

**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>

**November 21, 2023**

- |   | Item #      |
|---|-------------|
| 9:00 AM - Vote to Meet in Closed Session in Commissioners' Conference Room – Room 1103<br>Government Center, One West Market Street, Snow Hill, Maryland  |             |
| 9:01 - Closed Session<br>(Discussion regarding a personnel update, requests to hire a Parks Worker, Plant Operator Trainee, Transfer Station Attendant, Emergency Services Communications Specialists, request to transfer to Senior Accountant, request to promote to Lieutenant, request to hire Correctional Officer, receiving legal advice, and performing administrative functions) |             |
| 10:00 - Call to Order, Prayer, Pledge of Allegiance   |             |
| 10:01 - Report on Closed Session; Review and Approval of Minutes from November 7, 2023  |             |
| 10:02 - Proclamation (1)  | <b>1</b>    |
| 10:03 - Consent Agenda<br>(Connected Devices Grant Acceptance, Tourism EDA Grant Acceptance, Housing Rehab Lead Waiver, Newark Volunteer Fire Company Loan Agreement, Request to Bid 457 Plan, Decision on Snow Solar, Request for Public Hearing Rezoning Case 443)  | <b>2-8</b>  |
| 10:05 - Chief Administrative Officer: Administrative Matters<br>(BOE FY25 CIP, Building Cleaning Services Price Increase, Request to Purchase Dump Truck, Star Team and Mosquito Control Building Swap, Liquor ID Check Guides, Redistricting Update, Fair Discussion, Board Appointments)  | <b>9-16</b> |
| 10:30 - Public Hearing Bill 23-07 Cannabis Emergency Bill   | <b>17</b>   |
| 10:35 - Public Hearing St. Martins by the Bay USDA Grant  | <b>18</b>   |
| 11:30 - Questions from the Press; County Commissioner's Remarks   |             |
| 11:35 - Vote to Return to Closed Session in Commissioners' Conference Room – Room 1103<br>Government Center, One West Market Street, Snow Hill, Maryland  |             |
| <b>Lunch</b>  |             |
| 12:00 PM - Closed Session<br>(Interviews for Warden)  |             |
| 1:00 PM - Chief Administrative Officer: Administrative Matters (if necessary)   |             |

**AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING**

<b>Hearing Assistance Units Available</b> – see County Administration Office Please be thoughtful and considerate of others. <b>*Turn OFF all cell phones and notification during the meeting!*</b>
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**Minutes of the County Commissioners of Worcester County, Maryland**

November 7, 2023

Anthony W. Bertino, Jr., president  
Madison J. Bunting, Jr., vice president  
Caryn G. Abbott  
Theodore J. Elder  
Eric J. Fiori  
Joseph M. Mitrecic  
Diana Purnell

Following a motion by Commissioner Abbott, seconded by Commissioner Mitrecic, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners’ Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (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 Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included the following: a personnel update, hiring Drake Foxwell as a grounds worker II within Recreation and Parks, Tara-Lee Thomas as an emergency communications specialist trainee within Emergency Services, and LuQuesha Brittingham and Lawrence Johnson as correctional officers within the County Jail; considering a salary-related grant within the State’s Attorney’s Office; receiving legal advice from counsel; and performing administrative functions, including discussing board appointments.

Following a motion by Commissioner Abbott, seconded by Commissioner Mitrecic, the commissioners unanimously voted to adjourn their closed session at 9:43 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Father John Solomon of St. Mary Star of the Sea and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the minutes of their October 17, 2023 open and closed session minutes as amended.

The commissioners presented a proclamation recognizing November 13-17, 2023 as American Education Week to Worcester County Teachers Association President Beth Shockley Lynch and Board of Education (BOE) Chief Financial Officer Vince Tolbert.

The commissioners presented a proclamation to Worcester County Department of Social Services staff recognizing November as National Adoption Month to raise awareness of County youth in foster care who need stable homes and to honor those who have dedicated their lives to serving these children.

In a related matter, the commissioners also presented a commendation to Dustin and Lauren Walker for being named the 2023 Worcester County Adoptive Parents of the Year by DSS. Mr. Walker accepted the commendation on behalf of the couple. His wife was not at the meeting.

Upon a motion by Commissioner Fiori, the commissioners unanimously approved by consent agenda item numbers 2-8 as follows: an FY24 Maryland Tourism Development Board Marketing Grant of \$102,511; Byrne Justice Assistance Grant for the Sheriff's Tactical Armed Response Team of \$99,981; Finding of Fact for Rezoning Case No. 444, Black Water Relics, LLC; a contract with Zylem for the Isle of Wight Bay force main evaluation; Housing Rehab Subordination Agreement for the Vonzella Turner family; scheduling a public hearing for the FY25-FY29 Capital Improvement Plan; and adopting the commissioners' 2024 meeting schedule and FY25 budget schedule.

In response to a question by Commissioner Bertino, Chief Administrative Officer Weston Young confirmed that the draft CIP will be revised with updated Buckingham Elementary School replacement costs.

The commissioners met with Dr. Deborah Casey, the new Wor-Wic Community College president, who introduced herself and discussed upcoming college initiatives designed to promote workforce development. In response to concerns by Commissioner Mitrecic that individuals entering the paramedics program are required to take courses they do not need or want to become licensed paramedics, Dr. Casey stated that she will look into the requirements. Following some discussion, the commissioners thanked Dr. Casey for meeting with them.

Pursuant to the request of the Stockton Volunteer Fire Company (SVFC) and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter authorizing the SVFC to apply for a Waterway Improvement Grant, with a 50/50 State and SVFC funding matches of \$73,177, to construct marine facilities and acquire vessels for marine firefighting, police/medical services, and communication equipment for promoting safety of life and property and general service to the boating public utilizing the water of the State of Maryland.

Pursuant to the request of State's Attorney Kris Heiser and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized the acceptance of \$102,200 in Maryland Criminal Intelligence Network grant funds to the State's Attorney's Office (SAO).

Environmental Programs Director Bob Mitchell presented a request from representatives of WGC EDU, LLC, Coastal Square, LLC (Coastal), and West Ocean City, LLC (WOC) to enter into wastewater purchase agreements, with Coastal to acquire all remaining wastewater capacity of the Riddle Farm Wastewater Treatment Plant (WWTP) and WOC to acquire 12 equivalent dwelling units. Following the presentation, the commissioners took no action.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Elder, the commissioners unanimously authorized staff to proceed with the preliminary paperwork for a grant (\$2.2 million) and loan (\$2.2 million) from the Maryland



Department of the Environment for the design and construction of the Mystic Harbour WWTP solids handling project.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Purnell, the commissioners unanimously approved lowering speed limits on several residential roads in the vicinity of Ocean City Elementary School that have no sidewalks and little to no shoulders for pedestrians and bicyclists.

Pursuant to the request of Procurement Officer Nick Rice and upon a motion by Commissioner Elder, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to accept the low bid of \$340,500 from Cianelli Construction, Inc. for phases 1 and 2 of the South Point bulkhead replacement project.

Chief Administrative Officer Weston Young advised the commissioners that the U.S. Army Corps of Engineers (COE) is soliciting public comments regarding the construction of a wind farm off the coast of Ocean City through December 5, 2023. He stated that comments are meant to help the COE evaluate the impacts of this proposed activity and whether to issue a permit for the proposal. Commissioner Mitrecic stated that a similar project in Delaware was cancelled, and the cost of wind farm projects has increased so dramatically that these companies are now looking at getting more money from the government, so taxpayers will end up footing the bill for them. He stated that the proposed project off the coast of Ocean City will not only be detrimental to the look of the ocean, but it will also be detrimental to the fishing industry and other marine activities. He concluded that, in the long run, this project is going to cost the people of Worcester County and the State of Maryland a tremendous amount of money. Commissioner Abbott stated that there seems to be a misperception among some in the public that the commissioners support this project, so she clarified that the commissioners do not support this project. Commissioner Elder concurred, noting that this project would be detrimental to the environment, and that economically and esthetically it is a loser.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to submit written comments to the COE opposing the offshore wind farm project.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Commissioner Purnell to serve as treasurer on the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland Executive Board.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint Commissioner Mitrecic to serve as vice chair of the TCC.

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to appoint Commissioners Abbott, Elder, Fiori, Mitrecic, and Purnell as voting members of the TCC.

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to appoint Commissioner Bertino to serve as the primary and Commissioner Bunting to serve as the alternate representative on the Maryland Association of Counties (MACo) Legislative Committee.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Margaret Labesky to the Social Services Board and Mike Mitchell to the Solid Waste Advisory Board<sup>1</sup>.

The commissioners conducted a public hearing on Rezoning Case No. 442, which was filed by Hugh Cropper, IV on behalf of Pin Oak Properties, LLC, property owner, and amended to include Robert, B. Riccio, Jr., property owner, for an amendment to the Official Zoning Maps to change approximately 6.46 acres of land located on the east side of U.S. Rt. 113 on Pin Oak Drive, and more specifically identified on Tax Map 20 as Parcel 290, Lots 1, 3, 5, and 6, from C-1 Neighborhood Commercial District to C-2 General Commercial District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting (DRP) Deputy Director Matthew Laick reviewed the application, which received a favorable recommendation from the Planning Commission. He then stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. He then entered the Planning Commission's Findings of Fact into the record.

Commissioner Bertino opened the floor to receive public comment.

Mr. Cropper concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well. He then reviewed the former industrial uses on the site, zoning, and consolidation history of the property. He concluded that the C-1 zoning, which is meant for businesses that serve the community, created a non-conformity due to the existence of the 8,000-square-foot structure on the property, which is used for contractor shops and which are not a permitted use in this zoning district. He argued that the petitioned area would be more consistent with the permitted uses and special exceptions contained in the C-2 District, noting that the property has no frontage on U.S. Rt. 113, and its location is not suitable for people to stop in and buy things.

Property owner Paul Sens stated that he did not question the zoning during the 2006 purchase, as the 8,000-square-foot facility had been in use as an industrial site at that time. He noted that the property has no visibility to the highway, no public water or sewer, and is located directly across from the Worcester County Public Works facility. He advised that, if the rezoning is granted, he plans to improve the property and expand the existing uses.

Brian Zollinger, a landscape architect, agreed that it had been a mistake to downzone the property to C-1, which created a non-conformity. He stated that, if rezoned to C-2, the property owner will be able to fix up the property and develop a reasonable commercial site plan to expand.

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

In response to a question by Commissioner Bertino, Mr. Cropper advised that his client seeks to expand to add additional contractor shops and storage. DRP Director Jennifer Keener stated that the existing use is allowed, but it is non-compliant.

Commissioner Fiori stated that multiple properties had been downzoned to C-1 during the 2009 comprehensive rezoning, and this particular property can only be accessed through a residential zone instead of on U.S. Rt. 113. In response to questions by Commissioner Fiori, Mr.

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<sup>1</sup> After the meeting, it was determined that George Dix is still an active member serving on the Solid Waste Advisory Board, so Mr. Mitchell was placed on a wait list to be considered for future board service.

Cropper stated that the existing use on the property is not consistent with neighborhood commercial uses permitted in the C-1 district and pointed out that every property south of Atlantic General Hospital is zoned C-2.

In response to a question by Commissioner Bunting, Mr. Laick confirmed that this commercial property can only be accessed through a subdivision.

Following some discussion, a motion by Commissioner Mitrecic to approve the requested rezoning from C-1 to C-2 failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

The commissioners conducted a public hearing on an application filed by Chaberton Solar Snow, LLC on the lands of Charles Waite, III, for a utility scale solar energy system Step I Concept Plan approval on property located on the northwest side of Timmons Road, east of U.S. Rt. 113, designated on Tax Map 56 as Parcel 10. Mr. Leslie swore in those individuals who planned to give testimony during the hearing. Zoning Administrator Kristen Tremblay reviewed the proposed project, which is anticipated to produce approximately 7.54 megawatts (DC) output on 28.9 acres of the 103.82-acre property, which is zoned A-1 Agricultural District and maintained under agricultural production. She advised that approximately 75 acres of the subject property will remain in agricultural production. She concluded that the Planning Commission found that the proposed solar project is a permitted use in the A-1 District and would have no adverse impacts on the surrounding properties; therefore, they granted a favorable recommendation to the Step I application.

Commissioner Bertino stated it was his understanding that the property owner would be required to put up \$582,372 to cover decommissioning costs.

Commissioner Bertino opened the floor to receive public comment.

Mark Cropper, attorney for the applicant, called on Andrew Reese, senior project manager, who reviewed project design plans. Mr. Reese stated that there will be a wildlife fence and stormwater management plans, and he explained that the project would have no wetland or environmental impacts. He also confirmed that the applicant will be covering the decommissioning bond. In response to comments by Commissioner Bunting, Ms. Tremblay advised that the State, rather than the County, would be holding the decommissioning bond. Mr. Leslie stated that the County will require the applicant to provide proof of the decommissioning bond.

In response to concerns raised by Commissioner Bunting regarding the environmental impacts if the solar project is decommissioned in the future, Mr. Leslie advised that the bond covers the specific costs to recycle or dispose of various materials. Mr. Reese concurred, noting that almost all of the solar materials are recyclable, the State calculates the recycling value, and requires an E-Waste Recycling Permit to salvage the panels. However, he noted that the materials themselves contain steel, silver, laminated glass, and other materials that are very valuable. In response to questions by Commissioner Fiori, Mr. Reese advised that the project materials have a 30-to-40-year lifecycle, which is conservative, as models indicate only one-half percent degradation a year.

There being no further public comments, Commissioner Bertino closed the public hearing.

Following some discussion, a motion by Commissioner Mitrecic to accept the Findings of Fact and approve the Step I Concept Plan failed 3-4, with Commissioners Abbott, Mitrecic,

and Purnell voting in favor and Commissioners Bertino, Bunting, Elder, and Fiori voting in opposition.

In response to a question by Commissioner Bertino, Ms. Keener advised that County staff will continue to accept public comments on the proposed revisions to the Worcester County Commissioner Election Districts through November 14, 2023.

The commissioners conducted a public hearing on the proposed FY24 Solid Waste Enterprise Fund Budget Amendment to increase the tipping fee from \$70 to \$80 per ton for municipal waste and include an additional fee of \$20 per paint/petroleum can removal charge for any paint or petroleum product that is illegally dumped at the landfill. Public Works Dallas Baker discussed the proposed changes, which will help discourage illegal dumping and save staff time. In response to a question by Commissioner Fiori, Mr. Baker advised that there will be a dumpster at the landfill to receive the paint cans.

Commissioner Bertino opened the floor to receive public comments. There being no public comments, Commissioner Bertino closed the hearing.

Commissioner Mitrecic agreed with the proposed tipping fee increase, but expressed concern that the \$20 per can removal fee would result in contractors placing their paint cans in the municipal trashcans throughout the County. Thus, the cans would still end up in the landfill. In response to a question by Commissioner Elder, Mr. Baker advised that the fee would only be applied for those caught illegally dumping paint cans. He further confirmed that there would be no fee imposed in addition to the tipping fee to those who place the paint cans in the trailer allocated for the removal of those products. Commissioner Fiori asked how County staff plan to educate the public about these changes. Mr. Baker advised that they plan to send letters to the haulers, whom they have previously asked not to dump these products in the landfill.

Following some discussion and upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve the budget amendment as presented.

Chief Administrative Officer Weston Young presented information defining and identifying the differences between the two Board of Education (BOE) funding formulas, Blueprint for Maryland's Future (local share) and Maintenance of Effort (MOE), with Counties required to fund the greater of the two per-pupil costs. He advised that for FY24, the Blueprint local share was calculated at \$70.7 million and MOE was calculated at \$100 million, with the County required to fund MOE, as it is the greater of the two calculations. Because the County has consistently funded the BOE above the MOE level, Mr. Young explained that the local share is never projected to exceed MOE. In response to a question by Commissioner Bertino, Mr. Young explained that the policy changes that come with the five pillars of the Blueprint are not meant to be added to what the BOEs are doing now, but rather replacements or reconfigurations of various parameters, and local share is the projected cost to implement them.

Commissioner Mitrecic noted that during a recent meeting of the Local Development Council (LDC) for the Ocean Down Casino it was announced that the County does not have a new plan for the expenditure of Local Impact Grant (LIG) funds. Since the funds were used to pay off the Worcester Technical High School debt, and that debt has now been fully repaid, he

requested the County develop a new plan. Mr. Young stated that LIG funding recommendations are included in the FY 25 budget.

Commissioner Mitrecic stated concern that the commissioners should re-evaluate their appointments to the Planning Commission and Board of Zoning Appeals to avoid County residents the substantial costs involved in filing applications and hiring lawyers to present their cases before those boards if the commissioners are going to turn them all down and grind the County to a stop. Commissioner Fiori concurred with choosing board appointments, but stated that lawyers need not bring in outrageous rezoning requests to place large commercial projects next to agricultural zones and other properties with lower zoning codes and then testify that there are mistakes in the Comprehensive Plan. In response to a question by Commissioner Bertino, Mr. Leslie confirmed that the commissioners cannot replace an active board member until that person's term ends or in the event that the individual is not showing up to meetings.

The commissioners answered questions from the press, after which they adjourned to meet again on November 21, 2023.



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OFFICE OF THE  
COUNTY COMMISSIONERS

# Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

WESTON S. YOUNG, P.E.  
CHIEF ADMINISTRATIVE OFFICER  
CANDACE I. SAVAGE, CGFM  
DEPUTY CHIEF ADMINISTRATIVE OFFICER  
ROSCOE R. LESLIE  
COUNTY ATTORNEY

COMMISSIONERS  
ANTHONY W. BERTINO, JR., PRESIDENT  
MADISON J. BUNTING, JR., VICE PRESIDENT  
CARYN G. ABBOTT  
THEODORE J. ELDER  
ERIC J. FIORI  
JOSEPH M. MITRECIC  
DIANA PURNELL

## PROCLAMATION

**WHEREAS**, during National Hospice Month, we commend the team of nurses, doctors, nursing aids, social workers, spiritual care providers, and grief counselors partnering with Coastal Hospice and Palliative Care to meet the needs of Worcester County residents and their families who face serious, life-limiting illness, death, and grief with comprehensive services and support; and

**WHEREAS**, for over four decades, Coastal Hospice has been promoting dignity and quality of life for patients and families who face life-limiting conditions. The Coastal Hospice team of more than 200 employees and dedicated volunteers are frontline workers, serving patients and families in the Lower Eastern Shore.

**NOW, THEREFORE**, we the County Commissioners of Worcester County, Maryland, do hereby proclaim November 2023 as **Coastal Hospice Month**.

Executed under the Seal of the County of Worcester, State of Maryland, this 21<sup>st</sup> day of November, in the Year of Our Lord Two Thousand and Twenty-Three.

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

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Madison J. Bunting, Jr., Vice President

\_\_\_\_\_  
Caryn G. Abbott

\_\_\_\_\_  
Eric J. Fiori


\_\_\_\_\_  
Theodore J. Elder

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

\_\_\_\_\_  
Diana Purnell



WORCESTER COUNTY  
**LIBRARY**

To: Weston Young  
From: Jennifer Ranck   
Date: November 13, 2023  
Re: Connect Maryland: FY23 Connected Devices Program

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Enclosed with this memo is an award letter and MOU for the Connect Maryland: FY23 Connected Devices Program. The application to distribute 900 devices to households in Worcester County with an income of less than or equal to 200% of the federal poverty level has been approved. I am requesting permission from the Worcester County Commissioners to accept the grant and to complete the necessary signatures on the MOU. The Library will receive \$5,400 to support device distribution. Distributions will take place at the Berlin, Pocomoke, and Snow Hill library branches.

Please contact me if you have any questions and thank you for your support of this initiative.



WES MOORE  
Governor  
ARUNA MILLER  
Lt. Governor  
JACOB R. DAY  
Secretary  
OWEN MCEVOY  
Deputy Secretary

October 18, 2023

Ms. Jennifer Ranck  
Worcester County  
1 West Market Street  
Snow Hill, MD 21863

*CONGRATULATIONS!*

RE: Request for Funding  
Maryland Connected Devices Program

Dear Ms. Ranck:

On behalf of Governor Wes Moore and Lieutenant Governor Aruna Miller, it is my pleasure to inform you that your request for 900 devices with a value of \$178,875.00 for distribution to eligible households throughout the Worcester County Community has been approved. Also approved is your funding in the amount of \$5,400.00 to support the device distribution.

The Office of the Attorney General has prepared a draft MOU attached to this award letter. The acquisition of devices and stipend funding is conditional upon full execution of a grant agreement between Worcester County and the Maryland Department of Housing and Community Development ("the Department").

Again, congratulations on your award. If I may be of further assistance on this or any other matter, please do not hesitate to contact me or Ronnie Hammond, Program Manager Digital Equity & Inclusion, at 301-429-7514 or [ronnie.hammond@maryland.gov](mailto:ronnie.hammond@maryland.gov).

Sincerely,

  
Jacob R. Day  
Secretary



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**OFFICE OF STATEWIDE BROADBAND**

**MARYLAND CONNECTED DEVICES PROGRAM GRANT AGREEMENT**

**THIS MARYLAND CONNECTED DEVICES PROGRAM (“MD-CDP” or the “Program”) GRANT AGREEMENT (“Agreement”)** is entered into as of the Effective Date (as defined herein) by and between the DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (the “Department”), a principal department of the State of Maryland (“State”) and WORCESTER COUNTY GOVERNMENT (the “Grantee”), a local jurisdiction of the State of Maryland. The Department and the Grantee are each a “Party” and may collectively be referred to as the “Parties”.

**RECITALS**

- A. This Agreement is issued pursuant to the State’s appropriation of funding received from the United States Department of the Treasury’s Coronavirus State Fiscal Recovery Fund created by Section 9901 of the American Rescue Plan Act (the “Act”) to the Office of Statewide Broadband (the “Office”). This federal funding is the sole source of funds for the Program. The award made hereunder is subject to all applicable rules, regulations, and guidance issued by the Treasury related thereto (the “Regulations”).
- B. The purpose of the Program is to:
1. Address the deficit of broadband connectivity resources available to low-income populations in the State; and
  2. Provide for the delivery of internet-enabled devices (“Devices”) and a per-device stipend, where applicable, to local jurisdictions that will facilitate the distribution of the devices to those most in need.
- C. Grantee has submitted an application (the “Application”) to the Department, the Executive Summary of which is attached hereto as **Exhibit A**. The remainder of the Application is incorporated into Exhibit A by reference. The Application describes a plan for receipt, storage and distribution of devices to be provided under the Program.
- D. In reliance upon the statements, representations and certifications contained in the Application, the Department has approved an award to Grantee.
- E. The provisions of the Act, the Regulations, and the Department’s Second Round Request for Applications dated September 25, 2023 (“RFA”), as amended from time to time, are hereby incorporated into this Agreement as if fully restated herein.

**AGREEMENT**

**IN CONSIDERATION** of the Recitals, the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Department and Grantee agree as follows:

- 1) Grant.
  - a) The Department agrees to provide Grantee with Nine Hundred (900) Devices, and a per-device

stipend of Six Dollars (\$6.00) (“Stipend”). The monetary value of the Devices is One Hundred Seventy-Eight Thousand Eight Hundred Seventy-Five Dollars (\$178,875.00). The amount of the stipend for the Devices being supplied under this Agreement is Five Thousand Four Hundred Dollars (\$5,400.00). Together, the Devices and the total Stipend constitute the Grant. Disbursement of the Grant is subject to the continuing availability of funding to the Department.

- b) Grantee shall use the Grant to carry out only the approved activities described in Exhibit A (the “Project”). Grantee certifies its activities are eligible activities as set forth in the Act.

2) Expenditure and Disbursement of the Grant.

- a) Upon submission to the Office of a copy of this Agreement signed by an authorized representative of Grantee, Grantee must issue an Allocation Request to the Office’s Program Manager for Equity and Inclusion. The Allocation Request shall be in the form provided by the Office and shall identify the location to which Devices are to be delivered. Devices shall be delivered in lots. The first lot delivery under an Allocation Request will be scheduled within sixty (60) calendar days of the Effective Date of this Agreement, with subsequent lot deliveries to occur monthly until Grantee has received all allocated Devices. Delivery of Devices on any other schedule is at the sole discretion of the Office and permitted only with the Office’s written approval.
- b) Grantee is responsible for the Devices once they are delivered to Grantee. If Grantee fails or refuses to accept a scheduled delivery on the scheduled date and time, all risks associated with the products to be delivered shall nonetheless be Grantee’s responsibility and Grantee shall be responsible for all additional storage and handling costs to be incurred as a result.
- c) Within three (3) business days after delivery of Devices to the Grantee, Grantee must examine the Devices. Issues with any received Device must be brought to the attention of the Office within five (5) business days after delivery – after this time, the Devices will be deemed accepted by Grantee and appropriate for distribution. Once Devices are accepted by the Grantee, the manufacturer’s warranty will apply.
- d) Devices must be distributed to the end recipients within one hundred and eighty-two (182) calendar days of the first lot delivery to Grantee. Notwithstanding the foregoing or any language to the contrary in the RFA, where the first lot delivery of Devices to a Grantee occurs on or after November 1, 2023, all allocated Devices must be distributed on or before April 30, 2024. Devices that have not been distributed by the 183<sup>rd</sup> day after the first lot delivery or by April 30, 2024, whichever date is earlier, must be returned to the Office at the Grantee’s expense. Failure to return Devices as required under this subsection shall be a material default of this Agreement.
- e) Grantee may utilize distribution partners or subcontractors as set forth in the RFA and, if applicable, as described in Exhibit A. Regardless of the participation of any distribution partner or subcontractor in the Project, Grantee shall be responsible for satisfactory implementation of the Project and for the performance of its obligations under this Agreement.
- f) The Stipend shall only be applied to the cost of securing Devices in storage, the cost of transporting the devices to the distribution venue(s), the cost of securing devices during distribution, the cost of the distribution venue(s), and personnel costs associated with distribution. Any other use must be directly attributable to the distribution efforts and is permitted only with the written approval of the Office. Grantee’s overall costs for receiving, storing, securing, and distributing the Devices, where in excess of the Stipend, are the sole responsibility of Grantee.

- g) The Stipend will be provided incrementally, only for the lot of Devices currently scheduled for delivery, and will be provided directly to the Grantee. The number of deliveries provided for in Grantee's Allocation Request(s) will determine how much of the Stipend will be provided in connection with each delivery.
  - h) Eligible use of the Stipend must be supported by invoice(s) submitted to the Department within thirty (30) calendar days of each lot delivery described above. Any exception to this requirement is at the sole discretion of the Office and must be confirmed in writing by the Office. **Failure to timely submit invoices will be deemed a default of this Agreement and may result in Grantee being required to repay all or part of the Stipend.**
  - i) The entirety of the Stipend must be expended by April 30, 2024.
  - j) Final proof of expenses in the form of invoices or other supporting material must be submitted no later than April 15, 2024, and shall identify in detail all expenses incurred for which the Stipend was used. Where a final, or consolidated, invoice is submitted, it shall have attached copies of all the underlying supporting invoices and other documentation of such expenses.
  - k) The Department shall have the right at any time to request that Grantee provide additional supporting documentation to verify or validate its eligible use of the Stipend.
  - l) The Department reserves the right not to disburse the Grant if, in the Department's determination:
    - i. Grantee has failed to supply a material fact in an Allocation Request;
    - ii. An Allocation Request, when combined with all prior Allocation Requests of Grantee, exceeds the total amount of the Grant;
    - iii. Grantee has used any portion of the Grant for uses or activities other than the Project, or in a manner inconsistent with the terms and conditions of this Agreement, the Act, the Regulations, and the RFA; or
    - iv. Grantee is in default under any other term or condition contained in this Agreement.
- 3) Records, Inspections and Reports.

