department of Homeland Security, awarding Worcester County Emergency Services a total of \$97,308.52 from September 1, 2020 through February 28, 2023 for approved programs and activities.

The Commissioners met with Emergency Services Director Billy Birch to review and discuss changes to the 2020 Hazard Mitigation and Resilience Plan that were made at the request of the Commissioners on September 1, 2020. Commissioner Bertino stated that he had not received the requested strike-and-replace copy of the 2020 plan update until 4:00 p.m. last night and could not read some portions where the text had been reduced in size. Commissioner Mitrecic noted that the revised plan included a list of all of the changes that had been made to the document.

In response to a question by Commissioner Nordstrom, Edward Werkheiser of the Maryland Emergency Management Agency, stated that, even though the County's current plan

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has expired, there is no drop-dead date to adopt the new plan, and any emergency protective actions would be covered for individual and public assistance.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to table further discussion until their next meeting and requested staff provide them with a more legible, strike-and-replace copy of the Hazardous Mitigation Plan and requested Smith Planning and Design, LLC, the County's consultants for the 2020 plan update, attend the meeting to address any questions the Commissioners may have.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Rezoning Resolution No. 20-3 for Rezoning Case No. 423 to rezone approximately two acres of land located on the easterly side of Elm Street, to the south of U.S. Rt. 50 and north of Old Bridge Road in West Ocean City, and more specifically identified on Tax Map 27 as Parcels 200, 201, 203, 204, 207, and 577 from R-3 Multi-Family District to C-2 General Commercial District.

Commissioner Nordstrom recognized and extended his gratitude to the multiple fire companies that responded to a major fire at Eastern Shore Forest Products in Pocomoke recently.

In response to a question by Commissioner Bertino, Assistant Finance Officer Jessica Wilson confirmed that waterline damages of \$114,000 caused by Comcast from December 1, 2019 to date in Ocean Pines include costs incurred during a recent water outage. County Attorney Roscoe Leslie agreed to provide the Commissioners with an update on the status of payments from Comcast for costs owed to the County due to damages at their next meeting.

Commissioner Elder requested an update from the Board of Education (BOE) regarding broadband availability for children, particularly in rural areas. He noted that it is his understanding that there are not enough hot spots for all children to complete their school instruction. He concluded that educating children is one of the Commissioners' highest priorities, and they need to work together with the BOE to assure children in the rural areas are not left behind.

The Commissioners answered questions from the press, after which they adjourned at 11:33 a.m. to meet again on October 6, 2020.

Minutes of the County Commissioners of Worcester County, Maryland

September 22, 2020

Emergency Session

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

The Commissioners conducted an emergency meeting to discuss a time sensitive funding assistance request from the Town of Snow Hill and Pocomoke City to purchase a riverboat and its associated economic development and tourism benefits to this region.

Commissioner Church was temporarily absent at the beginning of the meeting.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor and Deputy Director Jennifer Keener to discuss a zoning issue. Commissioner Bunting stated that he read the legal advertisement in which DRP, acting as the applicant, is seeking a variance from the Board of Zoning Appeals (BZA) after having erred in approving an application for a pole barn on St. Martin's Neck Road that was constructed within the front-yard setback. He stated that it is his opinion that ZS1-116 (4)(A)(3) of the Board of Zoning Appeals Article of the County Code, which states that "the special condition or circumstances did not result from the actions of the applicant," does not allow DRP to act as the applicant, as the applicant cannot be the person who created the mistake. He further stated that the application should not have been advertised as a variance to the lot width, but rather as an after-the-fact variance for an encroachment into the front yard of 99.1 feet. He stated that the simple solution would be for the property owner to be the applicant. Mr. Tudor stated that he would defer to the opinion of legal counsel regarding whether the County can do so, and if not, he would revise the advertisement.

In response to a question by Commissioner Mitrecic, Mr. Tudor stated it has been a long-standing policy of DRP, based on previous advice from legal counsel, that this was an appropriate way to help people when DRP makes a mistake. County Attorney Roscoe Leslie stated that whether or not the County is the applicant is a policy decision, one set forth by prior County Commissioners, and it is up to the current County Commissioners to determine if they want to maintain that policy. Commissioner Bunting disagreed with Mr. Leslie's interpretation of this section of the County Code.

Commissioner Church arrived at the meeting.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to pull Zoning Case No. 20-47 from the BZA agenda on October 6, 2020 and to reschedule the item for a later date after revising the advertisement to identify the owner as the applicant and the request to be an after-the-fact variance for an encroachment into the front yard of 99.1 feet.

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The Commissioners discussed a proposal seeking support for the Town of Snow Hill and Pocomoke City to acquire the Black Eyed Susan, a 1988, 149-passenger riverboat, or a similar vessel. On August 18, 2020 the Commissioners authorized County staff to develop a proposal to institute a year-round riverboat operation on the Pocomoke River that would serve as an economic engine for both Snow Hill and Pocomoke. Chief Administrative Officer Harold Higgins stated that the Worcester County Economic Development team believes this endeavor meets the strategic goals to provide new jobs and assist with economic growth in Snow Hill and Pocomoke.

Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development, stated that an opportunity like this to promote the southern end of the County as a tourism destination does not come along often, and there is an urgency to take action due to the interest from other jurisdictions in acquiring this vessel. He then directed attention to the packet items to be considered as follows: letters from Snow Hill and Pocomoke City supporting the venture; a contract between the Town of Snow Hill (buyer) and Scarlett Bird, LLC (seller) to purchase the river boat for \$324,500; emails from the current boat broker referencing the urgency of the purchase, letters from Ocean City, Berlin, and various hospitality partners indicating their intentions to participate; a United States Coast Guard Vessel Inspection Report; and a marine survey report. Mr. Perlozzo advised that on September 11 County staff met with both Snow Hill and Pocomoke City officials who stated that they were on board with the project. The following day they received the opportunity to purchase the Black Eyed Susan. He stated that two items need to be resolved: transferring the approved use of the Department of Housing and Community Development (DHCD) Community Legacy Grant of \$100,000 within the County budget from Tyson Foods to the Town of Snow Hill to purchase the riverboat; and Snow Hill and Pocomoke to develop a joint-use agreement for the vessel, an agreement that would be contingent upon the provision of County funding to cover the cost of purchasing and repairing the vessel. This funding is proposed to be derived from the \$100,000 Community Legacy Grant and \$250,000 in CARES Act funding allocated for advertising rather than a County taxpayer contribution. Mr. Perlozzo stated that this opportunity checks all the boxes for Snow Hill and Pocomoke, as it makes use of the Pocomoke River and would be an economic draw that requires little County risk. This boat is one of nine available in the United States, and if the venture fails for any reason, the collateral on the boat could be returned to the County.

In response to a question by Commissioner Mitrecic, Mr. Perlozzo confirmed that the Black Eyed Susan would be able to navigate back and forth along the Pocomoke River and clear any overhead obstacles, such as the Pocomoke River Bridge. In response to a question by Commissioner Bertino, Mr. Perlozzo confirmed that the Black Eyed Susan is currently owned by Scarlett Bird LLC, with Economic Development Deputy Director Lachelle Scarlato and her husband acting as managing partners.

Snow Hill Town Manager Gary Weber thanked the Commissioners for past funding support and for agreeing to host this emergency meeting to discuss a request from the Town of Snow Hill and Pocomoke City for County funding to purchase the Black Eyed Susan riverboat. He stated that the boat could be a venue for promoting music and the arts, as well as educational opportunities, and generate dozens of restaurant jobs. He stressed that this added attraction would stimulate economic development and tourism by drawing thousands of visitors from within a one-hour drive to the south end of the County, thus promoting job growth and filling empty stores. He stated that he looks forward to being part of a partnership team tasked with

putting together a request for proposals (RFP) to identify the right boat operator, who will be integral in developing a business plan for the riverboat, and to protect the interests of all parties.

Following Mr. Weber's presentation, the Commissioners discussed their questions and concerns on this matter.

In response to a question by Commissioner Bertino, Chief Administrative Officer Harold Higgins recommended approving this request.

Commissioner Bertino expressed concern that there is no proforma, no marketing plan, and no business plan that he has seen, yet the County is being asked to be a bank, so to speak, to fund this purchase before knowing whether the citizens of Snow Hill even want a riverboat. He then asked a series of questions to determine who would own the riverboat, the feasibility of acquiring the proposed vessel, the terminal facilities needed to host the vessel, whether the town will assume the \$190,000 bank note on the riverboat, the number of trips needed to make this a viable venture, and additional operational, financial, and staffing-related questions.

In response to acquisition questions, Mr. Weber confirmed that the Snow Hill Mayor and City Council support this venture and will host a meeting at 6:00 p.m. tonight to obtain the views of Snow Hill citizens on the proposed riverboat operation. He stated that the town would like to partner with the County and Pocomoke City to acquire this vessel, which would be moored at the dock on Bank Street adjacent to ample public parking in Snow Hill. He confirmed that the town may assume responsibility for the existing bank note on the boat, but advised that the State may extend a low-interest loan of \$250,000 to the town, which could be used to cover boat maintenance or to help repay the County loan.

In response to operating questions, Mr. Weber stated that the town has not yet determined ticket costs, which would vary based on the type of trip being offered, or the number of trips that would be needed to cover annual expenses and generate income. However, he explained that there is no competition in Worcester or Wicomico for this type of year-round entertainment venue. He estimated staffing needs to include a captain, a first mate, and roughly four deckhands, along with servers and bartenders. He then compared the economic potential of the riverboat operation to that of his former restaurant, the Blue Dog Café, which generated enough income on Friday nights alone to cover the restaurant's operating expenses each year for 10 years. He stated that this boat will pay for itself, and business plans should be developed in cooperation with the future boat operator. He reconfirmed that the boat would be able to navigate the river and that the first deck of the boat is handicap accessible. He then reviewed various options for addressing any potential operational and safety issues that could occur while the boat is traveling on the river.

With regard to financial questions, Mr. Weber stated that the town has requested but has not yet received financial records on the riverboat from Havre De Grace. He confirmed that Snow Hill officials do not intend to come back to the County to request an annual grant to help with expenses associated with the riverboat.

Commissioner Bertino stated that he believes that doing something with the Pocomoke River is important. However, he expressed concern that the County is being asked to redirect grant funds or for County taxpayers to extend loan funds to the town, and it is difficult to say yes with so many unanswered financial questions. He then asked if the Pocomoke City Mayor and Council are on board with Snow Hill on this proposed venture. Pocomoke City Mayor Susan Marshal Harrison stated that Pocomoke officials are very interested in being a partner on this project, and that they met last night to discuss the issue and agreed that they want to have a sound financial plan in place before committing to participate. Pocomoke City Manager Jeremy

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Mason stated that everyone is on board if it makes sense, but that they would like to have more information before agreeing to accept responsibility for a \$200,000 loan.

Mr. Higgins stated that he had just recently received the information necessary for him to complete his due diligence on this loan request, and based on the findings he believes this to be a viable financial endeavor. Therefore, he could support this project. He then reviewed an optional fee structure designed to cover operating costs, noting that ticket prices could range from \$40 to \$95 per passenger based on the types of venues being offered. In response to questions by Commissioner Bertino, Mr. Higgins stated that research shows that these boats hold their value. He stated that, if the Commissioners approve this request, County staff should develop a secured loan. Snow Hill would own the vessel. However, if for any reason the venture fails, proceeds from the sale of the riverboat would be allocated to the County to repay the loan.

Commissioner Nordstrom stated that the best option is for Snow Hill and Pocomoke City to operate the Black Eyed Susan together as one entity, and the proposed County loan could be offset almost entirely by Community Legacy and CARES Act funds. He agreed that not all of their questions can be answered at this point, and there is a lot of work to be done. However, this venture is important for the southern end of the County, and they will not get this opportunity again. He stated that he has talked with the elected officials and many residents of Snow Hill and Pocomoke as well as others in the County who have put 100% of their effort, interest, and excitement behind this venture because it could revitalize the downtown areas of both Snow Hill and Pocomoke. He concluded that he wished the County had more time to do more due diligence, but that if they do not make a decision today they may lose this opportunity and may never get another again. Therefore, he implored his fellow Commissioners to recognize how important this is for Snow Hill and Pocomoke, which do not have the same economic engine as the north end of the County, to recognize how long these towns have been depressed economically, and how long they have needed something for economic development. He stated that this opportunity will generate jobs, bring visitors to town, and entice new business to the area to fill long-vacant storefronts. Thus, this is a step in the right direction.

Commissioner Purnell concurred and requested Mr. Higgins provide the Commissioners with a copy of the financial information that he has compiled on the riverboat.

Commissioner Bunting stated that allocating \$250,000 in CARES Act grant funds toward a County loan to Snow Hill to purchase a riverboat owned by a County employee may be legal, but it does not pass the smell test. He noted that they have no way of knowing how redirecting this CARES Act funding could affect others. In response to a series of questions by Commissioner Bunting, Mr. Weber pointed out that this is an attraction that those in this area cannot get anywhere else, noting that this boat would cause a huge stir in the County and State in the coming years and generate far more interest than could be generated by devoting the \$250,000 in CARES Act funding toward advertising. He committed to working very closely with Department of Housing & Community Development Secretary Kenneth Holt to pursue the possibility of forgiving the use of public funds for the loan to purchase the riverboat. He further noted that the request from the town includes funding of roughly \$50,000 to cover electrical repairs to the boat; however, whoever is selected as the riverboat operator would be benefitting from the generation of revenues and would, therefore, also be responsible for covering future operating and maintenance costs. Commissioner Bunting stated that he would like to find a way to make economic development prosper in the south end of the County, but that he does not believe the plan presented here today is a good plan. Furthermore, he expressed concern that the

riverboat operation will not be able to sustain itself, thus leaving County taxpayers on the hook for these costs both now and in the future.

Commissioner Church stated that he has been looking for opportunities to spur economic development in the south end of the County for 20 years. He noted that he has a few concerns, but he believes the benefits to Snow Hill and Pocomoke, communities that need more help than Ocean City or Berlin because of their proximity to the ocean. He stated that this is a unique opportunity, that there is no other competition in this market, and based on the letters of support from all of the communities, he sees this venture as a win-win for all of Worcester County. With reference to the current ownership of the boat, Commissioner Church advised that there is no conflict of interest with a County employee owning the riverboat, as that ownership has been disclosed and all parties are aware of it. He stated that he is as concerned as his colleagues about spending taxpayer money, but this should generate revenue, and the Town of Berlin, Ocean City, and entities like the Harrison Group have indicated that they are willing to promote this opportunity. Therefore, he will vote in favor of the requested loan.

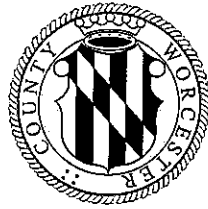
Commissioner Elder stated that he is torn, as he has been wracking his brain for years about how to use the Pocomoke River to promote the towns. However, he cautioned that he has been taken advantage of in the past when rushed into making a decision. Commissioner Elder stated that he would like to know how often boat cruises took place in Havre De Grace and how full the boat was when it left the dock. He then expressed concern that Pocomoke City officials are not yet on board with this venture. Commissioner Nordstrom stated that he spoke with each member of the Pocomoke City Council, as well as the mayor and town manager, who have said they are 100% behind this venture, but that they have not yet agreed to participate because they have not yet been given the terms of the loan from the County.

Commissioner Mitrecic stated that there are issues in the marine survey that concern him but that said issues could be corrected. He noted that the key to making this a great venture would be to attract the proper operator, perhaps one of the bigger restaurants operating in the County. He stated that on September 1, 2020 the Commissioners hemmed in where \$250,000 in CARES Act funding allocated for advertising could be used. He then noted that the Commissioners could spend \$250,000 on television and radio advertising and fail to get the same bang for the buck that this venture will generate. He concluded that the proposed riverboat operation will be a big gain for the county.

Following much discussion, the Commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to extend a no-interest loan to the Town of Snow Hill for up to \$400,000 to purchase the Black Eyed Susan riverboat and cover projected repair costs identified in the marine survey or to purchase a similar riverboat, to authorize staff to negotiate the proposed terms of the loan with the Town of Snow Hill, and to present the proposed loan details to the Commissioners for their future approval. If possible, funding for the County loan will be offset by utilizing \$250,000 in CARES Act grant funds and \$100,000 in Community Legacy grant funds.

Commissioner Mitrecic recognized Senator Mary Beth Carozza and thanked her and others in attendance for joining the Commissioners for this emergency session.

The Commissioners answered questions from the press, after which they adjourned at 4:37 p.m. to meet again on October 6, 2020.



ITEM
1

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

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

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

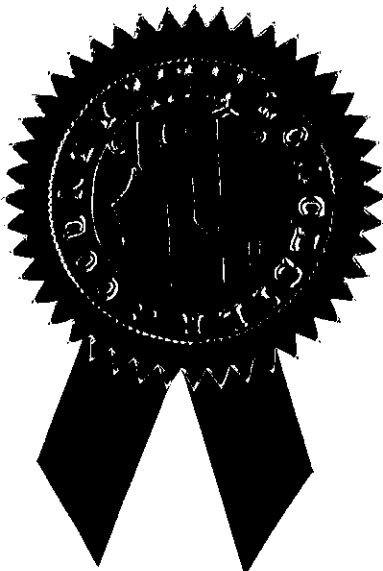
PROCLAMATION

WHEREAS, the Commissioners join with the Worcester County Fire Marshal's Office and area fire agencies to recognize October as National Fire Prevention Month and the week of October 4-10, 2020 as National Fire Prevention Week; and

WHEREAS, the National Fire Protection Association's 2020 campaign theme *Serve Up Fire Safety in the Kitchen* spotlights the need to avoid multitasking and other distractions while in the kitchen, as unattended cooking is the leading cause of home fires. Instead, stay focused and keep an eye on what you are cooking.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, proclaim October 4-10, 2020 as **Worcester County Fire Prevention Week** and recognize October as **National Fire Prevention Month**. Learn how to prevent cooking fires at www.firepreventionweek.org.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of October, in the Year of Our Lord Two Thousand and Twenty.



Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

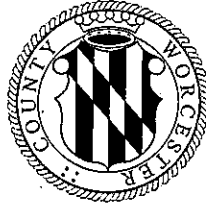
Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

Citizens and Government Working Together



ITEM
2

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

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1109

SNOW HILL, MARYLAND

21863-1195

PROCLAMATION

WHEREAS, the Commissioners join with the Worcester County Chapter of the National Federation of the Blind to celebrate October 15, 2020 as **White Cane Awareness Day**, recognizing that the white cane is an essential tool that grants those who are blind with the ability to live independently and to move freely and safely from place to place; and

WHEREAS, we urge motorists and cyclists to recognize that the law requires them to exercise appropriate caution when approaching a blind person carrying a white cane, and employers should strive to expand employment opportunities and exercise greater acceptance of blind persons in a competitive labor market.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, proclaim October 15, 2020 as **White Cane Awareness Day** in Worcester County and encourage area residents and employers to value the white cane as a tool of independence for the blind in public areas and business offices.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of October, in the Year of Our Lord Two Thousand and Twenty.

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell





ITEM
3



DONNA J. BOUNDS
WARDEN

Worcester County Jail

QUINTIN L. DENNIS
SECURITY

P.O. BOX 189
SNOW HILL, MARYLAND
21863

FULTON W. HOLLAND JR.
CLASSIFICATION

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

September 23, 2020

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

RE: Memorandum of Understanding with Life Crisis Center

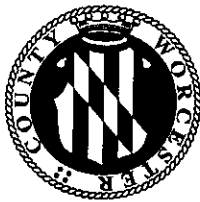
Dear Mr. Higgins:

I am submitting a request to enter into a Memorandum of Understanding from October 1, 2020-September 30, 2021 with the Life Crisis Center, Inc. located in Salisbury, Maryland, to provide 24-hour confidential crisis intervention for the inmate/detainee population. The Prison Rape Elimination Act mandates that the facility have a third party notification process for the inmate/detainee population to report alleged assault, abuse or neglect without delay. The cost of this service is \$1200.00 per year. I respectfully request to use this service to maintain compliance with the Prison Rape Elimination Act.

Please contact me if you have any additional questions or concerns.

Sincerely,

Donna J. Bounds, Warden
Worcester County Jail



DONNA J. BOUNDS
WARDEN

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

This is a Contract entered into by Life Crisis Center, Inc. (hereinafter referred to as "the Provider") and the County Commissioners of Worcester County, Maryland (hereinafter referred to as "the Client") on this date, October 1, 2020 for the period of one year through September 30, 2021.

The Provider's place of business is PO Box 387, Salisbury, MD 21803, and the Client's place of business is 5022 Joyner Road, Snow Hill, MD 21863.

The Client hereby engages the Provider to provide services described herein under "Scope and Manner of Services." The Provider hereby agrees to provide the Client with such services in exchange for consideration described herein under "Payment of Services Rendered."

To the extent permitted by law, the Provider shall defend, indemnify and hold harmless the Client 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 Client, its employees, agents or officials resulting from any act or omission committed by Provider in the performance of the duties imposed by and performed under the terms of the contract. The Provider shall not be responsible for acts of gross negligence or willful misconduct committed by the Client. .

Provider shall also provide General Liability Insurance in amounts and with companies satisfactory to Client.

Nuisance calls received by the Life Crisis Center from the inmate population will be investigated by the Warden of the Worcester County Jail and institutional and/or criminal charges will be placed against any individuals who are determined to have placed such calls. If it is determined by the Life Crisis Center that the nuisance calls become too numerous, the parties shall renegotiate the attached contract.

Scope and Manner of Services

- 24 Hour Hotline for Confidential Crisis Intervention: Provider will accept phone calls from the inmates at Client's facility regarding reports of alleged assault, abuse, or neglect from inmates/detainees or staff members.
- Provider will immediately notify the Client of any and all reports of alleged assault, abuse, or neglect.
- Provider will provide data collection for Client's reporting requirements.
- Provider will promptly email the reporting to Warden Bounds (dbounds@co.worcester.md.us) after each call and no more than two hours after each call during regular business hours of 8:00 am to 4:00 pm.
- Provider agrees that information received by Provider during the administration of the Contract is considered confidential and agrees to keep such information confidential.
- *Client will immediately upon notification to the Warden of the Worcester County Jail will initiate and investigate of any and all notifications of reports of alleged assault, abuse, or neglect from inmates/ detainees without delay.*

Payment for Services Rendered

The Client shall pay the Provider the sum of \$1200.00 annually commencing on October 1, 2020 and ending on September 30, 2021.

Termination for Cause

The Client may terminate this Agreement for any cause upon notice to the Provider. For the purposes hereof, "Cause" shall include, but not be limited to:

- Material Breach of Contract
- Dishonesty, Fraud, or Criminal activity
- Incapability to Perform
- Nonperformance
- Substandard Performance

In witness of their agreement to the terms above, the parties or their authorized agents hereby affix their signatures:

_____	_____	_____	_____
Printed Name of Provider or Agent	Date	Signature of Provider or Agent	Date
_____	_____	_____	_____
Printed Name of Client or Agent	Date	Signature of Client or Agent	Date



DONNA J. BOUNDS
WARDEN



**Worcester County
Jail**

P.O. BOX 189
SNOW HILL, MARYLAND
21863

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

ITEM
4

QUINTIN L. DENNIS
SECURITY

FULTON W. HOLLAND JR.
CLASSIFICATION

September 23, 2020

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

RE: Swank Motion Pictures, Inc. Contract Renewal 11/1/2020-10/31/2021

I am submitting this contract from Swank Motion Pictures, Inc. to continue to broadcast informational DVD's and entertainment DVD's to the inmate/detainee population. The annual cost has increased this year from \$1119.80 to \$1141.80. Informational DVD's are broadcast to all housing units weekly as required by the Immigration Standards, to advise ICE detainees of their legal rights while in custody. The entertainment DVD's broadcast to the inmate/detainee population are part of the Maryland Standards and Immigration Standards as a form of recreational activities. The ability to broadcast is a vital form of communication with the jail population.

Please feel free to contact me if you have any questions.

Sincerely,

Donna J. Bounds, Warden
Worcester County Jail

SWANK MOTION PICTURES, INC. PUBLIC PERFORMANCE LICENSING AGREEMENT FOR CORRECTIONAL INSTITUTIONS

This AGREEMENT is made on this 14TH day of September 2020, between COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND ON BEHALF OF THE WORCESTER COUNTY JAIL LOCATED AT 5022 JOYNER ROAD SNOW HILL, MARYLAND 21863 ("Licensee" herein) and SWANK MOTION PICTURES, INC. ("Swank" herein), a Missouri corporation.

1. Subject Matter and Term of Agreement

A. Swank is an authorized distributor of copyrighted motion pictures ("DVDs" herein) for non-theatrical public performances. Swank desires to license Licensee for public performance exhibition. Licensee desires to exhibit movies licensed from Swank on the terms and conditions set forth herein.

B. The term of this Agreement shall commence on November 1, 2020 and continue through October 31, 2021 after which day it shall expire unless renewed or renegotiated by mutual agreement of the parties.

2. License

Producers listed are those supplying titles at the time of this printing.

During the term of this contract, Swank shall license Licensee for public performance in its facility on the terms and conditions set forth herein. New facilities added during the term of this contract will require an amendment agreed to in writing by both parties. During the contract period, Licensee may exhibit DVD for showings only at its location(s) listed in Exhibit A. Licensee shall be entitled to choose from Swank's current and future list of available movies for public performance purposes which includes titles distributed by Paramount Pictures, Warner Bros, Bleecker Street, Fine Line Features, Lorimar Productions, New Line Cinema, Picturehouse, RKO Films, The Ladd Company, Turner Pictures, Warner Independent Pictures, Warner Premier, A24 Films, STX Entertainment, MGM/UA, American International, Orion, United Artists, Lions Gate Films, Trimark, Sony Pictures, Columbia Pictures, Epic Productions, Tristar Pictures, Triumph Films, Paramount Vantage, NBC Universal Pictures, Polygram, Focus Features, Gramercy, October Films, USA Films, Summit Entertainment, Lantern Entertainment, Buena Vista Distribution, Hollywood Pictures, Miramax, Touchstone Pictures and Walt Disney Pictures. Rentals and or purchases of titles covered by this Agreement are at the expense of the Licensee.

3. Terms

In consideration of the License, Licensee shall pay Swank a License Fee of \$1,141.80 payable in one installment upon receipt of invoice.

4. Payment

Invoice is due and payable upon receipt.

5. Advertising

These motion pictures are specifically licensed for non-theatrical showings only. Promotion or advertising outside the Facility is strictly prohibited.

6. Warranties

Swank is authorized by the copyright owners of the titles distributed by Swank to license to others for non-theatrical public performance purposes.

Swank shall defend, indemnify and hold harmless licensee, 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 Licensee, its employees, agents and officials resulting from any act, omission, unauthorized use or infringement committed by Swank in the performance of duties imposed by and performed under the terms of the Agreement.

**SWANK MOTION PICTURES, INC.
PUBLIC PERFORMANCE LICENSING AGREEMENT**

continued

7. Notices

All notices to be given hereunder shall be in writing or delivered personally or mailed by pre-paid certified or registered mail (return receipt requested) as follows:

If to Swank:

SWANK MOTION PICTURES, INC.

10795 Watson Road

St. Louis, Missouri 63127-1012

Attn: John Kersting
Institution Sales Manager

If to Licensee:

WORCESTER COUNTY JAIL

PO Box 189

Snow Hill, MD 21863

Attn: Donna Bounds
Warden

or to such other addresses as the parties shall specify, or by written notice so given, and shall be deemed to be given as of the date so delivered or mailed.

8. Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

EXECUTED on the day and year first above written.

SWANK MOTION PICTURES, INC.

By _____
John Kersting
Institution Sales Manager

**COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**

By _____

Name _____

Title _____

EXHIBIT A

LOCATION:

WORCESTER COUNTY JAIL

P.O. BOX 189
Snow Hill, MD 21863

*Our mission is to enhance the quality of life for Worcester County residents 50 years and older.
Our vision is to provide programs and services that promote active, independent and healthy lifestyles.*

September 14, 2020



Weston,

The WorCOA Board of Directors met on Thursday, September 10, 2020, and appointed the following board members for an additional three-year term to begin October 1, 2020:

- James Covington (from Pocomoke City, District 1)
- Caroline Dryzga (from Ocean Pines, District 5)
- Bonnie Gisriel (from Ocean City, District 7)

Per our By-Laws, the Commissioners' approval is required, and herewith requested.

The Directors also agreed to amend Article Six of our Articles of Incorporation to read:

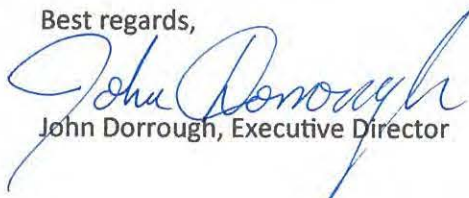
The number of Directors of the Corporation shall be five (5) which number shall be increased or decreased pursuant to the By-Laws of the Corporation, and the names of the Directors who shall act until the first annual meeting or until their successors are duly chosen and qualified are: Jean Monroe, Oliver Williams and Thomas C. Groton, III. All Directors must be members of the Worcester County Commission on Aging.

Per our Articles of Incorporation, the Commissioners' approval is required, and herewith requested.

This amendment removes the lower and upper limits of members set by the original article, which read: "... which number shall be increased or decreased pursuant to the By-Laws of the Corporation, but shall never be more than seven (7) nor less than (3), ...". The purpose of the amendment is for the Articles of Incorporation to legally reflect the parameters set in the by-laws, which states: "There shall be a Board of Directors of the Commission which shall consist of not less than (ten) natural persons, including ex-officio members." (Article I, Section II)

Currently the Board of Directors is comprised of eight regular and four ex-officio members. All districts, with the exception of 3 and 6, are represented on our board by the eight regular members. This fall our nomination committee will be reaching out to community leaders and Commissioners Bunting and Church for recommendations for board members from these two districts.

Best regards,



John Dorrough, Executive Director

Worcester Commission on Aging

Community for Life • Worcester Adult Medical Day Services • Senior Care • Senior Ride • Meals On Wheels
Berlin 50plus Center • Ocean City 50plus Center • Pocomoke City 50plus Center • Snow Hill 50plus Center

4767 Snow Hill Road • PO Box 159 • Snow Hill, Maryland 21863
410.632.1277 • FAX 855.230.5496 • info@worcoa.org • www.worcoa.org

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Article I- Name

Section I: The name of the corporation shall be the Worcester County Commission on Aging, Inc., herein after called the "Commission."

Section II: There shall be a Board of Directors of the Commission which shall consist of not less than twelve (12) natural persons. Other than the Board of Directors, there shall be no members of the Commission.

Section III: The general provisions, rules of construction and definitions contained in Maryland Annotated Code, Corporations and Associations article, shall govern the construction of these by-laws and the operation of the corporation.

Article II – Purpose

Section I: This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including for organizations under Section 501(c)(3) of the Internal Revenue Code.

Section II: The Board shall be responsible for the control and management of the affairs, property, and interests of the corporation, except as limited by statute. The Board shall make policy regarding its direction and activity and shall have the power to authorize and approve acts of the Worcester County Commission on Aging, Inc.

Section III: It shall be the purpose of the Commission to provide assistance to older people in Worcester County by offering a variety of services to the healthy as well as frail or impaired adults, to provide services that will maintain or improve their level of function and enable them to remain independent as long as possible.

Section IV: The principal office of the corporation shall be located at 4767 Snow Hill Road, Snow Hill, Maryland. The Commission may establish and maintain such offices or places of business as necessary.

Section V: The Commission shall engage in such other activities defined by the Commissioners of Worcester County as are necessary to promote the goals of the Commission on Aging.

Section VI: The directors shall select an executive director who shall serve at the pleasure of the Board. The executive director shall be responsible for the administration and conduct of the daily business of the corporation pursuant to guidelines established by the Board. The executive director shall have full authority for hiring, supervising, and terminating employees of the corporation.

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Article III – Governance

Section I: At least 50 percent of the Board of Directors shall be consumers or volunteers of services provided by the Commission on Aging, and include minority representation as well as consumers or volunteers from each of the centers operated by the Commission.

The Worcester County Commissioners may appoint one of its members to the Board.

Directors shall be residents of Worcester County and appointed by the Worcester County Commission on Aging, with approval of the Worcester County Commissioners to serve a three year term beginning October 1st of each year, and may be reappointed.

A representative of the County Health Department, Department of Social Services and representative of the Board of Education shall also serve as ex-office members of the Commission.

The nominating committee will be asked to recommend a minimum of two persons to fill any vacancy and be submitted to the County Commissioners.

Section II: All vacancies in the Board, whether caused by resignation, death, or otherwise, may be filled by the affirmative vote of a majority of the remaining directors even though less than a quorum of the Board is present. A director elected to fill any vacancy shall hold office for the unexpired term of his or her predecessor and until a successor is elected.

Section III: Vacancies in any office arising from any cause may be filled by the Board at any regular or special meeting of the Board.

Section IV: The number of directors may at any time be increased or decreased by amendment of these by-laws, but no decrease shall have the effect of shortening the term of any incumbent director.

Section V: No officer of the corporation or director shall be personally liable for any debt, judgment, obligation or liability of the Corporation.

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Article IV – Duties of Board Members

Section I: Each director is entitled to vote or abstain upon matters that come before the Commission and to express opinions, recommendations, resolutions, and motions, however popular or unfavorable, in any matters of concern to the Board.

Section II: A director is entitled to issue a minority report on any matter with which he or she disagrees with the majority.

Section III: Directors shall not assume the administrative authority specifically vested in the executive director.

Section IV: Directors shall attend all meetings. Illness and vacation shall be excusable. Advance notification of an absence should be made to the Chair.

Section V: When a director has not fulfilled the duties of the Board, notice by the chair will be sent to the director and request made for either full participation or resignation. Absence on two or more consecutive meetings without advance notice shall be cause for such written notice.

Section VI: Directors should endeavor to keep current on activities in the field of aging nationally, statewide, and locally.

Article V – Officers

Section I: The Officers of the Board shall be the chair, vice chair, secretary, and treasurer.

Section II: All officers shall be counted in determining a quorum and shall have a vote in all meetings of the Board. However, the chair shall vote only to break a tie.

Section III: Candidates for the above offices shall be nominated by the nominating committee of the Board and by any other member from the floor during the annual meeting to be held in October of each year. Officers will serve a two-year term and may be reelected.

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Article VI-Duties of Officers

Section I: The board of directors, by majority vote, may elect any one of its members as chair. The chair shall preside at all meetings. He or she shall appoint all committees and be the representative of the Board in its dealings with other organizations and the public.

Section II: The vice-chair shall be vested with the powers and duties of the chair during the absence of the chair, and shall have such other duties as may from time to time be determined by the board as a whole.

Section III: The secretary shall attend all meetings of the Board and shall act as clerk thereof; shall record all notes and minutes of all proceedings in a book to be kept for that purpose; or shall designate another Board member or staff member to do so; and shall be custodian of the roster of all members.

Section IV: The treasurer shall supervise all funds of the Board and monitor the books and records thereof.

Section V: All checks written against funds of the Worcester County Commission on Aging, Inc. must be signed by the person or persons designated by the Executive Director. Any check over the amount of Five Thousand Dollars (\$5,000.00) shall require two (2) signatures, with one of the signatures being a member of the Board of Directors with such a signature authority. A validated voucher or formal claim for payment must accompany all checks before any signatures may be affixed thereto. The Executive Director shall validate all vouchers.

Section VI: If any officer of the Board is absent or unable to act and no other person is authorized to act in such officer's place by the provision of these by-laws, the board of directors may from time to time delegate the powers or duties of such officer to any other officer or any director it may select by majority vote of those present.

Article VII – Meetings of the Board

Section I: The Board shall meet each month, unless otherwise agreed to by a vote of a simple majority of the Board members. Special meetings may be held at the call of the chair or at the written request of a simple majority or more of the members to the chair at least one week prior to such meeting. Any member may place a matter on the agenda and shall contact the chair for its inclusion.

Section II: A quorum for the purposes of holding any meeting of the Board shall be a minimum of five directors who are in attendance at the meeting.

Section III: The Board may make rules for the conduct of its meetings, and in absence of such rules, its meeting shall be conducted in accordance with Robert's Rules of Order.

Section IV: A written vote shall be allowed at meetings in cases of excused absence.

Section V: The four officers of the Board shall serve as executive committee to dispose of urgent matters of a routine nature not requiring a special meeting of the full Board. This delegation does not apply to policy, planning, or program decisions, or to other major matters requiring the full and immediate attention of the Board. All decisions of the executive committee will be referred to the Board at its next regular meeting for confirmation.

Article VIII- Committees

Section I: The chair shall appoint standing committees which shall include a nomination committee, By-Laws Committee, Fundraising Committee and such other standing committees that may be required. The chair shall appoint at least two committee members from among the Board members to each of the standing committees. Committee members should not serve on more than one standing committee unless there become more such committees than there are members available. A chair for each committee shall be elected from among the committee members.

Section II: The chair shall appoint working committees as the need arises and shall disband such committees as soon as the committees' tasks are completed. Normally two members should be appointed to serve on each working committee unless the matter to be considered requires more than two members. The Board shall have the power to appoint sub-committees of "ad hoc" members made up of members from the respective communities involved and the size of such subcommittees shall be determined by the appointing committee.

Section III: The Nominating Committee will conduct ongoing recruitment of Board members. The by-laws committee will conduct an annual review of the by-laws. The Fundraising Committee will recommend ideas for annual Board fundraising.

Article IX – Amendments

Section I: The by-laws may be amended at an annual meeting or any special meeting of the Board called for that purpose by a two-thirds vote of those present, provided a quorum exists, and also provided that notice of said meeting, including the proposed amendment, shall have been mailed to all members at least one week prior to the meeting.

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Section IV: A written vote shall be allowed at meetings in cases of excused absence.

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BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

Article X – Termination

Upon dissolution, the assets of the corporation, after satisfaction of all obligations in accordance with the General Laws of the State of Maryland, shall be returned to the appropriate funding agency or donor in so far as possible. Any non-returnable funds remaining after dissolution shall be given to a bonafide non-profit charitable corporation or a bonafide agency seeking to accomplish similar purpose.

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

February 19, 1981 Amendment By-Laws changes:

Article III – Section I, Section II, No. 3 and None

Article V- Section III

Article VII- Section IV

March 18, 1982 Article X – Termination (added)

October 15, 1987 Article V – Section III (changed)

March 2008 Amendment By – Laws changes

Article I- Section I (changed)

Article I – Section II (added)

Article II – Section I (changed)

Article II – Section II (changed)

Article II – Section III (changed)

Article II – Section IV (changed)

Article II – Section V (changed)

Article III – Heading (changed)

Article III – Section I (changed)

Article III – Section II (changed)

Article III – Section III (added)

Article III – Section IV (added)

Article III – Section V (added)

Article III – Section VI (added)

BY-LAWS
OF
WORCESTER COUNTY COMMISSION ON AGING, INC.

March 2008 Amendment By – Laws changes (continued)

- Article IV – Heading (changed)
- Article IV – Section III (changed)
- Article IV – Section VI (changed)
- Article V – Section III (changed)
- Article VI – Section I (changed)
- Article VI – Section III (changed)
- Article VI – Section V (changed)
- Article VI – Section VI (added)
- Article VII – Heading (changed)
- Article VII – Section I (changed)
- Article VII – Section II (changed)
- Article VIII – Section I (changed)
- Article VIII – Section III (added)

July 2011 Amendment By – Laws changes

- Article V- Section III (changed)
- Article VI – Section I (changed)

July 2015 Amendment By – Laws changes

- Article VI- Section III (changed)
- Article VI – Section V (changed)
- Article VII- Section II (changed)
- Article VIII – Section I (changed)
- Article VIII- Section III (changed)



ITEM
6

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 S. Ross, P.E., Deputy Director of Public Works
DATE: September 28, 2020
SUBJECT: Small Project Agreement - Triple Crown Estates

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

.....
By agreement dated September 18, 2018, the County Commissioners approved a Small Project Wastewater and/or Water Agreement for the Triple Crown Estates Subdivision with Steen and Associates, Inc. (Steen). The completion date for that project was extended to October 1, 2020 in September of 2019.

Steen had begun construction of the subdivision but that work was put on hold and the development was modified to include lots for single family homes. The construction was further delayed by the current pandemic.

Attached is a request from Steen to have the agreement extended for another year to October of 2021. The Department of Public Works has no concerns with extending the agreement and recommend approval.

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

Attachment

cc: John H. Tustin, P.E., Director of Public Works
Michelle Carmean, Enterprise Fund Controller



Builder • Developer

To: John Tustin, P.E., Director of Public Works
Worcester County, Md.

From: G. Marvin Steen, President, Steen Associates, Inc.

Date: 09/16/2020

Ref: Worcester County Small Project Wastewater and/or Water
Agreement. Triple Crown Estates Subdivision.

Dear Mr. Tustin:

This purpose of this letter is to request a One Year Extension, to
Complete the above referenced Project.

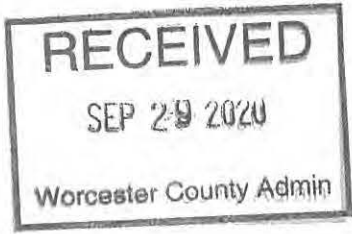
Thank You for Your consideration in this matter. If you need more
information or have any questions, please do not hesitate to call Me.


Sincerely: G. Marvin Steen, President, Steen Associates, Inc.

410-641-7050




ITEM
7



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

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

Subject: **Memorandum of Understanding**
County Recreational Water Quality and Monitoring
and Notification Beaches Program

Date: September 28, 2020

The Department of Environmental Programs has received the renewal of our Agreement with the Maryland Department of the Environment (MDE) regarding oversight for Recreational Beach monitoring in Worcester County. The state has extended the agreement to five (5) years, and will issue a blanket Purchase Order from which we will invoice the state for the additional sampling. BEACH ACT funding covers sampling done over and above what is minimally required of the county to undertake in our delegation agreement. This translates to the twice weekly sampling of our ocean beaches, the primary focus of the federal BEACH ACT funding. Other beaches in the county are sampled less frequently through the bathing season.

The state of Maryland has worked with the counties on the guidance documents that will be appropriate for both the coastal marine water areas that will be regulated by the EPA under the BEACH act and the freshwater beaches that will not be under the purview of this federal legislation. Responsibility for monitoring recreational water quality has been delegated by Maryland Department of the Environment (MDE) to the counties. The purpose of recreational water quality monitoring for microbial contamination is to reduce the incidence of human disease that arises from contamination of recreational water areas with fecal matter.

We have managed and run this delegated program in its entirety for thirty (30) years. This supplemental funding has only been available since 2005. From the time of the initial program startup, the program has been very well received and we have presented on our work here at annual Beach Monitoring conferences held by MDE.

Citizens and Government Working Together

We respectfully request that the County Commissioners authorize Commissioner Mitrecic to sign the agreement where indicated. The continuance of this additional sampling will provide a measure of security to the visitors to our wonderful beaches that these waters are safe for swimming.

As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachments (3 copies)

cc: Kim Reynolds

DELEGATION AGREEMENT
between
MARYLAND DEPARTMENT OF THE ENVIRONMENT
and
WORCESTER COUNTY HEALTH DEPARTMENT
regarding
Oversight of Transient Noncommunity Water Systems

THIS DELEGATION AGREEMENT (hereafter referred to as “the Agreement”), executed in duplicate, is made this ____ day of _____, 2020, by and between the Secretary (the “Secretary”) of the Maryland Department of the Environment, acting for and on behalf the State of Maryland (hereafter referred to as “MDE”) and Worcester County Health Department, acting by and through its Health Officer (hereafter, the “County Health Officer”).

WHEREAS, the Secretary has primary responsibility for enforcement of the federal Safe Drinking Water Act and its associated regulations in Maryland pursuant to Environment Article §9-402 of the Annotated Code of Maryland (hereinafter the “Code”); and

WHEREAS, pursuant to §1-301 of the Environment Article of the Code, the Secretary is responsible for carrying out and enforcing the provisions of the Environment Article, Title 1 and Title 9, Subtitle 4 of the Code, and the rules and regulations adopted under this Article; and

WHEREAS, the Secretary has delegated to the MDE Director of the Water and Science Administration the regulatory, administrative and legal authority to perform certain functions consistent with MDE policies and procedures, including enforcement actions, and response to actions, to perform plan review, and to enter into memoranda of understanding and legally binding agreements; and

WHEREAS, the Secretary under the Environment Article §1-301 and §9-404 of the Code may delegate duties, powers and functions to a health officer for a county or to another county official authorized to administer and enforce environmental laws; and

WHEREAS, MDE is providing financial assistance to the County Health Officer with funds received by MDE pursuant to the Drinking Water State Revolving Fund program established by Section 1452 of the Safe Drinking Water Act (“SDWA”: SDWA Amendments of 1996, Section 130, Public Law 104-182), and the FFY2019 Drinking Water State Revolving Fund Capitalization Grant in the total amount of \$20,158,000, awarded September 17, 2019 for the period of July 1, 2019 to June 30, 2026 (CFDA #66.468; FAIN #99364819) and certain anticipated future fiscal years’ grants (the “DWSRF Grant”) for oversight of Transient Noncommunity Water Systems.

NOW THEREFORE, pursuant to Maryland law, the Secretary delegates to the County Health Officer, and the County Health Officer agrees to accept delegation authority, to perform those functions and duties described in this Agreement under the terms and conditions described herein.

I. Purpose

The purpose of this Agreement is to provide the County Health Officer with the authority and the funds to implement SDWA activities of transient noncommunity water systems within its jurisdiction as a designee of the Secretary and MDE.

This Agreement delineates the responsibilities of the Water and Science Administration (hereafter referred to as "the Administration"), and the County Health Officer as they relate to public water supplies in Worcester County.

II. Applicability

The Administration is responsible for implementing SDWA activities of public water systems. Under this Agreement, the County Health Officer accepts delegation for regulating SDWA activities of transient noncommunity water systems within its jurisdiction.

III. Definitions; Rules of Construction

Unless the context clearly indicates to the contrary, in this Agreement, (i) words importing the singular number include the plural number and words importing the plural number include the singular number and (ii) words of the masculine gender include correlative words of the feminine and neutral genders. The following definitions are subject to the definitions provided in Environment Article §§9-401 et. seq. and COMAR 26.04.01, and in the event of a conflict between the definitions provided herein and those laws, the laws will prevail. Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement, each term used in this Agreement which is defined in the Recitals shall have the meaning given to such term in the Recitals and:

A. *Bacteriological Sample Siting Plan (BSSP)*- means a written siting plan that identifies sampling sites and a sample collection schedule. The sampling sites and collection schedule shall be representative of water throughout the distribution system for a Public Water System. Routine and repeat sample sites, and any sampling points necessary to meet the Ground Water Rule requirements, as incorporated by reference into COMAR 26.04.01.01-1, should be reflected in the sampling plan. The plan may be reviewed, revised and approved by the County Health Officer, as appropriate.

B. *Community Water System* – means a Public Water System that:

- (1) Serves at least 15 service connections used by year-round residents of the area served by the system; or
- (2) Regularly serves at least 25 year-round residents.

C. *Groundwater Under the Direct Influence of Surface Water (GWUDI)*-means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as *Giardia Lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological, or surface water conditions. Direct influence must

be determined for individual sources in accordance with the criteria established by MDE.

D. *Noncommunity Water System* - means a Public Water System that is not a Community Water System.

E. *Nontransient Noncommunity Water System* - means a Public Water System that is not a Community Water System and that regularly serves at least 25 of the same individuals over 6 months per year.

F. *Public Water System*:

(1) "Public water system" means a system that:

(i) Provides water for human consumption through pipes or other constructed conveyances; and

(ii) If such system:

(a) Has at least fifteen service connections; or

(b) Serves an average of at least twenty-five individuals daily at least sixty days out of the year.

(2) "Public water system" includes:

(i) Any collection, treatment, storage, or distribution facility that is under the control of the operator of the system and is used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facility that is not under the control of the operator and is used primarily in connection with the system.

G. *Sanitary Survey* – means an on-site review of the water source, facilities, equipment, operation and maintenance of the Public Water System for the purpose of evaluating the adequacy of such sources, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

H. *Seasonal System* – means a Noncommunity Water System that is not operated as a Public Water System on a year-round basis, and starts up and shuts down at the beginning and end of each operating season. These systems must demonstrate completion of an approved start-up procedure prior to serving water to the public. The Seasonal System may be exempted from this requirement if the entire distribution system remains pressurized during the entire period that the system is not operating.

I. *Site Visit* - means an initial or recurring annual site visit that is equivalent to a Level 2 assessment under the Revised Total Coliform Rule ("RTCR"; 40 CFR 141 Subpart Y) and that reviews and identifies inadequacies in a Bacteriological Sample Siting Plan (defined above), individual sample sites, sample protocol, sample processing, atypical events that may affect distributed water quality or indicate that distributed water quality may be impaired, changes in distribution maintenance and operation that may affect distributed water quality, source and treatment considerations that bear on distributed water quality, and existing water quality monitoring data.

J. *Transient Noncommunity Water System* - means a Noncommunity Water System that does not

regularly serve at least 25 of the same individuals over 6 months per year.

K. *Treatment Technique Trigger (TTT)* – has the meaning given to it by COMAR 26.04.01.11-4 (I).

IV. Scope of Work

A. County Health Officer's Responsibility

The County Health Officer agrees to enforce Safe Drinking Water Act ("SDWA") and State requirements to assure that Transient Noncommunity Water Systems in Worcester County provide water to their consumers that meets legal requirements and comply with federal SDWA requirements and Maryland law governing Transient Noncommunity Water Systems. As part of the County Health Officer's responsibility under this Agreement, the County Health Officer agrees to the following:

(1) *Oversight of Transient Noncommunity Water Systems* – The County Health Officer shall carry out and enforce the following regulatory requirements for all Transient Noncommunity Water Systems in Worcester County in accordance with SDWA, and federal regulations, and Maryland law and Maryland regulations governing Transient Noncommunity Water Systems.

- i. Water Quality Monitoring – The County Health Officer shall ensure that Transient Noncommunity Water Systems are monitored in accordance with COMAR 26.04.01, Quality of Drinking Water in Maryland, for coliform bacteria, E. Coli, nitrites, and nitrates. In accordance with regulations, the County Health Officer shall review periodically a Transient Noncommunity Water System's compliance history and adjust monitoring frequency as necessary to comply with regulations. The County Health Officer shall require that samplers that collect compliance samples for the Transient Noncommunity Water Systems have a valid State sampler certification.
- ii. Bacteriological Sample Siting Plan (BSSP) - The County Health Officer shall ensure that each system has an approved BSSP as required by the Revised Total Coliform Rule ("RTCR"; 40 CFR 141 Subpart Y). The County Health Officer may use the BSSP template provided by the Administration. The County Health Officer shall review the BSSPs during the Sanitary Surveys or annual assessments, and require amendments as needed.
- iii. On-Site Evaluations of Transient Noncommunity Water Systems
 - a. Sanitary Surveys– The Administration has established, and the County Health Officer agrees to, the following goal for Sanitary Surveys ("Sanitary Survey Goal"): The County Health Officer shall conduct Sanitary Surveys for Transient Noncommunity Water Systems without surface water or GWUDI sources at least once every five years, and for Transient Noncommunity Water Systems with surface water or GWUDI sources no less frequently than once every three years, as determined on September 30th of each calendar year of this Agreement. The County Health Officer agrees to use inspection criteria as described in the MDE Transient Noncommunity Water System Guidance Manual, as updated (latest version dated September 20, 2016), a copy of which has been provided to the County Health Officer by the Administration ("MDE

- Guidance Manual”).
- b. Annual Site Visits for RTCR Reduced Monitoring - The County Health Officer shall complete an annual site visit for all Transient Noncommunity Water Systems that are on reduced monitoring (annual frequency) for coliform bacteria.
 - c. Level 1 and 2 Assessments - The County Health Officer agrees to ensure that the correct Level 1 or 2 Assessment, as defined in COMAR 26.04.01.01, is conducted following a Treatment Technique Trigger (TTT) for coliform bacteria and/or E. coli as required by the RTCR. The County Health Officer agrees to track compliance monitoring data to determine whether a Level 1 or Level 2 Assessment is required as described in the MDE Guidance Manual and COMAR 26.04.01.11-3.
 - d. Seasonal Systems – The County Health Officer will identify the Transient Noncommunity Water Systems that are seasonal. The County Health Officer will require Seasonal Systems to implement start-up procedures, and to increase coliform monitoring during peak visitor periods (monthly or quarterly, in accordance with COMAR 26.04.01), and as further described in the MDE Guidance Manual.
- iv. Data Management – The County Health Officer shall maintain an up-to-date inventory of Transient Noncommunity Water Systems.
- v. Enforcement –
- a. The County Health Officer shall take compliance and enforcement actions consistent with State laws and regulations, the MDE Guidance Manual, and the Administration's policies.
 - b. The County Health Officer may take informal compliance and enforcement actions based on State laws and regulations, such as telephone contacts, site visits (including technical assistance if applicable), and conferences.
 - c. The County Health Officer may issue written notices of violation (NOV) and enter into written administrative consent orders as provided by State laws and regulations. NOVs will be technically accurate, legally sound, and conform with the templates provided in the MDE Guidance Manual. Drafts of administrative consent orders shall be discussed and reviewed with Administration staff and approved by the Attorney General's office as to form and legal sufficiency prior to being issued. The County Health Officer may assess penalties against Transient Noncommunity Water Systems based on Title 9, Subtitle 4 of the Environment Article of the Code, and any monies collected shall go into the State's Clean Water Fund.
 - d. The County Health Officer agrees to track the correction of any sanitary defects that are identified by a Transient Noncommunity Water System or the County Health Officer.
 - e. The County Health Officer may take compliance and enforcement actions based on applicable local laws, and in such instances, the County Health Officer would be responsible for obtaining local legal representation. The County Health Officer shall obtain assurances from Worcester County that legal representation will be provided to the County Health Officer for those cases involving local code enforcement. It is recommended that code citation for enforcement actions be limited to either the State law or local law to clearly delineate the legal responsibility for representation.
 - f. If and when all local resources have been exhausted and failed to remedy the

violation(s), a County Health Officer shall refer the case to MDE for enforcement within 30 days. A request for enforcement shall be referred to the Director of the Administration, who shall review it and, if appropriate, shall refer the request for enforcement to the Office of the Attorney General. If the Director does not refer the request to the Office of the Attorney General, the County Health Officer will be notified within 30 days.

- vi. Complaint Investigation – The County Health Officer will take the lead on investigating complaints regarding Transient Noncommunity Water Systems. The Administration will be available to offer technical advice. The Administration agrees to forward all complaints regarding Transient Noncommunity Water Systems to the County Health Officer.
- vii. Reporting to MDE -The County Health Officer shall provide the Administration with a quarterly report that includes any changes to the inventory of Transient Noncommunity Water Systems, including system name changes, population changes, contact changes, and systems added to the inventory, as well as the dates that Sanitary Surveys were conducted. The results of all monitoring data conducted during that period as well as any maximum contaminant level (MCL) violations and enforcement actions taken shall be included.
 - a. This report shall be submitted no later than the 30th of the month following the end of the quarter, i.e., for the quarter January -March the report would be due by April 30th. Data shall be submitted in a digital format acceptable to the Administration. If digital format is not available, the County Health Officer will provide a hard copy of the report
 - b. The County Health Officer agrees to provide the Administration with a list of all inventoried facilities, the compliance status of each system, and for noncompliant Transient Noncommunity Water Systems, the enforcement actions that have been taken to achieve compliance each year.
- viii. New Well Site Approvals for Transient Noncommunity Water Systems. The County Health Officer implements the Well Construction activities under COMAR 26.04.04 for Transient Noncommunity Water Systems. The County Health Officer is responsible for siting and approval of wells for Transient Noncommunity Water Systems, including issuance of Certificates of Potability. Upon request, the County Health Officer will provide the Administration with a copy of any Certificates of Potability (COP) that it has issued.

SPECIAL NOTE: The County Health Officer agrees that it will not issue well construction permits for community water systems or nontransient noncommunity water systems until the County Health Officer has obtained the Administration's approval. Please refer to the delegation agreement between MDE and the County Health Officer regarding Well Construction for more details.
- ix. Groundwater Under the Direct Influence (GWUDI) Evaluations For New Sources
 - a. The County Health Officer agrees to sample or require the water supplier of a Transient Noncommunity Water System to sample all new sources following the GWUDI sampling protocol as described in the MDE Guidance Manual. The County Health Officer agrees to provide the sampling data to the Administration. The County Health Officer agrees not to issue a COP unless the sampling protocols have been implemented.

- b. If any raw water sample for a new well tests positive for *E.coli*, the County Health Officer agrees that it shall not issue a COP for that source that had positive *E. coli* in any source water sample, without consultation with the Administration. The County Health Officer shall provide the Administration with all raw water sample results for samples collected from a source with positive *E. coli*. The County Health Officer shall provide the Administration a copy of the well tag number and well completion report for these sources. The County Health Officer shall inform the Administration of all of the dates when the well was disinfected.
- c. If in the County Health Officer's judgment, the positive *E.coli* of the new source is due to faulty well construction, the County Health Officer shall require the well construction to be corrected or the well abandoned and sealed. The County Health Officer shall notify the Administration of its decision and the results of the follow-up sampling.
- d. The County Health Officer agrees to not issue a COP for those sources determined by the Administration to require filtration treatment pursuant to the Surface Water Treatment Rule, as incorporated by reference in COMAR 26.04.01.01-1, until the water supplier obtains approval of its proposed treatment from the Administration and the well is inspected by the County Health Officer to ensure that the approved treatment is properly installed and operational.

(2) Reporting Potential Legionella Outbreaks in Transient Noncommunity Water Systems – The County Health Officer shall notify the Water Supply Program of the Administration (“Water Supply Program”) within 24 hours when a Legionella investigation potentially identifies a Transient Noncommunity Water System as the source of a Legionella outbreak. The Water Supply Program will assist the facility with remediation activities that may result in the installation of permanent water treatment systems. In some cases, the facilities are classified as "Consecutive Water Systems" and regulated under the Safe Drinking Water Act.

B. Administration's Responsibility

The Administration agrees to:

- (1) *Training* - The Administration will be available to provide technical assistance and training to the County Health Officer for Sanitary Surveys, regulations and program policies.
- (2) *GWUDI Determination Procedures* - The Administration agrees to review the raw water data collected from Transient Noncommunity Water Systems following the GWUDI sampling protocol described in the MDE Guidance Manual, and to notify the County Health Officer if the Administration determines that the new well is under the direct influence of surface water and requires disinfection and filtration in accordance with national primary drinking water regulations. When requested by the County Health Officer, the Administration will provide training and guidance regarding the application of appropriate treatment technology for wells found to be under the direct influence of surface water.

V. Quality Assurance

A. *Performance Evaluations* – The Administration will conduct a program performance evaluation of delegated activities. These evaluations will be conducted to assure statewide

consistency in enforcement of State regulations and to serve as a valuable resource in program development. Administration staff will perform triennial evaluations of the technical, financial, and programmatic aspects of the delegated program.

Administration employees may accompany the County Health Officer on inspections and may review all records relating to the performance of activities under this Agreement. Inspections will be conducted only after prior notice is provided to the County Health Officer.

B. *Laboratory Services* – Water samples shall be collected by an individual who is a State-certified water sampler and shall be sent to a State-certified laboratory for analysis. The sampler will use approved sample bottles and standardized reporting forms.

C. *Meetings* -- The Administration may hold periodic meetings with the County Health Officer to provide the County Health Officer with updates on legal and policy issues relating to Transient Noncommunity Water Systems.

D. *Concurrent Jurisdiction* – The Administration shares concurrent authority with the County Health Officer with respect to Transient Noncommunity Water Systems. The Administration may assume responsibility for the resolution of any issue concerning Transient Noncommunity Water Systems where the County Health Officer cannot or does not achieve resolution. The Administration is the governing authority on any matter concerning Transient Noncommunity Water Systems, and may overrule a decision of the County Health Officer concerning Transient Noncommunity Water Systems.

VI. Retention of Records

The County Health Officer shall retain and maintain all records and documents relating to Transient Noncommunity Water Systems in accordance with, and for the time period specified in, MDE's applicable file retention policy. Notwithstanding the foregoing, the County Health Officer shall retain and maintain all project and accounting records and documents relating to this Agreement for a minimum period of five years after MDE conducts close out of the grant, or three years after final payment by the State, or until the expiration of any applicable statute of limitations, whichever is longer.

The County Health Officer shall make such records and documents available for inspection and audit by authorized representatives of the Secretary or the Environmental Protection Agency, including the Procurement Officer (defined below) or designees, at all reasonable times.

This provision shall survive the expiration or termination of this Agreement.

VII. Financial Provisions

This Agreement is subject to, and the County Health Officer agrees to comply with all the requirements of, the Conditions of Financial Assistance Award for projects using federal grant funds from the Drinking Water State Revolving Fund Program (CFDA 66.468) and the Safe Drinking Water Act, which are attached as APPENDIX A to this Agreement and expressly incorporated by reference herein ("Grant Conditions"). In the event that there are changed or additional conditions on the

DWSRF Grant in future fiscal years, this Agreement will be subject to, and the County Health Officer will be required to execute and comply with, all the requirements of the new Conditions of Financial Assistance Award for projects using federal grant funds from the Drinking Water State Revolving Fund Program (CFDA 66.468) and the Safe Drinking Water Act.

The Administration agrees to pay the County Health Officer an annual funding amount for implementing the Transient Noncommunity Water Systems program, plus an adjustment based on the number of Transient Noncommunity Water Systems and based on source classification (i.e. groundwater, surface water, and groundwater under the influence of surface water) for which the County Health Officer performs the functions detailed in Article IV of this Agreement. The Administration also agrees to pay the County Health Officer an additional amount for achieving the Sanitary Survey Goal set forth in Article IV for each federal fiscal year. Such funds shall be used solely and exclusively for tasks performed and materials required in accordance with this Agreement. Such funds shall be expended substantially in accordance with the Budget Detail for this Agreement, attached as APPENDIX B to this Agreement and expressly incorporated by reference herein.

Quarterly, the County Health Officer will submit an invoice with the quarterly report to the Administration to request payment for the previous three-month period. One-fourth of the annual funding amount will be available for payment at the end of each quarter. The Administration will pay submitted invoices within 30 days after receipt.

The County Health Officer shall submit all Sanitary Survey reports to the Administration with the final quarterly report of the calendar year. The Administration will determine whether the County Health Officer has met the Sanitary Survey Goal and notify the County Health Officer in writing whether the Sanitary Survey Goal has been satisfactorily completed. If the Sanitary Survey Goal has been met, the County Health Officer may submit an invoice for the additional amount. The criteria for achieving the Sanitary Survey Goal are included in Article IV of this Agreement.

The County Health Officer and the Administration agree that if the Financial Provisions section of this Agreement is modified by amendment to reflect either an increase or decrease in funding to the County Health Officer, the remainder of this Agreement remains valid. The County Health Officer understands and agrees that the Maryland Department of the Environment, as a State Agency, is dependent upon federal and State appropriations for its funding, and the action of Congress and the Maryland General Assembly may preclude continual or annual funding for this Agreement.

The Administration has the right to withhold funding if the terms and conditions of this Agreement are not met. The Administration will notify the County Health Officer in writing of program deficiencies that may impact funding. The County Health Officer will have 60 days to respond to the Administration.

VIII. Previous Agreements

This Agreement supersedes all previous agreements between the parties relating to the subject matter covered by this delegation agreement.

IX. Amendments

This Agreement may only be amended in writing by mutual consent of the parties.

X. Assignment and Subcontracting

The parties agree that no assignment or transfer of this Agreement, or of any interest in this Agreement, will occur unless both parties agree in writing. The parties agree that no services required under this Agreement may be performed under a subcontract unless both parties agree in writing.

XI. Severability

It is understood and agreed by the parties that if any term or provision of this Agreement is held to be illegal or in conflict with Maryland law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

XII. Duration of the Agreement

Upon execution by both parties, this Agreement shall be effective as of October 1, 2019 and continue up to and including September 30, 2023.

XIII. Termination

This Agreement may be terminated at any time by mutual agreement or by either party providing sixty (60) days' notice in writing to the other party. Termination of the Agreement by the County Health Officer prior to the completion of the work provided for herein shall result in the immediate remittance of funds to MDE for the uncompleted portion of the work.

Notwithstanding the preceding paragraph, MDE reserves the right to terminate this Agreement at any time if funding is unavailable. If the General Assembly fails to appropriate funds or if funds are not otherwise available for performance by MDE, this Agreement shall be canceled automatically upon notice by MDE to the County Health Officer that funds were not appropriated or otherwise made available; provided, however, that this will not affect either the State of Maryland's rights or the County Health Officer's rights under any termination clause in this Agreement. The effect of termination of this Agreement hereunder will be to discharge all of the parties hereto, the County Health Officer and the State of Maryland/MDE, from future performance of this Agreement, but not from their rights and obligations existing at the time of termination. The County Health Officer shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the Agreement. The State of Maryland shall notify the County Health Officer as soon as it has knowledge that funds may not be available for the continuation of the Agreement.

XIV. Enforcement of this Agreement

The failure of MDE to enforce at any time the provisions of this Agreement, or to exercise any option which is herein provided, or to require at any time performance by the County Health Officer of any of the provisions hereof, shall in no way be construed to be a waiver of such

provisions, nor in any way to affect the validity of this Agreement or any part thereof, or the right of MDE to enforce each and every such provision.

XV. Merger

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

XVI. Maryland Law

Maryland Law governs this Agreement.

XVII. No Third Party Beneficiaries

Nothing in this Agreement shall be construed to: a) provide a benefit to any third party; (b) operate in any way as a promise, covenant, warranty or other assurance to any third party; or (c) create any obligation to any third party.

XVIII. Successive Office Holders

This Agreement shall inure to the benefit of and shall be binding upon each party and its respective successors and assigns.

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IN WITNESS WHEREOF, the parties have executed this Agreement by causing the same to be signed.