This Section shall survive the term of this Agreement.

- a) Records.
  - i) Grantee shall maintain accurate financial records of all transactions relating to the receipt, expenditure, and disbursement of the Grant and administration of the Project (collectively, "Records"). The Records shall be in a form acceptable to the Department. Grantee shall retain the Records for three (3) years following the date the Department approves final disbursement of the Grant, or such longer period as may be required by federal law.
  - ii) Grantee shall make the Grantee's administrative offices, its personnel, whether full-time, part-time, consultants or volunteers, and the Records available to the Department for inspection upon request, during the term of the Agreement and for a period of three (3) years following the date the Department approves final disbursement of the Grant. The Grantee shall permit

the Department to perform program monitoring, evaluation and audit activities as determined to be necessary, at the discretion of the Department.

b) Inspections. All financial and programmatic records of the Grantee related to the Grant shall be available for inspection by authorized personnel of the Department and agents of the federal government. The Grantee shall further permit the Department to perform program monitoring, evaluation and audit activities as determined to be necessary, at the discretion of the Department. The Department may conduct inspections of the Project at any time during the term of this Agreement.

c) Reports.

i) Every sixty (60) calendar days following the execution of this Agreement, Grantee shall provide the Department with interim progress reports in a manner and form to be determined by the Office. The interim progress reports shall contain such information as the Department requests, including, but not limited to, work accomplished and problems encountered, past and projected expenditures made utilizing the Stipend, and benchmarks reached. Grantee shall ensure that each interim progress report is received by the Department no later than ten (10) working days after the due date.

ii) Within forty-five (45) calendar days after Grantee completes the Project, Grantee shall submit to the Department a final report (the "**Final Report**") in a manner and form to be determined by the Department that describes the completed Project, the success of the Project, any problems encountered in completing the Project, and such other information as the Department requires. The Final Report shall also contain a summary of the Project including the number of households that received Devices, any problems encountered in completing the Project, and such other information as the Department requires. The Final report shall also contain an expense summary of the Project, certified by the highest fiscal officer of Grantee, that lists the expenditures relating to the Grant which were offset by the Stipend and other costs to the Grantee associated with the successful implementation of the Project. In addition, any completed studies, surveys, reports, or other work products, if applicable, shall be attached to the Final Report. The Grant will not be considered fully closed out until the Final Report has been submitted to, and accepted by, the Department.

iii) In addition to the requirements set forth above, Grantee shall provide the Department with such additional records, reports, and other documentation as may be required by the U.S. Department of the Treasury or the Office of the Inspector General.

4) General Covenants.

a) Grantee shall comply with all applicable laws, regulations, terms, and conditions established by the U.S. Department of the Treasury, the Department, and the State with respect to the use of the Grant.

b) Grantee must notify and obtain written approval of the Program Manager of Equity and Inclusion for any change in the Project relating to receipt, storage, security or distribution of Devices. Such a change will not require a formal amendment to this Agreement, so long as the amount of the Grant does not change. The allocation of additional devices beyond the number set forth in Section 2 of this Agreement, and any corresponding increase in the Stipend, will require a formal

amendment.

5) Grantee's Certifications. Grantee certifies that:

- a) Grantee is a local jurisdiction of the State of Maryland.
- b) The acceptance of the Grant and the entering into of this Agreement have been duly authorized, executed, and delivered by Grantee, and are the valid and legally binding acts and agreements of Grantee.
- c) Grantee is duly organized and validly existing under the laws of the State of Maryland. Grantee has the requisite power and authority to enter into and carry out the transactions contemplated by this Agreement, including, but not limited to, legal capacity and authority to own and operate or receive the equipment and services contemplated by the Project, to enter into contracts, and to otherwise comply with applicable statutes and regulations.
- d) The representations, statements, and other matters contained in the Application are and remain true and complete in all material respects.
- e) All federal, state, and local government approvals, permits, reviews, and licenses that may be required to accomplish the Project have been obtained or Grantee has reasonable assurances that they will be obtained.
- f) Grantee certifies that all of the Grant will be used for eligible Program activities as defined in the Act and Regulations.
- g) Grantee has or shall comply with all applicable federal funding conditions.
- h) Grantee will make a certification acknowledging the prohibition on the use of federal funds for lobbying in the form attached as Exhibit B.
- i) The activities and expenses being reimbursed under this Agreement are not subject to reimbursement from other federal or state funding sources, and Grantee has not received, nor will Grantee seek reimbursement from any other source for expenses submitted for reimbursement under this Agreement.
- j) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to the Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or of the United States.
- k) The Grantee is in good standing with the State of Maryland and is not, as of the execution of this Agreement, in default of any grant agreement, memorandum of understanding, or contract with the State.

6) Default, Repayment and Remedies; Termination.

- a) A default under this Agreement shall occur if:



- i. There is any use of the Grant by Grantee for any purpose other than as authorized by the Act, the Regulations, the RFA, and this Agreement; or
  - ii. There is a breach of any covenant, agreement, provision, representation, warranty or certification of Grantee which was made in this Agreement or the Application, as applicable.
- b) If a default as described in Section 6(a)(i) of this Agreement occurs, the Department may demand the immediate repayment from Grantee, and Grantee shall immediately repay to the Department any portion of the Grant not expended or disbursed in accordance with this Agreement. For the purposes of this section, each Device has a per-unit cost of \$198.75.
- c) If a default as described in Section 6(a)(ii) occurs, the Department shall have the right to declare a default of this Agreement by notice to Grantee and Grantee shall have thirty (30) calendar days from the date the Grantee receives the notice to cure the default. If Grantee has not cured the default to the satisfaction of the Department by the conclusion of the 30-day period, this Agreement shall terminate at the end of the 30-day period and the Department may demand immediate repayment of the Grant.
- d) Notwithstanding the foregoing notice and cure period set forth in Section 6(c), in the event that the U.S. Department of the Treasury requires the repayment of any portion of the Grant, Grantee shall immediately return said funds to the Department.
- e) In the event of termination of the Agreement, whether due to default or otherwise:
- i. Grantee's authority to request a disbursement shall cease and Grantee shall have no right, title or interest in or to any of the Grant not disbursed; and
  - ii. The Department may demand the immediate repayment of all or a portion of the Grant which has been allocated or disbursed.
- f) The Department's remedies may be exercised contemporaneously, and all of such rights shall survive any termination of this Agreement.
- g) If a default occurs, the Department may at any time proceed to protect and enforce all rights available to the Department under the Regulations, the Act, at law or in equity, or by any other appropriate proceedings, which rights and remedies shall survive the termination of this Agreement. Furthermore, no failure or delay of the Department to exercise any right, power or remedy consequent upon a default shall constitute a waiver of any such term, condition, covenant, certification or agreement or of any such default or preclude the Department from exercising any such right, power or remedy at any later time or times.
- 7) **Indemnification.** To the extent permitted by the laws of the State, and subject to appropriations as well as the notice requirements and damages limitations stated in the Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-301, et seq. (2013 Repl. Vol.) (the "LGTCA") and Md. Code Ann., Cts. & Jud. Proc. §§5-509 and 5-5A-02 (2013 Repl. Vol.), all as amended from time to time, and except in the event of the Department's negligence or willful misconduct or the negligence or willful misconduct of the Department's officers, agents, employees, successors and assigns, Grantee shall indemnify and hold harmless, the Department, its officers, agents, employees, successors and assigns against liability for any suits, actions or claims of any character arising from or relating to the performance by Grantee (or its officers, agents, employees, successors or assigns) of any of its rights

or obligations under this Agreement. If Grantee is a local government, its chief executive officer hereby agrees to use his or her best efforts to include a request in the Annual Budget and Appropriation ordinance to appropriate funds in the event there is an otherwise indemnifiable cost to the Department under this Section.

8) Nondiscrimination, Fair Practices, and Drug and Alcohol-Free Certifications:

- a) Grantee certifies that it does not discriminate and prohibits discrimination in, and shall not exclude from the participation in, or deny the benefit of any program or activity funded in whole or in part with the Grant, on the basis of political or religious opinion or affiliation, marital status, race, color, creed or national origin, or sex or age, except when age or sex constitutes a bona fide occupational qualification, sexual orientation, gender identity, or the physical or mental handicap of a qualified handicapped individual.
- b) Grantee shall comply with the provisions of all federal, State and local laws prohibiting discrimination in housing on the grounds of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, age, gender identity, genetic information, or an individual's refusal to submit to a genetic test or make available the results of a genetic test, including Title VI and VII of the Civil Rights Act of 1964, as amended (Public Law 88-352); and Title VIII of the Civil Rights Act of 1968, as amended (Public Law 90-284); the Fair Housing Act (42 U.S.C. §§3601-3620); the Americans with Disabilities Act of 1990, as amended; and Title 20 of the State Government Article of the Annotated Code of Maryland, as amended.
- c) Grantee shall comply with the provisions of the Governor's Executive Order 01.01.1989.18 regarding a drug- and alcohol-free workplace and any regulations promulgated thereunder.

9) Notices. All notices, requests, approvals, and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is mailed, postage prepaid, addressed as follows:

- a) Communications to the Department shall be mailed to:

Ronnie Hammond  
 Deputy Director  
 Office of Statewide Broadband  
 Department of Housing and Community Development  
 7800 Harkins Road  
 Lanham, MD 20706

with a courtesy copy to: [Ronnie.Hammond@maryland.gov](mailto:Ronnie.Hammond@maryland.gov)

- b) Communications to Grantee shall be mailed to:

Attn: *Jennifer Ranck*  
*Worcester County Library*  
*307 N. Washington Street*  
*Snow Hill, MD 21863*

10) Amendment. Other than as set forth in Section 4(b), this Agreement may not be amended except by a written instrument executed by the Department and Grantee.

- 11) Execution. This Agreement and any amendments thereto may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement or the amendment and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement or any amendments thereto and of signature pages by facsimile or by electronic transmission shall constitute effective execution and delivery of this Agreement or amendment as to the parties and may be used in lieu of the original Agreement or amendment for all purposes. Without limitation, "electronic signature" shall include: faxed versions of an original handwritten signature; electronically scanned and transmitted versions (e.g., via pdf) of an original handwritten signature; and any typed signature (including any electronic symbol or process attached to, or associated with, the Agreement) adopted by the parties with the intent to sign the Agreement. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes.
- 12) Assignment. This Agreement may not be assigned without the prior written approval of the Department.
- 13) Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the Grant.
- 14) Governing Law. This Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland without regard to conflict of laws provisions.
- 15) Term of Agreement. Unless sooner terminated pursuant to Section 6 of this Agreement or by the mutual consent of Grantee and the Department, the term of this Agreement shall be from the date of execution of this Agreement by the Department (the "Effective Date") until the Grant has been either fully disbursed or returned to the Department, all reports and records due by Grantee to the Department have been received and approved by the Department, and there has been a final settlement and conclusion between the Department and Grantee of all issues arising out of the Grant.
- 16) Further Assurances and Corrective Instruments. Grantee agrees that it will, from time to time, execute and deliver, or cause to be delivered, such amendments hereto and such further instruments as may be required by the Department to comply with any existing or future State regulations, directives, policies, procedures, and other requirements, or to further the general purposes of this Agreement.
- 17) Delay Does Not Constitute Waiver. No failure or delay of the Department to exercise any right, power or remedy consequent upon default shall constitute a waiver of any such term, condition, covenant, certification or agreement of any such default or preclude the Department from exercising any right, power or remedy at any later time or times.
- 18) Notice Regarding Disclosure of Information Relating to the Project.
  - a) The Department intends to make available to the public certain information regarding the Project and the Grantee.
  - b) The Department may be required to disclose information about the Project to the Board of Public Works and the Maryland General Assembly and may desire to disclose such information to other State officials or their staff, local government officials or their staff, and other lenders and funding sources.
  - b) The Department may be required to disclose information in response to a request for information

made pursuant to the Public Information Act, General Provisions Article, §4-101 et seq. of the Annotated Code of Maryland (the "PIA"). Information that may be disclosed includes, among other things, the name of the Grantee; the description of the Project; the date and amount of financial assistance awarded by the Department; the terms of the financial assistance; use of funds; information contained in the Application; a copy of the Application; and the sources, amounts and terms of other funding used to complete the Project. Certain information may be exempt from disclosure under the PIA. Requests for disclosure of information made pursuant to the PIA are evaluated on an individual basis by the Department. If Grantee believes that any of the information it has provided to the Department is exempt from disclosure, Grantee should attach a statement to this Agreement describing the information it believes to be exempt from disclosure and provide an explanation therefor. The Department cannot guarantee non-disclosure of such information but may consider Grantee's statement when responding to a request made pursuant to the PIA.

19) Exhibits. The following exhibits are a material part of this Agreement and are incorporated herein by reference.

Exhibit A – Application

Exhibit B – Certification Prohibiting the Use of Federal Funds for Lobbying

Exhibit C – Allocation Request

[SIGNATURES ON FOLLOWING PAGE]

WITNESS, the parties hereto have caused this Agreement to be executed under seal by their duly authorized officer(s) as of the Effective Date.

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

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

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

**DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT**

By: \_\_\_\_\_

Jacob R. Day, Secretary

\_\_\_\_\_

Date

Approved for form and legal sufficiency,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Assistant Attorney General

**EXHIBIT B****CERTAIN FEDERAL FUNDING CONDITIONS AND CERTIFICATION AGAINST LOBBYING**

All CDP Grantees acknowledge the following conditions may be applicable to their award:

**A. Certification prohibiting use of federal funds for lobbying**

1. 18 U.S.C. 1913 and section 1352 of P.L. 101-121 require that all prospective and present subgrantees (this includes all levels of funding) who receive more than \$100,000 in federal funds must submit the form "Certification Against Lobbying". It assures, generally, that recipients will not lobby federal entities with federal funds, and that, as is required, they will disclose other lobbying on form SF- LLL. Where applicable, the Grantee shall require that the language of the certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements). Any subgrantees to whom this section is applicable shall certify and disclose accordingly.

**B. Clean Air Act and Federal Water Pollution Control Act****1. Clean Air Act**

- a. The Grantee agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.
- b. The Grantee agrees to report each violation to DHCD and understands and agrees that the DHCD will, in turn, report each violation as required to assure notification to the U.S Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.
- c. The Grantee agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance.

**2. Federal Water Pollution Control Act**

- a. The Grantee agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
- b. The Grantee agrees to report each violation to DHCD and understands and agrees that DHCD will, in turn, report each violation as required to assure notification to the U.S Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

- c. The Grantee agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance.

## **C. Access to Records**

1. The Grantee agrees to provide DHCD, the U.S. Department of the Treasury, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Grantee which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
2. The Grantee agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

## **D. Suspension and Debarment**

1. As Federal funds support the activities of this Agreement, the Grantee acknowledges, per the United States Office of Management & Budget's Uniform Guidance section 2 CFR 200.213, Suspension and Debarment, the following obligations of Federal granting agencies regarding debarment and suspension:

“Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive order 1259 and 12689, 2 CFR part 180. These regulations restrict awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.”

## **E. Audits**

1. If applicable to the Grantee, the Grantee shall submit audits in accordance with Federal OMB 2 CFR 200, Subpart F – Audit Requirements, if applicable. OMB 2 CFR 200, Subpart F, Audit Requirements requires that Grantees which expend a total of \$750,000 or more in federal assistance shall have a single or program-specific audit conducted for that year in accordance with the provisions of the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. and the Office of Management and Budget (OMB) 2 CFR 200, Subpart F. An electronic copy of all Grantee audits performed in compliance with 2 CFR 200, Subpart F shall be forwarded within thirty (30) days of report issuance to the Office of Statewide Broadband for review.

**CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

Grantee hereby certifies that to the best of its knowledge and belief, that:

1. 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 awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. 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 in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all **subrecipients** shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

\_\_\_\_\_  
Full Name of the Grantee

By: \_\_\_\_\_  
Authorized Signature for the Grantee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title



EXHIBIT C

DEVICE ALLOCATION REQUEST

Devices will be delivered in lots, a maximum of once per month. Indicate below how many Devices you wish to receive per lot. Total Devices requested for allocation may not exceed the number of Devices awarded to Grantee under the Agreement.

Lot One: 300

\*Lot One will be scheduled for delivery within sixty (60) days of the Effective Date of the Agreement. All subsequent Lot deliveries are expected to occur once per month thereafter.

Lot Two: 300

Lot Three: 300

Lot Four: \_\_\_\_\_

Lot Five: \_\_\_\_\_

Total: 900

Delivery Address for Devices:

201 Belt Street  
Street Address

Snow Hill, Maryland 21863  
City Zip code

Department or Individual authorized to accept Lot deliveries:

James Hamilton  
Name

Assistant Director,  
Dept. of Emergency Services  
Title (if applicable)

410632-3080 jhamilton@co.worcester.md.us  
Phone Number and Email Address



Maryland's Coast, Worcester County  
Office of Tourism & Economic Development  
107 West Green St. | Snow Hill MD 21863 410-632-3110 | [VisitMarylandsCoast.org](http://VisitMarylandsCoast.org)

November 15, 2023

To: Worcester County Commissioners

Weston Young, CAO

Candace Savage, Deputy CAO

From: Worcester County Tourism & Economic Development CC: Taryn Bradley

Re: Maryland Department of Commerce EDA Grant Acceptance

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Worcester County Tourism and Economic Development (WCTED) is excited to announce that we have been awarded \$104,160 through the Economic Development Administration State Tourism Grant program. This grant will play a pivotal role in enhancing our visitors center locations and updating assets dedicated to promoting Worcester County.

The allocated funds will be directed towards various initiatives, including the creation of decorative panels and signage, updates to outdoor interpretive materials, the installation of kiosks, photography enhancements, and more. These strategic improvements aim to not only enhance the aesthetic appeal of our locations but also to provide the public with enriched access to information about Worcester County, ultimately encouraging longer stays and greater engagement.

The funding period extends until June 30th, 2025, with project deliverables expected to be completed by July 31st, 2025. Throughout the active phase of this grant, WCTED is committed to diligently submitting progress reports and deliverables to the state, ensuring transparency and accountability in our pursuit of elevating Worcester County's tourism experience.

TB:MP

CC: Kimberly Reynolds, Budget Officer

# GRANT AGREEMENT

BETWEEN

STATE OF MARYLAND  
DEPARTMENT OF COMMERCE  
AND  
WORCESTER COUNTY COMMISSIONERS

**THIS GRANT AGREEMENT** (this “Agreement”) is entered into effective as of the \_\_\_\_\_ day of **NOVEMBER 2023** (“Execution Date”), by and between the **DEPARTMENT OF COMMERCE** (“Commerce” or “Grantor”), a principal department of the State of Maryland (“State”), and **WORCESTER COUNTY COMMISSIONERS** (“Grantee”), a State local government entity, whose Federal ID Number is **52-6001064**.

**IN CONSIDERATION** of the mutual promises and covenants contained in this Agreement, Grantor and Grantee agree as follows:

1. Purpose. Subject to the continuing availability to COMMERCE of State or federal funds, COMMERCE shall grant to the Grantee **\$104,160.00** (the “Grant Funds”) for the expenses incurred by Grantee in carrying out the grant activities set forth in the Approved Request for Funding Support Form & Budget, attached hereto and incorporated herein as EDA Grant Exhibit A (“Eligible Expenses”).

2. Grant. Grantor hereby grants to Grantee, and Grantee accepts from Grantor, Grant Funds in an amount not to exceed **\$104,160.00** for the Eligible Expenses, on such further terms and conditions as described in this Agreement and EDA Grant Exhibit A.

3. Term. The term of this Agreement will commence on the Execution Date and will continue until the Grant objectives are completed and the Grantee will have submitted to the Grantor all required programmatic reports and financial information, to the satisfaction of the Grantor. The period of availability of Grants under this Agreement will end on **June 30, 2025**. Unless otherwise set forth in this Agreement, the parties agree that performance by the Grantee under this Agreement will commence on the Execution Date and that all Grant objectives and required work and deliverables will be completed or delivered by **July 31, 2025**.

4. Conditions for Disbursement.

(a) Within thirty (30) days after full execution of this Agreement, Grantor shall disburse 100% of the Grant Funds to the Grantee.

(b) Grantee is required to maintain backup documentation to support actual costs incurred during the term of this Agreement. Backup documentation consists of photocopies of payroll ledgers, travel vouchers, expense accounts, purchase orders, receipts, cancelled checks, and other like business paper and records.

Worcester County Commissioners (Maryland's Coast Welcome Center Refresh)  
FY2024-FY2025 EDA Grant Agreement

(c) The Grantee shall be required to repay the Grant Amount, or any portion thereof, where, in Grantor's sole judgment; (i) Grantee is in default under this Agreement or otherwise fails to perform any of its obligations under this Agreement; (ii) Grantor believes in good faith that Grantee does not intend to carry out or is not capable of carrying out the activities referred to in Section 1 of this Agreement and in EDA Grant Exhibit A; (iii) the purpose of this Agreement as set forth in EDA Grant Exhibit A is unable to be fulfilled, (iv) it's in the best interest of the State, or (v) funds are not available for such purpose.

(d) Availability of Funds and Reduction of Grant. Disbursements of Grant proceeds are subject to the continuing availability of funds for such purpose, the State's fiscal position, the Department's financial resources, and compliance with all applicable Laws. The Department may, at any time, assess the State's fiscal position and the Department's financial resources and reduce the amount of undisbursed Grant funds.

(e) Grantee shall comply with all applicable terms and conditions of the Financial Assistance Award, including, but not limited to, the Standard and Specific Award Conditions, attached hereto and incorporated herein as EDA Grant Exhibit B, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which can be found at 2 C.F.R. part 200 of the Code of Federal Regulations.

5. Administrative Officers. COMMERCE designates Kat Evans to serve as Administrative Officer for this Agreement. Grantee designates Melanie Pursel as its Administrative Officer for this Agreement. All contact between COMMERCE and Grantee regarding matters relative to this Agreement shall be coordinated through the Administrative Officers.

- (a) Communications to Grantor shall be mailed to:  
Kat Evans, Grant Manager  
DEPARTMENT OF COMMERCE  
The World Trade Center  
401 E. Pratt Street, 14th Floor  
Baltimore, MD 21202
- (b) Communications to Grantee shall be mailed to:  
Melanie Pursel, Director  
Office of Tourism & Economic Development  
Worcester County  
107 West Green Street  
Snow Hill, Maryland 21863

6. Reports.

(a) Grantee shall submit to Grantor bi-annual programmatic and financial information reports that details how the Grant Funds were used and gives an accounting for all Eligible Expenses up to that point. These bi-annual reports shall be due to Grantor on February 28<sup>th</sup> and August 30<sup>th</sup> of each year this Agreement is in effect. Grantee shall submit to Grantor a final programmatic and financial information report no later than **July 31, 2025** that details how all Grant Funds were used and gives a final accounting for all Eligible Expenses.

Worcester County Commissioners (Maryland's Coast Welcome Center Refresh)  
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(b) Any overpayment by Grantor shall be returned by Grantee to Grantor with submission of the final programmatic and financial information report.

(c) All reports must be in format and content satisfactory to COMMERCE. Grantee further agrees to provide promptly any other information required by COMMERCE. The programmatic information reports shall use the Progress Report, attached hereto and incorporated herein as EDA Grant Exhibit C. The financial information reports shall use the Federal Financial Report, attached hereto and incorporated herein as EDA Grant Exhibit D.

(d) Failure to submit either the bi-annual or final programmatic and financial information reports by their respective deadlines shall constitute a default of this Agreement as per Section 13 of this Agreement and Grantor is entitled to any remedies available to it as per Section 14 of this Agreement.

7.. Inspection of Records. Grantee shall allow any authorized representative of COMMERCE to inspect and audit the records of Grantee relating to this Agreement. Those records shall be retained by Grantee for at least three years after the end of the term of the Agreement.

8. Compliance with Applicable Law. Grantee agrees to comply with all applicable federal, State, and local law, including laws relating to discrimination in employment.

9. Grantee's Certifications. As an inducement to Grantor to make the Grant, Grantee hereby certifies and warrants to Grantor that:

- (a) Grantee has all requisite power and authority to enter into this Agreement. The person whose signature is affixed to this Agreement on behalf of Grantee has been duly granted authority to sign this Agreement.
- (b) This Agreement has been executed and delivered by Grantee in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of Grantee.
- (c) Grantee represents that Grantee is not in arrears with respect to the payment of any funds due and owing the State of Maryland, or any department or unit thereof, including, but not limited to, the payment of taxes and employee benefits, and that is shall not become so arrears during the term of this Agreement

11. Amendment. This Agreement, or any part, may be amended from time to time only in writing executed by the parties.

12. Assignment. No right, benefit or advantage inuring to Grantee under this Agreement and no burden imposed on Grantee hereunder may be assigned without the prior written approval of Grantor.

13. Default. A default shall consist of any breach of any of Grantee's covenants, agreements, warranties or certifications in this Agreement and/or EDA Grant Exhibit A.

Worcester County Commissioners (Maryland's Coast Welcome Center Refresh)  
FY2024-FY2025 EDA Grant Agreement

14. Remedies Upon Default. Upon the occurrence of any default as described in Section 13 of this Agreement, Grantor shall have the right to terminate this Agreement by written notice to Grantee. In the event of termination, Grantee at the option of Grantor, exercisable in the sole and unqualified discretion of the Secretary of COMMERCE, may be obligated to repay the Grant Funds, or any portion thereof, to Grantor within 30 days of receipt by Grantor of written notice from Grantor of default and demand for repayment.

In addition to the rights and remedies contained in this Agreement, Grantor may at any time proceed to protect and enforce all rights available to Grantor by suit in equity, action at law, or by any other appropriate proceedings, which rights and remedies shall survive the termination of this Agreement.

Nothing in this provision shall be construed or otherwise act as a waiver of Grantee's liability for damages caused by Grantee's default of this Agreement. Grantee shall remain liable for any and all damages, injuries, expenses, and costs of any Grantee's defaults under this Agreement.

15. Indemnification. To the extent allowed by law, Grantee releases Grantor from, agrees that Grantor shall not have any liability for, and agrees to protect, indemnify and save harmless Grantor from and against, any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by or asserted or imposed against Grantor as a result of or in connection with the Grant. All the money expended by Grantor as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest at a rate not to exceed the maximum interest rate permitted by law, shall constitute an indebtedness of Grantee and shall be immediately and without notice due and payable by Grantee to Grantor.

16. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland. The parties covenant and agree that venue of any dispute or controversy arising out of this Agreement or the performance or nonperformance of the parties' obligations under this Agreement shall lie exclusively in the courts of the State of Maryland.

17. Press Releases. Grantor may issue press releases or other promotional materials describing in general terms the award of the Grant Funds and the specific purposes for which the Grant Funds were awarded.

18. Promotional Materials and Conferences. Grantee shall identify Grantor as a funding source, with the same level of visibility as a private sponsor contributing the same level of funding, on all written materials that are distributed to the public as part of this Grant, including brochures, stationery, reports, press releases and meeting notices to acknowledge the Grantor's relationship with the Grantee, specifically that Grantee is financially supported by Grantor. Grantee shall include with its final programmatic and financial information report, copies of all written material produced in conjunction with the Agreement. Grantor may request additional copies.

19. Disposition of Personal Property Acquired with Grant Funds.

(a) If, within 12 months of using Grant Funds to purchase any equipment or other personal property with a purchasing price exceeding \$200.00, Grantee sells that property, Grantee shall pay over the proceeds from the sale to an independent nonprofit organization designated by Grantor.

Worcester County Commissioners (Maryland's Coast Welcome Center Refresh)  
FY2024-FY2025 EDA Grant Agreement

(b) If, upon completion of the activities paid for in whole or in part with Grant Funds and in Grantor's sole judgment, any personal property with a purchase price exceeding \$200.00 that was acquired with Grant Funds is not necessary for Grantee to carry out its normal operations, Grantor may require that the Grantee turn over the property to an independent nonprofit organization designated by Grantor.

20. Political Contributions. Grantee shall not use any Grant Funds to make contributions:

- i. to any persons who hold, or are candidates for, elected office;
- ii. to any political party, organization, or action committee; or
- iii. in connection with any political campaign or referendum.

21. Drug and Alcohol Policy. In accordance with State Executive Order 01.01.1989.18, Grantee certifies that it shall make a good faith effort to maintain a workplace free of drug use and alcohol and drug abuse from its workplace during the term of the Agreement.

22. Non-Discrimination in Employment. Grantee shall operate under this Agreement so that no person, otherwise qualified, is denied employment or other benefits on the basis of race, color, religion, creed, age, sex, sexual orientation, gender identification, marital status, national origin, ancestry genetic information or any otherwise unlawful use of characteristics, or disability of a qualified individual with a disability unrelated in nature and extent so as to reasonably preclude the performance of the employment, or the individual's refusal to submit to a genetic test or make available the results of a genetic test. Except in subcontracts for standard commercial supplies or raw materials, Grantee shall include a clause similar to this clause in all subcontracts. Grantee and each subcontractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

23. Termination Prior to Expiration of Term Period. The Grantor and/or the State reserves the right to terminate the Agreement by written notice to Grantee if (a) the purpose of the Agreement can no longer be fulfilled or met and/or (b) it's in the best interest of the Grantor and/or the State to terminate. If so terminated, the Grantor shall disburse Grant Funds to cover the Eligible Expenses incurred by Grantee prior to termination. Grantee shall return to Grantor any Grant Funds in excess of actual Eligible Expenses incurred received prior to such termination.

24. Entire Agreement; Counterparts; Signatures. This Agreement, together with the Exhibits incorporated by reference, represents the complete and final understanding of the parties. No other understanding, oral or written, regarding the subject matter of this Agreement, may be deemed to exist or to bind the parties at the time of execution. This Agreement may be executed in any number of duplicate originals or counterparts, each of which such duplicate originals or counterparts shall be deemed to be an original and all taken together shall constitute one and the same instrument. Signatures provided by facsimile or other electronic means, for example, and not by way of limitation, in Adobe .PDF sent by electronic mail, shall be deemed to be original signatures.

**THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK.**

*[Signatures on Following Page]*

Worcester County Commissioners (Maryland's Coast Welcome Center Refresh)  
FY2024-FY2025 EDA Grant Agreement

**WITNESS** our hands, all as of the date first above written.

**GRANTEE**

**WITNESS**

\_\_\_\_\_  
Name: Melanie Pursel  
Title: \_\_\_\_\_ (SEAL)

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

**DEPARTMENT OF COMMERCE**

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

**Approved for COMMERCE for form and legal sufficiency:**

\_\_\_\_\_  
Assistant Attorney General

- Attachments:**
- EDA Grant Exhibit A - Approved Request for Funding
  - EDA Grant Exhibit B - Standard Specific Awards Condition
  - EDA Grant Exhibit C - Progress Report Format
  - EDA Grant Exhibit D - Federal Financial Report



## Request for Funding Application

**Project Name:**

**Requestor's Name:**

SAM.gov now lists a UEI number instead of a DUNS number. Please provide the UEI number for the organization that will be receiving the dollars that you applied for through the EDA.

UEI Identification:

Please indicate the type of organization you are from the list below:

- City or political subdivision of the state
- State or state agency
- Institution of Higher education
- Public or private non-profit organization
- Economic Development District Organizations
- Indian Tribe or a consortium of Indian Tribes

**Please read the following exhibits carefully prior to developing your request for funding. Equally important is exhibit B which details the reporting requirements for this funding.**

## Exhibit A - Approved Request for Funding Support Form & Budget

Part 1:

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### Request for Funding from the Maryland State Tourism Grant Program (EDA)

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#### Project Narrative/Scope of Work

The purpose of this funding request is to update and refresh the 2 Tourism/Visitor/Welcome Centers that we operate in Worcester County- Maryland's Coast. We recently moved our office to the main street in Snow Hill and incorporated a visitors information area to greet guests and share all of the assets and accommodations available in our county as well as offer free wifi and public restrooms. In addition, we operate the Welcome Center on the Maryland Virginia line in Pocomoke City, welcoming people in to Maryland and Worcester County. We see more than 550,000 guests each year including numerous bus groups and transient travelers. Of course, we want them to spend time in Maryland and spend money/stay overnight etc. This welcome center, which is partially managed by SHA (the restrooms and parking lot- other than the 4 EV stations which we manage) had not been updated in several years. The brochure racks are antiquated and the photography is outdated. In addition, there is no technology incorporated for guests to explore the region. The welcome center was finally granted access to high speed Internet, so we felt that this was a perfect time to revamp and update the look and feel as well as the services provided through the center.

Further, we recently underwent a complete re-brand for our county, predominately to promote our destination to visitors. The Maryland's Coast brand had been wildly popular and well received by residents businesses and guests. With the addition of new product including hotels, restaurants, hiking and bikeways, scenic all American road etc. we also felt that new photography in the center was needed. In terms of guests services, we would like to incorporate interactive Kiosks to show the various POIs and assets that the county has to offer.

A visitor center in a destination can provide significant value and have a positive impact in several ways:

**Information Hub:** A visitor center serves as a centralized source of information for tourists and visitors. It provides maps, brochures, and other materials that offer details about local attractions, activities, events, and services. Visitors can get guidance on the best places to visit, popular routes, and hidden gems in the area. The center can also provide information about transportation options, accommodation, and dining, helping visitors make informed decisions and maximize their experience.

**Enhancing Visitor Experience:** A well-designed visitor center can greatly enhance the overall visitor experience. It can provide interactive displays, audio-visual presentations, and exhibits that showcase the destination's history, culture, natural features, and points of interest. This immersive experience can create a deeper connection between visitors and the destination, fostering a sense of appreciation and engagement.

**Local Economic Boost:** A visitor center can have a positive impact on the local economy. By providing information about local businesses, attractions, and services, it can help drive tourism spending. Visitors who are well-informed and aware of the offerings in the area are more likely to stay longer, explore more, and spend money on accommodations, dining, shopping, and other local experiences. This increased tourism expenditure can benefit local businesses, create job opportunities, and stimulate economic growth.

**Community Engagement and Preservation:** A visitor center can serve as a platform for promoting community engagement and involvement. It can showcase local arts and crafts, organize cultural events, and provide a space for local artisans and vendors to display their products. By highlighting the unique aspects of the community, a visitor center can encourage visitors to appreciate and support local traditions, heritage, and craftsmanship. Additionally, it can contribute to the conservation and preservation of natural and cultural resources by educating visitors about sustainable practices and responsible tourism.

**Safety and Support:** A visitor center plays a crucial role in ensuring the safety and well-being of visitors. It can provide information about safety guidelines, weather conditions, and potential hazards in the area. In case of emergencies, the center can act as a point of contact for visitors, offering assistance, guidance, and coordination with local authorities or services.

Overall, a visitor center acts as a gateway to a destination, providing valuable information, enhancing visitor experiences, boosting the local economy, fostering community engagement, and promoting sustainable tourism practices. Its presence can contribute to the overall success and positive impact of a destination.

*Part 2:*

**Request for Funding from the Maryland State Tourism Grant Program  
(EDA)**

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**Project Contact Information**

Please also submit the non-profit documentation for each non-profit subaward (organization's articles of incorporation, bylaws, and certificate of good standing).

Melanie Pursel, Director  
Office of Tourism & Economic Development  
107 West Green Street, Snow Hill MD 21863  
mpursel@MarylandsCoast.org  
(410) 632-3110  
(443) 880-3555 mobile

Non-Profit documentation Not Applicable we are a county government department.

Part 3:

**Request for Funding from the Maryland State Tourism Grant Program  
(EDA)**

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**Budget**

Estimated budget - Actual will be based on bidding awards and final purchasing

Interactive informational Kiosk

2 Sgl/DbI Sided Kiosk (with content support) \$42,865.00

Custom Branded Photo Booth (lead capture) \$1,200.00

Furniture (longing area, table, chairs, rugs)

Snow Hill Lobby and Pocomoke Lobby \$4,000.00

Brochure Displays (indoor and outdoor) \$10,000.00

Design and Installation \$ 5,000

Local Photographer \$5,000.00

Local Artwork Displays (with sound absorbing panels)\$10,500.00

Security Cameras \$2,000.00

Exterior Interpretive Signage \$10,000.00

Exterior Destination Branded Signage \$5,000.00

LED Monitors for lobby \$7,095.00

Exterior planters and beautification \$1,500.00

Total \$104,160.00

*Part 4:*

**Contact Information for the State Tourism Grant Program**

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**Staffing Plan**

The Worcester County Office of Tourism and Economic Development team will be responsible for managing both centers. The interactive displays will be populated updated and maintained by our team as well as the county's information technology department.

*Part 5:*

**Request for Funding from the Maryland State Tourism Grant Program  
(EDA)**

---

**Implementation Plan and Schedule**

RFP process would begin as soon as grant awards announced for Kiosk or any items over the county's procurement threshold. We would wait until after the summer season to begin physical work, but design layout would begin immediately. Photography would take place in season (July-September). Installation of technology would be the last phase- all testing and content activation would be completed before launching to public.

Pending supply chain, we anticipate completion of both projects January 2024.

**EXHIBIT B****Project Requirements If awarded, a grantee must:**

- Execute a contract;
- Successfully complete the US Department of Commerce's Compliance with EDA Rescue [Plan Program Requirements Fraud Awareness Training](#) and submit the signed completion certificate within 60 days of the grant award;
- Be in compliance at all times with the reporting and all other requirements established and communicated at the time of or prior to contracting.:
- Grantees must submit all reports digitally on the forms supplied Adherence with Federal Contractual Requirements

**Reporting:**

The following information will need to be included in the bi-annual progress report due on March 1 and December 1.

**Progress Report:**

1. Overview of the Project
2. Lessons learned during the reporting period
3. Did the event/activity meet the benefit statement in the original application
4. Document accomplishments, benefits and impacts of the project that should lead to specific outcomes such as job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity or other positive economic development benefits
5. Compare progress on the project with the targeted schedule, explaining any departures will be remedied and projected course of work for the next report
6. Outline if there are any media opportunities that highlight the U.S. Economic Development Administration and the Maryland Department of Commerce

**Financial Report:**

Federal Financial Report (Form SF-45) must be submitted along with the progress report.

## Federal Financial Report

ITEM 3

OMB Number: 4040-0014  
Expiration Date: 01/31/2019

(Follow form Instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted EDA - Department of Commerce		2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) 01-79-151901	
3. Recipient Organization (Name and complete address including Zip code)			
Recipient Organization Name: [REDACTED]			
Street1: [REDACTED]			
Street2: [REDACTED]			
City: [REDACTED]		County: [REDACTED]	
State: MD: Maryland		Province: [REDACTED]	
Country: USA: UNITED STATES		ZIP / Postal Code: [REDACTED]	
4a. DUNS Number [REDACTED]	4b. EIN [REDACTED]	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) [REDACTED]	
6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual <input type="checkbox"/> Final	7. Basis of Accounting <input type="checkbox"/> Cash <input type="checkbox"/> Accrual	8. Project/Grant Period From: [REDACTED] To: [REDACTED]	9. Reporting Period End Date [REDACTED]
10. Transactions			Cumulative
<i>(Use lines a-c for single or multiple grant reporting)</i>			
<b>Federal Cash (To report multiple grants, also use FFR attachment):</b>			
a. Cash Receipts			[REDACTED] 0
b. Cash Disbursements			[REDACTED] 0
c. Cash on Hand (line a minus b)			[REDACTED]
<i>(Use lines d-o for single grant reporting)</i>			
<b>Federal Expenditures and Unobligated Balance:</b>			
d. Total Federal funds authorized			[REDACTED] 0
e. Federal share of expenditures			[REDACTED] 0
f. Federal share of unliquidated obligations			[REDACTED] 0
g. Total Federal share (sum of lines e and f)			[REDACTED] 0
h. Unobligated balance of Federal Funds (line d minus g)			[REDACTED] 0
<b>Recipient Share:</b>			
i. Total recipient share required			[REDACTED] 0
j. Recipient share of expenditures			[REDACTED] 0
k. Remaining recipient share to be provided (line i minus j)			[REDACTED] 0
<b>Program Income:</b>			
l. Total Federal program income earned			[REDACTED] 0
m. Program Income expended in accordance with the deduction alternative			[REDACTED] 0
n. Program Income expended in accordance with the addition alternative			[REDACTED] 0
o. Unexpended program income (line l minus line m or line n)			[REDACTED] 0



# ITEM 3

<b>11. Indirect Expense</b>						
a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
<input style="width:95%; height:25px;" type="text"/>	<input style="width:25px; height:25px;" type="text"/>	<input style="width:45px; height:25px;" type="text"/>	<input style="width:45px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>
<input style="width:95%; height:25px;" type="text"/>	<input style="width:25px; height:25px;" type="text"/>	<input style="width:45px; height:25px;" type="text"/>	<input style="width:45px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>
<b>g. Totals:</b>				<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>	<input style="width:85px; height:25px;" type="text"/>
<b>12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation:</b>						
<input style="width:300px; height:25px;" type="text"/> <input style="margin-left:10px;" type="button" value="Add Attachment"/> <input style="margin-left:10px;" type="button" value="Delete Attachment"/> <input style="margin-left:10px;" type="button" value="View Attachment"/>						
<b>13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, section 1001)</b>						
<b>a. Name and Title of Authorized Certifying Official</b>						
Prefix: <input style="width:40px;" type="text" value="Ms."/> First Name: <input style="width:250px;" type="text"/>						
Middle Name: <input style="width:150px;" type="text"/>						
Last Name: <input style="width:350px;" type="text"/> Suffix: <input style="width:60px;" type="text"/>						
Title: <input style="width:250px;" type="text"/>						
<b>b. Signature of Authorized Certifying Official</b>				<b>c. Telephone (Area code, number and extension)</b>		
<input style="width:95%; height:40px;" type="text"/>				<input style="width:150px;" type="text"/>		
<b>d. Email Address</b>				<b>e. Date Report Submitted</b>		<b>14. Agency use only:</b>
<input style="width:95%; height:25px;" type="text"/>				<input style="width:60px;" type="text"/>		

Standard Form 425

## Federal Financial Report Instructions

### Report Submissions

- 1) Recipients will be instructed by Federal agencies to submit the *Federal Financial Report (FFR)* to a single location, except when an automated payment management reporting system is utilized. In this case, a second submission location may be required by the agency.
- 2) If recipients need more space to support their *FFRs*, or *FFR Attachments*, they should provide supplemental pages. These additional pages must indicate the following information at the top of each page: Federal grant or other identifying number (if reporting on a single award), recipient organization, Data Universal Numbering System (DUNS) number, Employer Identification Number (EIN), and period covered by the report.

### Reporting Requirements

- 1) The submission of interim *FFRs* will be on a quarterly, semi-annual, or annual basis, as directed by the Federal agency. A final *FFR* shall be submitted at the completion of the award agreement. The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31. For final *FFRs*, the reporting period end date shall be the end date of the project or grant period.
- 2) Quarterly and semi-annual interim reports shall be submitted no later than 30 days after the end of each reporting period. Annual reports shall be submitted no later than 90 days after the end of each reporting period. Final reports shall be submitted no later than 90 days after the project or grant period end date.

Note: For single award reporting:

- 1) Federal agencies may require both cash management information on lines 10(a) through 10(c) and financial status information lines 10(d) through 10(o).
- 2) 10(b) and 10(e) may not be the same until the final report.

### Line Item Instructions for the Federal Financial Report

FFR Number	Reporting Item	Instructions
<b>Cover Information</b>		
1	Federal Agency and Organizational Element to Which Report is Submitted	Enter the name of the Federal agency and organizational element identified in the award document or as instructed by the agency.
2	Federal Grant or Other Identifying Number Assigned by Federal Agency	For a single award, enter the grant number assigned to the award by the Federal agency. For multiple awards, report this information on the <i>FFR Attachment</i> . <i>Do not complete this box if reporting on multiple awards.</i>
3	Recipient Organization	Enter the name and complete address of the recipient organization including zip code.
4a	DUNS Number	Enter the recipient organization's Data Universal Numbering System (DUNS) number or Central Contract Registry extended DUNS number.
4b	EIN	Enter the recipient organization's Employer Identification Number (EIN).
5	Recipient Account Number or Identifying Number	Enter the account number or any other identifying number assigned by the recipient to the award. This number is for the recipient's use only and is not required by the Federal agency. For multiple awards, report this

FFR Number	Reporting Item	Instructions
		information on the <i>FFR</i> Attachment. <i>Do not complete this box if reporting on multiple awards.</i>
6	Report Type	Mark appropriate box. <i>Do not complete this box if reporting on multiple awards.</i>
7	Basis of Accounting (Cash/Accrual)	Specify whether a cash or accrual basis was used for recording transactions related to the award(s) and for preparing this <i>FFR</i> . Accrual basis of accounting refers to the accounting method in which expenses are recorded when incurred. For cash basis accounting, expenses are recorded when they are paid.
8	Project/Grant Period, From: (Month, Day, Year)	Indicate the period established in the award document during which Federal sponsorship begins and ends.  Note: Some agencies award multi-year grants for a project period that is funded in increments or budget periods (typically annual increments). Throughout the project period, agencies often require cumulative reporting for consecutive budget periods. Under these circumstances, enter the beginning and ending dates of the project period not the budget period. <i>Do not complete this line if reporting on multiple awards.</i>
	Project/Grant Period, To: (Month, Day, Year)	See the above instructions for "Project/Grant Period, From: (Month, Day, Year)."
9	Reporting Period End Date: (Month, Day, Year)	Enter the ending date of the reporting period. For quarterly, semi-annual, and annual interim reports, use the following reporting period end dates: 3/31, 6/30, 9/30, or 12/31. For final <i>FFRs</i> , the reporting period end date shall be the end date of the project or grant period.
10	<b>Transactions</b> Enter cumulative amounts from date of the inception of the award through the end date of the reporting period specified in line 9. Use Lines 10a through 10c, Lines 10d through 10o, or Lines 10a through 10o, as specified by the Federal agency, when reporting on single grants. Use Line 12, Remarks, to provide any information deemed necessary to support or explain <i>FFR</i> data.	
<b>Federal Cash (To report multiple grants, also use FFR Attachment)</b>		
10a	Cash Receipts	Enter the cumulative amount of actual cash received from the Federal agency as of the reporting period end date.
10b	Cash Disbursements	Enter the cumulative amount of Federal fund disbursements (such as cash or checks) as of the reporting period end date. Disbursements are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expenses charged to the award, and the amount of cash advances and payments made to subrecipients and contractors.  For multiple grants, report each grant separately on the <i>FFR</i> Attachment. The sum of the cumulative cash disbursements on the <i>FFR</i> Attachment must equal the amount entered on Line 10b, <i>FFR</i> .
10c	Cash On Hand (Line 10a Minus Line 10b)	Enter the amount of Line 10a minus Line 10b. This amount represents immediate cash needs. If more than three business days of cash are on hand, the Federal agency may require an explanation

FFR Number	Reporting Item	Instructions
		on Line 12, Remarks, explaining why the drawdown was made prematurely or other reasons for the excess cash.
<b>Federal Expenditures and Unobligated Balance:</b> Do not complete this section if reporting on multiple awards.		
10d	Total Federal Funds Authorized	Enter the total Federal funds authorized as of the reporting period end date.
10e	Federal Share of Expenditures	Enter the amount of Federal fund expenditures. For reports prepared on a cash basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense charged; and the amount of cash advance payments and payments made to subrecipients. For reports prepared on an accrual basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense incurred; and the net increase or decrease in the amounts owed by the recipient for (1) goods and other property received; (2) services performed by employees, contractors, subrecipients, and other payees; and (3) programs for which no current services or performance are required. Do not include program income expended in accordance with the deduction alternative, rebates, refunds, or other credits. (Program income expended in accordance with the deduction alternative should be reported separately on Line 10o.)
10f	Federal Share of Unliquidated Obligations	<p>Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an expenditure has not yet been recorded. Enter the Federal portion of unliquidated obligations. Those obligations include direct and indirect expenses incurred but not yet paid or charged to the award, including amounts due to subrecipients and contractors. On the final report, this line should be zero unless the awarding agency has provided other instructions.</p> <p><i>Do not include any amount in Line 10f that has been reported in Line 10e. Do not include any amount in Line 10f for a future commitment of funds (such as a long-term contract) for which an obligation or expense has not been incurred.</i></p>
10g	Total Federal Share (Sum of Lines 10e and 10f)	Enter the sum of Lines 10e and 10f.
10h	Unobligated Balance of Federal Funds (Line 10d Minus Line 10g)	Enter the amount of Line 10d minus Line 10g.
<b>Recipient Share:</b> Do not complete this section if reporting on multiple awards.		
10i	Total Recipient Share Required	Enter the total required recipient share for reporting period specified in line 9. The required recipient share should include all matching and cost sharing provided by recipients and third-party providers to meet the level required by the Federal agency. This amount should not include cost sharing and match amounts in excess of the amount required by the Federal agency (for example, cost overruns for which the recipient incurs additional expenses and, therefore, contributes a greater level of cost

## ITEM 3

FFR Number	Reporting Item	Instructions
		sharing or match than the level required by the Federal agency).
10j	Recipient Share of Expenditures	Enter the recipient share of actual cash disbursements or outlays (less any rebates, refunds, or other credits) including payments to subrecipients and contractors. This amount may include the value of allowable third party in-kind contributions and recipient share of program income used to finance the non-Federal share of the project or program. Note: On the final report this line should be equal to or greater than the amount of Line 10i.
10k	Remaining Recipient Share to be Provided (Line 10i Minus Line 10j)	Enter the amount of Line 10i minus Line 10j. If recipient share in Line 10j is greater than the required match amount in Line 10i, enter zero.
<b>Program Income:</b> Do not complete this section if reporting on multiple awards.		
10l	Total Federal Program Income Earned	Enter the amount of Federal program income earned. Do not report any program income here that is being allocated as part of the recipient's cost sharing amount included in Line 10j.
10m	Program Income Expended in Accordance With the Deduction Alternative	Enter the amount of program income that was used to reduce the Federal share of the total project costs.
10n	Program Income Expended in Accordance With the Addition Alternative	Enter the amount of program income that was added to funds committed to the total project costs and expended to further eligible project or program activities.
10o	Unexpended Program Income (Line 10l Minus Line 10m or Line 10n)	Enter the amount of Line 10l minus Line 10m or Line 10n. This amount equals the program income that has been earned but not expended, as of the reporting period end date.
11	<b>Indirect Expense:</b> Complete this information only if required by the awarding agency. Enter cumulative amounts from date of the inception of the award through the end date of the reporting period specified in line 9.	
11a	Type of Rate(s)	State whether indirect cost rate(s) is Provisional, Predetermined, Final, or Fixed.
11b	Rate	Enter the indirect cost rate(s) in effect during the reporting period.
11c	Period From; Period To	Enter the beginning and ending effective dates for the rate(s).
11d	Base	Enter the amount of the base against which the rate(s) was applied.
11e	Amount Charged	Enter the amount of indirect costs charged during the time period specified. (Multiply 11b. x 11d.)
11f	Federal Share	Enter the Federal share of the amount in 11e.
11g	Totals	Enter the totals for columns 11d, 11e, and 11f.
<b>Remarks, Certification, and Agency Use Only</b>		
12	Remarks	Enter any explanations or additional information required by the Federal sponsoring agency including excess cash as stated in line 10c.
13a	Typed or Printed Name and Title of Authorized Certifying Official	Enter the name and title of the authorized certifying official.
13b	Signature of Authorized Certifying Official	The authorized certifying official must sign here.
13c	Telephone (Area Code, Number and Extension)	Enter the telephone number (including area code and extension) of the individual listed in Line 13a.
13d	E-mail Address	Enter the e-mail address of the individual listed in Line 13a.

**ITEM 3**

<b>FFR Number</b>	<b>Reporting Item</b>	<b>Instructions</b>
13e	Date Report Submitted (Month, Day, Year)	Enter the date the <i>FFR</i> is submitted to the Federal agency using the month, day, year format.
14	Agency Use Only	This section is reserved for Federal agency use.

Progress Report  
Maryland Department of Commerce  
Office of Tourism Development  
**[Current Date]**  
**[Project Name]**

*i. Provide a concise overview of the activities undertaken during the semi-annual reporting period, including any subaward;*

The activities undertaken during the semi-annual reporting period have included:  
**[Description of activities, if none please enter "None at this time"]**

*ii. Document accomplishments, benefits, and impacts of the project. The recipient should identify activities that have led to specific outcomes, such as job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity, or other positive economic development benefits;*

**[Documentation of project impact thus far, if none please enter "None at this time"]**

*iii. Identify any upcoming or potential press events or opportunities for collaborative press engagements to highlight the benefits of the EDA investment;*

**[Description of any press events, if none please enter "None at this time"]**

*iv. Compare progress on the project with the targeted schedule, explaining any departures, identifying how those departures will be remedied, and projecting the course of work for the next semi-annual reporting period;*

**[Is the project on or not on target? Brief explanation, if none please enter "None at this time"]**

*v. Outline challenges impeding or that may impede progress on the project over the next semi-annual reporting period and identify ways to address those challenges;*

**[Description of any challenges, if none please enter "None at this time"]**

*vi. Outline any areas in which EDA assistance is needed to support the project;*

**[Description of any areas in which EDA assistance is needed, if none please enter "None at this time"].**

*vii. Provide any other information that would be helpful for your EDA Project Officer to know.*

**[Any other information, if none please enter "None at this time"]**

Submitted by: **[Name] [Title]**  
**[Company]**  
**[Email] [Phone number]**

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SPECIFIC AWARD CONDITIONS  
U.S. DEPARTMENT OF COMMERCE  
Economic Development Administration (EDA)

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**STATE TOURISM GRANTS:** Economic Adjustment Assistance  
for Disaster Economic Recovery Under Sections 703 and 209 of the Public Works and  
Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3149 and 3233

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**PROJECT TITLE:** American Rescue Plan Act State Travel, Tourism, and Outdoor Recreation Grants (State Tourism Grants) Supplemental Disaster Recovery and Resiliency Awards.