COUNTY

Robert J. Mitchell
Director
Worcester County Department of Environmental
Programs

Joseph M. Mitrecic
President
Worcester County Commissioners

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Tom French (or Designee)
Director
Operational Services Administration
Maryland Department of the Environment

D. Lee Currey
Director
Water and Science Administration
Maryland Department of the Environment

Approved as to form and legal sufficiency this*

_____ day of _____, 2020

Rebecca Balint Reske, Assistant Attorney General *Lynn Angotti, Deputy Counsel*

**Approval of form and legal sufficiency does not convey approval or disapproval of the substantive nature of the transaction or of any signature. Approval is based on typeset document - all modifications require re-approval.*

APPENDIX A
CONDITIONS OF FINANCIAL ASSISTANCE AWARD
FOR PROJECTS USING FEDERAL GRANT FUNDS FROM
THE DRINKING WATER STATE REVOLVING FUND PROGRAM (CFDA 66.468)
AND
SAFE DRINKING WATER ACT

Upon the receipt of grant funding from the Maryland Department of the Environment (the "Department"), the following conditions are understood and accepted as binding upon the recipient organization (the "Grantee").

1. The Grantee agrees to comply with the EPA General Terms and Conditions Effective October 1, 2018, as applicable, available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2018>.
2. The Grantee agrees to utilize the Safe Drinking Water Act funds for the eligible project costs as described in the Memorandum of Understanding.
3. Management fees or similar charges in excess of direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under the Memorandum of Understanding. Management fees or similar charges may not be used to improve or expand the project funded by the Memorandum of Understanding, except to the extent authorized as a direct cost of carrying out the scope of work.
4. The Grantee agrees to secure sufficient funds to cover all project costs not financed by Safe Drinking Water Act funds in order to complete the project.
5. The Grantee agrees to immediately notify the Department of its inability to proceed with the project due to a lack of funds to cover project costs not financed by Safe Drinking Water Act funds or for any other reason.
6. The Grantee agrees to adhere to the schedule developed in coordination with the Department and required by the Memorandum of Understanding.
7. The Grantee agrees to comply with the Procurement Standards in 2 CFR Part 200 including those requiring competition when the Grantee acquires goods and services from contractors, including consultants.
8. The Grantee agrees to comply with the requirements of the U.S. Environmental Protection Agency's Program for Utilization of Minority and Women Business Enterprises (M/WBE) contained in 40 CFR, Part 33, in all procurements, and require any prime contractors and A/E firms to do the same, consistent with the Department's Disadvantaged Business Enterprise (DBE) Program procedures.
9. The Grantee agrees to make the affirmative good-faith efforts listed in (a) - (e) below. Additional information on the Department's M/WBE goals is available on the website. The required affirmative steps, as outlined in 40 CFR 33.301 are as follows:
 - (a) Place qualified minority business enterprises (MBEs) and women's business enterprises (WBEs) on solicitation list.
 - (b) Assure that MBEs and WBEs are solicited whenever they are potential sources.
 - (c) Divide total requirements, when economically feasible, into small tasks or quantities, to permit maximum participation of MBEs and WBEs.
 - (d) Establish delivery schedules, where the requirement permits, which encourage participation by MBEs and WBEs.
 - (e) Use the services and assistance of the Maryland Department of the Transportation (MDOT). MDOT is designated as the primary agency within Maryland for listing and certifying MBEs.
 - (f) Grantee must require the prime contractor, if subcontracts are to be let, to apply the good faith efforts listed above (a) - (e).
10. The Grantee agrees to submit to the Department for review and approval all DBE and M/WBE participation information. This information must be provided to the Department semiannually by March 31 and September 30, as applicable, beginning with the federal fiscal year (Oct. 1 - Sept. 30) the Grantee receives the award.
11. The Grantee agrees to make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in 40 CFR 36.200 - 230 and shall identify all known workplaces operating under this award and keep this information on file during the performance of the award.
12. The Grantee agrees to obtain prior written approval from the Department for all change orders that significantly alter the project. Change orders that do not significantly alter the project do not require prior approval; however, they must be submitted to the Department within 30 calendar days of execution, for eligibility review, if Safe Drinking Water Act funds are to cover the change order costs.

13. The Grantee agrees to comply with all requests for data related to the use of the funds and provide any reasonable information including reports concerning the project in a manner and form prescribed by the Department.
14. The Grantee agrees to seek all payments on a reimbursement basis, i.e. Grantee will not receive funds "up front," unless otherwise authorized by the Department.
15. The Grantee agrees to allow a representative of the Office of the Inspector General to a) examine any of its records, records of its contractors, subcontractors and b) interview any of its officers or employees, subcontractors regarding this transaction. The Grantee is aware that providing false, fictitious or misleading information with respect to the receipt and disbursement of these funds may result in criminal, civil or administrative fines and/or penalties.
16. The Grantee agrees to maintain project and accounting records for a minimum period of five years after the Department conducts close out of the grant, or for three years after final payment by the Department hereunder, or for any applicable statute of limitations, whichever is longer, and make them available to the Department for inspection and audit when requested.
17. The Grantee agrees to require, in their contract documents, the vendor(s) to maintain all project and accounting records relating to the grant for a minimum period of five years after the Department conducts close out of the grant, or for three years after final payment by the Department hereunder, or for any applicable statute of limitations, whichever is longer, and indicate that the Contractor, the State or Federal government may audit any records in conjunction with a project, in person or by requesting a copy of the records.
18. As an entity receiving federal financial assistance, the Grantee agrees to comply with all applicable federal nondiscrimination laws, including but not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application, and all applicable EPA civil rights regulations.
19. The Grantee agrees that no Safe Drinking Water Act funds are to be used in lobbying the federal government or in litigation against the U.S. unless authorized under existing law. The Grantee shall abide by OMB Circulars A-21, A-87 or A-122 which prohibit the use of grant funds for litigation against the U.S. or for lobbying or other political activities.
20. The Grantee agrees:
 - a. to comply with 40 CFR Part 34: *New Restrictions on Lobbying*. The Grantee is required to submit certifications and disclosure forms to the Department, which forms shall be provided to the Grantee.
 - b. to comply with the Byrd Anti-Lobbying Amendment, and understands that any prohibited expenditure under Title 40 CFR Part 34 or failure to file certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
21. The Grantee certifies that it is not organized as a Section 501(c)(4) non-profit organization as described in the Internal Revenue Code of 1986; or if it is a Section 501(c)(4) organization, it does not and will not engage in lobbying activities.
22. The Grantee certifies that it is not Debarred or Suspended from receiving financial assistance and agrees to comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532 regarding Debarment and Suspension. The Grantee agrees to include a similar term or condition in any subsequent lower tier covered transaction.
23. The Grantee agrees to comply with the Resource Conservation and Recovery Act (RCRA) section that requires preference be given in procurement programs to purchase of specific products containing recycled materials in any acquisition of items exceeding \$10,000 or where the quantity of items in the preceding year was \$10,000 or more. See 42 U.S.C. 6962.
24. The Grantee agrees to comply with Section 106 of the Trafficking Victims Protection Act of 2000, as amended and shall not engage, or have its employees engage, in (1) severe forms of trafficking in persons during the period of time that the award is in effect; (2) procure a commercial sex act during the period of time that the award is in effect; or (3) use forced labor in the performance of the award.
25. The Grantee agrees to use recycled paper and double sided printing for all reports that are prepared pursuant to, or as part of, the Memorandum of Understanding. This requirement does not apply to forms provided by EPA, or to Standard Forms, which are printed on recycled paper and are available through the federal General Services Administration.
26. The Grantee shall ensure that awards comply with the standards in Section 210 (a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the Grantee.
27. The Grantee must promptly refer to EPA's Inspector General any credible evidence that an employee, contractor, subcontractor or other person has committed a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving Safe Drinking Water Act funds.

28. The Grantee shall not use Safe Drinking Water Act funds for a casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.
29. The Grantee shall ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with grant funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended).
30. The Grantee shall follow proper operation and maintenance of all management practices that are implemented for projects funded under this grant, and such practices shall be operated and maintained in accordance with commonly accepted standards. The Grantee shall insert a similar provision in any lower tiered sub-agreement awarded by the Grantee.
31. The Grantee understands and agrees that funds for this project (including funds contributed as a cost share) may not be used to pay for the travel of Federal employees, or for other costs associated with Federal participation in this project unless the Federal agency is performing special technical assistance as allowed under the provisions of the Intergovernmental Cooperation Act.
32. The Grantee agrees to comply with OMB Circular A-133 Single Audit Act, which requires the Grantee to obtain a single audit from an independent auditor if total federal expenditures exceed \$500,000 in any fiscal year. The Department will notify the Grantee of the amount of federal funds disbursed in any fiscal year.
33. The Grantee agrees that the Department may terminate financial assistance, if the Department determines in its discretion that there is:
- failure to perform without good cause;
 - gross abuse or corrupt practices in the administration of the project;
 - poor, non-standard, or unsafe construction procedures;
 - failure to comply with any of the conditions of financial assistance award or applicable Federal/State laws, regulations or Departmental policies; or
 - failure to adhere with the approved project schedule.
34. The Grantee agrees to repay the State, immediately upon demand:
- any funds received that were misapplied (i.e., not expended in accordance with the terms of these conditions of financial assistance award or applicable State laws, regulations and Departmental policies); and
 - any excess funds received (i.e., total funding received from several funding sources exceeds 100% of project costs).
- In the event that the Grantee fails to repay the funds upon demand, the State shall have the right to offset or withhold any funds in the possession of any State agency (that may be due to the Grantee) in an amount equal to the questioned funds, plus interest at a rate of 10% per annum.
35. The Grantee agrees to disclose in writing to the Department all pending litigation, and any conflict of interest related to the financing of the project.
36. If the Grantee's network or information system is connected to EPA networks to transfer data to EPA using systems other than the Environmental Information Exchange Network, or EPA's Central Data Exchange, then the Grantee agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the Grantee into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.
37. The Grantee acknowledges that this award is subject to limitations on individual consultant fees as set forth in 2 CFR 1500.9. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by the Department or the Grantee shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed.
38. The Grantee acknowledges that, unless exempt, the Department must report certain subawards and executive compensation of certain contractors pursuant to the Federal Funding Accountability and Transparency Act (FFATA), and the Grantee agrees to timely provide any information the Department may need to fulfill its duties under FFATA.
39. The Grantee agrees that the Department may deny any request for funds if the Grantee fails to comply with any of the above conditions of financial assistance award.

On behalf of the Recipient, I agree to comply with the above Conditions of Financial Assistance Award and certify I am an official authorized to execute this document.

Signature of Recipient's Authorized Official

Date

Name (printed) and Title

Recipient's DUNS Number

APPENDIX B

BUDGET DETAIL Worcester County, Maryland

The County Health Officer agrees to enforce Safe Drinking Water Act (“SDWA”) and State requirements to assure that transient noncommunity water systems in Worcester County provide safe water to their consumers and comply with federal SDWA requirements and Maryland law governing transient noncommunity water systems.

FUNDING FY2020 – FY2023 (October 1, 2019 to September 30, 2023): not to exceed \$96,000

Annual Funding Formula:

The Annual Funding Formula is based on a fixed Baseline Funding Amount for each County, the number of non-GWUDI transient noncommunity water systems (TNCWS), the number of seasonal TNCWS, and the number of GWUDI TNCWS.

In addition, there is a bonus of \$2,500 per County for meeting 100% completion of the Sanitary Survey Goal.

The Total Funding is based on the following formula:

$$\text{Total Funding} = A+B+C+D+E$$

where

$$A = \text{Baseline Funding Amount} = \$12,500$$

$$B = \text{Non-GWUDI transient noncommunity water systems} \times \$75$$

$$C = \text{Seasonal transient noncommunity water systems} \times \$75$$

$$D = \text{GWUDI transient noncommunity water systems} \times \$1,000$$

$$E = \text{Sanitary Survey Goal} = \$2,500$$

FY2020 Funding:

$$\text{FY2020 Annual Funding} = \$12,500 + \$7,050 (94 \text{ systems}) + \$1,950 (26 \text{ systems}) + \$1,000 (0 \text{ systems}) = \$21,500$$

One fourth of the FY2020 Annual Funding amount will be available for payment at the end of each quarter (\$5,600).

Depending on the 100% completion of Sanitary Survey Goal the Total Funding is:

$$\text{FY2020 Total Funding} = \text{FY2020 Annual Funding} + \$2,500 = \$24,000$$

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MARYLAND DEPARTMENT OF ENVIRONMENT
AND THE
WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS**

RE: County Recreational Water Quality Monitoring and Notification Beaches Program

PURPOSE: This memorandum documents a Memorandum of Understanding ("Agreement") by and between the Maryland Department of the Environment (hereinafter "Department") and Worcester County Department of Environmental Programs (hereinafter "Grantee") to make available to the Grantee funds under the Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act) to conduct beach management activities in accordance with Code of Maryland Regulations 26.08.09.

WHEREAS, on October 10, 2000, the United States Congress enacted the Beaches Environmental Assessment and Coastal Health Act of 2000 (the "BEACH Act") to incorporate provisions to reduce the risk of illness to users of the Nation's recreational waters; and

WHEREAS, the BEACH Act requires that states with coastal recreation waters adopt water quality criteria and standards for the coastal recreation waters of the state for those pathogens and pathogen indicators for which the Administrator of the U.S. Environmental Protection Agency ("EPA") published criteria; and

WHEREAS, the State of Maryland ("State" or "Maryland") has numerous coastal recreation waters and was therefore required to, and did, adopt water quality criteria and standards for its coastal recreation waters; and

WHEREAS, pursuant to § 9-319 of the Environment Article of the Annotated Code of Maryland, the Department is authorized to adopt and monitor attainment of water quality standards and to finance studies, investigations, and research related to water pollution or its causes, prevention, control, or abatement and is therefore authorized to carry out the provisions of the BEACH Act for the State, including financing the monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

WHEREAS, pursuant to § 1-404 of the Environment Article of the Annotated Code of Maryland, the Department may apply for, receive, and spend grants-in-aid by the federal government or any of its agencies or any other federal funds made available to the Department for use in carrying out the powers and duties of the Secretary of the Environment or the Department; and

WHEREAS, as a result of the foregoing, the Department is providing financial assistance to the Grantee using Beach Act funds under CDFA ("Catalog of Domestic Federal Assistance") Number 66.472, Beach Monitoring and Notification Program Implementation (the "EPA Beach Grant") for the beaches recreational water quality monitoring program project (the "Project").

In consideration of the foregoing and the mutual promises and covenants contained herein, the Department and the Grantee hereby agree as follows:

I. DEFINITIONS

In this Agreement, the following words have the meanings indicated:

1. "Annual Funding Cycle" means the period each calendar year between 2021 and 2025 that begins on February 1 and ends on October 31 of the same calendar year and includes all pre- and post-award activities by Grantee.
2. "Annual PO" means the purchase order developed and administered by the Department each year and issued pursuant to this Agreement to the Laboratory for the purpose of executing the terms and conditions of this Agreement.
3. "BEACH Act funds" means the money received by the Department from EPA pursuant to the EPA Beach Grant.
4. "COMAR" means the Code of Maryland Regulations.
5. "Grant" means the annual grant received by the Department from EPA for Maryland's coastal recreational water quality and public notification program in accordance with terms set forth in the BEACH Act.
6. "MDE Beach Program", means the water quality sampling and related activities performed pursuant to COMAR §§ 26.08.09 and 26.08.02.03
7. "Proposal" means the annual budget estimate and/or scope of work provided to the Department by the Grantee.
8. "Work" means performance of the monitoring required under COMAR 26.08.09 for each Annual Funding Cycle.

II. DURATION

This Agreement takes effect as of or upon signature of all parties and shall continue until its completion, which shall not be later than October 31, 2025.

III. SOURCE AND LEVEL OF FUNDING

Funding for this project is derived exclusively from a Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act) federal assistance award conveyed to the Department from the U.S. Environmental Protection Agency.

Such funds shall be used solely and exclusively for tasks performed and materials required in accordance with this Agreement. Such funds shall be expended substantially in accordance with the budget as described herein.

The Department shall provide the Grantee with funds not to exceed the amount defined in MDE-issued annual purchase orders, contingent on availability of funds, and not beyond \$100,000 total during the full duration of the project for tasks to be performed in accordance with this Agreement.

IV. SCOPE OF WORK

1. The Grantee shall issue a proposal to the Department by February 1 of each year this Agreement is in effect proposing a detailed scope of work and budget for the next Annual Funding Cycle.

The Grantee shall include in its proposal the applicable BEACH Act Grant Agreement/ Notice of Award with corresponding federal terms and conditions. The Scope of Work for the beach season attached as **Attachment A** to this Agreement, is hereby incorporated into the Agreement, and the Department's assent is asserted by its authorized execution of this Agreement.

2. If the Department consents to annually-developed scopes of work describing the rates and number of samples to be taken and submitted for analysis pursuant to this Agreement, and budget proposals for subsequent years within the Term of this Agreement, it shall do so by issuance to the Grantee of a Purchase Order with defined fixed fee schedule of costs per sampling event for the corresponding year. The new fixed fee schedule shall replace and supersede the previous fixed fee schedule for the corresponding Annual Funding Cycle. The total number of sampling events shall be determined by the Department in accordance with the annual level of funding received from EPA and shall be set forth in the annual PO. The Department shall convey information of the level of federal funding that may be available to the Grantee when that information becomes available.
3. Generally, the scope of work shall require the Grantee to collect water samples from recreational waters at bathing beaches in accordance with MDE's Guidance for County Recreational Water Quality Monitoring and Notification Programs (attached as **Attachment B**, incorporated herein, and available at <http://www.mde.maryland.gov/programs/water/beaches/pages/beacheshome.aspx>).
4. The Grantee also shall perform the Work in accordance with the requirements of Title 26, Subtitle 08, Chapters 09 and 02.03-3 of COMAR including, but not limited to, monitoring of public beaches located within Grantee's jurisdiction, re-sampling as necessary, and prompt notification to the public and the Department of sampling results that exceed the standards in COMAR 26.08.02.03-3.
5. If there is any conflict between this Agreement, attachments or exhibits, MDE's Guidance for County Recreational Water Quality Monitoring and Notification Programs, attached as **Attachment B**, shall govern.
6. The Grantee shall not perform any of the Work associated with the Agreement until a Purchase Order is issued by the Department for the current Annual Funding Cycle and Grantee receives notification thereof.

V. PROCUREMENT OF EQUIPMENT AND SERVICES

1. The Grantee shall be responsible for the procurement of any equipment or services necessary to carry out the obligations of this section. The Grantee has two options related to this procurement, the Grantee may:
 - (a) use the existing Statewide blanket purchase order # _____
_____ ("BPO") developed by the Maryland Department of General Services for purchasing monitoring and sampling and related equipment; or
 - (b) conduct a competitive procurement in accordance with the State Finance and Procurement Article of the Annotated Code of Maryland and Title 21 of the Code of Maryland Regulations.

2. If the Grantee elects to use the BPO, Grantee shall submit an authorized statement to the Department stating its intent to purchase equipment from the BPO, including a list of the equipment to be purchased.

3. If the Grantee elects to conduct its own competitive procurement, Grantee shall:

(a) submit final biddable plans and specifications to the Department for approval;

(b) submit all documents supporting the selected vendor(s) or contractor(s) (the "Grantee") to the Department for approval, within thirty (30) calendar days following bid opening.

4. The Grantee shall comply with the requirements set forth in the BEACH Act, as may be amended from time to time, all applicable federal regulations, all applicable guidance issued by EPA, the Act, and any guidance or regulations promulgated thereunder, including but not limited to OMB Circulars A-87 (a.k.a 2 CFR Part 255), A-102 (a.k.a 40 CFR 31), and A-133.

VI. METHOD OF PAYMENT

- a. The financial assistance provided for under this Agreement is contingent on the availability of BEACH Act funds. If, for any Annual Funding Cycle, the Department does not receive BEACH Act funds for any reason this Agreement shall terminate pursuant to Section XX (C) and the Department shall not be required to reimburse the Grantee for any Work performed in the Annual Funding Cycle for which the Department did not receive BEACH Act funds.
- b. The Annual PO, issued near May 1, shall govern the invoicing process for expenditures incurred by the Grantee under this agreement for the processing and analysis of bacterial samples taken only at designated bathing beaches.
- c. The Grantee shall seek payment of the Award for each Annual Funding Cycle, by submitting to the Department two (2) invoices, one for the period May – July, the second for the period August – September showing the Work completed during the respective periods. Grantee shall submit the invoices to the Department on or before August 15 and October 15, respectively.
- d. Grantee shall invoice the Department within 30 days of the end of each quarter in which samples are taken and analyzed.
- e. The Department shall reimburse Grantee the full, undisputed amount of the invoice no later than forty-five (45) days following the Department's receipt of the invoice and documentation. The Department may withhold any portion of the invoice the Department disputes until the dispute is resolved in accordance with this Agreement.
- f. Invoices may not charge for work completed prior to Department authorized signature to this Agreement.
- g. Grantee agrees to utilize a cost accounting practice that is mutually acceptable to the Department and the Grantee and is in accordance with the standard principles and procedures set forth in the COMAR 21.09, and the uniform practices of the profession.

- h. Recipients Federal Tax Identification Number, which is #52-6001064, DUNS# _____, and MDE purchase order number must appear on all invoices submitted for payment.

All invoices are to be emailed to the following email addresses:

Heather.Merritt@maryland.gov
Natalie.washington@maryland.gov
MDE.AP@maryland.gov

Final Invoice for the beach season if your local health department has an MOU. The invoices should meet the following requirements for Fixed Price Contract Invoices:

1. The invoice should be on County letterhead (should have address and phone numbers).
2. The invoice should include an invoice number.
3. Invoice should state the billing period.
4. Invoice should show number of sampling events x sampling event cost (**Attachment A**) = Total cost
5. Invoice should include the name of a contact person (with phone number) for questions regarding invoice billing.
5. The Grantee agrees to provide to the Department the information that the Department needs to report on the use of these grant funds to the federal government as described in **Attachment C**, attached hereto and incorporated herein. **Grantee's failure to submit the necessary information in the format depicted in Attachment C shall result in the Department withholding Grantee's funds for the period in which the information was required to be submitted.**
6. The Grantee shall use the Award for eligible Project costs only, as determined by the Department.
7. The Grantee shall ensure that the close-out procedures required by 40 CFR 31 (a.k.a. OMB Circular A-102) are completed by the end of each Annual Funding Cycle, including, but not limited to, submission to the Department of all required reports, sampling data, and invoices.
8. Payments to the Grantee shall be made in accordance with the terms of this Agreement. Charges for late payment are prohibited. The Department reserves the right to withhold payment for any invoice that is submitted for Work that was not adequately performed, or any invoice containing a discrepancy or inconsistency in the billing amount. Any disputes will be resolved in accordance with Section XXII of this Agreement.

VII. PRODUCTS AND SCHEDULE

- a. Consistent with the methodology described in the Guidance for County Recreational Water Quality Monitoring and Notification Programs (**Attachment B**) the Laboratory shall provide the Department and the local jurisdiction that submitted the sample the results of the analysis after the analysis is completed.

- b. Products and deliverables submitted by the Laboratory will be reviewed for approval by the Department to determine that they are sufficient to meet both the terms of this Agreement and Departmental reporting needs for the U.S. Environmental Protection Agency (“EPA”).
- c. All datasets and databases created under this Agreement shall be considered deliverables under this Agreement, to the extent that federal law allows, and are required to be submitted to the MDE project manager upon completion of the term of this Agreement. All geospatial data created under this agreement shall be consistent with Federal Geographic Data Committee (FGDC) endorsed standards available at <http://www.fgdc.gov/standards/standards>. Digital coverages/products shall be compatible with ArcInfo software, preferably ArcInfo export coverages or ArcView shapefiles, and shall include associated HTML containing metadata.
 - (a) Any data created by the Grantee related to performing this Agreement, as described in **Attachment A**, shall be considered a deliverable under this Agreement. The Grantee will provide work products and deliverables to the Department according to the schedule and requirements described herein, which are expressly incorporated into and made part of this Agreement. Products and deliverables submitted by the Grantee will be reviewed for approval by the Department to determine that they are sufficient to meet both the terms of this Agreement and Departmental reporting needs for the U.S. Environmental Protection Agency (“EPA”).
 - (b) Geospatial data submitted by the Grantee during its performance of this Agreement must include a completed data fact sheet and must include Federal Geographic Data Committee (FGDC) compliant metadata (<http://www.fgdc.gov/metadata>) as per MD Imap (<http://www.imap.maryland.gov/Portal/techinfo.asp>). Digital coverages/products shall be compatible with ESRI software and shall include associated metadata.
 - (c) All field and laboratory data shall be provided in a digital format that can be readily loaded into a MDE’s central storage system. The file should contain all documentation related to field data collection methods and laboratory analysis methods. MDE may provide the contractor technical guidance for loading data into MDE's central storage system.

VIII. ASSURANCES

Non-Discrimination In Employment

The Grantee agrees (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, or physical or mental handicap unrelated in nature and extent so as reasonably to preclude the performance of such employment; (b) to include a provision similar to that contained in subsection (a) above in any underlying subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.

Dispute Resolution

In the event of a dispute under this Agreement, the parties agree to each appoint an authorized representative to resolve the dispute in good faith.

Compliance With Laws

Grantee and the Department shall comply with all applicable federal laws and regulations related

to the receipt of funds under the *Clean Water Act: Sec. 319(h) Nonpoint Source Implementation Program*.

Federal Requirements

The Grantee agrees to comply with all the requirements of the Conditions of Financial Assistance Award, which shall be attached to each accepted proposal and shall be incorporated in this Agreement by reference herein.

To Comply with Federal Funded Accounting and Transparency Act (FFATA) the Grantee confirms that they are registered with Central Contract Registration (CCR) and provides the following information:

The Commercial And Government Entity (CAGE) Code: _____

The Data Universal Numbering System (DUNS) number: _____

IX. AGREEMENT REPRESENTATIVES

The following individuals shall have authority to act under this Agreement for their respective parties:

Department: Heather Merritt
Water and Science Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230-1718
410-537-3618
heather.merritt@maryland.gov

Grantee: Robert J. Mitchell, LEHS
Director of the Department of Environmental Programs
Worcester County Department of Environmental Programs
One West Market Street
Room 1306
Snow Hill, MD, 21863
Tel: (410) 632-1220
Fax: (410) 632-2012
bmitchell@co.worcester.md.us

These representatives shall have authority to render any decision or take any action under this Agreement. Service of any notice required by the Agreement shall be complete upon mailing of such notice, postage prepaid, to the appropriate representative at the address indicated above.

X. ON-SITE INSPECTIONS

The Department shall have the right to conduct on-site visits throughout the project period.

XI. CONTRACTOR STATUS AND SUBCONTRACTING

The Grantee shall be responsible for providing all supplies and materials necessary for

performance of all work under this Agreement. The Grantee is not an agent of the Department, and cannot commit the Department to any expenditure of funds, nor enter into any contractual obligation on behalf of the Department.

The Grantee may subcontract any portion of the grant with notice thereof to the Department. Any subcontractor(s) shall, and the Grantee shall require that any subcontractor(s) shall, provide to the Department upon request copies of any invoices, records, timesheets, work logs, contracts, or any other documents or information needed in order for the Department to comply with State or federal reporting and audit requirements. Consent to subcontract, assign, or otherwise dispose of any portion of the Agreement shall not be construed to relieve the Grantee of any responsibility for fulfilling all the requirements of this Agreement.

Any and all subcontractors retained by the Grantee in the course of performance of this Agreement shall indemnify and save harmless and defend the State of Maryland, the Department, the Grantee, and all of their respective representatives from all suits, actions, or claims of any character, brought on account of any injuries or damage sustained by any person or property in consequence of any work performed under this Agreement, either by the Grantee or the Department, or any subcontractor, or their respective employees, agents, or representatives. This responsibility is not to be deemed as a waiver of any immunity, which may exist in any action against the Department or the Grantee.

XII. AMENDMENTS

Upon written notice, one party may request additions and changes to the Obligations of the Grantee or an extension of the Agreement. All additions and changes, including the provision of additional funds, shall be effected by an amendment to the Agreement signed by both the Grantee and the Department.

XIII. WARRANTY

The Grantee agrees to perform all work under this Agreement continuously and diligently, and to meet all milestones and provide all deliverables referenced above. The Grantee shall be responsible for the supervision, inspection, technical accuracy, and coordination of all data and work pursuant to this Agreement, and shall produce in a timely manner to the Department's satisfaction a product meeting professional standards of quality and methodology. The Grantee shall not be responsible for any delay in performance caused by events beyond its control including labor strikes, fires, or natural disasters.

XIV. RETENTION OF RECORDS - AUDIT

The Department shall have the right, at any time during usual business hours, to examine and audit records of the Grantee, which the Department deems necessary or advisable in order to verify invoices submitted pursuant to this Agreement. This audit may be conducted in person or through a request that the records be forwarded to the Department for verification. The Grantee and its contractor(s) or subcontractor(s) shall retain and maintain all records and documents relating to the services performed under this Agreement, for a minimum period of five years after the Department conducts close out of the grant.

XV. LIABILITY FOR THIRD PARTY CLAIMS

(a) The Grantee is and will be acting as an independent contractor in the performance of its work

and other obligations under this Agreement. The Department has no obligation for the payment of any judgments or the settlement of any claims made against the Grantee, its employees, agents, or sub-contractors, if any, as a result of or relating to the Grantee's work and other obligations under this Agreement.

(b) The Department has no obligation to provide legal counsel or legal defense to the Grantee, its employees, agents, or sub-contractors, if any, in the event that a suit, claim, or action of any character is brought by any persons not party to this Agreement as a result of or relating to the Grantee's work and other obligations under this Agreement.

(c) The Grantee shall immediately give notice to the Department of any claim or suit made or filed against the Grantee, its employees, agents, or sub-contractors, if any, regarding any matter resulting from or relating to the Grantee's work and other obligations under this Agreement.

(d) The Grantee shall cooperate, assist, and consult with the Department in the defense or investigation of any claim, suit, or action made or filed against the Department as a result of or relating to the Grantee's work or other obligations under this Agreement.

XVI. TERMINATION

(a) This Agreement may be terminated at any time by mutual agreement or by either party giving ninety (90) days-notice in writing to the other party. Termination of this Agreement by the Grantee prior to the completion of the project shall result in the immediate remittance of funds to the Department for the uncompleted portion of the project.

(b) Notwithstanding the provisions of this agreement, the Department reserves the right to terminate this agreement at any time if funding is unavailable. If the General Assembly fails to appropriate funds or if funds are not otherwise available for performance by the Department, this Contract shall be canceled automatically upon notice by the Department to the Grantee that funds were not appropriated or otherwise made available; provided, however, that this will not affect either the State's rights or the Grantee's rights under any termination clause in this Contract. The effect of termination of the Contract hereunder will be to discharge both the Grantee and the State of Maryland from future performance of the Contract, but not from their rights and obligations existing at the time of termination. The Grantee shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the Contract. The State shall notify the Grantee as soon as it has knowledge that funds may not be available for the continuation of this Contract.

XVII. EFFECTIVE DATE

It is understood and agreed by the parties that this Agreement and any modification thereof shall not become effective or enforceable until the date it is executed by the Department.

XVIII. COMPLIANCE WITH LAWS

The Grantee shall observe and comply with all federal, State, and local laws and ordinances that affect the work to be performed under this Agreement, the persons employed or engaged in connection therewith, or any material or equipment used. The Grantee shall procure and bear the expense of all necessary licenses, permits, and insurance.

XIX. SEVERABILITY

It is understood and agreed by the parties hereto that, if any of these provisions shall contravene, or be invalid under, the laws of the particular state, county, or jurisdiction where used, such contravention or invalidity shall not invalidate the Agreement, but the Agreement shall be construed as if not containing the particular provision or provisions held to be invalid in the particular state, county, or jurisdiction, and the rights and obligations of the parties shall be construed and enforced accordingly.

XX. ENFORCEMENT

The failure of the Department to enforce at any time the provisions of this Agreement, or to exercise any option which is herein provided, or to require at any time performance by the Grantee of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way to affect the validity of this Agreement or any part thereof, or the right of Department to enforce each and every such provision.

XXI. MERGER

The Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

XXII. DISPUTES

If a dispute arises under this Agreement, each party shall appoint a representative to resolve the dispute. Both parties shall use best efforts to arrive at a final resolution of the dispute.

XXIII. MARYLAND LAW

Maryland Law governs this Agreement.

XXIV. NO THIRD PARTY BENEFICIARIES

Nothing in this Agreement shall be construed to: a) provide a benefit to any third party; (b) operate in any way as a promise, covenant, warranty or other assurance to any third party; or (c) create any obligation to any third party.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement by causing the same to be signed as of the day and year first set forth above.

STATE OF MARYLAND
Department of the Environment

By _____
Thomas J. French, Director Date
Operational Services Administration (or designee)

Approved for Legal Form and Sufficiency*
this _____ day of _____, 20__.

By _____
Assistant Attorney General

*Approved of legal form and sufficiency does not convey approval or disapproval of the substantive nature of the transaction.
Approval is based on typeset document - all modifications require re-approval.

WORCESTER COUNTY

Robert J. Mitchell
Director
Worcester County Department of Environmental
Programs

Joseph M. Mitrecic
President
Worcester County Commissioners

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



ITEM
8

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY


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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

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

September 29, 2020

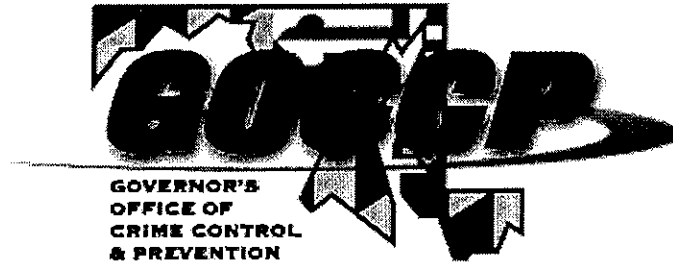
To: Harold Higgins, Chief Administrative Officer
From: Kim Reynolds, Senior Budget Accountant 
Subject: State Aid for Police Protection Fund – 2022 Grant Application

Attached is the State Aid for Police Protection Fund Application for FY2022. This grant is ongoing and is intended to be used exclusively to provide adequate Police Protection throughout the counties and subdivisions of Maryland. This application states that Worcester County would like to be considered for FY22 grant funding but does not guarantee how much funding will be allocated to Worcester County.

State Aid For Police Protection Fund - 2022 (SAPP)

Applicant: Worcester County Board of County Commissioners

Grant Application Form



Governor's Office of Crime Control and Prevention


Submitted: 9/28/2020

Governor's Office of Crime Control and Prevention
100 Community Place, 1st Floor Crownsville, MD
21032-2042 (410) 697-9338
Email: dinfo_goccp@maryland.gov

www.goccp.maryland.gov
Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Application Contents

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cover Sheet | <input checked="" type="checkbox"/> Civil Rights |
| <input checked="" type="checkbox"/> Face Sheet | <input checked="" type="checkbox"/> Service Sites |
| <input checked="" type="checkbox"/> Summary / Narrative | <input checked="" type="checkbox"/> Assurances |
| <input checked="" type="checkbox"/> Budget Summary | <input checked="" type="checkbox"/> Anti-Lobbying |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Services |
| <input type="checkbox"/> Operating | <input type="checkbox"/> Equipment |
| <input type="checkbox"/> Travel | <input type="checkbox"/> Other |

Date Stamp:	OFFICE USE ONLY	
	Control Number: 	Application Number: 2020-SP-0006
	Received By:	Date:



Governor's Office of Crime Control & Prevention - Grant Application Form

State Aid For Police Protection Fund - 2022 (SAPP)

Applicant: Worcester County Board of County Commissioners

Project Title: State Aid for Police Protection Fy2022 Worcester County

Worcester Local Government

Start Date: 07/01/2021

Submitted: 9/28/2020 11:59:13 AM

DUNS Number: 101119399

End Date: 06/30/2022

Funding Year:

SAM Expiration: 12/16/2020

Applicant:

Implementing Agency:

Worcester County Board of County Commissioners
County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863
(410) 632-1194

FAX: (410) 632-3131

Worcester County Board of County Commissioners
County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863
(410) 632-1194

FAX: (410) 632-3131

Authorized Official:

Mitrecic, Joseph M. President
jmitrecic@co.worcester.md.us
Worcester County Board of County Commissioners
County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863
(410) 632-1194

FAX: (410) 632-3131

Project Director:

Reynolds, Kimberly Budget Accountant
kreynolds@co.worcester.md.us
Worcester County Board of County Commissioners
County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863
(410) 632-1194

FAX: (410) 632-3131

Fiscal Officer:

Dods, Douglas A Operations Officer
ddods@co.worcester.md.us
Worcester County Sheriff's Office
1 West Market Street, Room 1001
Snow Hill, MD 21863-1069
(410) 632-1111

FAX: (410) 632-3070

Funding Summary	0.0 %	Grant Funds	\$0.00	_____	_____
	0.0 %	Cash Match	\$0.00	_____	_____
	0.0 %	In-Kind Match	\$0.00	_____	_____
Total Project Funds					

Project Summary

The Governor's Office of Crime Prevention, Youth, and Victim Services to update.

SAPP Narrative

The Governor's Office of Crime Prevention, Youth, and Victim Services to update.

Person Completing the Project Narrative

Kimberly Reynolds

Senior Budget Accountant

Worcester County Government

410-632-1194

410-632-3131

kreynolds@co.worcester.md.us



Control Number: 2020-SP-0006

Project Budget

A. Budget Summary

	Grant Funds	Cash Match	In-Kind Match	Total Award
Personnel	\$0.00	\$0.00	\$0.00	\$0.00
Operating Expenses	\$0.00	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Grand Total	\$0.00	\$0.00	\$0.00	\$0.00



Control Number: 2020-SP-0006

V. Civil Rights Requirements

1. Civil rights contact person: Norton, Stacey - Director of Human Resources
2. Organization: Worcester County Board of County Commissioners
3. Address: County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863
4. Telephone Number: (410) 632-0090
5. Number of persons employed by the organization unit responsible for implementation of this grant: 14

Project Service Sites

Site 1

Service Site 1 W. Market Street
Apt. Suite, No. Street
City Snow Hill
State & Zip MD 21863

5



Certified Assurances

THE APPLICANT HEREBY ASSURES AND CERTIFIES THE FOLLOWING:

1. That Federal funds made available under this formula grant will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal Funds, be made available for program activities.

2. That matching funds required to pay the non-Federal portion of the cost of each project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for program activities by the recipient of the grant funds and shall be provided as required in the Grant Award document.

3. That following the first year covered by a Grant Award and each year thereafter, a performance evaluation and assessment report will be submitted to the Governor's Office of Crime Control & Prevention.

4. That fund accounting, auditing, monitoring, evaluation procedures and such records as the Governor's Office of Crime Control & Prevention shall prescribe to and shall be provided to assure fiscal control, proper management and efficient disbursement of funds received.

5. That the Grantee shall maintain such data and information and submit such reports in such form, at such times, and containing such information as the Governor's Office of Crime Control & Prevention may reasonably require to administer the program.

6. Sub-recipients will comply (and will require any sub-grantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604 (e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000(d)); the Rehabilitation Act of 1973 (29 U.S.C. § 704); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07); and the

Department of Justice (DOJ's) Equal Treatment Regulations (28 C.F.R. pt. 38).

7. That in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against the Grantee, a copy of the finding will be forwarded to the Governor's Office of Crime Control & Prevention.

8. Sub-recipients that are governmental or for-profit entities, that have fifty or more employees and that receive a single award of \$500,000 or more under the Safe Streets Act or other Department of Justice (DOJ) program statutes are required to submit their Equal Employment Opportunity Plan (EEO) to the federal Office of Civil Rights (OCR). The sub-recipients are not required to submit a copy to the Governor's Office of Crime Control & Prevention (GOCCP), but must have a copy available on site for monitoring purposes. Those sub-recipients that are subject to the OCR's EEO Certification Form may access this form at: <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>.

9. That the Grantee will comply with all provisions set forth in the Governor's Office of Crime Control & Prevention's General <http://www.goccp.maryland.gov/grants/general-conditions.php> and Special Conditions.

10. That the Grantee will comply with the provisions of 28 CFR applicable to grants and cooperative agreement.

11. Sub-recipients are obligated to provide services to Limited English Proficient (LEP) individuals. Refer to the DOJ's Guidance Document. To access this document see U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (67 Federal Regulation 41455 (2002)). This regulation may be accessed at: <http://www.archives.gov/eeo/laws/title-vi.html>

CERTIFICATION: I certify that this program will comply with the provisions set forth by the State of Maryland and the Governor's Office of Crime Control and Prevention.

Signature of Authorized Official	Date
Mitreic, Joseph M. - President	

Name and Title

Certification Regarding Lobbying



Control Number:

2020-SP-0006



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with

obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph, (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminate for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about --

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;



Control Number:

2020-SP-0006

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after having received notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 312A, GSA Regional Office Building No. 3), Washington DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ___ if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 --

As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Applicant: Worcester County Board of County Commissioners
Address: County Government Center
Room 1103
One West Market Street
Snow Hill, MD 21863

Project Title: State Aid for Police Protection Fy2022 Worcester County
Federal ID Number: 52-6001064

Authorized Representative: Mitrecic, Joseph M. - President

Signature: _____
Signature of Authorized Official Date

8

Due Date: Thursday, October 15, 2020

Subdivision Worcester
(County)

Municipality _____
(Incorporated City/Town)

ESTIMATED EXPENDITURES FOR POLICE PROTECTION
(Fiscal Year Ending June 30, 2021)

PART I	(a)	(b)	
SUMMARIZE (Omit Cents)	Police Department	Sheriff's Department	
Salaries and Wages		\$ 6,046,526	A
Capital Outlay		\$ 150,860	B
Debt Service			C
Other Operating Expenses:			
Communications		\$ 44,120	D1
Travel		\$ 45,859	D2
Fuel & Utilities		\$ 11,715	D3
Contractual Services			D4
Supplies & Materials		\$ 302,008	D5
Fixed Charges (Rent, Insurance, etc.)		\$ 751,881	D6
Motor Vehicle Operation		\$ 337,000	D7
Contributions (Retirement and Social Security - Salaries only)		\$ 3,640,009	D8
Miscellaneous		\$ 75,061	E
TOTAL COLUMN (a)	-	11,405,039	# % = \$ -
			TOTAL COLUMN*
	SUB-TOTAL PART I	\$ 11,405,039	#
	(Total Column (a) and (b))		

The percentage is only applicable to agencies requesting funds for both the Police Department and Sheriff's Office.

PART II		PART III	
Traffic Control	\$ 55,000	Sub-Total PART I	\$ 11,405,039
Central Alarm System	\$ 2,250,025	Sub-Total PART II	\$ 2,305,025
SUB-TOTAL PART II	\$ 2,305,025	TOTAL (PARTS I & II)	\$ 13,710,064

Do you receive reimbursement of police costs from other jurisdictions? NO
IF YES, deduct these expenses to eliminate duplication of costs.

I/we certify that the information contained herein is true, correct, and complete to the best of my/our knowledge.

Kim Reynolds
Prepared by

Chief of Police/Sheriff-Signature

Senior Budget Accountant
Title

410-632-1194
Telephone Number

Chief Executive Officer of County or Municipality Signature

kreynolds@co.worcester.md.us
E-mail address

RECEIVED
SEP 28 2020
TEL: 410-632-0686
FAX: 410-632-0686
Worcester County Admin



OFFICE OF THE TREASURER

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1105
P.O. Box 248
SNOW HILL, MARYLAND
21863

ITEM
9

PHILLIP G. THOMPSON, CPA
FINANCE OFFICER

JESSICA R. WILSON, CPA
ASSISTANT FINANCE OFFICER

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Phillip G. Thompson, Finance Officer *PGT*
DATE: September 25, 2020
SUBJECT: County Tax Credit – Berlin Community Improvement Association

.....

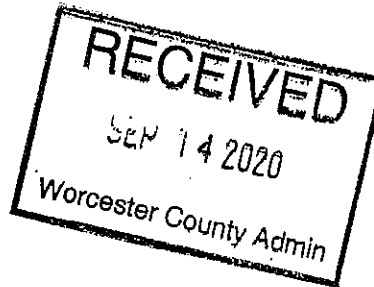
I would like to request that the County Commissioners authorize a 100% county tax credit totaling (\$3,303.11) for the Berlin Community Improvement Association pursuant to Section 9-325 of the Tax Property Code. Included with this request is a copy of the current year tax information and a letter from the Association requesting the credit.

If you have any questions, or require any other follow up, please do not hesitate to contact me.

B.C.I.A.
Berlin Community Improvement Association
P.O. Box 175
Berlin Maryland 21811

August 7, 2020

Worcester County Commissioners
1 West Market Street
Room 1103
Snow Hill, Maryland 21863



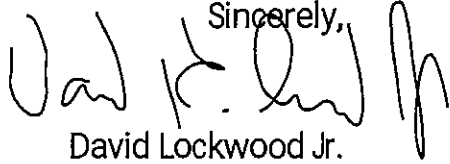
Dear County Commissioners,

This letter is to request a 100% tax credit for Berlin Community Association Property (B.C.I.A) for accounts 03-034542 & 03-034534 located on Flower Street in Berlin, Maryland. This property and buildings were at one time the Flower Street Elementary School. It now serves the surrounding communities as meeting place for educational social, social and recreational activities on a non-profit basis.

With this in mind, the B.C.I.A. requests that the property and building be given a 100% tax credit for the tax year.

Please make note of the change of address to P.O. Box 175 Berlin, Maryland, so we might receive the tax notices in a timely manner.

Thank you in advance for your consideration. Please feel free to contact us with any questions or request for additional information.

Sincerely,

David Lockwood Jr.
Chairman

**DETACH AND KEEP THIS PORTION
ADJUSTED REAL ESTATE TAX
Principal Residence or Commercial**

(410) 632-0686 Ext. 3
www.co.worcester.md.us

Worcester County
Office of the Treasurer

PROPERTY ID	BILL YEAR	LEVY PERIOD	LIBER/FOLIO	CHARGES	ASSESSMENT	RATE	AMOUNT
03034542	2020	07/01/20 - 06/30/21	314 / 458	State Real Property	172,500	112000	193.20
				County Real Property	172,500	845000	1,457.63
				Berlin Tax	172,500	800000	1,380.00
				Town Credit	-172,500	800000	-1,380.00
TOTAL TAXES							1,650.83

MAP	GRID	PARCEL	BILL #	BILL DATE
0301	0013	0843	9702	07/01/20

IF CHECKED CALL (410) 632-0686 EXT 3	PRIOR YEAR TAXES DUE	TAX SALE
X		

CONSTANT YIELD RATE INFORMATION
COUNTY RATE - CONSTANT YIELD = DIFFERENCE
\$0.845 - \$0.8278 = \$0.0172

PROPERTY DESCRIPTION
125' X 388' X 50' X 318' E SIDE FLOWER ST BERLIN

BERLIN COMMUNITY
IMPROVEMENT ASSOC INC
C/O MRS EMMA BRIDDELL
524 FLOWER STREET
BERLIN, MD 21811-1324

REVISED BILLING

**ENCLOSE THIS PORTION WITH
MAIL WITH FULL PAYMENT**

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 248
SNOW HILL, MD 21863-0248

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
03034542	2020	9702	07/01/2020	Jul	-7.28	1,643.55
			LEVY PERIOD 07/01/20 - 06/30/21	Aug	0.00	1,650.83
				Sep	0.00	1,650.83
			IF CHECKED CALL (410) 632-0686 EXT 3	Oct	8.26	1,659.09
				Nov	16.51	1,667.34
			X	Dec	24.76	1,675.59
				Jan	41.27	1,692.10
			TAX SALE	Feb	57.78	1,708.61

125' X 388' X 50' X
318' E SIDE FLOWER ST
BERLIN

MAIL WITH FULL ANNUAL PAYMENT

Payment Enclosed

BERLIN COMMUNITY
IMPROVEMENT ASSOC INC
C/O MRS EMMA BRIDDELL
524 FLOWER STREET
BERLIN, MD 21811-1324

0240208202060000970220000164355

**ENCLOSE THIS PORTION WITH
SECOND SEMI-ANNUAL PAYMENT**

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 248
SNOW HILL, MD 21863-0248

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
03034542	2020	9702	07/01/2020	Jul		821.77
			LEVY PERIOD 07/01/20 - 06/30/21	Aug		825.41
				Sep		825.41
			IF CHECKED CALL (410) 632-0686 EXT 3	Oct		825.41
				Nov		825.41
			X	Dec		825.41
				TAX SALE		

X 388' X 50' X
E SIDE FLOWER ST
LIN

MAIL WITH SECOND SEMI-ANNUAL PAYMENT

Payment Enclose

BERLIN COMMUNITY
IMPROVEMENT ASSOC INC
C/O MRS EMMA BRIDDELL
524 FLOWER STREET
BERLIN, MD 21811-1324

**DETACH AND KEEP THIS PORTION
ADJUSTED REAL ESTATE TAX
Principal Residence or Commercial**

(410) 632-0686 Ext. 3
www.co.worcester.md.

Worcester County
Office of the Treasurer

PROPERTY ID	BILL YEAR	LEVY PERIOD	LIBER/FOLIO	CHARGES	ASSESSMENT	RATE	AMOUNT
03034534	2020	07/01/20 - 06/30/21	314 / 458	State Real Property	218,400	.112000	244.61
				County Real Property	218,400	.845000	1,845.48
MAP	GRID	PARCEL	BILL #	BILL DATE	IF CHECKED CALL (410) 632-0686 EXT 3		
0301	0014	0841	9701	07/01/20	X	PRIOR YEAR TAXES DUE	
CONSTANT YIELD RATE INFORMATION				COUNTY RATE - CONSTANT YIELD = DIFFERENCE			
				\$0.845 - \$0.8278 = \$.0172			
				TAX SALE			

TOTAL TAXES 2,090.0

PROPERTY DESCRIPTION
127' X 388' E SIDE FLOWER ST FLOWER ST SCHOOL PROP

BERLIN COMMUNITY
IMPROVEMENT ASSOC INC
C/O MRS EMMA BRIDDELL
524 FLOWER STREET
BERLIN, MD 21811-1324

REVISED BILLING

**ENCLOSE THIS PORTION WITH
MAIL WITH FULL PAYMENT**

(410) 632-0686 Ext. 3
www.co.worcester.md.

TAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 248
SNOW HILL, MD 21863-0248

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
03034534	2020	9701	07/01/2020	Jul	-9.22	2,080.87
			LEVY PERIOD 07/01/20 - 06/30/21	Aug	0.00	2,090.09
				Sep	0.00	2,090.09
			X	Oct	10.45	2,100.54
				Nov	20.90	2,110.99
				Dec	31.35	2,121.44
				Jan	52.25	2,142.34
				Feb	73.16	2,163.25

MAIL WITH FULL ANNUAL PAYMENT

Payment Enclosed

BERLIN COMMUNITY
IMPROVEMENT ASSOC INC
C/O MRS EMMA BRIDDELL
524 FLOWER STREET
BERLIN, MD 21811-1324

0240208202060000970140000208087

**ENCLOSE THIS PORTION WITH
SECOND SEMI-ANNUAL PAYMENT**

(410) 632-0686 Ext. 3
www.co.worcester.md.

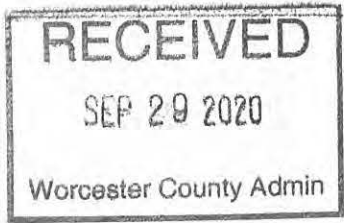
TAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 248
SNOW HILL, MD 21863-0248

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
03034534	2020	9701	07/01/2020	Jul		1,040.43
			LEVY PERIOD 07/01/20 - 06/30/21	Aug		1,045.04
				Sep		1,045.04
			X	Oct		1,045.04
				Nov		1,045.04
				Dec		1,045.04

MAIL WITH SECOND SEMI-ANNUAL PAYMENT

4

ITEM
10



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
<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
DATE: September 29, 2020
RE: Nuisance Abatement Order No. 20-1 – 2816 Snow Hill Road

Bids were opened at 1:00 P.M. on September 28, 2020 for the demolition of the structure located at 2816 Snow Hill Road pursuant to the above referenced nuisance abatement order. Five bids were received. All bids met the minimum requirements of the request for proposals for the demolition of the structure. A low bid of \$23,800 was received from Site Services of Bel Air, Maryland. Their bid also contained a list of references for recent similar projects to ours along with contact names, phone numbers and email addresses. Today I was able to contact all but one of the references which ranged from far western Maryland to Delaware and represented various forms of government agencies. The one private firm has yet to return my phone call. All gave very positive comments. As a result, I recommend the award of the bid to Site Services of Bel Air, Maryland for \$23,800.

Attached you will find copies of all the bids received and backup material. If you have any questions or need any additional information please let me know.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector

Competitive Bid Worksheet

Item: Demolition of 2816 Snow Hill Road - Girdletree, Maryland

Bid Deadline/Opening Date: 1:00 P.M., September 28, 2020

Bids Received by deadline = 5

Vendor's Submitting Bids

Total Lump Sum Bid

Site Services

2231 Conowingo Road
Suite C
Bel Air, Maryland 21015

23,800

Scrimgeour Farm All, LLC

5728 George Island Landing Road
Stockton, MD 21864

24,900

Doug Van Excavating, Inc.

31697 Dublin Road
Princess Anne, MD 21853

28,484

Beauchamp Construction

900 Clarke Avenue
PO Box 389
Pocomoke, MD 21851

29,580

Absolute Demolition

PO Box 662
Ocean City, MD 21843

28,667

Site Services :
(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 2816 Snow Hill Road, Girdletree, MD 21829-2701

A. Proposal Pricing

Lump Sum Scope of Work – Inspections, Demolition, Disposal, Restoration

\$ 23,800.00

List Exceptions to the Scope of Work NA

B. Addendum Acknowledgement

Addendum # NA - Signature 

C. Maryland Licensed Material Inspection Contractor

Company Name: IH Services, INC.

Company Contact: Scott Richardson

MD License : 107419

Phone Number: 443-463-8973

D. Bid must be signed to be considered

Date 9/24/2020

Signature: 

Name: Jessica B Tsottles

Company: Site Services

Address: 2231 Conowingo Road Bel Air, Maryland 21015

Telephone: 410-645-1864

MD License : 12341748

State of Maryland Certified MBE/WBE/SBE

No. 19-292



2231 Conowingo Road Suite C
Bel Air, Maryland 21015
410-645-1864

Site Services Evidence of Experience:

Project: Oswald Razing

Description: Cut road to access structures, abate hazardous materials, abandon/cap wells & cisterns as needed, demolish: two houses, barns, garage and other miscellaneous outbuildings and hauled off debris, input fill dirt and top soil as needed to establish correct grade, and hydroseed/stabilize all disturbed areas.

Date: August 2020

Contact Name: B. Leroy Mann

Contact Email: belvie.mann@maryland.gov

Contact Phone: 443-569-2012

Project: Delaware Army National Guard – Combined Support Maintenance Facility Demo

Date: On going

Contact Name: Luc Desilets

Contact Email: ldesilets@dxiconstruction.com

Contact Phone: 443-966-5961

Project: Demolition of 100 Woody Brown Road for Cecil County, Maryland

Description: Demolition house condemned due to house fire, cap well and all other utilities for future use, repair/stabilize disturbed areas including hydroseeding.

Date: May 2020

Contact Name: Connie Kamit

Contact Email: purchasingoffice@ccgov.org

Contact Phone: 410-996-5395

Project: Fair Hill Special Event Zone Demo

Description: Demolish and remove 3 sets of bleachers (one set requiring lead paint containment and air sampling), demolished over a mile of race track rail, other fences and small structures.

Date: December 2019

Contact Name: Levi Lloyd

Contact Email: lloyd@dxiconstruction.com

Contact Phone: 410-879-8055

Project: Eastgate A – Demolition of Three Houses

Description: Abate hazmat materials, demolish houses and all out buildings, abandon wells, cap public utilities, collapse septic, repair/stabilize disturbed areas including hydroseeding.

Date: December 2019

Contact Name: Levi Lloyd

Contact Email: lloyd@dxiconstruction.com

Contact Phone: 410-879-8055

Project: Demolition of Three Houses for Maryland Aviation Administration

Description: Abate hazmat materials, demolish houses and out buildings, abandon wells, cap utilities, pump & collapse septic, repair/stabilize disturbed areas including hydroseeding.

Date: July 2019

Contact Name: Randy Dickinson / Steve Kline

Contact Email: rdickinson@bwairport.com / skline@bwairport.com

Contact Phone: 410-446-1651 / 410-859-7383

90 Bel Air

State of Maryland License

12638916

12341748

17330457



SITE SERVICES LLC
2231 CONOWINGO ROAD
BEL AIR MD 21015

SITE SERVICES LLC
2231 CONOWINGO ROAD
BEL AIR MD 21015

20

CODE	UNIT	TYPE OF LICENSE	NO OF LIC	COST
77	015	CONSTRUCTION FIRM (NOT FOR HOME IMPROVEMENT)	1	15.00

DATE OF ISSUE
MO DAY YR
04/15/2020

MONTHS PAID
12

ISSUING FEES	2.00		
TOTAL	17.00	AMOUNT PAID	17.00

THIS LICENSE MUST BE PUBLICLY DISPLAYED
AND EXPIRES ON **APRIL 30, 2021**

ISSUED BY

JAMES J. REILLY, CLERK OF CIRCUIT COURT
20 WEST COURTLAND STREET
BEL AIR, MARYLAND 21014 (410)838-4952

TMI

from a company attempting to represent the 'Maryland Secretary of State' via mail or email should be fully vetted before submitting additional payment information.

Coronavirus (COVID-19) resources for businesses: <https://businessexpress.maryland.gov/coronavirus>

General Information

Filing History

Annual Report/Personal Property

General Information

Department ID Number: W18628735

Business Name: SITE SERVICES, LLC

Principal Office: 301 PROSPECT MILL ROAD
BEL AIR MD 21015

Resident Agent: JESSICA B TSOTTLES
301 PROSPECT MILL ROAD
BEL AIR MD 21015

Status: ACTIVE

Good Standing: THIS BUSINESS IS IN GOOD STANDING

Business Type: DOMESTIC LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration: 02/28/2018 ⓘ

State of Formation: MD

Stock Status: N/A

Close Status: N/A

New Search

Ask Our Business Chatbot

7

SCRYMGEOUR'S FARM, LLC
(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 2816 Snow Hill Road, Girdletree, MD 21829-2701

A. Proposal Pricing

Lump Sum Scope of Work - Inspections, Demolition, Disposal, Restoration

\$ 24,900

List Exceptions to the Scope of Work NONE

B. Addendum Acknowledgement

Addendum # _____ - Signature _____

C. Maryland Licensed Material Inspection Contractor

Company Name: AIM Services, Inc

Company Contact: Moller

MD License: 47 48-00-501

Phone Number: 443-859-8009

D. Bid must be signed to be considered

Date: 9-22-2020

Signature: [Signature]

Name: Harold Scrymgeour

Company: Scrymgeour's Farm, LLC

Address: 5778 George Island Landing Road Sturrow, MD 21860

Telephone: 410-251-6426

MD License: 23482607

Doug Vann Excavating Inc.

(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 2816 Snow Hill Road, Girdletree, MD 21829-2701

A. Proposal Pricing

Lump Sum Scope of Work – Inspections, Demolition, Disposal, Restoration

\$ 28,484.00

List Exceptions to the Scope of Work _____

B. Addendum Acknowledgement

Addendum # _____ - Signature _____

C. Maryland Licensed Material Inspection Contractor

Company Name: Huan Environmental Consulting, Inc

Company Contact: Tyler Ruark

MD License : 923191641

Phone Number: 202-207-5437

D. Bid must be signed to be considered

Date 9/28/20

Signature: Doug Vann

Name: Doug Vann

Company: Doug Vann Excavating, Inc.

Address: P.O. Box 125 Princess Anne MD. 21853

Telephone: 443-735-1125

MD License : 196511376

Beauchamp Construction;
(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 2816 Snow Hill Road, Girdletree, MD 21829-2701

A. Proposal Pricing

Lump Sum Scope of Work – Inspections, Demolition, Disposal, Restoration

\$ 29,580

List Exceptions to the Scope of Work _____

B. Addendum Acknowledgement

Addendum # _____ - Signature _____

C. Maryland Licensed Material Inspection Contractor

Company Name: Fisher Environmental

Company Contact: Lance Fisher

MD License : M21-22-075

Phone Number: 410-251-3274

D. Bid must be signed to be considered

Date 9-25-20

Signature: Kimberly Aydelotte, VP

Name: Kimberly Aydelotte

Company: Beauchamp Construction

Address: 900 Clarke Avenue, P.O. Box 389, Pocomoke, MD 21851

Telephone: 410-957-1100

MD License : 6931

MARYLAND HOME IMPROVEMENT COMMISSION

08 01 6931 THOMAS C BEAUCHAMP

6337 06-01-2020

MESSAGE(S):

LET'S MAKE ALL KIDS LEAD-FREE KIDS. CONTRACTORS MUST BE LEAD-SAFE CERTIFIED. FOR MORE INFORMATION ABOUT LEAD-SAFE RENOVATION, REPAIRS AND PAINTING IN RESIDENCES BUILT PRIOR TO 1978, INCLUDING HOW TO BECOME CERTIFIED THROUGH AN ACCREDITED TRAINING PROGRAM, PLEASE VISIT WWW.EPA.GOV/LEAD.

IF A HOMEOWNER FILES A COMPLAINT WITH MHIC, YOU ARE REQUIRED TO SUBMIT A WRITTEN RESPONSE TO THE COMPLAINT WITHIN 10 DAYS. YOUR WRITTEN RESPONSE MUST CONTAIN A COPY OF YOUR INSURANCE CERTIFICATE AND COPIES OF THE PERMITS AND INSPECTIONS FOR THE JOB. FAILURE TO RESPOND MAY RESULT IN MHIC SUSPENDING YOUR LICENSE OR TAKING OTHER DISCIPLINARY ACTION.

YOU CAN NOW SOLVE A HOMEOWNER'S COMPLAINT QUICKLY AND AMICABLY THROUGH MHIC'S MEDIATION PROGRAM. COMPLAINTS RESOLVED THROUGH MEDIATION ARE NOT PART OF A CONTRACTOR'S PUBLIC COMPLAINT HISTORY.

THIS DOCUMENT IS VOID WITHOUT BLUE BACKGROUND. CONTAINS COPY VOID FEATURE & ARTIFICIAL WATERMARK ON THE BACK



LICENSE * REGISTRATION * CERTIFICATION * PERMIT

STATE OF MARYLAND

MARYLAND DEPARTMENT OF LABOR

MARYLAND HOME IMPROVEMENT COMMISSION

CERTIFIES THAT:
THOMAS C BEAUCHAMP

BBCS INC T/A BEAUCHAMP CONSTRUCTION
01 6931
900 CLARKE AVENUE
POCOMOKE CITY MD 21851

IS AN AUTHORIZED: 01 - CONTRACTOR/SALESMAN

LIC/REG/CERT	EXPIRATION	EFFECTIVE	CONTROL NO
6931	07-30-2022	N/A	5529215

Tiffany P. Robinson

Signature of Bearer
WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

Secretary

08 01 6931

5,529,215

MARYLAND HOME IMPROVEMENT COMMISSION
500 N. CALVERT STREET
BALTIMORE, MD 21202-3651

08 01 6931



LICENSE * REGISTRATION * CERTIFICATION * PERMIT
STATE OF MARYLAND
MARYLAND DEPARTMENT OF LABOR

Lawrence J. Hogan, Jr.
Governor
Boyd K. Rutherford
Lt. Governor
Tiffany P. Robinson
Secretary

MARYLAND HOME IMPROVEMENT COMMISSION
CERTIFIES THAT:
THOMAS C BEAUCHAMP

THOMAS C BEAUCHAMP
BBCS INC T/A BEAUCHAMP CONSTRUCTION
01 6931
900 CLARKE AVENUE
POCOMOKE CITY MD 21851

IS AN AUTHORIZED: 01 - CONTRACTOR/SALESMAN

LIC/REG/CERT	EXPIRATION	EFFECTIVE	CONTROL NO
6931	07-30-2022	N/A	5529215

Tiffany P. Robinson

Signature of Bearer

Secretary

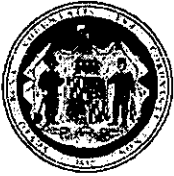
90 Pocomoke

State of Maryland License

23674740

23486690

07806315



BBCS INC
BEAUCHAMP CONSTRUCTION
PO BOX 389
POCOMOKE CITY MD 21851

BBCS INC
BEAUCHAMP CONSTRUCTION
900 CLARKE AVENUE
POCOMOKE CITY MD 21851

20

CODE	UNIT	TYPE OF LICENSE	NO OF LIC	COST
77	015	CONSTRUCTION FIRM (NOT FOR HOME IMPROVEMENT)	1	15.00

DATE OF ISSUE
MO DAY YR
05/08/2020

MONTHS PAID
12

Susan Braniecki

THIS LICENSE MUST BE PUBLICLY DISPLAYED
AND EXPIRES ON **APRIL 30, 2021**

ISSUING FEES	2.00	AMOUNT PAID	
TOTAL	17.00		17.00

ISSUED BY
SUSAN R. BRANIECKI, CLERK OF CIRCUIT COURT
1 West Market Street, Room 104
SNOW HILL, MARYLAND 21863 (410)632-5500

RWN



BBCSINC-01

MARTHAWALLER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/16/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER NFP Property & Casualty Services, Inc. P O Box 3609 Ocean City, MD 21843	CONTACT NAME: PHONE (A/C, No, Ext): (410) 213-2229	FAX (A/C, No): (410) 213-0028
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Selective Insurance Company of South Carolina	19259
	INSURER B: Selective Way Insurance Company	26301
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED

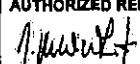
BBCS Inc
 PO Box 389
 Pocomoke City, MD 21861

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INBR LTR	TYPE OF INSURANCE	ADDL ISSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			S 1974174	10/1/2019	10/1/2020	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$ 15,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			S 1974174	10/1/2019	10/1/2020	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			S 1974174	10/1/2019	10/1/2020	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$
								\$ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC 7976804	10/1/2019	10/1/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
A	Equipment Floater/Co			S 1974174	10/1/2019	10/1/2020	Leased/Rented	250,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Insureds Copy	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  13

Absolute Demolition:

(NAME OF COMPANY)

submits this proposal for the following project:

Building/Structure Demolition for:

Location: 2816 Snow Hill Road, Girdletree, MD 21829-2701

A. Proposal Pricing

Lump Sum Scope of Work – Inspections, Demolition, Disposal, Restoration

\$ 28,667.⁰⁰

List Exceptions to the Scope of Work

Abatement of Hazardous Materials
Discovered

B. Addendum Acknowledgement

Addendum # Hazardous Materials - Signature

B. B. B.

C. Maryland Licensed Material Inspection Contractor

Company Name: HB Consulting

Company Contact: Phillip Hawn

MD License : 923 191631

Phone Number: (202) 207-5737

D. Bid must be signed to be considered

Date 9/28/20

Signature:

B. B. B.

Name: Bryant Bunting

Company:

Absolute Demolition

Address: PO Box 662 OC MD 21843

Telephone: 443-497-1535

MD License : 23674629



ITEM
11

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

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

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

September 25, 2020

TO: Worcester County Commissioners
FROM: Karen Hammer, Office Assistant IV
SUBJECT: Pending Board Appointments - Terms Beginning January 1, 2020

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (6) which have current or upcoming vacancies (16 total). They are as follows: Commission on Aging Board (6), Local Development Council for the Ocean Downs Casino (1), Property Tax Assessment Appeal Board (1), Social Services Board Advisory (3), Solid Waste Advisory Committee (4), and the Commission For Women (1). I have circled the members whose terms have expired or will expire on each of these boards.

The Commission on Aging Board of Directors have 3 reappointment nominations (**page 5**). The Directors would like to amend Article Six of the Commission on Aging Board - Articles of Incorporation (**page 5**). The Commission on Aging Board of Directors are seeking **possible candidates** from the Districts of Commissioner Bunting and Commissioner Church to create a balanced forum in which all Districts are represented. Please send John Dorrrough, Executive Director of WorCOA, the names and resumes of potential candidates from Districts 3 & 6 for the Commission on Aging Board of Directors to interview and approve.

Most of these Boards and Commissions specify that current members' terms will expire on December 31st. Current members will continue to serve beyond their term until they are either reappointed or a replacement is named. Please consider these reappointments or new appointments during October.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom

All District Appointments Received. Thank you!

District 2 – Purnell

p. 8 - Social Services Advisory Board (Nancy Howard) - 3 year

District 3 – Church

p.10 - Solid Waste Advisory Committee (Bob Augustine)- 4-year

District 4 - Elder

All District Appointments Received. Thank you!

District 5 - Bertino

p. 8 - Social Services Advisory Board (Cathy Gallagher) - 3 year
p.10 - Solid Waste Advisory Committee (James Rodenberg)- 4 yr.

District 6 - Bunting

p. 11 - Commission for Women (Bess Cropper) - 4 year

District 7 – Mitrecic

p. 8 – Social Services Advisory Board (Maria Campione-Lawrence)

All Commissioners

p. 6 - (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer - At-Large - business or institution representative in immediate proximity to Ocean Downs) - 4-year

All Commissioners (Awaiting Nominations)

p. 3 - (6) Commission on Aging Board – Awaiting Reappointment (James Covington – Pocomoke; Bonita Ann Gisriel – Ocean City and Carolyn Dryzga – Ocean Pines). (Cynthia Malament – Berlin, Lloyd Parks – Girdletree and Clifford Gannett – Pocomoke), The Board of Directors are seeking to fill these positions with possible candidates from District 3 & 6.
- self-appointed by Commission on Aging & confirmed by County Commissioners- 3-year

p. 7 - (1) Property Tax Assessment Appeal Board – Awaiting The Governor’s Office to make an appointment – 5-yr.

p. 10 - (2) Solid Waste Advisory Committee (Michael Pruitt - Town of Snow Hill and Jamey Latchum - Town of Berlin) 4 yr.

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
John Dorrough, Executive Director or Rob Hart, Acting Deputy Director
(410-632-1277)

Current Members:

Member's Name	Resides/Represents	Years of Term(s)
Cynthia Malament	Berlin	07-19
Lloyd Parks	Girdletree	08-11-14-17, 17-20
Clifford Gannett	Pocomoke City	*12-14-17, 17-20
James Covington	Pocomoke City	*18-20
Bonita Ann Gisriel	Ocean City	*18-20
Carolyn Dryzga	Ocean Pines	*18-20
Tommy Tucker	Snow Hill	09-12-15-18, 18-21
Tommy Mason	Pocomoke	15-18, 18-21
Helen Whaley	Berlin	*16-18, 18-21
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	
Fred Grant	Snow Hill	*15-16, 16-19, 19-22
Joyce Cottman	Berlin	*16, 16-19, 19-22

Retired
Passed
Passed
Reappoint

* = 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
 Jessee Fassett
 Delores Waters
 Dr. Terrance A. Greenwood
 Baine Yates
 Wallace T. Garrett
 William Kuhn (86-93)
 Mary Ellen Elwell (90-93)
 Faye Thornes
 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.)
 George "Tad" Pruitt (05-17)
 Bonnie C. Caudell (09-17)
 Larry Walton (13-18)

* = Appointed to fill an unexpired term

4



WorCOA

Resources For Aging In Place

*Our mission is to enhance the quality of life for Worcester County residents 50 years and older.
Our vision is to provide programs and services that promote active, independent and healthy lifestyles.*

September 14, 2020

Weston,

The WorCOA Board of Directors met on Thursday, September 10, 2020, and appointed the following board members for an additional three-year term to begin October 1, 2020:

- James Covington (from Pocomoke City, District 1)
- Caroline Dryzga (from Ocean Pines, District 5)
- Bonnie Gisriel (from Ocean City, District 7)

Per our by-laws, the Commissioners approval is required, and herewith requested.

The Directors also agreed to amend Article Six of our Articles of Incorporation to read:

The number of Directors of the Corporation shall be five (5) which number shall be increased or decreased pursuant to the By-Laws of the Corporation, and the names of the Directors who shall act until the first annual meeting or until their successors are duly chosen and qualified are: Jean Monroe, Oliver Williams and Thomas C. Groton, III. All Directors must be members of the Worcester County Commission on Aging.

Per our Articles of Incorporation, the Commissioners approval is required, and herewith requested.

This amendment removes the lower and upper limits of members set by the original article, which read: ". . . which number shall be increased or decreased pursuant to the By-Laws of the Corporation, but shall never be more than seven (7) nor less than (3), . . ." The purpose of the amendment is for the Articles of Incorporation to legally reflect the parameters set in the by-laws, which states: "There shall be a Board of Directors of the Commission which shall consist of not less than (ten) natural persons, including ex-officio members." (Article I, Section II)

Currently the Board of Directors is comprised of eight regular and four ex-officio members. All districts, with the exception of 3 and 6, are represented on our board by the eight regular members. This fall our nomination committee will be reaching out to community leaders and Commissioners Bunting and Church for recommendations for board members from these two districts.

Best regards,

John Dorrough, Executive Director

Worcester Commission on Aging

Community for Life • Worcester Adult Medical Day Services • Senior Care • Senior Ride • Meals On Wheels
Berlin 50plus Center • Ocean City 50plus Center • Pocomoke City 50plus Center • Snow Hill 50plus Center

4767 Snow Hill Road • PO Box 159 • Snow Hill, Maryland 21863
410.632.1277 • FAX 855.230.5496 • info@worcoa.org • www.worcoa.org

5

**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
Roscoe Leslie, County Attorney, 410-632-1194

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Gary Weber	Dist. 4 - Elder	Resident - Snow Hill	*19-20
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20
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
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22
Mary Beth Carozza		Maryland Senator	14-18, 18-22
Wayne A. Hartman		Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23

Prior Members:

J. Lowell Stoltzfus ° (09-10)
Mark Wittmyer ° (09-11)
John Salm ° (09-12)
Mike Pruitt ° (09-12)
Norman H. Conway ° (09-14)
Michael McDermott (10-14)
Diana Purnell ° (09-14)

Since 2009

Linda Dearing (11-15)
Todd Ferrante ° (09-16)
Joe Cavilla (12-17)
James N. Mathias, Jr. ° (09-18)
Ron Taylor ° (09-14)
James Rosenberg (09-19)
Rod Murray ° (*09-19)

Charlie Dorman (12-19)

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

PROPERTY TAX ASSESSMENT APPEAL BOARD

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

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

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

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

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

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

Staff Contact: Department of Assessments & Taxation- Janet Rogers (410-632-1196)
 Ext:112

Current Members:

Gary M. Flater (Alternate)	Snow Hill	13-18	Resigned
Steven W. Rakow	Ocean Pines	*19-22	
Arlene C. Page	Bishopville	18-23	
Martha Bennett	Berlin	19-24	

Waiting for the official appointment from the Governor.

C) = Chairman

Prior Members: Since 1972

- | | |
|-----------------------------|----------------------------------|
| Wilford Showell | Grace C. Purnell (96-04) |
| E. Carmel Wilson | George H. Henderson, Jr. (97-06) |
| Daniel Trimper, III | Joseph A. Calogero (04-09) |
| William Smith | Joan Vetare (04-12) |
| William Marshall, Jr. | Howard G. Jenkins (03-18) |
| Richard G. Stone | Robert D. Rose (*06-17) |
| Milton Laws | Larry Fry (*10-14 alt)(14-18) |
| W. Earl Timmons | |
| Hugh Cropper | |
| Lloyd Lewis | |
| Ann Granados | |
| John Spurling | |
| Robert N. McIntyre | |
| William H. Mitchell (96-98) | |
| Delores W. Groves (96-99) | |
| Mary Yenny (98-03) | |
| Walter F. Powers (01-04) | |

* = Appointed to fill an unexpired term

SOCIAL SERVICES ADVISORY 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>
Nancy Howard	D-2, Purnell	Ocean City	(09-16), 17-20
Cathy Gallagher	D-5, Bertino	Ocean Pines	*13-14-17, 17-20
Faith Coleman	D-4, Elder	Snow Hill	15-18, 18-21
Harry Hammond	D-6, Bunting	Bishopville	15-18, 18-21
Diana Purnell	ex officio - Commissioner		14-18, 18-22
Sharon Dryden	D-1, Nordstrom	Pocomoke City	*20-21
Voncelia Brown	D-3, Church	Berlin	16-19, 19-22
Mary White	At-Large	Berlin	*17-19, 19-22
Maria Campione-Lawren	D-7, Mitreic	Ocean City	16-19, 19-22

resigned

* = Appointed to fill an unexpired term

SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

James Dryden	Jeanne Lynch (00-02)
Sheldon Chandler	Michael Reilly (00-03)
Richard Bunting	Oliver Waters, Sr. (97-03)
Anthony Purnell	Charles Hinz (02-04)
Richard Martin	Prentiss Miles (94-06)
Edward Hill	Lakeshia Townsend (03-06)
John Davis	Betty May (02-06)
Thomas Shockley	Robert "BJ" Corbin (01-06)
Michael Delano	William Decoligny (03-06)
Rev. James Seymour	Grace Smearman (99-07)
Pauline Robertson	Ann Almand (04-07)
Josephine Anderson	Norma Polk-Miles (06-08)
Wendell White	Anthony Bowen (96-08)
Steven Cress	Jeanette Tressler (06-09)
Odetta C. Perdue	Rev. Ronnie White (08-10)
Raymond Redden	Belle Redden (09-11)
Hinson Finney	E. Nadine Miller (07-11)
Ira Hancock	Mary Yenney (06-13)
Robert Ward	Dr. Nancy Dorman (07-13)
Elsie Bowen	Susan Canfora (11-13)
Faye Thomes	Judy Boggs (02-14)
Frederick Fletcher	Jeff Kelchner (06-15)
Rev. Thomas Wall	Laura McDermott (11-15)
Richard Bundick	Emma Klein (08-15)
Carmen Shrouck	Wes McCabe (13-16)
Maude Love	Nancy Howard (09-16)
Reginald T. Hancock	Judy Stinebiser (13-16)
Elsie Briddell	Arlette Bright (11-17)
Juanita Merrill	Tracey Cottman (15-17)
Raymond R. Jarvis, III	Ronnie White (18-19)
Edward O. Thomas	Wayne Ayer *(19-20)
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)	
Naomi Washington (01-02)	
Lehman Tomlin, Jr. (01-02)	

* = Appointed to fill an unexpired term

Updated: July 21, 2020
Printed: September 17, 2020

SOLID WASTE ADVISORY COMMITTEE

Reference: County Commissioners' Resolution 5/17/94 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Review and comment on Solid Waste Management Plan, Recycling Plan, plans for solid waste disposal sites/facilities, plans for closeout of landfills, and to make recommendations on tipping fees.

Number/Term: 11/4-year terms; Terms expire December 31st.

Compensation: \$50 per meeting expense allowance, subject to annual appropriation

Meetings: At least quarterly

Special Provisions: One member nominated by each County Commissioner; and one member appointed by County Commissioners upon nomination from each of the four incorporated towns.

Staff Support: Solid Waste - Solid Waste Superintendent - Mike Mitchell - (410-632-3177)
Solid Waste - Recycling Coordinator - Mike McClung - (410-632-3177)
Department of Public Works - John Tustin - (410-632-5623)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Michael Pruitt	Town of Snow Hill		*15, 15-19
Bob Augustine	D-3, Church	Berlin	16-20
Granville Jones	D-7, Mitrecic	Berlin	*15-16, 16-20
Michelle Beckett-El Soloh	Town of Pocomoke City		*19-20
Vaughn White	D-2, Purnell	Berlin	*19-21
Jamey Latchum	Town of Berlin		*17, 17-21
Hal Adkins	Town of Ocean City		*20-21
George Linvill	D-1, Nordstrom	Pocomoke	14-18, 18-22
James Rosenberg	D-5, Bertino	Ocean Pines	*06-10-14-18, 18-22
George Dix	D-4, Elder	Snow Hill	*10-10-14-18, 18-22
Mike Poole	D-6, Bunting	Bishopville	11-15-19, 19-23

Prior Members: (Since 1994)

Ron Cascio (94-96)	Richard Malone (94-01)	John C. Dorman (07-10)
Roger Vacovsky, Jr. (94-96)	William McDermott (98-03)	Robert Hawkins (94-11)
Lila Hackim (95-97)	Fred Joyner (99-03)	Victor Beard (97-11)
Raymond Jackson (94-97)	Hugh McFadden (98-05)	Mike Gibbons (09-14)
William Turner (94-97)	Dale Pruitt (97-05)	Hank Westfall (00-14)
Vernon "Corey" Davis, Jr. (96-98)	Frederick Stiehl (05-06)	Marion Butler, Sr. (00-14)
Robert Mangum (94-98)	Eric Mullins (03-07)	Robert Clarke (11-15)
Richard Rau (94-96)	Mayor Tom Cardinale (05-08)	Bob Donnelly (11-15)
Jim Doughty (96-99)	William Breedlove (02-09)	Howard Sribnick (10-16)
Jack Peacock (94-00)	Lester D. Shockley (03-10)	Dave Wheaton (14-16)
Hale Harrison (94-00)	Woody Shockley (01-10)	Wendell Purnell (97-18)
		George Tasker (*15-20)
		Rodney Bailey *19
		Steve Brown *10-19

* = Appointed to fill an unexpired term

TD

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 11/3-year terms; Terms Expire December 31

Compensation: None

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

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Tamara White	D-1, Nordstrom	Pocomoke City	17-20
Vanessa Alban	D-5, Bertino	Ocean Pines	17-20
Terri Shockley	At-Large	Snow Hill	17-20
Laura Morrison	At-Large	Pocomoke	*19-20
Kelly O'Keane	Health Department		17-20
Kelly Riwniak	Public Safety - Sheriff's Office		*19-20
Darlene Bowen	D-2, Purnell	Pocomoke	*19-21
Elizabeth Rodier	D-3, Church	West Ocean City	18-21
Vacant	D-6, Bunting	Berlin	*20-21
Kimberly List	D-7, Mitrecic	Ocean City	18-21
Gwendolyn Lehman	At-Large	Berlin	*19-21
Mary E. (Liz) Mumford	At-Large	Ocean City	*16, 16-19, 19-22
Coleen Colson	Dept of Social Services		19-22
Hope Carmean	D-4, Elder	Snow Hill	*15-16-19, 19-22
Windy Phillips	Board of Education		19-22

Prior Members: Since 1995

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

* = Appointed to fill an unexpired term

^c = Charter member

//

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)	Michelle Bankert *(14-18)
Dee Shorts (04-07)	Nancy Fortney (12-18)
Ellen Payne (01-07)	Cristi Graham (17-18)
Mary Beth Quillen (05-08)	Alice Jean Ennis (14-17)
Marge SeBour (06-08)	Lauren Mathias Williams *(16-18)
Meg Gerety (04-07)	Teola Brittingham *(16-18)
Linda Dearing (02-08)	Jeannine Jerscheid *(18-19)
Angela Hayes (08)	Shannon Chapman (*17-19)
Susan Schwarten (04-08)	Julie Phillips (13-19)
Marilyn James (06-08)	Bess Cropper (15-19)
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)	

* = Appointed to fill an unexpired term

^c = Charter member

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



ITEM
12

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

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

September 24, 2020

TO: Harold Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer *Kathy*
RE: Fiscal Year 2020 Year End Budget Transfers

The budget transfer request is a component of the General Fund annual audit. We ask the Department and agency heads to wait until the end of the fiscal year to request budget transfers in order to keep the accounting down to one journal entry. The Department heads and Agencies must keep track during the fiscal year of budget accounts that may be over due to unforeseen reasons and then submit their requests for budget transfers to cover these expenditures in their budgets. There is still savings for the County after these transfers have been completed.

I have evaluated the requests and made some adjustments where needed and I concur with the need for all transfers submitted in the attached summary.

I would ask for your review and the County Commissioners approval of the FY2020 Budget Transfer Request worksheets provided which totals \$364,645.

Thank you for your consideration and I am available for any questions you may have.

Attachment: FY2020 Budget Transfer Request

Kjw:h\FY20audit\transfers\FY20 transfer request to commissioners

Citizens and Government Working Together

la

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
County Administration				
1 Mobile Phones	100.1001.6110.245	1,500		budget needed to cover the cost of mobile phone expense due to new hires and transition months of coverage
2 Copier Lease	100.1001.6130.010		(1,500)	Savings in copier lease to cover mobile phone account
Orphans Court				
1 Books & Publications	100.1003.6100.060	900		Code books and updates for Orphans Court Judges
2 Office Supplies	100.1003.6100.190	785		budget to cover the cost of new robes for Judges
3 Travel Training expenses	100.1003.7000.100		(1,685)	savings in travel to cover the cost of judge robes and code books
States Attorney				
1 Administrative Expenses	100.1004.6100.010		(2,872)	savings to cover purchase of laptops, copier lease and MILES user fees
2 Computers & Printers	100.1004.6110.090	1,759		funds to cover purchase of laptops for district court prosecutors while in court
3 Copier Lease	100.1004.6130.010	1,113		funds to cover increase in copier lease and MILES user fees

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Elections Office					
1	Administrative Expense Dues, Licenses, & Subscriptions	100.1006.6100.100	305		Funds needed to cover costs of dues, licenses and subscriptions
2	Administrative Expense Envelopes	100.1006.6100.110	1,363		Funds needed to cover costs of envelopes
3	Administrative Expense National Voter Registration Postcards	100.1006.6100.180	484		Funds needed to cover costs of national voter registration postcards
4	Administrative Expense Postage & Freight	100.1006.6100.230	42,240		Funds needed to cover costs of postage and freight
5	Voting Machine & Poll Expenses Absentee Ballot Expenses	100.1006.6120.010		(484)	Absentee Ballot Expenses savings to cover costs of national voter registration postcards
6	Voting Machine & Poll Expenses Ballot expenses	100.1006.6120.020	40,531		Seachange vendor print and mail ballots to all registered voters in Worcester County
7	Voting Machine & Poll Expenses Election Board Member Mileage	100.1006.6120.040		(1,363)	Election Board Member Mileage savings to cover costs of envelopes
8	Voting Machine & Poll Expenses Election Judge Expense	100.1006.6120.060		(82,771)	Election Judge expense savings to cover costs of postage and freight and print/mail ballots to all eligible registered voters
9	Voting Machine & Poll Expenses Voter Notification Cards	100.1006.6120.110		(305)	Voter notification card savings to cover costs of dues, licenses and subscriptions

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Human Resources					
1	Admin. Expense Incentives & Events	100.1007.090.6100.150		(4)	Moved Children's Christmas Party to the Recreation Center
2	Admin. Expense Incentives & Events	100.1007.095.6100.150		(392)	Moved Children's Christmas Party to the Recreation Center
Development Review & Permitting					
1	Legal Services Board/Commission Attorney	100.1008.6510.010		(4,391)	legal service savings to cover advertising legal requirements
2	Building Site Expenses Fire Extinguishers	100.1008.6550.081	70		funds needed to cover fire extinguisher inspections
3	Other Maint. & Svcs, Phone Service	100.1008.6700.050		(70)	Phone maintenance savings to cover fire extinguisher expenses
4	Advertising Legal Requirements	100.1008.6900.025	4,391		Funds needed to cover legal advertising costs

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Information Technology					
1	Administrative Expenses Office Furniture	100.1011.6100.010	219		Equipment Mobile phones savings to cover administrative office supplies for desk replacement
2	Supplies & Equipment Mobile Phones	100.1011.6110.245		(265)	Funds required to cover attorney fees, and desk replacement
3	Legal Services County Attorney Expenses	100.1011.6510.020	46		Equipment Mobile phones savings to cover attorney expenses
Sheriff's Office - Admin					
1	Administrative Expenses Office Supplies	100.1101.030.6100.190	6,551		funds needed to cover office supplies
2	Supplies and equip., LE Equip.	100.1101.030.6110.190		(61,000)	LE Equip savings to cover Uniforms
3	Equip Maint., Annual Maint Contract	100.1101.030.6130.020		(5,123)	Annual Maint Contract savings to cover uniforms
4	Equip Maint., Software Maint Agree	100.1101.030.6130.070		(15,000)	Software Maint savings to cover uniforms
5	Uniforms and personal Equip., Uniforms	100.1101.030.6150.050	81,123		funds needed to cover uniforms
6	Legal Services., Other Legal Expenses	100.1101.030.6510.085	13,700		funds needed to cover other legal expenses

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
7	Consulting Services., Psychological Services	100.1101.030.6530.115	6,100		funds needed to cover psychological services
8	Vehicle Operating Expenses., Vehicle equip	100.1101.030.6540.060	45,900		funds needed to cover vehicle equipment
9	Bldg Site Expenses., Electric	100.1101.030.6550.060		(1,400)	electric savings to cover other legal expenses
10	Bldg Site Expenses., Telephone	100.1101.030.6550.270		(3,700)	telephone savings to cover other legal expenses
11	Advertising., Personnel Advertising	100.1101.030.6900.040	1,035		funds needed to cover personnel advertising
12	Tvl, Tng Expenses., Canine Tng	100.1101.030.7000.030		(1,000)	canine tng savings to cover other legal expenses
13	Tvl, Tng, Expenses., Firearms Training	100.1101.030.7000.090		(2,000)	firearms tng savings to cover other legal expenses
14	Tvl, Tng Expenses., Transports	100.1101.030.7000.125		(2,900)	transport savings to cover other legal expenses
Sheriff's Office - Animal Control					
1	Admin Exp., Administrative Exp	100.1101.040.6100.010		(200)	Admins Exp savings to cover Personnel Advertising
2	Administrative Exp., Dues, Licensing and Subscriptions	100.1101.040.6100.100		(800)	Dues and Licensing savings to cover Personnel Advertising

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
3	Administrative Exp., Office Supplies	100.1101.040.6100.190		(35)	Office Supplies savings to cover Personnel advertising
4	Supplies and Equip., Spay and neuter supplies	100.1101.040.6110.395		(10,251)	Spay neuter supplies savings to cover office supplies and psych services
5	Uniform and Personal Equip., Uniforms	100.1101.040.6150.050	969		funds needed to cover uniforms
6	Legal Services., County Attorney Exp.	100.1101.040.6510.020		(369)	Co attorney savings to cover uniforms
7	Consulting Services., Rabies Clinic	100.1101.040.6530.120		(600)	Rabies clinic savings to cover uniforms
8	Consulting Services., Spay Neuter	100.1101.040.6530.165		(9,500)	spay neuter savings to cover vehicle equip.
9	Vehicle Operating Exp., WC Fleet	100.1101.040.6540.020		(3,200)	WC fuel savings to cover vehicle equip
10	Vehicle Operating Exp., Vehicle Maint.	100.1101.040.6540.030		(2,900)	Veh maint savings to cover Veh equip
11	Bldg Site Exp., Bldg and Ground	100.1011.040.6550.020		(1,800)	Bldg and Grds saving to cover veh equip
12	Bldg Site Exp., Carpet and VCT Cleaning	100.1101.040.6550.030		(1,200)	Carpet and VCT cleaning savings to cover Veh equip.
13	Bldg Site Exp., Electric	100.1101.040.6550.060		(4,000)	Electric savings to cover veh equip

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
14	Bldg Site Exp., General Maint	100.1101.040.6550.090		(4,000)	General Maint savings to cover Veh equip
15	Bldg Site Expenses., Heating Propane	100.1101.040.6550.120		(2,400)	heating propane savings to cover psych services
16	Supplies and Equip., Incinerator fuel	100.1101.040.6550.130		(700)	incinerator fuel savings to cover other legal expenses
17	building Site Exp. Telephone	100.1101.040.6550.270		(2,000)	telephone savings to cover other legal expenses

Sheriff's Office - School Safety

1	Supplies and Equip., LE Equip	100.1101.700.6110.190		(6,300)	LE Equip savings to cover veh equip
2	Uniform and Personal Equip., Bullet Proof Vests	100.1101.700.6150.010		(800)	vests savings to cover vehicle equip
3	Uniform and Personal Equip., Uniform Allowance	100.1101.700.6150.040		(800)	allowance savings to cover vehicle equip
4	Uniforms and Personal Equip., Uniform	100.1101.700.6150.050		(6,600)	Uniform savings to cover veh equip
5	Uniforms and Personal Equip., Ammo	100.1101.700.6150.060		(4,300)	ammo savings to cover veh equip
6	Consulting Services., Pre Employment Physical	100.1101.700.6530.090		(500)	physicals savings to cover vehicle equip

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Jail					
1	Administrative Expense Background Checks	100.1103.6100.050	685		Funds needed to cover background checks
2	Supplies & Equipment Computers & Printers	100.1103.6110.090	1,146		Funds needed to cover computers / Crossmatch computer
3	Supplies & Equipment Radio Supplies	100.1103.6110.320	1,044		Funds needed to cover radio supplies
4	Legal Services County Attorney Expenses	100.1103.6510.020	109		Funds needed to cover County Attorney expenses
5	Consulting Services Psychological Services	100.1103.6530.115	1,356		Funds needed to cover psychological services / pre-employment checks
6	Inmate Expenses Food Services	100.1103.6190.010		(4,340)	Food Service savings to cover various supplies and operating expense shortfalls
Fire Marshal					
1	Overtime Pay	100.1104.6000.400	1,065		cover COVID OT
2	Vehicle Fuel	100.1104.6540.020	1,250		cover cost of fuel
3	Vehicle Maintenance	100.1104.6540.030	3,415		cover Vehicle Repair from Deer Strike

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
4	Capital Equipment - New Vehicle	100.1104.9010.010	1,432		new vehicle accessories
5	Travel Training Bioterrorism/Hazmat Training	100.1104.7000.010		(7,162)	Program Savings to cover operating account budget shortfalls

General Government

1	Postage & Freight	100.1090.070.6100.230		(10,900)	Savings in postage to cover Clean Worcester ads
2	Advertising Clean Campaign	100.1090.070.6900.013	10,900		Advertising for Clean Worcester

Maintenance Division

1	Administrative Expense Office Supplies	100.1201.6100.190		(206)	Office supply savings to be used for unanticipated uniform expenses
2	Uniforms & Personal Equipment Uniforms	100.1201.6150.050	206		Funds needed to cover added expense for incoming staff to replace personnel who resigned

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Roads					
1	Administrative Expense - Envelopes	100.1202.6100.110	35		funds needed to cover costs for envelopes
2	Legal Services - County Attorney Fees	100.1202.6510.020	61		account for County attorney expenses
3	Capital Equipment - New Vehicles	100.1202.9010.010		(96)	savings from FY20 vehicle purchases to cover administrative expense and legal services
Boat Landings					
1	Gum Point - Building Site Expense General Maintenance Repairs	100.1204.255.6550.090	68		Funds not Allocated to this Account for Unexpected Fencing Repairs
2	South Point - Building site Expenses Tipping Fees	100.1204.275.6550.280		(68)	Tipping Fee Savings To Cover Gum Point Repairs Overage
Mosquito Division					
1	Administrative Expense Office Supplies	100.1302.6100.190		(12)	Office supply savings to be used for copying expenses
2	Equipment Maintenance Copier Lease	100.1302.6130.010	12		Funds needed for added expense for copying

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Recreation Department					
1	Admin. Expense Background Checks	100.1601.400.6100.050		(791)	Available Funds for Uniform Expenses and Prison labor
2	Admin. Expense Dues, Licenses & Subscriptions	100.1601.400.6100.100		(859)	Available Funds for Attorney Expenses
3	Admin. Expense Tournament Fees	100.1601.400.6100.270		(51,937)	Available funds for Capital Equipment Account
4	Personal Equipment Uniforms	100.1601.400.6150.050	777		Funds Needed for Uniform Expenses
5	Recreation Special Events	100.1601.400.6175.070	396		Transfer of budget from Human Resources to cover Recreation held Children's Christmas Party
6	Legal Services County Attorney Expenses	100.1601.400.6510.020	859		Funds Needed for Attorney Expenses
7	Building Site Expenses Electricity	100.1601.400.6550.060		(18,037)	Available funds for Capital Equipment Account
8	Other Maintenance & Services Prison Labor	100.1601.400.6700.700	14		funds needed to cover prison labor expense
9	Capital Equipment Other	100.1601.400.9010.060	69,974		Funds Needed for Purchase of Ice Skating Rink

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Parks Division					
1	Administrative Expense Copier Supplies	100.1602.500.6100.080		(280)	Available Funds to Cover Lawn Mower Repairs
2	Administrative Expense Office Supplies	100.1602.500.6100.190		(227)	Available Funds to Cover Lawn Mower Repairs
3	Administrative Expense Paper	100.1602.500.6100.210		(25)	Available Funds to Cover Lawn Mower Repairs
4	Supplies & Equipment Equipment Maintenance & Repairs	100.1602.500.6110.125	484		Funds Needed to Cover Equipment Repairs
5	Supplies & Equipment Lawn Equipment & Maintenance	100.1602.500.6110.200	1,366		Funds Needed to Cover Lawn Mower Repairs
6	NWAC - Equipment Maintenance Other Equipment Maint/Repair	100.1602.540.6130.045	530		Funds were not allocated to cover Water System Maintenance
7	Uniforms & Personal Equipment Uniforms	100.1602.500.6150.050		(180)	Available Funds to Cover Lawn Mower Repairs
8	Other Supplies Materials Materials	100.1602.500.6200.020	171		Funds Needed to Cover Infield Mix and Field marking Paint
9	Legal Services County Attorney Expenses	100.1602.500.6510.020	163		Funds Needed to Cover Overages in County Attorney Expenses
10	Vehicle Operating Expenses Fuel-WC Fleet	100.1602.500.6540.020		(1,189)	Available Funds to Cover Lawn Mower & Equip.Repairs, Attorney

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
11	Newtown-Building Site Expenses Buildings & Ground maintenance	100.1602.530.6550.020	849		Funds expended for Parking Lot Paving
12	Building Site Expenses Custodial Supplies	100.1602.500.6550.050		(330)	Available Funds to Cover Overage in Materials, county attorney, pesticide training and legal advertising
13	JWS - Building Site Expenses Electricity	100.1602.510.6550.060		(1,787)	Available funds for Electricity, repairs, portalet. Water system maint.
14	Showell - Building Site Expenses Electricity	100.1602.520.6550.060		(53)	Available Funds Needed to Cover Electricity & portalet charges
15	Newtown - Building Site Expenses Electricity	100.1602.530.6550.060	302		Funds Needed to Cover Overage in Electricity
16	NWAC - Building Site Expenses Electricity	100.1602.540.6550.060	61		Funds Needed to cover Portalet charges
17	Satellite Parks - Building Site Expenses Electricity	100.1602.590.6550.060	38		Funds Needed to Cover electricity
18	Newtown - Building Site Expenses General Maintenance Repairs	100.1602.530.6550.090	322		Funds Needed to cover Repairs
19	NWAC - Building Site Expenses General Maintenance Repairs	100.1602.540.6550.090	322		Funds Needed to cover Repairs
20	JWS - Building Site Expenses Pest Control	100.1602.510.6550.180		(35)	Available funds to cover Portalet charges
21	Newtown - Building Site Expenses Portalets	100.1602.530.6550.200	207		Funds Needed to cover Portalet charges

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
22	NWAC - Building Site Expenses Portalets	100.1602.540.6550.200	673		Funds Needed to Cover Portalets
23	Satellite Parks - Building Site Expenses Portalets	100.1602.590.6550.200	821		Funds Needed to Cover Portalets
24	NWAC-Building Site Expenses Water & Sewer	100.1602.540.6550.310	10		Funds Needed to Cover Water & Sewer charges
25	JWS - Other Maint & Svcs Mosquito Control	100.1602.510.6700.350		(76)	Available funds to cover Portalet and electricity
26	Showell - Other Maint & Svcs mosquito control	100.1602.520.6700.350		(15)	Available Funds Needed to Cover Portalet charges
27	Newtown - Other Maint & Svcs Mosquito Control	100.1602.540.6700.350		(319)	Available funds to Cover Electricity and portalet charges
28	Other Maintenance & Svcs Special Events	100.1602.500.6700.640		(239)	Available funds to Cover Pesticide Training, parking lot paving
29	JWS-Other Maint & Svcs Prison labor	100.1602.510.6700.700		(280)	Available funds to cover Portalet charges, water & sewer and electricity
30	Advertising Bid Advertising	100.1602.500.6900.005	35		Funds Needed to Cover Overages in Legal Advertising
31	Travel, Training & Expense Continuing Education/Certifications	100.1602.500.7000.040	45		Funds Needed to Cover Pesticide Training Overage
32	Capital Equipment New Vehicles	100.1602.500.9010.010		(50)	Available Funds Needed to Cover Portalet charges

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
33	Capital Equipment Heavy Equipment	100.1602.500.9010.070		(1,314)	Available Funds Needed to Cover Portalet and parking lot paving
Library					
1	Legal Services County Attorney Expenses	100.1603.200.6510.020	3,488		Library obtained outside legal counsel for policy review and potential litigation
2	Advertising / Legal Advertisements	100.1603.200.6900.025	153		Bid notices for the Ocean Pines carpet project
3	Travel, Training, & Expense Meetings, Conferences/Shows	100.1603.200.7000.100	132		Due to COVID our regional delivery was cancelled and staff were transporting materials
4	Benefits & Insurance Property & Liability Insurance	100.1603.200.7170.100	164		Not sure if this is a mistake, says something about Dental Clinic?
5	Administrative Expense - Office Supplies	100.1603.200.6100.190		(3,937)	Library spent less on office supplies than anticipated due to COVID library closures
Economic Development					
1	Administrative Expense Incentives and Events	100.1801.6100.150		(8,239)	Events savings to cover expense account overages in accounts listed above
2	Supplies and Equipment	100.1801.6110.090	791		funds needed to cover computer & printers and equipment supplies
3	Legal Services County Attorney Expense	100.1801.6510.020	76		Funds needed to cover attorney expense

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
4	Consulting Services Consulting Services	100.1801.6530.040	900		Funds needed to cover consulting services for branding and grants writer
5	Building Site Expenses Telephone	100.1801.6550.270	309		Funds needed to cover building expense telephone
6	Advertising Economic Development	100.1801.6900.015	6,163		Funds needed to cover advertising expense
Tourism					
1	Administrative Expense Office Supplies	100.1803.420.6100.190	182		Funds needed to Cover Office Supplies Expenses
2	Supplies & Equipment Signage	100.1803.420.6110.380		(182)	Available Funds to Cover Office Supplies Over Expenditure
Total Request			364,645	(364,645)	



ITEM
13

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
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OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

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

September 28, 2020

TO: Harold Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer
SUBJECT: Fiscal Year 2020 Reserve for Assigned Encumbrances

The Reserve for Encumbrances is required as part of the General Fund annual audit, which would set aside or commit funds for contracts and purchase orders that will be fulfilled in a subsequent fiscal period. During July and August expenses are recorded back to June 30, 2020 and at fiscal year-end, encumbrances still open are accounted for as a reservation of fund balance. I have reviewed the requests from each of the Department and Agency heads for assigned encumbrances and have made some adjustments where needed.

Attached for your review and the County Commissioners approval is the FY2020 encumbrance request detail as outlined below and the total request is \$3,042,998.

Page 2 Part A – sub-totals \$2,613,920 and is for projects that have been committed and are currently underway. Such projects include Federal Engineering, HVAC work at the Jail, Boat Landings and Park projects. Grant projects will be reimbursed to the County as the projects are completed.

Page 3 Part B – sub-totals \$0

Page 3 Part C -sub-totals \$429,078. Items include Elections voting units and the continued carryover of matching funds for rural legacy and conservation projects.

A proposed purchase that exceeds \$25,000 must be reviewed and approved by the Commissioners before being placed out to bid, although expenses of less than \$10,000 could be made administratively by the individual department after soliciting estimates for the most favorable cost to the County.

Attachments

H:\20 Audit\Encumbrance\FY20 yrendrequest encum to commissioners.docx

FY2020 BUDGET ENCUMBRANCE REQUEST

As of September 28, 2020

A ENCUMBRANCE REQUEST-CURRENTLY APPROVED PROJECTS (UNCOMPLETED AT 6/30/20):

	Department	General Ledger Account No.	Project Description	Remaining funds to Encumber as of 6/30/20	Meeting Date Approved by Commissioners
1	Information Technology	100.1090.020.6130.042	UPS in Server Room-Not yet complete. Needed to revisit electrical requirements. Emergency Services will also be acquiring a need for a replacement. Hoping we can bid together to save on expense.	35,000	5/19/2020
2	Environmental Programs	100.1010.7180	Natural Resources Code Update -Peter Johnston remaining	5,207	10/1/2019
3	Environmental Programs	100.1010.7180	Water Sewer Plan Update - Davis, Bowen & Friedel	71,099	10/1/2019
4	Natural Resources	100.1702.7180	MALPF FY20 cycle matching funds	51,000	1/21/2020
5	Emergency Services	100.1102.044.7180	Federal Engineering remaining project expense	11,162	10/1/2019
6	Emergency Services	100.1102.044.7180	Snow Hill Antenna Project	47,000	10/1/2019
7	Jail	100.1103.9010.010	Security cage for new van - not yet installed	18,120	6/4/2019
8	Jail	100.1103.6550.310	HVAC system replacement for medical unit	36,387	
9	Fire Marshal	100.1104.6110.150	Hydrocarbon Gas Meter Replacement	3,318	6/1/2019
10	LOSAP	100.1105.198.7080.040	Balance of invoice for FY20	22,000	
11	Roads Division	100.1202.7180	SHA FY19 Transportation Grant to be used for Bayside Bridge Replacment expenses	558,597	3/17/2020
12	Boat Landings	100.1204.265.7180	Public Landing - DNR-Waterway Improvement	870	
13	Boat Landings	100.1204.265.7180	Public Landing -DNR-WWI Engineering	9,583	
14	Boat Landings	100.1204.280.7180	WOC-Waterway Improvement	84	
15	Parks - Admin	100.1602.500.7180	POS-Future Land Acquisition	616,945	10/1/2019
16	Parks - JWS	100.1602.510.6160.256	Grant Program Sport Field Improvement	179,673	10/1/2019
17	Parks - JWS	100.1602.510.7180	Grant Program Sport Field Improvement	184	10/1/2019
18	Parks - Showell	100.1602.520.6160.244	Grant Program Sport Field Improvement	157,889	10/1/2019
19	Parks - Newtowne	100.1602.530.6160.244	Grant Program Park Improvement Project	50,000	10/1/2019
20	Parks - NWAC	100.1602.540.6160.244	Grant Program Park Improvement Project	478,871	10/1/2019
21	Parks - Satellite	100.1602.590.6160.241	Grant Program New Park Development	213,483	10/1/2019
22	Parks - Satellite	100.1602.590.7180	Grant Program New Park Development	10,000	10/1/2019
23	Parks - Satellite	100.1602.590.7180	Grant Program Playground Equip/Improv	37,448	10/1/2019
Sub-Total Part A:				\$ 2,613,920	

Department	General Ledger Account No.	Project Description	Encumbrance \$ Request as of 6/30/20	Agency
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B ENCUMBRANCE REQUEST- GRANT FUNDS APPROPRIATED BUT UNOBLIGATED:

1				
2				
3				

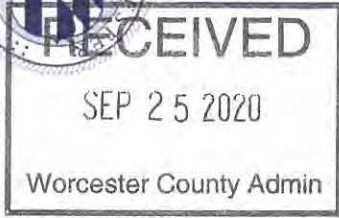
Sub-Total Part B: \$ -

C ENCUMBRANCE REQUEST- OTHER (REQUEST FOR ENCUMBRANCE DOES NOT FIT CATEGORY I OR II ABOVE)

Department	General Ledger Account No.	Project Description	Encumbrance \$ Request as of 6/30/20	Detailed Description
1 Elections	100.1006.6110.440	State Board of Elections IT Voting Units	184,853	County Share of billing/voting units
2 Elections	100.1006.6120.095	Call Center costs for May 2020 & June 2020	2,888	This is the cost of call center vendor to assist with phone calls during 2020 Primary election cycle for May and June 2020, to be billed in FY21.
3 Elections	100.1006.6120.020	2020 Primary Election Vote by Mail Vendor Seachange	40,531	cost of mail vendor, Seachange to print and mail ballots to all eligible Worcester County registered voters.
4 Maintenance Division	100.1201.7000.060	Employee equipment & safety training	2,250	Funds to be used for fork lift, man lift and safety training classes
5 Emergency Services	100.1102.044.7180	Snow Hill Antenna Project	47,000	carry over from FY19 for radio antenna upgrade/change
6 Natural Resources	100.1702.7180	Environmental Conservation Services	85,780	Remaining matching funds Rural Legacy
7 Natural Resources	100.1702.7180	Malpf Match	65,776	Remaining matching funds Rural Legacy

Sub-Total Part C: \$ 429,078

Total All Parts A-C: \$ 3,042,998



MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
Weston Young, Assistant Chief Administrative Officer
FROM: Tom Perlozzo, Director of Recreation, Parks, Tourism & Economic Development
DATE: September 24, 2020
SUBJECT: CARES Act Update on Advertising

Per the County Commissioner request, I have outlined the strategy for Covid-19 marketing initiative as presented on September 1, 2020. However, based upon the September 22, 2020 commissioner meeting this money was subject to divert to the Riverboat acquisition by the Towns of Snow Hill and Pocomoke.

This report outlines the proposed action plan should the above not be used. You should also note that this effort is a complete departure from the existing advertising and marketing plan and based on my experience working with the many advertising agencies over the last fifteen years. In addition, Melanie also brings a unique background of stretching dollars while working for the Ocean City Chamber. Here's a snap shot of the past versus the direction (data driving marketing) moving forward. ***Every dollar of the \$250,000 will be directed to our small towns. How we get this is below.***

	<u>Traditional Marketing (Old)</u>	vs.	<u>Data Driven Marketing (New)</u>
<i>Decision Making Strategy</i>	Guesswork Trial and Error to hit our mark		Proven Success heading in a straight line to the target
<i>Creative Messaging Reporting Measurement</i>	Anecdotally Derived General and Universal Quarterly Reports Historical Snapshot measurement		Research, data driven & proven Personalized and segmented Real time analysis Continuous measurement

OBJECTIVE:

- Drive awareness to all parts of the county (emphasis on small towns)
- Identify, understand, and convert the Worcester County target leisure audiences
- Confirm high-value and targeted geographic, demographic, and psychographic segments
- Build a clear, unique yet remarkable brand promise
- **Increase brand awareness and website traffic with an underlying goal of increasing room night occupancy over the next year**
- Support these efforts with breakthrough creative and media that stands out locally, regionally, and nationally
- Maximize budget to effectively reach and convert new leisure travel prospects while also increasing spend of existing visitors
- Simulate the economy with direct ROI

CHALLENGE:

In a post-COVID environment, a time when authenticity matters more than ever, we must take steps to uncover the **personal, social, and cultural meaning** needed to build and grow the Worcester County, Maryland's Coast. This is an opportunity to illustrate the core values of Worcester County to **the residents, travelers and prospects** that had no knowledge or an *incorrect perspective* of us. In essence, now is the time to grow market share and relevance.

Post-COVID travelers are **seeking progress, optimism and empowerment** while desiring rest, recuperation, and relaxation. The chance to be with those they love, to heal and to make new memories. They resist platitudes and "me too" messages. They have grown weary of Covid-19 messages but remain keenly aware of the situation.

OPPORTUNITY:

With all it has to offer, Worcester County, Maryland's Coast, **IS a true bright light**. A destination where conscious travelers can share moments with family, make new friends and experience new things. Its remarkable coastline and **charming, authentic towns** nearby are a refreshing getaway for outdoor enthusiasts, beach lovers, foodies, and explorers. With so much to see and do, when the time is right, this is a place where you can make each visit a special experience all its own. By acknowledging and championing this sentiment within the community and as part of an integrated marketing communications program, it's an opportunity for all to share with those who know you, and those who've yet to visit, that here, there's a world of energizing and unforgettable experiences to be discovered.

STRATEGY:

Develop a creative campaign (currently in planning) that clearly engages our target audience's curiosity to learn more about, explore and experience Worcester County as a travel destination using relevant and enticing video, visuals and messaging that inspires action.

Develop and implement an integrated marketing communication plan that engages and follows prospects through their **customer journey** as they research and select a destination to visit. Our thoughts are quite simply to "retarget" Ocean City's efforts to the rest of the county. Our budgets won't sustain that opportunity. In addition, the strategy may include media, experiential (events) and other options communicated from our towns. Ocean City becomes the anchor and we'll draw interests to the other towns.

ANALYSIS:

Segmentation Analysis: Using our existing database, Daniels we will perform an analysis to identify specific micro-geographies of guests and prospects (census block groups). The micro-geographies

provide specific knowledge of the psychographic and demographic similarities and differences. This provides the segments for outreach and additional **data to replicate these individuals (cloning)**. **Ocean City has agreed to share their information with us.**

RECOMMENDED EXPERIENTIAL TACTICS: \$125,000 +/- dedicated to events in small towns)

Events

Unfortunately, many of our towns don't have the allure to draw excursions. Our "departments" (Tourism, Economic Development and Recreation & Parks) will drive specific, targeted ROI events, partnerships opportunities through existing and "new" events as provided by our town leaders.

Sample Opportunities (Not all Inclusive)

Winter Holiday Driving Tour – RGB Tunnels, etc.

National/Regional Fishing event

Car Cruises/Parades (Currently working with promoter for Oct.10 event in Snow Hill and Pocomoke)

Road Bike Events

Festivals (Hot Air Balloon, Food Truck, etc.)

Concerts Series

Drive In Movies – Laser Shows

RECOMMENDED MEDIA TACTICS: \$125,000 +/- dedicated to events in small towns)

Google Search

Target **relevant keywords people use when planning/booking a trip to Ocean City**, vacation in OC, things to do in OC, city attractions, etc. All clicks will take users to a designated landing page where conversions (we capture and redirect) can take place.

Facebook/Instagram, etc.

- A) Video and animated banner campaign targeting 18-65+ demo who have an interest in Ocean City, are listed as 'frequent travelers', and are also interested in vacations, holiday, travel, tourism, etc. redirected to Maryland's Coast
- B) Video and animated banner campaign targeting individuals currently traveling within 15 miles of Ocean City, MD with their home being listed as 125 miles away.
- C) Based on online behavior & search history and the database analysis phase, we will target prospects in targeted zip codes who are interested or display attributes that make them prospects of high interest in traveling to Ocean City and deliver ads (**southern end**) to them while they are browsing. Again, video-focused display ads.
- D) Access to CRM (Ocean City) data would allow us to build **look-a-like audiences** to target which would enhance all digital media efforts.
- E) Video Blogs and User-generated, behind the scenes video content produces the highest ROI of all video content. When considering digital advertising initiatives, video remains the most powerful tool in the toolbox.

Social Marketing Initiative

- F) Feature User Generated Content (UGC) from local influencers (business owners, residents) and visitors utilizing video clips as main communication vehicle to tell the Worcester County “story” across all social media platforms. Small town real live stories of success, etc.
- G) Give a portrait of the destination described from their perspective...real people

User Generated Content Microsite

- H) Implement User Generated Content-powered microsite featuring quick interviews with influencers about their favorite places in the area things to do, points of interest, quirky facts, etc., completely unscripted. Where do you escape to for enjoyment?

Personalized geo-targeted Email marketing to past and prospective visitors with relevant measurable offers

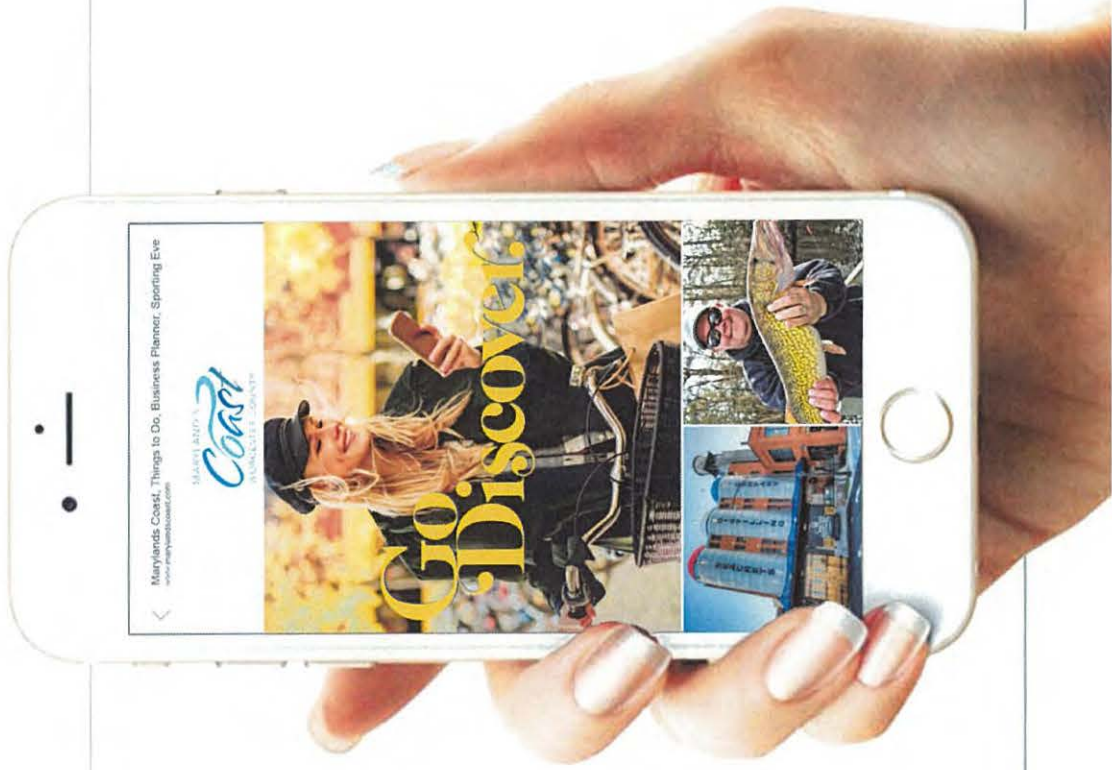
OOH (Out of Home) advertising in target markets to generate awareness (Billboards)

Retargeting

Leveraging the traffic generated by other website and partner websites.

Attachment





Ocean City

Crab Alley RESTAURANT
VISIT US ONLINE
CRABALLEVOC.COM

Review summary
4.4
1,149 reviews

Write a review

- "Great food, great atmosphere, a little pricey for the portion size"
- "Good selection of sandwiches, pork, beef, chicken, vegetarian."
- "top notch menu, ingredients, setting and service"

Seafood

Crab Alley
9703 Golf Course Rd, Ocean City, MD

4.4 ★★★★★ 1,149 reviews

Long-standing crab house offering regional specialties plus a seafood market & outdoor seating.

Address: 9703 Golf Course Rd
Hours: Open today · 3PM-9PM

Phone: (410) 213-7800

Welcome to Maryland's Coast

Go Discover.
Ocean City, MD

Official Tours

Dining

7

September 15, 2020

Maryland Entertainment Industry Association

Mr. Joseph M. Mitrecic, President
Worcester County Board of Commissioners
Sent via email

Dear Board of County Commissioner President Mitrecic,

On behalf of Maryland Entertainment Industry Association (“MEIA”), we are writing to you today to assist us in our request for relief grants from the State of MD in the amount of 25 million dollars. Our industry, a cornerstone of Maryland’s economy, culture, and history, is facing an existential crisis. We are facing unique adverse impacts from COVID-19 due to the nature of our industry: live entertainment. Maryland has entered Phase 3, however our industry remains part of the less than 2% of Maryland businesses still not open. Financial assistance is a critical need.

MEIA consists of representatives from more than 30 of Maryland’s most prolific and profitable live entertainment venues and scores of event promoters, with group membership growing daily. As such, we currently speak up today on behalf of 30 business owners, and approximately 3,500 employees, and thousands of vendors and independent contractors. This also represents in excess of 5 million ticket buyers and thereby, revenue generators. Our members have spent years, if not decades, working hard to grow and sustain a thriving economic sector in Maryland.

Economic Impact

Every dollar spent on a ticket at a small live entertainment venue generates an additional \$12 of economic value for Maryland, in the form of visitor spend on restaurants, hotels, taxis, and retail establishments. This scales up at larger venues where every dollar spent on a ticket generates an additional \$200 of economic impact per visitor for Maryland. Lost revenue for our venues also represents **tens of millions of dollars in lost state and local governmental revenue** in the form of sales tax, liquor tax, and admissions and amusement taxes. The Maryland State Arts Council cites **60 million dollars** in state and local taxes collected during FY 2018 (MSAC.org) This does not take into account at least an additional **5.7 million dollars** in admission and amusements taxes alone collected by our members who are not covered by the MSAC umbrella.

As we explain in detail below, the industry is in immediate and dire need of **grants in the amount of 25 million dollars**. Given our industry’s exceptionally challenging circumstances, we need grants to offset fixed expenses such as rent, property taxes, insurance, preventive maintenance, salaries and other operating costs. Although the incremental openings of other businesses have allowed them some revenue streams, we continue to be closed with no specific opening date set. While traditional restaurant, retail, and gaming businesses have been a part of phased reopening plans, the future of the live entertainment industry still remains entirely unaccounted for.

Simply put, *we were the first to close and will be the last to open*. Bearing our existing fixed operating costs for 6-12 additional months will mean some venues will not survive until entertainment events can resume. We may also need support through early phases of reopening, when we will be operating at significantly reduced capacities. Our businesses operate with slim margins, and reduced capacity for an extended period will mean some of our businesses will not be able to afford to open our doors until all restrictions are lifted.

Any subsidies administered by the Maryland Department of Commerce would also be used for COVID-specific reopening needs, including personal protective equipment, walk-through metal detectors for touch-free security screening, health screening equipment, point of sale system upgrades to allow for touchless payment, barriers to allow separation in close quarters, sanitizing equipment, training, touchless plumbing fixtures, upgrades to HVAC to improve airflow, and furniture and crowd control devices to reinforce distancing.

Our current situation

Mandated closures and public health efforts have left live entertainment with no revenue opportunity and no foreseeable return of normal business. This large scale, long term shutdown will likely extend well into 2021. Even with phased reopening, the harsh reality we face is that we cannot find a way to sustain our businesses for an extended period with limited capacity restrictions.

In addition to venue owners and operators, there is a unique class of businesses that are integral to the live music scene. Concert/Event Promoters are a vital source of content for many of the concert halls and event centers in Maryland. As the venues are closed so too are the Promoters' businesses. These promoters often employ their own marketing and production departments and are vital in providing an additional supply line of content to venues.

Both promoters and venues alike have sunk time and money into canceled 2020 events, costs which will never be recovered. Together, we are seeking urgent aid to ensure our businesses, and the industry, will survive to open our doors and gates once more.

Serving as a pillar of Maryland's cultural and economic strength

Maryland's network of live event venues and promoters are a critical component of our State's economic and cultural status. Among our ranks lie many cultural landmarks, such as Baltimore's The Modell Lyric (est. 1894) & Hippodrome Theatre (est. 1914), Frederick's Weinberg Center (est. 1926), Columbia's Merriweather Post Pavilion (est. 1967) and Annapolis's Rams Head On Stage (est. 1997). Our members and their storied pasts have previously survived various economic down cycles through ingenuity and determination, but today's all-consuming crisis highlights the unprecedented nature of our current reality.

For a century, Maryland has had an unbroken chain of culturally significant and ground breaking performances. Frank Sinatra first took the stage at the Hippodrome in 1939. Jimi Hendrix guided concert goers at Merriweather on a transcendent experience in 1971, shortly followed by Jackson Browne laying down live tracks for his Grammy nominated album *Running on Empty* in 1977. Baltimore's Civic Center opened in 1962 and has remained at the forefront of the live entertainment industry, becoming a worthy host for the final tours of both Prince (2015) and Tom Petty (2017). Most recently in 2019, Live Nation & The Orioles partnered to present Billy Joel, the first ever concert at the iconic Camden Yards.

MEIA members have worked hard to establish Maryland as a premiere touring stop among the national market, even as the Northeast has grown to become an especially competitive region. Modern tours such as Sade (2011) & Rihanna (2016) have even elected to choose Baltimore as their anchor city, kicking off their tours locally and providing exponential economic impact with extended stays to organize logistics for their nationwide endeavors.

The sector needs to maintain our robust framework to remain at the forefront of the national live music landscape. Should we lose many of our venues, promoters, or strength of the underlying industries, artists will choose to skip the Maryland market in the future. This would lead to the degradation of an

already ravaged sector we have all fought so strongly to build and support, not to mention the loss of so many economic multipliers throughout the state.

"Maryland's 48+ live music venues represent critical community assets that attract tourism dollars to communities across the state. Merriweather Post Pavilion alone supports nearly \$70 million in economic activity each year while attracting approximately 85,000 attendees from other states." - Anirban Basu,
Chairman and CEO of Sage Policy Group

Though maintaining social bulwarks among our communities may be a priceless endeavor, we are also the drivers of a powerful economic engine. Our economic impact is felt far beyond our box offices. For every ticket purchased, we generate exponential economic activity for local restaurants, hotels, advertising agencies, media outlets, parking facilities, hospitality and catering services, rideshare and taxi companies.

The closure mandates that affect our stadiums, arenas, theaters, clubs, events, fairs and festivals have a powerful ripple effect in local employment and vendor procurement. Our sector employs a wide variety of workers across security, custodial staff, ushers, concessions, box office, marketing, medical, emergency and ADA compliance. Each venue supports a robust network of independent contractors and local production companies that help produce our events. The logistics of our industry pay for audio engineers, lighting designers, video technicians, stagehands and miscellaneous labor, equipment rental services, catering companies and a legion of truck and bus drivers. Our activity also fuels union and IATSE employment.

Tens of thousands of employees' fates hang in the balance, as do the thousands of state and national performers who depend on our industry, along with their millions of fans and our potential customers. See attached as Exhibit A (Maryland Entertainment Industry – Ripple Effect) an economic flow chart describing the impact that live entertainment has on personnel and business.

We need your help

In the past our industry has been creative and self-sufficient in addressing challenges to our businesses, but we need help fighting this battle. Additionally, we need a state-level advocate with whom our operators can coordinate directly with local entities. This will help to alleviate confusion over differing local initiatives and the divergent approaches of different jurisdictions.

Live entertainment and the Arts are a necessary entity that needs to be funded to survive what is no longer a temporary shutdown. Your prompt action will serve as a direct lifeline for the steadfast Maryland live entertainment institutions that have served our community for decades. With your help, we hope to preserve our industry's position as a critical contributor to our state's economy and continue to make Maryland a vibrant home for the arts.

For additional information please feel free to contact Co-founder Ted Mankin via email at MarylandEntertainmentIndustry@gmail.com, or by phone 703-309-2024.

Sincerely,

-See following pages of signers-

**MODELL
LYRIC** **125**
BALTIMORE'S PREMIER LIVE
ENTERTAINMENT VENUE **YEARS**

THE
8x10

**THE
MARYLAND
THEATRE**
A Stage for Every Age

mecu 
PAVILION



**HIPPODROME
THEATRE** *at the*
FRANCE-MERRICK
PERFORMING ARTS CENTER



UMBC
**EVENT
CENTER**

**AVALON
FOUNDATION**

SOUND STAGE
BALTIMORE

**LIVE
NATION**

**BALTIMORE
SYMPHONY
ORCHESTRA**

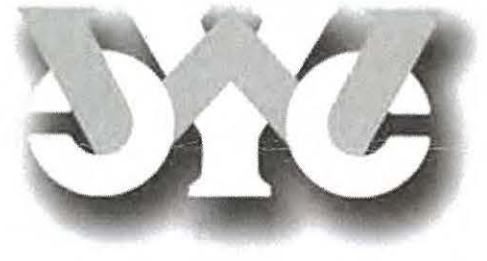


RAMS HEAD
On Stage



RAMS HEAD
PRESENTS

24-7
ENTERTAINMENT



TEAM
PRODUCTIONS

greiBO

Wisdom
Court
Entertainment

I.M.P.



TRANSCENDENT
EVENTS

IKON
ENTERTAINMENT

THE
BOWERY
PRESENTS

DOWNTOWN
COLUMBIA
ARTS & CULTURE

metro gallery

 **THE FILLMORE**
SILVER SPRING

 **MONOZINE
PRESENTS**

Showtime
SOUND

UPFRONT INC

CD Enterprises, Inc.




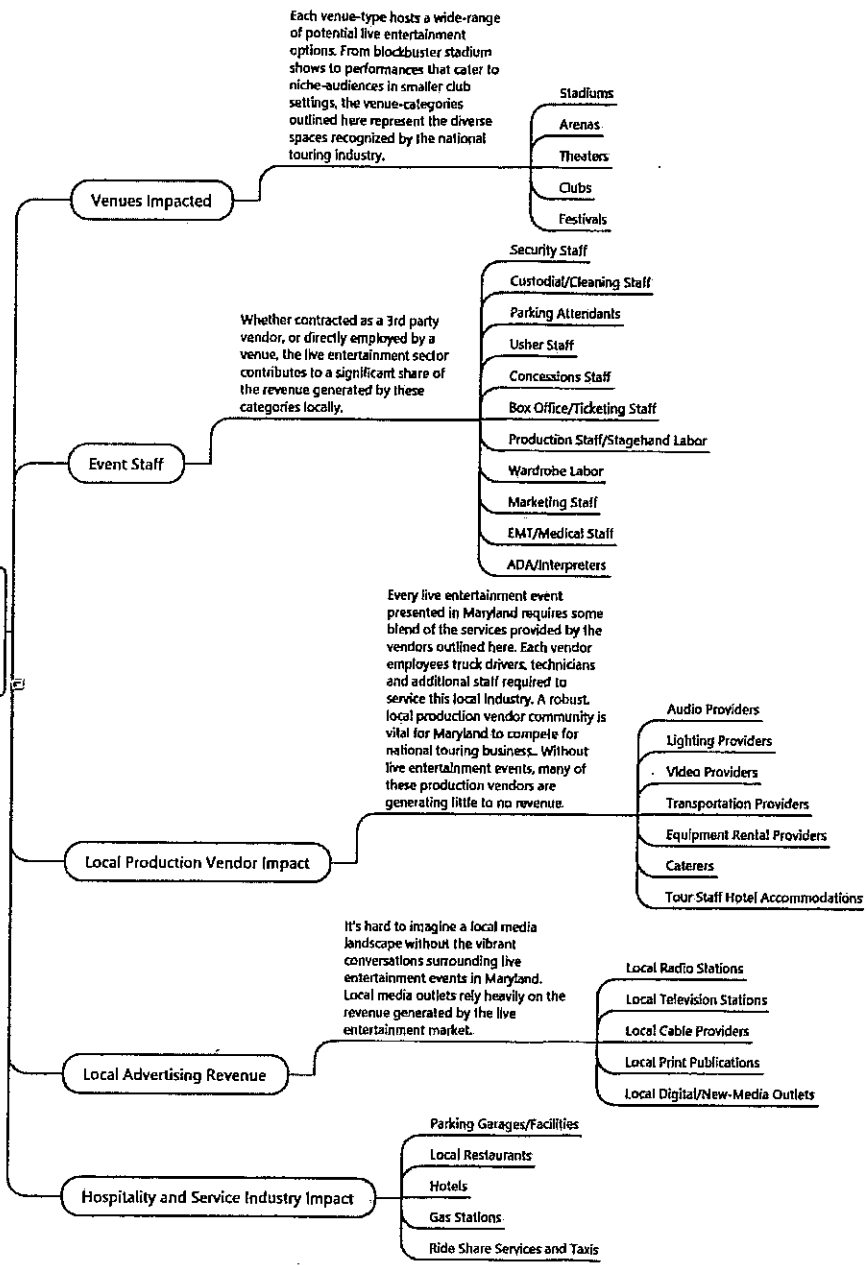
**Drums
Unlimited
Rentals**

B O P A

BALTIMORE OFFICE OF
PROMOTION & THE ARTS

EXHIBIT A
Maryland Entertainment Industry
"The Ripple Effect"

 The local economic impact of mandated closures on Maryland's stadiums, arenas, theaters, clubs and festivals



ITEM
16



Worcester County

DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD

SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John S. Ross, P.E., Deputy Director, Public Works
DATE: September 28, 2020
SUBJECT: Injection Well Relocation Agreement - VanVonno Property

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 approval is an agreement with K. Timothy VanVonno and Catherine J. VanVonno for relocation of groundwater injection wells used for disposal of effluent from the Mystic Harbour Wastewater Treatment Plant.