1. **SCOPE OF WORK:** This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the Authorized Scope of Work (Attachment 1). All work on this project must be consistent with the Authorized Scope of Work, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized through execution of a Form CD-451.
2. **CONTACT INFORMATION:** Contact information for the Recipient and key EDA staff with responsibilities for this award is contained in Attachment 2. The Recipient agrees to notify EDA promptly of any changes to the Recipient's contact information.
3. **ADDITIONAL INCLUDED DOCUMENTS:** In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award (Form CD-450), the following additional documents are hereby incorporated by reference into this Award:
  - The Recipient's application, including any attachments, project descriptions, schedules, and subsequently submitted supplemental documentation
  - *Authorized Scope of Work* (Attachment 1)
  - *Project Contact Information* (Attachment 2)
  - *Authorized Budget* (Attachment 3)
  - *Authorized Staffing Plan* (Attachment 4)

Should there be a discrepancy among these documents, these Specific Award Conditions (SACs) shall control.

4. **INCORPORATION OF EDA'S STANDARD TERMS AND CONDITIONS FOR CONSTRUCTION PROJECTS:** Any construction activities funded through this award, whether undertaken by the Recipient or funded through a subaward, must meet the requirements of EDA's *Standard Terms and Conditions for Construction Projects*. Should there be a discrepancy between the *Standard Terms and Conditions for Construction Projects* and these Specific Award Conditions, these Specific Award Conditions (SACs)



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shall control. The *Standard Terms and Conditions for Construction Projects* are available at <https://www.eda.gov/resources/grantee-information/> or upon request to EDA.

**5. PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project Development Time Schedule:

- Authorized Award End Date .....48 months from the Date of Award
- Submission of Final Project Progress Report .....No later than 120 days from the Authorized Award End Date
- Submission of Final Financial Documents (Form SF-425) No later than 120 days from the Authorized Award End Date

The Recipient shall diligently pursue the development and implementation of the project upon receipt of the EDA Award so as to ensure completion within this time schedule, and shall promptly notify EDA in writing of any event that could substantially delay meeting any of the time limits set forth above. The Recipient further acknowledges that failure to meet the Project Development Time Schedule may result in EDA pursuing remedies for non-compliance, potentially including termination of the Award, in accordance with the regulations set forth at 2 C.F.R. §§ 200.339–200.343.

All work, including any construction activities, under this State Tourism Grant **must be completed by May 31, 2027** to allow for closeout and final disbursement prior to **September 30, 2027**. By operation of the Account Closing Statute (31 U.S.C. §§ 1552(a)), on September 30, 2027 any remaining balances will be cancelled and no longer available for expenditure for any purpose. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth above.

**6. UNIQUE POSITION OF STATES TO DISTRIBUTE STATE TOURISM AWARDS:** As set forth in the Authorized Scope of Work (Attachment 1), this Award is made pursuant to the American Rescue Plan Act Pub. L. 117-2 (March 11, 2021) to respond to the impacts of the coronavirus (COVID-19) pandemic on the State’s travel, tourism, and outdoor recreation sectors. EDA is making this Award to the Recipient non-competitively, based on EDA’s finding that States are uniquely positioned to distribute State-Selected Tourism Awards quickly and effectively to help the State’s travel, tourism, and outdoor recreation sectors recover and rebound from the impacts of the coronavirus pandemic.

**Because of the time-limited nature of American Rescue Plan Act funds, as noted above, time is of the essence in the implementation of the *Authorized Scope of Work*.** If EDA determines that the Recipient is not implementing the grant at an acceptable pace, EDA may take appropriate actions to ensure that American Rescue Plan Act funds are used

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to benefit the travel, tourism, and outdoor recreation sectors to the maximum extent feasible.

By accepting this award, the Recipient certifies that it will use its best efforts to implement the *Authorized Scope of Work* expeditiously to maximize the benefits of the Award in responding to the pandemic. The Recipient acknowledges that failure to implement the project at an acceptable pace, as determined in EDA's reasonable discretion in accordance with the approved Grant Administration Plan (see Condition 21, below), may result in EDA taking action to modify or terminate the award in accordance with 2 C.F.R. § 200.340(a)(2).

7. **PRIOR APPROVAL OF SUBAWARDS:** It is understood that the Recipient may make subawards under this State Tourism Grant on a competitive basis to Eligible Subrecipients within the State for implementation projects that would support the economic recovery of the travel, tourism, and outdoor recreation sectors. "Eligible Subrecipients" include:
1. Cities or other political subdivisions of a State, including special purpose units of State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions
  2. States or state agencies
  3. Institutions of higher education or a consortium of institutions of higher education
  4. Public or private non-profit organizations or associations, including community or faith-based non-profit organizations, acting in cooperation with officials of a political subdivision of a State
  5. Economic Development District Organizations
  6. Indian Tribes or a consortium of Indian Tribes

The foregoing terms are further defined in EDA's regulation at 13 C.F.R. § 300.3.

**Individuals and for-profit entities are not eligible to receive subawards. No grant funds, whether expended by the Recipient or a subrecipient, may be used to subsidize or defray the operating costs of for-profit businesses.**

Prior to making any subaward, the Recipient must provide EDA with certain documentation identifying the proposed subrecipient and describing the work to be performed. At EDA's request, the Recipient must provide additional information and documentation for any proposed subaward.

- A. **For non-construction subawards.** At a minimum the following information must be provided to EDA before the Recipient enters into the subaward agreement:
- *Name, entity type, and DUNS of Subrecipient.* Identify the name and entity type (e.g., city, county, non-profit organization) of the Subrecipient and provide the Subrecipient's DUNS number.

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- *Amount of proposed subaward.* Provide the amount of EDA funds to be provided to the Subrecipient.
- *Summary of the scope of work.* Briefly describe the specific services/tasks to be performed under the subaward and relate them to the accomplishment of State Tourism Grant objectives. Subaward deliverables should be clearly defined.

EDA will review the submitted information and determine whether the subaward is allowable. The Recipient may not make any subaward for non-construction activities until it has received written notification from EDA that it is authorized to proceed. EDA reserves the right to disallow any non-construction subaward made before receipt of this authorization.

- B. **For construction subawards.** In addition to the foregoing information, the Recipient must submit to EDA a completed *Environmental Narrative and Applicant Certification Clause* using the EDA's Environmental Narrative Template, which can be found at: <https://eda.gov/programs/eda-programs/>. The Recipient must also provide electronic copies of any documents prepared to satisfy state environmental review requirements and any available phase I or phase II environmental site assessment reports. This information must be provided so that EDA can complete its environmental and historic preservation review responsibilities. The Recipient may not make any subaward for construction activities until it has received written notification that EDA has completed its environmental and historical preservation review and that the Recipient is authorized to proceed with the subaward. Subawardees should not undertake any earthmoving, construction, or demolition activities, including the solicitation of bids or design and engineering activities proceeding past conceptual design as determined by EDA, before EDA authorizes the Recipient to proceed. Any such activities undertaken before receipt of EDA authorization are at the subawardee's own risk and may be denied reimbursement. EDA reserves the right to decline approval of any construction subawards at the end of the environmental review process or to require changes to the proposed subaward project as a condition of approval. **Any construction subaward made before receipt of EDA's authorization will be disallowed in its entirety.**

EDA may also require the Recipient to initiate consultation on EDA's behalf under the Endangered Species Act, National Historic Preservation Act, or other statutes. The Recipient will be required to secure all concurrences or clearances from other agencies or third parties as EDA may reasonably require to fulfill its statutory and regulatory obligations, and the Recipient agrees to pursue all such clearances diligently. The Recipient further agrees to provide public notice of any proposed construction project and an opportunity for the public to submit comments if directed to do so by EDA.

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Please note that environmental reviews can be lengthy. EDA will not be held responsible for any delays associated with the environmental review process or required consultations, nor can the deadline for project completion be extended beyond May 31, 2027 for this reason.

8. **COMPETITIVE SELECTION OF SUBAWARDS:** The Recipient agrees that it will only make subawards under this award on a competitive basis to subrecipients that fall within the definition of “Eligible Recipient” at 13 C.F.R. 300.3. At a minimum, the Recipient will:
- a) Publicly advertise the availability of subawards in a manner reasonably directed to reach the audience of potential applicants. For purposes of this award, advertising the opportunity for subawards in a manner substantially similar to the way in which state grant programs are advertised is sufficient.
  - b) Select subrecipients on the basis of criteria publicly specified in advance of the application process using a panel of not fewer than three reviewers.
  - c) Maintain a conflict-of-interest policy that prohibits an individual who is an Interested Party (as defined at 13 C.F.R. § 300.3) with respect to a subaward application or applicant from participating in the evaluation of that subaward application.
9. **SUBAWARD ADMINISTRATION AND MONITORING:** The Recipient agrees that it is responsible for compliance with the requirements of 2 C.F.R. § 200.332 – Pass-Through Entities with regard to any subawards. Before the subrecipient undertakes any work to be funded through this Award, the Recipient must enter into a written subaward agreement with the subrecipient governing the subrecipient’s work activities that meets the requirements of 2 C.F.R. § 200.332(a). The subaward agreement must include a requirement that the subrecipient comply with all of the terms and conditions of this Financial Assistance Award, including but not limited to the Standard and Specific Award conditions and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. part 200). The Recipient acknowledges that it is responsible for monitoring the subrecipient’s performance under the subaward in accordance with the requirements of 2 C.F.R. § 200.331, and for addressing any performance or compliance deficiencies.

All Recipients of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all sub-awards over \$35,000. Please see the OMB guidance published at 2 C.F.R. part 170 (2015), which can be accessed at <http://www.gpo.gov/fdsys/pkg/C.F.R.-2015-title2-vol1/pdf/C.F.R.-2015-title2-vol1-part170.pdf>. The Recipient acknowledges that it is responsible for this reporting.

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## 10. PROJECT REPORTING AND FINANCIAL DISBURSEMENT INSTRUCTIONS:

### A. AWARD DISBURSEMENTS:

- a. *For non-construction expenditures by the Recipient and for all subawards:* To receive disbursements, the Recipient must submit a Form SF-270 “*Request for Advance or Reimbursement*” for the applicable period electronically to the Project Officer, who will review and process the request. EDA will make payments on an advance basis, unless the Recipient requests reimbursement.

Prior to the initial disbursement, Recipients must complete Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form” and submit it to NOAA’s Accounting Office by emailing through secure/encrypted email to: [edagrants@noaa.gov](mailto:edagrants@noaa.gov). The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

The Recipient must minimize the time between the drawdown of Federal funds from the Federal government and their disbursement for Federal program purposes. EDA will generally limit disbursements to the Recipient’s reasonably anticipated cash requirements for the calendar quarter following the disbursement.

The Recipient must comply with all provisions of 2 C.F.R. § 200.305 – Federal Payment regarding the handling of advance payments.

EDA retains the right to change Recipients from “advance” to “reimbursement” or “agency review” status if the Grants Officer deems it necessary or prudent to ensure successful monitoring of Federal funds.

- b. *For construction expenditures by the Recipient:* **Reimbursement basis only.** EDA will make disbursements for construction projects undertaken by the Recipient on a reimbursement basis only, based on actual costs incurred, after all preconditions set forth in these Specific Award Conditions, the EDA Standard Terms and Conditions for Construction project, and any other requirements specified by EDA in writing have been met.

The “*Outlay Report and Request for Reimbursement*” (Form SF-271 or any successor form) is used to request a disbursement, and must be approved in writing by the Project Officer.

Prior to the initial disbursement, Recipients must complete Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form” and submit it to NOAA’s Accounting Office by emailing through secure/encrypted email to:

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edagrants@noaa.gov. The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

**B. REPORTS:**

- a. *Project Progress Reports*: The Recipient agrees to provide the Project Officer with project progress reports, communicating the important activities and accomplishments of the project including the status of progress under any subaward, on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire project period. Reports are due no later than one month following the end of the semi-annual period.

Performance progress reports shall be submitted to EDA in an electronic format no later than the due date. Reports shall be in a clear format, not exceeding six pages, and shall:

- i. Provide a concise overview of the activities undertaken during the semi-annual reporting period, including any subaward;
- ii. Document accomplishments, benefits, and impacts of the project. The Recipient should identify activities that have led to specific outcomes, such as job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity, or other positive economic development benefits;
- iii. Identify any upcoming or potential press events or opportunities for collaborative press engagements to highlight the benefits of the EDA investment;
- iv. Compare progress on the project with the targeted schedule, explaining any departures, identifying how those departures will be remedied, and projecting the course of work for the next semi-annual reporting period;
- v. Outline challenges impeding or that may impede progress on the project over the next semi-annual reporting period and identify ways to address those challenges;
- vi. Outline any areas in which EDA assistance is needed to support the project; and
- vii. Provide any other information that would be helpful for your EDA Project Officer to know.

Final Project Reports may be posted on EDA's website, used for promotional materials or policy reviews, or otherwise shared. Recipients should not include any copyrighted or other sensitive business information in these reports. There is no page limit for Final Project Reports; however, such reports should concisely

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communicate key project information and should:

- i. Provide a high-level overview of the activities undertaken;
  - ii. Explain how the project activities have prevented, prepared for, or responded to the coronavirus pandemic and advanced economic development;
  - iii. Document the expected and actual economic benefits of the project as of the time the report is written;
  - iv. Detail lessons learned during the project that may be of assistance to EDA or other communities undertaking similar efforts; and
  - v. Provide any other information necessary to understand the project and its impacts.
- b. *Project Progress Reports for Construction Projects Undertaken by the Recipient:* (This paragraph is inapplicable to construction subawards.) The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending December 31, March 31, June 30, and September 30, or any portion thereof until the final grant payment is made by EDA. Reports should be submitted using the approved EDA template, which will be provided by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 15 days following the end of the quarterly period.

The Project progress report must contain the following information for each Project program, function, or activity:

- i. A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
  - ii. An explanation of any delays or failures to meet the Project timetable or Project goals; and
  - iii. Any other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- c. *Financial Reports (Construction and Non-Construction Projects):* The Recipient shall submit a “*Federal Financial Report*” (Form SF-425 or any successor form) on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire project period. Form SF-425 and instructions for completing it are available at: <https://www.grants.gov/forms/post-award-reporting-forms.html>. Reports are due no later than one month following the end of the semi-annual period.

A final Form SF-425 must be submitted no more than 120 calendar days after the Award End Date specified on the Form CD-450 (or any subsequently executed Form CD-451). Final Financial Reports should follow the instructions for

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submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire project period and that all matching funds and program income (if applicable) are fully reported. **Determination of the final grant rate and final balances owed to the government will be determined based on the information on the final Form SF-425, so it is imperative that it be submitted in a timely and accurate manner.**

- 11. PERFORMANCE MEASURES:** Recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993 and the Government Performance and Results Modernization Act of 2010 (collectively, GPRA Reports). The Data Collection Form for Public Works, Economic Adjustment Infrastructure and Revolving Loan Fund Investments (Non-infrastructure programs) (Form ED-915) must be submitted by Recipient to EDA as directed by EDA.

The Semi-Annual Program Outputs Questionnaire for EDA Grantees (Non-infrastructure programs) (Form ED-916) must be submitted by Recipient to EDA on a semi-annual basis during the period of performance of this Award, or as otherwise directed by EDA. EDA will provide Recipient with the first electronic Outputs Questionnaire approximately six months after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outputs Questionnaires approximately every six months thereafter through the end of the period of performance, or any portion thereof if applicable. Recipient must complete and submit to EDA each electronic Outputs Questionnaire within 30 days of receipt.

The Annual Capacity Outcomes Questionnaire for EDA Grantees Serving Clients (Non-Infrastructure Programs) (Form ED-917) or the Annual Capacity Outcomes Questionnaire for EDA Grantees not Serving Clients (Non-infrastructure programs) (Form ED-918) must be submitted by Recipient to EDA on an annual basis for five years, or as otherwise directed by EDA. If Recipient will directly serve clients (i.e., beneficiaries) under the Authorized Scope of Work, Recipient must submit Form ED-917; if Recipient will not directly serve clients under the Authorized Scope of Work, Recipient must submit Form ED-918. (Recipient should consult the project officer if Recipient is unsure whether activities in the Authorized Scope of Work constitute serving clients.) Recipient will automatically receive whichever Outcomes Questionnaire is most appropriate, as determined by the EDA project officer, for the Authorized Scope of Work. EDA will provide Recipient with the first electronic Outcomes Questionnaire approximately one year after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outcomes Questionnaires approximately every 12 months thereafter for a total of five years, notwithstanding the end of the period of



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performance. Recipient must complete and submit to EDA each Outcomes Questionnaire within 30 days of receipt.

EDA may revise or replace the Outputs Questionnaire and/or the Outcomes Questionnaire at any time during or following the period of performance of this Award.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact the Recipient in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted.

Recipient must collect sufficient data and retain sufficient documentation to enable Recipient to complete required GPRA Reports. Failure to submit to EDA required GPRA Reports might adversely impact the ability of the Recipient to secure future funding from EDA.

12. **ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined after the final financial documents are submitted in accordance with the applicable authorities specified on the Financial Assistance Award (Form CD-450), including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. part 200. The Recipient must submit a line item budget for EDA approval as part of its Grant Administration Plan (see Condition 21). Upon approval, the line item budget will be incorporated into these Specific Award Conditions as Attachment 3, Authorized Budget.
13. **FEDERAL SHARE:** The Federal Share of total allowable project cost for this Award is 100 percent. EDA will fund 100 percent of the total allowable project costs or the grant amount shown on the Financial Assistance Award (Form CD-450), whichever is less.
14. **REFUND CHECKS, INTEREST, OR UNUSED FUNDS:** If the Recipient needs to return money to EDA, it may use one of the following two methods:
  - i. The first is the pay.gov website, which allows the Recipient to pay EDA online. The Recipient will have the option to make a one-time payment or to set up an account to make regular payments.
  - ii. The second is paper check conversion. All checks must be made payable to “Department of Commerce, Economic Development Administration” and include the award number and a description of no more than two words identifying the reason for the payment. A copy of the check should be provided to the EDA Project Officer. The check should be mailed to NOAA’s Accounting Office, which processes EDA’s accounting functions, at the following address:

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U.S. Department of Commerce  
National Oceanic and Atmospheric Administration  
Finance Office, AOD, EDA Grants  
20020 Century Boulevard  
Germantown, MD 20874

When funds are remitted to EDA by check, the check will be converted into an electronic funds transfer (EFT) by using the account information on the check to debit the payor's account electronically. The debit from the payor's account will usually occur within 24 hours. EDA will not return the check; the original will be destroyed and a copy will be retained. If the EFT cannot be completed because of insufficient funds, EDA will charge a one-time fee of \$25.00, which will be collected by EFT.

15. **PLANNING COORDINATION:** In keeping with regional economic development principles, the Recipient should coordinate economic development planning and implementation projects with other economic development organizations active in the project area, especially EDA-funded recipients such as state and urban planning grantees, adjoining Economic Development Districts (EDDs), Indian Tribes, and University Centers (UCs).
16. **TECHNICAL ASSISTANCE TO BUSINESSES:** Any technical assistance offered to businesses under the EDA award shall be widely advertised and accessible to all potentially benefitting businesses, as is reasonably permitted by the EDA project Scope of Work and Budget. The Recipient shall maintain adequate documentation of any technical assistance offered and/or provided to benefitting businesses under the EDA award.
17. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. §§ 200.317–200.327.
18. **NONRELOCATION:** By accepting this Award, the Recipient attests that EDA funding is not intended by the Recipient to assist efforts to induce the relocation or the movement of existing jobs from one region to another region in competition for those jobs. In the event that EDA determines that its assistance was used for such purposes, EDA reserves the right to pursue appropriate enforcement actions, including suspension of disbursements, termination of the Award for convenience or cause (which may include the establishment of a debt requiring the Recipient to reimburse EDA), or disallowance of any costs attributable, directly or indirectly, to the relocation.
19. **STAFFING CHANGES:** The Recipient must submit a Staffing Plan for EDA approval as part of its Grant Administration Plan (see Condition 21). Upon approval, the Staffing Plan will be incorporated into these Specific Award Conditions as Attachment 4. In the event of

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a change in the professional staff positions primarily funded with the EDA grant, the Recipient shall provide the name of the individual selected to fill the position to the Project Officer and a copy of his or her resume within 30 business days of the selection.

**20. REAFFIRMATION OF APPLICATION:** Recipient acknowledges that Recipient's application for this Award may have been submitted to the Government and signed by Recipient, or by an authorized representative of Recipient, electronically. Regardless of the means by which Recipient submitted its application to the Government or whether Recipient or an authorized representative of Recipient submitted its application to the Government, the Recipient hereby reaffirms and states that:

- i. All data in the application and documents submitted with the application are true and correct as of the date the application was submitted and remain true and correct as of the date of this Award;
- ii. The application was, as of the date of submission and the date of this Award, duly authorized as required by local law by the governing body of the Recipient; and
- i. Recipient has read, understood, and will comply with all terms of this Award, including the Assurances and Certifications submitted with, or attached to, the application.

The term "application" includes all documentation and any information provided to the Government as part of, and in furtherance to, the request for funding, including submissions made in response to information requested by the Government after submission of the initial application.

**21. GRANT ADMINISTRATION PLAN:** Prior to the initial disbursement of Award funds, the Recipient shall provide to the Project Officer a Grant Administration Plan, not to exceed five pages, that outlines how the Recipient will implement the Authorized Scope of Work. The plan must include the following information:

1. A list of tasks that the Recipient will undertake to implement the *Authorized Scope of Work* at a sufficient level of detail to allow EDA to monitor the Recipient's progress in implementing the project. The list of tasks must be consistent with the *Authorized Scope of Work* and the Project Narrative submitted as part of the Recipient's application;
2. A timeline for implementing the tasks identified;
3. Expected outputs and outcomes of the project;
4. If the Recipient intends to subaward all or part of the grant, a description of the types of projects for which subawards are proposed (e.g., marketing support to local tourism boards, technical assistance to travel-related businesses) and the process by which

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subrecipients will be selected, including the target date by which subawards will be made. Recipients should also describe the anticipated parameters of the proposed subaward (e.g., the estimated period of performance, whether any matching share will be required);

5. A completed Form SF-424A, “Budget Information—Non-Construction Programs” showing a line-item budget for performance of the award and a Budget Narrative that aligns with both Form SF-424A and the list of tasks. If the Recipient will undertake construction work itself as part of the Award, the Recipient must also provide a completed Form SF-424C, “Budget Information—Construction Programs,” the total of which must be consistent with the “Construction” line item on the SF-424A;
6. If applicable, a Staffing Plan showing the individuals or positions that will charge time to the Award along with salary, percentage of effort, and estimated total amount each individual will charge to the Award; and
7. If the Recipient proposes to undertake construction work itself as part of the Award, a completed Form SF-424D – Additional Assurances for Construction Projects. In addition, the Recipient must provide **for each** construction project:
  - a. A completed Form ED-900C or ED-900D and, if applicable, Form ED-900E
  - b. A completed *Environmental Narrative and Applicant Certification Clause*.

Upon approval by EDA, the Grant Administration Plan shall be incorporated into and become an enforceable part of these Specific Award Conditions. The approved line item budget will become the *Authorized Budget* (Attachment 3), and the approved staffing plan will become the *Authorized Staffing Plan* (Attachment 4).

EDA’s approval of the Grant Administration Plan does not authorize any earthmoving, construction, or demolition activities, including the solicitation of bids or design and engineering activities proceeding past conceptual design as determined by EDA. As with construction subawards (see SAC # 7.B), EDA must complete its environmental and historic preservation reviews before any construction activity takes place. In addition to the construction forms noted above as required under the Grant Administration Plan, before any construction activity is approved, as part of EDA’s review process the Recipient must provide electronic copies of any documents prepared to satisfy state environmental review requirements and any available phase I or phase II environmental site assessment reports. If, after completing its environmental review, EDA determines that the construction project may proceed, it will inform the Recipient of the authorization in writing. EDA reserves the right to decline approval of any proposed construction project at the end of the environmental review process or to require changes to the proposed project as a condition of approval. **Any expenditures for construction activities made before receipt of EDA’s authorization will be disallowed in their entirety.**

Investment No.: 01-79-15160

EDA may also require the Recipient to initiate consultation on EDA's behalf under the Endangered Species Act, National Historic Preservation Act, or other statutes. The Recipient will be required to secure all concurrences or clearances from other agencies or third parties as EDA may reasonably require to fulfill its statutory and regulatory obligations, and the Recipient agrees to pursue all such clearances diligently. The Recipient further agrees to provide public notice of any proposed construction project and an opportunity for the public to submit comments if directed to do so by EDA.

Please note that environmental reviews can be lengthy. EDA will not be held responsible for any delays associated with the environmental review process or required consultations, nor can the deadline for project completion be extended beyond May 31, 2027 for this reason.

- 22. DUTY TO REFRAIN FROM EMPLOYING CERTAIN EDA EMPLOYEES:** For the two-year period beginning on the date the Grants Officer executes this Award, Recipient agrees that it will not employ, offer any office or employment to, or retain for professional services any person who, on the date the Grants Officer executes this Award or within the one-year period prior to that date: (a) served as an officer, attorney, agent, or employee of EDA; and (b) occupied a position or engaged in activities that the Assistant Secretary for Economic Development determines involved discretion with respect to the granting of financial assistance under the American Rescue Plan Act (Pub. L. 117-2).

This Specific Award Condition is not applicable if Recipient is an Indian Tribe, a State, county, city, or other political subdivision of a State, or a public institution of higher education.

The two-year period and associated restrictions referenced above also shall apply beginning on the date the Grants Officer executes any cost amendment to this Award that provides additional funds to Recipient.

- 23. MAINTENANCE OF STANDARDS:** All construction contracts in excess of \$2,000 funded through this Award are subject to the Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212), which requires minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.
- 24. GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth at 41 C.F.R. part 60-4 establish goals and timetables for the participation of minorities and women in the construction industry. Those regulations apply to all federally assisted construction contracts in excess of \$10,000. The Recipient shall

Investment No.: 01-79-15160

comply with those regulations and shall obtain compliance with 41 C.F.R. part 60-4 from contractors and subcontractors employed on the project by including such notices, clauses, and provisions in the Solicitations for Offers or Bids as required by 41 C.F.R. part 60-4. The goal for the participation of women in each trade area shall be as follows: from April 1, 1981 until further notice: 6.9 percent.

All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Specific Award Conditions.

Goals for minority participation shall be as prescribed by Appendix B-80 of the Federal Register notice published October 3, 1980 at 45 Fed. Reg. 65984–65991, or any subsequently published amendments. The Recipient shall include the Standard Federal Equal Employment Opportunity Construction Contract Specifications (or cause them to be included, if appropriate) in all Federally assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6.