After relocation of these injection wells, there are no more wells on the islands owned by the VanVonnos and the easements surrounding those wells will be extinguished by execution of the attached Release, Termination and Extinguishment Agreement. The Department of Public Works supports this relocation as the wells will function better and will be more manageable in their new location.

Upon approval by the County Commissioners, the Maryland Department of the Environment (MDE) will issue the modification to the discharge permit needed for their operation.

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

Attachments

cc: John H. Tustin, P. E. Director of Public Works
Roscoe Leslie, County Attorney

RELEASE, TERMINATION, AND EXTINGUISHMENT

THIS RELEASE, TERMINATION, AND EXTINGUISHMENT (hereinafter "Release") is made on this _____ day of _____, 2020, by and between the **COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND** (hereinafter "Commissioners") and **K. TIMOTHY VANVONNO and CATHERINE J. VANVONNO**, his wife (collectively hereinafter the "VanVonnos").

WHEREAS, the VanVonnos are the owners of Lot No. 440A as shown on a plat entitled "Boundary Line Adjustment between Outlot S and Lot 440, Mystic Harbour, Section 4, Phase 2 (SVH 172/10-15), Tenth Tax District, Worcester County, Maryland" made by Frank G. Lynch Jr. & Associates, Inc. dated June 29, 2005 and recorded among the Land Records of Worcester County, Maryland in Plat Book SVH No. 201, Folios 27, et. seq., being 30.46 acres of land, more or less;

WHEREAS, the Commissioners own and operate the Mystic Harbour Wastewater Treatment Facility, which is also located within the geographical boundaries of the Mystic Harbour Subdivision;

WHEREAS, by virtue of an unrecorded Agreement dated November 25, 1997, and a Deed, Bill of Sale, and Assignment dated November 4, 1998 and recorded among the Land Records, as aforesaid, in Liber RHO No. 2559, Folios 267, et. seq., the Commissioners have a Utility Easement across portions of Lot 440A, which include the right, among other things, to install shallow ground water recharge wells, which accommodate the disposal of the effluent from the Wastewater Treatment Facility;

WHEREAS, the Utility Easement Area is described more particularly on page 9 of the 9 page plat titled "Mystic Harbour Water & Wastewater Plans, Lands of Mystic Harbour Corporation & Lands of MH Utilities Corporation, Tenth Tax District, Worcester County, Maryland" recorded in Plat Book RHO. 156, Page 54;

WHEREAS, by virtue of a Release, Termination, and Extinguishment dated March 19, 2019, and recorded among the Land Records of Worcester County, Maryland in Liber SRB 7395, Pages 41, et. seq., the Commissioners previously released a portion of their Easement over approximately 2.71 acres;

WHEREAS, the VanVonnos have now relocated all eighteen (18) of the groundwater recharge wells on Lot 440A, at their expense; and the Commissioners

intend to release their entire Easement over Lot 440A, inasmuch as it is no longer necessary; and,

WHEREAS, in consideration whereof, the Commissioners have agreed to release, terminate, and extinguish their Easement.

WITNESSETH: NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, do hereby agree as follows:

1. The foregoing recitals are hereby incorporated by reference.
2. The Commissioners do hereby release, terminate, and extinguish their Utility Easement over, across, and under Lot 440A.
3. This Release shall bind and inure to the benefit of the parties hereto, and their respective heirs, personal representatives and assigns. This Release and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Maryland.

AS WITNESS, the hands and seals of the parties hereto, as of the day and year first above written.

ATTEST: COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

BY: _____ (SEAL)
JOSEPH M. MITRECIC, PRESIDENT

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020, before me, a Notary Public in and for the State and County aforesaid, personally appeared JOSEPH M. MITRECIC, PRESIDENT on behalf of the County Commissioners for Worcester County, Maryland, and executed the foregoing document as their free act and deed, for the purposes therein contained.

Notary Public
My Commission Expires:

WITNESS K. TIMOTHY VANVONNO (SEAL)

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020,
before me, a Notary Public in and for the State and County aforesaid, personally
appeared K. TIMOTHY VANVONNO, and executed the foregoing document as
his free act and deed, for the purposes therein contained.

Notary Public
My Commission Expires:

WITNESS CATHERINE J. VANVONNO (SEAL)

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020,
before me, a Notary Public in and for the State and County aforesaid, personally
appeared CATHERINE J. VANVONNO, and executed the foregoing document as
her free act and deed, for the purposes therein contained.

Notary Public
My Commission Expires:

VANVONNO-COUNTY-RELEASE (9/9/20)

AGREEMENT

THIS AGREEMENT (hereinafter "Agreement") is made on this _____ day of _____, 2020, by and between the **COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND**, in their capacity as the governing body of the **MYSTIC HARBOUR SANITARY SERVICE AREA** (hereinafter "Commissioners") and **K. TIMOTHY VANVONNO and CATHERINE J. VANVONNO**, his wife (collectively hereinafter the "VanVonnos").

WHEREAS, the VanVonnos are the owners of Lot No. 440A as shown on a plat entitled "Boundary Line Adjustment between Outlot S and Lot 440, Mystic Harbour, Section 4, Phase 2 (SVH 172/10-15), Tenth Tax District, Worcester County, Maryland" made by Frank G. Lynch Jr. & Associates, Inc. dated June 29, 2005 and recorded among the Land Records of Worcester County, Maryland in Plat Book SVH No. 201, Folios 27, et. seq., being 30.46 acres of land, more or less;

WHEREAS, the Commissioners own and operate the Mystic Harbour Wastewater Treatment Facility, which is also located within the geographical boundaries of the Mystic Harbour Subdivision;

WHEREAS, by virtue of an unrecorded Agreement dated November 25, 1997, and a Deed, Bill of Sale, and Assignment dated November 4, 1998 and recorded among the Land Records, as aforesaid, in Liber RHO No. 2559, Folios 267, et. seq., the Commissioners have a Utility Easement across portions of Lot 440A, which includes the right, among other things, to install shallow groundwater recharge wells, which accommodate the disposal of the effluent from the wastewater treatment facility;

WHEREAS, the Utility Easement Area is described more particularly on page 9 of the 9 page plat titled "Mystic Harbour Water & Wastewater Plans, Lands of Mystic Harbour Corporation & Lands of MH Utilities Corporation, Tenth Tax District, Worcester County, Maryland" recorded in Plat Book RHO 156, Page 54;

WHEREAS, the Commissioners originally operated a total of eighteen (18) groundwater recharge wells, located on three (3) separate upland areas on Lot 440A. There were six (6) groundwater recharge wells on the central island or upland area, which was also the location of the VanVonno single family residence;

WHEREAS, the VanVonnos, at their expense, relocated the six (6) groundwater recharge wells from the central island to a location more proximate to the Wastewater Treatment Facility;

WHEREAS, as a result of this relocation, the Commissioners released a portion of their Easement by virtue of the Release, Termination, and Extinguishment between the Commissioners and the VanVonnos dated March 19, 2019, and recorded among the Land Records, as aforesaid, in Liber SRB 7395, Folios 41, et. seq.;

WHEREAS, there are remaining six (6) groundwater recharge wells on the northerly upland area or island, and six (6) groundwater recharge wells on the southerly upland area or island. The VanVonnos have agreed, at their expense, to relocate all of the groundwater recharge wells to the area more proximate to the Wastewater Treatment Facility, as set forth herein; and,

WHEREAS, upon completion of the relocation, and upon the acceptance of the new groundwater recharge wells by the Commissioners, the Commissioners have agreed to release completely their Easement over and across Lot 440A, all on the terms, and subject to the conditions, hereinafter set forth.

WITNESSETH: NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, do hereby agree as follows:

1. The foregoing recitals are hereby incorporated by reference.
2. The VanVonnos shall, at their expense, remove the six (6) groundwater recharge wells on the northerly upland area or island, and the six (6) groundwater recharge wells on the southerly area or island, to an area more proximate to the Wastewater Treatment Facility, as designated by the Commissioners. The VanVonnos shall contract directly with such necessary contractors and subcontractors. The Commissioners shall cooperate with the VanVonnos in such removal and construction. The VanVonnos shall be responsible for all costs related to this project to include, but not limited to, obtaining and paying for all necessary approvals and permits, the removal of the discontinued wells, and the construction of the new wells. A copy of the relocation plan, prepared by John W. Salm, III, P.E., dated November 6, 2019, is attached hereto as exhibit "A" and incorporated herein by reference.
3. The VanVonnos, at their expense, shall submit to the Commissioners and the Department of Public Works, for prior approval, plans and specifications in connection with the relocation of the groundwater injection wells. It is

anticipated that these plans and specifications shall be similar to those used in the last relocation.

4. Once the new injection wells are installed, in accordance with the approved plans and specifications, and are functioning as required to the 60,000 gallon per day disposal ability, the Commissioners shall terminate/extinguish their Easement over all of Lot 440A. Once the ground water recharge wells are relocated and the new wells are functioning, and after the Easement is released, the Commissioners shall no longer have an easement over any portion of Lot 440A.

5. Once the new injection wells are installed, in accordance with the plans and specifications, and are functioning, the Commissioners shall have a period of sixty (60) days to determine if the new injection wells are capable of accepting the 60,000 gallon per day disposal ability, as described in the previously paragraph. In the event that the new injection wells fail to accept the 60,000 gallon per day disposal ability, the VanVonnos shall, at their expense, have the right to repair and to modify the new injection wells and/or drill new injection wells (new wells will be subject to all necessary State approvals), to achieve the disposal ability, so that the easement will be terminated/extinguished, in accordance with the previous paragraph. If said opportunity to repair is not exercised by the VanVonnos, the Commissioners have no obligation to make repairs on these wells.

6. Once the groundwater recharge wells are relocated, the VanVonnos acknowledge and understand that vegetation on the upland areas or islands may die, or may be compromised, and the VanVonnos agree that this shall not be the responsibility of the Commissioners.

7. This Agreement shall bind and inure to the benefit of the parties hereto, and their respective heirs, personal representatives and assigns. This Release and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Maryland. The terms and provisions herein contained constitute the entire agreement between the parties.

AS WITNESS, the hands and seals of the parties hereto, as of the day and year first above written.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

_____ BY: _____ (SEAL)
JOSEPH M. MITRECIC, PRESIDENT

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020,
before me, a Notary Public in and for the State and County aforesaid, personally
appeared JOSEPH M. MITRECIC, PRESIDENT on behalf of the County
Commissioners for Worcester County, Maryland, and executed the foregoing
document as their free act and deed, for the purposes therein contained.

Notary Public
My Commission Expires:

_____ (SEAL)
WITNESS K. TIMOTHY VANVONNO

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020,
before me, a Notary Public in and for the State and County aforesaid, personally
appeared K. TIMOTHY VANVONNO, and executed the foregoing document as
his free act and deed, for the purposes therein contained.

Notary Public
My Commission Expires:

WITNESS

CATHERINE J. VANVONNO

(SEAL)

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2020,
before me, a Notary Public in and for the State and County aforesaid, personally
appeared CATHERINE J. VANVONNO, and executed the foregoing document as
her free act and deed, for the purposes therein contained.

Notary Public

My Commission Expires:

VANVONNO-COUNTY-AGREEMENT (9/2/20)



ITEM
17

Worcester County

DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD

SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John S. Ross, P.E. Deputy Director of Public Works
DATE: September 28, 2020
**SUBJECT: Ocean Pines Wastewater Treatment Plant
Screen Rebuild/Retrofit**

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 is a proposal from Parkson Corporation (Parkson) for rebuilding the existing raw sewage screen at the Ocean Pines Wastewater Treatment Plant. The screen has been in operation for over 20 years and Parkson was the original screen manufacturer.

Since Parkson is the manufacturer of the screen and is the only source for the needed parts and expertise we are requesting the County Commissioners waive the formal bidding process and allow us to work directly with Parkson to complete this rehabilitation.

The proposal included a cost of \$56,006. The approved 2020/21 service area budget included \$60,000 in account number 555.8003.9010.090 for this work.

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

Attachment

cc: John H. Tustin, P.E. Director
Michelle Carmean, Enterprise Fund Controller



Aqua Guard[®] PF



Quotation

NUMBER: B02011183
 TO: Worcester County Dept. of PW
 1000 Shore Lane
 Berlin, MD 21811
 Attn: Dominic Ross
 Tel: 410-641-5251 x2422
 Fax:
 E-Mail: dross@co.worcester.md.us

DATE: 9-14-2020
 REF.: Project Name: Ocean Pines WWTP
 Project Location: Berlin, MD
 Original Serial #: 21007602
 Rebuild #: B02011183
 Specification Sec.: N/A

Parkson Corporation proposes the reconditioning of your existing Aqua Guard[®] Continuous Self-Cleaning Bar/Filter Screen and is pleased to provide this **Rebuild/Retrofit Quotation** for the following:

ITEM 1 AQUA GUARD SELF-CLEANING BAR/FILTER SCREEN

Existing Units: 1
 Unit #: 21007602 (Proj.# 210042)
 Model: **AG-MN-A**

1.A Existing Equipment:

Description

Screen Width: 2'-10.5"
 Solids Discharge Height: 9"
[as measured from the bottom of the channel to the discharge point]
 Screen Angle: 75°
 Screen Opening: 6 mm
 Application / Industry: Municipal

Materials of Construction

Elements: high impact polycarbonate alloy
 Frame: 304 SS
 Conveyor Chain: 304/410
 Filter Element Shafts: 304 SS
 Side Plate: high impact phenolic



1.B The following parts are recommended for replacement on one (1) unit:

<u>Item Description</u>	<u>Quantity</u>
210042	B02011183
Ocean Pines WWTP, MD	
AG-MN-A75, 2'10.5" x 9', 6MM	
Rotating Brush *	1
Upper Guide Rails, AS/OH	2
Upper Guide Rails Mounting Spacers	6
Guide Rails, AS/OH	2
Lower Guide Rails	2
Lower Guide Rail Mtg. Spacers	4
Filler Plates	2
Discharge Pan Seal	1
Side Seals, Brush/Neoprene *	2
Flange Bearing, Brush *	2
Pillow Block, Take-up	2
Flange Bearing, Drive shaft	1
Bushing, Drive Shaft *	1
Bushing, Brush *	1
Sprocket, Brush *	1
Sprocket, Drive shaft *	1
#40 Chain with Master Link *	1
Chain Tightener *	1
Nameplates & Labels Set	1
Misc Hardware	1
<u>Front Seal</u>	
Brush 2 x 28-1/4	1
Brush 3 x 28-1/4	1
<u>Screen Assembly</u>	
Side Plates, Phenolic *	164
Spacer Washers *	164
Chain Link Assembly	164
Filter Shafts, Solid	82
Elements, 6mm *	3280
Snap Rings	164



1.C The following Perf parts are recommended for retrofit on one (1) unit:

E2P	
Upper Frame Components, Covers, Sprays,	1
Perforated Panel Weldment	82
Perf Panel with the combs	14
Rotating Brush, Assembly	1
Brush Bearings	2
Reducer - Rotating Brush	1
Motor, 1/2HP, - Rotating Brush	1
Solenoid Valve, Pressure Gauge	2
Nozzles	20
Sub Control Panel, NEMA 4X	1

Note: 1- Items with an * are removed from scope for the Perf Panel Options.

2- All electrical conduits, wire etc. and installations required to install the auxiliary NEMA 4X Control Panel, Solenoid Valve and Brush Motor are the responsibility of the owner.

3- NEMA 4X Control Panel to installed in a non-hazardous location

4- Owner is responsible to provide 3/4" pipe water line by the Bar Screen, for the connection to the spray system.

ITEM 2 OFFERINGS - PURCHASE PRICE

2.A ~~Parkson Certified On-site Rebuild with OEM Parts & Technicians (Per Unit)~~ ~~\$56,006.00 USD~~

1. To ensure work site safety, customer/owner is responsible for removing unit from the channel, placing unit on a level surface, thoroughly cleaning, pressure washing, disinfecting the unit, and reinstalling unit in channel.
2. All parts listed in [1B] above.
3. Parts will be shipped F.O.B. Factory, freight included to jobsite.
4. Removal and reinstallation of the unit in the channel is excluded.
5. Work performed by Parkson authorized field technicians, who will test run equipment at completion of rebuild.
6. Taxes excluded.

Rebuild / Start-Up Assistance - Included

Parkson will furnish one certified crew as required to rebuild unit, provide start-up and operator training. Dates of service to be scheduled upon receipt of Buyer's written request.



Additional start-up service can be purchased for \$1,200 per day plus travel and living expenses.

2.B ~~Parkson Certified On-site Rebuild & Element to Perf Retrofit with OEM Parts & Technicians (Per Unit).....\$78,868.00 USD~~

1. To ensure work site safety, customer/owner is responsible for removing unit from the channel, placing unit on a level surface, thoroughly cleaning, pressure washing, disinfecting the unit, and reinstalling unit in channel.
2. All parts listed in [1B] above.
3. Parts will be shipped F.O.B. Factory, freight included to jobsite.
4. Removal and reinstallation of the unit in the channel is excluded.
5. Work performed by Parkson authorized field technicians, who will test run equipment at completion of rebuild.
6. Taxes excluded.

Rebuild / Start-Up Assistance - Included

Parkson will furnish one certified crew as required to rebuild unit, provide start-up and operator training. Dates of service to be scheduled upon receipt of Buyer's written request.

Additional start-up service can be purchased for \$1,200 per day plus travel and living expenses.

ITEM 3 OPTIONS FOR EXISTING UNITS(S) ONLY

1. Add/Deduct..... \$ USD

ITEM 4 SCHEDULE, VALIDITY, PAYMENT TERMS

4.A Schedule

- Submittal Phase not required on this project.
- Informational Package will be made (6 weeks) after receipt of acceptable Purchase Order by Parkson and all questions are resolved.
- Parts availability: 10 – 12 weeks following receipt of acceptable written Purchase Order. The Parkson Project Manager will coordinate shipment of the unit to and from the factory with the customer for factory rebuilds.
- Field/on-site rebuild will be accomplished within 4 weeks after parts are delivered to customer, but in no event later than 90 days.
- Rebuild must be completed within 90 days after parts arrive on-site.

4.B Validity:

1. Price is valid for thirty (30) calendar days from Quotation date, for shipment of Equipment within the timetable stated above.



4.C Payment Terms:

1. 90% net 30 days upon shipment of parts or unit (if factory option) to site, 10% upon rebuild completion, not to exceed 90 days after shipment of parts should rebuild be delayed by other than Parkson. Payment terms for parts only without any factory labor or field service is 100% net 30 days from shipment.

ITEM 5 WARRANTY, DRAWINGS & MANUALS

5.A Mechanical Warranty:

1. As defined in Section XVI on the attached Standard Conditions of Sale, Parkson offers a one (1) year mechanical warranty for all new parts installed on the Aqua Guard screen by a) factory certified rebuild, b) on-site certified rebuild, or c) on-site supervised, certified rebuild.
2. Installation labor of parts or parts not ordered as part of a rebuild package have a 90-day warranty.

5.B Drawings and Installation, Operation and Maintenance (IO&M) Manuals:

- | | |
|------------------------|--------------|
| 1. Approval Drawings: | Not required |
| 2. Certified Drawings: | Not required |
| 3. IO&M Manuals: | Not required |

TERMS AND CONDITIONS:

This Quotation is governed by and subject to Parkson's Standard Conditions of Sale, which are incorporated by reference and accessible at: <http://www.parkson.com/files/documents/AFM-terms.pdf>

PATENTS:

The Equipment and/or process quoted herein may operate under one or more U.S. patents. The Purchase Price includes a one-time royalty payment (if any), which provides the Buyer with immunity to operate the Equipment specified in the Quotation under any applicable patents.

CLARIFICATIONS AND EXCEPTIONS:

Section _____:



BUYER / OWNER RESPONSIBILITY UNLESS OTHERWISE STATED:

Getting the Unit ready for the Rebuild/Retrofit

- Upon disassembly on-site, if any unforeseen parts or structural repairs are discovered, Parkson Corporation will notify the customer prior to commencement of any repairs which will be beyond the originally quoted scope. The costs for these items and any time extension will be added to the scope of work.
- Removal and installation of Aqua Guard unit in channel, includes and is not limited to:
 1. High pressure washing of the unit / removal of all solids. Additional charges and delays will occur if it is necessary for our crew / factory to send equipment out for cleaning and solids disposal.
 2. Disassembling from adjoining equipment / electrical / controls.
 3. Disconnecting shower water connections and water supply.
 4. Disconnecting controls / electrical connection and interconnecting wiring removal (including any of the following, but not limited to: E-stop button, solenoids, motors, interlock switches, wiring and conduit from each unit-mounted electrical device to a terminal box or control panel).
 5. Removing piping connections, platforms, gratings and railings unless stated otherwise.
 6. Removing any other auxiliary equipment or service not detailed above.
- Readiness of the equipment before requesting [rebuild or start-up] service. Non-readiness may result in additional charges.

Getting the Site ready for the Rebuild/Retrofit (Personnel Safety is of utmost importance)

- Provide a safe work area around the equipment.
 1. If the rebuild is performed with the unit in the channel; customer/owner to cover the channel with minimum ¾" plywood and ensure it is properly secured.
 2. If unit is tilted out of the channel customer/owner to supply a brace (spanning the channel) sufficient enough to support the weight of the unit while it is being rebuilt.
 3. Whenever possible, unit should be staged away a safe distance away from any currently utilized equipment and/or work areas.
- Provide proper ventilation inside the building
- Care and storage of rebuild components upon receipt at customer site.
- Loading, unloading, crating, uncrating.
- Delivered material needs to be stored at the same elevation and within 10 feet of the screen
- Redirect channel flow.
- Provide clean, dry channel.
- Old parts weighing 50 lbs or more should be loaded on a customer supplied forklift (or equal) in order to place them in a customer supplied dumpster.

Customer must Provide

- At a minimum a forklift and possibly a crane / hoist.
- Manlift, ladders
- Dumpster for all old parts [on-site rebuild only].



Please return one signed copy of this quotation and Purchase Order to Parkson Corporation at the address below. Refer to this quotation, date, and related correspondence.

Issued By: Carlos Robaina

Accepted By: (Herein called the Buyer)

PARKSON CORPORATION
1401 West Cypress Creek Road, Ste. 100
Fort Lauderdale, FL 33309

Richard J. Musante

Name: Rick Musante
Title: Regional Sales Manager
Phone: 814-659-1214
E-Mail: rmusante@parkson.com
Fax: 954-252-3775
Date: September 14, 2020

Title:
Date:

Enclosures:

Local Rep: Charlie Singer
Kershner Environmental
Technologies, LLC
11 Easter Court, Ste. M
Owings Mills, MD 21117
c.singer@ketllc.com
443-340-7858

cc: Edna Sugden

Aqua Guard Rebuild 9/26/2018 supersedes 06/09/17

ITEM
18



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John S. Ross, P.E. Deputy Director of Public Works
DATE: September 28, 2020
SUBJECT: Newark Spray Irrigation Project
Change Order Number 2

DIVISIONS



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

Attached is a Change Order Number 2 for the Newark Spray Irrigation Project. As outlined in the attached letter from the project engineers, this change order is divided into 2 parts as follow:

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

The first item in the change order is for the installation of a 2" waterline to provide potable water to the wastewater treatment plant. With the additional equipment being installed at the plant, we believe availability of potable water would help with the plant operations. The total cost for this is \$32,820.

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

In Part 2 of the Change order, the contractor was directed to change 550 linear feet of the force main from open cut to directional drill to avoid damage to adjacent driveways, landscaping and structures built near the easement over the past 50 years. The pipeline also required an additional air release valve at a pipeline high point. These adjustments will be made at the contract bid prices and will add an additional \$33,171.50 to the contract price.

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

The total cost for this change order is \$65,991.50. Funding is available in the project contingency for this change order and we recommend approval.

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

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

Attachment

cc: John H. Tustin, P.E. Director
Michelle Carmean, Enterprise Fund Controller

Change Order

No. 2

Date of Issuance: 9/25/20 Effective Date: 9/25/20

Project: Worcester County - Newark Spray Irrigation	Owner: County Commissioners of Worcester County, Maryland	Owner's Contract No.:
Contract:	Date of Contract: February 10, 2020	
Contractor: Bunting and Murray Construction Corporation	Engineer's Project No.: 1584101	

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Includes the addition of 1,200 LF of 2-inch waterline. This includes 450LF of directional drill and 750LF of open cut installation. The request for the 2-inch waterline is at the County's preference for continued operation of the Newark WWTP and water access to clean equipment, Total = \$32,820.00

Also includes the following modifications to unit price items:

- Item No. 33 Air Release Valve – Addition of 1 unit at \$6,315.00 per unit = \$6,315.00
- Item No. 39 Install 6" C-900 Forcemain Open Cut – Reduction of 550 units at \$35.19 per unit = (\$19,354.50)
- Item No. 40 6" Directional Drilled Forcemain – Addition of 550 units at \$84.02 per unit = \$46,211.00

Attachments (list documents supporting change):

Engineer's recommendation letter.
 Price quote for 2-inch water line provided by Bunting and Murray

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>1,604,253.60</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>12/11/2020</u> Ready for final payment (days or date): <u>1/10/2021</u>
Increase from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : \$ <u>0</u>	Increase from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> : Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>1,604,253.60</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>12/11/2020</u> Ready for final payment (days or date): <u>1/10/2021</u>
Increase of this Change Order: \$ <u>65,991.50</u>	Increase of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Contract Price incorporating this Change Order: \$ <u>1,670,245.10</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>12/11/2020</u> Ready for final payment (days or date): <u>1/10/2021</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>9/28/20</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Date: <u>9/28/20</u>
Approved by Funding Agency (if applicable): _____ Date: _____		

2



ITEM
19

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 S. Ross, P.E. Deputy Director of Public Works
DATE: September 28, 2020
SUBJECT: Water and Wastewater Division
Bulk Meter Repair Parts Purchase

DIVISIONS

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

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

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

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

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

As we did last year, the Water and Wastewater Division of the Department of Public Works would like to make a bulk purchase of water meter repair parts. Last year's purchase of nearly \$200,000 worth of meter repair parts made a significant improvement in the meter reading process in both reading speed and accuracy.

This year, we are requesting to bulk purchase 480 new 5/8" meter registers at a total cost of \$100,800 as shown on the attached proposal. The majority of these are for Ocean Pines as the other service areas still have some supplies from last year.

As with last year, we will be saving by making this bulk purchase and the shipping will be free.

We are requesting the Commissioners waive the formal bidding process and approve this purchase. Funding is available in the 2020 operating accounts (6500.020) for Ocean Pines, Riddle Farm and Mystic Harbour for this purchase.

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

Attachment

cc: John H. Tustin, P.E., Director, Public Works
Michelle Carmean, Enterprise Fund Controller



Core & Main
842 Panorama Road
Montross, VA 22520
Phone (804) 493-8085

Worcester

9/21/20

ATTH: Joe Serman

E-mail: jserman@co.worcester.md.us

Subject: 5/8" T-10 ProCoder)R900i Registers Only

We wish to quote:

480 – 5/8" T-10 Registers Only, ProCoder)R900i w/6' Antenna	\$ <u>210.00 each</u>
TOTAL	\$100,800.00

Thank you,
Debbie Hennage
Inside Sales

Cc: Charles Dye
Jay Latchum

Local Knowledge
Local Experience
Local Service, Nationwide®

2

ITEM
20



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 S. Ross, P.E., Deputy Director of Public Works
DATE: September 28, 2020
SUBJECT: County Solid Waste Plan Amendment
Office Building Recycling Plan

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

In 2019, the Maryland General Assembly passed Senate Bill 370 requiring the collection of recyclable materials from office buildings that have 150,000 square feet or greater of office space. Although the County currently has no buildings meeting that criteria, we are still required to complete and adopt an Office Building Recycling (OBR) Plan to be included with the County's Comprehensive Solid Waste Management Plan 2017-2026.

With the assistance of EA Engineering, Science and Technology (EA), the attached plan has been prepared and was submitted for preliminary review to the Maryland Department of the Environment (MDE). In the attached letter, MDE has determined that the plan meets the requirements for an OBR plan and provided tentative approval once certain comments are addressed and actions taken. The comments are addressed in the attached OBR plan.

As discussed in the MDE review letter, the OBR plan must be submitted to the County's planning agency for certification and the County must comply with the public hearing requirements prior to the adoption of the OBR plan. Once the OBR plan has been adopted, the County must submit the adopted OBR plan to MDE for final approval by no later than December 22, 2020.

Attached is the required certification from the Department of Development Review and Permitting which meets the requirements of Section 9-506(a) of the Environment Article, Annotated Code of Maryland as the County Planning Agency.

Finally, a public hearing will be required to obtain input from the public on this proposed plan modification. We are asking to schedule that Public Hearing for the month of November to be sure we meet the December 22 submittal deadline. If you have any questions, please do not hesitate to contact me.

Attachment

cc: John H. Tustin, P.E., Director of Public Works
Mike Mitchell, Solid Waste Superintendent

3.1.11 OFFICE BUILDING RECYCLING PLAN

In 2019, the Maryland General Assembly passed Senate Bill 370, Section 9-1714 of the Environment Article, Annotated Code of Maryland, Environment-Recycling-Office Buildings, requiring the collection of recyclable materials from office buildings that have 150,000 square feet or greater of office space; requiring each owner of an office building to provide recycling receptacles for the collection of recyclable materials and for the removal of certain materials for further recycling by October 1, 2021; authorizing certain enforcement units to conduct certain inspections.

By October 1, 2021, unless otherwise agreed upon between an office building owner and a tenant of the office building, as specified, each owner of an office building must provide recycling receptacles for the collection of recyclable materials and for the removal (for further recycling) of the specified materials, as determined by the county or municipality in which the building is located.

Collection and Marketing of Materials

Office building owners, tenants, or through contracting with a private sector company, are responsible for providing all containers, labor, and equipment necessary to fulfill recycling requirements throughout their office buildings. The office building owner or tenants must ensure collection and transportation of recyclable materials to markets, or other legal recycling destinations.

Materials Required to be Recycled

Office building owners/tenants shall recycle the following materials:

- Corrugated Cardboard
- Mixed Paper
- Acceptable Plastic Bottles & Jugs
- Tin/Aluminum Beverage Containers

Stakeholders

Stakeholders include the building owners, tenants of applicable office buildings, and Worcester County.

Required Participants

At the time of the implementation of this requirement, no applicable properties were identified through SDAT records that met the 150,000 square-foot or greater area of office space. Newly constructed office buildings that fall under the requirements of Section 9-1714 of the Environment Article, shall begin participating in the office building recycling program within three months of being notified by a County representative or municipality.

Schedule of Implementation

By October 1, 2021:

- Worcester County will post literature about the office building recycling program on the County webpage. Office building owners will begin to educate workers/tenants (as applicable) about the program and the requirements of the law.
- Office building owners will coordinate with tenants (as applicable) to reach agreement as to which entity will be responsible for carrying out the office building recycling program.
- Office building owners will provide recycling receptacles for the collections of recyclable materials.

On or before October 1, 2021, office building owners meeting the required participant level, must have recycling services in place and operational in order to meet the requirements of the office building recycling program. Owners of all size office buildings are encouraged to voluntarily participate in this recycling effort.

Program Monitoring

Monitoring of the collection of recyclable materials required in office buildings will be conducted by the office building owners and/or tenants.

Worcester County may require the office building owner to submit an annual report (recycling survey form) detailing the recycling tonnages removed from the office buildings and the name of markets or legal recycling destinations for the materials.

Enforcement

The County is not required to manage or enforce the recycling activities of an office building located within the boundaries of one of its municipalities; however, an enforcement agent of the County or municipality may conduct inspections in order to enforce this program.

The County Solid Waste Division will notify the office building owners of the implementation requirements in accordance with Sections 9-1703 and 9-1714 of the Environment Article, Annotated Code of Maryland. The County Attorney's Office will determine if a County should enforce the law and what level of enforcement actions should be used.



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

September 23, 2020

Mr. Mike Mitchell, Solid Waste Manager
Worcester County Department of Public Works
6113 Timmons Road
Snow Hill, MD 21863

Dear Mr. Mitchell:

The Maryland Department of the Environment (“MDE”) has completed its review of Worcester County’s (the “County”) draft text of the office building recycling plan (OBR plan) for the County’s 2017-2026 Solid Waste Management Plan (the “Plan”). The County submitted the OBR plan to MDE for its review in response to the requirement of Section 9-1703 of the Environment Article, Annotated Code of Maryland that requires the County to include the OBR plan in the County’s Plan by October 1, 2020. MDE received the draft OBR plan on September 16, 2020.

Based on the review, MDE determined that the draft text of the OBR plan will meet the requirements of Section 9-1714 of the Environment Article, Annotated Code of Maryland provided that the following changes are made:

1. In the first paragraph, in the first line, after “370”, include “(Section 9-1714 of the Environment Article, Annotated Code of Maryland)”.
2. Under Section “Required Participants”, include the following “Newly constructed office buildings that fall under the requirements of Section 9-1714 of the Environment Article, shall begin participating in the office building recycling program within three months of being notified by a County representative or municipality”.
3. Under Section “Enforcement”, replace “9-1711” with “9-1714”.

In accordance with Section 9-507(a) of the Environment Article, Annotated Code of Maryland, the draft text of the OBR plan, with edits specified, is tentatively approved.

Be advised that before the County adopts the revised OBR plan, the County is required to comply with the requirements of Section 9-506(a) of the Environment Article, Annotated Code of Maryland, regarding submittal of the OBR plan to the County’s planning agency for its certification of the OBR plan. The County must also comply with the public hearing requirements of Section 9-503(d) of the Environment Article, Annotated Code of Maryland, and Code of Maryland Regulations 26.03.03.05C prior to the adoption of the OBR plan. Once the

Mr. Mike Mitchell

Page 2

OBR plan has been adopted by the County Commissioners, the County must submit the adopted OBR plan to MDE for its review and final approval by no later than **December 22, 2020**. The plan must be accompanied by a discussion of substantive issues raised at the public hearing and how they were resolved.

Thank you for your continuing interest and cooperation in providing sound and long-term solid waste management planning for the County. If you have questions on these matters, please contact Mr. Tariq Masood at 410-537-3326 or tariq.masood@maryland.gov or you may contact me, at 410-537-3314 or dave.mrgich@maryland.gov.

Sincerely,



David Mrgich, Chief
Waste Diversion Division

cc: Darl Kolar, EA Engineering, Science, and Technology, Inc.PBC
Tariq Masood, MDE, Waste Diversion Division



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

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

September 28, 2020

Mr. John Ross, P.E., Deputy Director
Worcester County Department of Public Works
1000 Shore Lane
Berlin, Maryland 21811

RE: Comprehensive Solid Waste Management Plan – 3.1.11 Office Building Recycling Plan

Dear Mr. Ross:

I am writing in response to your request to review a proposed amendment to the Worcester County Comprehensive Solid Waste Management Plan for the inclusion of an office building recycling plan, and its consistency with the 2006 Worcester County Comprehensive Plan. It is my understanding that you are developing this amendment in accordance with Senate Bill 370, Section 9-1714 of the Environmental Article, which will require the collection of recyclable materials from office buildings over 150,000 square feet or greater by October 1, 2021. I also understand that at this time, Worcester County does not have any office buildings that qualify for participation under the plan.

Based upon my review, I have confirmed that the aforementioned amendment is consistent with the goals and objectives of the Worcester County Comprehensive Plan.

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

Sincerely,

Jennifer K. Keener, AICP
Deputy Director



ITEM
21



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
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: September 28, 2020
RE: Request for Nuisance Abatement – 5641 George Island Landing Road

The purpose of this memo is to request the County Commissioners assistance in the abatement of nuisance conditions on the above referenced property. The Department has received and investigated a complaint from a neighbor relative to the condition of the structure on the property and the overgrowth of vegetation.

The property owner has been notified by both certified and regular mail regarding the conditions on the property and has spoken on the phone to the Zoning Inspector. Despite early indications that the situation would be addressed, to date nothing has been done by the property owner to remove the nuisance conditions on the property.

While the Department may pursue the overgrowth of the vegetation without the Commissioners' assistance pursuant to Section PH 1-101(a)(1)B., I recommend that it be made part of the overall abatement should the Commissioners find the structures to be ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration pursuant to Section PH 1-101(a)(11).

As always should you have any questions or need any additional information please let me know.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector

1

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 08 Account Number - 004668	
Owner Information		
Owner Name:	ULRICH SANDRA	Use: Principal Residence: RESIDENTIAL NO
Mailing Address:	9815 PEERLESS RD BISHOPVILLE MD 21813-1427	Deed Reference: /04805/ 00046
Location & Structure Information		
Premises Address:	5641 GEORGE ISLAND LANDING RD STOCKTON 21864-0000	Legal Description: LOT GEO ISLAND LANDING RD STOCKTON
Map: 0086	Grid: 0021	Parcel: 0044
Neighborhood: 8010072.24	Subdivision: 0000	Block: 2020
Lot:	Assessment Year: 2020	Plat No:
		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1930	1,680 SF	
Property Land Area	County Use	
21,780 SF		
Stories	Basement	Type
2	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
ASBESTOS SHINGLE/	3	2 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	26,900	26,900
Improvements	9,300	9,600
Total:	36,200	36,500
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
		36,300
		36,400
Transfer Information		
Seller: CIT/GROUP CONSUMER FINANCE INC	Date: 10/25/2006	Price: \$58,750
Type: ARMS LENGTH IMPROVED	Deed1: SVH /04805/ 00046	Deed2:
Seller: COLLICK BESSIE	Date: 09/21/2006	Price: \$41,000
Type: NON-ARMS LENGTH OTHER	Deed1: SVH /04782/ 00740	Deed2:
Seller: MARSHALL LOGAN H &	Date: 08/28/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: RHO /02425/ 00087	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture:	None	
Homestead Application Information		



Worcester County, MD
Monday, September 28, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-101. Nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

(a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance:

[Amended 11-16-2004 by Bill No. 04-11]

(1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.

[Amended 5-18-2010 by Bill No. 10-4]

A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.

B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having

charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.
- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.
- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site.
 - A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.
 - B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.
- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.

(6)

The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system.

[Amended 7-26-2005 by Bill No. 05-8]

- (7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.
 - (8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.
 - (9) A polluted or unsafe water system, well or spring or the pollution of any well or spring.
[Amended 7-26-2005 by Bill No. 05-8]
 - (10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.
[Amended 7-26-2005 by Bill No. 05-8]
 - (11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.
 - (12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.
 - (13) The disposition of any animal carcass upon the surface of any land, road or highway.
 - (14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.
- (b) Procedure for determination of nuisance.
- (1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.
 - (2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.
 - (3) No complaint shall be necessary to institute the investigation of a nuisance.

Worcester County, MD
Monday, September 28, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-102. Abatement of nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

(a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.

(b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following:

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

- (1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.
- (2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.
- (c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into

account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

(1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

(2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

(e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer. [Amended 7-26-2005 by Bill No. 05-8]

(f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection (b) hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection (d) hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement

ITEM
22



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: September 28, 2020
RE: Request for Nuisance Abatement – 13204 Worcester Highway

The purpose of this memo is to request the County Commissioners assistance in the abatement of nuisance conditions on the above referenced property. The Department has received and investigated a complaint from a neighbor located on Handy Lane relative to the condition of the structure on the property, the overgrowth of vegetation and accumulated debris. While the subject property is addressed as Worcester Highway it is accessed from Handy Lane.

The property owner has been notified by both certified and regular mail regarding the conditions on the property. The Zoning Inspector has spoken to a representative of the property owner as well. To date nothing has been done by the property owner to remove the nuisance conditions on the property.

While the Department may pursue the overgrowth of the vegetation without the Commissioners' assistance pursuant to Section PH 1-101(a)(1)B., I recommend that it be made part of the overall abatement should the Commissioners find the structures to be ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration pursuant to Section PH 1-101(a)(11) and that there is an unscreened accumulation of personal property exceeding 100 square feet in area pursuant to Section PH 1-101(a)(4).

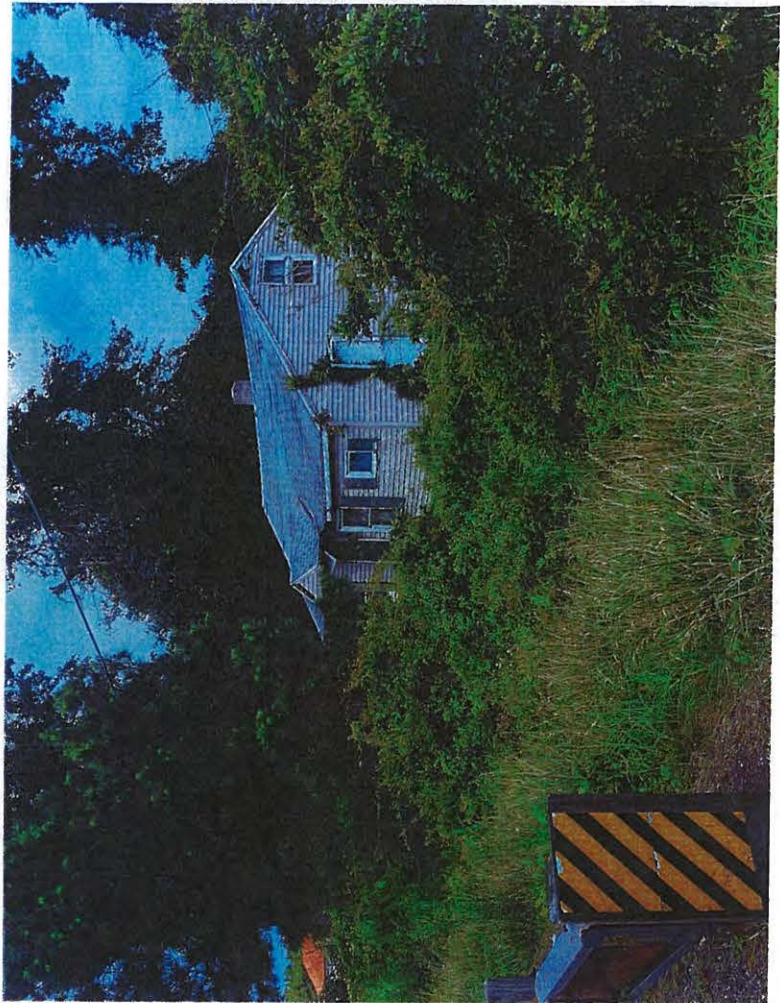
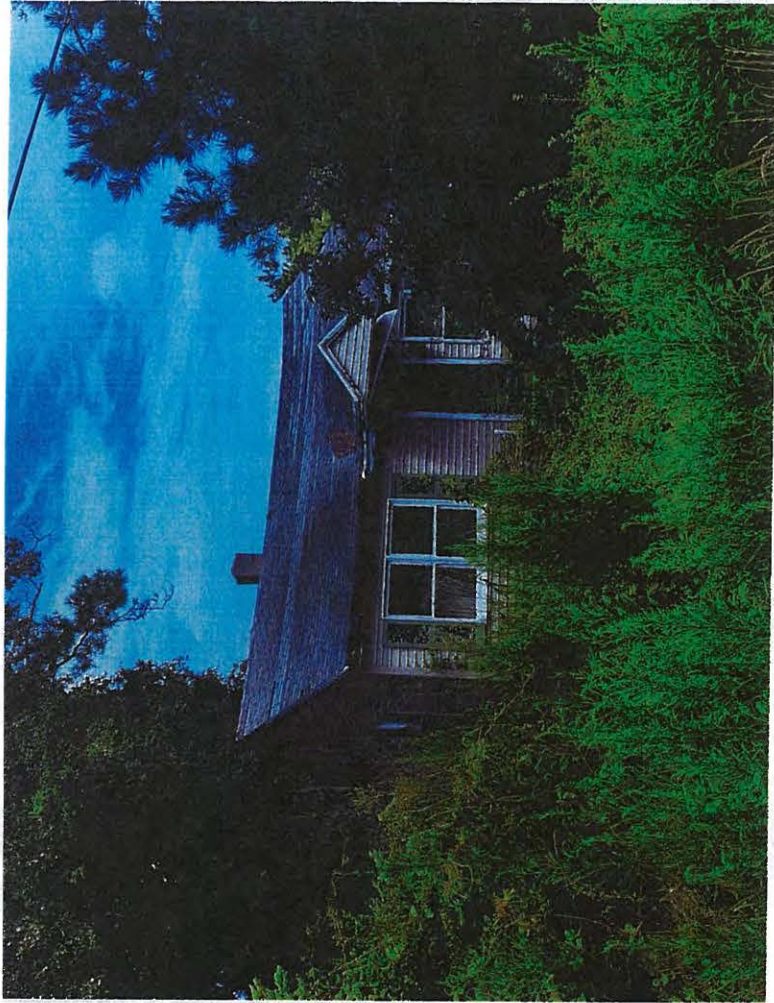
As always should you have any questions or need any additional information please let me know.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 05 Account Number - 004845		
Owner Information		
Owner Name:	JOHNSON FELICIA H	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	9631 PEERLESS RD BISHOPVILLE MD 21813-0000	Deed Reference: /05706/ 00168
Location & Structure Information		
Premises Address:	13204 WORCESTER HWY BISHOPVILLE 21813-0000	Legal Description: 12190 SQ FT EAST SIDE R 113 NORTH OF BISHOP
Map: 0009	Grid: 0002	Parcel: 0066
Neighborhood: 5010001.24	Subdivision: 0000	Assessment Year: 2019
		Plat No: Plat Ref:
Town: None		
Primary Structure Built: 1930	Above Grade Living Area: 728 SF	Finished Basement Area: 12,190 SF
Property Land Area: 12,190 SF	County Use:	
Stories: 1	Basement: NO	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 2	Full/Half Bath: 1 full
Garage:	Last Notice of Major Improvements:	
Value Information		
	Base Value	Value
		As of
		01/01/2019
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
Land:	31,200	31,200
Improvements:	7,700	8,000
Total:	38,900	39,200
Preferential Land:	0	39,100
		39,200
		0
Transfer Information		
Seller: HANDY CORA MARGARET	Date: 06/24/2011	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05706/ 00168	Deed2:
Seller: LENFORD & ELSIE M HANDY	Date: 09/25/1950	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: SVH /03051/ 00247	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		



3

3

Worcester County, MD
Monday, September 28, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-101. Nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

(a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance:

[Amended 11-16-2004 by Bill No. 04-11]

(1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.

[Amended 5-18-2010 by Bill No. 10-4]

A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.

B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having

charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.

- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.

- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site.

A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.

B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.

- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.

(6)

The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system.

[Amended 7-26-2005 by Bill No. 05-8]

- (7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.
 - (8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.
 - (9) A polluted or unsafe water system, well or spring or the pollution of any well or spring.
[Amended 7-26-2005 by Bill No. 05-8]
 - (10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.
[Amended 7-26-2005 by Bill No. 05-8]
 - (11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.
 - (12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.
 - (13) The disposition of any animal carcass upon the surface of any land, road or highway.
 - (14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.
- (b) Procedure for determination of nuisance.
- (1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.
 - (2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.
 - (3) No complaint shall be necessary to institute the investigation of a nuisance.

Worcester County, MD
Monday, September 28, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-102. Abatement of nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

(a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.

(b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following:

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

- (1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.
- (2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.
- (c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into

account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

(1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

(2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

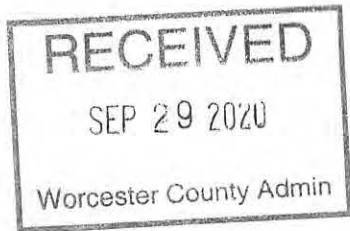
(e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer.

[Amended 7-26-2005 by Bill No. 05-8]

(f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection (b) hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection (d) hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement

8

ITEM
23



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

BILLY BIRCH
DIRECTOR

To: Harold Higgins, Chief Administrative Officer
From: Billy Birch, Director of Emergency Services *(B.B.)*
Re: 2020 Hazard Mitigation & Resilience Plan – Changes & Considerations
Date: 29 September 2020

The Department of Emergency Services (DES) is requesting possible language changes and considerations to the 2020 Hazard Mitigation & Resilience Plan (HMP&R). Topics for discussion will be considerations of language changes, references and studies cited, potential impacts to municipalities and county residences/visitors, and timeline options moving forward regarding FEMA and MEMA approval.

Staff and I are available to answer any questions at your convenience.

ATTACHMENTS WITH PROPOSED CHANGES PROVIDED
PREVIOUSLY

ITEM
24



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS
Director

Subject: Public Hearing Request
Expansion of Sewer Planning Area
Mystic Harbour Sanitary Service Area
Worcester County Tax Map 26, Parcels 168, 252, 295
Case No. (SW-2020-04)

Date: September 28, 2020

The Planning Commission met on July 2, 2020, and reviewed this application. We are writing to forward the Planning Commission's finding of consistency with the *Comprehensive Development Plan* and their recommendation to amend the *Comprehensive Water and Sewerage Plan* for an amendment to revise the sewer planning area for the Mystic Harbour Sanitary Service Area.

Mr. Hugh Cropper and Mr. Steve Engle are the applicants on behalf of the owner, Mr. Steve Hoffman. This amendment seeks to expand the Mystic Harbour sewer planning area for the subject property. The subject properties are located on the north side of Maryland Route 707 (old Bridge Road). They are more specifically identified on Worcester County Tax Map 26 as Parcels 168, 252 and 295, and are already within the West Ocean City sewer planning area with a designation of S-1 (immediate to two years). They are applying to include the properties within the Mystic sewer planning area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect the entire property as a planned S-1 designation. Since we already have a West Ocean City sewer planning area overlay in the area, the subject property is already designated S-1 in *The Plan* for the West Ocean City sewer planning area. This amendment would not change that planning designation for the West Ocean City sewer planning area, it would only include the properties within the Mystic Harbour sewer planning area with an S-1 designation.

The applicant requested the change in sewer service classification in order to serve a proposed commercial expansion and/or residential development. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the proposed development from available capacity in Area 1 (North of the Airport).

Citizens and Government Working Together

1

The County Commissioners, after reviewing this request, may approve or disapprove the proposed amendment. Enclosed are the following attachments:

1. Environmental Program's transmittal letter and report to the Planning Commission; and
2. Minutes for the Planning Commission meeting on July 2, 2020.

At this time, we are requesting the public hearing be scheduled. A draft advertisement has been forwarded to County Administration under separate cover. As always, I am available at any time for the presentation and to answer any questions on this matter.

Attachment

cc: WS File – Mystic Harbour - Expansion of Sewer Planning Area (SW-2020-04)

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, SUITE 1306 SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 FAX: 410-632-2012

2

Attachment 1

Planning Commission Packet and Staff Report



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

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

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

June 24, 2020

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

RE: Transmittal-Comprehensive Water and Sewerage
Plan Amendment –Mystic Harbour Sanitary Area –
Expansion of Sewer Planning Area
TM 26 Parcels 168, 252, 295
(SW-2020-04)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to expand the sewer planning area for the Mystic Harbour Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* (“Application for Amendments”), the applicant submitted a complete application and we have attached it.

The owner of the property, Mr. Steve Hoffman, is the applicant. The owner is represented by Stave Engle of Vista Design and Hugh Cropper, attorney. This amendment seeks to expand the Mystic Harbour Sewer Planning Area for the subject properties. The total area of the subject properties together are approximately 23.69 acres. The properties are currently within the West Ocean City Sewer Planning Area with a designation of S-1 (immediate to two years). The owner is applying to also include the properties within the Mystic Harbour Sewer Planning Area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect all of the properties as a planned S-1 designation. This amendment would not change that planning designation for the West Ocean City sewer planning area, it would only include the properties within the Mystic Harbour Sewer Planning Area with an S-1 designation in the same.

The applicant requested the change in sewer service classification in order to serve future proposed residential and commercial development on the properties. The subject properties are located on Old Bridge Road (MD Route 707), in West Ocean City, Maryland. They are more specifically identified

on Worcester County Tax Map 26 as Parcels 168, 252, and 295. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the future proposed development from available capacity in Area 1 (North of the Airport).

Other than the subject properties, this amendment does not seek to amend or intensify the wastewater planning areas approved in prior amendments with respect to the mapped planning areas.

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

Comprehensive Plan Policies

The *Comprehensive Plan* assigns a two land use designations for these properties within the Mystic Harbour sewer planning area:

1. Existing Developed Area
2. Commercial Center

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

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

Commercial Centers are defined (p. 16) as follows:

- This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses.
- Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers. Not designated as growth areas, these areas should be limited to infill development.

The *Comprehensive Plan* goes on to state:

Chapter One, “Introduction” states:

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

Chapter Three, “Natural Resources” states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the “Impaired Water Bodies (303d) List” to the point of their removal from this list (p. 33).

Chapter Three, “TMDLs” states:

- “all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards.” (p.36)

Chapter Six, “Public Infrastructure” states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas’ planned for land uses (p. 74).

Zoning

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject property. These properties, carry two zoning designations, C-2 (General Commercial District) and R-4 (General Residential District).

Staff’s Comments

Staff comments are submitted below for your consideration.

1. This proposal seeks to meet existing needs and demand generated by infill development within the planning areas. The project would provide service to an area designated by the *Comprehensive Plan* and *Master Water and Sewerage Plan* for public sewer service. The applicant is upgrading an existing sewer planning area designation to reflect a desire to further develop these properties.
2. The properties are already designated as an S-1 in the West Ocean City sewer planning area. Since the West Ocean City area has limited capacity and overlays the subject properties and adjacent properties, this proposed expansion of the Mystic Harbour sewer planning area is designed to accommodate the proposed sanitary needs of this development.
3. The subject properties are mapped as an IDA (Intensely Developed Area) for the Atlantic Coastal Bays Critical Area.
4. The *Planning Area’s* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
5. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.
6. This infill development will occur in the manner and character of the surrounding neighborhoods in existing developed areas.
7. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

Mystic Harbour WS Amendment Case No. 2020-04
June 24, 2020

If you need further information, please contact us.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2020-04)

Attachment 1

Application

Mystic Harbour Sewer Planning Area Expansion
TM 26 Parcels 168, 252, 295
Case No. SW 2020-04
June 24, 2020

8

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

Date: **05/27/2020**

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

**S.D. Hoffman Family, LLC
10208 Thoroughfare Farm Rd.
Ocean City, Maryland 21842**

Contact Person: **Steve Hoffman**
Telephone: **443-497-3199**

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

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

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

The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.
Minor amendments (not adding or deleting service) are \$100.

Note: Modification of this form will void the application.

Property Identification:

Tax Map: **26** Parcel Number(s): **168, 252 & 295**
Town/Community Name: **West Ocean City**

Location Description:

Intersection of MD. Route 50 and MD Route 707

Property Owner Signature: _____ Date: _____

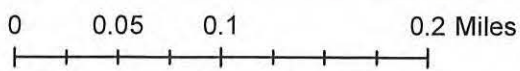
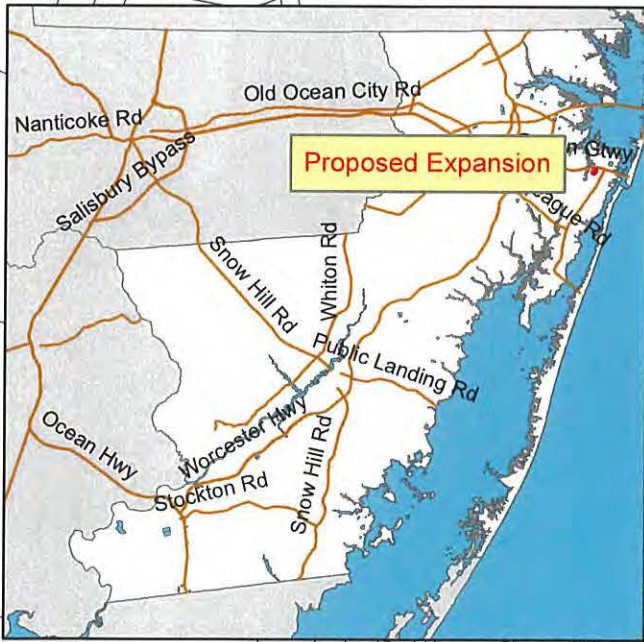
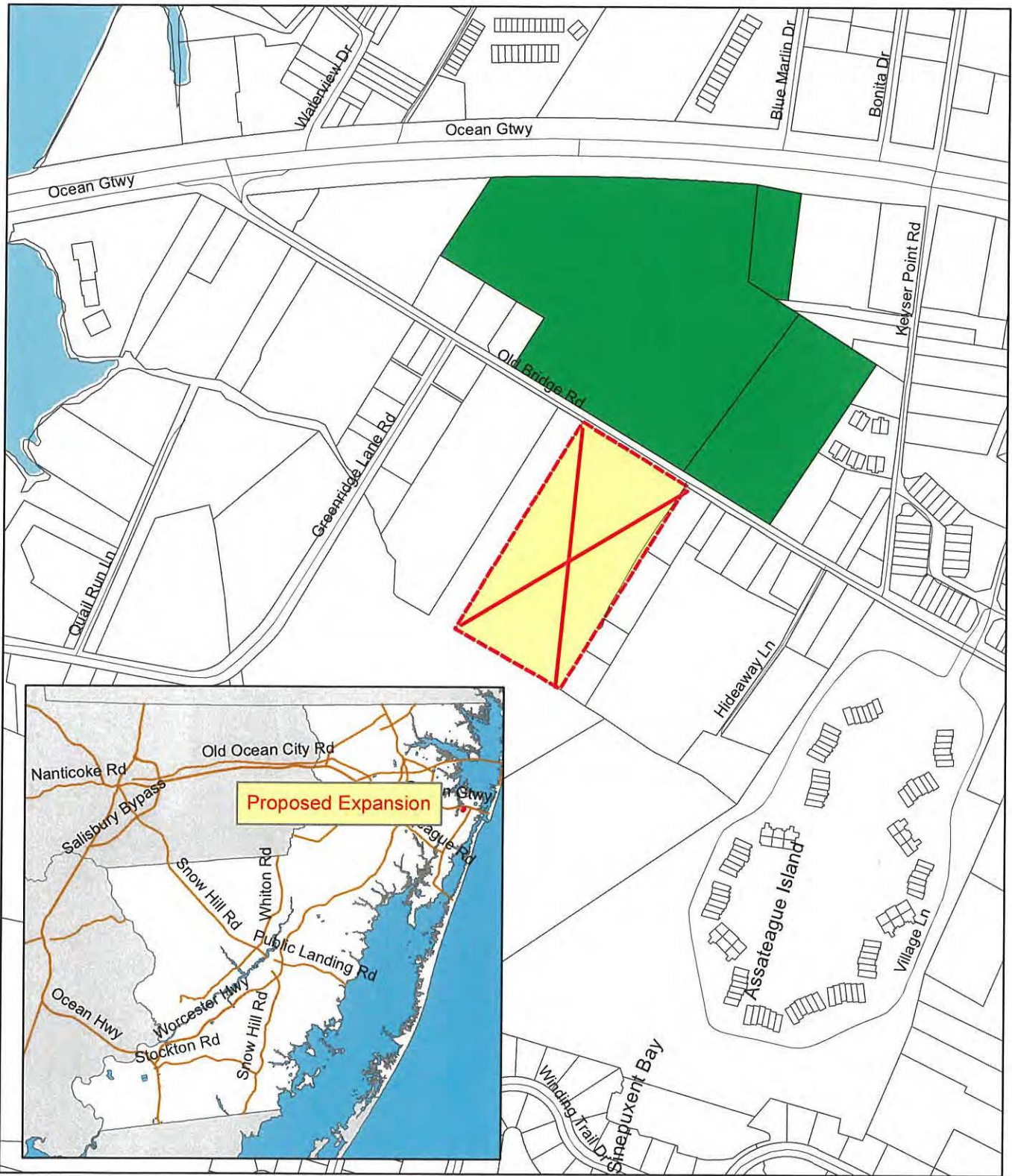
Applicant Signature:  _____ Date: **06/1/2020**
(If other than property owner)



Attachment 2

Maps

Mystic Harbour Sewer Planning Area Expansion
TM 26 Parcels 168, 252, 295
Case No. SW 2020-04
June 24, 2020



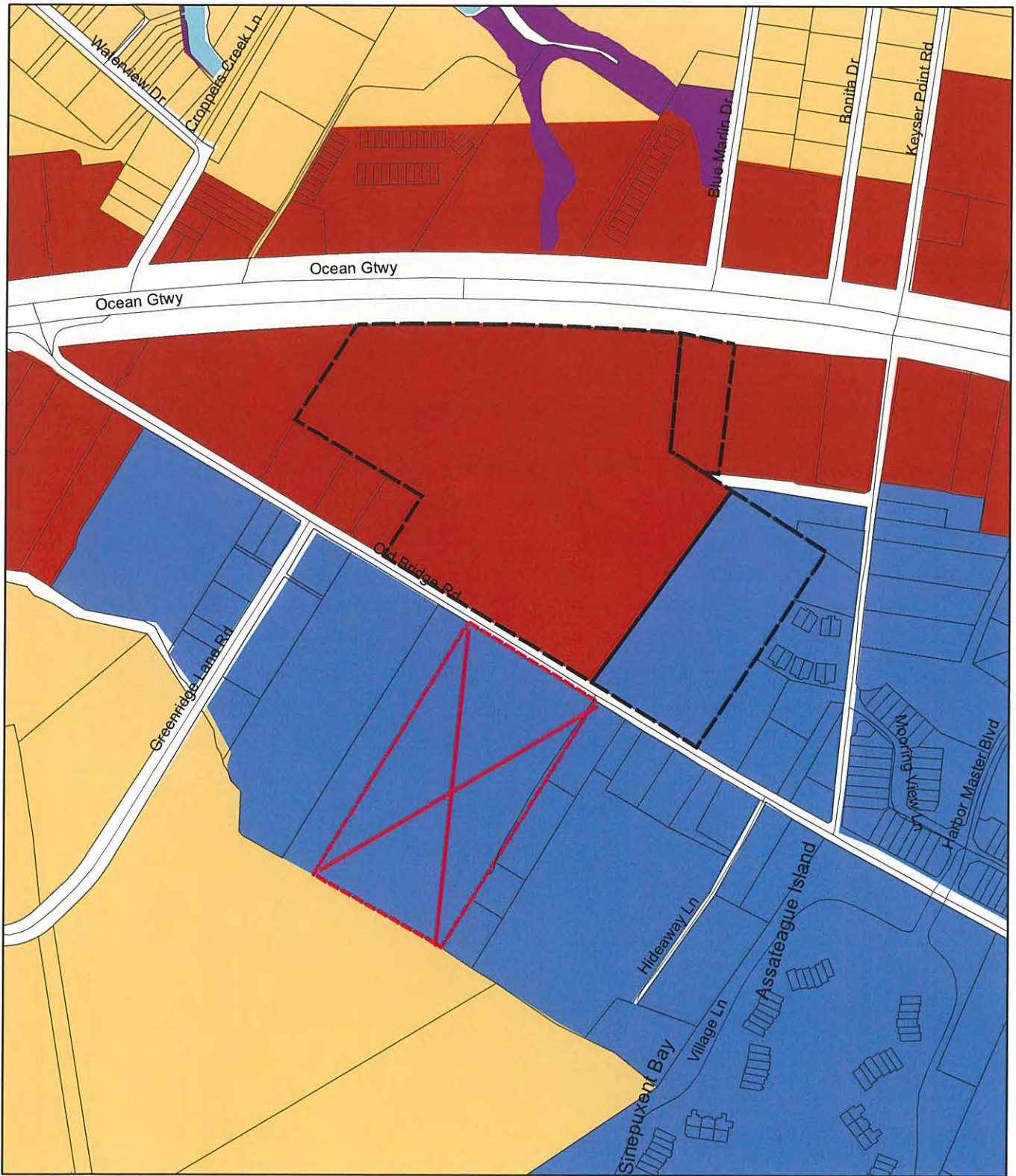
General Location Map

Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
Department of Environmental Programs
June 19, 2020



0 0.05 0.1 0.2 Miles

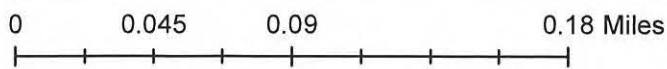
	S1		E1
	Prior Case		R1
	A1		R2
	A2		R4
	RP		C2

Zoning

Case SW-2020-04
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
Department of Environmental Programs
June 19, 2020



- S1
- Prior Case
- 500 Year Floodplain
- 100 Year Floodplain

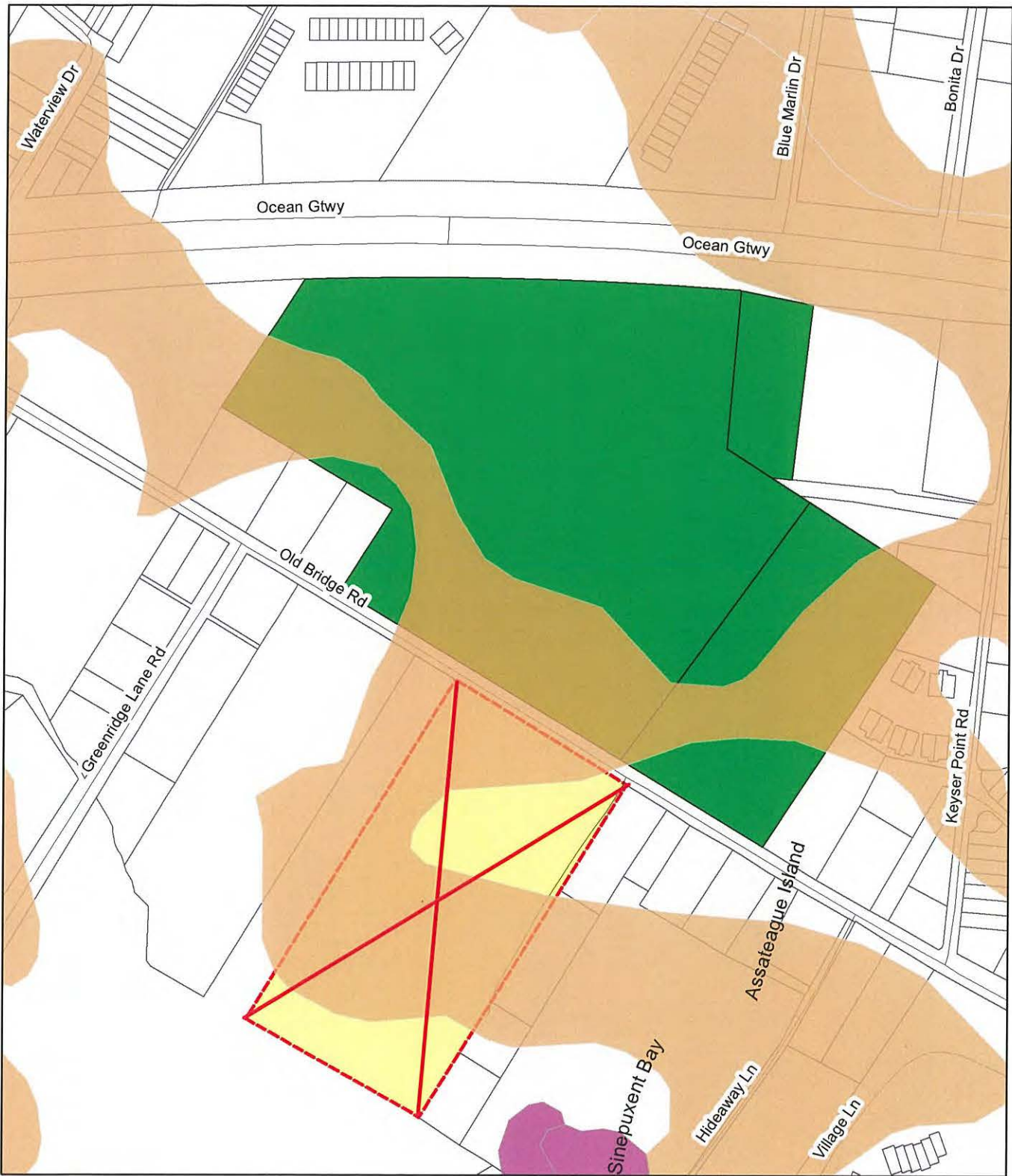
Floodplain

Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020



0 0.04 0.08 0.16 Miles

- S1
- Prior Case
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if irrigated

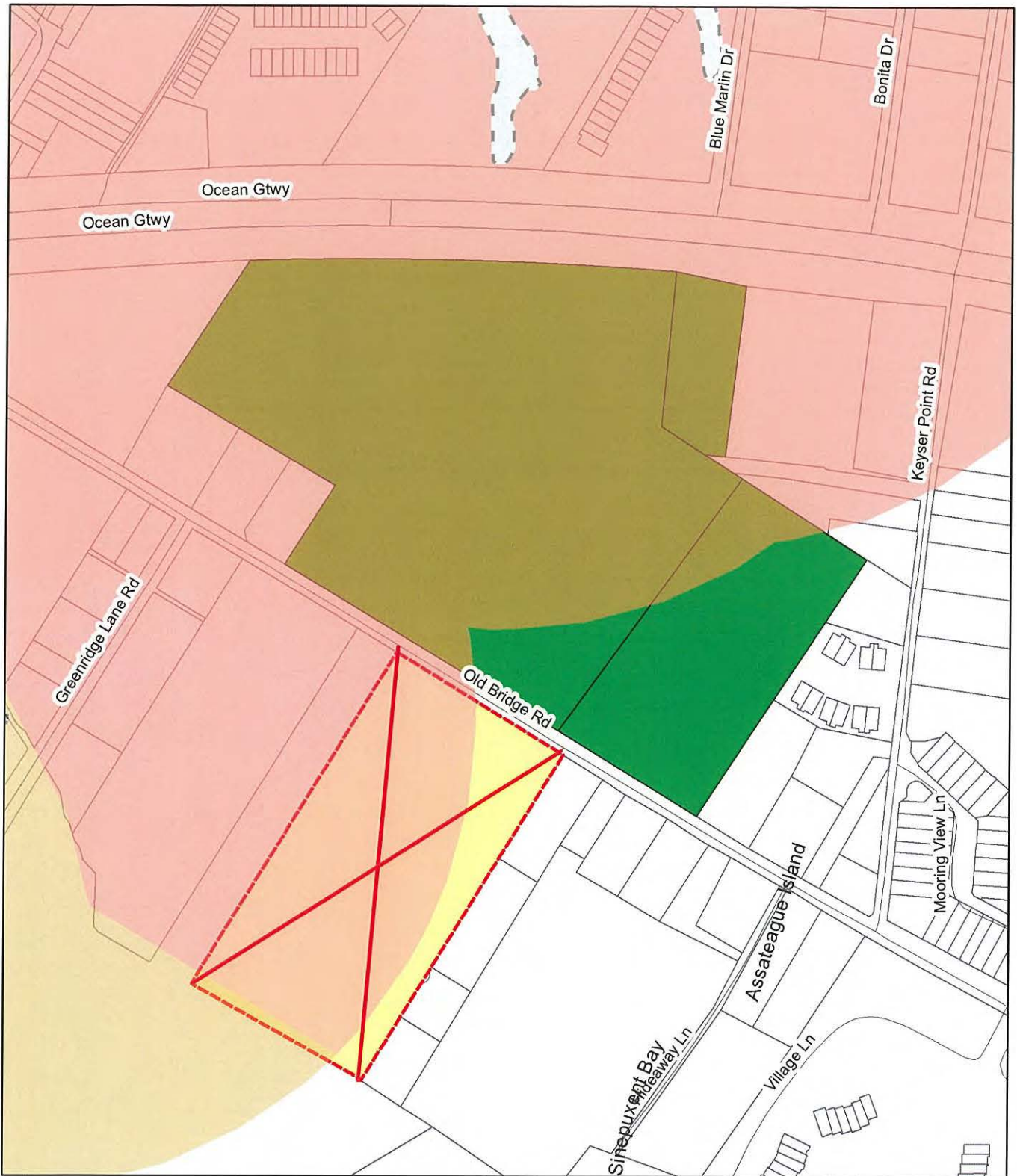
Ag Suitability

Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020



0 0.04 0.08 0.16 Miles

-  S1
-  Prior Case
-  IDA - Intensely Development Areas
-  LDA - Limited Development Areas
-  RCA - Resource Conservation Areas
-  Out of Program
-  Tidally Influenced Areas

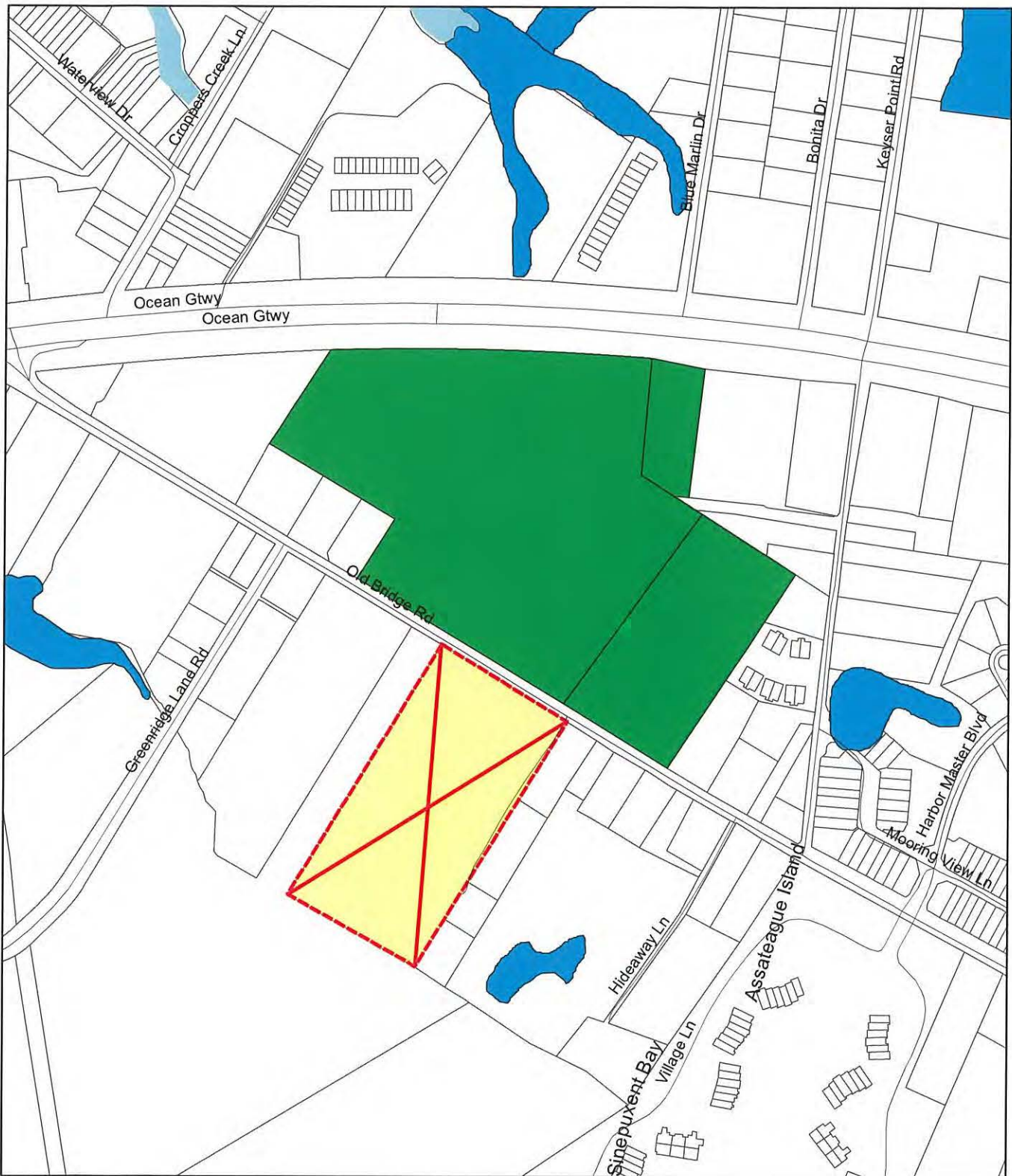
Critical Area

Case SW-2020-04

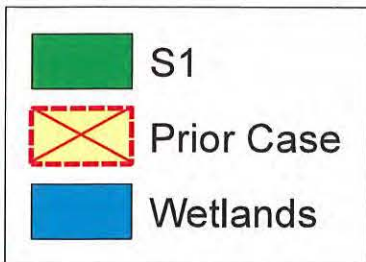
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020



0 0.05 0.1 0.2 Miles



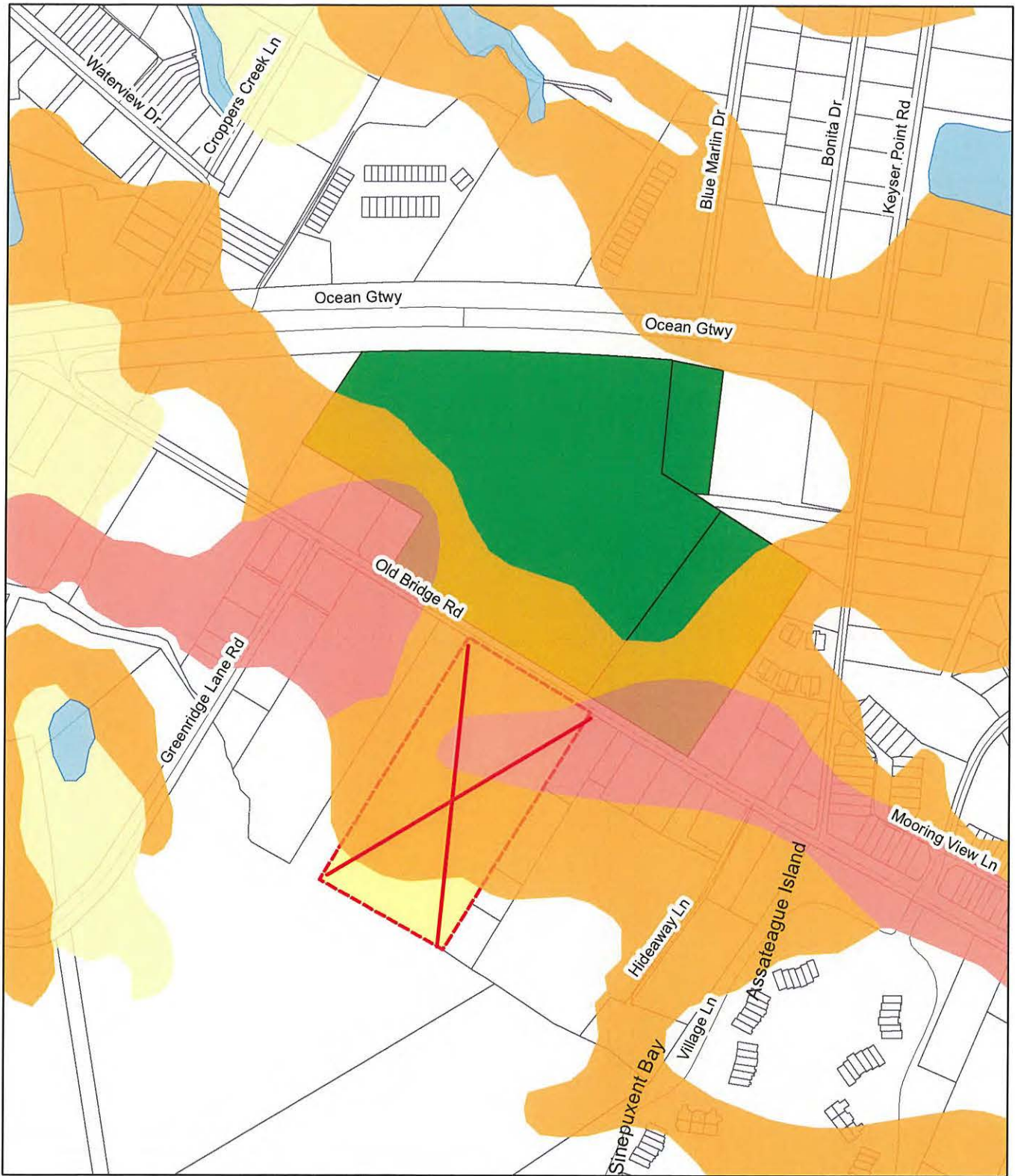
Wetlands

Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020



0 0.05 0.1 0.2 Miles

- S1
- Prior Case
- Water
- Excessively drained
- Somewhat excessively drained
- Moderately well drained
- Well drained

Soil Drainage Types
 Case SW-2020-04
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020



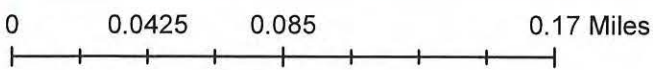
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	S1		Industrial
	Prior Case		Institutional
	Agriculture		Major rivers
	Atlantic Ocean		Municipality
	Commercial Center		Village
	Existing Developed Centers		Waterbody (bays, ponds)
	Green Infrastructure		Waterway (rivers, streams, creeks)
	Growth Area		

Land Use Plan
Case SW-2020-04
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
Department of Environmental Programs
June 19, 2020



Proposed Amendment
 Case SW-2020-04
 Mystic Harbour Sewer Planning Area

-  S1
-  S1 Proposed
-  Prior Case



Prepared by the Worcester County
 Department of Environmental Programs
 June 19, 2020

20

Attachment 2

Application

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

Date: **05/27/2020**

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

**S.D. Hoffman Family, LLC
10208 Thoroughfare Farm Rd.
Ocean City, Maryland 21842**

Contact Person: **Steve Hoffman**
Telephone: **443-497-3199**

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

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

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

The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.
Minor amendments (not adding or deleting service) are \$100.

Note: Modification of this form will void the application.

Property Identification:

Tax Map: **26** Parcel Number(s): **168, 252 & 295**
Town/Community Name: **West Ocean City**

Location Description:

Intersection of MD. Route 50 and MD Route 707

Property Owner Signature: _____



Date: _____

06/01/2020

Applicant Signature: _____

(If other than property owner)

Date: _____



 NORTH
 0 10 20 30
 Feet
VISTA
 DESIGN, INC.
 11000 W. ...
 ...
 ...

LANDS OF S.D. HOFFMAN RENTALS, LLC
 EXISTING CONDITIONS
 WORCESTER COUNTY, MARYLAND

This drawing is the property of Vista Design, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Vista Design, Inc.

Attachment 3

Planning Commission Minutes

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: July 2, 2020

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Betty Smith

Brooks Clayville

Staff

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Robert Mitchell, Director of Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, June 4, 2020— As the next item of business, the Planning Commission reviewed the minutes of the June 4, 2020 meeting. Following the discussion, it was moved by Mr. Wells seconded by Ms. Smith and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, July 9, 2020— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals hearing scheduled for July 9, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. MALPF Application Review

Ms. Munson reminded the Planning Commission that the Maryland Agricultural Land Preservation Foundation (MALPF) purchases agricultural preservation easements, funded by agricultural and real estate transfer tax revenue, generally on an annual basis. She provided county-wide maps depicting the following six (6) applications to sell an easement to MALPF in Worcester County that have been received by the county for the FY 21 funding cycle:

Re-applications

- Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
- Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres
- Holland, Glenn and Jean; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 53.81 acres
- Wilkins, Tom et al; TM 77, Grid 5, P 102; Route 364; 139.9713 acres

New Applications

- Aberdeen Farm, LLC; TM 92, Grid 3, Parcel 69; 2836 Sheephouse Road, Pocomoke City; 144.93 acres
- Lambertson, Jason and Kelly; TM 92, Grid 4, P 8; 3105 Sheephouse Road, Pocomoke City; 74.821 acres

A table summarizing information for each application was also provided.

The maps provided indicate that all applications are zoned A-1 and/or RP and all are within the Agriculture or Green Infrastructure 2006 land use category. She stated that on June 30, 2020, the Worcester County Agricultural Land Preservation Advisory Board reviewed the applications and recommended that all applications be forwarded to the state for consideration. She stated that the Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

In response to a question, Ms. Munson explained that the applicant may waive all rights to lots or retain the right to one “unrestricted” lot when they apply to sell an easement. This affects the value of the easement which is why it is determined at the time of application. An “unrestricted” lot right could be transferred to anyone at any time after the easement is purchased. In response to a question Ms. Munson stated that solar panels are only allowed on a property encumbered with an easement if they are non-commercial (serving the property only). In response to a question, she stated that easement purchases are funded by agricultural transfer tax and real estate transfer tax. This revenue is to be used for easement purchases only (per statute), however, the real estate transfer tax revenue has in the past been diverted for other uses.

Ms. Ott made the motion to recommend that all applications are eligible for consideration for easement purchase; this was seconded by Mr. Wells. The favorable recommendation was unanimous.

IV. §ZS 1-325 Site Plan Review

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed addition of 112 campsites and associated amenities within the Frontier Town campground, located on the easterly side of Stephen Decatur (MD Route 611), approximately 705 feet north of Assateague Road, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural District. Hugh Cropper IV, Esquire, attorney, and Chris McCabe, consultant, were present for the review. Mr. Cropper testified that the project was in front of the board for a similar request previously and that this was the final expansion of the campground, with this request including 112 new “pull-in” campsites, one bathhouse and associated playground area.

Mr. Cropper also noted that the required EDUs have already been secured and supplied photographs and architectural elevations of the bathhouses existing in other areas of the campground. He explained the proposed bathhouse will be of the same earth-tone color scheme to blend with all existing structures.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Wells, and carried unanimously to approve the site plan subject to addressing the code requirements and the following items:

1. The Planning Commission found that the proposed expansion need not comply with ZS 1-318(c)(1)J. due to the age of the original development.
2. After reviewing the photographs and façade design plan provided during testimony, the Planning Commission found the proposed earth tone colors, consistent with the existing overall development.
3. The Planning Commission also granted a waiver to Item 3 referencing compliance with the Design Guidelines and Standards as many of the typical design requirements for standard buildings are not generally featured on bathhouses. Additionally, the building is not visible from the public roadway.

V. Comprehensive Water and Sewerage Plan Amendment No. SW-2020-04.

As the next item of business, the Planning Commission reviewed an application associated with the expansion of the Sewer Planning Area in the *Master Water and Sewerage Plan (The Plan)* for the Mystic Harbour Sanitary Service (SW 2020-04). Robert Mitchell, Director of Environmental Programs, appeared on behalf of the applicant, the Worcester County Commissioners, and presented the staff report to the Planning Commission. Hugh Cropper, attorney, was present on behalf of the Steve Hoffman, the applicant. John Salm, from JW Salm Engineering, and Steve Engle from Vista Design, were present on behalf of the applicant as well.

Mr. Mitchell explained that the applicant is requesting an expansion of the Mystic Harbour Sewer Planning Area in *The Plan*. This revision is to provide sewer sanitary capacity to serve a proposed 41 unit residential development on the property. This property is already included within the West Ocean City sewer planning area with a planning designation of S-1 (immediate to 2 years). The property's western edge already is included in the Mystic sewer planning area and the owner would like the entire property within the Mystic planning area. Mr. Cropper and Mr. Salm and Mr. Engle reviewed the residential project that the owner wanted to develop on the site and urged the amendment's approval. They noted that the sewer capacity does not exist in the West Ocean City Sanitary Area to serve the proposed project.

Mr. Mitchell answered a question from Mr. Knerr that the Mystic area would be the only area that could provide the sewer capacity needed for this proposed development. He also indicated that the Mystic Sanitary Service area through prior planning efforts and amendments was, by design, a non-exclusive service area and would have overlays with adjacent service areas in West Ocean City.

Mr. Mitchell did conclude with a review the staff report noting the consistencies found for such a development within the *Comprehensive Plan* and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning within the property boundaries of the current campground.

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

VI. Map Amendment – Case No. 425

As the next item of business, the Planning Commission reviewed Rezoning Case No. 425, a request to rezone a portion of Tax Map 70, Parcel 18 from RP Resource Protection District to A-1 Agricultural District. This segment of the property consists of 54.7 acres on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill. It is located on the easterly side of the former Nassawango Country Club and Golf Course. Hugh Cropper, IV, Esquire, Mr. and Mrs. Hope, property owners, Chris McCabe, consultant, and Frank Lynch, Jr. surveyor were present for the review. Mr. Cropper noted that he represents the prospective buyer, Mr. Smithson. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district.

Submitted as Applicant's Exhibit No. 1 was a copy of the RP Resource Protection District zoning regulations. Mr. Cropper noted that the district allows a very limited number of uses by right and that the construction of a single-family dwelling would require a special exception by the Board of Zoning Appeals. Mr. Cropper emphasized the importance of agriculture in Worcester County as expressed in the staff report. Mr. Cropper further noted that agricultural uses, such as tilling land, would also need a special exception; staff clarified that such a use is allowed in every zoning district and can be found in §ZS 1- 105.

Submitted as Applicant's Exhibit No. 2 was a copy of the Land Use Map taken from the Worcester County Comprehensive Plan reflecting the petitioned area as being located within the Agricultural designation. Mr. Cropper further indicated he believes the zoning should have followed the line indicated on the aforementioned Land Use Map. Additionally, Mr. Cropper testified that the entire 54.7 acres should be rezoned as requested; however, there is a small strip of land bordering the river that could understandably remain zoned RP District, if the board so found.

Submitted as Applicant's Exhibit No. 3 was a map of the petitioned area. Mr. Cropper again expressed that the area along the river, bordering the wetlands, could remain as RP to lessen this request.

In response to a question posed by Mr. Cropper, Mr. Lynch confirmed it is axiomatic to say that the land should be zoned A-1 to be consistent with the Land Use Map. He agrees that there was a mistake in the zoning of the property and also believes it should have been an agricultural district. Mr. Cropper also questioned Mr. McCabe who indicated his agreement of Mr. Lynch's testimony and the importance of agriculture in Worcester County. Mr. McCabe also testified that the lands to one side of this property are zoned RP yet the other side, previously occupied by the Nassawango Country Club and Golf Course, is zoned A -2. Relative to the Critical Area comments, Mr. McCabe explained that the property is considered Resource Conservation Area (RCA). The A-1 zoning would be consistent with these regulations. Mr. Cropper further

expressed that in the event two single family dwellings were built on the property, they would be required to comply with current Storm Water Management practices which could cause the water quality of the river to improve.

Mr. Hope explained that he owns and lives on the adjoining property. His family farm, encompassing the petitioned area, has been in the family for three generations and used for agricultural purposes for over one hundred years. Mr. Hope agrees that A-1 zoning is more compatible with the current and historical uses.

Mr. Knerr questioned the necessity of the request as the property can continue to be farmed as currently zoned. Mr. Cropper responded indicating that the property does not meet the definition for RP zoning and that the land is not environmentally sensitive. Mr. Cropper expressed that the RP District was a new district created in 2009 and felt that the County Commissioners were unaware of the impact that this zoning district would create. Mrs. Wimbrow explained that the RP District replaced the previously existing Conservation District by name only. Mr. Cropper alleged that the current agricultural field is a non-conforming use and that agriculturally used lands should be zoned agricultural. Staff again confirmed that pursuant to §ZS 1-105, cropland is allowed in every zoning district and that the current use is allowed by right. Mr. Mitchell expressed that he supports the RP zoning, especially the area surrounding the river and urged the Board to keep the existing zoning intact. Mr. Tudor posited that by following Mr. Cropper's argument, all cropland located in a C-2 General Commercial District or C-3 Highway Commercial District located along US Route 50 should be rezoned to an agricultural designation as well. Mr. Cropper expressed his disagreement with Mr. Tudor's remarks.

Mrs. Keener explained that approval from the Board of Zoning Appeals would be necessary for any future subdivision, as the lands in the front of the parcel are still proposed to remain RP District. Mr. Cropper replied by indicating it is not the intention of the current or prospective owners to subdivide. Mr. Tudor further elaborated explaining that a dwelling could be constructed as currently zoned by means of an approved special exception from the Board of Zoning Appeals. Mr. Clayville expressed that A-1 zoning is quite restrictive and RP zoning is even further restrictive and that he is unsure why the construction of a single-family dwelling requires a special exception.

The Planning Commission discussed each one of the findings to determine whether they had a consensus. They were as follows:

1. With respect to the definition of the neighborhood, they noted that defining the neighborhood was not necessary as the request is based upon a mistake.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they noted that this was not applicable as Mr. Cropper had asserted that there is a mistake in the existing zoning rather than a change in the character of the neighborhood.
3. Relating to population change, the Planning Commission finds that there has been no change.

4. Relating to the availability of public facilities, the Planning Commission finds that there is no impact upon public facilities as a single-family dwelling in this location would require a private septic system regardless of zoning. Additionally, they found that the Critical Area designation of RCA limits development to one dwelling per 20 acres; thus the petitioned area could theoretically have a maximum of two lots with one dwelling each.
5. Relating to present and future transportation patterns, the Planning Commission finds that present transportation patterns are sufficient as no significant changes are anticipated with a maximum of two dwellings permitted.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that there would be no adverse impact.
7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the Land Use Map within the Comprehensive Plan reflects the petitioned area to be within the Agricultural Land Use area; therefore, rezoning would further the petitioned area's compatibility with the Comprehensive Plan.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there been no change.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would.

Following the discussion, a motion was made by Mr. Clayville, seconded by Ms. Ott and carried four to one, with Mr. Knerr in opposition, to find the map amendment for A-1 zoning of the uplands consistent with the Comprehensive Plan, subject to retaining the delineated wetlands as shown on the survey prepared by Mr. Lynch in the RP Resource Protection District, and forward a favorable recommendation to the Worcester County Commissioners based on the findings as outlined above.

VII. Election of Officers

As the next item of business, the Planning Commission considered the election of officers. Following a motion by Ms. Ott, seconded by Ms. Smith, and carried unanimously, the following members were elected to the officers' positions:

Chair: Mr. Knerr
Vice Chair: Mr. Wells
Secretary: Mr. Barbierrri
TRC Representative: Mr. Clayville

VIII. Adjourn – The Planning Commission adjourned at 2:05 P.M.

Jay Knerr, Secretary pro tem

Jessica Edwards

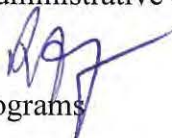
ITEM
25



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

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

Subject: **Sanitary Service Area Expansion**
Request for Public Hearing
Worcester County Tax Map 26, Parcels 168, 252, and 295
Mystic Harbour Sanitary Service Area
SSA-2020-03

Date: September 28, 2020

Attached is a copy of a petition for Sanitary Service Area expansion and connection of the subject property to the sewer system of the Mystic Harbour Sanitary Area from Hugh Cropper and Steve Engle on behalf of the applicant, Steve Hoffman. The petition was received in accordance with § PW 5-305 (b)(1) and is being processed as an expansion of the Mystic Harbour Sanitary Service Area.

This amendment seeks to expand the Mystic Harbour sanitary service area for entire subject properties. These properties are already within the West Ocean City sewer planning area with a designation of S-1 (immediate to two years) and are adjacent to mapped Mystic Harbour planning area property. They are also applying to amend the *Master Water and Sewerage Plan* to include the whole property within the Mystic sewer planning area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect the entire property as a planned S-1 designation. Since we already have a West Ocean City sewer planning area overlay in the area, the subject property is already designated S-1 in *The Plan* for the West Ocean City sewer planning area. Their amendment application to the *Master Water and Sewerage Plan* would not change that planning designation for the West Ocean City sewer planning area, it would only include the entire property within the Mystic Harbour sewer planning area with an S-1 designation in the same.

Citizens and Government Working Together

The applicant requested the change in sewer service classification in order to serve a proposed future residential development or commercial expansion on these properties. The subject properties are located on the north side of Maryland Route 707 (old Bridge Road). They are more specifically identified on Worcester County Tax Map 26 as Parcels 168, 252 and 295. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the proposed development from available capacity in Area 1 (North of the Airport). While they have some WOC sewer capacity allocated, they would need additional Mystic sewer capacity to build these proposed residential units or expand commercial uses.

The proposed sanitary facilities will consist of construction of connecting infrastructure to adjacent County sewer collection system mains.

The planning amendment has been reviewed by the Planning Commission and found to be consistent with the *Comprehensive Plan*.

I have investigated and evaluated the petition to expand the Ocean Pines Sanitary Service Area. In order to evaluate the proposal I solicited the comments of Mr. John Ross, Deputy Director of Public Works, and Jessica Wilson, the Assistant Finance Officer. If the applicant is willing to construct all the connecting infrastructure and apply for and get allocated the needed sanitary capacity and pay for said capacity, then the proposal is feasible from a financial and engineering stand point. Applicant will need to pay the equity contribution and future capital improvement charges with any EDU purchases associated with this application. While the applicant envisions a return of capacity to the Mystic Sanitary Service Area from another property they own within the Mystic Area, they will still need to go through the Mystic allocation process to secure the necessary sewer capacity they need to serve this project.

After reviewing all of the applicable information, I find the following:

1. The proposed expansion would be desirable for the comfort, convenience, health, safety, and welfare of the people who will, or in the future may be, served by the proposed expansion. The existing property will now be served by Mystic Harbour sewer, which will provide the necessary capacity that does not exist in the West Ocean City Sanitary Area for the proposed project.
2. The construction of this property to the Mystic Harbour collection and system is certainly feasible from both the engineering and economic standpoints. All costs to operate the system will be borne by the service area customers with the property owner responsible for the construction of the connections. An acceptable Public Works agreement for construction and turnover of said facilities will also need to be approved and accepted by the County.
3. The proposal is in the best interest of the public health, safety, and welfare of the residents of the County. In addition to the findings outlined in number 1 above, the fact that the infrastructure will be approved and operated by the County will permit the orderly development of the subject property within the area. Public sewer is preferable to septic and capacity provided by the Mystic Plant will enable full development of this property. The applicant will need to

secure adequate capacity from the Mystic Sanitary Service Area through the allocation process specified in County Commissioner Resolution 17-19.

4. The proposal will not be unduly detrimental to the environment of the County. A public system in this area with the necessary capacity to serve the proposed development should provide for greater degrees of protection of the environment of the County. Public water and sewer are preferable to private wells and septic.
5. The design and operation of the facility will be completed according to State and County guidelines. Plans will be approved by the Department of Public Works and construction work will be inspected and approved prior to turnover. The applicant is responsible for all costs associated with design and permitting of the infrastructure. The County will be responsible for operations, with the costs being paid for by the applicant.

I would respectfully request that the Commissioners schedule a public hearing to consider the expansion of the Mystic Harbour Sanitary Area to include this property. I have forwarded a draft advertisement for this hearing to County Administration.

As always, I will be available to discuss this matter with you and the County Commissioners at your convenience. Should you have any questions or require future information in the interim, please do not hesitate to contact me.

Attachments

1. Application
2. Map for the Proposed SSA Addition

cc: Mystic Harbour Sanitary Area File, SSA-2020-03

Attachment 1

Application

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: hcropper@bbcmlaw.com

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

www.bbcmlaw.com

CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN

*ADMITTED IN MD & DC

June 30, 2020

Robert J. Mitchell, LEHS, REHS
Director, Worcester County Department of
Environmental Programs
One West Market Street
Snow Hill, Maryland 21863

RE: *Mystic Harbour Sanitary Service Area Expansion
Worcester County Tax Map 26, Parcels 168, 252, and 295*

Dear Mr. Mitchell:

Please accept this correspondence as the PETITION on behalf of SD Hoffman Family, LLC, SD Hoffman Rentals, LLC, and Steven D. Hoffman, individually, to expand the MYSTIC HARBOUR SANITARY SERVICE AREA ("MHSSA") to include the properties known as Worcester County Tax Map 26, Parcels 168, 252, and 295. These properties are located on the north side of Maryland Route 707 (Old Bridge Road) in West Ocean City, Maryland.

The properties are currently located within the West Ocean City Sanitary Service Area, and they are allocated over fifty (50) West Ocean City wastewater EDU's. A portion of the properties are improved by the Grand Prix Amusements, among other things.

This request to expand the MHSSA is not based upon a specific site plan; rather, the applicant/property owner believes it is good planning to include the property in the MHSSA, which will provide flexibility for future growth. It will permit flexibility in future design and permit the applicant/property owner to design a more holistic and integrated commercial project.

There is a pending application for the expansion of the Sewer Planning Area, and inclusion in the Worcester County Comprehensive Water and Sewerage Plan. With respect to that application, the majority of the property is designated as "Commercial Center" in the March 7, 2006 Comprehensive Land Use Plan, which accompanies the Comprehensive Plan. This Commercial Center is located along US Route 50 and, as such, the proposed Water and Sewer Plan Amendment is consistent with the Comprehensive Plan.

With respect to the individual findings, please consider the following:

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

This request would eliminate complete reliance on using EDU's in the West Ocean City Sanitary Service Area. The West Ocean City Sanitary Service Area was established to address specifically public health and environmental concerns associated with the use of septic systems in hydric soils of the County. The properties are appropriately zoned for a mixture of commercial and residential uses. The majority of the property is located in the Commercial Center in the Worcester County Land Use Plan, and the remainder is Existing Developed Area. The inclusion in the MHSSA will allow the applicant/property owner flexibility with respect to the design and construction of a future overall project, and less reliance on the West Ocean City Sanitary Service Area. It will also provide Worcester County with flexibility with respect to service for these properties.

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

From an engineering perspective, the applicant/property owner will bear the costs of all improvements and construction of the water and sewer facilities. MHSSA infrastructure is nearby, and extending these lines to the property will be feasible. From a financial perspective, if and when the applicant/property owner applies for and receives Mystic wastewater EDU's, they will be paid for, and the costs of all such improvements will be paid for by the property owner. As such, it will be feasible from an economic perspective.

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

The provision of reliable public sewer will protect the public health, safety, and welfare of the residents of the County.

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

The majority of this property is zoned Commercial and located in the Commercial Center in the Land Use Map. The remainder is designed Existing Developed Area, and is zoned residential. The vast majority of the property is uplands, and it is not adjacent to any water bodies. Public sewer is reliable, and it is preferable for this property which has been designated for development.

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

All such design and operation shall be reviewed, and subsequently approved, by Worcester County Public Works.

As stated previously, the proposed expansion of the MHSSA is based on flexibility with respect to future design and construction. It is not based upon an individual site plan.

If approved, if and when the applicant/property owner proposes a site plan, it will need to apply for Mystic EDU's pursuant to Resolution 17-19. It will be up to the discretion of the Worcester County Commissioners whether or not to allocate those EDU's.

A check in the amount of \$500.00 associated with this MHSSA Expansion is enclosed.

June 30 2020
Page Four

If I can provide any further information, please do not hesitate to contact me.

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosure

CC: Steve Engel, Vista Design
Steve Hoffman
John W. Salm, III, P.E.

SITE DATA

OWNER

SD HOFFMAN FAMILY, LLC
 2000 W. STATE ST. SUITE 100
 ATLANTA, GEORGIA 30336
 TEL: (404) 525-1100
 FAX: (404) 525-1100

GENERAL NOTES

CONTRACT STREET FRONT, N. LA
 SIDE OF LOT, 100' WIDE
 100' WIDE FRONT YARD SETBACK
 10' WIDE SIDE YARD SETBACK

SITE INFORMATION

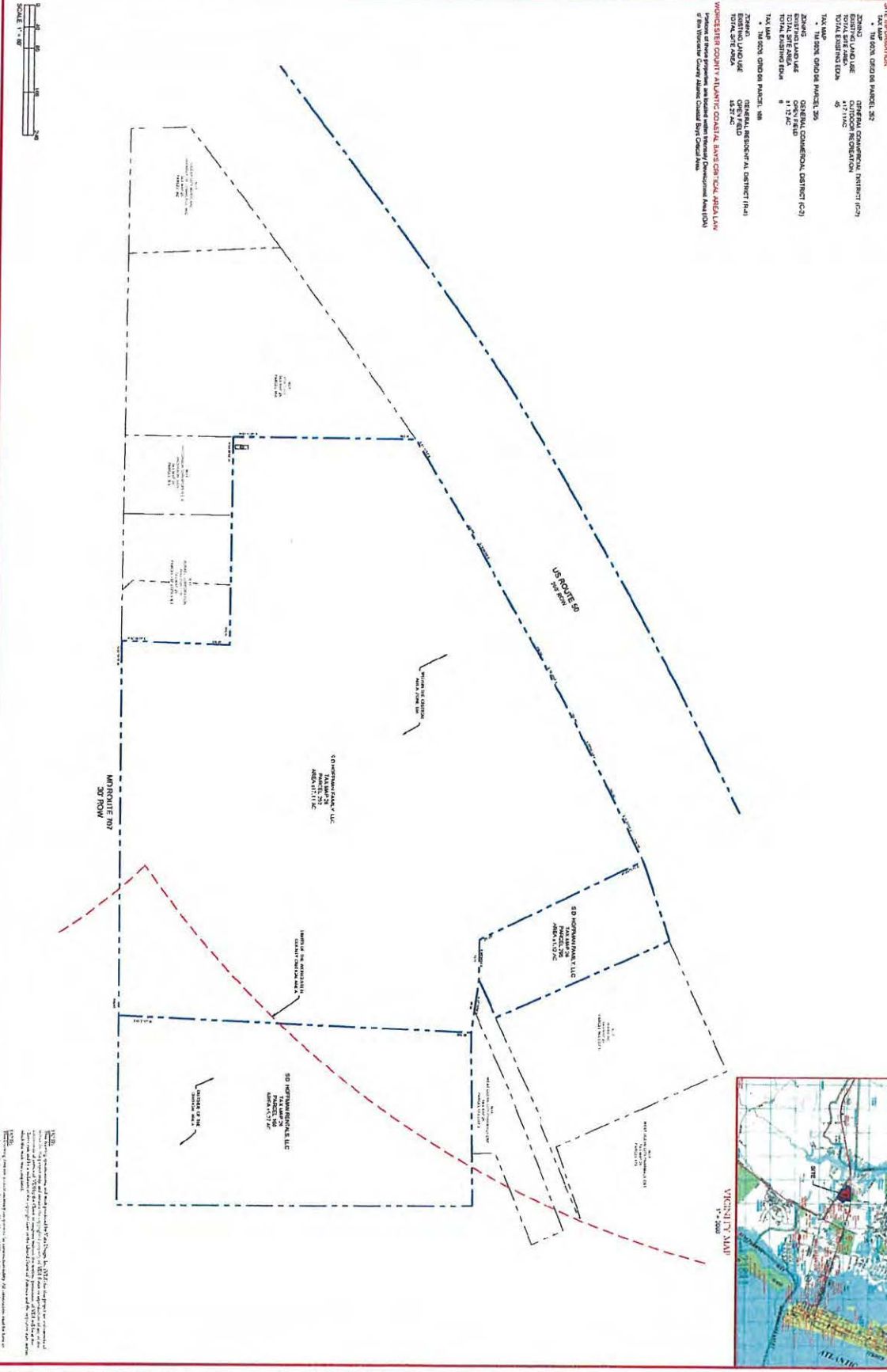
TRACT: 18-096-000-001
 ZONING: GENERAL COMMERCIAL DISTRICT (GC)
 TOTAL SITE AREA: 4.71 AC
 TOTAL EXISTING BLDG: 45

TAX MAP: 18-096-000-001
 ZONING: GENERAL COMMERCIAL DISTRICT (GC)
 EXISTING LAND USE: OFFICE BUILDING
 TOTAL EXISTING BLDG: 45

TAX MAP: 18-096-000-001
 ZONING: GENERAL COMMERCIAL DISTRICT (GC)
 EXISTING LAND USE: OFFICE BUILDING
 TOTAL EXISTING BLDG: 45

LEGEND

Proposed Building Footprint
 Existing Building Footprint
 Other Area Boundary



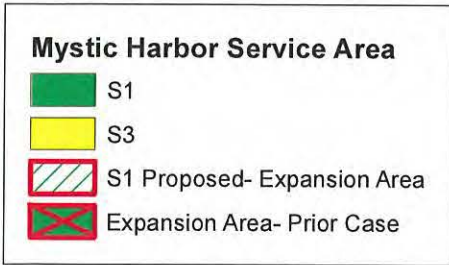
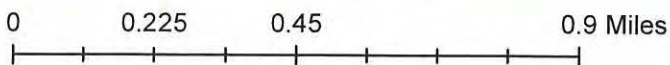
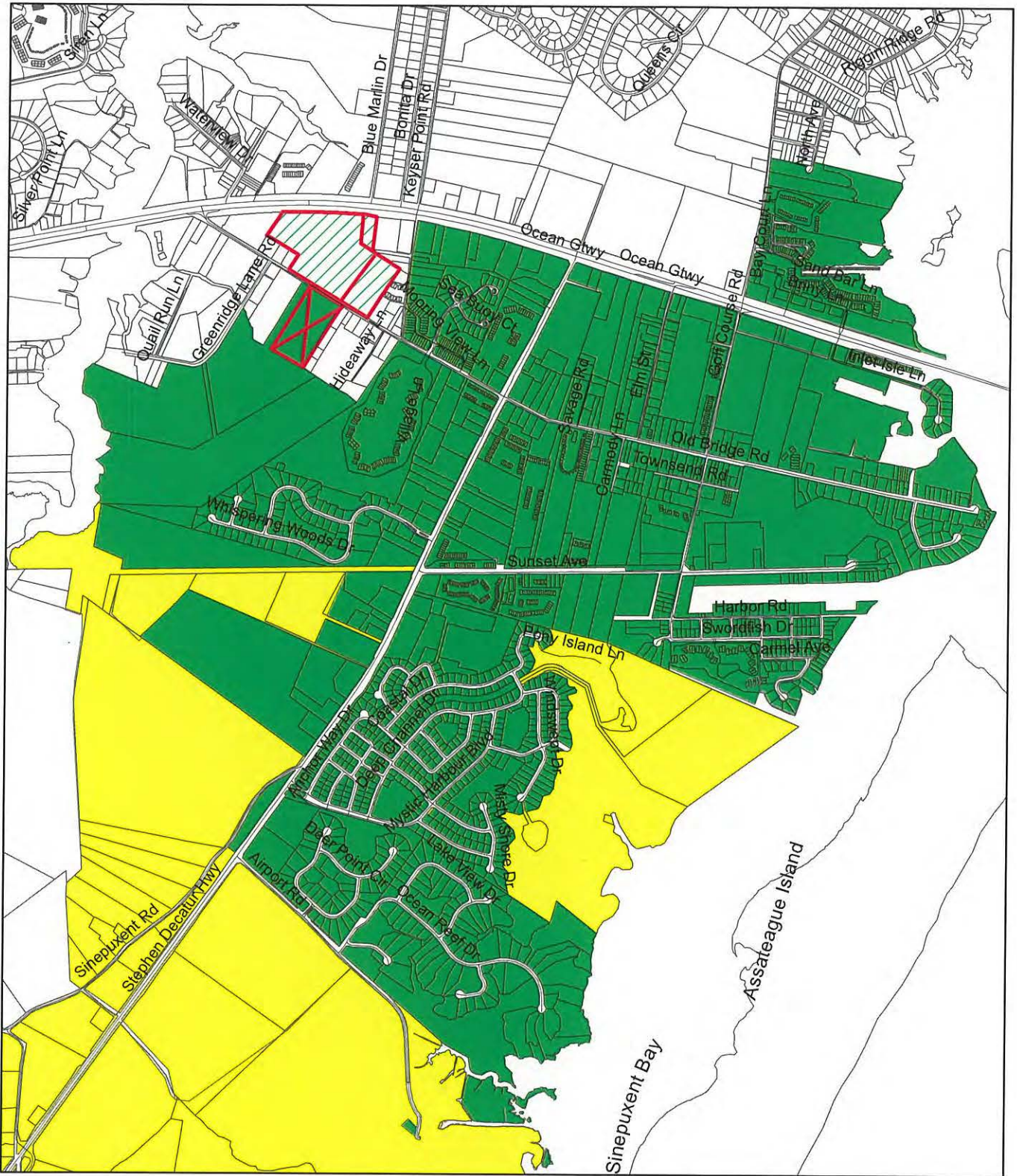
NOTES
 1. This site plan was prepared by Vista Design, Inc. (Vista) based on information provided by the client. Vista is not responsible for the accuracy or completeness of the information provided by the client.
 2. This site plan is intended for use in connection with the proposed development and is not to be used for any other purpose.
 3. This site plan is the property of Vista Design, Inc. and is not to be reproduced or distributed without the written consent of Vista Design, Inc.

<p>VISTA DESIGN, INC. Experts • Architects • Surveyors • Landscape Architects Land Planning Consultants • GIS Services 1080 West 10th Street, Suite 100 Ft. Lauderdale, FL 33304 • Tel: 407.552.0077 • www.vistadesign.com</p>	<p>LANDS OF SD HOFFMAN FAMILY & SD HOFFMAN RENTALS</p>	<p>PARCEL EXHIBIT I</p>	<p>PROJECT DATA</p> <p>Project No.: 18-096-000-001 Date: 06/25/2018 Scale: 1" = 80'</p>	<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>											<p>NORTH</p>
<p>PE 101</p>	<p>18</p>	<p>18</p>	<p>18</p>	<p>18</p>											

Attachment 2

Map





Proposed Service Area Expansion
 Mystic Harbor Sanitary Service Area
 Case # SSA-2020-03



Prepared by the Worcester County
 Department of Environmental Programs
 May 18, 2020



ITEM
26

RECEIVED
SEP 24 2020
Worcester County Admin

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

<http://www.co.worcester.md.us/departments/drp>

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, Development, Review and Permitting
Date: September 23, 2020 *EAT*
Re: Rezoning Case No. 426 – David Lane and Susun Rowe Lane, applicants,
Mark S. Cropper, Esquire attorney for the applicants

Attached herewith please find the Planning Commission’s written Findings of Fact and Recommendation relative to Rezoning Case No. 426, seeking to rezone approximately 1.74 acres of land located on the westerly side of MD Route 611 (Stephen Decatur Highway), south of Snug Harbor Road, from A-2 Agricultural District to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on September 3, 2020 and was given a favorable recommendation solely on the basis of a mistake.

Also attached for your use is a draft public hearing notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Weston Young. 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/jkk

cc: Jennifer K. Keener, Deputy Director

1a

NOTICE
OF
PROPOSED CHANGE IN ZONING

WESTERLY SIDE OF STEPHEN DECATUR HIGHWAY
SOUTH OF SNUG HARBOR ROAD

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 426 has been filed by Mark S Cropper on behalf of David Lane and Susun Rowe Lane, property owners, for an amendment to the Official Zoning Maps to change approximately 1.74 acres of land located on the westerly side of MD Route 611 (Stephen Decatur Highway), south of Snug Harbor Road in the Tenth Tax District of Worcester County, Maryland, from A-2 Agricultural 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
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 426 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. 426 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

Joseph M. Mitrecic, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 426

APPLICANT:

**David Lane and Susun Rowe Lane
8621 Stephen Decatur Highway
Berlin, MD 21811**

ATTORNEY FOR THE APPLICANT:

**Mark S. Cropper
6200 Coastal Highway, Suite 200
Ocean City, Maryland 21842**

September 3, 2020

WORCESTER COUNTY PLANNING COMMISSION

lc

TABLE OF CONTENTS

I.	Introductory Data	Pages 3 - 4
II.	Testimony Before the Planning Commission	Pages 4 - 6
III.	Findings and Conclusions	Pages 6 - 8
IV.	Planning Commission Recommendation	Page 8
V.	Related Material and Attachments	
A.	Copy of Written Staff Report	Pages 9 - 15
B.	Attachments to the Staff Report:	
1.	Application for Amendment of Official Zoning Map with attachment	Pages 16 - 25
2.	Maps of petitioned area	Pages 26 - 33
3.	Comments of Robert J. Mitchell, Worcester County Environmental Programs Director	Pages 34 - 35
4.	Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 36
5.	Comments of Rob Clarke, Forester, Maryland Forest Service	Page 37
9.	Memo requesting comments	Pages 38 - 39

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 426, filed on May 11, 2020.
- B. APPLICANT: David Lane and Susun Rowe Lane
8621 Stephen Decatur Highway
Berlin, MD 21811
- APPLICANT'S ATTORNEY: Mark S. Cropper
6200 Coastal Highway, Suite 200
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 33 - Parcel 341 - Tax District 10
- D. SIZE: The petitioned area is 1.74 acres in size.
- E. LOCATION: The petitioned area is located on the westerly side of MD Route 611 (Stephen Decatur Highway), south of Snug Harbor Road, in Berlin.
- F. CURRENT USE OF PETITIONED AREA: The property is developed with an 1,850 square foot building for a contractor shop (sign shop – 1,200 square feet) with office and retail space (650 square feet) known as Sun Signs.
- G. CURRENT ZONING CLASSIFICATION: A-2 Agricultural District.
- H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960s, the parcel was given an A-1 Agricultural District zoning classification. This classification was retained in the 1978 comprehensive rezoning. In 1988, the property was rezoned to B-2 General Business District by virtue of Rezoning Case No. 253. The commercial classification was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning, the petitioned area was changed to the A-2 Agricultural District.
- J. SURROUNDING ZONING: The properties to the north, south and west are all zoned A-2 Agricultural District. The property to the east on the opposite side of MD Route 611 (Stephen Decatur Highway) is zoned C-2 General Commercial District.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Existing Developed Area (EDA) 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), the subject property is served by private well and septic, with a designation of a Sewer Service Category of S-1 (Immediate to two-year timeframe) in the Master Water and Sewerage Plan. He states that the property has been designated one (1) sewer EDU from the Landings Sanitary Service Area as this parcel is part of the existing developed properties in the Lewis Road area. Before receiving service, they would need to obtain an approved connection from the Department of Public Works.
- M. **ROAD ACCESS:** The petitioned area fronts on MD Route 611 (Stephen Decatur Highway), a State-owned and -maintained roadway with an approximately 100-foot right-of-way. 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. Mark S. Cropper, applicant's attorney, Mr. Lane and Mrs. Lane, property owners, and Steve Engel, landscape architect, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, as well as a result of a change in the character of the neighborhood.

Mr. Cropper stated the property owners own and operate Sun Signs, a sign business, on the subject property. They design, manufacture and install a variety of signs. Mr. Lane testified that he purchased the property in 1988 and that the land was rezoned to a commercial designation as a condition of the purchase. Applicant's Exhibit No. 1 was a copy of the property deed from Mr. Lane's purchase (Liber 1478, Folio 90). Mr. Lane explained that Sun Signs has been in operation for thirty-two years at this location and that he was unaware that his property was the subject of a comprehensive rezoning in 2009. As a result, his business is now considered a non-conforming use in the A-2 Agricultural District.

Mr. Cropper testified that the rezoning request is being made based upon both a change in the character of the neighborhood and a mistake in the assigned zoning district. Since the parcel retained a commercial zoning from 1988 through 2009, and had active commercial activity occurring on the lands that entire time, it should not have been rezoned during the 2009 comprehensive rezoning. This change has caused a burden on the owner as they must now comply with regulations for nonconforming uses, when the use was previously allowed by right.

Submitted as Applicant's Exhibit No. 2 was a copy of the Technical Review Committee agenda for September 9, 2020, referencing a proposed commercial use, Salt Grass Point Mini Storage, on commercially zoned lands located directly across MD Route 611 (Stephen Decatur Highway), on Tax Map 33, Parcel 136. This property is currently vacant, but the site plan review is for a proposed 75,919 square feet of self-storage use in seven buildings.

Submitted as Applicant's Exhibit No. 3 were chain deeds of the property reflecting that this parcel was previously part of Parcel 136 and was separated when the creation of MD Route 611 split the lands. Both the subject parcel and Parcel 136 were commercially zoned prior to 2009. In 2009, Parcel 136 was vacant while this parcel, which contained an active business, was changed to an agricultural zoning designation. Mr. Lane confirmed these events.

Mr. Cropper explained that the petitioned area is 1.74 acres in size and is not large enough for a farming operation. Mr. Lane explained that has no intention of stopping the current commercial activity or beginning a farming operation. Mr. Engel confirmed Mr. Lane's testimony. Mr. Cropper stated that the purpose of the Comprehensive Plan is to minimize nonconforming land uses. The Land Use map also identifies this parcel as Existing Developed Area (EDA), making a commercial zoning more compatible than an agricultural zoning designation.

Mr. Cropper submitted the Findings of Fact from Rezoning Case No. 395 as Applicant's Exhibit No. 4. This case rezoned 36 acres in the current Frontier Town campground from C-2 General Commercial District to A-2 Agricultural District. Mr. Cropper read the third paragraph on page one of the findings, indicating that he would like to adopt the definition of the neighborhood with one exception. The neighborhood as defined in Case No. 395 was as follows: to the north by Harbor Road and Sunset Avenue, to the west by MD Route 611, to the south by the southerly property line of Parcel 94 (Frontier Town Campground, the petitioned property in that case), and to the east by the Sinepuxent Bay. Mr. Cropper argued that the lands on the westerly side of MD Route 611 should be included in the new definition of the neighborhood, as it then encompasses the petitioned property and surrounding parcels. He submitted a copy of the Zoning Map reflecting the properties fronting on the west side of MD Route 611 as Applicant's Exhibit No. 5.

Submitted as Applicant's Exhibit No. 6 was a map of the Mystic Harbor Sewer Service Planning Area. Mr. Cropper explained that the lands on both the easterly and westerly sides of MD Route 611 are included in this sewer service area. These lands contain a mixture of uses and zones; additionally, there is a vast amount of traffic on MD Route 611 that affects properties on both sides of that road. Mr. Cropper explained that the neighborhood is defined more holistically in this document as it includes the lands on the westerly side of MD Route 611 as part of the neighborhood he has defined. Mr. Engel indicated that he concurred with the definition of the neighborhood as proposed by Mr. Cropper.

Mr. Cropper then reviewed the staff report for this case, indicating that he agreed with the contents on pages one and two with respect to the property information and history, as well as the pertinent sections of Chapter 2 – Land Use of the Comprehensive Plan. He further explained that the intent is not to rezone the property for further development, but to allow the current activity to remain and be in conformance with the proposed zoning.

Mr. Cropper referenced the commercial land supply noted on Page 3 of the staff report. He testified that since 36 acres of previously commercial land was downzoned through Rezoning Case No. 396, there is an overall reduction in available commercial land specifically in this defined neighborhood. Mr. Cropper stated that the rezoning will not affect traffic flow on MD Route 611 at this time, as no further development is planned for with this requested change in zoning. Mr. Cropper agreed with the comments provided by Mr. Mitchell relative to water and wastewater facilities. He also agreed with the comments provided relative to emergency services, schools and critical area regulations. Mr. Cropper reiterated that he agreed with the vast majority of staff's analysis.

Submitted as Applicant's Exhibit No. 7 was an email from Mr. Mitchell with a chart of the Mystic Harbor Sewer Service Area Sewer EDU allocation (as of 4/14/2020) to accompany the previously submitted service area map. This chart reflects that there has been an increase in the number of EDUs allocated due to the expansion of the service area, thus constituting a change in the character of the neighborhood. Mr. Cropper stated that this change occurred after Rezoning Case No. 395 was approved, therefore increasing the availability of public facilities (specifically sewer).

In summary, Mr. Cropper stated that there would be no change in transportation patterns, nor additional threats to endangered species. He said that the proposed rezoning of the petitioned area would make the land more compatible with the Comprehensive Plan and its EDA designation in the Comprehensive Land Use Map. Mr. Engel agreed that the requested zoning is more consistent with the Comprehensive Plan and zoning regulations, and that it solves the matter of the currently nonconforming use.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that while Mr. Cropper's definition of the neighborhood is appropriate, there has been no change in the character of the neighborhood, and therefore this request should only be considered on the merits of a mistake in the existing zoning.
- B. Regarding population change: The Planning Commission concluded that there has been no change in population since the last comprehensive rezoning.
- C. Regarding availability of public facilities: The Planning Commission found that

there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, as this property is currently served with private well and septic. Mr. Mitchell's memo stated that the subject property is in the S-1 (Immediate to two-year timeframe) of the Master Water and Sewerage Plan, and has been allocated one (1) EDU from the Landings Sanitary Service Area. There are currently no plans for redevelopment or expansion of the existing business, therefore there will be no additional demand on for public facilities. In addition, this property is also within the Mystic Harbour Sanitary Sewer Service Planning Area, as illustrated on the map provided as Applicant's Exhibit No. 6. Therefore, adequate public facilities are available for the petitioned property. Additionally, fire and ambulance service will be available from the Berlin Fire Company, approximately one minute away from the substation to the south, as well as the Ocean City Fire Company, approximately eight minutes away. No comments were received from either 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 either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. As a commercial use, there will be no impact on the school system. 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 MD Route 611 (Stephen Decatur Highway), a State-owned and -maintained roadway with an approximately 100-foot right-of-way. The Comprehensive Plan classifies MD Route 611 as a Two-Lane Secondary Highway/ Major Collector Highway. It recommends limited growth along the mid and southern portion of the corridor due to the sensitivity of nearby lands and the limited capacity of the area's road system. No comments were received from the Maryland Department of Transportation, State Highway Administration's (MDOT SHA) District 1 office. Frank Adkins, Worcester County Roads Superintendent, stated in his response memo (attached) that he had no comments on the requested rezoning at this time. 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 as no significant changes are anticipated with respect to the current use of the property.
- 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 the petitioned area is currently developed with a commercial business, that there are no plans for expansion of the business on the property, therefore there will be no adverse impacts as a result of this rezoning. The property had been previously designated with a commercial zoning classification, and was consistent with the existing development in the area at that time. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from A-2 Agricultural 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 (EDA) Land Use Category. In addition, the 36 acres of land that was rezoned from commercial to agricultural at Frontier Town Campground constituted a significant reduction in available commercially zoned lands within the applicant's defined neighborhood. As previously stated, the property held a commercial zoning classification until 2009, and was developed under those regulations. The existing use is currently nonconforming, a condition created in 2009 at the time of the comprehensive rezoning. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from A-2 Agricultural 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, however they did not find that there was a change in the character of the neighborhood. Given the current and historical use of the petitioned area as a commercial enterprise, as well as the Existing Developed Area Land Use category in the Comprehensive Plan, the Planning Commission found that it was a mistake to have placed the petitioned area in the A-2 Agricultural District designation during the 2009 comprehensive rezoning. 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. 426, seeking a rezoning of the petitioned area from A-2 Agricultural District to C-2 General Commercial District on the basis of a mistake only.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 426

PROPERTY OWNERS: David Lane and Susun Rowe Lane
8621 Stephen Decatur Highway
Berlin, MD 21811

ATTORNEY: Mark S. Cropper, Esquire
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

TAX MAP/PARCEL INFO: Tax Map 33, Parcel 341 – Tax District 10

SIZE: The petitioned area is 1.74 acres in size.

LOCATION: The petitioned area is located on the westerly side of MD Route 611 (Stephen Decatur Highway), south of Snug Harbor Road, in Berlin.

CURRENT USE OF PETITIONED AREA: The property is developed with an 1,850 square foot building for a contractor shop (sign shop – 1,200 square feet) with office and retail space (650 square feet) known as Sun Signs.

CURRENT ZONING CLASSIFICATION: A-2 Agricultural District

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District

APPLICANT'S BASIS FOR REZONING: The application indicates that there has been both a change in the character of the neighborhood since the last zoning of the property, and also that there was a mistake made in the existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s, the parcel was given an A-1 Agricultural District zoning classification. This classification was retained in the 1978 comprehensive rezoning. In 1988, the property was rezoned to B-2 General Business District by virtue of Rezoning Case No. 253. The commercial classification was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning, the petitioned area was changed to the A-2 Agricultural District.

SURROUNDING ZONING: The properties to the north, south and west are all zoned A-2 Agricultural District. The property to the east on the opposite side of MD Route 611 (Stephen Decatur Highway) is zoned C-2 General Commercial District.

COMPREHENSIVE PLAN:

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Existing Developed Area (EDA) Land Use Category. With regard to the Existing Developed Area Land Use Category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA’s existing character.” (Pages 13, 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

3. Maintain the character of the county’s existing population centers
4. Provide for appropriate residential, commercial, institutional, and industrial uses
5. Locate new development in or near existing population centers and within planned growth centers
6. Infill existing population centers without overwhelming their existing character
8. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character
10. Locate employment centers close to the potential labor force
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads
17. Discourage highway strip development to maintain roadway capacity, safety, and character

(Pages 12, 13)

Also in Chapter 2- Land Use, under the heading Commercial Land Supply, the Comprehensive Plan states:

“Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land in this category as unbuildable, the remaining land if developed would have the capacity to serve a population of over 2 million people; the county’s peak seasonal population is less than 25 percent of this number.” (Page 24)

The land use analysis in Chapter 2 by subwatershed states the following:

“MD 611 provides adequate access, but it can be congested in summer. MD 611 LOS [Level of Service] is nearing the “impacted” category. The entire subwatershed other than its West Ocean City (northern) portion should not be further developed due to its traffic, environmental sensitivity, and high storm hazard vulnerability characteristics along with its value as a gateway to the parks.” (Page 28)

Chapter 4 - Economy also includes objectives related to Commercial Services. They are as follows:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
4. Bring into balance the amount of zoned commercial locations, with the anticipated need with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)

In the same chapter, under the heading Commercial Facilities, the Comprehensive Plan states:

“Retailing is one of the largest employers in the county and is a significant contributor to the economy. Currently, designated commercial lands far outstrip the potential demand for such lands. When half of these lands are assumed to be undevelopable (wetlands and other constraints), the potential commercial uses can serve an additional population of over two million persons. The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result.” (Page 62)

In Chapter 6 – Public Infrastructure, the Comprehensive Plan provides the following objectives:

1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence

2. Permit development to occur only as rapidly as services can be provided
3. Ensure adequate public facilities are available to new development
4. Require new development to “pay its way” by providing adequate public facilities to meet the infrastructure demand it creates

(Page 70)

In Chapter 7 – Transportation, the Comprehensive Plan states the following:

“Worcester’s roadways experience morning and evening commuter peaks, however, they are dwarfed by summer resort traffic. Summer traffic peaks on Friday evening, Saturday, and Sunday afternoon. Weekend travel clusters on Friday and Sunday evenings with longer-term check-ins/outs peaking on Saturday. Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90.” (Page 79)

“Average daily traffic on MD 611 has increased 163 percent since 1990. MD 611 traffic volume and level of service should be monitored to avoid affecting this roadway. Development along the MD 611 corridor should be kept to infill for the planning period.” (Page 80)

“Commercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercially zoned land pose problems for the road system, particularly for US 50.” (Page 82)

With regard to MD Route 611 specifically, this chapter notes that this roadway is classified as a two-lane secondary highway/major collector highway. It cites the following policies, projects and recommendations this corridor:

- Conduct scenic and transportation corridor planning to continue this road’s rural and coastal character particularly from MD 376 to Assateague Island.
- Study need for and implement capacity improvements from MD 376 to US 50.
- Provide for interparcel connectors, service roads and other access controls.
- Growth along the mid and southern portion of the corridor should be limited due to the sensitivity of nearby lands and the limited capacity of the area’s road system.
- Plan for widening and intersection improvements of the corridor’s northern end.