- 25. WASTE, FRAUD AND ABUSE:** Consistent with 2 C.F.R. part 200, at EDA’s direction, at any time(s) during the estimated useful life of the Project, Recipient’s key personnel will take a training on preventing waste, fraud and abuse as provided by the Government. Key personnel include those responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or sub-grantees (for financial matters and/or general oversight related to this Project). EDA will provide instructions on when and how to take the training. Within sixty days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Project Officer all Certificates of Completion for the Waste, Fraud, and Abuse training. In the event there are co-recipients of this Award, the obligations in the Specific Award Condition shall apply to all recipients whether or not designated in this Award as the Lead Recipient.

Further, Recipient will monitor award activities for common fraud schemes (hereinafter “Fraud Schemes”), such as but not limited to:

- false claims for materials and labor,
- bribes related to the acquisition of materials and labor,
- product substitution,
- mismarking or mislabeling on products and materials, and
- time and materials overcharging.

Should Recipient detect any Fraud Schemes or any other suspicious activity, Recipient will contact the EDA staff listed above and the Department of Commerce, Office of Inspector

Investment No.: 01-79-15160

General, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible.

Investment No.: 01-79-15160

ATTACHMENT 1

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**Authorized Scope of Work for the State Tourism Grant Program**

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Under EDA's American Rescue Plan Act State Tourism Grant funding invitation, a state or an Eligible Recipient designated in writing by the state may apply for one or more of the Scope of Work elements listed below that have been pre-approved by EDA.

All projects supported under the State Tourism Grant Program must support the travel, tourism, and outdoor recreation sectors and be consistent with Centers for Disease Control (CDC) guidelines for safe travel. Projects that do not support these sectors or are intended to support diversification away from the sectors are not permitted.

Eligible uses of State Tourism Grants include:

- State, county, city, or community/regional tourism marketing and promotion campaigns,<sup>9</sup> including through nonprofit Destination Marketing Organizations (DMO). Messaging must be consistent with Centers for Disease Control and Prevention (CDC) COVID-19 guidelines.
  - Note: Due to statutory restrictions, advertising on behalf of private companies is not permitted.
- Workforce training that supports the travel, tourism, and outdoor recreation industries, to improve the skills and job opportunities for workers, including Registered Apprenticeship Programs and other work and learn models. Grant recipients and their partners are encouraged to make connections with the American Job Centers that connect individuals to workforce training.
- Short-term and long-term economic development planning and coordination to respond to the effects of the coronavirus pandemic on the regional travel, tourism, and outdoor recreation industry.
- Technical assistance projects to assist regional economies to recover from damage to the travel, tourism, and outdoor recreation industries, including technical assistance to businesses, entrepreneurs, and small and rural communities to respond to changes to those industries brought about by the coronavirus pandemic.
- Upgrades/retrofits to existing travel, tourism, and outdoor recreation infrastructure, such as convention centers, to increase travel/tourism activity or to make such infrastructure more functional under pandemic social distancing conditions (e.g., consistent with CDC guidelines).
  - These activities can include general accessibility upgrades (e.g., disability access).

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<sup>9</sup> This includes activities such as: campaign development, media purchases, advertising, and promotional events.



Investment No.: 01-79-15160

- Infrastructure projects that lead to long-term increases in tourist activity in a region, including to communities adjacent to National Park Service units, State Parks, National Marine Sanctuaries, or other natural destinations, and nature-based infrastructure projects and projects enhancing public access to outdoor recreational opportunities.<sup>10</sup>
- Other uses to support the travel, tourism, and outdoor recreation industries, as approved by EDA.
  - **Please note:** If the State Tourism Grant Program applicant elects to propose other activities, the applicant must provide a detailed project and budget narrative specifying the types of activities proposed.

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<sup>10</sup> The U.S. Department of Agriculture has developed a resource guide that may be helpful for rural communities seeking to develop recreation economies. See: [https://www.rd.usda.gov/sites/default/files/RD\\_Recreation\\_Economy\\_USDA.pdf](https://www.rd.usda.gov/sites/default/files/RD_Recreation_Economy_USDA.pdf).

Investment No.: 01-79-15160

## ATTACHMENT 2

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**Project Contact Information**


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**RECIPIENT INFORMATION:**

Kelly Schulz Secretary - Department of Commerce Phone: (410) 767-6301 Email: kelly.schulz@maryland.gov	Department of Commerce 401 East Pratt Street 9th Floor Baltimore, MD 21202
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**EDA INFORMATION:**

EDA Project Team	Roles and Responsibilities
Linda Cruz-Carnall Regional Director Phone: (215) 597-4603 Email: LCruz-Carnall@eda.gov	<u>Grants Officer</u> : Authorized to award, amend, suspend, and terminate financial assistance awards.
Jennifer Sloms Program Manager Phone: (215) 597-9584 Email: JSloms@eda.gov	<u>Program Officer</u> : Oversees the programmatic aspects of this Award.
Jeffrey Montgomery Program Analyst Phone: (215) 518-9567 Email: JMontgomery@eda.gov	<u>Project Officer</u> : Responsible for day-to-day administration of this Award; liaises with Recipient and receives all reports and payment requests.

Investment No.: 01-79-15160

ATTACHMENT 3

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**Authorized Budget**

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Investment No.: 01-79-15160

ATTACHMENT 4

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**Authorized Staffing Plan**

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DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL:410.632.1200 / FAX: 410.632.3008

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

ZONING DIV  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

To: Weston Young, Chief Administrative Officer  
From: Davida T. Washington, Housing Rehabilitation Program Coordinator <sup>270</sup>  
Date: November 14, 2023  
RE: Waiver request for the Housing Rehabilitation Program to use CDBG funds for pre-1978 homes that test lead free.

.....

I am requesting the Worcester County Commissioners approve the request for a waiver of the HR (Housing Rehabilitation) Lead requirement for CDBG applicants. The state (DHCD) does not permit CDBG funds to be used for lead abatement, and we find other grant or loan sources for that work to be performed. However, the state has now advised that in order to use CDBG funds for houses that were built pre-1978, they are required to test lead-free. This requires a general waiver to be approved for the local program. To continue serving the needs of our constituents, we are requesting this general waiver as outlined in the attached letter.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410.632.1200 / FAX: 410.632.3008  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)



ZONING DIVISION  
BUILDING DIVISION  
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

November 21, 2023

Ms. Cindy Stone  
Director, Office of Community Programs  
Maryland Department of Housing & Community Development  
Neighborhood Revitalization  
7800 Harkins Road  
Lanham, MD 20706

Dear Ms. Stone,

On behalf of the Worcester County Commissioners, I am writing to request a waiver for a HR lead requirement adjustment due to Worcester's housing profile of individuals that are applying for assistance. Our applicants are mainly seniors and disabled individuals with homes that are pre-1978. To permit CDBG funds to serve these individuals, we are requesting permission to serve homes that are dated pre-1978 but are lead free upon testing. If they are not lead free, they will be referred to another program for assistance.

I would like to thank you in advance for your consideration of these requests. If you have additional questions or require clarification, please contact me at 410-632-1200, ext. 1171 or via email at [dWASHINGTON@co.worcester.md.us](mailto:dWASHINGTON@co.worcester.md.us).

Sincerely,

Davida Washington  
Worcester County Housing Rehab. Coor.



NEWARK VOLUNTEER FIRE CO.  
P.O. Box 82  
Newark, Maryland 21841

11/07/2023

Dear Commissioners,

Newark Volunteer Fire Company will be borrowing \$825,214 from Calvin B Taylor Bank to purchase a Pierce Rescue Pumper fire truck. This is to comply with the Worcester County policy for the newest first run fire truck to be less than 20 years in age.

We are starting the process early, as we have been told it will take three (3) years to actually have this apparatus delivered, and placed in service.

Since 1929 when our fire company was established, we have provided fire protection for our neighbors in Fire District 5, and will continue to do so in the future. We ask you, as Commissioners, to approve our purchase request.

Since we started the process of purchasing this Pierce Rescue Pumper, we were informed just this week, that if we didn't sign the apparatus contract by November 29<sup>th</sup>, 2023, the purchase price would increase an additional 1%. This would add an additional \$10,000 to the cost of the Rescue Pumper.

To follow IRS procedures, we have submitted a Section 147(f) Approval and Written Agreement, and we have posted a Public Hearing to be held (for public comment) on November 21<sup>st</sup> at 7 pm, at our firehouse. Our problem is, that date is the same as the County Commissioner's Meeting. We need approval by the Commissioners for the purchase of this Rescue Pumper.

We would appreciate you looking into a way by which we get this approval, so we are able to sign the contract on November 29<sup>th</sup> 2023, saving us \$10,000.

Respectfully Submitted,

A handwritten signature in black ink that reads "James C Barbely". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

James C Barbely  
President  
Newark Volunteer Fire Company

**Section 147(f) Approval and Written Agreement**

The undersigned Official of WORCESTER COUNTY (hereinafter referred to as "Municipality") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), hereby approves the entering into by NEWARK VOL. FIRE COMPANY of an Agreement in an aggregate principal amount not to exceed \$825,000.00 to finance FIRE APPERATUS ( RESCUE PUMPER).

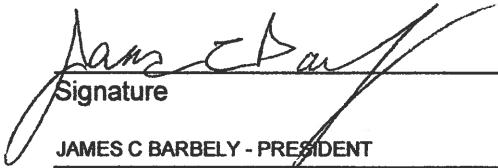
This approval is given following a public hearing held at NOVEMBER 21, 2023 AT 7:00 PM at the company's fire station (or other location which was designated in the public notice) and is solely for the purpose of satisfying the requirements of Section 147(f) of the code. **This approval does not in any way constitute any financial involvement or obligation of the Municipality.**

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the NEWARK VOL. FIRE COMPANY has provided firefighting and other services for the Municipality for many years and NEWARK VOL. FIRE COMPANY\_ hereby agrees to meet the requirement to continue to provide firefighting and other services for the Municipality.

Dated as of NOVEMBER 7, 2023

**[Name of Department]**

**Municipality**

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Member of Municipality

JAMES C BARBELY - PRESIDENT

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Typed Name and Title





Worcester County Government  
One West Market Street | Room 1103 | Snow Hill MD 21863-1195  
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

**MEMORANDUM**

TO: Worcester County Commissioners  
FROM: Nicholas W. Rice, Procurement Officer  
DATE: November 21, 2023  
RE: Request to Bid – 457(b) Plan Administration

---

Human Resources and Administration is requesting commissioner approval to bid out the administration of the County's 457(b) plan. The current plan was established in 2008 and has not been bid out since. It is customary in the public sector to periodically rebid these contracts and services approximately every 5 years. Once the Commissioners have had the opportunity to review these documents, it is requested that authorization be provided to solicit proposals for these services.

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



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## SECTION I: INTRODUCTION

### A. PURPOSE

1. The purpose of this Request for Proposal Document is for Worcester County (“County”) to contract a qualified institutional retirement plan provider to administer and communicate the County’s 457(b) plan in conformity with the requirements contained herein (“Proposal Document(s”).

### B. CLARIFICATION OF TERMS

1. Firms or individuals that submit a proposal for award of a contract (“Contract”) are referred to as vendors (“Vendors”) in this document. The Vendor that is awarded the Contract is herein referred to as the (“Successful Vendor”).

### C. QUESTIONS AND INQUIRES

1. Questions must be addressed in writing to the Worcester County Procurement Officer at [nrice@co.worcester.md.us](mailto:nrice@co.worcester.md.us).
2. The last date to submit questions for clarification will be noon on .
3. Addenda are posted on the County website at <https://www.co.worcester.md.us/> under County Info: Bid Board: at <https://www.co.worcester.md.us/commissioners/bids> at least five calendar days before proposal opening.
4. It is the Vendors responsibly to make sure all addenda are acknowledged in their proposal. Failure to do so could result in the proposal being disqualified.

### D. FILLING OUT PROPOSAL DOCUMENTS

1. Use only forms supplied by the County.
2. One unbound original and five bound copies of the proposal form and any required attachments must be submitted in the solicitation and can be submitted in the same envelope unless otherwise instructed.
3. Proposal Documents should be compiled as follows: (1) Cover letter, (2) Form of Proposal, (3) References, (4) Exceptions Document and Signed addenda, if necessary (5) Individual Principal Document, (6) Vendor’s Affidavit of Qualification to Bid, and (7) Non-Collusive Affidavit
4. Where so indicated by the make-up of the Proposal Documents, sums will be expressed in both words and figures, and in the case of a discrepancy between the two, the amount written in words will govern. In the event there is a discrepancy between the unit price and the extended totals, the unit prices will govern.
5. Any interlineation, alteration, or erasure will be initialed by the signer of the Proposal Documents.
6. Each copy of the Proposal Documents will be signed by the person(s) legally authorized to bind the Vendor to a contract, using the legal name of the signer. Proposal Documents submitted by an agent will have a current Power of Attorney attached certifying the agent’s authority to bind the Vendor.
7. Vendor will supply all information and submittals required by the Proposal Documents to constitute a proper and responsible completed Proposal Document package.
8. Any ambiguity in the Proposal Documents as a result of omission, error, lack of clarity or non-compliance by the Vendor with specifications, instructions, and/or all conditions of bidding will be construed in the light most favorable to the County.

**E. SUBMISSION OF PROPOSAL DOCUMENTS**

1. All copies of the Proposal Documents and any other documents required to be submitted with the Proposal Documents will be enclosed in a sealed envelope. The envelope will be addressed to the Worcester County Commissioners and will be identified with the project name: **457(b) PLAN ADMINISTRATION** and the Vendor's name and address. If the Proposal Documents are sent by mail, the sealed envelope will be enclosed in a separate mailing envelope with the notation "SEALED PROPOSAL DOCUMENTS ENCLOSED" on the face thereof.
2. Proposals must be mailed or hand carried to the **Worcester County Administration Office, 1 West Market Street, Room 1103, Snow Hill, MD 21863**, in order to be received **prior** to the announced proposal deadline. *Proposals received after said time or delivered to the wrong location will be returned to the Vendor unopened.*
3. **Proposals are due and will be opened at the time listed on the front of this Proposal Document.**
4. If you are delivering a proposal in person please keep in mind to allow time to get through security and into the Administration Office. It is fully the responsibility of the Vendor to ensure that the proposal is received on time.
5. The County will not speculate as to reasonableness of the postmark, nor comment on the apparent failure of a public carrier to have made prompt delivery of the proposal.
6. Vendors, or their authorized agents, are expected to fully inform themselves as to the conditions, requirements, and specifications before submitting Proposal Documents; failure to do so will be at the Vendor's own risk.
7. A fully executed Affidavit of Qualification to Bid will be attached to each Proposal Document.
8. Minority vendors are encouraged to participate.
9. All Vendor submitted Proposal Documents will be valid for a minimum of sixty days from the date of Proposal Document opening.
10. Electronically mailed proposals are **not** considered sealed proposals and will **not** be accepted.

**F. OPENING OF PROPOSALS**

1. Proposal Documents received on time will be opened publicly and Vendor's names and total costs will be read aloud for the record.
2. The Contract will be awarded or all Proposal Documents will be rejected within sixty days from the date of the Proposal Document opening.

**G. ACCEPTANCE OR REJECTION OF PROPOSALS**

1. Unless otherwise specified, the Contract will be awarded to the most responsible and responsive Vendor complying with the provisions of the Proposal Documents, provided the proposal does not exceed the funds available, and it is in the best interest of the County to accept it. The County reserves the right to reject the Proposal Documents of any Vendor who has previously failed to perform properly in any way or complete on time contracts of a similar nature; or a Proposal Document from a Vendor who, investigation shows, is not in a position to perform the Contract; or Proposal Documents from any person, firm, or corporation which is in arrears or in default to the County for any debt or contract.
2. Completed Proposal Documents from Vendors debarred from doing business with the State of Maryland or the Federal Government will not be accepted.
3. In determining a Vendor's responsibility, the County may consider the following qualifications, in addition to price:

- a. Ability, capacity, and skill to provide the commodities or services required within the specified time, including future maintenance and service, and including current financial statement or other evidence of pecuniary resources and necessary facilities.
  - b. Character, integrity, reputation, experience and efficiency.
  - c. Quality of past performance on previous or existing contracts, including a list of current and past contracts and other evidence of performance ability.
  - d. Previous and existing compliance with laws and ordinances relating to contracts with the County and to the Vendor's employment practices.
  - e. Evidence of adequate insurance to comply with Contract terms and conditions.
  - f. Statement of current work load and capacity to perform/provide the Goods and/or Services.
  - g. Explanation of methods to be used in fulfilling the Contract.
  - h. The Vendor, if requested, will be prepared to supply evidence of its qualifications, listed above, and its capacity to provide/perform the Goods and/or Services; such evidence to be supplied within a specified time and to the satisfaction of the County.
4. In determining a Vendor's responsiveness, the County will consider whether the Proposal Document conforms in all material respects to the Proposal Documents. The County reserves the right to waive any irregularities that may be in its best interest to do so.
  5. The County will have the right to reject any and all Proposal Documents, where applicable to accept in whole or in part, to add or delete quantities, to waive any informalities or irregularities in the Proposal Document received, to reject a Proposal Document not accompanied by required Bid security or other data required by the Proposal Documents, and to accept or reject any Proposal Document which deviates from specifications when in the best interest of the County. Irrespective of any of the foregoing, the County will have the right to award the Contract in its own best interests.

**H. QUALIFICATIONS**

1. The Vendor must be in compliance with the laws regarding conducting business in the State of Maryland.  
All Vendors shall provide a copy Certificate of Status from the Maryland Department of Assessments and Taxation, evidencing the Vendor is in good standing with the State of Maryland. See [https://sdatcert1.resiusa.org/certificate\\_net/](https://sdatcert1.resiusa.org/certificate_net/) for information on obtaining the Certificate of Status. *Certificates of status are not available for trade names, name reservations, government agencies, sole proprietorships, and some other accounts as these are not legal entities and thus are not required for these categories of Vendors.* For more information on the Certificate of Status please see <http://www.dat.state.md.us/sdatweb/COSinfo.html> .
2. Worcester County reserves the right, at its sole discretion, to extend the date this documentation must be provided. The Vendor's inability to provide this documentation could result in the proposal being rejected.

**I. DESCRIPTIVE LITERATURE**

1. The proposed descriptive literature fully describing the product bid is what is intended to be included as the price. Failure to do so may be cause for rejection of the proposal.
2. Any items, systems or devices supplied in this proposal that are proprietary in nature relative to maintenance, repair, servicing or updating must be disclosed on the proposal form.

## J. NOTICE TO VENDORS

1. Before a Vendor submits the Proposal Documents it will need to become fully informed as to the extent and character of the Goods and/or Services required and are expected to completely familiarize themselves with the requirements of this Proposal Document's specifications. Failure to do so will not relieve the Vendor of the responsibility to fully perform in accordance therewith. No consideration will be granted for any alleged misunderstanding of the material to be furnished or the Services to be performed, it being understood that the submission of a Proposal Document is an agreement with all of the items and conditions referred to herein.

## K. PIGGYBACKING

1. Worcester County may authorize, upon request, any governmental entity (hereafter Authorized User) within the County to purchase items under the contract awarded pursuant to this proposal solicitation.
2. All purchase orders issued against the contract by an authorized User shall be honored by the Successful Vendor in accordance with all terms and conditions of this contract.
3. The issuance of a purchase order by an Authorized User pursuant to this provision shall constitute an express assumption of all contractual obligations, covenants, conditions and terms of the contract. A breach of the contract by any particular Authorized User shall neither constitute nor be deemed a breach of the contract as a whole which shall remain in full force and effect, and shall not affect the validity of the contract nor the obligations of the Successful Vendor thereunder respecting the County.
4. The County specifically and expressly disclaims any and all liability for any breach by an Authorized User other than the County and each such Authorized User and Successful Vendor guarantee to save the County, its officers, agents and employees harmless from any liability that may be or is imposed by the Authorized User's failure to perform in accordance with its obligations under the contract.

**END OF SECTION**

**SECTION II: GENERAL INFORMATION****A. ECONOMY OF PROPOSAL**

1. Proposal Documents will be prepared simply and economically, providing straightforward and concise description of the Vendor's capabilities to satisfy the requirements of the Proposal Documents. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond that sufficient to present a complete and effective Proposal Document are neither required nor desired.

**B. PUBLIC INFORMATION ACT (PIA)**

1. Worcester County is subject to the Maryland Public Information Act and may be required to release proposal submissions in accordance with the Act.
2. Any materials the Vendor deems to be proprietary or copyrighted must be marked as such; however, the material may still be subject to analysis under the Maryland Public Information Act.
  - a. The Vendor may invoke proprietary information or trade secret protection for submission of any data/material by (1) identifying the data/material in a written description, (2) clearly marking the data/material as proprietary, and (3) providing a written statement detailing the reasons why protection is necessary. The County reserves the right to ask for additional clarification prior to establishing protection.

**C. CONTRACT AWARD**

1. A written award by the County to the Successful Vendor in the form of a Purchase Order or other contract document will result in a binding Contract without further action by either party. If the Successful Vendor fails or refuses to sign and deliver the Contract and the required insurance documentation, the County will have the right to award to the next responsible and responsive Vendor. Contract will be executed by the Successful Vendor within fourteen calendar days of receipt of the Contract.
2. Proposal Documents and Contracts issued by the County will bind the Vendor to applicable conditions and requirements herein set forth, unless otherwise specified in the Proposal Documents, and are subject to all federal, state, and municipal laws, rules, regulations, and limitations.
3. County personal property taxes ("Taxes") must be on a current basis; if any such Taxes are delinquent, they must be paid before award of Contract. Failure to pay will result in the award of Contract to another Vendor.
4. The County reserves the right to engage in individual discussions and interviews with those Vendors deemed fully qualified, responsible, suitable and professionally competent to provide the required Goods and/or Services should the project size warrant it. Vendors will be encouraged to elaborate on their qualifications, performance data, and staff expertise.

**D. AUDIT**

1. The Successful Vendor agrees to retain all books, records, and other documents relative to the awarded Contract for five years after final payment, or until audited. The County, its authorized agents, and/or State auditors will have full access to and the right to examine any of said materials during said period.

**E. NONPERFORMANCE**

1. The County reserves the right to inspect all operations and to withhold payment for any goods not performed or not performed in accordance with the specifications in this Proposal Document.



Errors, omissions or mistakes in performance will be corrected at no cost to the County. Failure to do so will be cause for withholding of payment for that Goods and/or Services. In addition, if deficiencies are not corrected in a timely manner, the County may characterize the Successful Vendor as uncooperative, which may jeopardize future project order solicitations.

**F. MODIFICATION OR WITHDRAWAL OF PROPOSAL**

1. A Proposal Document may not be modified, withdrawn, or cancelled by the Vendor during the stipulated time period following the time and date designated for the receipt of Proposal Documents, and each Vendor so agrees in submitting Proposal Documents.

**G. DEFAULT**

1. The Contract may be cancelled or annulled by the County in whole or in part by written notice of default to the Successful Vendor upon non-performance, violation of Contract terms, delivery failure, bankruptcy or insolvency, any violation of state or local laws, or the making of an assignment for the benefit of creditors. An award may then be made to the next most highly rated Vendor, or when time is of the essence, similar commodities and/or service may be purchased on the open market. In either event, the defaulting Vendor (or his surety) will be liable to the County for cost to the County in excess of the defaulted Contract price.
2. If a representative or warranty of either Party to the Contract is false or misleading in any material respect, or if either Party breaches a material provision of the Contract (“Cause”), the non-breaching Party will give the other Party written notice of such cause. If such Cause is not remedied within fifteen calendar days (“Cure Period”) after receipt of such notice, (unless, with respect to those Causes which cannot be reasonably corrected or remedied within the Cure Period, the breaching Party will have commenced to correct or remedy the same within such Cure Period and thereafter will proceed with all due diligence to correct or remedy the same), the Party giving notice will have the right to terminate this Contract upon the expiration of the Cure Period.

**H. COLLUSION/FINANCIAL BENEFIT**

1. The Vendor certifies that his/her Proposal is made without any previous understanding, agreement, or connection with any person, firm, or corporation making a Proposal Document for the same project; without prior knowledge of competitive prices; and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.
2. Upon signing the Proposal Document, Vendor certifies that no member of the governing body of the County, or members of his/her immediate family, including spouse, parents or children, or any other officer or employee of the County, or any member or employee of a Commission, Board, or Corporation controlled or appointed by the County Commissioners has received or has been promised, directly or indirectly, any financial benefit, related to this Proposal Document and subsequent Contract.

**I. TAX EXEMPTION**

1. In buying products directly from a Vendor, Worcester County is exempt from being *directly* charged Federal excise and Maryland sales tax. A copy of an exemption certificate shall be furnished upon request.
2. According to the Office of the Comptroller of Maryland, a *Contractor is responsible for paying sales tax* on his/her purchases relating to any projects or services and should incorporate it into their proposal.
3. Successful Vendors **cannot** use the County tax exemption to buy materials or products used on County projects.

## J. CONTRACT CHANGES

1. No claims may be made by anyone that the scope of the project or that the Vendor's Goods and/or Services have been changed (requiring changes to the amount of compensation to the Vendor or other adjustments to the Contract) unless such changes or adjustments have been made by an approved written amendment (Change Order) to the Contract signed by the Chief Administrative Officer (and the County Commissioners, if required), prior to additional Goods and/or Services being initiated. Extra Goods and/or Services performed without prior, approved, written authority will be considered as unauthorized and at the expense of the Vendor. Payment will not be made by the County.
2. No oral conversations, agreements, discussions, or suggestions, which involve changes to the scope of the Contract, made by anyone including any County employee, will be honored or valid. No written agreements or changes to the scope of the Contract made by anyone other than the Procurement Officer (with the Chief Administrative Officer and/or County Commissioners approval, if required) will be honored or valid.
3. If any Change Order in the Goods and/or Services results in a reduction in the Goods and/or Services, the Vendor will neither have, nor assert any claim for, nor be entitled to any additional compensation for damages or for loss of anticipated profits on Goods and/or Services that are eliminated.

## K. ADDENDUM

1. No oral statements of any person will modify or otherwise affect or interpret the meaning of the Contract specifications, or the terms, conditions, or other portions of the Contract. All modifications and every request for any interpretation must be addressed to Worcester County's Procurement Officer and to be given consideration, must be received no later than the last day for questions listed in Section I, Subsection C.2.
2. Any and all interpretations, corrections, revisions, and amendments will be issued by the Procurement Officer to all holders of Proposal Documents in the form of written addenda. Vendors are cautioned that any oral statements made by any County employee that materially change any portion of the Proposal Documents cannot be relied upon unless subsequently ratified by a formal written amendment to the Proposal Document.
3. All addenda will be issued so as to be received at least five days prior to the time set for receipt of Proposal Documents, and will become part of the Contract and will be acknowledged in the Proposal Document form. Failure of any Vendor to receive any such addenda will not relieve said Vendor from any obligation under the Proposal Document as submitted.
4. Vendors are cautioned to refrain from including in their Proposal Document any substitutions which are not confirmed by written addenda. To find out whether the County intends to issue an amendment reflecting an oral statement made by any employee, contact Worcester County's Procurement Officer during normal business hours.
5. The Worcester County Procurement Officer reserves the right to postpone the Proposal Document opening for any major changes occurring in the five-day interim which would otherwise necessitate an Addendum.

## L. EXCEPTIONS/ SUBSTITUTIONS

1. Any exceptions or substitutions to the specifications requested should be marked on the proposal form and listed on a separate sheet of paper attached to the proposal.

2. An exception to the specifications may disqualify the proposal. The County will determine if the exception is an essential deviation or a minor item.
3. In the case of a minor deviation, the County maintains the option to award to that Vendor if it determines the performance is not adversely affected by the exception.

## **M. APPROVED EQUALS**

1. In all specifications where a material or article is defined by describing a proprietary product or by using the name of a Vendor or manufacturer, it can be assumed that an approved equal can be substituted.
2. The use of a named product is an attempt to set a particular standard of quality and type that is familiar to the County. Such references are not intended to be restrictive.
3. However, the County shall decide if a product does in fact meet or exceed the quality of the specifications listed in the solicitation. It shall be the responsibility of the Vendor that claims his product is an equal to provide documentation to support such a claim.

## **N. DELIVERY**

1. All items shall be delivered F.O.B. destination and delivery costs and charges included in the proposal unless otherwise stated in the specifications or proposal form.

## **O. INSURANCE**

1. If required by the General Conditions or Terms and Conditions, the Successful Vendor shall provide the County with Certificates of Insurance within ten calendar days of proposal award notification evidencing the required coverage.
2. Successful Vendor must provide Certificates of Insurance before commencing work in connection with the Contract.

## **P. PROPOSAL EVALUATION**

1. Proposal tabulations will be posted on the County website at <https://www.co.worcester.md.us/commissioners/bids>. Click on the Expired Bids & Results tab and find the proposal tabulation for the proposal you are interested in. Proposal tabulations will be posted as soon as reasonably possible after the Proposal opening.

**END OF SECTION**

**SECTION III: PROPOSAL SPECIFICATIONS****A. SCOPE**

1. The County is seeking proposals from qualified institutional retirement plan providers to administer and communicate the County's 457(b) plan in accordance with the terms and conditions and specifications set forth in this solicitation.

**B. PLAN BACKGROUND**

1. There are 711 employees eligible for the 457(b) plan.
2. Security Benefits is the service provider. The inception date of the current plan was February 2008.

**C. PAYROLL**

1. The County's payroll is processed in-house. Employees are paid bi-weekly. The total payroll amount as of 6/26/2022 was \$33,427,473. The total payroll amount as of 6/28/2023 was \$37,850,522.

**D. ON-SITE SERVICE DAYS**

1. The County expects the representative to be on-site twice throughout the year. There are 27 departments throughout the County. The intent is to utilize four different locations for on-site service days.
2. Please assume at least bi-annual on-site support in your response.

**E. PARTICIPANT AND PLAN ASSET BACKGROUND**

1. As of 11/16/2023, there are 205 employees participating in the deferred compensation plan and 26 employees participating in the ROTH IRA plan..
2. As of 8/4/2023, the plan consists of \$3,927,585 in total assets.

**F. PORTABILITY**

1. All assets are portable at the participant level.

**G. SURENDER CHARGES**

1. There are no surrender charges for the current plan.

**H. LOANS**

1. The current 457(b) plan does allow for loans.

**I. ANCILLARY FEES**

1. None

**J. ATTACHMENTS**

1. Vendor Questionnaire
  - a. Please complete and return with your Completed Proposal Documents

**K. QUESTIONS**

1. The last day for questions is listed under Section I, Subsection C.2.

**L. AWARD**

1. The County intends to award to the Vendor whose Completed Proposal Documents represents the best value to the County.

**END OF SECTION**

**SECTION IV: EVALUATION AND SELECTION PROCESS**

**A. EVALUATION**

1. All Vendors are advised that in the event of a receipt of adequate number of Proposal Documents which, in the opinion of the County, require no clarification and/or supplementary information, such Proposal Documents may be evaluated without discussion. Hence, Proposal Documents should be initially submitted on the most complete and favorable terms which Vendors are capable of offering the County. Proposal Documents will be evaluated using the following criteria:

<b>Weighting Factor</b>	<b>Criterion</b>
40%	Project Methodology and Approach
30%	Governmental 457(b) Plan Experience
30%	Cost / Program Fees

2. Each Vendor will be rated for each criterion on a scale of zero to four as described below.

Unacceptable	0
Poor	1
Fair	2
Good	3
Superior	4

- a. A Vendor’s final grade will be the sum of each criterion’s rating multiplied by the weighting factor listed above.
3. After identifying the short list of the most qualified Vendor(s) based on the evaluation criteria, representative(s) may be required to clarify their Proposals by making individual presentations to the evaluation committee.
4. The County may enter into negotiations with Vendors and invite best and final offers as deemed to be in the best interest of the County. Negotiations may be in the form of face-to-face, telephone, facsimile, e-mail or written communications, or any combination thereof, at the County’s sole discretion.
5. Vendors are strongly advised not to prepare their Proposal submissions based on any assumption or understanding that negotiations will take place. Vendors are advised to respond to this Request for Proposals fully and with forth-rightness at the time of Proposal submission.
6. Vendors are strongly cautioned not to contact elected officials or members of the evaluation committee. All questions and comments should be directed through the Purchasing Department. Inappropriate efforts to lobby or influence individuals involved in this selection may result in dismissal from further consideration, at the County’s sole discretion.

**END OF SECTION**

**THIS AND PREVIOUS SECTIONS, OTHER THAN THE COVER PAGE, DO NOT NEED TO BE RETURNED WITH SUBMITTAL**

FORM OF PROPOSAL

To whom it may concern:

We hereby submit our Proposal Documents for "457(b) Plan Administration" as indicated in the Proposal Documents. Having carefully examined the Proposal Documents and having received clarification on all items of conflict or upon which any doubt arose, the undersigned hereby requests consideration of our Vendor for award of the referenced Proposal.

The Vendor agrees that the proposal will be good for at least sixty (60) days unless otherwise indicated in the proposal specifications.

Is your company currently involved in any active litigation? (Yes)\_\_\_ (No) \_\_\_ CHECK One.

Have you included your certificate of good standing with the State of Maryland? (See Section I, Subsection H.1 for more information.) (Yes)\_\_\_ (No) \_\_\_ CHECK One.

Is your company currently involved in any mergers or acquisitions? (Yes)\_\_\_ (No) \_\_\_ CHECK One.

Has your organization compiled your Completed Proposal Document as per Section I, subsection D.3 and in accordance with the Proposal Specifications Section of this Proposal Document? (Yes)\_\_\_ (No) \_\_\_ CHECK One

NOTE: THIS PROPOSAL FORM MUST BE SIGNED BY AN OFFICER OF YOUR COMPANY OR AN AUTHORIZED AGENT FOR THIS PROPOSAL TO BE CONSIDERED VALID BY THE COUNTY.

\_\_\_\_\_  
Sign for Identification Printed Name

\_\_\_\_\_  
Title Email

**REFERENCES**

List three references for which the Vendor has provided Goods/Services similar to those requested in the Proposal Document within the last 12-36 months. Include contact name, address, telephone number, email address and services provided.

Company Name:		Company Name:	
Type of Project:		Type of Project:	
Address:		Address:	
Town, State, Zip Code:		Town, State, Zip Code:	
Contact Person:		Contact Person:	
Telephone Number:		Telephone Number:	
Email:		Email:	
Date of Service:		Date of Service:	
Company Name:			
Type of Project:			
Address:			
Town, State, Zip Code:			
Contact Person:			
Telephone Number:			
Email:			
Date of Service:			

\_\_\_\_\_  
Sign for Identification

\_\_\_\_\_  
Printed Name

**EXCEPTIONS**

The undersigned hereby certifies that, except as listed below, or on separate sheets attached hereto, the enclosed Completed Proposal Document covers all items as specified.

**EXCEPTIONS:**

(If none, write none) \_\_\_\_\_

How did you hear about this solicitation?

- Worcester County's Website
- eMaryland Marketplace Advantage (eMMA)
- Newspaper Advertisement
- Direct email
- Other \_\_\_\_\_

The vendor hereby acknowledges receipt of the following addenda.

<u>Number</u>	<u>Date</u>	<u>Initials</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Sign for Identification

\_\_\_\_\_  
Printed Name



**INDIVIDUAL PRINCIPAL**

Vendor Name: \_\_\_\_\_

Signed By: \_\_\_\_\_ In the presence of: \_\_\_\_\_

Address of Vendor: \_\_\_\_\_ Town, State, Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

\*\*\*\*\*

CO-PARTNERSHIP PRINCIPAL

Name of Co-Partnership: \_\_\_\_\_

Address: \_\_\_\_\_ Town, State, Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax: \_\_\_\_\_

Signed By: \_\_\_\_\_ In the presence of: \_\_\_\_\_  
Partner Witness

Signed By: \_\_\_\_\_ In the presence of: \_\_\_\_\_  
Partner Witness

Signed By: \_\_\_\_\_ In the presence of: \_\_\_\_\_  
Partner Witness

\*\*\*\*\*

CORPORATE PRINCIPAL

Name of Corporation: \_\_\_\_\_

Address: \_\_\_\_\_ Town, State, Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax: \_\_\_\_\_

Signed By: \_\_\_\_\_ In the presence of: \_\_\_\_\_  
President Witness

Attest: \_\_\_\_\_  
Corporate Secretary

Affix Corporate Seal

**VENDOR’S AFFIDAVIT OF QUALIFICATION TO BID**

I HEREBY AFFIRM THAT:

I, \_\_\_\_\_ am the \_\_\_\_\_  
(Printed Name) (title)  
and the duly authorized representative of the Vendor of  
\_\_\_\_\_ whose address is  
(name of corporation)

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

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

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

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

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

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

\_\_\_\_\_  
Sign for Identification

\_\_\_\_\_  
Printed Name

NON-COLLUSIVE AFFIDAVIT

\_\_\_\_\_ being first duly sworn,  
deposes and says that:

1. He/she is the \_\_\_\_\_, (Owner, Partner, Officer, Representative or Agent) of \_\_\_\_\_, the Vendor that has submitted the attached Proposal Documents;
2. He/she is fully informed respecting the preparation and contents of the attached Proposal Document and of all pertinent circumstances respecting such Proposal Documents;
3. Such Proposal Document is genuine and is not a collusive or sham Proposal Document;
4. Neither the said Vendor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Vendor, firm, or person to submit a collusive or sham Proposal Document in connection with the Work for which the attached Proposal Document has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Vendor, firm, or person to fix the price or prices in the attached Proposal Document or of any other Vendor, or to fix any overhead, profit, or cost elements on the Proposal Document price or the Proposal Document price of any other Vendor, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any disadvantage against (Recipient), or any person interested in the Work;
5. The price or prices quoted in the attached Proposal Document are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Vendor or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## EXHIBIT A

WORCESTER COUNTY MARYLAND  
STANDARD TERMS AND CONDITIONS

The provisions below are applicable to all Worcester County (“County”) contracts. These provisions are not a complete agreement. These provisions must be attached to an executed document that identifies the work to be performed, compensation, term, incorporated attachments, and any special conditions (“Contract”). If the Standard Terms and any other part of the Contract conflict, then the Standard Terms will prevail.

1. **Amendment.** Amendments to the Contract must be in writing and signed by the parties.
2. **Bankruptcy.** If a bankruptcy proceeding by or against the Contractor is filed, then:
  - a. The Contractor must notify the County immediately; and
  - b. The County may cancel the Contract or affirm the Contract and hold the Contractor responsible for damages.
3. **Compliance with Law.** Contractor must comply with all applicable federal, state, and local law. Contractor is qualified to do business in the State of Maryland. Contractor must obtain, at its expense, all licenses, permits, insurance, and governmental approvals needed to perform its obligations under the Contract.
4. **Contingent Fee Prohibition.** The Contractor has not directed anyone, other than its employee or agent, to solicit the Contract and it has not promised to pay anyone a commission, percentage, brokerage fee, contingent fee, or other consideration contingent on the making of the Contract.
5. **Counterparts and Signature.** The Contract may be executed in several counterparts, each of which may be an original and all of which will be the same instrument. The Contract may be signed in writing or by electronic signature, including by email. An electronic signature, a facsimile copy, or computer image of the Contract will have the same effect as an original signed copy.
6. **Exclusive Jurisdiction.** All legal proceedings related to this Contract must be exclusively filed, tried, and maintained in either the District Court of Maryland for Worcester County, Maryland or the Circuit Court of Worcester County, Maryland. The parties expressly waive any right to remove the matter to any other state or federal venue and waive any right to a jury trial.
7. **Force Majeure.** The parties are not responsible for delay or default caused by fire, riot, acts of God, County-declaration-of-emergency, or war beyond their reasonable control. The parties must make all reasonable efforts to eliminate a cause of delay or default and must, upon cessation, diligently pursue their obligations under the Contract.
8. **Governing Law.** The Contract is governed by the laws of Maryland and the County.
9. **Indemnification.** The Contractor must indemnify the County and its agents from all liability, penalties, costs, damages, or claims (including attorney’s fees) resulting from personal injury, death, or damage to property that arises from or is connected to the performance of the work or failure to perform its obligations under the Contract. All indemnification provisions will survive the expiration or termination of the Contract.

**10. Independent Contractor.**

- a. Contractor is an “Independent Contractor”, not an employee. Although the County may determine the delivery schedule for the work and evaluate the quality of the work, the County will not control the means or manner of the Contractor’s performance.
- b. Contractor is responsible for all applicable taxes on any compensation paid under the Contract. Contractor is not eligible for any federal Social Security, unemployment insurance, or workers’ compensation benefits under the Contract.
- c. Contractor must immediately provide the County notice of any claim made against Contractor by any third party.

**11. Insurance Requirements.**

- a. Contractor must have Commercial General Liability Insurance in the amounts listed below. The insurance must include coverage for personal injury, discrimination, and civil rights violation claims. All insurance must name County, its employees, and agents as “ADDITIONAL INSURED”. A copy of the certificate of insurance must be filed with the County before the Contract is executed, providing coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$500,000 for property damage.
- b. Contractor must have automobile insurance on all vehicles used in the Contract to protect Contractor against claims for damages resulting from bodily injury, including wrongful death, and property damage that may arise from the operations in connection with the Contract. All insurance must name County, its employees, and agents as “ADDITIONAL INSURED”.
- c. Contractor must provide the County with a certification of Workers’ Compensation Insurance, with employer’s liability in the minimum amount required by Maryland law in effect for each year of the Contract.
- d. All insurance policies must have a minimum 30 days’ notice of cancellation. The County must be notified immediately upon cancellation.
- e. When insurance coverage is renewed, Contractor must provide new certificates of insurance prior to expiration of current policies.

12. **Nondiscrimination.** Contractor must not discriminate against any worker, employee, or applicant because of religion, race, sex, age, sexual orientation, physical or mental disability, or perceived disability. This provision must be incorporated in all subcontracts related to the Contract.

**13. Ownership of Documents; Intellectual Property.**

- a. All documents prepared under the Contract must be available to the County upon request and will become the exclusive property of the County upon termination or completion of the services. The County may use the documents without restriction or without additional compensation to the Contractor. The County will be the owner of the documents for the purposes of copyright, patent, or trademark registration.
- b. If the Contractor obtains, uses, or subcontracts for any intellectual property, then it must provide an assignment to the County of ownership or use of the property.
- c. The Contractor must indemnify the County from all claims of infringement related to

the use of any patented design, device, materials, or process, or any trademark or copyright, and must indemnify the County, its officers, agents, and employees with respect to any claim, action, costs, or infringement, for royalties or user fees, arising out of purchase or use of materials, construction, supplies, equipment, or services covered by the Contract.

14. **Payments.** Payments to the Contractor under the Contract will be within 30 days of the County's receipt of a proper invoice from the Contractor. If an invoice remains unpaid 45 days after the invoice was received, interest will accrue at 6% per year.
15. **Records.** Contractor must maintain fiscal records relating to the Contract in accordance with generally accepted accounting principles. All other relevant records must be retained by Contractor and kept accessible for at least three years after final payment, termination of the Contract, or until the conclusion of any audit, controversy, or litigation related to the Contract. All subcontracts must comply with these provisions. County may access all records of the Contractor related to the Contract.
16. **Remedies.**
  - a. **Corrections of errors and omissions.** Contractor must perform work necessary to correct errors and omissions in the services required under the Contract, without undue delays and cost to the County. The County's acceptance will not relieve the Contractor of the responsibility of subsequent corrections of errors.
  - b. **Set-off.** The County may deduct from any amounts payable to the Contractor any back-charges, penalties, or damages sustained by the County, its agents, or employees caused by Contractor's breach. Contractor will not be relieved of liability for any costs caused by a failure to satisfactorily perform the services.
  - c. **Cumulative.** These remedies are cumulative and without waiver of any others.
17. **Responsibility of Contractor.**
  - a. The Contractor must perform the services with the standard of care, skill, and diligence normally provided by a Contractor in the performance of services similar the services.
  - b. Notwithstanding any review, approval, acceptance, or payment for the services by the County, the Contractor will be responsible for the accuracy of any work, design, drawings, specifications, and materials furnished by the Contractor under the Contract.
  - c. If the Contractor fails to conform with subparagraph (a) above, then it must, if required by the County, perform at its own expense any service necessary for the correction of any deficiencies or damages resulting from the Contractor's failure. This obligation is in addition to any other remedy available to the County.
18. **Severability/Waiver.** If a court finds any term of the Contract to be invalid, the validity of the remaining terms will not be affected. The failure of either party to enforce any term of the Contract is not a waiver by that party.
19. **Subcontracting or Assignment.** The Contractor may not subcontract or assign any part of the Contract without the prior written consent of the County. The County may withhold consent for any reason the County deems appropriate.

20. **Termination.** If the Contractor violates any provision of the Contract, the County may terminate the Contract by written notice. All finished or unfinished work provided by the Contractor will, at the County's option, become the County's property. The County will pay the Contractor fair compensation for satisfactory performance that occurred before termination less the amount of damages caused by the Contractor's breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the County can affirmatively collect damages.
21. **Termination of Contract for Convenience.** Upon written notice, the County may terminate the Contract when the County determines termination is in the County's best interest. Termination for convenience is effective on the date specified in the County's written notice. The County will pay for reasonable costs allocable to the Contract for costs incurred by the Contractor up to the date of termination. But the Contractor will not be reimbursed for any anticipatory profits that have not been earned before termination.
22. **Termination of Multi-year Contract.** If funds are not available for any fiscal period of the Contract after the first fiscal period, then the Contract will be terminated automatically as of the beginning of unfunded fiscal period. Termination will discharge the Contractor and the County from future performance of the Contract, but not from their rights and obligations existing at the time of termination.
23. **Third Party Beneficiaries.** The County and Contractor are the only parties to the Contract and are the only parties entitled to enforce its terms. Nothing in the Contract gives any benefit or right to third persons unless individually identified by name and expressly described as intended beneficiaries of the Contract.
24. **Use of County Facilities.** Contractor may only County facilities that are needed to perform the Contract. County has no responsibility for the loss or damage to Contractor's personal property which may be stored on County property.
25. **Whole Contract.** The Contract, the Standard Terms, and attachments are the complete agreement between the parties and supersede all earlier agreements, proposals, or other communications between the parties relating to the subject matter of the Contract.

## VENDOR QUESTIONNAIRE

## Details of Proposing Firm

1. Name – Provide the full name of your firm. (text)
2. Address – Provide the address of your headquarters and other office locations that will support this proposal. (text)
3. Contact Information – Provide your organization’s primary contact for this RFP, including their name, title, phone number, and email address. (text)
4. Best Fit – Briefly describe why your firm should be selected to provide services to the plan sponsor's retirement plan(s) (text)
5. Ownership Structure – Describe the ownership structure of your organization and any subsidiaries. Identify parent company or affiliations of the proposer and identify any affiliated business enterprises. (text)
6. Primary Business – What is the primary business of the parent company and/or affiliates? If the proposer is an insurance company or an issuer of debt, provide Moody’s, Standard & Poor’s, and A.M. Best ratings and the most recent reports. (text)
7. Mergers and Acquisitions – Is your company currently for sale or in publicly released talks to be involved in any mergers or acquisitions? Describe any mergers or acquisitions that your company or its affiliates have engaged in over the past 24 months. (text)
8. Organization Chart – Provide an organization chart for the team that will serve the plan sponsor (text)
9. Staffing – Describe your staff recruitment programs. What was the level of turnover for staff dedicated to public sector retirement plans over each of the last three calendar years? (text)
10. Training – Describe training provided for your (a) customer service staff, (b) investment staff, and (c) other staff. (text)
11. Tenure – What is the average tenure of your (a) customer service staff, (b) investment staff, and (c) other staff? (text)
12. Service Team Experience - Provide brief biographies of all individuals who will service the plan sponsor. Include licenses and applicable certifications held by these individuals. What is their experience level, case load, what size plans do they service and how many are 457(b) plans? (text)
13. Remote Work Capabilities – What percentage of your staff is capable of working remotely? Do you maintain your service levels in a remote work environment without impact on quality and data security? (text)
14. Prohibition on Cross-Selling – Confirm that no employees of your firm will make any attempt to sell ancillary products to plan participants. Participant data is the sole property of the plan sponsor and may not be used in any way to market other products or be sold to other organizations without the express written consent of the plan sponsor. These provisions will be included in the contract with the vendor for the plans. (Minimum Requirement: Selling ancillary products to plan participants without the express written consent of the plan sponsor is strictly prohibited.) (text)
15. Compensation - How are associates who service the plan(s) compensated? Do they receive commissions? Is their compensation affected by the investments made in the plan by participants? Disclose any and all conflicts or potential conflicts of interest under which the service team may receive compensation. (text)
16. Insurance Coverage – Describe insurance coverage you carry for services you deliver to public sector retirement plans. (text)



## VENDOR QUESTIONNAIRE

17. Legal Action - Describe any regulatory censure or litigation involving the business of your firm in which you are a defendant with relation to its deferred compensation or defined contribution services in the past ten years. Understanding that current litigation is not an accusation of wrongdoing, a failure to adequately disclose will be grounds for disqualification. (text)
18. Lawsuit - Is your organization currently a defendant in any lawsuits? Have you sued retirement plan clients or former clients in the past ten years? If so, describe the litigation. (text)
19. Affiliations and Endorsements - List any professional affiliations or endorsements that you have with any employee or elected official of the plan sponsor or its related entities and how long they have been in place. (text)

## Public Sector Experience

1. Firm Experience – In what year did you start providing recordkeeping services to public sector retirement plans? (Minimum Requirement: Firms with less than [5] years of experience are not qualified for this opportunity.) (text)
2. Assets Under Management – What is your total public sector retirement plan assets under administration? (Minimum Requirement: Firms with less than \$20 Billion in public sector retirement plan assets are not qualified for this opportunity.) (text)
3. Clients/Plans - How many public sector clients do you have and how many plans total do you administer for those clients? How many plans do you administer with assets at or above this opportunity? (text)
4. Percentage of Assets – By assets, what percentage of your total record keeping book of business are public sector plans? (text)
5. Participants – How many unique participant accounts are in public sector plans administered by your firm? (text)
6. Business Model – Do you utilize a separate business model for public sector plans? If yes, how do you view public sector plans and participants as different from private sector? (text)
7. Legislative Changes – Describe your involvement in supporting legislation that improves public sector retirement outcomes. (text)
8. Fiduciary Support – Describe the tools you provide to support plan sponsor committees with fiduciary responsibilities and plan oversight. (text)
9. References – Provide five references of public sector retirement plan clients. Include a contact name, title, phone number and e-mail address as well as plan participants and assets. (text)

## Plan Sponsor Services

1. Plan Contact - Who will serve as the plan sponsor contact for daily questions and issues related to the administration of the plan sponsor's plan? How many clients will this primary relationship manager support and what is the average size and number of public sector plans? Will there be any ancillary support (i.e. Communication Consultant)? (text)
2. Automation – Describe how you minimize the plan sponsor's workload through automation. (text)
3. Reporting - Describe the reports you make available to plan sponsors. Provide samples. Which reports are on-demand and which ones must be produced by the recordkeeper and sent to the sponsor? (text)

## VENDOR QUESTIONNAIRE

4. Statements – How soon after quarter-end are statements mailed and/or made available electronically to plan sponsors? Provide a sample plan sponsor statement with your response. (text)
5. Default Investments – Describe the default investment options that can be utilized by the plan? (text)
6. Regulatory Compliance – Describe the services you offer to help maintain compliance with current and proposed regulations as they relate to public sector retirement plans. (text)
7. Fiduciary Support – Do you provide point in time fiduciary services? Please describe each service and outline fees. (text)

## Participant Services

1. Financial Wellness - Describe the tools you make available to help promote financial wellness. What tools or reporting are available to track and measure utilization? (text)
2. Enrollment – Describe the services you provide to help support employees who want to enroll in the plan. How do you they enroll in the plan? (text)
3. On-Site Service – Describe the ongoing enrollment and educational program that will be performed by your service representatives. (list)
  - Describe the individual consultations your representatives will provide on-site or virtually. Describe the software your representatives use to work with participants during consultations.
  - Describe the on-site or virtual group education you will provide on an on-going basis. What specific subjects are covered in your program?
  - Describe how you encourage new employees to join the plan and how you assist participants nearing retirement.
  - How is your approach to educating public sector employees different from your service for private sector plans? Is the representative proposed for the plan sponsor's plan solely dedicated to serving public sector employees, or does this individual also serve private sector plans?
  - How much time will representatives dedicate to serve the plan sponsor's plan? Define how many educational seminars and individual consultations will be provided annually.
4. Financial Planning – What financial planning services are available through Certified Financial Planners or other similarly trained personnel? How are these individuals compensated? (text)
5. Statements – How soon after quarter-end are statements mailed and/or made available electronically to participants? Can electronic delivery be the default option? Provide a sample participant statement with your response. (list)
  - Do you provide aggregate account information for participants if you administer multiple plans?
  - Does your statement provide a) asset allocation graphics and b) a personal rate of return?
  - Can a customized message be printed on statements for participants in the plan sponsor's plan? If so, how long can the statement message be?
  - How many days after quarter-end are statements mailed? What percent of statements mailed over the past four quarters met this target?
6. Online Education – Describe the educational features offered to public employees on your web site. (text)

**VENDOR QUESTIONNAIRE**

7. Investment Advice - Describe point in time investment advice available to participants. What firm provides this service? What is the participant experience? (text)
8. Online Transactions – Describe the transactions that can be implemented by employees on-line. (text)
9. Enrollment and Contribution Changes - Can employees enroll and change contributions over the Internet? How is this activity reported to the plan sponsor? Do you have 360 integration with any payroll/HCM/HRIS platforms? (text)
10. Rollovers and Transfers – Are there any restrictions on employees moving money from another employer into the plan?
11. Demo – Provide the URL for your web site and a test account for us to view all participant functions. The test account should be made available to us through the date in which the plan sponsor's final selection decision is scheduled. (text)
12. Website Down – In the past calendar year, how many hours was your web site down? How much of this down time was planned? (text)
13. Mobile Technology – Describe your mobile technology, mobile features and level of customization available around mobile features, including Amazon Alexa. (text)