(Page 85)

In the same chapter, under the heading General Recommendations – Roadways, the Comprehensive Plan lists the following recommendations:

1. **Acceptable Levels of Service**—It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. **Traffic studies**--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. **Impacted Roads**--Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. **Impacted Intersections**--Upgrade intersections that have fallen below a LOS C

(Page 87)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property is served by private well and septic, with a designation of a Sewer Service Category of S-1 (Immediate to two-year timeframe) in the Master Water and Sewerage Plan. He states that the property has been designated one (1) sewer EDU from the Landings Sanitary Service Area as this parcel is part of the existing developed properties in the Lewis Road area. Before receiving service, they would need to obtain an approved connection from the Department of Public Works. No comments were received from John H. Tustin, P.E., Director of Public Works, or John Ross, P.E., Deputy Director of Public Works.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

Mu -- Mullica-Berryland complex, severe limitations to on-site wastewater disposal
FadA -- Fallsington sandy loams, severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company substation, located approximately one minute away, 0.4 miles to the south of the petitioned area on MD Route 611 (Stephen Decatur Highway). No comments were received from the Berlin Fire Company with regard to this review. In addition, fire and ambulance service will also be available from the Ocean City Fire Company, which is located approximately eight minutes away, 3.7 miles north of the petitioned area on Keyser Point Road. No comments were received from the Ocean City 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 Office in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County Commissioners
 Worcester County Government Center
 One W. Market Street, Room 1103
 Snow Hill, Maryland 21863

APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP

(For Office Use Only – Please Do Not Write in this Space)

Rezoning Case No. 426

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 5/11/2020

Date Reviewed by the Planning Commission 9/3/2020

I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: _____
- B. Property Owner: _____
- C. Contract Purchaser: _____
- D. Option Holder: _____
- E. Leasee: _____
- F. Attorney for B (insert A, B, C, D or E) X
- G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 0033
- B. Parcel Number(s): 0341
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 10

III. Physical Description of Property

- A. Located on west side of MD Route 611, Stephen Decatur Hwy Road, approximately 512.74 feet/miles to the south side of Snug Harbor Road.
- B. Consisting of a total of 1.74 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

The property was conveyed to the owner by a Deed from Mabel J. Coffin and Mabel P. Disharoon, dated 04/30/74 and recorded among the Land Records of Worcester County, MD in Liber FWH No. 436, folio 12, et. seq. on which the business "Sun Signs" is located.

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): Agricultural A-2
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: 1.74
- C. Requested zoning classification(s): General Commercial District C-2
(name and zoning district)
- D. Acreage of zoning classification(s) in "C" above: 1.74

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

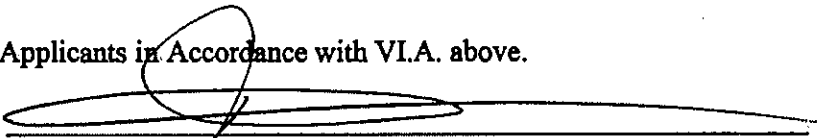
There has been a change in the character of the neighborhood and there is a mistake in existing zoning.

VI. Filing Information and Required Signatures

A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest in the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

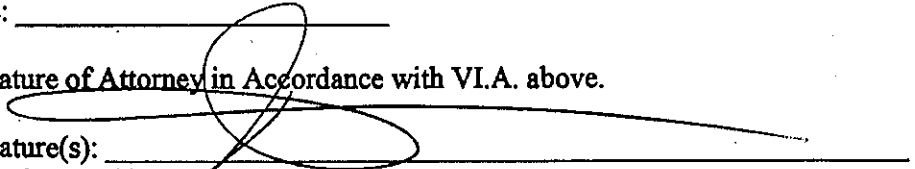
B. Signature of Applicants in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 8200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 5/7/20

C. Signature of Property Owner in Accordance with VI.A. above.

Signature(s): _____
Printed Name(s): _____
Mailing Address: _____
Phone Number: _____ Email: _____
Date: _____

D. Signature of Attorney in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 8200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 5/7/20

(Please use additional pages and attach to the application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for Map Amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development and existing environmental conditions for the area including having no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement; the recommendation of the Planning Commission; and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or (b) there is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for a map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

REZONING FINDINGS OF FACT FORM

Applicant shall provide information with regard to the following items:

- A. Is the request for rezoning based upon a claim that there has been a change in the character of the neighborhood where the property is located since the last zoning of the property or upon a claim that there is a mistake in the existing zoning and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- B. What is the definition of the neighborhood in which the subject property is located, as determined by the applicant.

- C. Findings of Fact as to Section 1-113(c)(3) of the Zoning Code:

1. Relating to population change:

2. Relating to the availability of public facilities:

3. Relating to present and future transportation patterns:

4. Relating to the compatibility with existing and proposed development and existing environmental conditions for the area:

5. Relating to compatibility with the Comprehensive Plan:

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 10 Account Number - 319277			
Owner Information					
Owner Name:		LANE DAVID R & SUSUN ROWE		Use:	COMMERCIAL
Mailing Address:		8621 STEPHEN DECATUR HWY BERLIN MD 21811-2666		Principal Residence:	NO
				Deed Reference:	/01478/ 00090
Location & Structure Information					
Premises Address:		8621 STEPHEN DECATUR RD BERLIN 21811-0000		Legal Description:	APPRX 1.74 ACS W SIDE R-611 SW OF OCEAN CITY
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0033	0010	0341	12080.24	0000	
					Block:
					2019
					Assessment Year:
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1992		1,850 SF		1.7400 AC	
				Property Land Area	
				1.7400 AC	
				County Use	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		LIGHT MANUFACTURING	/	C3	
					Garage
					Last Notice of Major Improvements
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2019	07/01/2019	07/01/2020
Land:		191,900	361,600		
Improvements		73,400	64,700		
Total:		265,300	426,300	318,967	372,633
Preferential Land:		0			0
Transfer Information					
Seller: ASSATEAGUE JOINT VENTURE		Date: 09/20/1988		Price: \$28,000	
Type: ARMS LENGTH IMPROVED		Deed1: RHO /01478/ 00090		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2019	07/01/2020
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	0.00 0.00
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

first above written.

WITNESS:

Joyce Franko
Les Ekin

ASSATEAGUE JOINT VENTURE NO. II

BY: *[Signature]* (SEAL)
THOMAS H. COLLINS, Trustee

BY: *[Signature]* (SEAL)
RONALD C. PULLIAM, Trustee

STATE OF FLORIDA, COUNTY OF ^{DEER} ~~MADIAN RIVER~~ (20) TO WIT:

I HEREBY CERTIFY that on this 21 day of August, 1988, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared THOMAS H. COLLINS, who acknowledged himself to be the Trustee of ASSATEAGUE JOINT VENTURE NO. II, and as such Trustee, being authorized so to do, executed the foregoing Deed for the purposes therein contained on behalf of said Joint Venture.

AS WITNESS my hand and Notarial Seal.

Diane J. Wells
NOTARY PUBLIC

My Commission Expires: My Commission Expires October 13, 1991
Bonded thru Huckleberry & Associates

STATE OF *Virginia* COUNTY OF *Caroline* TO WIT:

I HEREBY CERTIFY that on this 14 day of ^{September} ~~August~~, 1988, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared RONALD C. PULLIAM, who acknowledged himself to be the Trustee of ASSATEAGUE JOINT VENTURE NO. II, and as such Trustee, being authorized so to do, executed the foregoing Deed for the purposes therein contained on behalf of said Joint Venture.

AS WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC

My Commission Expires: 12-23-89

WORCESTER COUNTY
SANITARY DISTRICT
NO ASSESSMENT
DATE 9/1/88

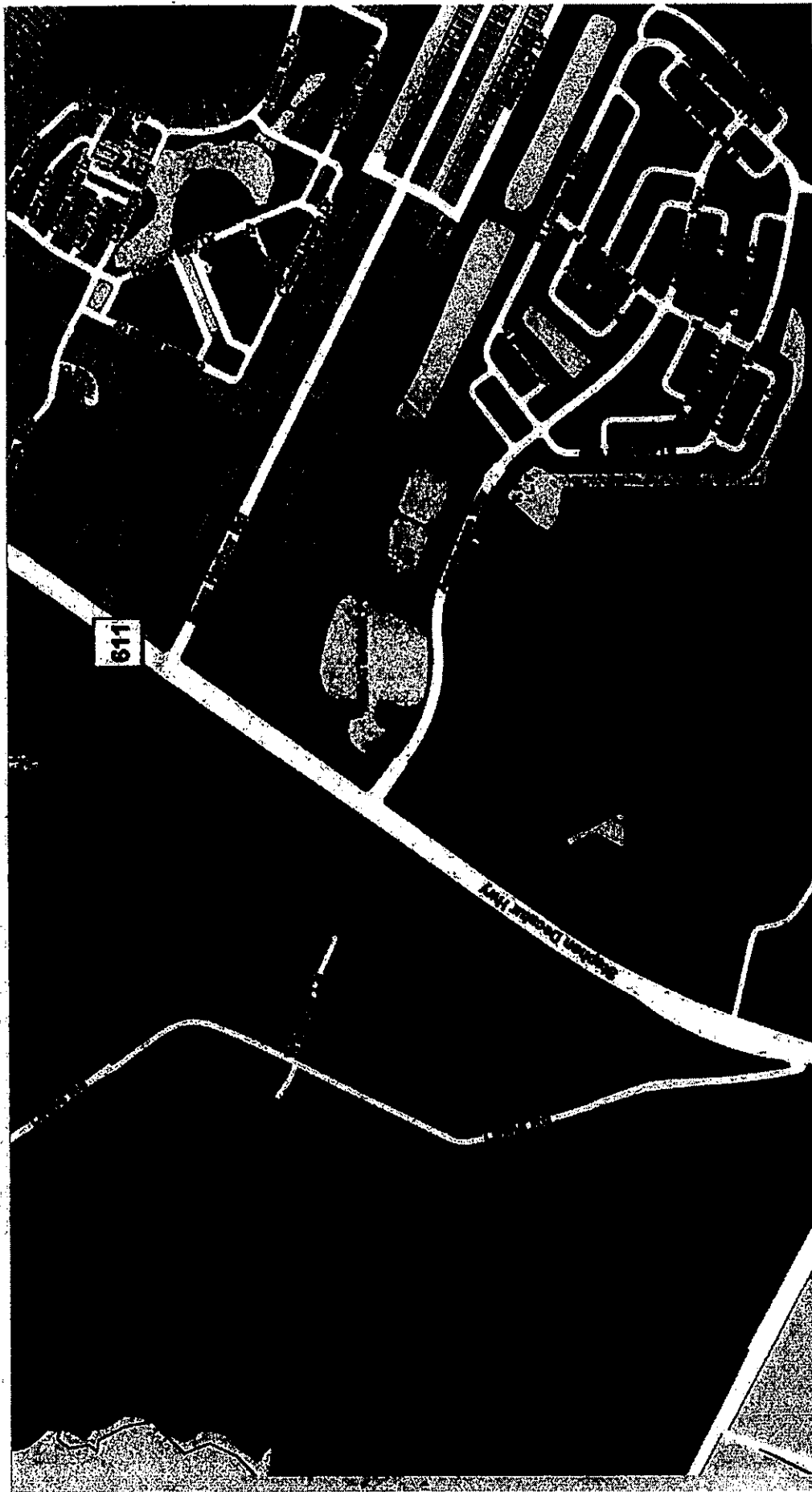
TAXES FOR WHICH ASSESSMENTS
HAVE BEEN RECEIVED HAVE BEEN
PAID AS OF DATE 4-16-88
WORCESTER COUNTY FINANCE OFFICER
BY *[Signature]*
OFFICE OF PERSONAL PROPERTY

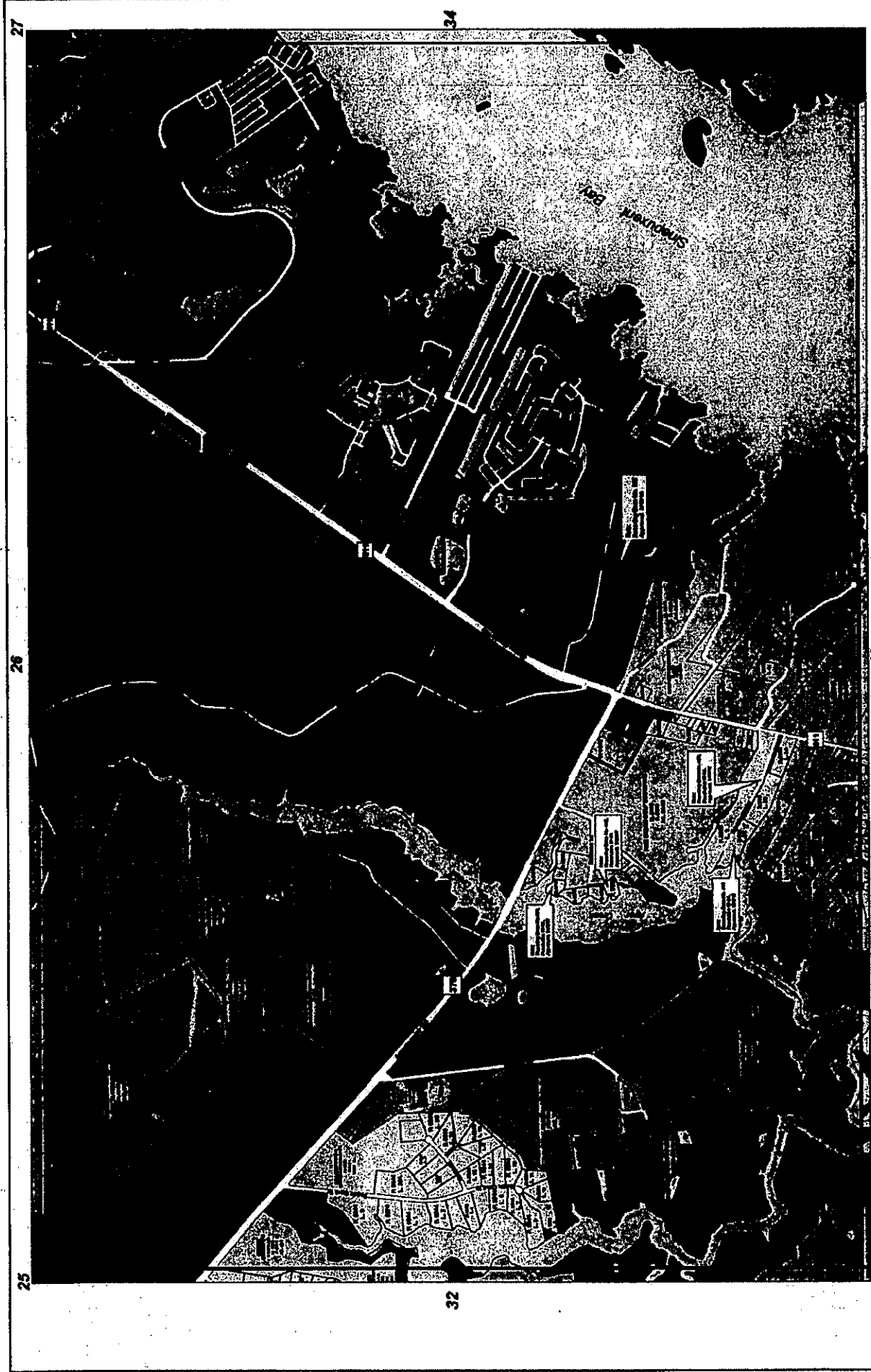
WORCESTER COUNTY CIRCUIT COURT (Land Records) RHO 1478, p. 0091, MSA_CES1_1625, Date available 06/12/2003. Printed 04/24/2020.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Worcester County
9-19-88

Agricultural Valuation
in the amount of \$
George H. Haskins, Jr.
Supervisor
AG

1988 Sept 20 The foregoing Deed filed
for record and is accordingly recorded among the land records of
Worcester County, Md. in Liber, R.H.O. No. 1478 folios 90 & 91
[Signature] Clerk





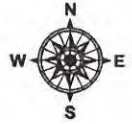
Tax Map 33

A1	RP	RI	CI	VI
A2	E1	RS	R1	CI
CA	E1	RM	CM	CS

Official Zoning Map
 The Official Zoning Map of the Town of ... is hereby adopted and amended to read as follows: ...
 Approved by the Board of Selectmen on ...
 Attest: ...

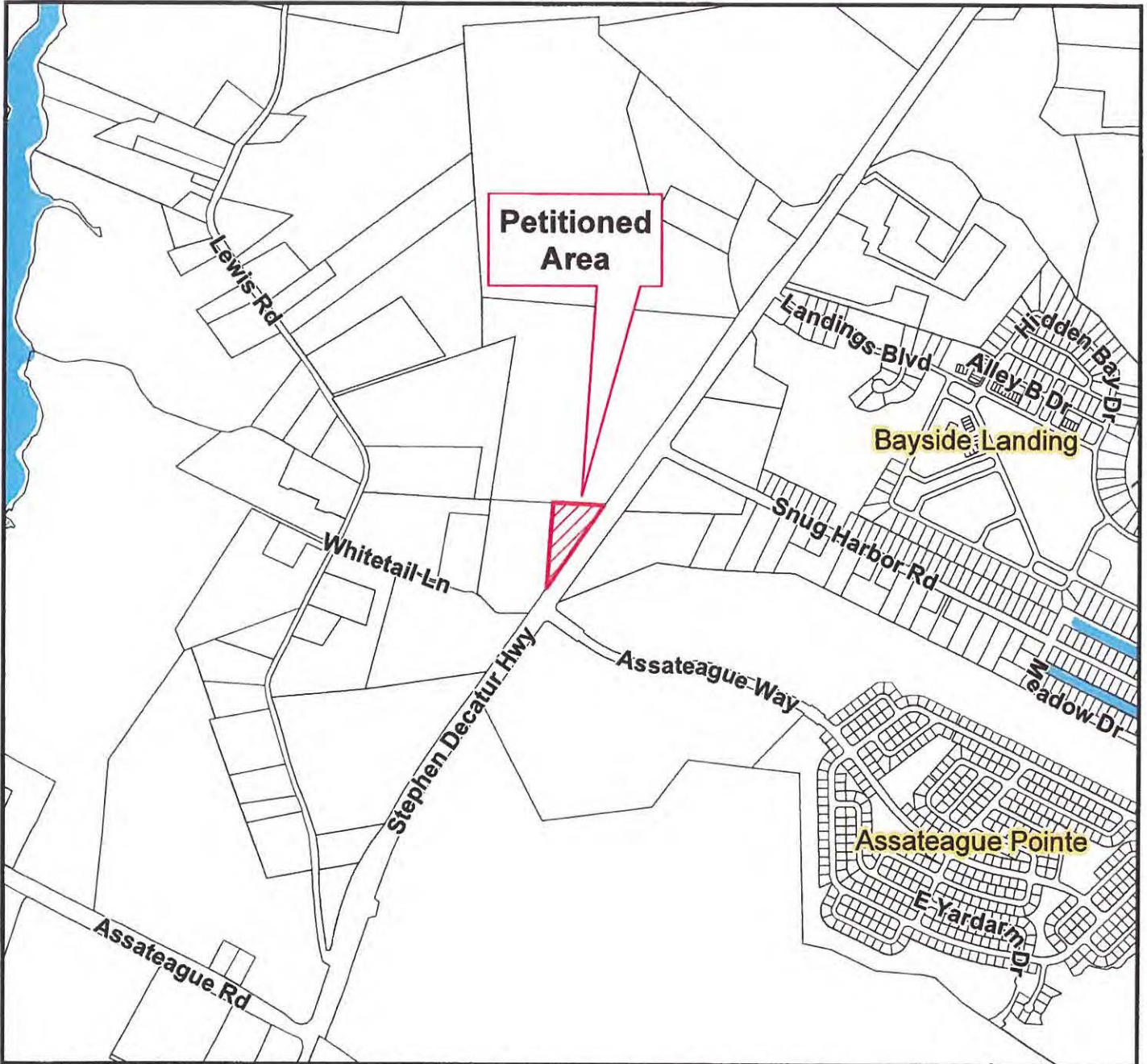


WORCESTER COUNTY, MARYLAND

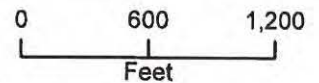


REZONING CASE NO. 426
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 33, Parcel 341

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

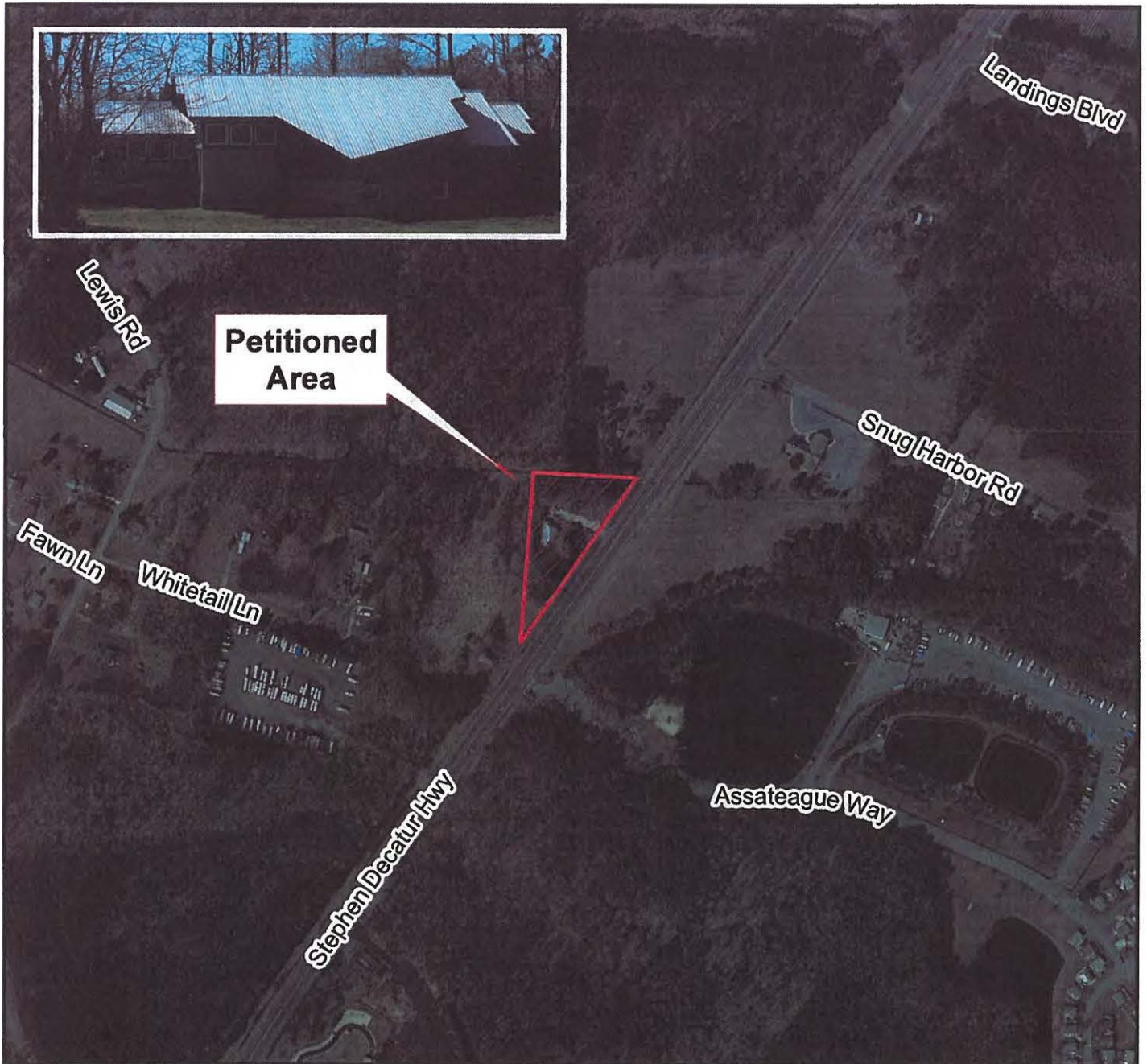


WORCESTER COUNTY, MARYLAND

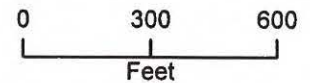


REZONING CASE NO. 426
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 33, Parcel 341

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020

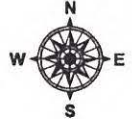


Source: Worcester County GIS Data Layers - 2019 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: JKK

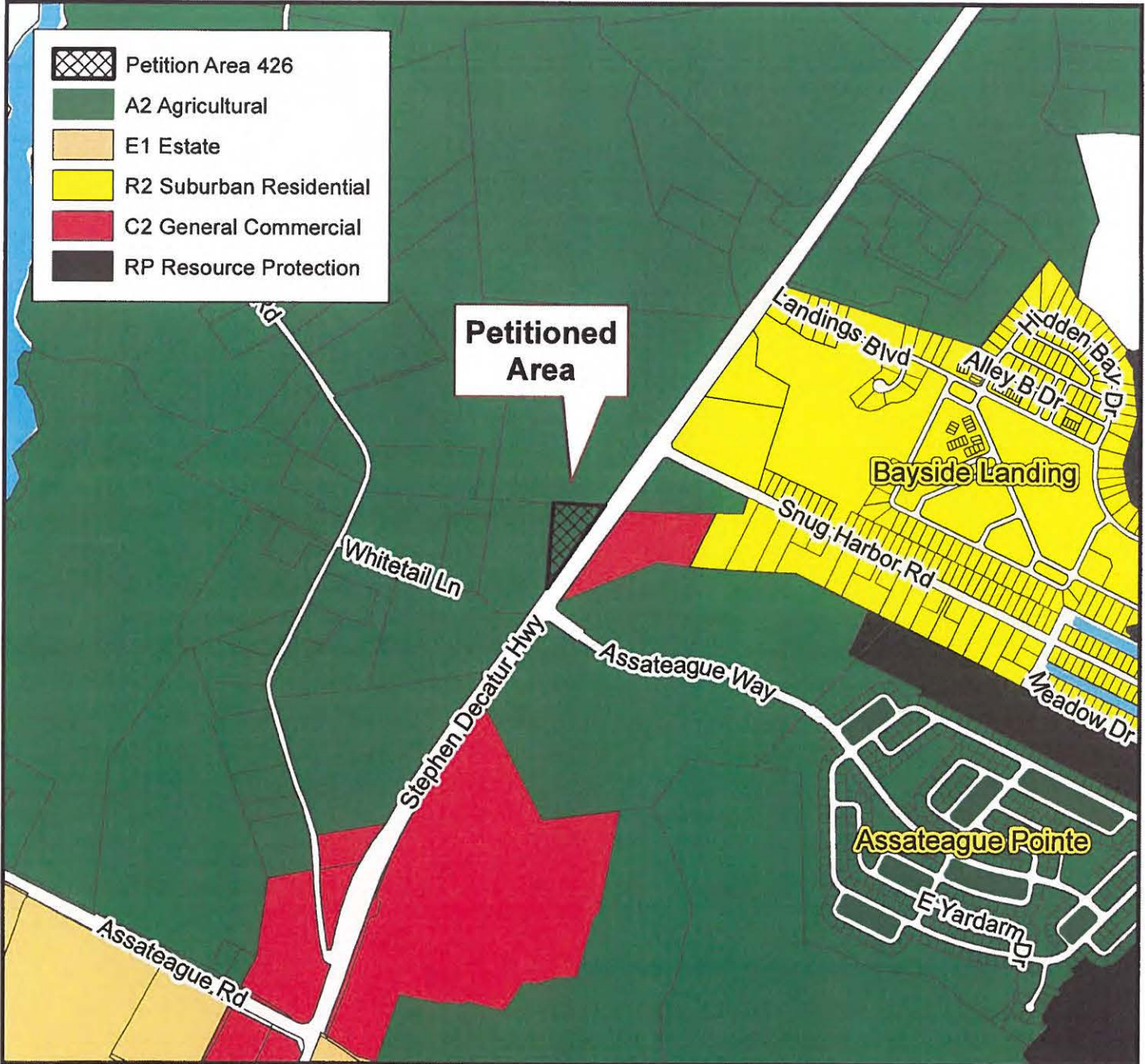


WORCESTER COUNTY, MARYLAND

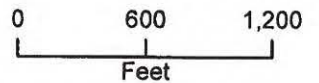


REZONING CASE NO. 426
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 33, Parcel 341

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2009 Zoning Map

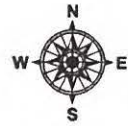
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

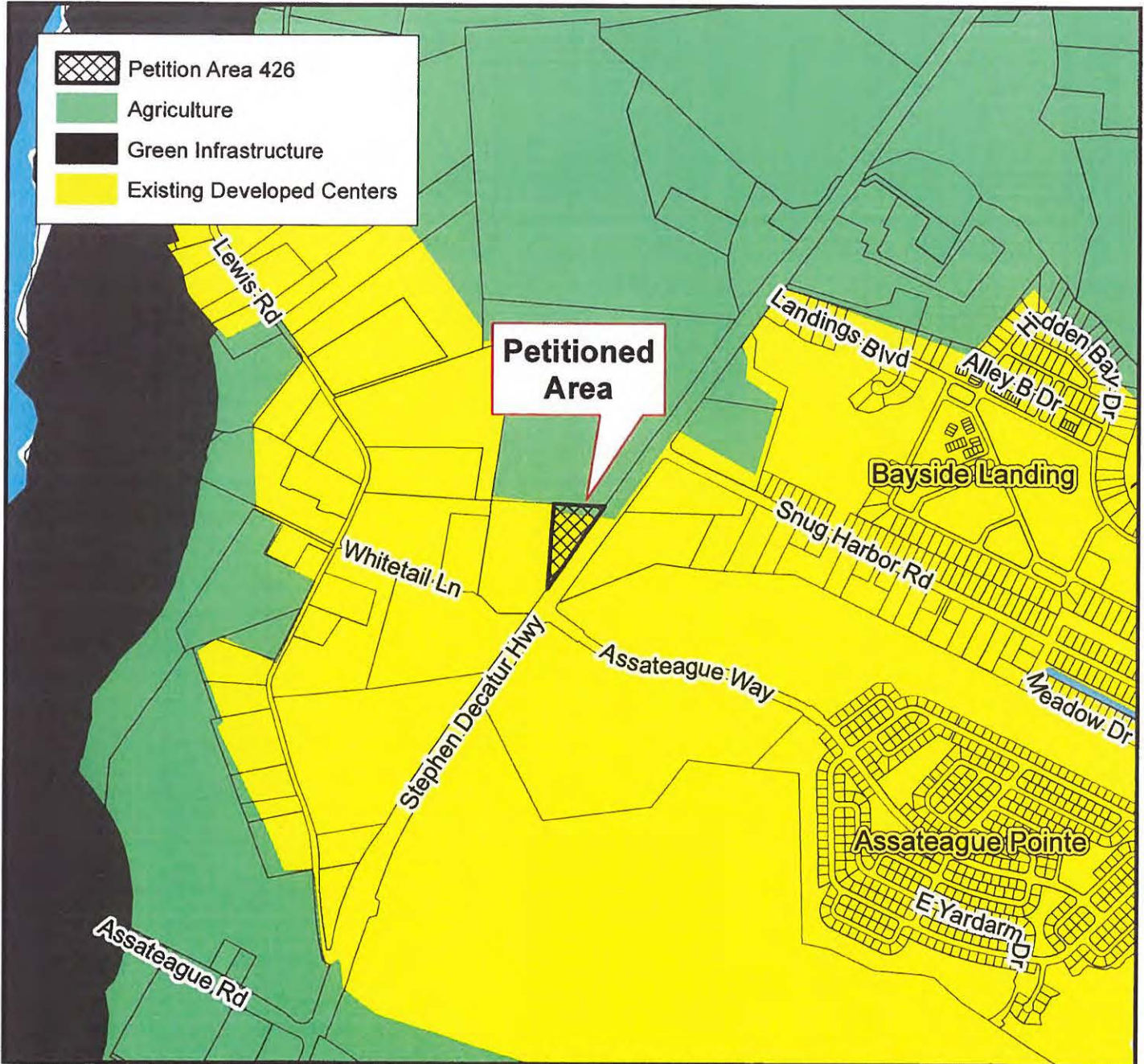


WORCESTER COUNTY, MARYLAND

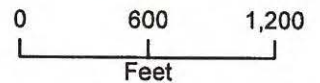


REZONING CASE NO. 426
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 33, Parcel 341

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2006 Land Use Plan Map

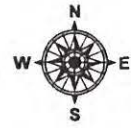
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

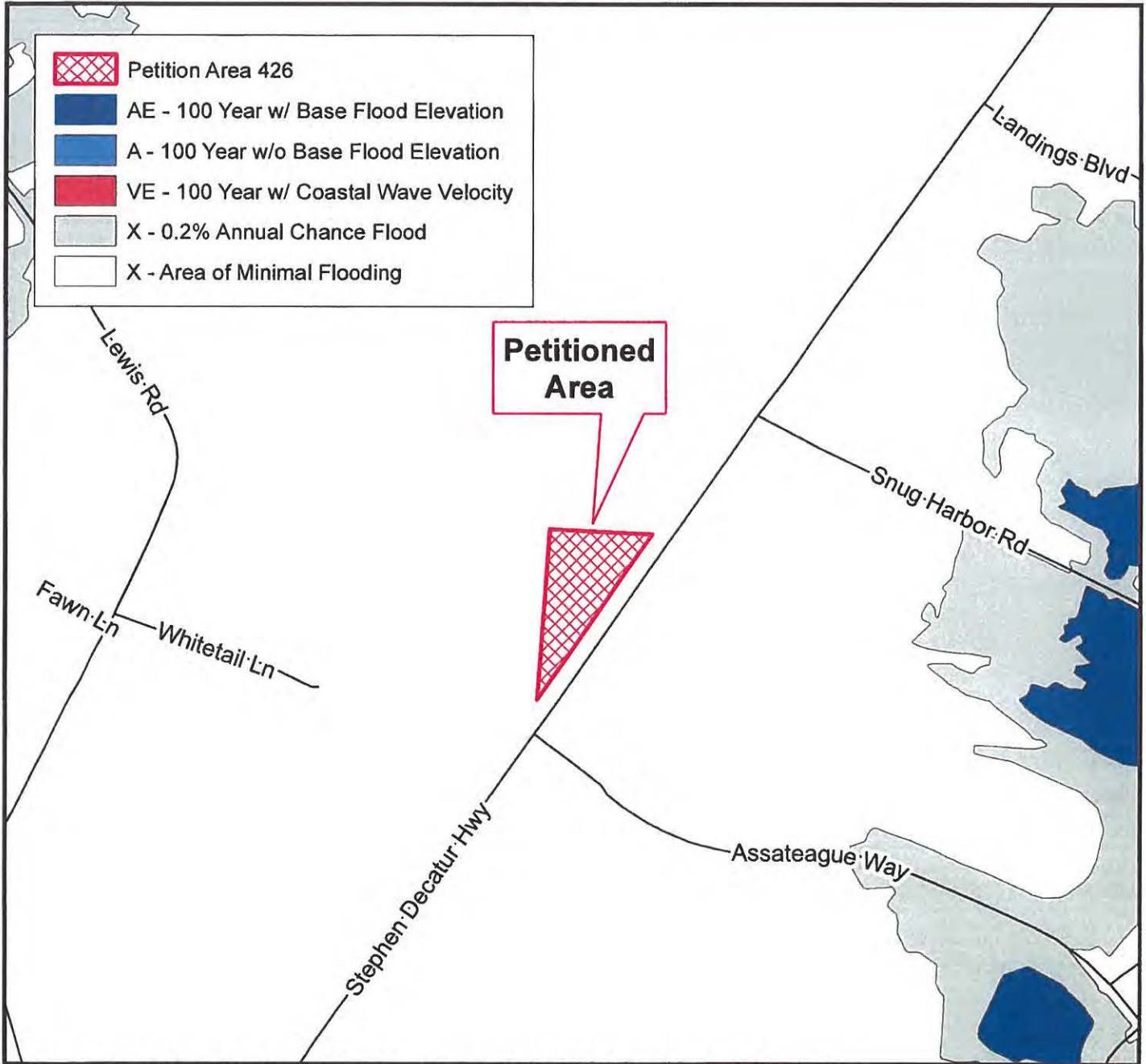


WORCESTER COUNTY, MARYLAND

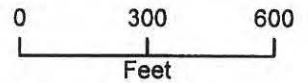


REZONING CASE NO. 426
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 33, Parcel 341

FLOOD PLAIN MAP



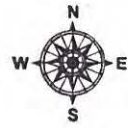
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2015 FEMA Flood Insurance Rate Maps
 This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: JKK

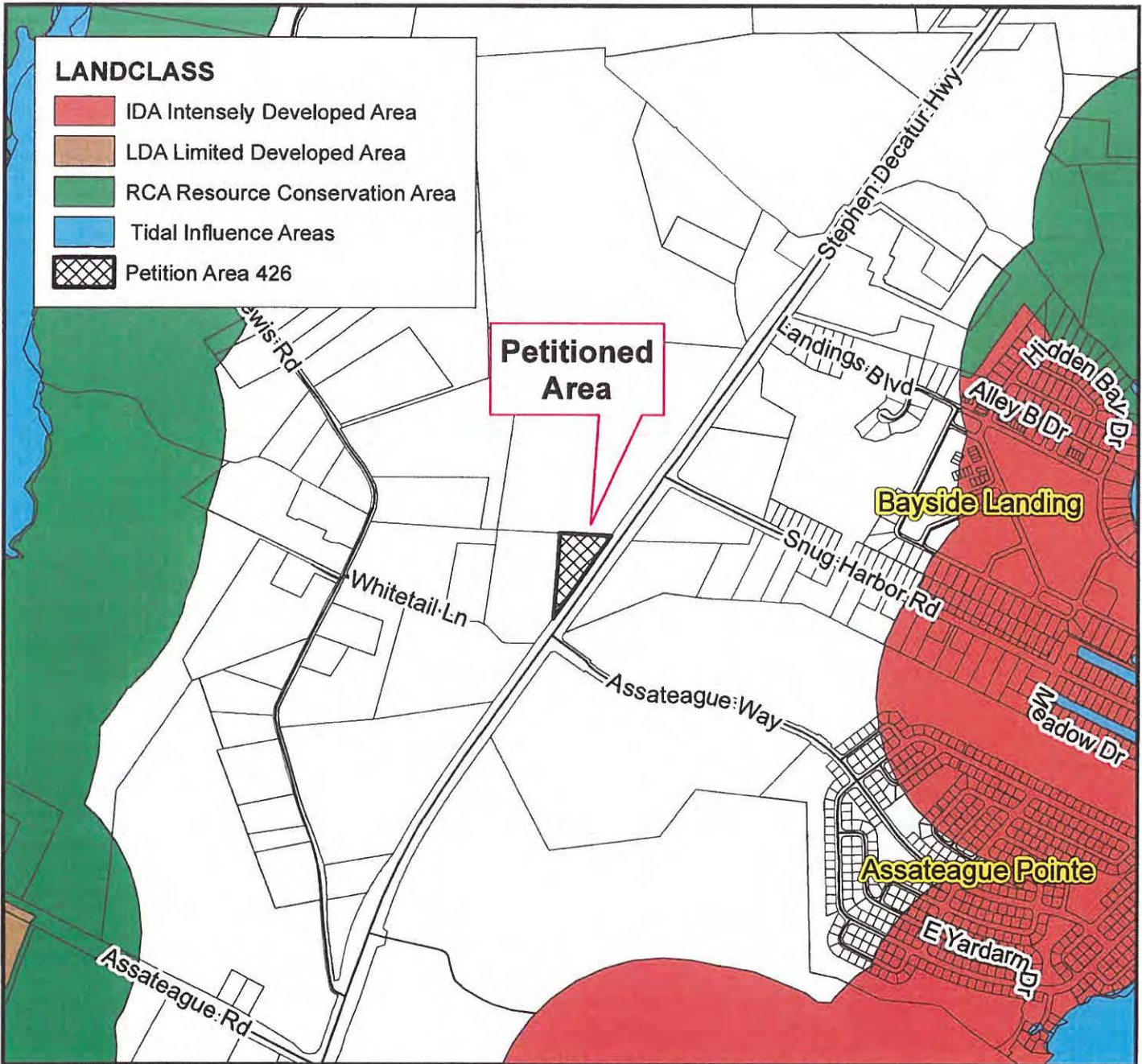


WORCESTER COUNTY, MARYLAND

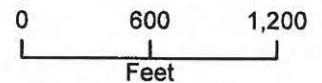


REZONING CASE NO. 426
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 33, Parcel 341

CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - Atlantic Coastal Bay Critical Area Program

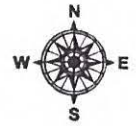
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

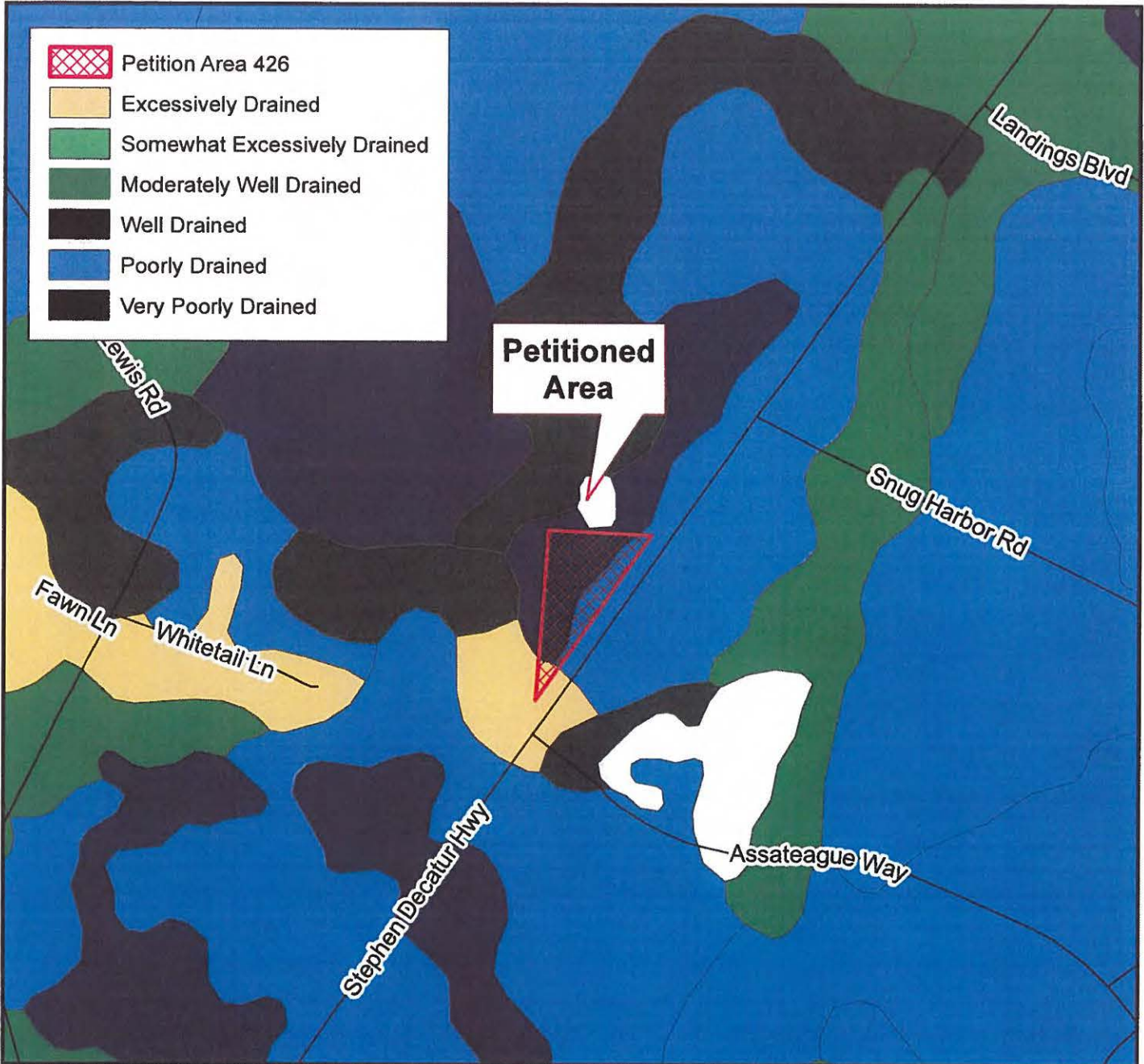


WORCESTER COUNTY, MARYLAND

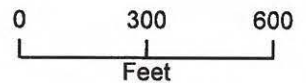


REZONING CASE NO. 426
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 33, Parcel 341

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2007 Soil Survey

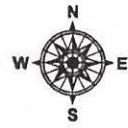
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

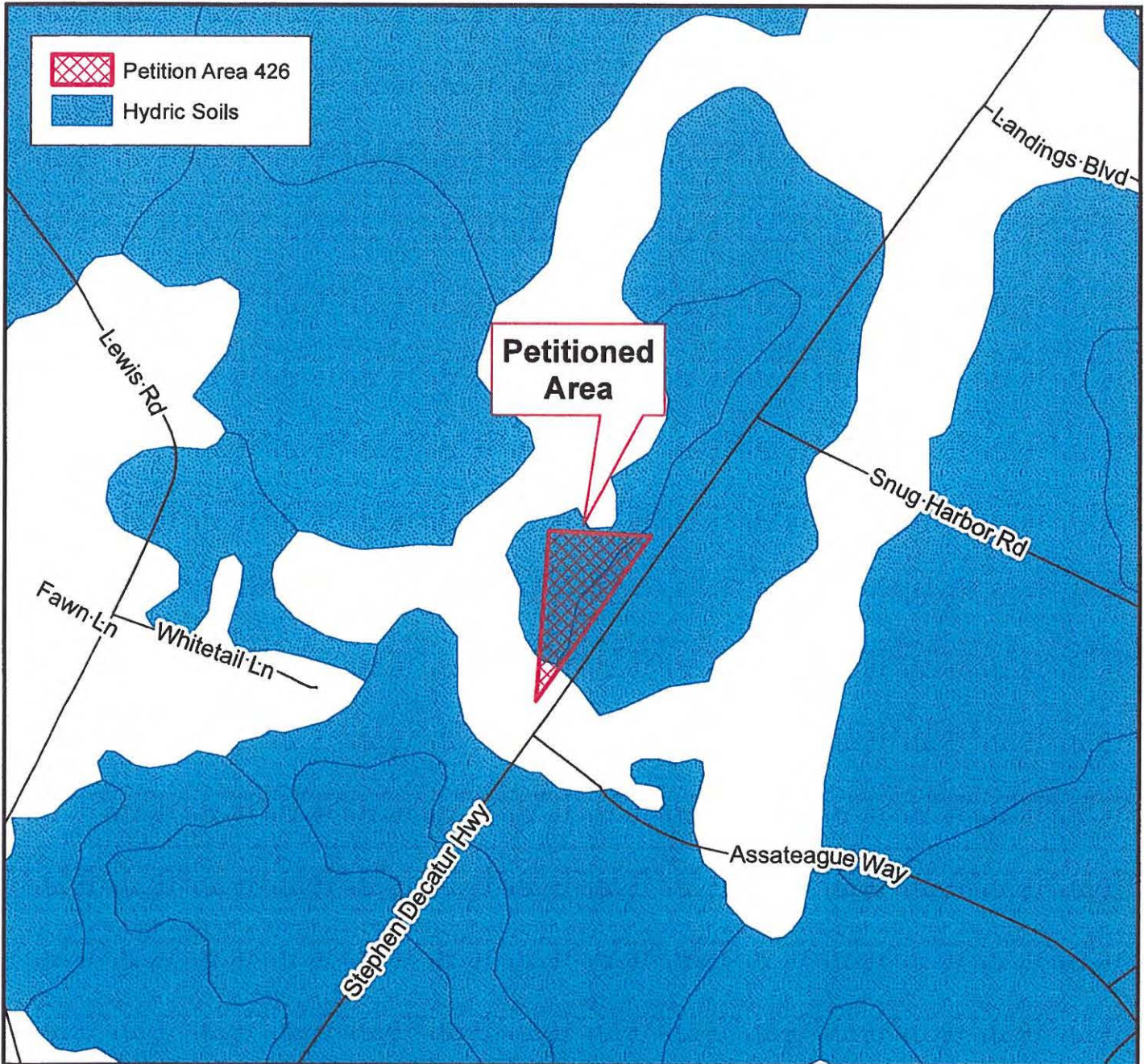


WORCESTER COUNTY, MARYLAND

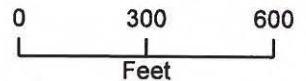


REZONING CASE NO. 426
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 33, Parcel 341

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020

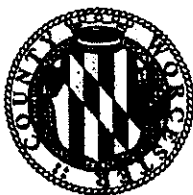


Source: Worcester County GIS Data Layers - 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK



Worcester County
Department of Environmental Programs

Memorandum

To: Jennifer Keener, Deputy Director, DDRP

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

Subject: EP Staff Comments on Rezoning Case No. 426
Worcester County Tax Map 33, Parcel 341
Reclassify approximately 1.74 Total Acres of
A-2 Agricultural District to C-2 General Commercial District

Date: 8/14/20

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009, and argues a substantial change in the character of the neighborhood has occurred as well. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

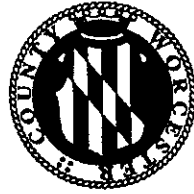
The Department of Environmental Programs has the following comments:

1. The property has an existing developed land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. The *Comprehensive Plan* also says that appropriate zoning providing for densities and uses consistent with this character should be instituted. Existing Developed areas were anticipated in *Comprehensive Plan* to remain as mapped at least until the next plan review period to provide for orderly infill development.

34
Citizens and Government Working Together

2. *The Comprehensive Plan* goes on to say that these areas are not designated as growth areas, these areas should be limited to infill and that Density, height, bulk, and site design standards should also be consistent with the EDA's existing character. These are all items that should be considered and discussed by the applicant.
3. The existing structure on the property is served by private well and septic at the present time. The subject property has a designation of a Sewer and Water Service Category of S-1 and (Immediate to two-year timeframe) in the *Master Water and Sewerage Plan*. They have been designated one (1) sewer EDU from the Landings Sanitary Service Area as this parcel is part of the existing developed properties in the Lewis Road area. The owner would need to secure a DPW-approved connection to the Landings wastewater plant to receive service.
4. This rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included is the proposed rezoning has not be subject to the Forest Conservation Law. This is due to all permitted construction having occurred prior to the implementation of the Law. A change from A-2 (agricultural district) to C-2 (general commercial) would change the afforestation/reforestation thresholds when/if property is further developed to the point that compliance with the Forest Conservation Law is required. The afforestation threshold will change from 20 percent to 15 percent and the reforestation threshold will change from 50 percent to 15 percent. This means, if compliance is required, the applicant would need to afforest/reforest a lesser percentage if the rezoning request is granted.

If you have any questions on these comments, please do not hesitate to contact me.



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: Jennifer Keener, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: July 14, 2020
RE: Rezoning Case No. 426, 427, and 428

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

.....
Upon review of the above referenced rezoning case, I offer the following comments:

* Rezoning Case 426: No comments at this time.

Rezoning Case 427: This is a congested intersection with no traffic light.

Rezoning Case 428: No comments at this time.

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

cc: John H. Tustin, P.E., Director

FJA/lj
\\wfile2\users\llawrence\Rezoning\Rezoning Case 426.427.428.doc

Rezoning
Case No. 4260

Jennifer Keener

From: April Mariner
Sent: Friday, July 10, 2020 11:31 AM
To: Jennifer Keener
Subject: FW: Rezoning Cases

FYI

April L. Mariner

Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- <rob.clarke@maryland.gov>
Sent: Friday, July 10, 2020 11:28 AM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezoning Cases

Hi April,

Thanks for the update on personnel. I may retire this year as well although I haven't committed to it yet.

I have reviewed these three cases and on behalf of the Maryland Forest Service have no comments to make.



Rob Clarke
Forester
Maryland Forest Service
Department of Natural Resources
10990 Market Lane
Princess Anne, Maryland 21853-2910
Rob.Clarke@maryland.gov
(410) 651-2004 (O)
(443)235-1636 (M)
[Website](#) | [Facebook](#) | [Twitter](#)

On Fri, Jul 10, 2020 at 9:45 AM April Mariner <amariner@co.worcester.md.us> wrote:

Good Morning Rob, I hope this email finds you safe and well. I am attaching three new Rezoning Cases for comment. Additionally, in case you didn't already know, Phyllis Wimbrow is retiring in September and Jennifer Keener



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
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Billy Birch, Director, Worcester County Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 John H. Tustin, P.E., Director, Worcester County Public Works Department
 John Ross, P.E., Deputy Director, Worcester County Public Works Department
 Frank Adkins, Roads Superintendent, Worcester County Public Works Department
 Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
 Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development
 Kathryn Causey, Director, Economic Development
 Louis H. Taylor, Superintendent, Worcester County Board of Education
 James Meredith, District Engineer, Maryland State Highway Administration
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
 Rebecca L. Jones, Health Officer, Worcester County Health Department
 Rob Clarke, State Forester, Maryland Forest Services
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
 Bryon J. Trimble, Chief, Berlin Fire Department
 Moe Cropper, Chief, Ocean City Fire Department

FROM: Jennifer K. Keener, Deputy Director *JKK*

DATE: July 10, 2020

RE: Rezoning Case No. 426- 1.74 acres located on the westerly side of MD Route 611 (Stephen Decatur Highway), south of Snug Harbor Road - A-2 Agricultural District to C-2 General Commercial District - David Lane and Susun Rowe Lane, property owners/ Mark S. Cropper, Esquire, attorney

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 1.74 acres of land shown on Tax Map 33 Parcel 341, from A-1 Agricultural District to C-2 General Commercial District. Uses allowed in the district include, but are not limited to,

motels/ hotels, retail and service establishments, contractor shops, wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreation establishments, etc.

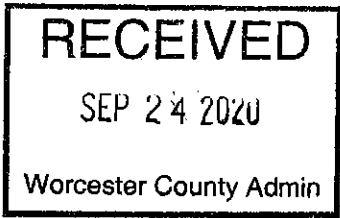
For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. ***If no response is received by AUGUST 14, 2020, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at jkkeener@co.worcester.md.us . On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

ITEM
27



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
<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
Date: September 23, 2020
Re: Rezoning Case No. 428 – YK Enterprise, LLC, applicant,
Mark S. Cropper, Esquire attorney for the applicant

Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 428, seeking to rezone approximately 2.88 acres of land located on the southerly side of St. Martin's Neck Road, east of Aramis Lane, in Bishopville, from E-1 Estate District to A-2 Agricultural District. The case was reviewed by the Planning Commission at its meeting on September 3, 2020 and was given a favorable recommendation.

Also attached for your use is a draft public hearing notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Weston Young. 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/jkk

cc: Jennifer K. Keener, Deputy Director

1a

NOTICE
OF
PROPOSED CHANGE IN ZONING

SOUTHERLY SIDE OF ST. MARTIN'S NECK ROAD
EAST OF ARAMIS LANE

FIFTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 428 has been filed by Mark S Cropper on behalf of YK Enterprise, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 2.88 acres of land located on the southerly side of St. Martin's Neck Road, east of Aramis Lane in the Fifth Tax District of Worcester County, Maryland, from E-1 Estate District to A-2 Agricultural 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
WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 428 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. 428 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

Joseph M. Mitrecic, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 428

APPLICANT:

**YK Enterprise, LLC
10507 Hotel Road
Bishopville, MD 21813**

ATTORNEY FOR THE APPLICANT:

**Mark S. Cropper
6200 Coastal Highway, Suite 200
Ocean City, Maryland 21842**

September 3, 2020

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

I.	Introductory Data	Pages 3 - 4
II.	Testimony Before the Planning Commission	Pages 4
III.	Findings and Conclusions	Pages 4 - 6
IV.	Planning Commission Recommendation	Page 6
V.	Related Material and Attachments	
	A. Copy of Written Staff Report	Pages 7 - 12
	B. Attachments to the Staff Report:	
	1. Application for Amendment of Official Zoning Map with attachment	Pages 13 - 27
	2. Maps of petitioned area	Pages 28 - 35
	3. Comments of Robert J. Mitchell, Worcester County Environmental Programs Director	Pages 36 - 37
	4. Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 38
	5. Comments of Rob Clarke, Forester, Maryland Forest Service	Page 39
	9. Memo requesting comments	Pages 40 - 41

I. INTRODUCTORY DATA

- A. **CASE NUMBER:** Rezoning Case No. 428, filed on May 11, 2020.
- B. **APPLICANT:** YK Enterprise, LLC
10507 Hotel Road
Bishopville, MD 21813
- APPLICANT'S ATTORNEY:** Mark S. Cropper
6200 Coastal Highway, Suite 200
Ocean City, Maryland 21842
- C. **TAX MAP/PARCEL:** Tax Map 10 - Parcel 167 - Tax District 5
- D. **SIZE:** The petitioned area is 2.88 acres in size.
- E. **LOCATION:** The petitioned area is located on the southerly side of St. Martin's Neck Road, east of Aramis Lane, in Bishopville.
- F. **CURRENT USE OF PETITIONED AREA:** The property is developed with an existing single-family dwelling and a pole barn that was approved for residential storage only.
- G. **CURRENT ZONING CLASSIFICATION:** E-1 Estate District.
- H. **REQUESTED ZONING CLASSIFICATION:** A-2 Agricultural District.
- I. **ZONING HISTORY:** At the time zoning was first established in the 1960s, the parcel was given an A-1 Agricultural District zoning classification. This classification was retained in the 1978 comprehensive rezoning. In 1992, the property was rezoned to E-1 Estate District by virtue of the comprehensive rezoning, when the E-1 District was first established. During the 2009 comprehensive rezoning, the petitioned area retained the E-1 Estate District classification.
- J. **SURROUNDING ZONING:** The St. Martins Neck Road corridor in the immediate vicinity of the petitioned area is divided by E-1 Estate District on the southerly side, where the subject property is located, and A-1 Agricultural District to the northerly side of the road.
- K. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture 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), the subject property is served by private well and septic, with a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that a replacement system is necessary for new uses along with the designation of a sewage reserve area on the property that does not conflict with proposed structures and construction.
- M. **ROAD ACCESS:** The petitioned area fronts on St. Martins Neck Road, a County-owned and -maintained roadway with a fifty-foot right-of-way in the area of the subject property. Overall, the roadway width varies anywhere from thirty feet to sixty feet along the right-of-way. St. Martins Neck Road is designated in the Comprehensive Plan as a two-lane County Road/ minor collector highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Mark S. Cropper, applicant's attorney, and Steve Engel, landscape architect, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district. He concurred with the zoning history referenced in the staff report, and explained that almost all of the lands to the south of the petitioned area are within the E-1 Estate District or A-2 Agricultural District; to the north there are agriculturally zoned properties and some industrially zoned lands. Mr. Cropper stressed that the Comprehensive Plan called for the elimination of the E-1 District, and that this was not done in 2009 at the time of the last comprehensive rezoning. If it had been, the petitioned area would have been likely given an agricultural zoning designation. Therefore, a mistake was made by retaining the E-1 Estate District for the petitioned area. Mr. Cropper stated that this request would constitute a downzoning of the lands, reiterated that it would be more consistent with the Comprehensive Plan and it would be in keeping with the surrounding area. Mr. Engel confirmed these observations.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission noted that this was not applicable, since the testimony was based solely on a mistake in the current zoning classification.
- B. Regarding population change: The Planning Commission concluded that there

had been no change in population since the last comprehensive rezoning.

- C. Regarding availability of public facilities: The Planning Commission found that according to Mr. Mitchell's memo, the property is served by private well and septic, with a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. He stated that a replacement system is necessary for new uses along with the designation of a sewage reserve area on the property that does not conflict with proposed structures and construction. Fire and ambulance service will be available from the Bishopville Fire Company, approximately eight minutes away from the subject property. 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 twenty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately forty minutes away. No comments were received from either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Showell 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 (WCBOE). 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, and the site will be subject to the limitations of private water and wastewater.
- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on St. Martins Neck Road, a County-owned and -maintained roadway with a fifty-foot right-of-way in the area of the subject property. Overall, the roadway width varies anywhere from thirty feet to sixty feet along the right-of-way. St. Martins Neck Road is designated in the Comprehensive Plan as a two-lane County Road/ minor collector highway as a result of the linkages it provides between MD Route 367 (Bishopville Road) and MD Route 90 (Ocean City Expressway), and the increase in traffic volumes due to the use of the road as a "short-cut" to local beaches. No comments were received from the Maryland Department of Transportation, State Highway Administration's (MDOT SHA) District 1 office. Frank Adkins, Worcester County Roads Superintendent, stated in his response memo (attached) that he had no comments on the requested rezoning at this time. 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 as no significant changes are anticipated for St. Martins Neck Road, or the connecting highways.
- 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 there would be no impacts to environmental conditions as the property is already developed with a dwelling and accessory buildings. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural 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 Agricultural Land Use Category. In addition, the Comprehensive Plan called for the elimination of the E-1 Estate District in 2009, which was not accomplished during the subsequent comprehensive rezoning. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural 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 due to the fact that the Comprehensive Plan called for the elimination of the E-1 Estate District in 2009, and this was not accomplished during the subsequent comprehensive rezoning. 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. 428, seeking a rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 428

PROPERTY OWNERS: YK Enterprise, LLC
10507 Hotel Road
Bishopville, MD 21813

ATTORNEY: Mark S. Cropper, Esquire
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

TAX MAP/PARCEL INFO: Tax Map 10, Parcel 167 – Tax District 05

SIZE: The petitioned area is 2.88 acres in size.

LOCATION: The petitioned area is located on the southerly side of St. Martin's Neck Road, east of Aramis Lane, in Bishopville.

CURRENT USE OF PETITIONED AREA: The property is developed with an existing single-family dwelling and a pole barn that was approved for residential storage only.

CURRENT ZONING CLASSIFICATION: E-1 Estate District

REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District

APPLICANT'S BASIS FOR REZONING: The application indicates that there has been a mistake made in the existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s, the parcel was given an A-1 Agricultural District zoning classification. This classification was retained in the 1978 comprehensive rezoning. In 1992, the property was rezoned to E-1 Estate District by virtue of the comprehensive rezoning, when the E-1 District was first established. During the 2009 comprehensive rezoning, the petitioned area retained the E-1 Estate District classification.

SURROUNDING ZONING: The St. Martins Neck Road corridor in the immediate vicinity of the petitioned area is divided by E-1 Estate District on the southerly side, where the subject property is located, and A-1 Agricultural District to the northerly side of the road.

COMPREHENSIVE PLAN:

According to Chapter 2 – Lane Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county’s way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.

This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. Dust, odor, chemical applications, noise, and extended hours of operation create conflicts with incompatible uses.

Residential and other conflicting land uses although permitted are discouraged. Only minor subdivisions of five lots or less are permitted. This restriction has been the strongest component of the county’s agricultural preservation strategy, and it should be maintained as is. Also as a general policy, the practice of not rezoning agricultural land for other uses should continue.” (Page 18)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county’s less developed regions
4. Provide for appropriate residential, commercial, institutional, and industrial uses
5. Locate new development in or near existing population centers and within planned growth centers
6. Infill existing population centers without overwhelming their existing character
8. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character
19. Limit rural development to uses compatible with agriculture and forestry

(Pages 12, 13)

Also in Chapter 2- Land Use, under the heading General Land Use Recommendations, the Comprehensive Plan states:

“*Large-lot Zoning*—Delete the Estate land use category and associated zoning district. Designed as a transition zone between urban/suburban development and the rural landscape, this category has:

- Consumed excessive amounts of land per housing unit, taking working farms out of production
- Been overtaken by the requirements of the Coastal Bays Critical Area Program, and
- Failed to achieve truly clustered open space development.

Large lot zoning is incompatible with this plan's approach to new growth. Extensive areas of large lots result in sprawl, which is expensive to serve, damaging to water quality and wildlife, and incompatible with increased mass transit service." (Pages 20, 21)

Chapter 4 - Economy also includes objectives related to Agriculture and Forestry. They are as follows:

1. Work to preserve farming and increase its economic viability.
3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions (five or less lots), the state's agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms.
4. Continue the "right-to-farm" law.
6. Review permitted land uses in agricultural zone to ensure compatibility with agriculture as a quasi-industrial use. Adjust requirements to prevent inappropriate uses from developing in agricultural areas.

(Pages 59, 60)

In Chapter 6 – Public Infrastructure, the Comprehensive Plan provides the following objectives:

1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence
2. Permit development to occur only as rapidly as services can be provided
3. Ensure adequate public facilities are available to new development
4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates

(Page 70)

In Chapter 7 – Transportation, the Comprehensive Plan states the following:

"Worcester's roadways experience morning and evening commuter peaks, however, they are dwarfed by summer resort traffic. Summer traffic peaks on Friday evening, Saturday, and Sunday afternoon. Weekend travel clusters on Friday and Sunday evenings with longer-term check-ins/outs peaking on Saturday. Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

With regard to St. Martins Neck Road specifically, this chapter notes that this roadway is classified as a two-lane secondary highway/minor collector highway.

"MD 368 St Martin Neck Road (Two Lane County Road/Minor Collector Highway) This minor collector links MD 90 at its south end to MD 367 Bishopville Road and provides a

secondary link from Ocean City to US 113, northeastern Worcester and the Delaware beaches. This roadway's current configuration should be adequate for the planning period." (Page 86)

In the same chapter, under the heading General Recommendations – Roadways, the Comprehensive Plan lists the following recommendations:

1. **Acceptable Levels of Service**—It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. **Traffic studies**--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. **Impacted Roads**--Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
13. **Road Widening**--Adequate right-of-way should be dedicated for roads anticipated for widening during the development review process.

(Pages 87, 88)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property is served by private well and septic, with a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that a replacement system is necessary for new uses along with the designation of a sewage reserve area on the property that does not conflict with proposed structures and construction. No comments were received from John H. Tustin, P.E., Director of Public Works, or John Ross, P.E., Deputy Director of Public Works.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

WddB – Woodstown sandy loam, severe limitations to on-site wastewater disposal
HbB – Hambrook sandy loam, severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Bishopville Volunteer Fire Company, located approximately eight minutes away, 4 miles to the northwest of the petitioned area on MD Route 367 (Bishopville Road). In addition, Bishopville VFD has a substation on St. Martin's Neck Road, which is located approximately one minute away, 0.6 miles west of the petitioned area. No comments were received from the Bishopville Fire Company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twenty minutes away, and the Worcester County

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County Commissioners
 Worcester County Government Center
 One W. Market Street, Room 1103
 Snow Hill, Maryland 21863

APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP

(For Office Use Only – Please Do Not Write in this Space)

Rezoning Case No. 428.