**Call Center – Describe your call center**

1. Transactions – What transactions and information are accessible through call center representatives and through your voice response system. (text)
2. Qualifications – Describe the licenses held, training and other qualifications of call center personnel. Are your call center representatives dedicated solely to serving public sector employees? (text)
3. Transfer to a Representative – Describe how participants transfer from the voice response system to the call center. When are they notified, they can transfer to a representative? (text)
4. Hours of Availability – What hours are call center representatives available? (text)
5. Quality Control – Describe how you ensure and measure the quality of your call center. (table)

6.	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Call abandon rate:				
Average length of call: (Sec)				
Average response time: (Sec)				
Unscheduled				

7. Volume Management – How do you manage peak volume when you have large number of calls? (text)

## VENDOR QUESTIONNAIRE

8. Issue Tracking – Describe how you track the types of customer inquiries and develop new materials/training/routines for resolving inquiries (e.g., if tax code changes cause new inquiries). (text)
9. Surveys – Describe surveys you conduct to measure participant satisfaction. (text)

## Participation Education - Describe

1. Measuring Success – How do you measure the success of your educational programs? (text)
2. Participant Behavior – How has your educational program affected participant decisions? In the aggregate, how are assets allocated between the equity, fixed income/stable value and balanced/lifestyle/lifecycle funds you administer? What percent of participants making withdrawals opt for periodic payments, lump sum payments, annuities and other income strategies? (text)
3. Customization – Describe the level of customization you provide for education and communication materials, including custom transition or landing page. (text)

## Investments

1. Lifestyle/Lifecycle Fund Information – Describe your lifestyle and/or lifecycle funds and their underlying components. How are asset allocations adjusted and rebalanced over time? (text)
2. Stable Value Fund Information – For your stable-value or equivalent investment option(s): (list)
  - Provide a five-year history of credited rates by quarter. If a single portfolio rate is not used, provide new and old money rates by quarter for the period. Define how assets are distributed between the new and old money rates.
  - Provide the quarterly crediting rates and market-to-book values for the past 10 years.
  - Provide the type of stable value option are you proposing and what are the major differences between it and the other types/categories of stable value options available.
  - Describe how interest is credited and whether this method can change during the term of the contract.
  - Are plan-level or participant-level transfers or withdrawals limited in any way? Confirm that there are no charges of any kind (including market value adjustments) for plan-level or participant-level transfers or withdrawals from the fund.
  - Provide the average quality and duration to maturity of fund investments. If the fund contains a wrapped bond portfolio, specify the fund's average quality including and not including the wrap contract quality. Provide the maximum positive and negative variance between the wrapped portfolio's book and market values over the past five years.
  - How is the fund diversified by type of investment and contract issuer?
  - How do you monitor and manage the portfolio's credit risk?
3. Flexibility – Describe the flexibility you will provide for us to select investments for use by the plan sponsor's plan. If you are providing the plan sponsor open access to your alliance with mutual fund families to customize the fund line-up, provide a list of the fund families and a list of the funds available from those families with tickers, fund expenses and performance on a spreadsheet in the appendix of your proposal. (text)

## VENDOR QUESTIONNAIRE

## Fees

1. All Fees and Expenses – Provide a chart as an Exhibit to show your proposed fees. All fees – including but not limited to plan asset based fees, participant fees, fund expenses, ancillary service fees and any other fees/expenses – must be fully disclosed as an Exhibit or in response to this section. You will not be permitted to assess fees or expenses of any kind for services you have proposed that are not clearly disclosed in this written response. (text)
2. Managed Account Fees – What are the fees for your Managed Accounts services? (text)
3. Transparency – How do you ensure all fees are clearly communicated to participants? (text)
4. Stable Value Fund Expenses – Describe the disclosed fund expense ratio for your stable value or equivalent fund. If there is no disclosed expense ratio, explain why. (text)
5. Describe exit provisions for plan termination of the fund. Confirm the fund permits withdrawal of assets at book value within 12 months of plan notice of termination. (text)

## Plan Administration and Recordkeeping

1. System – Describe the record keeping hardware and software used by your organization. Was the software purchased or developed in-house? (text)
2. Public Sector Focus – Is your platform/system built specifically for public sector retirement plans? (text)
3. Update Schedule – How frequently is your system updated? (text)
4. Disaster Recovery – Describe your back-ups and disaster recovery plan. How often is the plan tested? (text)
5. Capacity – What is the capacity utilization rate of your record keeping system’s hardware and voice response unit? How do you ensure adequate capacity as demands on your system grow? (text)
6. Fund Pricing – Do you record keep assets at NAV or on a unitized basis? How do you record keep assets in the stable value fund? (text)
7. Market Timing – Describe how you adhere to market timing and frequent trading policies of investment funds. How do you curtail excessive trading by individuals that may impact other participants? (text)
8. Audits – Describe internal and external audits of your record keeping system and administrative functions. Please provide a copy of your most recent SOC1 and SOC2 reports as Exhibits. (text)
9. Audit Support – Confirm that you will provide total access to plan data during business hours to our auditor as required. (text)
10. Operational Errors – Will you make participants whole in the event they suffer a loss as a result of an operational error on your part? (Minimum Requirement: Firms must accept full responsibility for processing errors under their control. Any such error must be reported promptly, and participants who suffer a loss will be made whole.) (text)
11. Performance Guarantees – Please provide your performance guarantees in a table as an Exhibit. Detail amounts you will place at risk for failure to meet the guarantees. (text)
12. Contribution Processing – How quickly are contributions invested in participant accounts? Do you require a minimum contribution for employees? How do employers submit contribution data and money? Describe format requirements for data files. (text)

## VENDOR QUESTIONNAIRE

13. Quality Control – Describe the quality control procedures you have in place. What types of reconciliation and editing do you perform? How do you resolve data discrepancies with respect to transaction processing? (text)
14. Maximum Contributions – How do you help plan sponsors monitor and enforce contribution limits? (text)
15. Roth Provisions – Confirm your ability to support Roth provisions in your plans. (text)
16. Fund Transfers – Describe how participants execute fund transfers in their accounts. (text)
17. Transaction Confirmations – What confirmations do you mail to participants? What confirmations are made available to participants on-line? How quickly are confirmations sent to participants? (text)
18. Loans - Describe your loan processing guidelines and how participants can request loans. How many loans did your company process in the last calendar year? (text)
19. Distribution Options – Describe the distribution options available to participants. Can they utilize a fund depletion order? (text)
20. Withdrawal Processing – How long after a withdrawal or rollover request is made will a check or direct deposit be sent? How many withdrawals did your company process in the last calendar year? (text)
21. Required Minimum Distributions (RMDs) – Describe your process for communicating and processing RMDs. (text)
22. Qualified Domestic Relations Orders (QDROs) – Describe the QDRO process and fees. (text)
23. Small Balance Account Distributions (De Minimis) – Describe your de minimis withdrawal processing. (text)
24. Tax Reporting – Confirm that you provide all required tax reporting to participants. (text)
25. Forms – Provide samples of forms that may be used to initiate withdrawals, loans, or beneficiary changes. What percentage of withdrawal requests, loans, and beneficiary changes are made via forms versus online or other methods? (text)
26. Legislative Changes – Describe your process for implementing legislative changes that impact public sector retirement plans. How do you plan to implement SECURE Act and CARES Act changes? (text)

## Data Security

1. Protocol – What is your Data Security protocol? (text)
2. Protection – Describe data breach protection you provide for participants. (text)
3. Past Breaches – Have you ever suffered a data breach? If yes, describe the circumstances and the outcome. (text)
4. Lawsuits – Have you ever been sued or had litigation against your firm, or a subsidiary firm named in this proposal, for a data breach? If yes, what was the outcome? (text)
5. Training and Education – What types of tools do you use to educate your staff to protect against fraud and data breaches? (text)
6. System Security – Describe procedures and safeguards used to provide systems security. Discuss your Internet and call center security. Describe how confidentiality of data is ensured. (text)
7. Cyber Guarantees – Describe how your firm handles an employee's account that has been compromised and any guarantees you have in place to make employees whole.

## VENDOR QUESTIONNAIRE

# Transition Experience

1. Success – Describe a successful transition from your perspective. (text)
2. Transition Plan – Provide a detailed administrative and record keeping transition plan with timelines as an Exhibit. (text)
3. Plan Sponsor's Role – What are the plan sponsor's responsibilities during the transition? (text)
4. Continuity – How do you ensure service continuity during the transition from the incumbent provider? (text)
5. Blackout Period – What is the duration of the blackout period in your transition plan? In the past year, how many times has the blackout period extended beyond the number of days you had planned? Describe the blackout period and what participants can and cannot do during this period. (text)
6. Employer Support – What employer operational support will you provide during the transition? Who will provide this service? Discuss the training program you will provide as part of the conversion. (text)
7. Participant Support (On-Site) – Quantify your on-site personnel commitment, including the number of group meetings you will conduct during the transition. Will participants receive individual consultations? (text)
8. Plan Sponsor Communication – How frequently do you provide status updates to the plan sponsor? (text)
9. Participant Communications – Describe the communications you provide to participants as part of the transition. (text)
10. Terminated Participants – How will you communicate plan changes and transition information to participants who are no longer employed by the plan sponsor? (text)
11. Investment Mapping – How will investments be mapped? How do participants make investment changes? (text)
12. Customization – Describe the level of customization you provide for education and communication materials, including custom transition or landing page? (text)
13. Missed Target – Over the past ten years, have you ever failed to complete a transition by the date that was communicated to participants? If so, please explain the reasons for the delay. (text)
14. Distributions – How do you handle accounts in distribution? (text)
15. Brokerage – Describe how you transition assets in the brokerage program. Can assets be transferred in-kind? (text)
16. Managed Accounts – Describe how you transition participants using Managed Accounts to your program. (text)
17. Plan Document – Describe the model plan documents that the plan sponsor's plan(s) can adopt? What additional costs are associated with the use of your documents? Have your documents received favorable letters from the IRS? (text)
18. Termination – Describe the process you will use in the future if we terminate plan's contract with you and move to a successor provider. Describe the data and any associated fees. Please outline any exit provisions that would prevent assets from moving over to a successor provider. (text)



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

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<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: Weston S. Young, Chief Administrative Officer  
From: Jennifer K. Keener, AICP, Director  
Date: November 9, 2023  
Re: County Commissioners' Decision - Step I Concept Plan Review – Snow Solar

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Attached please find a draft letter addressing the County Commissioners' vote relative to the above referenced utility scale solar project based upon the public hearing on November 7, 2023.

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





DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

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ZONING DIVISION  
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TECHNICAL SERVICES DIVISION

November \_\_, 2023

Chaberton Snow Solar, LLC  
1700 Rockville Pike, Suite 305  
Rockville, MD 20852

Re: Worcester County Step I Concept Plan Review – Snow Solar  
Tax Map 56, Parcel 10, 6217 Timmons Road, Snow Hill

To Whom It May Concern:

The Engineer of Record, ARM Group, LLC, on behalf of the Applicant, Chaberton Snow Solar, LLC, applied with the Worcester County Department of Development, Review and Permitting for Step I concept plan review of the proposed 4 MW (AC) utility scale solar facility located on the above referenced property. Worcester County staff found that the project submission was generally complete, subject to addressing the comments provided at the meeting of July 12, 2023. The application was then forwarded to the Worcester County Planning Commission for review at the meeting of August 3, 2023. The Planning Commission provided a favorable recommendation based upon the requirements of the Zoning Code for utility scale solar facilities. They noted, however, that the driveway to the facility was from a proposed entrance on Timmons Road via the existing railroad right-of-way. Access approval from The Maryland and Delaware Railroad Company is still pending, which could affect the location of the driveway for the project.

Subsequent to a public hearing held on November 7, 2023, and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners expressed concern regarding the low estimated costs associated with the decommissioning bond, as well as the extent to which materials would be sent to the county's landfill upon decommissioning due to the limited salvaging and recycling efforts in place. As a result, the County Commissioners voted not to give their approval to the requested project.

Should you have any questions or require additional information, please do not hesitate to contact me at (410) 632-1200, extension 1123.

Sincerely,  
Jennifer K. Keener, AICP  
Director

**Andrew J. Flavin**  
andy.flavin@troutman.com

**Katherine J. O'Konski**  
katherine.okonski@troutman.com

November 14, 2023

Roscoe R. Leslie, Esq.  
County Attorney  
Worcester County Government Center, Room 1103  
One W. Market St., Snow Hill, MD 21863  
rleslie@co.worcester.md.us

**Re: Chaberton Energy Snow LLC – Project Snow Solar – Snow Hill, Maryland**

Dear Mr. Leslie:

We represent Chaberton Energy Snow LLC (“Chaberton”) in Case No. 9714 before the Maryland Public Service Commission (“PSC”). As you may know, Chaberton has applied to the PSC for a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a 4.0 megawatt (“MW”) alternating current (“ac”) solar photovoltaic facility at 6217 Timmons Road, Snow Hill, Maryland (“the Project”). We understand that the Worcester County Commissioners recently rejected the Project by a 4-3 vote, despite a recommendation for approval from the Worcester County Planning Commission (“Planning Commission”).

We are writing on behalf of our client to provide a brief overview of Worcester County’s role in the PSC’s CPCN process. Pursuant to Md. Public Utilities Article (“PUA”) § 7-207(b)(1), any entity proposing to construct a generating station with the capacity to produce more than 2.0 MWac must first obtain a CPCN from the PSC. As part of its consideration of a CPCN application, the PSC must give “due consideration” to “the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station...is proposed to be located[.]” PUA § 7-207(e)(1). Accordingly, COMAR 20.79.03.01(A) requires applicants to include a “statement or finding by the county or municipal corporation in which any portion of the project is proposed to be located...of whether the project is consistent with the applicable local comprehensive plan and zoning ordinance, if provided[.]”

Recently, Maryland courts have affirmed that under the plain language of PUA § 7-207, “the PSC is the ultimate decision-maker and approving authority of generating stations. Local government is a participant in the process and has an advisory role...whose recommendations,

and local planning and zoning regulations must be duly considered but leaves the PSC responsible for reaching the final balance that includes local planning and zoning as one of several factors.” *Bd. of Cnty. Comm'rs of Wash. Cnty., Md. v. Perennial Solar, LLC*, 464 Md. 610, 643-44, 212 A.3d 868, 887-88 (Md. App. Ct. 2019) (internal citations omitted). Indeed, “the General Assembly and the Court of Appeals have clarified that the [PSC] has plenary authority to decide where solar generating stations may be sited,” and “while the [PSC] must accord the local county’s recommendation, zoning, and comprehensive planning ‘due consideration,’ they are by no means binding on the [PSC].” *Frederick Cnty. v. Md. Pub. Serv. Comm'n*, No. 668, 2022 WL 17578907, at \*25 (Md. Ct. Spec. App. Dec. 12, 2022).

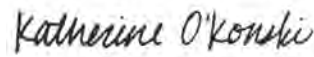
Although the PSC retains ultimate authority to approve the Project, Chaberton has made clear in its interactions and demonstrated on the County record that it intends to satisfy all applicable land use and zoning rules established by Worcester County. The Project will occupy approximately 29 acres of an approximately 104-acre parcel, and farming will continue on other portions of the property. The landowner and immediate neighbors strongly support the Project. Moreover, no one in the community has expressed any objections to the Project as evidenced by Chaberton’s community engagement, the Planning Commission’s favorable recommendation as reflected in its Findings of Fact, and the public hearing before the County Commissioners.

In summary, we believe it is to the County’s benefit to engage constructively in the PSC’s process. In our view, the action by the County Commissioners on November 7, 2023 was not helpful because the Commissioners did not express any specific reservations to the Project or outline conditions it would like to see the PSC implement if the Project were to be approved pursuant to PUA § 7-207. Accordingly, we respectfully request the opportunity to discuss with the County its process as it relates to the PSC to find a mutually agreeable path forward.

Sincerely,



Andrew J. Flavin



Katherine J. O'Konski

cc: Mark S. Cropper, Esq.  
Mr. Michael Doniger  
Mr. Ryan Boswell  
Reason Abajuo, Esq.  
Marc D. Machlin, Esq.



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DATA RESEARCH DIVISION

MEMORANDUM

To: Weston S. Young, Chief Administrative Officer  
From: Jennifer K. Keener, AICP, Director  
Date: November 13, 2023  
Re: Rezoning Case No. 443 – William Ayres and Linda Ayres, applicants, Hugh Cropper, IV,  
Esquire attorney for the applicants

.....

I am requesting that the Worcester County Commissioners schedule the required public hearing associated with Rezoning Case No. 443. A draft public hearing notice is attached.

Mr. Cropper, on behalf of his clients, has filed Rezoning Case No. 443, seeking to rezone approximately 27.25 acres of land currently zoned A-1 Agricultural District located on the southerly side of Racetrack Road (MD Route 589), north of MD Route 90 (Ocean Expressway) and directly across from the North Gate of the Ocean Pines subdivision, as follows: 25.25 acres to A-2 Agricultural District and 2.0 acres to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on October 5, 2023, and was given an unfavorable recommendation. Attached you will also find the Planning Commission’s written Findings of Fact and Recommendation as prepared by Matthew Laick, Deputy Director.

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.

**NOTICE  
OF  
PROPOSED CHANGE IN ZONING**

**SOUTH SIDE OF MD ROUTE 589 (RACETRACK ROAD)  
NORTH OF MD ROUTE 90 (OCEAN EXPRESSWAY)  
OPPOSITE THE OCEAN PINES NORTH GATE**

**THIRD TAX DISTRICT  
WORCESTER COUNTY, MARYLAND**

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 443 has been filed by Hugh Cropper, IV on behalf of William Ayres and Linda Ayres, property owners, for an amendment to the Official Zoning Maps to change approximately 27.25 acres of land located on the south side of MD Route 589 (Racetrack Road), north of MD Route 90 (Ocean Expressway) and opposite the North Gate of the Ocean Pines Subdivision, in the Third Tax District of Worcester County, Maryland, from A-1 Agricultural District to 25.25 acres of A-2 Agricultural District and 2.0 acres of C-2 General Commercial District. The Planning Commission has given an unfavorable 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. 443 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. 443 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 at [www.co.worcester.md.us](http://www.co.worcester.md.us).

**THE WORCESTER COUNTY COMMISSIONERS**

**PLANNING COMMISSION  
FINDINGS OF FACT  
AND  
RECOMMENDATION**

**REZONING CASE NO. 443**

**APPLICANTS:**

**William and Linda Ayres  
2710 Cortland PL, NW  
Washington, DC 20008**

**ATTORNEY FOR THE APPLICANTS:**

**Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842**

**October 5, 2023**

**WORCESTER COUNTY PLANNING COMMISSION**

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I. INTRODUCTORY DATA

- A. **CASE NUMBER:** Rezoning Case No. 443, filed on May 25, 2023.
- B. **APPLICANT:** William and Linda Ayres  
2710 Cortland PL, NW  
Washington, DC 20008  
  
**APPLICANT’S ATTORNEY:** Hugh Cropper, IV  
9923 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842
- C. **TAX MAP/PARCEL INFO:** Tax Map 16, Parcels 21 & 53, Tax District 03
- D. **SIZE:** The petitioned area is approximately 27.57 acres in size.
- E. **LOCATION:** The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).
- F. **CURRENT USE OF PETITIONED AREA:** The current use of the petitioned location is farmland and forested area.
- G. **CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.
- H. **REQUESTED ZONING CLASSIFICATION:** 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.
- I. **APPLICANT’S BASIS FOR REZONING:** The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.
- J. **ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission’s review and unfavorable recommendation.
- K. **SURROUNDING ZONING:** Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.



- L. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture Land Use Category.
- M. **WATER AND WASTEWATER:** According to the response from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan
- N. **EMERGENCY SERVICES:** Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away.
- O. **ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. This location is directly across from the MD589, Ocean Parkway Intersection. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request.
- P. **SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones
- Q. **CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** the petitioned is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law.
- R. **FLOOD ZONE:** The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).
- S. **PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589
- T. **INCORPORATED TOWNS:** This property is within 5.5 miles of the incorporated town of Berlin.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

Hugh Cropper, IV, applicant's attorney, Gregory Wilkins, land surveyor, Linda Ayres, property owner and Chris McCabe, environmental consultant, were present for the review. Ms. Ayres described the history of the petitioned area and surrounding properties. She stated that the petitioned area has been in the family since the 19th century, and she was shocked by the changes that have occurred in the neighborhood. Ms. Ayres described how there was no true farmland, and that the area was mostly developed by churches, schools, gas stations, housing developments, and farm stands. Ms. Ayres also described how the family has a history of preserving farmland in Worcester County, and that the petitioned area has been farmed by Mr. Littleton for decades. She claimed that Mr. Littleton wrote her a letter stating that it was no longer financially feasible to farm the land. Ms. Ayres stated that the traffic makes it difficult for combines and other farm equipment to access the property and there are problems with wildlife eating the crops.

Mr. Cropper stated that he was redefining the neighborhood from the plan that was included in his initial submittal. Mr. Cropper introduced Gregory Wilkins, Professional Land Surveyor. Submitted as Applicant's Exhibit #1 was an excerpt from page 17 of the 2006 Comprehensive Plan that discusses commercial centers. The Applicants are seeking to rezone two acres of the petitioned area that are located next to the existing convenience store as C-2 General Commercial District and the rest to A-2 Agricultural District. Mr. Cropper stated that a commercial center should serve 3,000 or more residents within a 10-to-20-minute travel time and that this definition was used to redefine the boundaries of the neighborhood. Mr. Cropper stated that he tried to define a narrower neighborhood but stated that did not work due to the cohesive neighborhood of Ocean Pines. Mr. Wilkins believed that the neighborhood is defined by a circle and concurred that the defined neighborhood is consistent with the Comprehensive Plan. The petitioned area is centered in the redefined neighborhood.

Mr. Cropper described the surrounding zoning and how there is a peninsula of A-1 Agricultural District zoning with A-2 Agricultural District zoning just to the south. He then stated that there is no reason why the petitioned area shouldn't be zoned A-2 Agricultural District and that there is more farmland in the A-2 District than the A-1 District within the applicants defined neighborhood. He further stated that there have been substantial and material changes in the character of the neighborhood since the November 3, 2009 comprehensive rezoning. First, the Tidal Health campus was developed on the opposite side of MD Route 589. Mr. Cropper stated that the property had to obtain several special exceptions to develop it, as it is zoned C-1 Neighborhood Commercial District, and the developer constructed several large medical buildings on the property.

Mr. Cropper explained that the second change in the character of the neighborhood was the expansion of the Casino at Ocean Downs, which applied for and received Water & Sewer Plan Amendments and an expansion of the Ocean Pines Sewer Service Area. He

stated that the Planning Commission and County Commissioners approved a text amendment to the Zoning Code for a Casino Overlay District which would essentially change the zoning of the property. He argued that this is a substantial change to the character of the neighborhood. Subsequently, Crabs to Go also received a Water & Sewer Plan Amendment to connect to county sewer which created another change to the character of the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 2, the County Commissioners Findings of Fact from Rezoning Case No. 392 (Silver Fox, LLC). The Planning Commission and County Commissioners found based on a smaller neighborhood that there was a change in the character of the neighborhood and rezoned the petitioned area from A-1 Agricultural District to C-2 General Commercial District. The case was appealed to the Court of Special Appeals and Mr. Cropper submitted their opinion as Applicant's Exhibit No. 3. Mr. Cropper referred to Mr. Bob Mitchell's comments about that petitioned area being Growth Areas or Existing Developed Areas (EDA) on the Land Use Map of the 2006 Comprehensive Plan. The Court of Special Appeals was not concerned about the underlying land use designation. He stated that the Atlantic General Hospital complex on those lands required a traffic light on MD Route 589 and the developer made other significant road improvements. Mr. Cropper defined this as the fifth change in the character of the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 4, which was the County Commissioners Finding of Fact and Resolution Rezoning Case No. 396 (The Estate of Mildred Parsons) wherein the petitioned area was rezoned from A-1 Agricultural District to C-2 General Commercial District. Submitted as Applicant's Exhibit No. 5 was Resolution No. 19-2, the sectional rezoning of properties located on the westerly side of MD Route 589 across from the casino which were rezoned from A-1 Agricultural District and E-1 Estate District to C-2 General Commercial District. He stated that the sectional rezoning was a significant change in the character of the neighborhood.

Chris McCabe, owner of Coastal Compliance Solutions, LLC, submitted Applicant's Exhibit No. 6 which was the County Commissioners Finding of Fact for Rezoning Case 403 (Nichols-Neff Properties, LLC). The petitioned area located on Beauchamp Road was rezoned from A-1 Agricultural and E-1 Estate Districts to R-1 Rural Residential Districts. The property is included in the applicant's definition of the neighborhood and the rezoning is considered a substantial change in the character of the neighborhood. The property owner now has 90 single-family lots under review and obtained a Water & Sewer Amendment to purchase sewer service from River Run subdivision.

Regarding the petitioned area, Mr. McCabe reviewed it from an environmental perspective, noting that the land is generally uplands and suitable for development with the wooded area having some non-tidal wetlands dispersed throughout. The entire area will be considered prior converted farmland with plenty of upland. Mr. Cropper and Mr. McCabe stated that the property is constrained by wastewater disposal. In Mr. McCabe's opinion, the changes previously outlined are a substantial change in the character of

neighborhood, and he agrees with Ms. Ayres that it is a bad location for farm equipment access.

Mr. Cropper submitted Applicant's Exhibit No. 7, an email from Maryland Department of Transportation (MDOT) State Highway Administration (SHA) showing that they have no objection to the rezoning and that SHA would require road improvements if it were ever developed. Mr. Cropper admitted that there are traffic problems on MD Route 589, but that the potential traffic generated from this project would be mitigated by road improvements required by SHA. He further stated that any traffic generated from this property would be a drop in the bucket to the current traffic.

Mr. Cropper submitted Applicant's Exhibit No. 8A and 8B, the complete A-1 and A-2 Agricultural Districts statutes. He described that the permitted uses in both the A-1 and A-2 Districts are nearly identical. There are two more permitted uses, and eight more special exception uses in the A-2 than in the A-1 regulations. He suggested that in every other respect, both districts are the same. From a traffic perspective there is no difference from A-1 District. Mr. Cropper listed special exception uses in the A-1 District and suggested that the only difference is that the A-2 District allows golf courses, campgrounds, contractors shops and storage facilities. With respect to the two acres of the petitioned area for which the Applicant is requesting a C-2 General Commercial District zoning classification, Mr. Cropper noted that district would allow more uses.

In conclusion, Mr. Cropper argued that in his opinion, the 2006 Comprehensive Plan Land Use Map designated the petitioned area as not only Agriculture, but also partially Commercial, in opposition to staff's opinion. Mr. Cropper stated that the requested two acres of C-2 District is consistent with the Comprehensive Plan as it adjoins the existing gas station property. The petitioned area is an isolated piece of property that has been left behind because of the changes in the character of the neighborhood previously stated. Mr. Cropper opined that the entire section of the A-1 District peninsula should be A-2 District, but he noted that he is only asking for the petitioned area to be rezoned at this time.

Mr. Barbierri inquired about the traffic circle that was proposed to be included in the last rezoning. Mr. Cropper said SHA proposed a roundabout, designed it, and put it to a public comment period with Ocean Pines Association. He stated that it received so many negative comments that they decided to table it. Sewer capacity was also brought up and Mr. Cropper stated that sewer will be handled on site.

A question was asked about the proposed commercial area. Mr. Cropper provided an aerial photograph illustrating the proposed 2.0-acre area. He stated that he will have Mr. Wilkins prepare a survey illustrating the specific boundaries of the requested area.

Mr. Wells stated that he was very concerned about traffic issues in this area and that a better solution could be a roundabout or other resolution. He stated that it's not what the property is used for, it's what the traffic is doing to it. He further stated that something

can be done with the property now, but it will still require entrances and it is not safe. Mr. Wells does not think the rezoning will make traffic worse though.

Mrs. Wimbrow is in full agreement with Mr. Wells about the traffic congestion issues and believes that the county and state need to deal with those issues first before granting a rezoning that would increase traffic on the congested highway. Mrs. Wimbrow then read a portion of § ZS 1-113(c)(3) aloud, which states “[t]he fact that an application for a map amendment complies with all of the specific requirements and purposes set forth in this Title 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”. She said, “personally, that’s where we need to put our foot down.” She stated that she disagreed with the sectional rezoning across from the casino and feels she cannot vote in support of this application.

Mr. Barbierri states that he is hearing from people, “what is the Planning Commission approving now for Rt. 589 to worsen the traffic conditions?” Mr. Barbierri states that until they had a definitive plan for MD Route 589, he felt they would be doing an injustice to approve any additional commercial rezonings in that area. Mrs. Knight asked if the Planning Commission was overstepping SHA’s authority and questioned who has the final say on traffic. Mrs. Wimbrow stated that it is the Planning Commission’s responsibility to manage land uses.

Motion made for a Favorable recommendation by Mrs. Knight, fails for lack of second.

Motion made for a unfavorable recommendation by Mrs. Wimbrow, seconded by Mr. Wells, Motion passed 6 to 1 with Mrs. Knight in opposition.

### III. PLANNING COMMISSION’S FINDINGS AND CONCLUSIONS

- A. Regarding the applicant’s definition of the neighborhood: The Planning Commission noted that the definition of the neighborhood is the MD 589 coordinator from US RT50 to US RT 113 including all of Ocean Pines and west to US RT 113. This was illustrated in applicants exhibit #9. The Planning Commission generally found that the definition of the neighborhood was a little broad but overall agreed with it.
- B. Regarding population change: The Planning Commission concludes that there has been an increase in the population withing the defined neighborhood.
- 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, since this property would be served by private sewer and a private well. Additionally, fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies regarding this

review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office. The petitioned area is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. 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.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area has access to Racetrack RD MD RT 589, a state-maintained road. The Planning Commission extensively discussed how the increase in traffic over time has had a negative impact on the neighborhood surrounding MD RT 589. As noted on Page 4 of the Staff Report, the Comprehensive Plan states that the MD RT 589 corridor has experienced significant development and has reached an unsatisfactory level of service. They also concluded that no rezoning should occur on MD RT 589 until improvements are made to alleviate the traffic issues.
- 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 also found that the proposed rezoning would not have an impact on environmental regulations.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture Land Use Category. The Planning Commission found that the proposed rezoning of the petitioned area from A-1 Agricultural District to A-2 Agricultural District is compatible with the Comprehensive Plan and in keeping with its goals and objectives. They found that the C-2 General Commercial District portion was less compatible as it was not in the commercial center category, though it was proposed to abut other C-2 zoned properties.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there had been a substantial change in the character of the neighborhood, albeit a significant negative change with respect to the road capacity of the MD Route 589 corridor. While a proposed map amendment may be generally consistent with the Comprehensive Plan, the Planning Commission concluded that “[t]he fact that an application for a map amendment complies with all of the specific requirements and purposes set forth in this Title 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” (§ ZS 1-113(c)(3)). Therefore, the Planning Commission provided an unfavorable recommendation to Rezoning Case No. 443.

V. RELATED MATERIALS AND ATTACHMENTS

- A. Exhibit 1
- B. Exhibit 2
- C. Exhibit 3
- D. Exhibit 4
- E. Exhibit 5
- F. Exhibit 6
- G. Exhibit 7
- H. Exhibit 8A
- I. Exhibit 8B
- J. Exhibit 9

walled building of little or incompatible character



Adaptive reuse suits in-town commercial development

- Expanse of unscreened parking between the building and the roadway
- Minimal landscaping
- Incongruous and incompatible architecture and signage

Strip centers combined with “franchise” architecture can negate local sense of place, be visually destructive, and adversely affect property values. Commercial areas provide important services, but they should be developed to enhance community character. This approach has a track record of success for the property owner and for the community.

Commercial centers are planned to occur at three scales, which will be reflected in their zoning and site plan requirements: neighborhood, community and regional/highway.

- *Neighborhood* commercial provides convenient food, gas and other day-to-day products. Neighborhood commercial should take a central place within growth node developments. They may contain mixed uses and they should be provided with

sidewalks, landscaping, and other amenities. Local institutional uses such as schools, libraries, post offices and community buildings are also desired uses. It is especially important that neighborhood commercial uses blend visually into the surrounding community. Incorporating ancillary residential uses above the street level is encouraged. Such areas may also be appropriate additions to existing underserved population centers. These centers serve populations of 1,000 or more within a five-to-ten minute travel time.

- *Community* commercial centers provide for larger scale commercial uses with higher volume parking demand. Groceries, pharmacies, and support services are located at these centers. Careful attention to signage, landscaping, perimeter buffers, site layout and architectural design is necessary for these uses to be compatible with the community’s and the county’s character. Again, design standards are important for these high-visibility uses. **Community commercial centers serve populations of 3,000 or more within about a ten-to-twenty minute travel time.**

- *Regional/highway* commercial centers are designed for the most intense commercial uses, including “big-box” retailers. Such uses will be restricted to sites with access to Routes 50, 113 and 13. Specific zones prescribing appropriate setbacks,



IN THE MATTER OF \*  
 THE REZONING APPLICATION OF \*  
 SILVER FOX, L. L. C. AND \* REZONING CASE NO. 392  
 BURBAGE/MELSON, INC. \*  
 BERLIN, MARYLAND \*

\*\*\*\*\*  
FINDINGS OF FACT

Subsequent to a public hearing held on August 7, 2012 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Worcester County Zoning Ordinance.

Regarding the definition of the neighborhood: The neighborhood was defined by the applicants as being bound on the north by MD Rt. 90, on the east by the Isle of Wight Bay and Herring Creek, on the south by US Rt. 50, including the commercially zoned properties on the southerly side of that roadway to the west of Samuel Bowen Boulevard, including the WalMart, Home Depot and Ocean Landings II site which is currently under development, and on the west by MD Rt. 589, including those properties on the westerly side of the corridor that are commercially or residentially zoned as well as a number of properties in the vicinity of Griffin Road and McAllister Road. The Planning Commission concluded that those properties on the southerly side of US Rt. 50 should not be included within the defined neighborhood but concurred with the other boundaries cited by the applicants. By excluding those properties to the south of US Rt. 50 the petitioned area lies squarely in the middle of the neighborhood. Additionally, this revised definition takes into account major dividing lines such as MD Rt. 90, US Rt. 50 and Herring Creek. The County Commissioners find that the Planning Commission's definition of the neighborhood is appropriate and adopt it as their definition as well.

Regarding population change in the area: The County Commissioners concur with the Planning Commission's conclusion that the development of the petitioned area if rezoned will not have a significant impact on the neighborhood's population but would instead provide services to other developments in the vicinity. The County Commissioners find that the proposed 60 lot subdivision on an adjacent property to the east which is owned by Steen Associates, Inc. has been granted growth allocation approval by the State's Critical Area Commission to go from Resource Conservation Area to a Limited Development Area and has furthermore received approval for a Comprehensive Water and Sewer Plan amendment. These approvals are necessary to bring the project to fruition and to enable construction of infrastructure and homes to begin. The County Commissioners conclude that new homes located within the Baypoint Plantation subdivision at the easternmost end of Gum Point Road have also contributed to an increase in the residential population of the neighborhood and will continue to do so as more homes are constructed within that development as well. Based upon their review the County Commissioners conclude that the residential population living in the neighborhood has increased since the comprehensive rezoning was adopted on November 3, 2009.

Regarding availability of public facilities: Based upon the Planning Commission's findings and the testimony of the applicants's design engineer, John Salm, at the public hearing the County Commissioners find that there is available onsite septic disposal capacity to serve 9,552 gallons per day of wastewater. Mr. Salm testified that this would be adequate to serve the 80,000 to 130,000

square feet of commercial space anticipated by the applicants for the site. He also testified that there is also the possibility of public sewer service from the Ocean Pines Service Area if the current water and sewer designation in the County's Water and Sewer Plan is amended. Likewise, potable water could be obtained either on site or via connection to a public water system. Additionally, the County Commissioners note that both the Worcester County Sheriff's Office and the County's Roads Department indicated to the Planning Commission that they have no concerns with regard to the proposed rezoning. Furthermore, there will be no impact to public schools as this request is for a C-2 General Commercial District classification which does not permit residential uses of other than an owner's and/or caretaker nature. In consideration of their review, the County Commissioners find that public facilities and services are adequate to serve the petitioned area and anticipate that private on-site wastewater disposal and well systems can also satisfactorily serve the property if rezoned from A-1 Agricultural District to C-2 General Commercial District. The County Commissioners conclude that the proposed rezoning will not have an adverse impact on these facilities and services.

Regarding present and future transportation patterns: The County Commissioners find that Betty Tustin, a traffic engineer for the Traffic Group, determined that with minor traffic configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum of Level of Service C under various design scenarios for the subject property. The County Commissioners conclude that Level of Service C is acceptable under both the Worcester County Comprehensive Plan and the State Highway Administration guidelines. Mrs. Tustin testified to the County Commissioners that these conclusions were based upon traffic counts which included data collected in July 2011 and that all data collected and analyzed was based on a worst case scenario and presumes all new trips. Based upon personal knowledge, the County Commissioners conclude that the objections of the protestants with regard to current traffic levels are unfounded and any future impacts will be within acceptable levels of service and are mitigated by the potential jobs to be created as a result of the rezoning. Noting that a connection through the property owned by Steen Associates, Inc. to King Richard Road within Ocean Pines had been discussed by the applicants, the County Commissioners believe that this direct connection to Ocean Pines would have a significant adverse impact upon the residential neighborhoods directly affected by the connection and therefore should not be permitted. Based upon their review, the County Commissioners find that the proposed rezoning and potential subsequent development of the petitioned area under the requested C-2 General Commercial District will not conflict with or have any greater adverse impact on present and future transportation patterns provided the necessary road improvements are made.

Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the staff report included in the Planning Commission's findings of fact and various exhibits placed into the record, the County Commissioners note that at present the petitioned area consists of tilled cropland, with a small seasonally utilized produce stand, and wooded areas along the northerly and easterly perimeters, adjacent to Ocean Pines. Furthermore, the County Commissioners find that the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area. Ed Launay of Environmental Resources, Inc. testified before the County Commissioners that he had performed soil borings on the site which indicated a predominance of upland soils with few, if any, development limitations. He stated that while resource mapping indicates that there are hydric soils in depressed areas of the tilled portion of the site, the site investigation indicated that these soils are actually upland soils and are therefore mapped erroneously. Additionally, Mr. Launay stated that there are approximately 15 acres of woodlands on the petitioned area, 6.6 acres of which would be required to be protected under the Forest Conservation Law. This area would therefore provide a buffer between the adjacent residences and the petitioned area. He also noted that the forested area is rather isolated and of insufficient size to provide habitat for forest interior dwelling birds. Mr. Launay also testified that the soils on the site drain well, making them ideal for commercial use. R. D. Hand, a land planner representing the applicants, testified to the County Commissioners that the neighborhood wherein

the petitioned area is located displays a mixed use character, with commercial areas being prevalent along MD Rt. 589 while residential uses predominate within Ocean Pines and Pennington Estates as well as along the Gum Point Road corridor, including Baypoint Plantation. He asserted that the petitioned area is not suitable for viable agriculture because the limited amount of tillable farmland is not conducive to profitable farming due to economies of scale and because large farm implements have difficulty accessing the site from busy MD Rt. 589. Mr. Hand also maintained that this area constitutes one of the most heavily developed areas within the County's jurisdiction and that agricultural use is not compatible with that character, particularly since many uses permitted by the A-1 Agricultural District would conflict with dense residential usage such as that found at Ocean Pines. Furthermore, he contended that residential use was also inappropriate due to the proximity of the roadway corridor. Steve Soule, also representing the applicants, testified that the 60 lot subdivision on the property owned by Steen Associates, Inc. will now be able to move forward to construction since the necessary award of growth allocation has been granted by the State's Critical Area Commission and the Comprehensive Water and Sewer Plan has been amended to allow for a sewer service connection to the site from the Ocean Pines system. Based upon their review, the County Commissioners agree with the applicants' assertion that the petitioned area's agricultural zoning is inappropriate because it is too small to be productively farmed and access for typical farm equipment would be difficult and conflict with traffic on MD Rt. 589 and that residential use is also not desirable. The County Commissioners find that the neighborhood of the petitioned area is one of mixed uses, the majority of which are commercial or residential in nature and that the A-1 Agricultural District zoning on the petitioned area is inappropriate and could result in land uses which are not compatible with the more prevalent uses in the neighborhood. The County Commissioners conclude that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more in keeping with the character of the neighborhood and is more compatible with its existing and proposed development. Furthermore, the County Commissioners conclude that the proposed rezoning will have no significantly greater impact on existing environmental conditions in the area than would development of the site in accordance with its existing A-1 Agricultural District zoning category because all the same environmental regulations such as for forest conservation, etc. would be applicable to construction regardless of the zoning district.

Regarding compatibility with the County's Comprehensive Plan: The County Commissioners find that according to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Existing Developed Area Land Use Category. With regard to this category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The County Commissioners recognize that the Comprehensive Plan states that development along the MD Rt. 589 corridor should be limited until capacity increases but note that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at at least a Level of Service C or greater, the threshold called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially. R. D. Hand testified to the County Commissioners that the area to the south of the petitioned area is within the Commercial Center Land Use Category according to the 2006 Comprehensive Plan and land use map and asserted that a portion of this Commercial Center designation extends onto the petitioned area. He maintained that the petitioned area is therefore mapped erroneously and should be within that land use category and therefore zoned for commercial purposes. The County Commissioners find that the petitioned area is in a segment of the MD Rt. 589 corridor which has long been used for commercial and residential purposes, that the area in general is unlikely to be utilized for viable and profitable agricultural purposes, and that the petitioned area itself is too small and difficult to access to be productively farmed. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

Regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission.

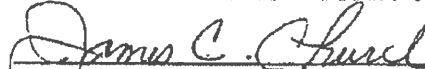
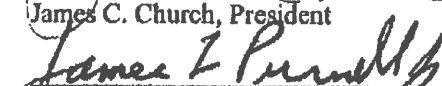
As a result of the testimony and evidence presented before the Commissioners and the findings as set forth above, the County Commissioners find that there has been a substantial change in the character of the neighborhood since the comprehensive rezoning adopted on November 3, 2009 due to the opening of the Ocean Downs Casino, the anticipated 60 lot residential subdivision to be constructed on lands adjacent to the petitioned area, and the Planning Commission's granting of site plan approval for a proposed movie theater and bowling alley for property along the MD Rt. 589 corridor to the south of the petitioned area. The County Commissioners conclude that the casino resulted from the approval of legislation by the Maryland General Assembly to permit slots in certain facilities, an action that was discretionary in nature and therefore not planned for. The site plan approval for the bowling alley and movie theater would not have been possible without the Planning Commission's granting of a number of waivers to site plan and design guidelines, decisions which are also discretionary. Likewise, the awarding of Critical Area growth allocation and the approval of a Comprehensive Water and Sewer Plan amendment for the Steen Properties, Inc. 60 lot subdivision were discretionary decisions that could not have been foreseen. Without those approvals the subdivision could not move forward. The County Commissioners concur with the applicants' assertion that each of those approvals constitutes a change to the character of the neighborhood because they are discretionary in nature and allow development that would not otherwise be permitted. The County Commissioners find, however, that any roadway connection to Ocean Pines via King Richard Road would be obtrusive and detrimental to the residential neighborhood. The County Commissioners therefore accept the applicants' proffer to not provide any such connection. In consideration of their findings the County Commissioners hereby approve Rezoning Case No. 392 and thus reclassify the petitioned area, shown on Tax Map 21 as Parcels a and B of Parcel 66, from A-1 Agricultural District to C-2 General Commercial District subject to the condition proffered by the applicants that no access will be provided to or from the petitioned area from King Richard Road in Ocean Pines.

PASSED AND ADOPTED this 4<sup>th</sup> day of September, 2012.

ATTEST:

  
 Gerald T. Mason  
 Chief Administrative Officer


WORCESTER COUNTY COMMISSIONERS

  
 James C. Church, President  
  
 James L. Purnell, Jr., Vice President

Judith O. Boggs

  
 Madison J. Bullock, Jr.

Louise L. Gulyas

  
 Merrill W. Lockfaw, Jr.

Virgil L. Shockley

ZONING RECLASSIFICATION RESOLUTION NO. 12-01

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 21 FROM A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Silver Fox, LLC and Burbage/Melson, Inc., applicants, filed a petition for the rezoning of approximately 30.90 acres of land shown on Tax Map 21, located on the easterly side of MD Rt. 589 and south of Manklin Creek Road, requesting a change in zoning classification thereof from A-1 Agricultural District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on May 3, 2012; and

WHEREAS, subsequent to a public hearing held on August 7, 2012, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact pursuant to the provisions of Section ZS 1-113 of the Worcester County Zoning Ordinance and found that there has been a substantial change to the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the land petitioned by Silver Fox, LLC and Burbage/Melson, Inc. and shown on Tax Map 21 as Parcels A and B of Parcel 66, are hereby reclassified from A-1 Agricultural District to C-2 General Commercial District subject to the condition proffered by the applicants that no access will be provided to or from the petitioned area from King Richard Road in Ocean Pines.

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

EXECUTED this 4<sup>th</sup> day of September, 2012.

ATTEST:

Gerald T. Mason  
Gerald T. Mason  
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

James C. Church  
James C. Church, President  
James L. Purnell, Jr.  
James L. Purnell, Jr., Vice President

Judith O. Boggs  
Madison J. Bunting, Jr.  
Madison J. Bunting, Jr.

Louise L. Gulyas  
Merrill W. Lockfaw, Jr.  
Merrill W. Lockfaw, Jr.

Virgil L. Shockley

Exhibit 3

Exhibit 3

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

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SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

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Meredith,  
Zarnoch,  
Eyler, James R.  
(Retired, Specially Assigned),

JJ.

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Opinion by Zarnoch, J.

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Filed: July 22, 2014

7/23/14

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")<sup>1</sup> who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

#### FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

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<sup>1</sup>As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.<sup>2</sup> Rt. 589 now has more traffic signals and turn lanes.

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<sup>2</sup>The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward  
(continued...)



Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

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<sup>2</sup>(...continued)

expansion), the facility at that time was more appropriately characterized as a "racino," i.e., a slots parlor at a racetrack. See [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.<sup>3</sup> Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,<sup>4</sup>

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<sup>3</sup>Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

<sup>4</sup>The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. See Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a license: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, see Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. See [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

### QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

### DISCUSSION

#### I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offiat v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

## II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

*Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty.*, 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

#### A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable . . . ." On this point, we agree with the circuit court.

**B. Changes in the Character of the Neighborhood**

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

**1. Casino**

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation



that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

## **2. Bowling Alley and Movie Theater**

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

## **3. Steen Property Subdivision**

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

### **III. Worcester County Zoning Ordinance Criteria**

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) 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,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

**A. Population Change**

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

**B. Availability of Public Facilities**

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

**C. Present and Future Transportation Patterns**

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.<sup>5</sup>

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners' assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm'rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,<sup>6</sup> which is sufficient evidence to consider

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<sup>5</sup>Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep't of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

<sup>6</sup>Tustin explained that to conduct traffic counts her firm will:

(continued..)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

**D. Compatibility with Development and Environmental Conditions**

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

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<sup>6</sup>(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,<sup>7</sup> exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

**E. Recommendation of the Planning Commission**

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

**F. Compatibility with County's Comprehensive Plan**

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

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<sup>7</sup>This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

*Ryllys Enterprises, Inc.*, 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT  
FOR WORCESTER COUNTY REVERSED.  
COSTS TO BE PAID BY APPELLEES.**



Exhibit 4

IN THE MATTER OF \*  
 THE REZONING APPLICATION OF \*  
 THE ESTATE OF MILDRED L. \* REZONING CASE NO. 396  
 PARSONS, MARGARET P. BUNTING, \*  
 PERSONAL REPRESENTATIVE \*

\*\*\*\*\*

FINDINGS OF FACT

Subsequent to a public hearing held on March 1, 2016 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 396: This case seeks to rezone approximately 11.5 acres of land (hereinafter referred to as the petitioned area) located on the easterly side of MD Route 589 to the north of Gum Point Road from A-1 Agricultural District to C-2 General Commercial District. The petitioned area is shown as Parcel 72 on Tax Map 21.

Regarding the definition of the neighborhood: Mr. Cropper entered that Planning Commission's findings of fact and recommendation on Rezoning Case No. 396 into the record as Applicant's Exhibit No. 1. He then entered into the record as Applicant's Exhibit No. 2 a large scale full color zoning map showing the petitioned area, the zoning of all properties and the limits of the neighborhood as defined by the applicant. The neighborhood was defined on behalf of the applicant by R. D. Hand, landscape architect for R. D. Hand and Associates, Inc., as being that area bound on the north by MD Route 90, on the east by the Isle of Wight Bay, on the south by US Route 50, and on the west by those properties on the westerly side of MD Route 589. As did the Planning Commission, the County Commissioners agree that this is an appropriate definition of the neighborhood because it contains similar uses and zoning, primarily residential and commercial in nature.

Regarding population change in the area: Mr. Hand testified before the Planning Commission and the County Commissioners that there had not been a substantial change in the neighborhood's population since the comprehensive rezoning of 2009, with most resulting from infill development of vacant lots in the neighborhood. The County

Commissioners concur with the Planning Commission's conclusion there has been a general increase, though not a substantial one, in the population of the neighborhood since the comprehensive rezoning of 2009 as vacant lots in residential subdivisions in the neighborhood have been constructed upon, leading to infill development. Additionally, the County Commissioners agree with the Planning Commission's finding that the population of visitors to the neighborhood has escalated as patrons at the Casino at Ocean Downs and at commercial facilities in the neighborhood have increased.

Regarding availability of public facilities: Based upon the Planning Commission's findings, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, the petitioned area itself is not within an area which receives public sewer or water service at the present time. The County Commissioners find that Robert J. Mitchell, Director of the Department of Environmental Programs, by memo included in the staff report attached to the Planning Commission's findings of fact, stated that the petitioned area has a designation of Sewer Service Category S-6 (No Planned Service). Mr. Mitchell also stated that his department has no well or septic records or soil evaluation records in the property file indicating any onsite capacity exists to support construction that would require water and sewerage be supplied. Mr. Mitchell further noted that if the applicant is intending to utilize public water and sewer for the development of this property, there are currently 24 excess sewer Equivalent Dwelling Units (EDUs) remaining as of the date of his memo (November 17, 2015) in the Ocean Pines Sanitary Service Area. The County Commissioners find that Edward Launay, an environmental consultant with Environmental Resources, Inc., testified on behalf of the applicant that he had conducted a site evaluation of the petitioned area and performed soil borings. Applicant's Exhibit No. 3 was entered into the record and is comprised of a large full color aerial soils map and two smaller aerial maps showing elevation mapping. Mr. Launay testified that based upon his evaluation he had determined that the site is well drained, has good depth to groundwater and its soils are suitable for on-site septic disposal if need be. Based upon the comments of Mr. Mitchell and the testimony of Mr. Launay, the County Commissioners find that adequate wastewater disposal facilities of some type, be they on-site or public wastewater, may be available to serve the petitioned area if rezoned. The County Commissioners find that fire and ambulance service will be available from the Ocean Pines and Berlin Volunteer Fire Company, located approximately five and ten minutes away respectively while 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. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo included in the staff report attached to the Planning Commission's findings of fact stated that he had reviewed the application and spoken with Sheriff Mason and with Lt. Starner of the State Police relative to the rezoning case and they saw no issues with the proposed rezoning and concluded that it will not interfere with law enforcement activities. The petitioned area is within the area served by the following schools: Ocean City

Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo included in the staff report attached to the Planning Commission's findings of fact stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the requested rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District.

Regarding present and future transportation patterns: The petitioned area fronts on and currently has access to MD Route 589. That roadway is state-owned and -maintained and connects to both US Rt. 50 and US Route 113. The Planning Commission found that the Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway and recommends that development be limited in the corridor until capacity increases, that scenic and transportation corridor planning be conducted, that the roadway be dualized after the US Route 113 project is completed, that US Route 113 traffic continue to be deflected to MD Route 90 rather than MD Route 589, and interparcel connectors and service roads be introduced where feasible. Donnie L. Drewer, District Engineer for State Highway Administration District 1, stated in his memo included in the staff report attached to the Planning Commission's findings of fact that MD Route 589 is identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He stated that, specifically, the SHA Highway Needs Inventory (HNI) identified the need for 4.6 miles of a multi-lane reconstruct from US Route 50 to US Route 113 and is noted as a County priority. He also commented that this section of roadway is also identified in the SHA Consolidated Transportation Plan (CTP) for potential improvements to the existing MD Route 589 corridor to relieve traffic congestion and improve traffic safety and accommodate bicycle and pedestrian safety. Mr. Drewer further stated that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He expressed that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Mr. Hand stated that although there will be traffic impacts to MD Route 589 if the petitioned area is rezoned to C-2 General Commercial District from A-1 Agricultural District, they will be significantly less than those anticipated to arise from the rezoning from agricultural to commercial of the much larger Silver Fox parcel immediately to the north, in which the traffic study showed that a Level of Service C would be maintained if that property were rezoned to commercial. That rezoning to a C-2 General Commercial District was approved by the County Commissioners on September 4, 2012 and, although appealed to court, was subsequently upheld. Based upon their review, the County Commissioners concur with the applicant's testimony stated above and the Planning

Commission's finding and adopt said finding that although there will impacts to the present and future transportation patterns arising from the proposed rezoning of the 11.5 acre petitioned area, they will not be as substantial as those arising from the previously approved rezoning (Case No. 392) of 33 acres and will have to be dealt with at some future point.

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 County Commissioners concur with the Planning Commission's conclusion that the neighborhood displays a mixture of land uses, with residential subdivisions and commercial uses being the predominant ones. The Casino at Ocean Downs is a predominant feature. Although the petitioned area and the adjoining property to the north are currently tilled cropland, there is virtually no other agricultural use in the neighborhood. It is essentially the agricultural use that is the blatant anomaly in the neighborhood, not commercial or residential use. The County Commissioners note that Edward Launay, professional wetlands scientist, testified that his examination of the petitioned area showed that there are no wetlands on the site, it is well-drained and has no archeological sites or endangered species. He also asserted that the proposed rezoning and anticipated development of the site will not have an adverse impact on impaired waters or increase the