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 5/11/2020

Date Reviewed by the Planning Commission 9/3/2020

I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: _____
- B. Property Owner: _____
- C. Contract Purchaser: _____
- D. Option Holder: _____
- E. Leasee: _____
- F. Attorney for B (insert A, B, C, D or E) X
- G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 10
- B. Parcel Number(s): 0167
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 05

III. Physical Description of Property

A. Located on south side of St. Martins Neck Road, approximately .1 miles to the south side of Industrial Park Road.

B. Consisting of a total of 2.88 acres of land.

C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

All that lot, part of a lot or parcel of land lying and being situate in the Fifth Election District of Worcester County, Maryland, shown as the "REVISED PARCEL 167" on a Plat entitled "Revised and reassembled Parcels 30, 167 and 281" containing 2.8806 acres, more or less, as shown on said Plat made by Madison J. Bunting, Jr., dated July 9, 2004, recorded among the Plat Books of Worcester County, MD, in Liber SVH No. 191, folio 74, et. seq.

D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

A. Existing zoning classification(s): Estate District E-1
(name and zoning district)

B. Acreage of zoning classification(s) in "A" above: 2.88

C. Requested zoning classification(s): Agricultural District A-2
(name and zoning district)

D. Acreage of zoning classification(s) in "C" above: 2.88

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

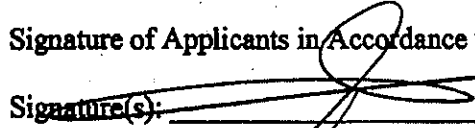
There is a mistake in existing zoning.

VI. Filing Information and Required Signatures

A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest in the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

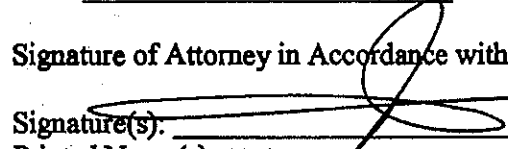
B. Signature of Applicants in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 5/7/20

C. Signature of Property Owner in Accordance with VI.A. above.

Signature(s): _____
Printed Name(s): _____
Mailing Address: _____
Phone Number: _____ Email: _____
Date: _____

D. Signature of Attorney in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 5/7/20

(Please use additional pages and attach to the application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for Map Amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development and existing environmental conditions for the area including having no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement; the recommendation of the Planning Commission; and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or (b) there is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for a map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

REZONING FINDINGS OF FACT FORM

Applicant shall provide information with regard to the following items:

- A. Is the request for rezoning based upon a claim that there has been a change in the character of the neighborhood where the property is located since the last zoning of the property or upon a claim that there is a mistake in the existing zoning and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- B. What is the definition of the neighborhood in which the subject property is located, as determined by the applicant.

- C. Findings of Fact as to Section 1-113(c)(3) of the Zoning Code:

1. Relating to population change:

2. Relating to the availability of public facilities:

3. Relating to present and future transportation patterns:

4. Relating to the compatibility with existing and proposed development and existing environmental conditions for the area:

5. Relating to compatibility with the Comprehensive Plan:

Real Property Data Search

Search Result for WORCESTER COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 05 Account Number - 007976

Owner Information

Owner Name: YK ENTERPRISE LLC Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 10507 HOTEL RD Deed Reference: /07343/ 00424
 BISHOPVILLE MD 21813-0000

Location & Structure Information

Premises Address: 12046 ST MARTINS NECK RD Legal Description: REVSD P-167 2.88 ACS
 BISHOPVILLE 21813-0000 S SIDE ST MARTINS NECK RD
 REV & REAS PL PARCELS 30 167 & 261

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0010 0023 0187 5010001.24 0000 2019 Plat Ref: 191/74

Town: None

Primary Structure Built: 1930 Above Grade Living Area: 2,240 SF Finished Basement Area: Property Land Area: 2.8800 AC County Use:

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	STANDARD UNIT	SIDING/	2	2 full		

Value Information

	Base Value	Value As of 01/01/2019	Phase-In Assessments	
			As of 07/01/2019	As of 07/01/2020
Land:	58,100	53,100		
Improvements	40,000	40,100		
Total:	98,100	93,200	93,200	93,200
Preferential Land:	0			0

Transfer Information

Seller: TEETERS MARK & CHERYL TEETERS & Type: ARMS LENGTH IMPROVED	Date: 12/27/2018 Deed1: /07343/ 00424	Price: \$95,000 Deed2:
Seller: GRAY MARK STEPHEN Type: NON-ARMS LENGTH OTHER	Date: 10/08/2006 Deed1: /04792/ 00705	Price: \$0 Deed2:
Seller: GRAY ELISHA D & CHERYL TEETERS & Type: NON-ARMS LENGTH OTHER	Date: 11/18/2005 Deed1: /04585/ 00426	Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

680/475

THIS DEED, made this 21st day of December, 2018, by Mark Teeters, Cheryl Teeters, Charles Thomas Gray and Sharon Lee Gray, residents of the State of Maryland, hereinafter called Grantors, WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ninety-Five Thousand and 00/100 Dollars (\$95,000.00), the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey all of their right, title and interest in and to the hereinafter described property unto YK Enterprise, LLC, a Maryland limited liability company, its successors and assigns, forever in fee simple:

ALL that lot, part of a lot or parcel of land lying and being situate in the Fifth Election District of Worcester County, Maryland, shown as the "REVISED PARCEL 167" on a Plat entitled "Revised and reassembled Parcels 30, 167 and 261", containing 2.8896 acres, more or less, as shown on said Plat made by Madison J. Bunting, Jr., dated July 9, 2004, and recorded among the Plat Books of Worcester County, Maryland, in Liber SVH No. 191, folio 74, et seq.

BEING all and the same property conveyed unto Elisha D. Gray, Life Tenant, and Mark Teeters and Cheryl Teeters, as to an undivided three-quarters (3/4) interest, Charles Thomas Gray, as to an undivided one-twelfth (1/12) interest, Mark Stephen Gray, as to an undivided one-twelfth (1/12) interest, and Sharon Lee Gray, as to an undivided one-twelfth (1/12) interest, as remaindermen, by Deed of Consolidation dated October 29, 2005, and recorded among the Land Records of Worcester County, Maryland, in Liber 4585, folio 426, et seq.; the said Elisha D. Gray having subsequently departed this life on January 28, 2013, thereby vesting title in the named remaindermen, and the said Mark Stephen Gray having conveyed his undivided one-twelfth (1/12) interest unto Charles Thomas Gray, by Deed dated September 29, 2006, and recorded among the aforesaid Land Records in Liber 4792, folio 705, et seq.

Ayres, Jenkins, Gordy & Almand, P.A.
11047 Racetrack Road
P O Box 1244
Berlin, MD 21811

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 7343, p. 0424, MSA_CE31_7519. Date available 01/02/2019. Printed 04/24/2020.

TOGETHER with the improvements thereon and the rights, roads, ways, waters, privileges and appurtenances to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said YK Enterprise, LLC, a Maryland limited liability company, its successors and assigns, forever in fee simple.

AND the said Grantors hereby covenant to warrant specially the property hereby conveyed and to execute such other and further assurances of the same as may be requisite.

WITNESS the hands and seals of the Grantors herein the day and year first above written.

WITNESS:

[Signature]

Mark S. Teeters (SEAL)
Mark Teeters

[Signature]

Cheryl Teeters (SEAL)
Cheryl Teeters

[Signature]

Charles T. Gray (SEAL)
Charles Thomas Gray

[Signature]

Sharon Lee Gray (SEAL)
Sharon Lee Gray

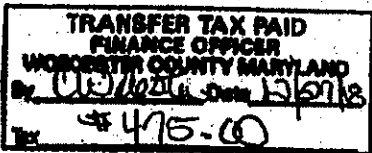
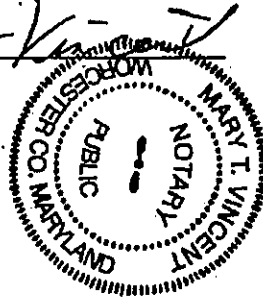
STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this 21st day of December, 2018, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **Mark Teeters, Cheryl Teeters, Charles Thomas Gray and Sharon Lee Gray**, known to me (or satisfactorily proven) to be the persons whose names are subscribed herein, and acknowledged the foregoing Deed to be their respective act and deed.

AS WITNESS my hand and Notarial Seal.

Mary T. Vincent
NOTARY PUBLIC


My Commission Expires: 09/01/2022



TAXES FOR WHICH ASSESSMENTS HAVE BEEN RECEIVED HAVE BEEN PAID AS OF THIS DATE. 12/21/18
Worcester County Finance Officer
By: *[Signature]*
EXCEPT PERSONAL PROPERTY

Water & Wastewater Services
Worcester County
NO ASSESSMENT
By: *[Signature]* Date: 12-21-18
Wor. Co. Finance Officer

This is to certify that the within instrument was prepared by or under the supervision of the undersigned attorney duly admitted to practice before the Court of Appeals of the State of Maryland.


William E. Esham, III


File No. 18-0879E

LR - Deed (w Taxes)
Recording Fee no CT 20.00
Name: Leaters/tk
enterprise
Ref:
LR - Surcharge -
linked 40.00
LR - Recordation Tax -
linked 627.00
LR - State Transfer
Tax - linked 475.00
LR - NR Tax - lkd 0.00

SubTotal: 1,162.00

Total: 1,282.00
12/27/2018 03:16
CC23-AD
#11449821 CC0104 -
Worcester
County/CC01.04.01 -
Register 01

DEC 27 2018 The foregoing instrument
filed for record and is accordingly recorded
among the land records of Worcester County,
Maryland.

 Clerk

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 7343, p. 0426, MSA_CE31_7519. Date available 01/02/2019. Printed 04/24/2020.

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 7343, p. 0427, MSA_CE31_7519, Date available 01/02/2019, Printed 04/24/2020.

State of Maryland Land Instrument Intake Sheet				
County: Worcester County				
Information provided is for use of the Clerk's Office, State Department of Assessments and Taxation and County Finance Office only. (Type or Print in Black Ink Only - All Copies Must Be Legible)				
1 Type(s) of Instruments	<input type="checkbox"/> (or) <input type="checkbox"/> (Check Box if Additional Intake Form is Attached)			
	1 Deed	2 Mortgage	3 Assignment of Rights	Other
2 Conveyance Type Check box	<input checked="" type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale
	Arms-Length(1)	Arms-Length(2)	Arms-Length(3)	Arms-Length(4)
3 Tax Exemptions (If Applicable) Cite or Explain Authority	<input type="checkbox"/> Reformation <input type="checkbox"/> State Property <input type="checkbox"/> County/Transfer			
4 Consideration And Tax Calculation	Consideration Amount			
	Purchase Price/Consideration	\$24,999.00		
	Any New Mortgage	\$79,000.00		
	Balance of Existing Mortgage			
	Other			
5 Fees	Amount of Fees		Doc. 1	Doc. 2
	Recording Charge	\$20.00	\$20.00	
	Purchase	\$40.00	\$40.00	
	State Registration Tax			
	State Transfer Tax			
	County Transfer Tax			
	Other			
6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(e)(3)(D)	11047 Raccoon Road, Berlin, MD 21811 11047 Raccoon Road, Berlin, MD 21811 11047 Raccoon Road, Berlin, MD 21811			
	If Partial Conveyance, List Improvements Conveyed: None			
	If Partial Conveyance, List Improvements Conveyed: None			
7 Transferred From	Mark Testers		YK Enterprises, LLC	
	Charly Testers		Yvonne A. Treasurer	
8 Transferred to	YK Enterprises, LLC		Calvin B. Taylor Building Co. of Berlin, MD	
	11047 Raccoon Road, Berlin, MD 21811		11047 Raccoon Road, Berlin, MD 21811	
9 Other Names To Be Indexed	Charles Thomas Gray		Charles Treasurer	
	Sharon Lee Gray			
10 Contact/Mail Information	Name: William E. Egan, II		<input type="checkbox"/> Return to Contact Person	
	Fax: Beest Land Title & Escrow, LLC		<input checked="" type="checkbox"/> Hold for Pickup	
11 IMPORTANT! OTHER INFORMATION REQUIRED IN PHOTOCOPYING THIS COMPANY HEADQUARTERS	Address: 11047 Raccoon Road, Berlin, MD 21811		Phone: (410) 541-8033	
	Assessment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the property be converted to the grantee's principal residence?		Information: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify:	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey if recorded, no copy required.			

Addendum

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Worcester

The addendum form should be used when one transaction involves more than two instruments.
Each instrument should be completed in accordance with Section No. 1 of the Intake Sheet.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

5	Amount of Fee	Dec. 3		Dec. 4		Dec. 5		Dec. 6	
(Continued) Fees	Recording Charge	\$ 30.00							
	Recording Fee	\$ 00.00							
	State Excise Tax								
	State Transfer Tax								
	County Transfer Tax								
	Other								
7	(Continued) Transferred From	Dec. 3 - Grantor(s) Name(s)				Dec. 4 - Grantor(s) Name(s)			
		VK Arlington, LLC							
		Yvonne A. Trappier							
		Charles Trappier							
		Dec. 5 - Grantor(s) Name(s)				Dec. 6 - Grantor(s) Name(s)			
8	(Continued) Transferred To	Dec. 3 - Owner(s) of Record, if Different from Grantor(s)				Dec. 4 - Owner(s) of Record, if Different from Grantor(s)			
		Cohen S. Taylor Banking Co. of Baltimore, MD							
		Dec. 5 - Owner(s) of Record, if Different from Grantor(s)				Dec. 6 - Owner(s) of Record, if Different from Grantor(s)			
		Dec. 3 - Additional Names to be Indexed (Optional)				Dec. 4 - Additional Names to be Indexed (Optional)			
		Dec. 5 - Additional Names to be Indexed (Optional)				Dec. 6 - Additional Names to be Indexed (Optional)			
Special Instructions									

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 7343, p. 0428, MSA_CE31_7519. Date available 01/02/2019. Printed 04/24/2020.

Calculator: **Walt - Clerk's Office**
Phil - Office of Finance
AOC-CC 301 (6/2007)

Coary - BOAT
Goldford - Preparer

SVH 191/74

FILED

2003 01 15

REVISED AND REASSEMBLED PARCELS 30, 167, & 261 TAX MAP 10 CREATING REVISED PARCEL 30, REVISED PARCEL 167 & REVISED PARCEL 261

FIFTH TAX DISTRICT WORCESTER COUNTY, MARYLAND

FOREST CONSERVATION LAW STATEMENTS

STATEMENT # 4:

In accordance with Article IV, Section 1-453(b)(1) of the Natural Resources Article of the Worcester County Code of Public Local Laws, the subdivision is exempt from the County's Forest Conservation Law since the subdivision is a necessary site adjustment with no accompanying change in land use. Any future approval of this land for a residential activity shall be subject to the County's Forest Conservation Law.

ENVIRONMENTAL PROGRAMS

REVISED PARCEL 167 is approved with utility water and sewage facilities on stream. This does not indicate that the quality of these systems has been evaluated. Also any future changes to these systems that require an evaluation and permit from Environmental Programs.

REVISED PARCEL 261 is approved with utility water and sewage facilities on stream. This does not indicate that the quality of these systems has been evaluated. Also any future changes to these systems that require an evaluation and permit from Environmental Programs.

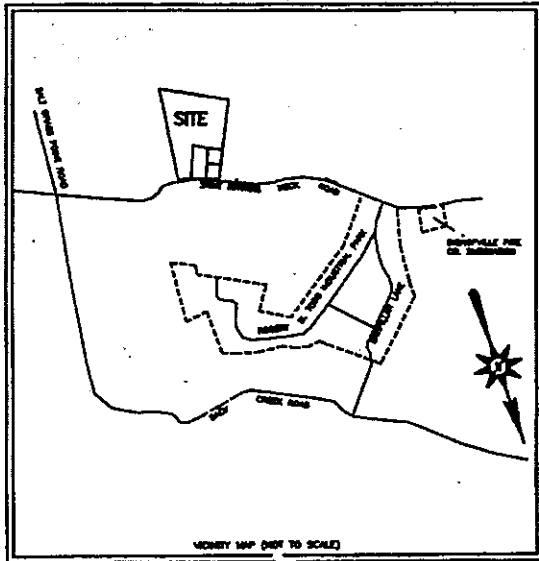
REVISED PARCEL 30 is approved for agricultural purposes only. Any future approval for water and sewage systems to utilize this land for building purposes will be subject to the regulations in effect at that time.

Robert M. ... 8-23-04
APPROVE AUTHORITY WORCESTER COUNTY Date

WORCESTER COUNTY PLANNING AND ZONING COMMISSION

The grant of a permit or approval of any subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the jurisdiction, liability or safety of any proposed use, and shall create no liability upon the County, its officials or employees. Any approval by the Department of the Environment of any sewer or water system or facility described in a permit issued by this and County Commission shall not be an approval of the design or construction of such system or facility. Building permits may be issued in the event of any change in the design or construction of any system or facility described in a permit issued by the Department of the Environment. Worcester County does not guarantee the development or construction of any facilities shown on this plan. An such approval shall be the responsibility of the owner and developer of this subdivision.

[Signature] 8/19/04
WORCESTER COUNTY PLANNING COMMISSION DATE



- GENERAL NOTES:
1. THE MAP 10 PARCELS 30, 167 & 261
 2. PARCEL 167 LAYERS OF ALMA D. GRAY (FOR LIFE) DEED REFERENCE S.A.S. 2001/250
 3. PARCEL 30 LAYERS OF ROBERT ELLIS AND OTHER DEED REFERENCE S.A.S. 2000/264
 4. PARCEL 261 LAYERS OF ALMA LYONS GUILY DEED REFERENCE S.A.S. 1994/268
 5. ZONED RESIDENTIAL MEDIUM DENSITY (RM-2) - 30', 30'00" - 30', ROW - 30'
 6. ZONED RESIDENTIAL MEDIUM DENSITY (RM-2) - 30', 30'00" - 30', ROW - 30'
 7. ZONED RESIDENTIAL MEDIUM DENSITY (RM-2) - 30', 30'00" - 30', ROW - 30'
 8. THE PURPOSE OF THIS PLAN IS A BOUNDARY LINE ADJUSTMENT BETWEEN PARCEL 30, PARCEL 167 & PARCEL 261
 9. THE ADJACENT TO PARCEL 167 & PARCEL 261 IS NOT LOCATED IN THE ARLING CENTRAL BAPTIST CHURCH AREA
 10. THE EXISTING SUBDIVISION ON PARCEL 167 WERE CONSTRUCTED PER TO ZONING REGULATIONS FOR THE OWNER OF PARCEL 167. THE BOUNDARY LINE ADJUSTMENT IS AS FORMED OUT BY THE OWNER OF PARCEL 167
 11. THERE ARE NO THE DIVISION ON THE SITE.

SURVEYOR'S CERTIFICATION

I hereby certify, to the best of my knowledge and belief, that the requirements of Article 3-109 of the REAL PROPERTY ARTICLE of the Annotated Code of Maryland (1991) concerning the making of this plan and the making of a plat and the making of a plat of the County of Worcester, Maryland regarding the making of subdivisions within the County have been complied with.

Mad J. Bunting Jr 8/19/04
MADISON J. BUNTING, JR.
LICENSE NO. 20029

OWNER'S CERTIFICATION

The subdivision of land as shown on this plan is for the purpose of subdividing the land into lots, blocks, or other units of land, and the subdivision is not for the purpose of subdividing the land into lots, blocks, or other units of land, and the subdivision is not for the purpose of subdividing the land into lots, blocks, or other units of land.

Elaine D. ... 8/19/04
ELAINE D. ... (OWNER PARCEL 167)
12040 ST. MARTIN DRIVE ROAD
BETHESDA, MARYLAND 20815 (PHONE 410-330-0000)

Charles Thomas ... 8/19/04
CHARLES THOMAS ... (OWNER PARCEL 167)
700 W. MAIN STREET
FREDERICK, MARYLAND 21700

John ... 8/19/04
JOHN ... (OWNER PARCEL 167)
12040 ST. MARTIN DRIVE ROAD
BETHESDA, MARYLAND 20815 (PHONE 410-330-0000)

John ... 8/19/04
JOHN ... (OWNER PARCEL 167)
315 MAIN COURT
CHESTER, MARYLAND 21619

Sharon Lee ... 8/15/04
SHARON LEE ... (OWNER PARCEL 167)
2440 AMBER AVE.
MONTPELIER, VERMONT 22613

Charles ... 8-14-04
CHARLES ... (OWNER PARCEL 30)
800 OYSTER LANE
ODDEN CITY, MARYLAND 21842 (PHONE 410-320-0331)

Neil ... 8-18-04
NEIL ... (OWNER PARCEL 30)
12002 FARMINGTON DRIVE
SALISBURY, MARYLAND 21801

Robert James ... 8/18/04
ROBERT JAMES ... (OWNER PARCEL 30)
ODDEN CITY
ODDEN, MARYLAND 21801

Robert Ellis ... 8-18-04
ROBERT ELLIS ... (OWNER PARCEL 30)
NO. 5 ROYAL TOWN LANE
PALM BEACH, FLORIDA 32904

Charlotte ... 8-18-04
CHARLOTTE ... (OWNER PARCEL 30)
1315 SOUTH FLETCHER AVE.
FERNDALE BEACH, FLORIDA 32934

Andrew ... 8/18/04
ANDREW ... (OWNER PARCEL 30)
483 TRUFFER RUN DRIVE
CANTON, MARYLAND 21713

Aracelis ... 8-18-04
ARACELIS ... (OWNER PARCEL 30)
MIDPETER COURT
SALISBURY, MARYLAND 21801

John ... 8/19/04
JOHN ... (OWNER PARCEL 261)
12040 ST. MARTIN DRIVE ROAD
BETHESDA, MARYLAND 20815

SHEET 1 OF 2

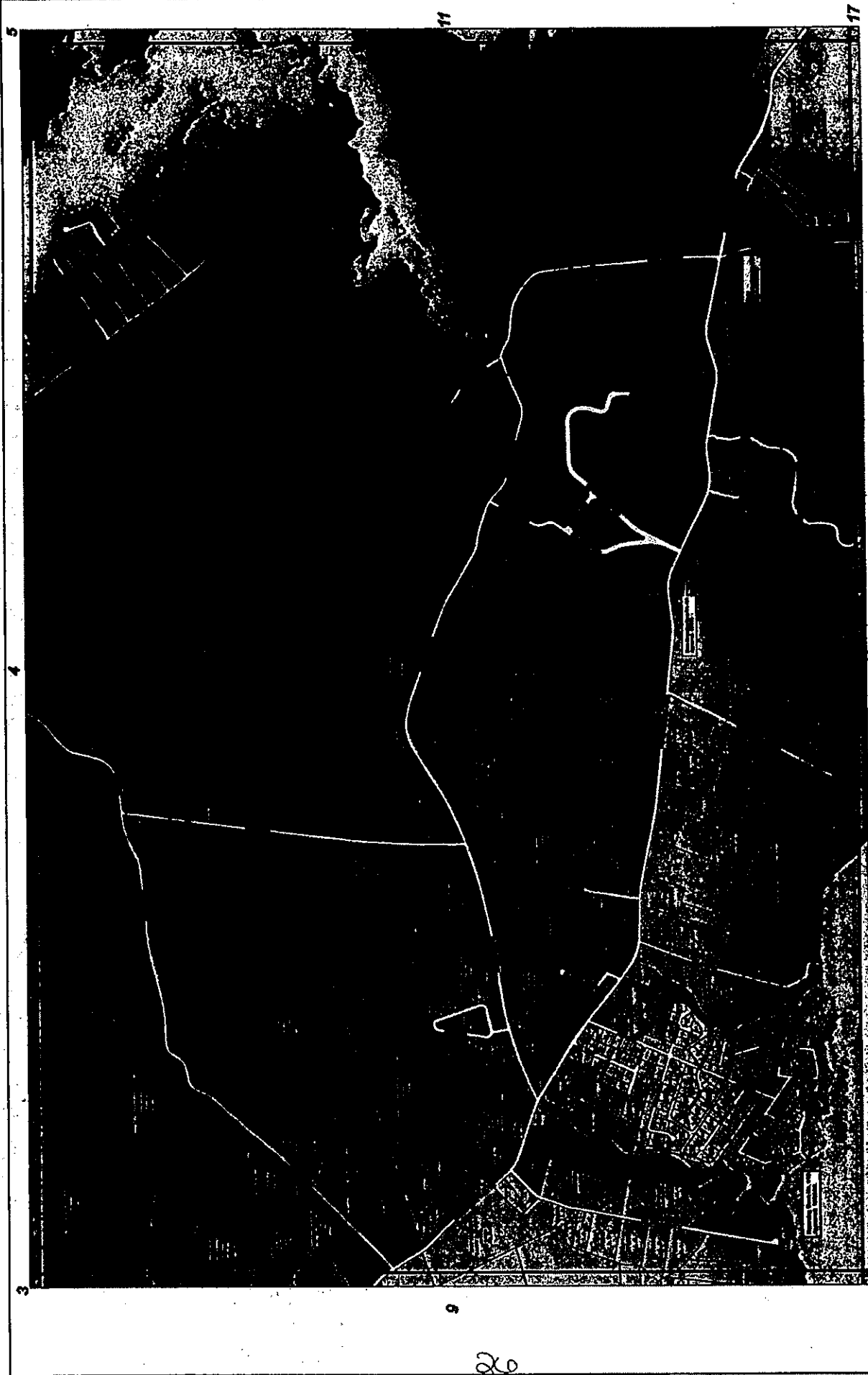
MADISON J. BUNTING, JR.
SURVEYOR, INC.
UNIT NO. 1
11113 MANKLIN MEADOWS LANE
BERLIN, MARYLAND 21811
(410)841-5718 - FAX 841-6266

SCALE:	1/4" = 10'	DATE:	7/20/04
DRAWN BY:	MBJ	CHECKED BY:	MBJ

WORCESTER COUNTY CIRCUIT COURT (Flat Book) Flat Book SVH 191, pp. 74-75, HSA, C117, 7132. Date available 2001/04/20. Printed 04/22/2020.

11113 MANKLIN MEADOWS LANE BERLIN, MARYLAND 21811 (410)841-5718 - FAX 841-6266

PP-933

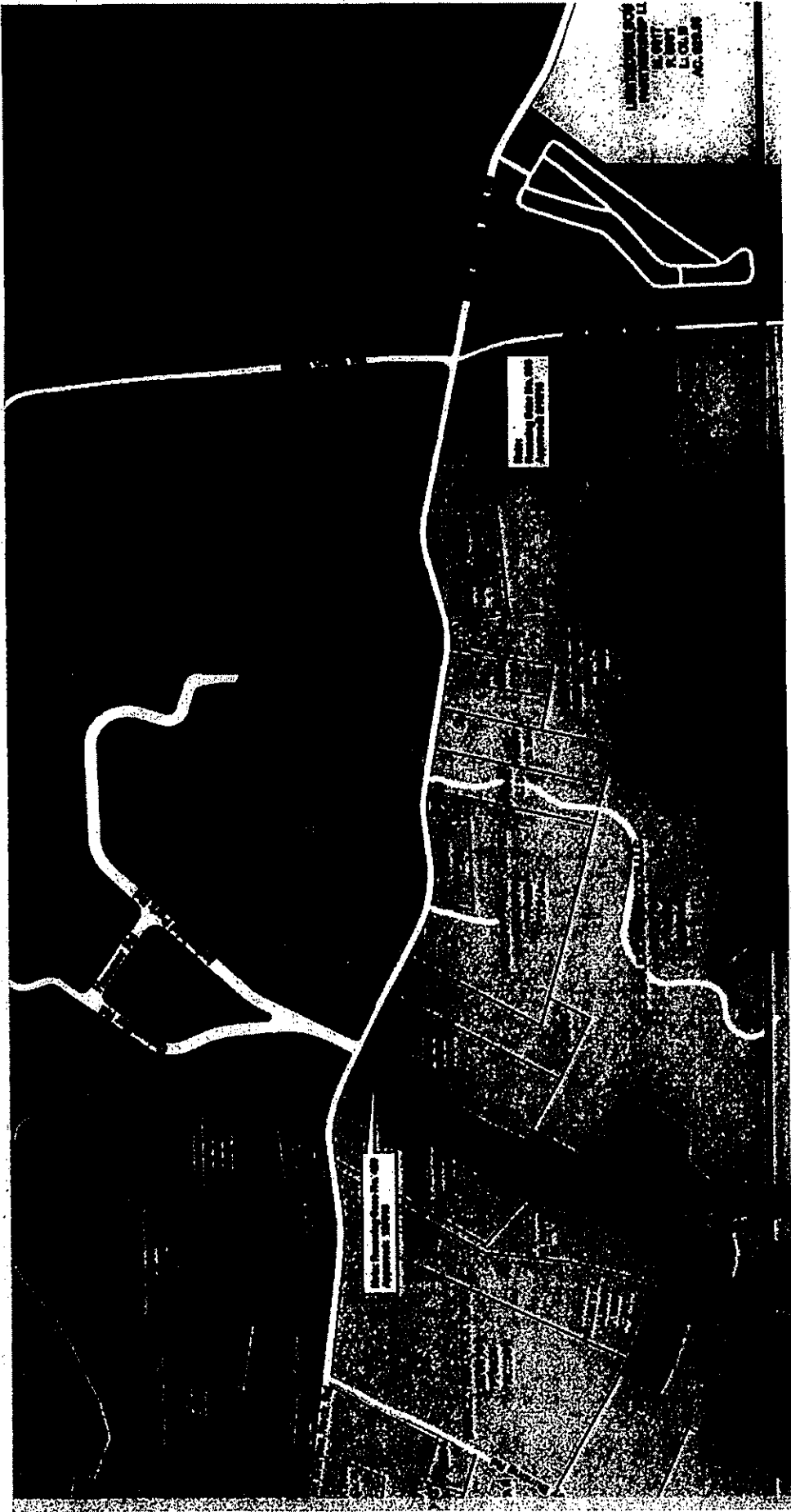


AI	RP	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	R16	R17	R18	R19	R20	R21	R22	R23	R24	R25	R26	R27	R28	R29	R30	R31	R32	R33	R34	R35	R36	R37	R38	R39	R40	R41	R42	R43	R44	R45	R46	R47	R48	R49	R50	R51	R52	R53	R54	R55	R56	R57	R58	R59	R60	R61	R62	R63	R64	R65	R66	R67	R68	R69	R70	R71	R72	R73	R74	R75	R76	R77	R78	R79	R80	R81	R82	R83	R84	R85	R86	R87	R88	R89	R90	R91	R92	R93	R94	R95	R96	R97	R98	R99	R100
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Official Zoning Map

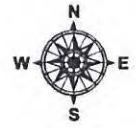
Map prepared by the Planning Commission of the City of [City Name], [State], [Year].

Tax Map 10



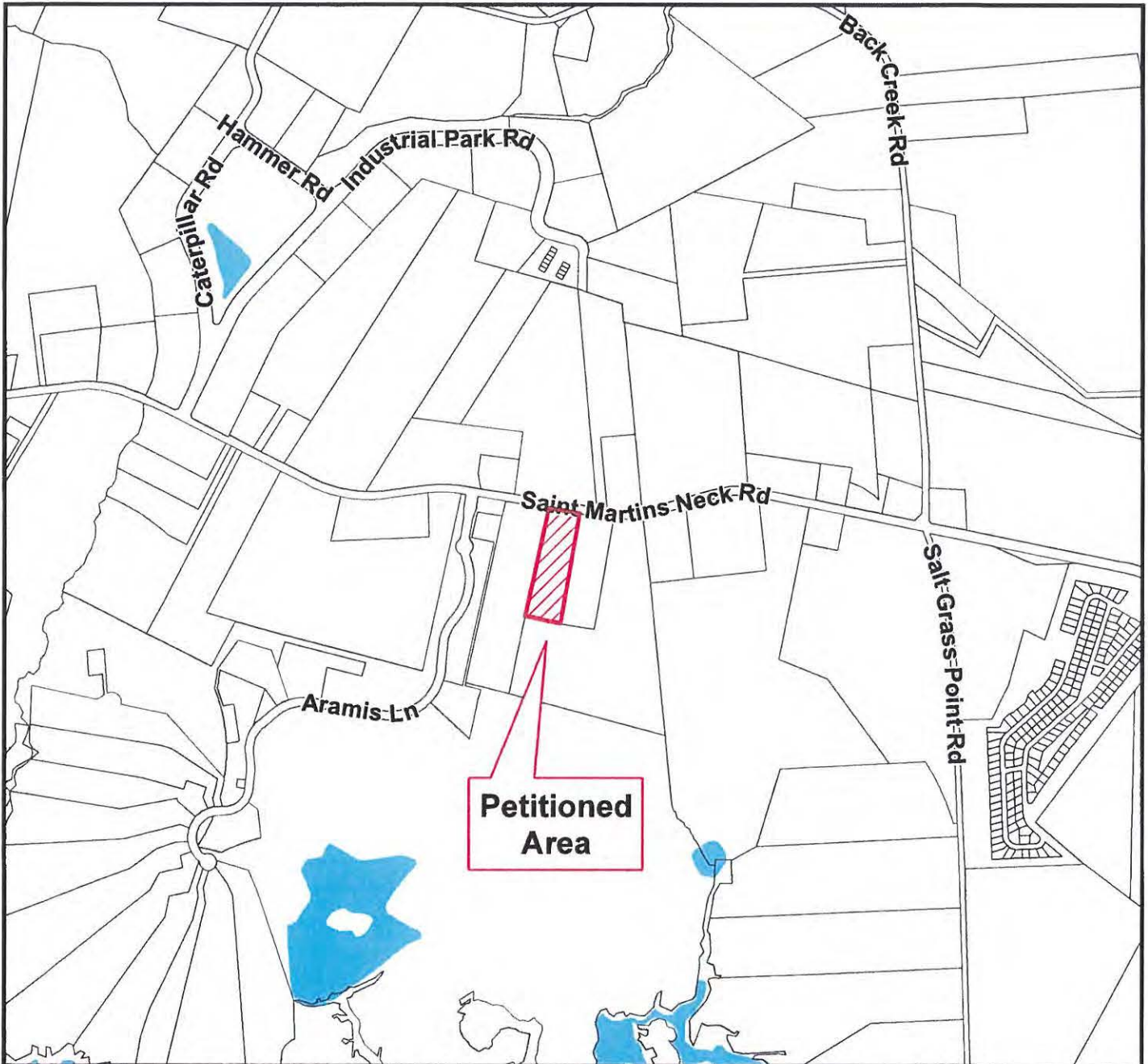


WORCESTER COUNTY, MARYLAND

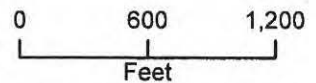


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020

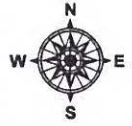


Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: JKK



WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020

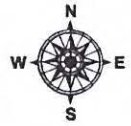
Source: Worcester County GIS Data Layers - 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

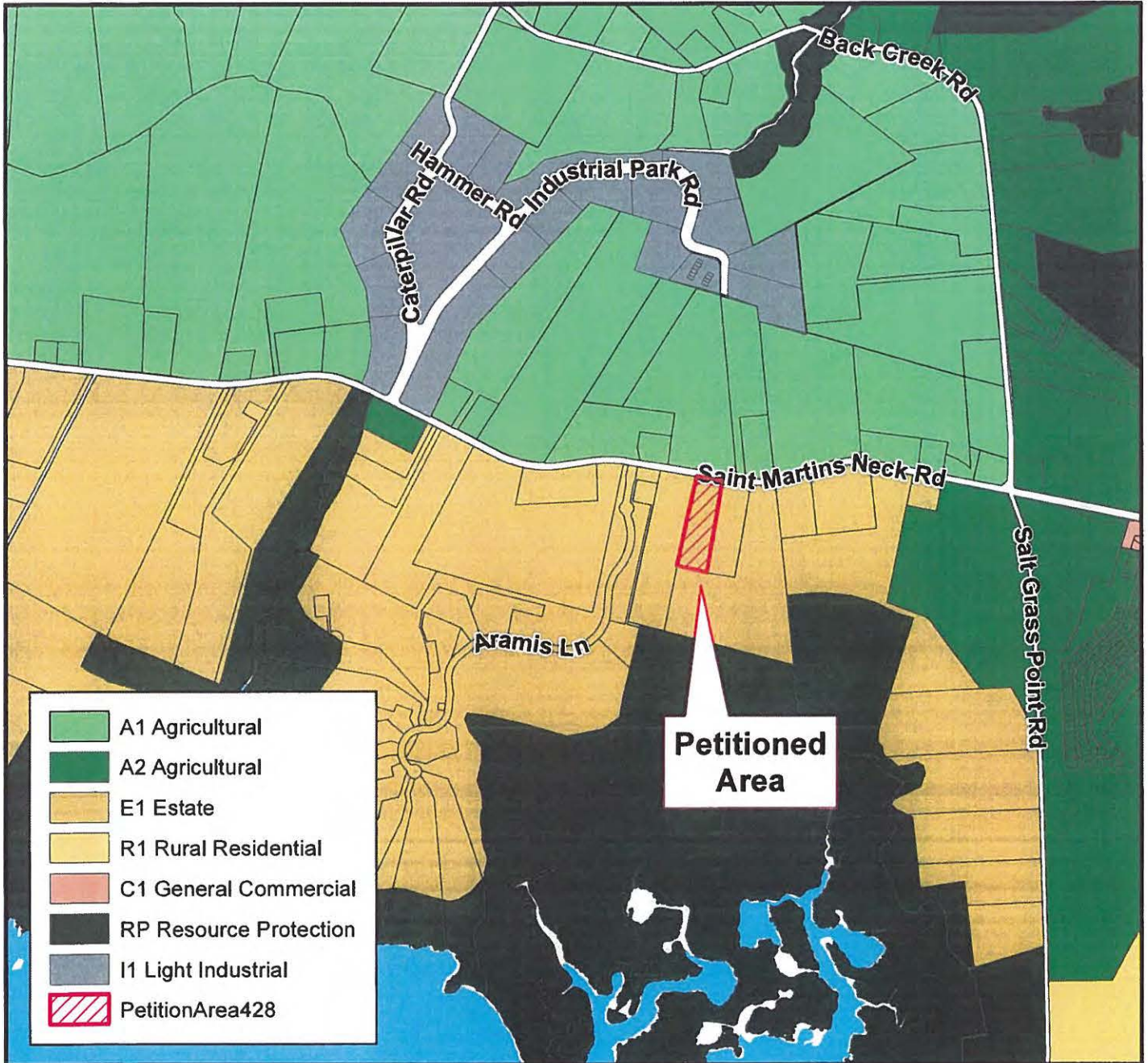


WORCESTER COUNTY, MARYLAND

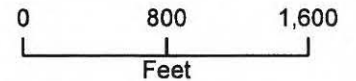


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2009 Official Zoning Map

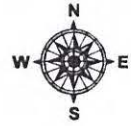
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

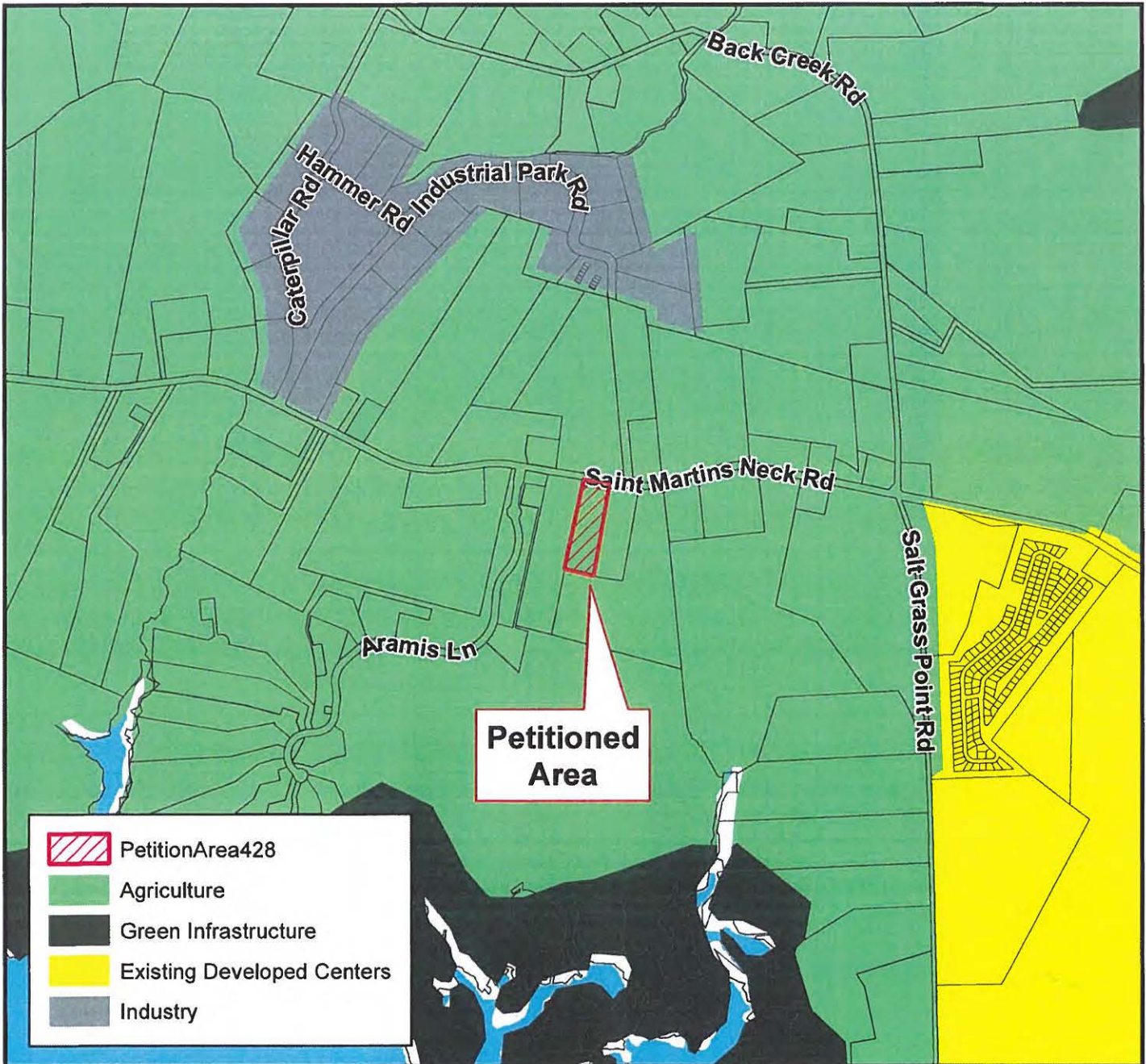


WORCESTER COUNTY, MARYLAND

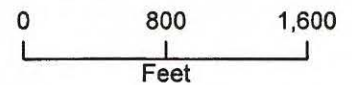


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2006 Official Land Use Map

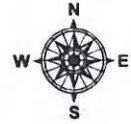
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

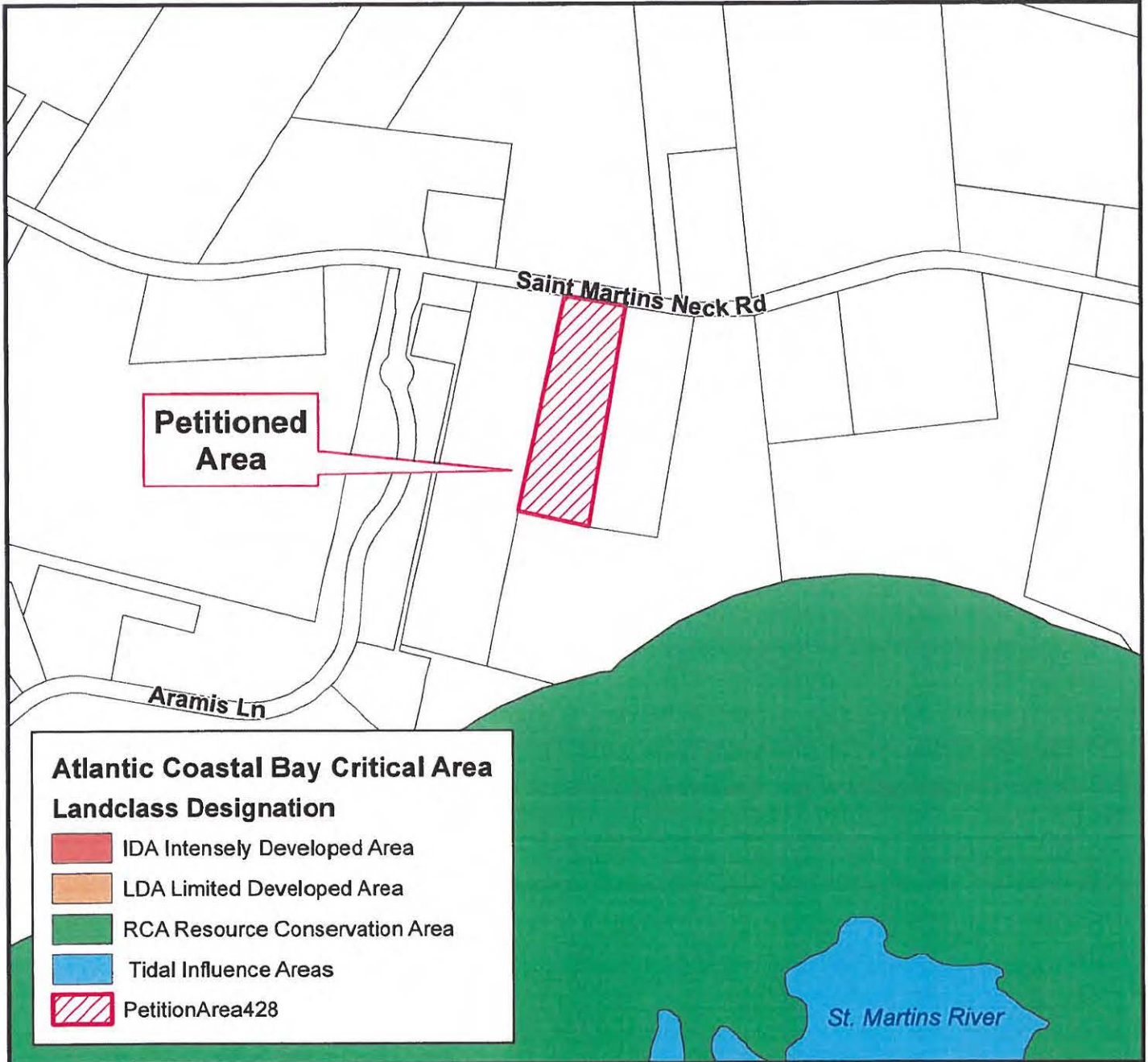


WORCESTER COUNTY, MARYLAND

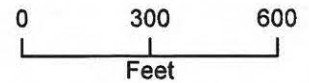


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



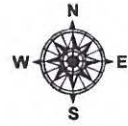
Source: Worcester County GIS Data Layers - Atlantic Coastal Bays Critical Area Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

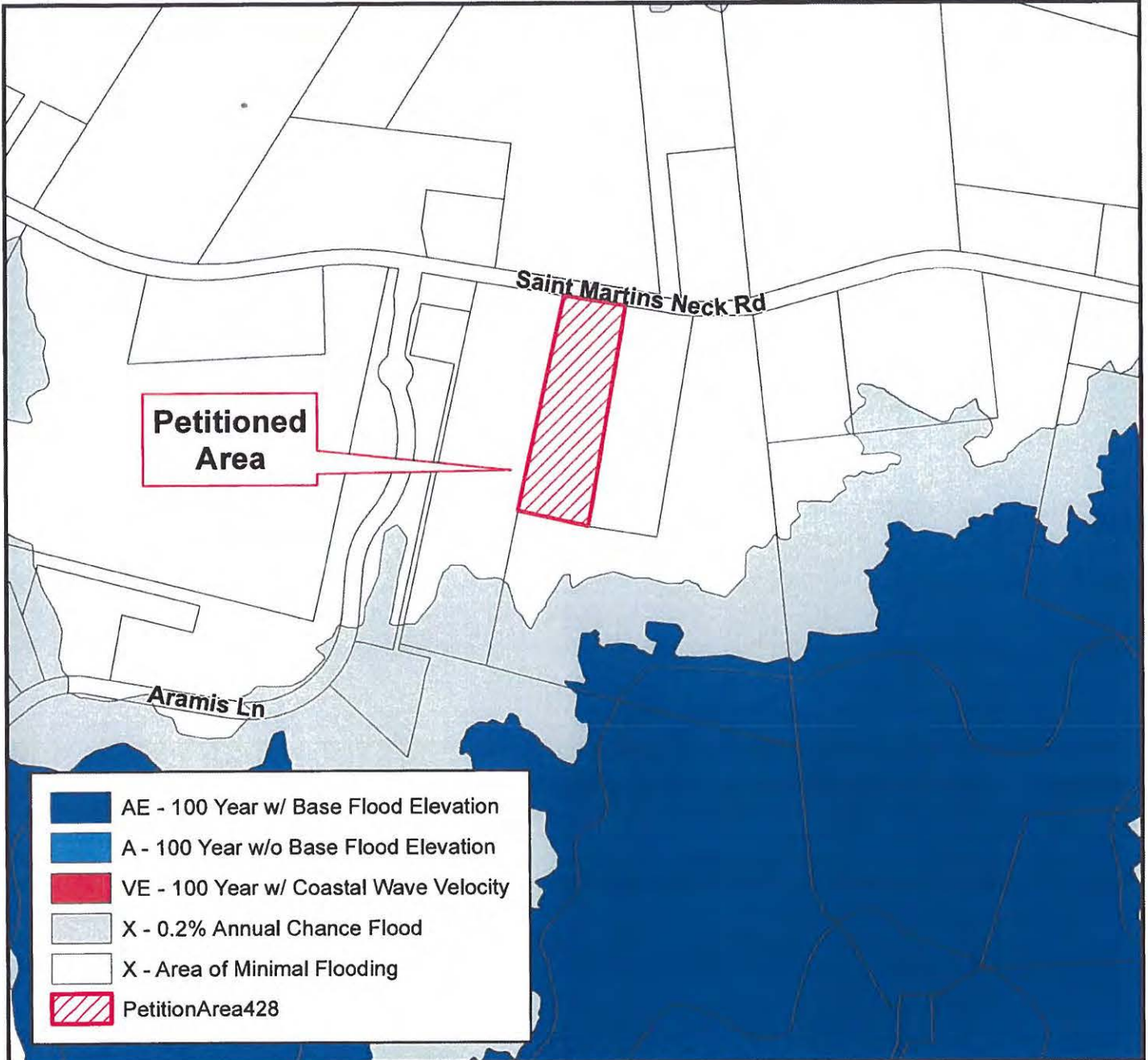


WORCESTER COUNTY, MARYLAND

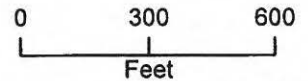


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



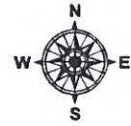
Source: Worcester County GIS Data Layers - 2015 FEMA Flood Insurance Rate Maps

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

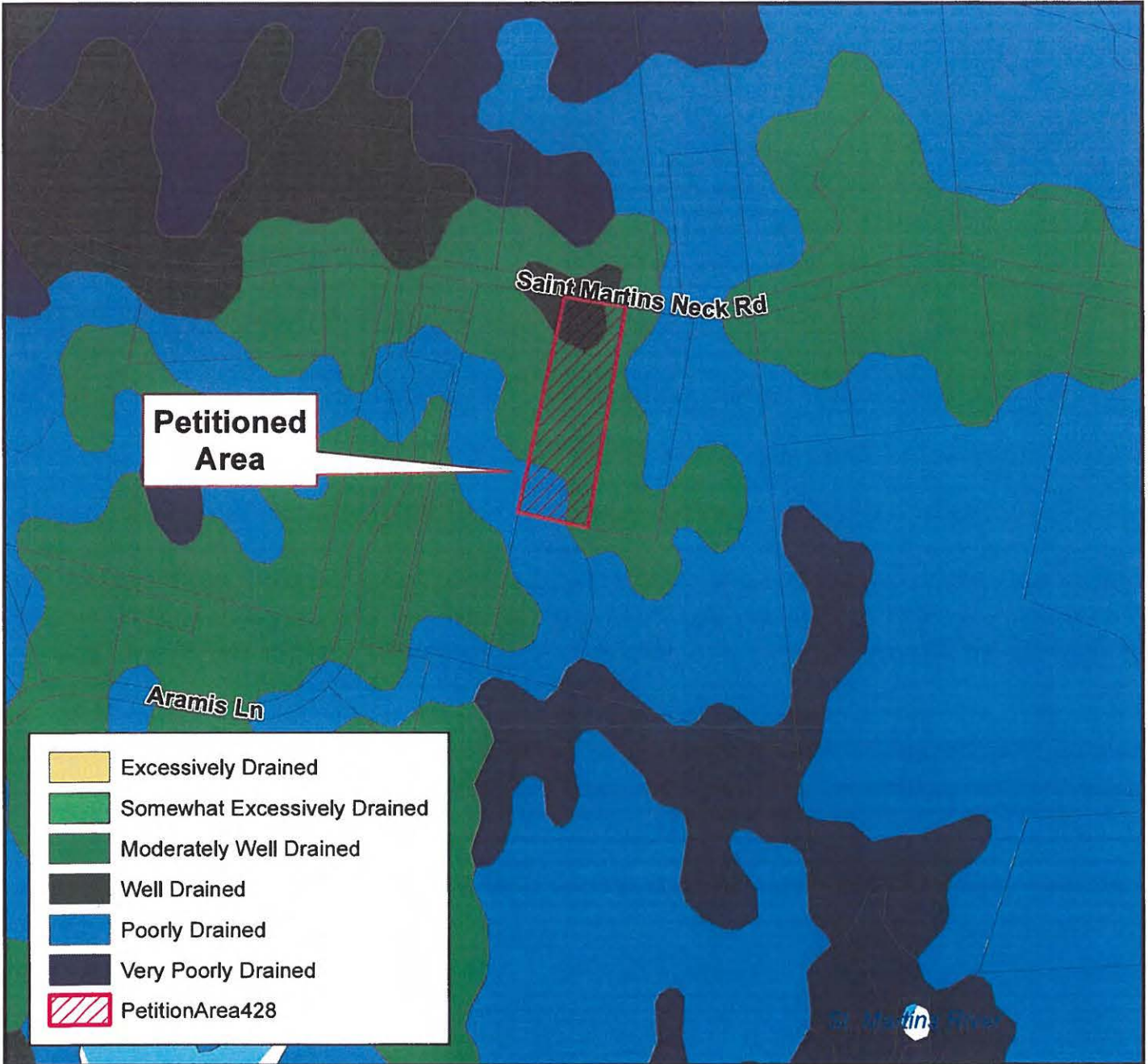


WORCESTER COUNTY, MARYLAND

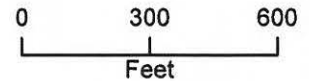


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

SOIL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2007 Soil Survey

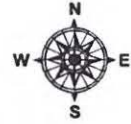
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

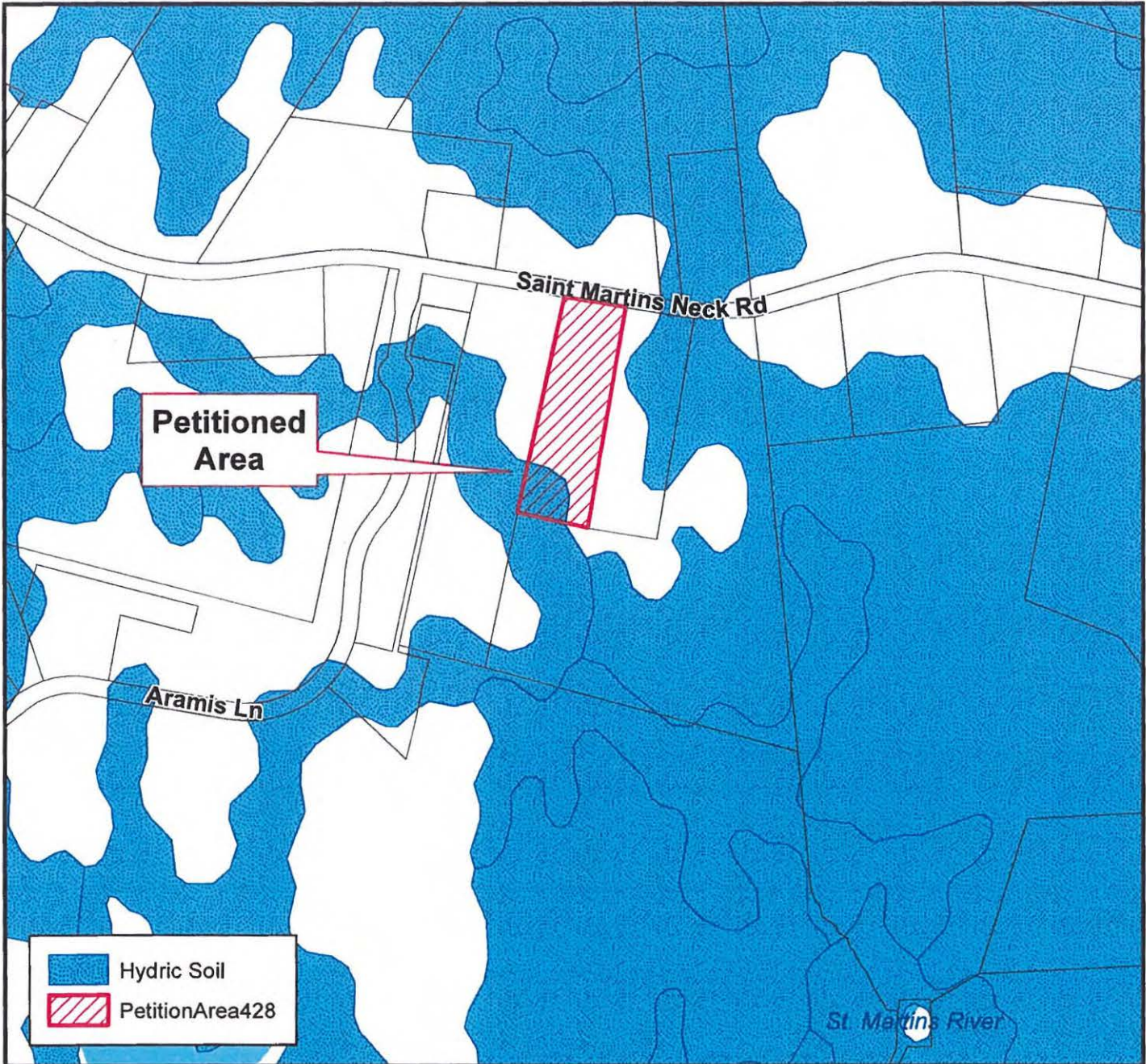


WORCESTER COUNTY, MARYLAND

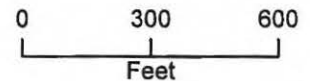


REZONING CASE NO. 428
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 167

HYDRIC SOIL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared July 2020



Source: Worcester County GIS Data Layers - 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: JKK



Worcester County

Department of Environmental Programs

Memorandum

To: Jennifer Keener, Deputy Director, DDRP

From: Robert J. Mitchell 
Director, Environmental Programs

Subject: EP Staff Comments on Rezoning Case No. 428
Worcester County Tax Map 10, Parcel 167
Reclassify approximately 2.88 Total Acres of
E-1 Estate District to A-2 Agricultural District

Date: 8/14/20

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The property has an agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). This category identifies This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained. for agricultural uses. Dust, odor, chemical applications, noise, and extended hours of operation create conflicts with incompatible uses.
2. The existing structure on the property is served by private well and septic at the present time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*. The existing

36
Citizens and Government Working Together

system is very old and replacement is necessary for new uses with a designation of sewage reserve area on the property that does not conflict with proposed structures and construction.

3. This rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included is the proposed rezoning has not be subject to the Forest Conservation Law; however, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. A change from E-1 (Estate district) to A-2(Agricultural district) would change the afforestation/reforestation thresholds when/if property is further developed to the point that compliance with the Forest Conservation Law is required. The afforestation threshold will remain the same at 20 percent and the reforestation threshold will change from 25 percent to 50 percent. This means, if compliance is required, the applicant would need to afforest/reforest a greater percentage if the rezoning request is granted.

If you have any questions on these comments, please do not hesitate to contact me.



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: Jennifer Keener, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: July 14, 2020
RE: Rezoning Case No. 426, 427, and 428

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

.....
 Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 426: No comments at this time.

Rezoning Case 427: This is a congested intersection with no traffic light.

Rezoning Case 428: No comments at this time.

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

cc: John H. Tustin, P.E., Director

FJA/ll
 \\wcfiler\users\llawrence\Rezoning\Rezoning Case 426.427.428.doc

Rezoning
Case No 728

Jennifer Keener

From: April Mariner
Sent: Friday, July 10, 2020 11:31 AM
To: Jennifer Keener
Subject: FW: Rezoning Cases

FYI

April L. Mariner
Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- <rob.clarke@maryland.gov>
Sent: Friday, July 10, 2020 11:28 AM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezoning Cases

Hi April,

Thanks for the update on personnel. I may retire this year as well although I haven't committed to it yet.

I have reviewed these three cases and on behalf of the Maryland Forest Service have no comments to make.



Rob Clarke
Forester
Maryland Forest Service
Department of Natural Resources
10990 Market Lane
Princess Anne, Maryland 21853-2910
Rob.Clarke@maryland.gov
(410) 651-2004 (O)
(443)235-1636 (M)
[Website](#) | [Facebook](#) | [Twitter](#)

On Fri, Jul 10, 2020 at 9:45 AM April Mariner <amariner@co.worcester.md.us> wrote:

Good Morning Rob, I hope this email finds you safe and well. I am attaching three new Rezoning Cases for comment. Additionally, in case you didn't already know, Phyllis Wimbrow is retiring in September and Jennifer Keener



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
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Billy Birch, Director, Worcester County Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 John H. Tustin, P.E., Director, Worcester County Public Works Department
 John Ross, P.E., Deputy Director, Worcester County Public Works Department
 Frank Adkins, Roads Superintendent, Worcester County Public Works Department
 Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
 Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development
 Kathryn Causey, Director, Economic Development
 Louis H. Taylor, Superintendent, Worcester County Board of Education
 James Meredith, District Engineer, Maryland State Highway Administration
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
 Rebecca L. Jones, Health Officer, Worcester County Health Department
 Rob Clarke, State Forester, Maryland Forest Services
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
 David Collins, Chief, Bishopville Fire Department

FROM: Jennifer K. Keener, Deputy Director *JKK*

DATE: July 10, 2020

RE: Rezoning Case No. 428 – 2.88 acres located on the southerly side of St. Martin's Neck Road, east of Aramis Lane – E-1 Estate District to A-2 Agricultural District – YK Enterprise, LLC, property owner / Mark S. Cropper, Esquire, attorney

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 2.88 acres of land shown on Tax Map 10 Parcel 167, from E-1 Estate District to A-2

Agricultural District. Uses allowed in the district include, but are not limited to, poultry operations, aquaculture, feeding lots, non-commercial grain dryers, stables, dairy barns, hog houses, road side stands, single family dwellings, etc..

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. ***If no response is received by AUGUST 14, 2020, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at jkeener@co.worcester.md.us . On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

ITEM
28

**COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND
NOTICE OF PROPOSED DISPOSAL OF PROPERTY**

Condominium Units 101 and 102
Newtowne Plaza Condominium
Newtowne Square Subdivision
Pocomoke, MD 21851
District 01, Acct # 045237
Worcester County, MD
Deed Reference: 5719/448

NOTICE IS GIVEN, under Worcester County Code CG § 4-403(c), that the County Commissioners of Worcester County, Maryland will hear public comments on a proposed Resolution at its regular meeting in the Commissioners' Meeting Room, Worcester County Government Center in Snow Hill, Maryland on: October 6, 2020 at 10:45am.

The County Commissioners propose to convey the property described above, including fixtures, furniture, and improvements for \$675,000 plus the cost of inventory at the time of closing.

RESOLUTION NO. 20-__
RESOLUTION AUTHORIZING
THE DISPOSAL OF COUNTY PROPERTY

Recitals

- A. The County Commissioners of Worcester County, Maryland own real property known as Units 101 and 102 in the Newtown Plaza Condominium in Pocomoke City, Maryland by way of a deed dated July 1, 2011 and recorded in the Land Records at Book 5719, Page 448 (“Property”).
- B. The County Commissioners have determined to dispose of the Property.
- C. Worcester County Code § CG 4-403 governs the disposition of County property.
- D. In accordance with § CG 4-403(c), the County Commissioners have determined that disposal of the Property by competitive bidding is impractical, have advertised the terms of the disposal once a week for three consecutive weeks in a newspaper of general circulation (September 17, 2020, September 24, 2020, and October 1, 2020 in the *Daily Times*), and have provided an opportunity for public objections.

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

- 1. The Property, including all fixtures, furniture, and improvements may be disposed of without competitive bidding for \$675,000 plus the cost of inventory at the time of closing.

PASSED AND ADOPTED this _____ day of _____, 2020:

Attest:

**County Commissioners of
Worcester County, Maryland**

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr., Commissioner

Madison J. Bunting, Jr., Commissioner

James C. Church, Commissioner

Joshua C. Nordstrom, Commissioner

Diana Purnell, Commissioner

ITEM
29

**NOTICE
OF
PROPOSED CHANGE IN ZONING**

SOUTHERLY SIDE OF NASSAWANGO ROAD
WEST OF MD ROUTE 12

SEVENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 425 has been filed by Hugh Cropper, IV on behalf of Daniel Strickland Hope and Jana P. Hope, property owners, for an amendment to the Official Zoning Maps to change approximately 54.7 acres of land located on the southerly side of Nassawango Road, west of MD Route 12 in the Seventh Tax District of Worcester County, Maryland, from RP Resource Protection District to A-1 Agricultural 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, OCTOBER 6, 2020

AT 11:00 AM

IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 425 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. 425 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201,

1a

Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

ITEM
16



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
<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

RECEIVED
AUG 20 2020
Worcester County Admin

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
Date: August 20, 2020
Re: Rezoning Case No. 425 – Daniel Strickland Hope and Jana P. Hope, applicants,
Hugh Cropper IV, Esquire attorney for the applicants

Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 425, seeking to rezone approximately 54.7 acres of land located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill, from RP Resource Protection District to A-1 Agricultural District. The case was reviewed by the Planning Commission at its meeting on July 2, 2020 and was given a favorable recommendation, subject to retaining the wetlands adjacent to the Pocomoke River within the RP Resource Protection District designation.

Also attached for your use is a draft public hearing notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Weston Young. 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/jkk

cc: Jennifer K. Keener, Deputy Director

APPROVED
Worcester County Commissioners
Date *EH* 9/1/20

PROPOSED PUBLIC
HEARING DATE:
OCTOBER 6, 2020

16

NOTICE
OF
PROPOSED CHANGE IN ZONING

DRAFT

SOUTHERLY SIDE OF NASSAWANGO ROAD
WEST OF MD ROUTE 12

SEVENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 425 has been filed by Hugh Cropper, IV on behalf of Daniel Strickland Hope and Jana P. Hope, property owners, for an amendment to the Official Zoning Maps to change approximately 54.7 acres of land located on the southerly side of Nassawango Road, west of MD Route 12 in the Seventh Tax District of Worcester County, Maryland, from RP Resource Protection District to A-1 Agricultural 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
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 425 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. 425 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

Joseph M. Mitrecic, President

ld

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 425

APPLICANT:

**Daniel Strickland Hope & Jana P. Hope
4224 Nassawango Road
Snow Hill, Maryland 21863**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

July 2, 2020

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

I.	Introductory Data	Pages 3 - 4
II.	Testimony Before the Planning Commission	Pages 4 - 6
III.	Findings and Conclusions	Pages 6 - 8
IV.	Planning Commission Recommendation	Page 8
V.	Related Material and Attachments	
A.	Copy of Written Staff Report	Pages 9 - 15
B.	Attachments to the Staff Report:	
1.	Application for Amendment of Official Zoning Map with attachment	Pages 16 - 25
2.	Maps of petitioned area	Pages 26 - 33
3.	Comments of Robert J. Mitchell, Worcester County Environmental Programs Director	Pages 34 - 35
4.	Comments of Kathryn Durant, Natural Resources Planner, State of Maryland Critical Area Commission	Pages 36 - 37
5.	Comments of James W. Meredith, District Engineer, Maryland State Highway Administration	Page 38
6.	Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 39
7.	Comments of Kathryn Causey, Director, Worcester County Economic Development	Page 40
8.	Comments of Rob Clarke, Forester, Maryland Forest Service	Page 41
9.	Memo requesting comments	Pages 42 - 43

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 425, filed on January 31, 2020.
- B. APPLICANT: Daniel Strickland Hope & Jana P. Hope
4224 Nassawango Road
Snow Hill, Maryland 21863
- APPLICANT'S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 70 - Parcel 18 – Parcel B - Tax District 7
- D. SIZE: The petitioned area is 54.7 acres in size. It is part of a larger parcel which totals 153.56 acres in size. The petitioned area is comprised of the existing agricultural field and wooded areas adjacent to the Pocomoke River.
- E. LOCATION: The petitioned area is located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill. It is on the easterly side of the former Nassawango Country Club and Golf Course.
- F. CURRENT USE OF PETITIONED AREA: Tilled land and forest.
- G. CURRENT ZONING CLASSIFICATION: RP Resource Protection District.
- H. REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, with a portion of the forested waterfront area placed in the C-1 Conservation District. That designation was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning, the entire property was placed in the RP Resource Protection District. This district was the former C-1 Conservation District.
- J. SURROUNDING ZONING: All adjoining and nearby properties are also zoned RP Resource Protection district, with the exception of the adjacent former Nassawango Country Club and Golf Course property, which is zoned A-2 Agricultural District because of the golf course use that existed at the time of the comprehensive rezoning in 2009.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agricultural and Green

Infrastructure Land Use Categories.

- L. **WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), this property is unimproved, and there are no well or septic records on this property. He notes that septic capacity can only be realized with a successful seasonal soil evaluation. Mr. Mitchell states that the subject property has a designation of Sewer Service Category S-6 (no Planned Service).
- M. **ROAD ACCESS:** The petitioned area fronts on Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, and Mr. Hope and Mrs. Hope, property owners, were present for the review. Mr. Cropper stated that he represents the prospective buyer, Mr. Smithson. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood.

Submitted as Applicant's Exhibit No. 1 was a copy of the RP Resource Protection District zoning regulations. Mr. Cropper noted that the district allows a very limited number of uses by right and that the construction of a single-family dwelling would require a special exception by the Board of Zoning Appeals. Mr. Cropper emphasized the importance of agriculture in Worcester County as expressed in the staff report. Mr. Cropper further noted that agricultural uses, such as tilling land, would also need a special exception; though staff clarified that such a use is allowed in every zoning district by right and can be found in §ZS 1-105. He argued that the entire property should be zoned A-1 Agricultural District, with the exception of a small strip at the Pocomoke River that is classified as wetlands. Overall, he stated that county staff too generously drew the RP District line in 2009 at the time of the comprehensive rezoning.

Submitted as Applicant's Exhibit No. 2 was a copy of the Land Use Map taken from the 2006 Worcester County Comprehensive Plan reflecting the petitioned area as being located within the Agricultural category, with a portion of the wetlands at the Pocomoke River being located within the Green Infrastructure

category. Mr. Cropper further indicated he believes the zoning should have followed the boundary line indicated on the aforementioned Land Use Map. Additionally, Mr. Cropper testified that the entire 54.7 acres should be rezoned as requested; however, he agreed that it would be reasonable to maintain the area located within the wetlands bordering the river within the RP Resource Protection District, if the Planning Commission so found. Submitted as Applicant's Exhibit No. 3 was a survey of the petitioned area. Mr. Cropper outlined the area along the river, bordering the wetlands, that could remain as RP Resource Protection District.

Frank G. Lynch, Jr., surveyor was called as the first witness. In response to a question posed by Mr. Cropper, Mr. Lynch confirmed it is axiomatic to say that the land should be zoned A-1 Agricultural District to be consistent with the Land Use Map. He agreed that there was a mistake in the zoning of the property and also believed it should have been designated in an agricultural district at the time of the 2009 comprehensive rezoning since it was an agricultural field at that time.

Chris McCabe, environmental consultant, was called as the second witness. Mr. Cropper also questioned Mr. McCabe indicated his agreement of Mr. Lynch's testimony and that the Comprehensive Plan recognizes the importance of agriculture in Worcester County. Mr. McCabe also testified that the remaining lands to the east owned by Mr. and Mrs. Hope are zoned RP Resource Protection District, while the lands to the west, consisting of the former Nassawango Country Club and Golf Course, is zoned A-2 Agricultural District. Relative to the Critical Area comments, Mr. McCabe explained that the property is located within the Resource Conservation Area (RCA), which allows a maximum density of one dwelling per 20 acres. Therefore, the development potential for this property is a maximum of two residential lots or two single-family dwellings. The A-1 District zoning classification would be consistent with these regulations in his opinion. Mr. Cropper further expressed that in the event two single-family dwellings were built on the property, they would be required to comply with current Stormwater Management practices which could cause the water quality of the river to improve.

Mr. Cropper called Daniel Hope, property owner, as his next witness. Mr. Hope explained that he owns and lives on the adjoining property. His family farm, encompassing the petitioned area, had been in the family for three generations and was used for agricultural purposes for over one hundred years. Mr. Hope agreed that A-1 District zoning is more compatible with the current and historical uses.

In closing, Mr. Cropper stated that the property does not meet the purpose and intent of the RP District zoning and that the land is not environmentally sensitive. Mr. Cropper expressed that the RP District was a new district created in 2009 and

felt that the County Commissioners were unaware of the impact that this zoning district would create. Mr. Cropper alleged that the current agricultural field is a non-conforming use and that agriculturally used lands should be zoned agricultural. Staff again confirmed that pursuant to §ZS 1-105, cropland is allowed in every zoning district and that the current use is allowed by right.

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 there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, as a single-family dwelling in this location would require a private septic system regardless of zoning. Mr. Mitchell's memo stated that the subject property is in the S-6 category (no planned service) of the Master Water and Sewerage Plan. Additionally, the Planning Commission found that the Critical Area designation of Resource Conservation Area (RCA) limits development to one dwelling per 20 acres; thus, the petitioned area could theoretically have a maximum of two lots with one dwelling each. Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company's facility, approximately ten minutes away from the subject property. 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 thirty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately ten minutes away. No comments were received from either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, and the site will be subject to the limitations of private water and wastewater as well as the Critical Area regulations.
- D. Regarding present and future transportation patterns: The Planning Commission

found that the petitioned area fronts on Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 office commented by letter (copy attached) that if development of the property is proposed in the future, the MDOT 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. He also stated that with the exception of the aforementioned comments, MDOT 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 at this time. 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 as no significant changes are anticipated with a maximum of two dwellings able to be permitted.

- 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 the petitioned area is current tilled lands and forested wetlands. Based upon the testimony of Mr. McCabe, the wetlands adjacent to the Pocomoke River have been located as illustrated on the survey labeled as Applicant's Exhibit No. 3. Mr. Cropper has suggested that this area can remain in the RP Resource Protection District, consistent with the Green Infrastructure category of the Comprehensive Land Use Map should the Planning Commission include such in their recommendation. Additionally, the Planning Commission agreed that the petitioned area has historically been cultivated fields, and that the potential use of the property for a single-family dwelling is consistent with the A-1 Agricultural District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, excluding the area designated as wetlands adjacent to the Pocomoke River on Applicant's Exhibit No. 3, 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 Agricultural and Green Infrastructure

Land Use categories within the Comprehensive Plan. Therefore, rezoning the tilled uplands would further the petitioned area's compatibility with the Comprehensive Plan. They agreed that the portion of the petitioned area containing wetlands and located adjacent to the Pocomoke River is more consistent with the Green Infrastructure category and should remain in the RP Resource Protection District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, excluding the area designated as wetlands adjacent to the Pocomoke River on Applicant's Exhibit No. 3, 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 current and historical use of the petitioned area as tilled lands, as well as the Agricultural Land Use category in the Comprehensive Plan, the Planning Commission found that it was a mistake to have placed the uplands portion of the petitioned area in the RP Resource Protection District designation during the 2009 comprehensive rezoning. The uplands portion of the petitioned area should have received an A-1 Agricultural District zoning classification so as to be consistent with the Land Use Map. 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. 425, seeking a rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, on the condition that the portion of the petitioned area containing wetlands and located adjacent to the Pocomoke River, as illustrated on the survey provided as Applicant's Exhibit No. 3 be retained in the RP Resource Protection District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 425

PROPERTY OWNER: Daniel Strickland Hope and Jana P. Hope
4224 Nassawango Road
Snow Hill, Maryland 21863

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 70 - Parcel 18 -Parcel B - Tax District 7

SIZE: The petitioned area is 54.7 acres in size. It is part of a larger parcel which totals 153.56 acres in size. The petitioned area is the existing agricultural field and wooded areas adjacent to the Pocomoke River.

LOCATION: The petitioned area is located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill. It is on the easterly side of the former Nassawango Country Club and golf course.

CURRENT USE OF PETITIONED AREA: Tilled land and forest.

CURRENT ZONING CLASSIFICATION: RP Resource Protection District

REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on a mistake in existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was primarily given an A-1 Agricultural District classification, with a portion of the forested waterfront area placed in the C-1 Conservation District. That designation was been retained by the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning the entire property was placed in the RP Resource Protection District.

SURROUNDING ZONING: All adjoining and nearby properties are also zoned RP Resource Protection District, with the exception of the adjacent Nassawango Country Club property which is zoned A-2 Agricultural District because of the golf course.

COMPREHENSIVE PLAN:

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan

map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use Categories. With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

"The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged." (Page 18)

With regard to the Green Infrastructure Land Use Category, the Comprehensive Plan states that this category addresses state and locally designated natural and open spaces and that these areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the County's landscape. It states that greenways improve water quality, provide flood control and maintain the County's rural and coastal character. The Comprehensive Plan further states that this category includes conservation zones, which are highly restricted due to their special sensitivity and that conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, and selected riparian corridors. It also states that greenway and conservation areas have distinct physical characteristics which make them special habitat areas or place extreme limitations on development and that such areas are "place dependent", that is, they only occur at specific locations. Their identification and preservation must be proactively addressed and after-the-fact mitigation and restoration is expensive and often of limited effect. The Comprehensive Plan also states that the green infrastructure system is designed to maintain existing resource areas and, where absent, create sufficient natural "corridors" linking larger green "hubs."

Pertinent objectives cited in Chapter 2 - Land Use state the following:

-
2. Continue the dominance of agriculture and forestry uses through the county's less developed regions.
 3. Maintain the character of the county's existing population centers.
 4. Provide for appropriate residential, commercial, institutional, and industrial uses.
 5. Locate new development in or near existing population centers and within planned growth centers.
 6. Infill existing population centers without overwhelming their existing character.
 7. Work with municipalities to develop annexation guidance policies that encourage infill within a municipality and then provide for logical community extensions.
 8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.

9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
11. Set high environmental standards for new development, especially in designated growth areas.
12. Develop green infrastructure system.
13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation.
-
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
17. Discourage highway strip development to maintain roadway capacity, safety and character.
-
19. Limit rural development to uses compatible with agriculture and forestry.
20. Direct new development in growth areas to planned communities.
21. Promote mixed use development.

.....
(Pages 12, 13)

In Chapter 3, Natural Resources, pertinent objectives include the following:

- "1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
2. Instill environmental stewardship as a universal ethic.
3. Identify and protect environmentally sensitive areas.
4. Restore and/or enhance natural resource functions where possible.
5. Reduce imperviousness of existing and new development.
-
8. Conserve resources by reducing unnecessary consumption.
-
10. Establish sufficient buffers for sensitive areas.

(Page 33)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- "1. Acceptable Levels of Service -- It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
 -
 3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
 4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
 5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
- (Page 87)

WATER AND WASTEWATER: According to the response memo dated March 20, 2020 from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have designations of Sewer and Water Service Categories S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that this department does not have any well and septic records, as this property is unimproved at the present, and septic can only be realized with a successful seasonal soil evaluation. Neither John H. Tustin, P. E., Director of Public Works, or John Ross, Deputy Director of Public Works, submitted any comments.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- HbA - Hambrook sandy loam - severe limitations to on-site wastewater disposal
- WdA - Woodstown sandy loam - severe limitations to on-site wastewater disposal
- SaB - Sassafras sandy loam - severe limitations to on-site wastewater disposal
- Zk - Zekiah silt loam - severe limitations to on-site wastewater disposal
- MC - Mannington and Nanticoke soils - severe limitations to on-site wastewater disposal
- GaB - Galestown loamy sand - severe limitations to on-site wastewater disposal
- In - Indiantown silt loam - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company's facility, approximately ten 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 thirty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately ten minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department.

ROADWAYS AND TRANSPORTATION: The property of which the petitioned area is a part fronts on and currently has access to Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two lane secondary

highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the State Highway Administration District 1 commented by letter (copy attached) 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. He also stated that with exception of the aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time.

SCHOOLS: The petitioned area is within the area served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's response memo, the petitioned area is located within the Chesapeake Bay Critical Area (CBCA). He states that the parcel is presented designated as a Resource Conservation Area (RCA) and has an associated 100 foot buffer from the mean high water line of tidal waters, the edge of the back of tributary streams, and the landward extent of tidal wetlands. He further states that RCAs are areas characterized by nature-dominated environments (i.e., wetlands, forests, abandoned fields and resource-utilization activities (i.e., agriculture, forestry, fisheries, aquaculture). He states that allowed uses within the A-1 Agricultural District support the purpose and intent of that district, specifically, to preserve, encourage and protect the County's farms and forestry operations. He states that therefore there does not seem to be any outstanding issues with the proposed rezoning and the Critical Area. Mr. Mitchell goes on to state that it should be noted that if the proposed rezoning is approved, lands within the RCA boundaries must abide by allowances under § NR 3-206 of the Natural Resources Article of the Code of Public Local Laws of Worcester County and that this includes, but is not limited to, lot coverage, clearing and density limitations. He also states that no new commercial, industrial or instructional uses can be permitted without the approval of a growth allocation. Mr. Mitchell states that all rezonings located wholly or partially within the Critical Area require that a notification be sent to the Critical Area Commission (CAC) and he attached the CAC's comments.

Kathryn Durant, Natural Resources Planner with the CAC, states in the attached comments that a zoning map amendment can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification. Ms. Durant states that the A-1 zone is mostly consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. She further states that the A-1 zone however allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-

217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems and the County must therefore ensure that the site complies with the RCA use limits outlined in the Code. Ms. Durant further notes that any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property must be governed by the County and State Critical Area regulations, including rules and regulations regarding lot coverage, forest and developed woodland clearing, buffer establishment, and RCA density.

FLOOD ZONE: The FIRM map indicates that the petitioned area is primarily within Zones A and AE (100 year flood).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is not within one mile of any incorporated town.

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Kathryn Gordon, Deputy Director, Economic Development: Doesn't see anything that would affect her department's initiatives.

Rob Clarke, DNR Forester: Finds the proposal compatible with current land uses in the area.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **IMPORTANT** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

- 1) What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
- 2) Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
- 3) Relating to population change.
- 4) Relating to availability of public facilities.
- 5) Relating to present and future transportation patterns.
- 6) Relating to compatibility with existing and proposed development and existing

environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.

- 7) Relating to compatibility with the Comprehensive Plan.
- 8) Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
- 9) Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 425

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 1/31/2020

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 70
- B. Parcel Number(s): 18
- C. Lot Number(s), if applicable: Parcel B
- D. Tax District Number: 7th

III. Physical Description of Property

- A. Located on the South Side side of Nassawango River Road.
- B. Consisting of a total of 153.56 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

-
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): RP, Resource Protection
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 30.547
- C. Requested zoning classification(s): A-1, Agricultural District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 30.547

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This rezoning is based upon a mistake. A more detailed summary will be submitted.

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner
 Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: January 31, 2020

C. Signature of Property Owner in Accordance with VI.A. above

Signature: _____
 Printed Name of Owner: Daniel Strickland Hope and Janna P. Hope
 Mailing Address: 4224 Nassawango Road, Snow Hill, MD 21863
 Phone Number: _____
 E-Mail: _____
 Date: January 31, 2020

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. ~~Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.~~

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.**

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: hcropper@bbcmlaw.com

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

www.bbcmlaw.com

CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDEY J. RYAN

*ADMITTED IN MD & DC

January 31, 2020

Mrs. Phyllis H. Wimbrow, Deputy Director
Worcester County Department of
Development, Review and Permitting
One West Market Street
Snow Hill, Maryland 21863

Dear Mrs. Wimbrow:

Please find enclosed a Rezoning Application for Worcester County Tax Map 70, Parcel 18, Parcel B, 153.56 acres, more or less.

I am sending a copy of this application to Mr. Frank G. Lynch, Jr. He will provide us with a scaled plat, showing a more accurate acreage. It was my intent to follow the northwesterly property line of the existing field.

We may also make some adjustments along the Pocomoke River, once the delineation is performed.

I have estimated the acreage at 30 acres, and therefore attached is the fee in the amount of \$1,100.00. We can adjust this amount (either way) once we have a more accurate acreage.

I will also be submitting a more detailed summary of our arguments. I just want to get in today, in conformance with the deadline.

January 31, 2020
Page Two

Thank you and have a great day.

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosures

CC: B. Randall Coates, Esquire
J. Richard Phillips, IV
Christopher McCabe
Frank G. Lynch, Jr.

LAW OFFICES

BOOTH CROPPER & MARRINER

CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN

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9923 STEPHEN DECATUR HIGHWAY, D-2

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(410) 213-2681

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EMAIL: hcropper@bbcmllaw.com

EASTON OFFICE

130 N. WASHINGTON ST.
EASTON, MD 21601
(410) 822-2929
FAX (410) 820-6586

*ADMITTED IN MD & DC

WEBSITE
www.bbcmllaw.com

January 31, 2020

Mr. Daniel Strickland Hope
Mrs. Janna P. Hope
4224 Nassawango Road
Snow Hill, Maryland 21863

Dear Mr. and Mrs. Hope:

As you know, I represent Mr. Richard D. Smithson, the contract purchaser of your property. Prior to the closing, Mr. Smithson is desirous of obtaining certain zoning approvals, such as a possible rezoning, special exception to construct a single-family dwelling, etc.

Inasmuch as you still own the property, I will be representing you in these applications.

I am not involved in the contractual negotiations between you and Mr. Smithson. Still, there is a possibility of a conflict of interest.

I would like your authorization to represent you with respect to these applications. Of course, I will provide you copies of everything, and keep you in the loop. It may be necessary for you to testify at the rezoning hearing.

I would also like you to waive any potential conflict of interest. Again, I am not going to be involved in your contractual negotiations.

Mr. Smithson will pay the entirety of my bill, as well as any application fees.

January 31, 2020
Page Two

If this is acceptable, please sign the bottom of this letter, where indicated, and return it to me at your earliest convenience.

Very truly yours,




Hugh Cropper IV

HC/tgb

CC: J. Richard Phillips, IV
B. Randall Coates, Esquire

AGREED TO THIS 31 DAY OF Jan, 2020.



DANIEL STRICKLAND HOPE

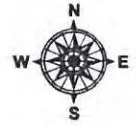
JANNA P. HOPE

Telephone Number: 410 430 4095

Email Address: DPINEWOOD@GMAIL.COM

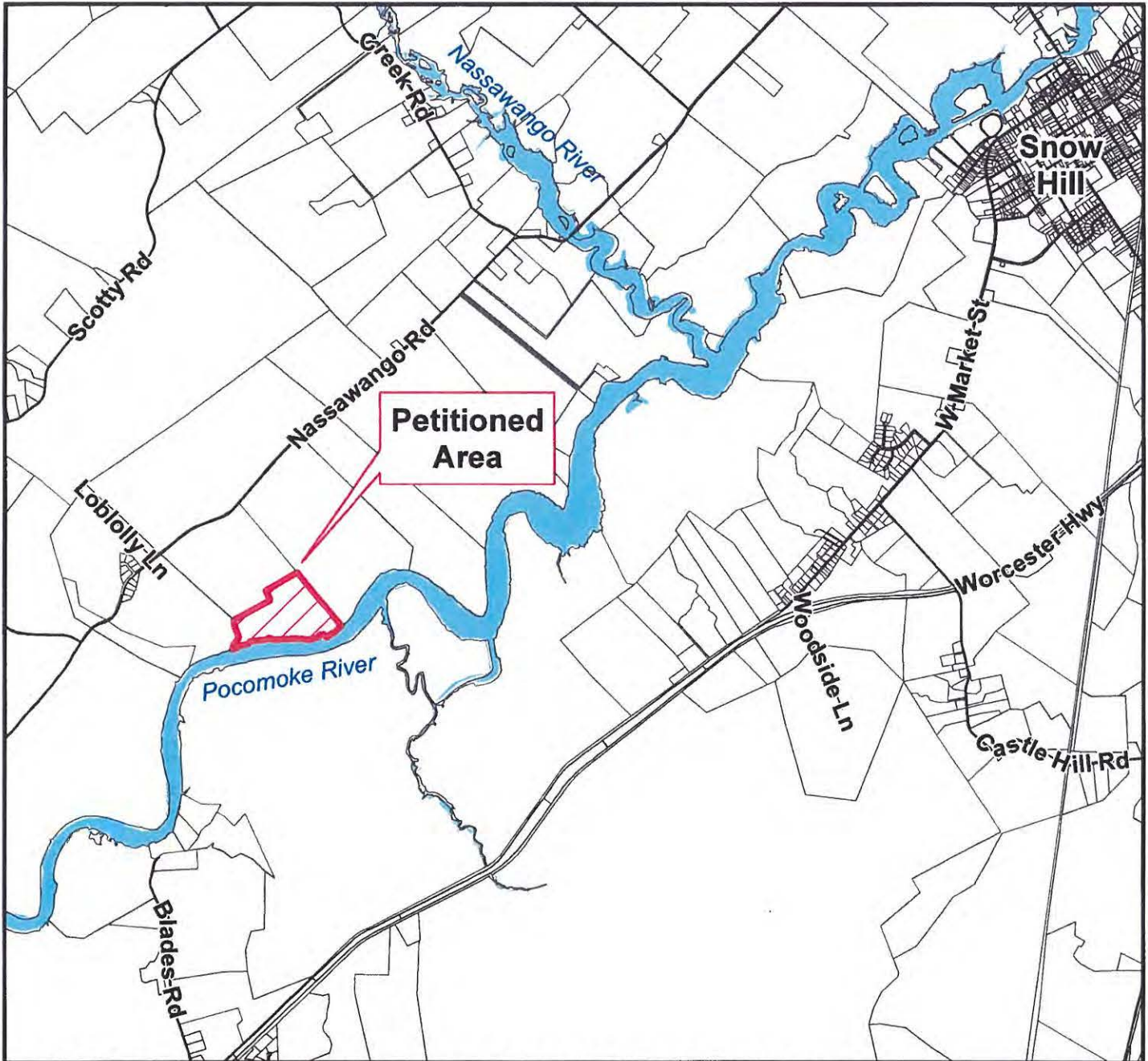


WORCESTER COUNTY, MARYLAND

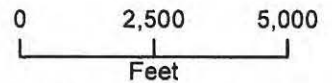


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 2020



Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

AERIAL MAP



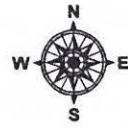
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2020

Source: Worcester County GIS Data Layers - 2019 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

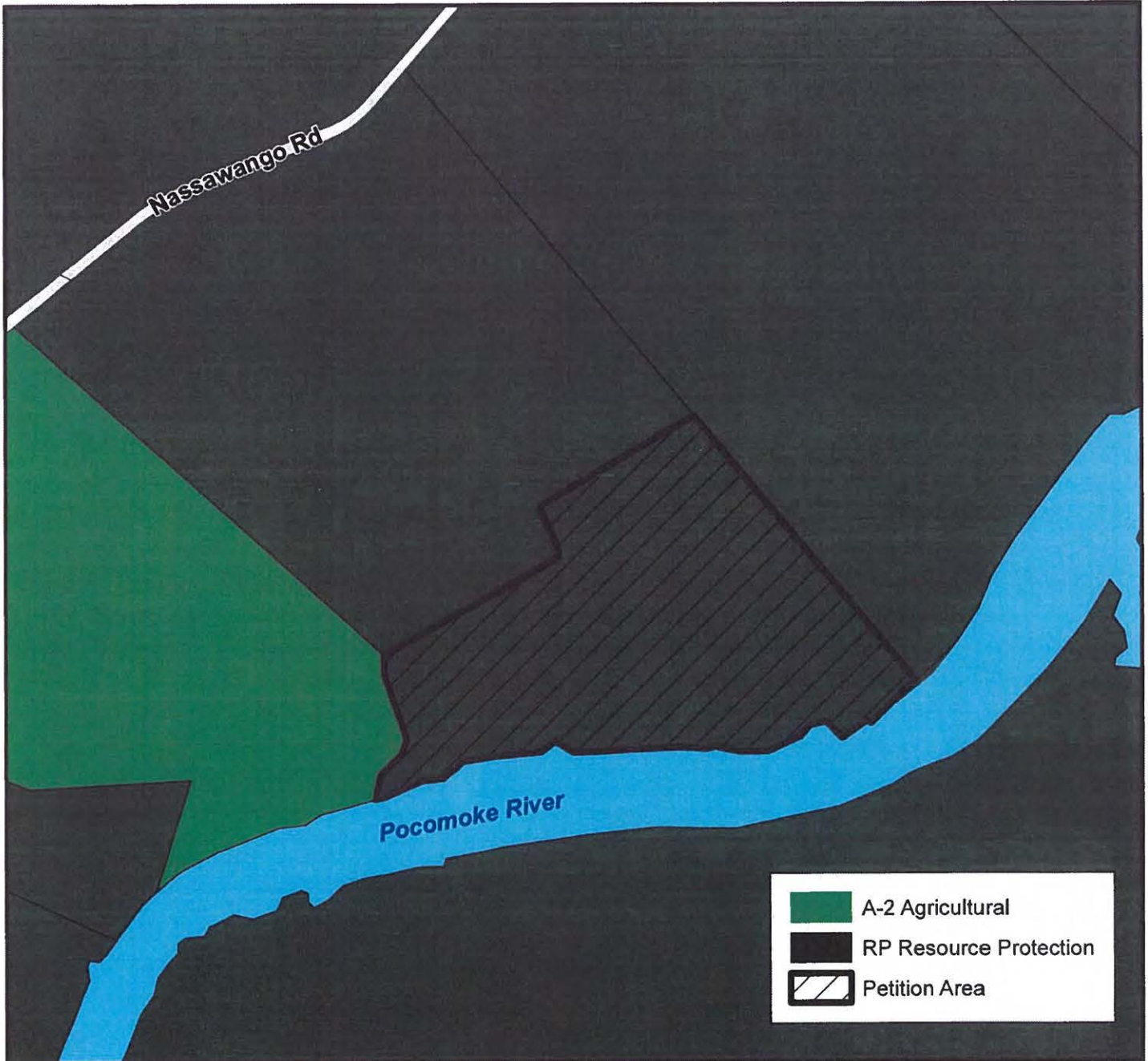


WORCESTER COUNTY, MARYLAND



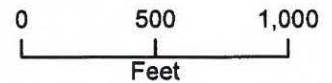
REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
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ZONING MAP



	A-2 Agricultural
	RP Resource Protection
	Petition Area

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2020



Source: Worcester County GIS Data Layers - 2009 Zoning Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

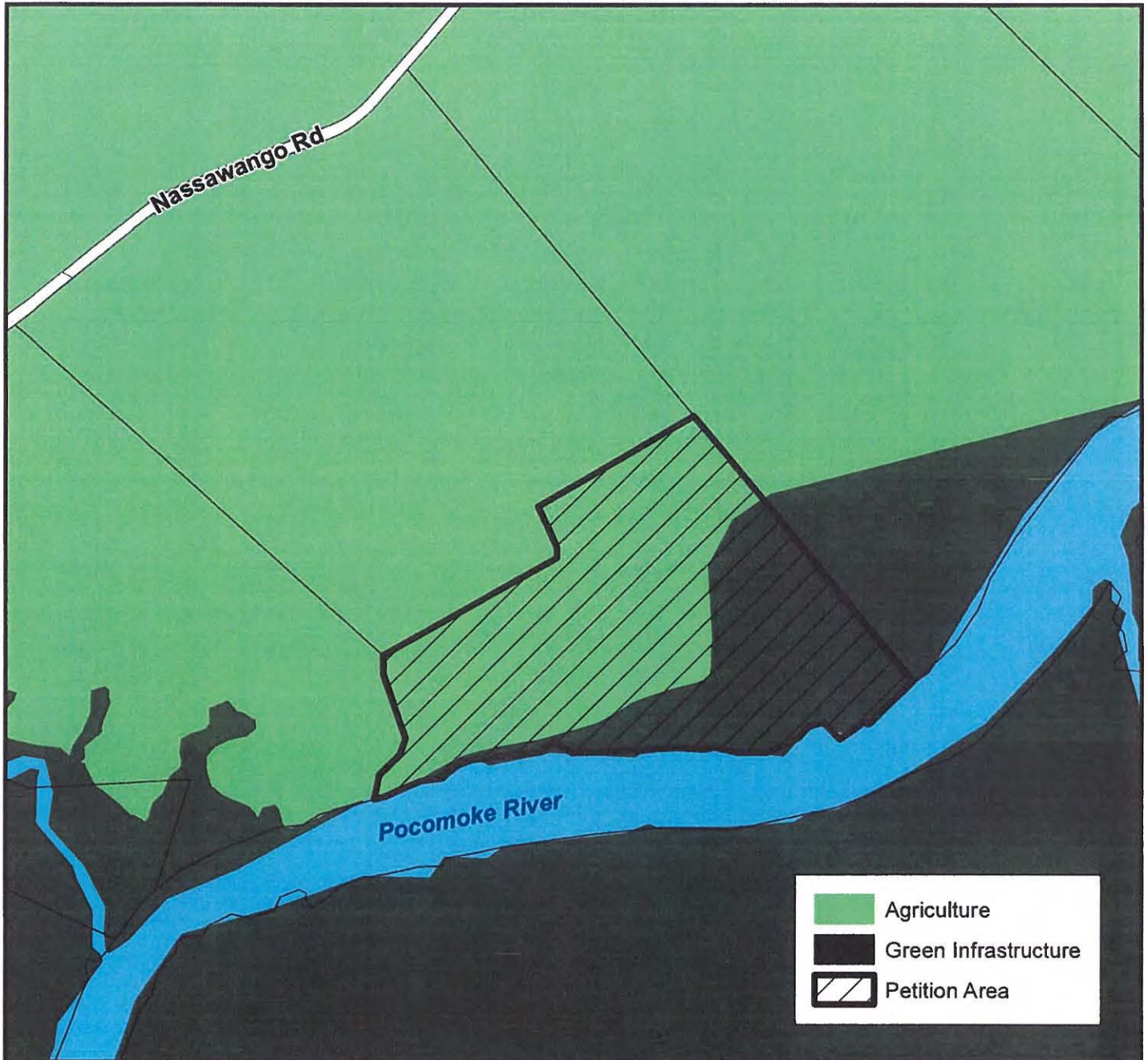


WORCESTER COUNTY, MARYLAND

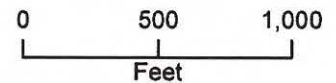


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 2020

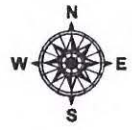


Source: Worcester County GIS Data Layers - 2006 Land Use Plan Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

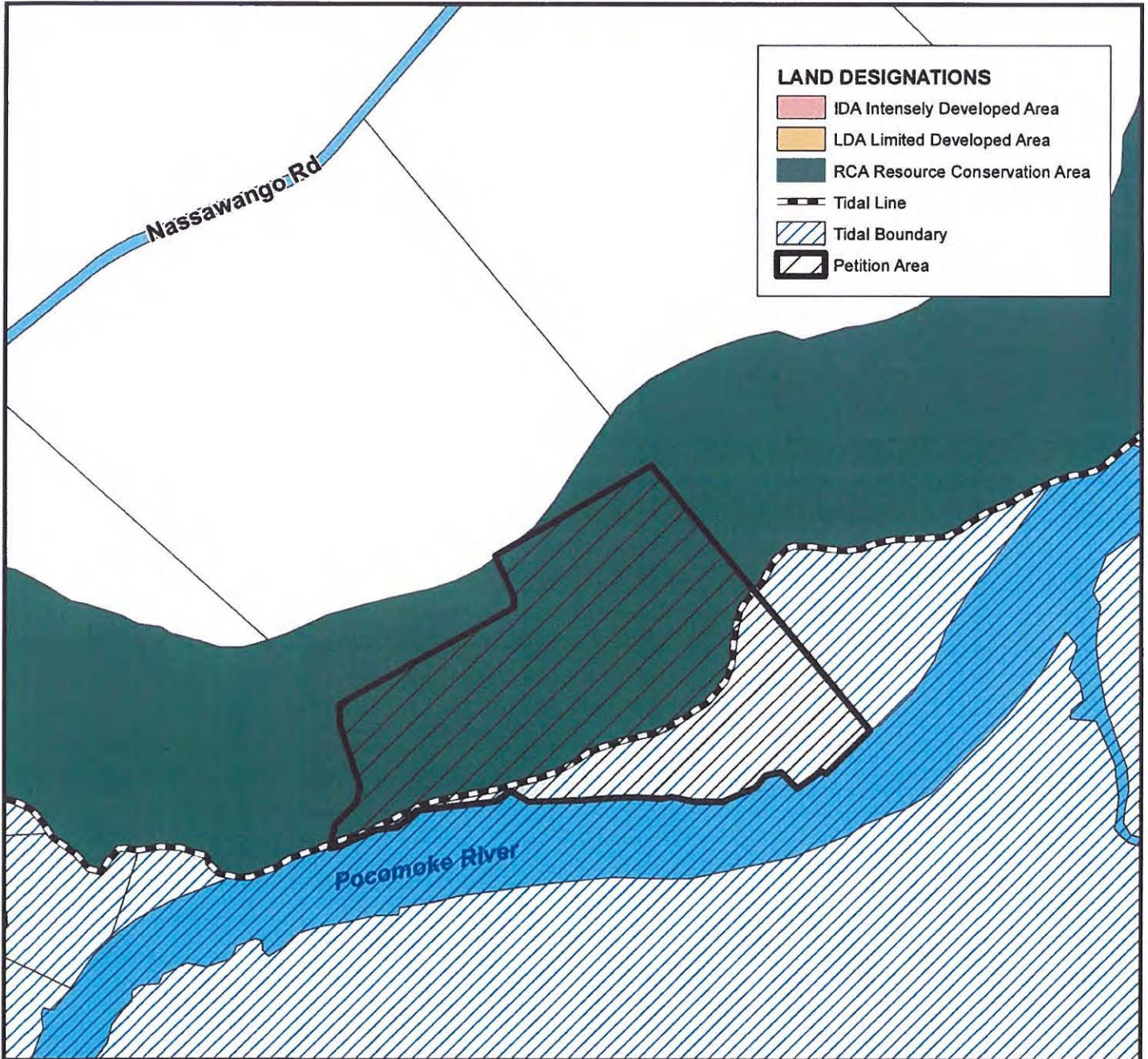


WORCESTER COUNTY, MARYLAND

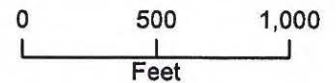


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

CRITICAL AREA MAP



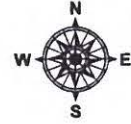
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 2020



Source: Worcester County GIS Data Layers - Chesapeake Bay Critical Area Map
 This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

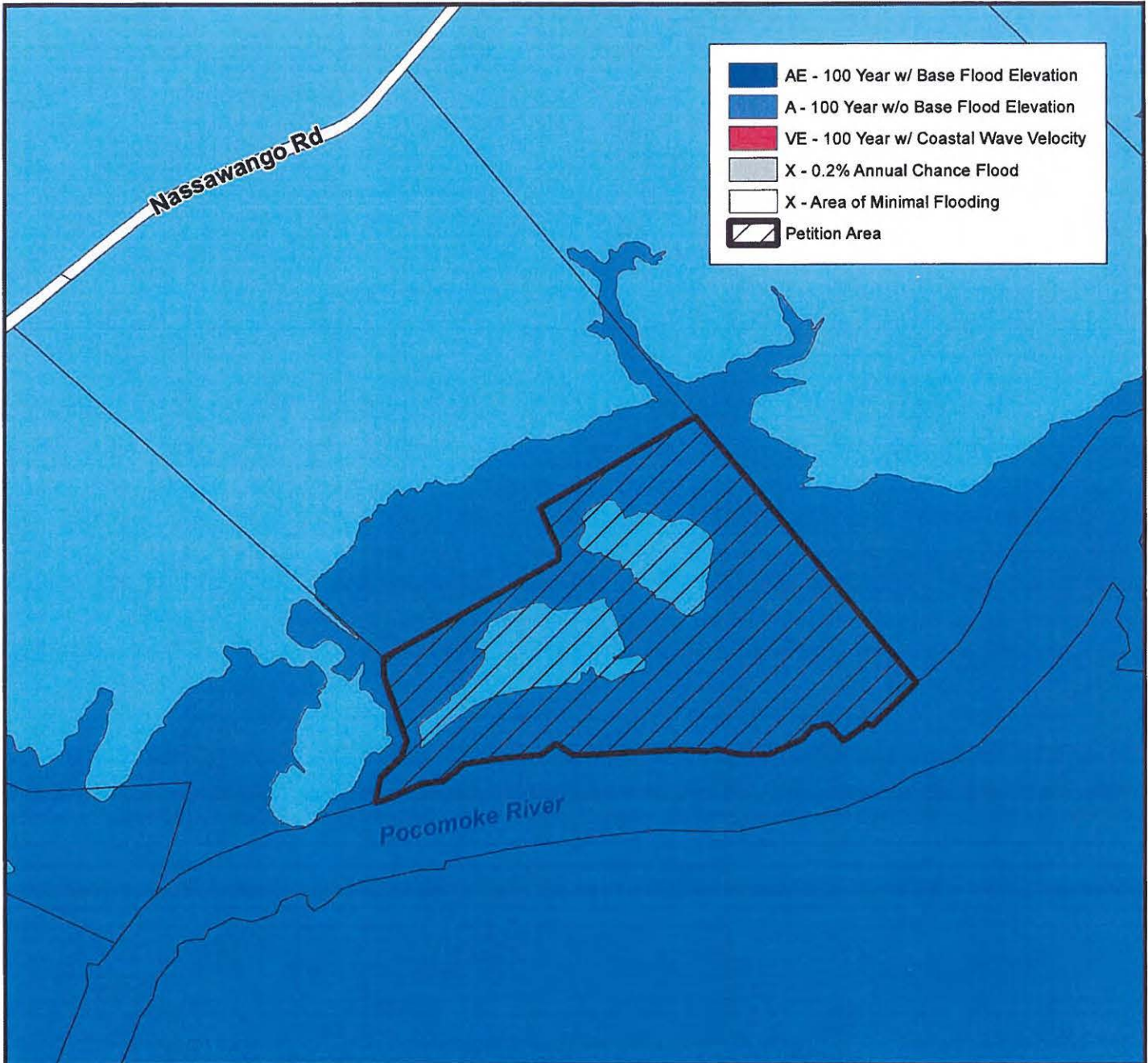


WORCESTER COUNTY, MARYLAND

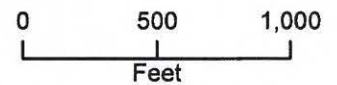


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2020

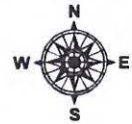


Source: Worcester County GIS Data Layers - 2015 FEMA Map

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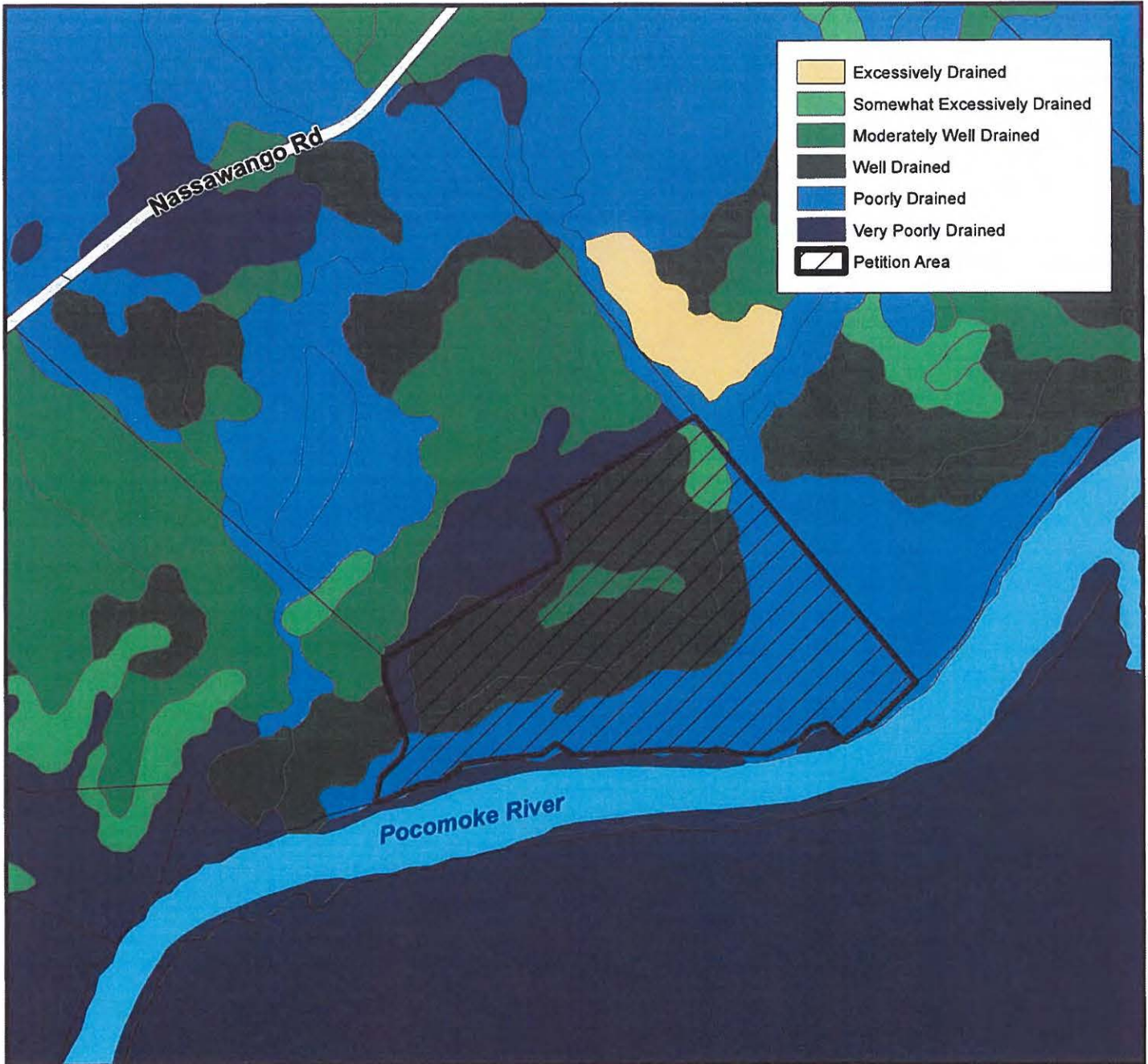


WORCESTER COUNTY, MARYLAND

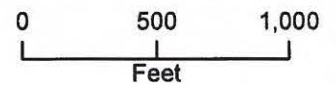


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 2020

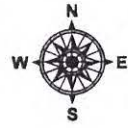


Source: Worcester County GIS Data Layers - 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

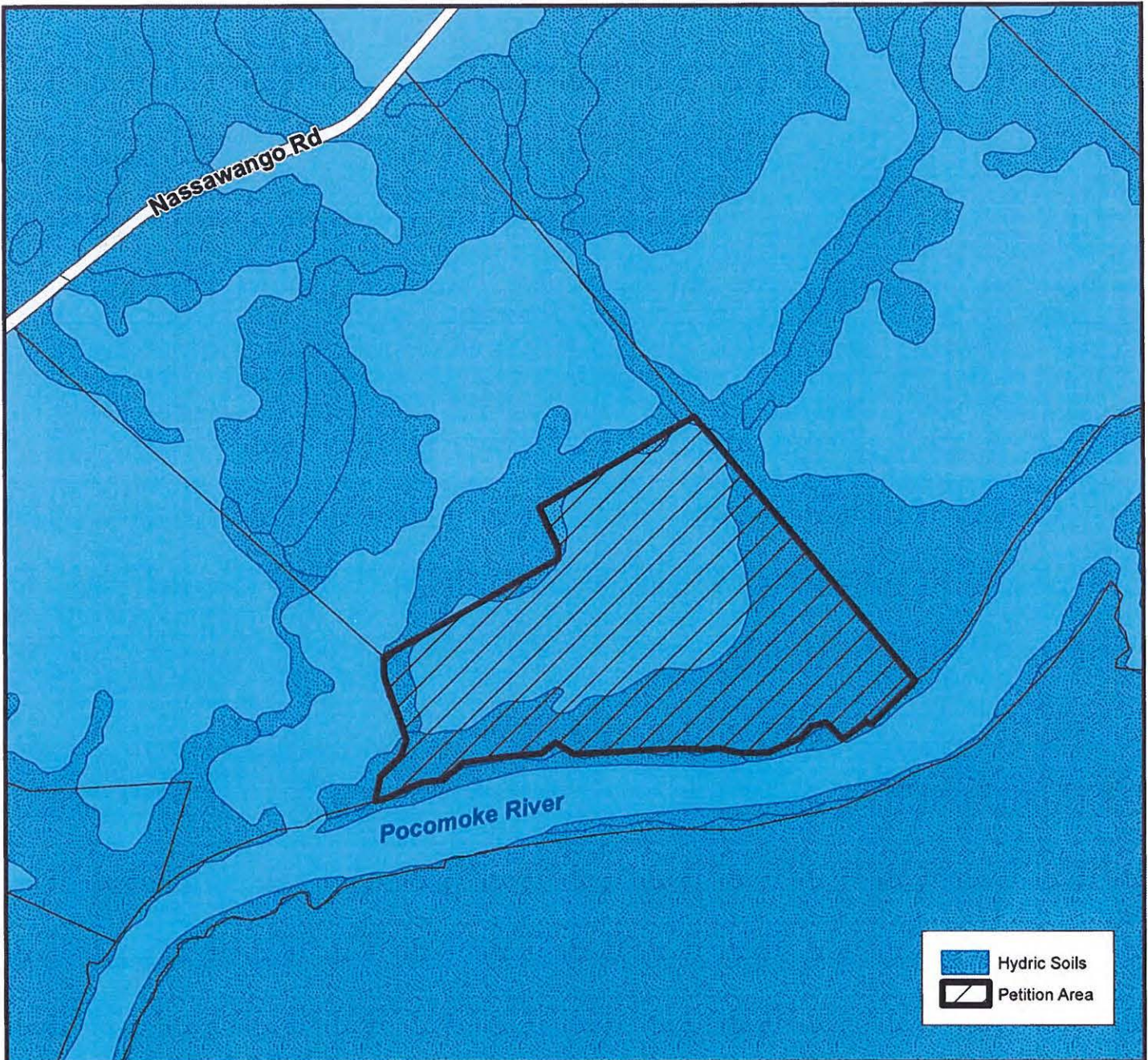


WORCESTER COUNTY, MARYLAND

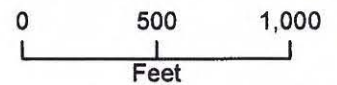


REZONING CASE NO. 425
 RP Resource Protection District to A-1 Agricultural District
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 2020



Source: Worcester County GIS Data Layers - 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



Worcester County
Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

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

Subject: EP Staff Comments on Rezoning Case No. 425
Worcester County Tax Map 70, Parcel 18, Lot B.
54.7 Acres
RP Resource Protection to A-1 Agricultural District

Date: 3/20/20

This response to your request for comments is prepared for the map amendment application associated with the above referenced properties. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009 and argues a substantial change in the character of the neighborhood has occurred as well. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The application for zoning reclassification is for 54.7 acres of a property totaling 153.56 acres. Referring to the land use designations in the *Comprehensive Plan*, approximately 34.4 acres of the request are located in the Agricultural land use district, while the remaining 20.3 acres are located in the Green Infrastructure District. The Green Infrastructure land use designation addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape. Greenways improve water quality, provide flood control and maintain the county's rural and coastal character. The Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The areas adjacent to this property are all in the Agricultural

34

Citizens and Government Working Together

land use district save the portions directly fronting the Pocomoke River, where a Green Infrastructure designation is found.

This property is surrounded by properties carrying either a Resource Protection or agricultural zoning designation. The agricultural zoning designation is on the property directly southwest of the subject property and is the only agricultural zoning designation in the surrounding area. That property was a former golf course and has since been acquired by the Maryland Department of Natural Resources. The current uses are compatible with their corresponding land use designations in the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The subject property has a designation of Sewer Service Category S-6 (*no Planned Service*). We do not have any well and septic records as this property is unimproved at the present. Septic can only be realized with a successful seasonal soil evaluation.
2. This proposed rezoning is located inside of the Chesapeake Bay Critical Area (CBCA). The parcel is presently designated as a Resource Conservation Area (RCA) and has an associated 100ft buffer from the mean high water lone of tidal waters, the edge of the back of tributary streams, and the landward extent of tidal wetlands. RCAs are areas characterized nature-dominated environments (i.e. wetlands, forests, abandoned fields) and resource-utilization activities (i.e. agriculture, forestry, fisheries, aquaculture). Allowed uses within the A-1 Zoning District support the purpose and intent of that district, specifically, to preserve, encourage, and protect the County's farms and forestry operations; therefore there does not seem to be any outstanding issues with the proposed rezoning and the Critical Area.
3. It should be noted that if the proposed rezoning is approved, lands within the RCA boundaries must abide by allowances under the Code of Public Local Laws of Worcester County, Maryland, Natural Resources Article, §NR 3-206. This includes, but is not limited to, lot coverage, clearing, and density limitations. Also, no new commercial, industrial, or instructional uses can be permitted without the approval of a growth allocation. Any existing industrial, commercial facilities may not exceed density specified in §NR 3-206(c)(3).
4. All rezonings located wholly or partially within the Critical Area require a notification to be sent to the Critical Area Commission for comment. Those comments are attached.
5. Regarding the acreage and portion of the farm included within this zoning reclassification request, the portion of the property in the Green Infrastructure land use designation should have the existing zoning classification remain so. While the existing cleared portion of the request is currently farmed and utilized for agricultural purposes, the Green Infrastructure designated portion of the request is wholly forested from the edge of the farm field to the shoreline of the Pocomoke River. To provide water quality benefits and secure the essential wildlife food, shelter, and cover within the undisturbed portion of the property along the Pocomoke River, that portion that carries the Green Infrastructure designation should not have the zoning designation reclassified to A-1.

If you have any questions on these comments, please do not hesitate to contact me.

Attachments

35

Citizens and Government Working Together

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

March 11, 2020

Ms. Jenelle Gerthoffer
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Rezoning Case No. 425: Hope, Daniel & Jana
4224 Nassawango Road (Tax Map 70, Parcel 18, Lot B)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of revised Parcel B¹ within the Resource Conservation Area (RCA) from Resource Protection (RP) to Agricultural District (A-1). The petitioned area is located at 4224 Nassawango Road in Snow Hill on Tax Map 70, Parcel 18, Lot B. The parcel is located partially in the Critical Area, with the requested rezoning area located entirely in the Critical Area.

The applicant is arguing that a mapping mistake was made in the Comprehensive Rezoning in 2009. A zoning map amendment in the Critical Area can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). The A-1 zone is mostly consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, the A-1 zone allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits outlined in the Code.

Additionally, any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by Worcester County Code NR3:II Chesapeake Bay Critical Area and COMAR Title 27, including, but not limited to, rules and regulations regarding lot coverage, forest and developed woodland clearing, Buffer establishment, and RCA density. Where Worcester County Code NR3:II and COMAR Title 27 differ, the stricter rule or regulation shall prevail.

¹ The proposed rezoning area of revised Parcel B is either 48.2 or 54.7 acres within the RCA; the application materials are inconsistent.

Ms. Jenelle Gerthoffer
March 11, 2020
Page 2 of 2

Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410)260-3477.

Sincerely,



Kathryn Durant
Natural Resources Planner

File: WC 136-20

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary
Tim Smith, P.E.
Acting Administrator

February 14, 2020

Ms. Phyllis H. Wimbrow
Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

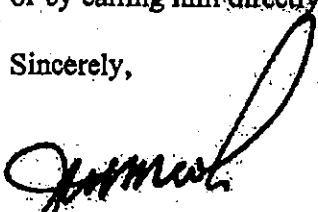
Dear Ms. Wimbrow:

Thank you for the opportunity to review the Rezoning Application from Hugh Cropper for Rezoning Case No. 425 – Daniel S. and Janna P. Hope, in Worcester County. The property is described as Tax Map: 70, Parcel number: 18, Lot Number: Parcel B, Tax District Number: 7th. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the application and associated documents. We are pleased to respond.

Rezoning is a land use issue, which is not under the jurisdiction of the MDOT SHA. 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. Future development may also require an access permit to be issued from this office.

With exception of our aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Thank you for the opportunity to provide a response. If you have any questions regarding our response, please feel free to contact Mr. Daniel Wilson, District 1 Access Management Regional Engineer, via email at dwilson12@mdot.maryland.gov or by calling him directly at 410-677-4048.

Sincerely,



Jones W. Meredith,
District Engineer

cc: Ms. Jennifer Keener, Zoning Administrator, Worcester County
Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Shannon Smith, Transportation Engineer, Project Development, MDOT SHA
Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Daniel Wilson, Access Management Regional Engineer, MDOT SHA



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

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: February 10, 2020
RE: Rezoning Case No. 425



Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 425: No comments at this time.

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

cc: John H. Tustin, P.E., Director

FJA/ll
\\wfile2\users\llawrence\Rezoning\Rezoning Case 425.doc

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

DIVISIONS

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

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

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

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

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

Phyllis Wimbrow

From: Kathryn Gordon
Sent: Monday, February 24, 2020 12:18 PM
To: Phyllis Wimbrow
Subject: Rezoning Case No. 425 -

Good Afternoon Phyllis,

I looked over the application for the rezoning case no. 425 and did not see anything that would affect my department's initiatives.

Thank you,
Kathryn



Kathryn Gordon
Director
Worcester County Economic Development
100 Pearl Street, Suite B
Snow Hill, Maryland 21863
P: 410.632.3112
F: 410.632.5631
C: 410.430.8776

Phyllis Wimbrow


From: April Mariner
Sent: Friday, February 7, 2020 3:45 PM
To: Phyllis Wimbrow
Subject: FW: Rezoning Case #425 Agency Memo.pdf

April L. Mariner
Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- <rob.clarke@maryland.gov>
Sent: Friday, February 7, 2020 3:44 PM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezoning Case #425 Agency Memo.pdf

Hi April,

I have reviewed the proposed changes and on behalf of the Forest Service I find the proposal to be compatible with current land uses in the area.

 <p>CHANGING Maryland <i>for the Better</i></p>  <p>dnr.maryland.gov</p>	<p>Rob Clarke Forester Lower Shore Project Maryland Forest Service Department of Natural Resources 10990 Market Lane Princess Anne, MD 21853-2910 Office: 410-651-2004 Mobile: 443-235-1636 Rob.Clarke@Maryland.gov</p>
--	---

[Click here](#) to complete a three question customer experience survey.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-832-1200 / FAX: 410-832-3008
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Billy Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development
Kathryn Gordon, Director, Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
James Meredith, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Rob Clarke, State Forester, Maryland Forest Services
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
Trey Heiser, Fire Chief, Snow Hill Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director

DATE: February 7, 2020

RE: Rezoning Case No. 425- Daniel S. and Janna P. Hope, Property Owners, and Hugh Cropper, IV, Attorney- South of Nassawango Road at Pocomoke River, Southwest of Snow Hill

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 54.7 acres of land shown on Tax Map 70 as Parcel 18, Parcel B, from RP Resource Protection District to A-1 Agricultural District. Uses allowed in the District include, but are not

limited to, single family dwellings, agriculture, grain dryers, feed mills, agricultural processing plants, aquaculture or seafood processing facilities and landing sites, sawmills, and commercial hosting of non-agricultural functions and events.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. ***If no response is received by MARCH 23, 2020, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



Item
30

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

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

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: Black Eyed Susan Vessel
DATE: October 6, 2020

In an effort to support the Town of Snow Hill and as a follow-up to your special meeting of September 22, 2020 attached for your review is a promissory note and Preferred Mortgage for the Back Eyed Susan Vessel. The terms of the note are as follows:

Amount: \$400,000
Term: 15 years
Interest Rate: 0 %
Payment: Annually, due January 2nd
Maturity: January 2, 2037

If you have any questions, or require an other follow-up, please do not hesitate to contact me.

Attachment

DRAFT

PROMISSORY NOTE AND PREFERRED MORTGAGE

For value received, the Mayor and Council of Snow Hill ("Town") promise to pay to the County Commissioners of Worcester County ("County" or "Mortgagee"), the principal sum of \$400,000 with interest at the rate of % 0 per annum.

1. **Interest.** Town will be charged interest on the principal balance that is unpaid. Interest will begin on the date Town enters this agreement.
2. **Payments.** Town will pay the principal and interest as follows: \$26,667 on the 2nd day of each year beginning upon the 2nd day of January, 2022, and continuing until the 2nd day of January, 2037.
3. **Prepayments.** Town may prepay this loan in full or in part at any time. If Town prepays a portion of this loan, the prepayment will be applied as a credit to the installment payments next due under this loan. Town will notify the holder of this note if the prepayment is to be applied differently.
4. **Security.** As an inducement for the lender to make this loan, Town agrees to place the entire title to the Motor Vessel Black-Eyed Susan, Official Number 927605 ("Vessel") in mortgage with the lender.
 - a. Town agrees to maintain the Vessel in good condition and repair, except wear and tear caused from ordinary use. Town agrees, at its expense to have the Vessel surveyed annually, and to repair and operate the Vessel in accordance with the recommendations of the surveyor. Town understands that the surveyor will be chosen by the Mortgagee and any objection Town has to the surveyor must be made in writing within 10 days of notice of election of surveyor.
 - b. In addition, the Mortgagee has the right to inspect the Vessel at any time with or without notice.
 - c. Town must maintain insurance on the Vessel including Hull & Machinery in amount equal to the outstanding balance on this note. The insurance policy must also contain a Breach of Warrant clause for the protection of the

holder of this note. Also, Town must maintain Liability insurance of at least \$1,000,000. Town must maintain coverage for protection and indemnity risks, tower's liability risks if the Vessel performs towage, employees' compensation, and any other risks and liabilities that from time to time may be required by Town's operation of the Vessel.

- i. All insurance must be taken out in the Town's name and must name the Mortgagee and/or holder of this note as the loss payee.
 - ii. Town will provide the Mortgagee with copies of all insurance policies.
 - d. Town will advise the holder of this note of any change in address of where the Vessel is docked.
 - e. Town will pay when due all taxes, assessments, government charges, fines, and penalties lawfully imposed and promptly discharge all liens upon the Vessel.
 - f. Town will not remove the Vessel from the waters of the United States of America without securing written permission of the County.
 - g. Town will not use and will not permit anyone to use the Vessel for any unlawful purpose, or for any use that would result in excessive or unusual depreciation, or not permitted under the terms of the insurance policies insuring the Vessel.
 - h. Town will not abandon or lose possession of the Vessel.
 - i. Town will keep the Vessel free of all claims, liens, and seizures by any civilian or governmental authority.
 - j. Town will not lend, sell, transfer, or charter the Vessel to any other party without written permission of the County.
 - k. Town agrees to appear in and defend at its expense any action affecting County's interest or the holder of this note's interest in the Vessel.
5. **Default:** Town may be declared in default if any one of the following events occurs:
- a. Default in the punctual payment of the principal of the note

or default in any provision contained in this agreement.

- b. Commission of any act of bankruptcy or approval by any court of a petition or request for reorganization, arrangement, extension or other relief under any bankruptcy law or by appointment of a receiver.
6. In case of default, the Mortgagee or holder of this Note may:
- a. Declare the principal of the note and all accrued interest to be due and payable.
 - b. Recover judgment for and collect out of any property Town owns any amount due and collect all earned charter hire and freight monies relating to services performed by the Vessel.
 - c. Take possession of the Vessel and sell it without legal action being required.
 - i. Town will have 15 days from notice of default in which to pay the note in full and redeem the Vessel.
 - ii. If Town does not redeem the Vessel and continue in default for more than 15 days after written notice of default, Town will immediately and without any other authority being required, deliver possession of the Vessel to the Mortgagee, or its designated agent at the nearest port. Town will notify Mortgagee immediately upon receipt of a Notice of Default of the exact location of the Vessel.
 - d. If because of Town's default, the Mortgagee or holder of this Note voluntarily or involuntarily takes possession of the Vessel and the Vessel is sold, the net proceeds of any judicial or other sale, and any charter, management, operation or other use of the Vessel by Mortgagee or holder of this note will be applied as follows:
 - i. To the payment of all attorney's fees, court costs and any other expenses, losses, charges, damages incurred or advances made by the Mortgagee or holder of this note in the protection of its rights or caused by Town's default under this agreement with interest on all such amount at the rate of 10% per annum.

- ii. To the payment of all interest, to date of payment, on this note and all other sums secured by this note and as to any balance of such proceeds, to the payment next of any or all matured installments of principal, and then of all unmatured installments of principal in the inverse order of their maturity.
- iii. The holder of this note will be entitled to collect any deficiency from Town. Town will be entitled to any surplus subject to set off in favor of any other indebtedness Town may owe.
- iv. Town will receive credit for any sum received in the nature of a resale of the Vessel by the Mortgagee or holder of this note and the credit will reduce any amount of financial liability Town may have under the terms of this note.

7. Notices: Any notice under this agreement must be in writing and must be served as follows:

a. Notice to the Commissioners:

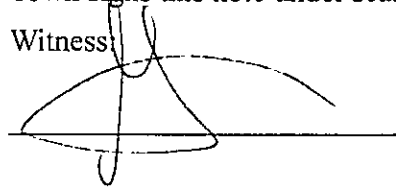
Office of the County Commissioners
Government Center, Room 1103
One West Market Street
Snow Hill, MD 21863.

b. Notice to Town:

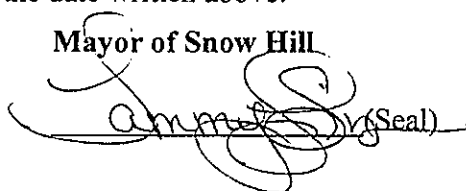
Mayor and Council of Snow Hill
103 Bank Street
Snow Hill, Maryland 21863

Town signs this note under seal on the date written above:

Witness:



Mayor of Snow Hill



(Seal)

State of Maryland County of Worcester

On this 5th day of October, 2020, before me, the undersigned officer, personally appeared Tammy Simpson on behalf of the Mayor and Council of The Town of Snow Hill, and that she, as Mayor, being authorized to do so by unanimous support of the Council, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as Mayor of Snow Hill.

In witness where of I hereunto set my hand and official seal.



Notary Public

My commission expires 10-16-2023

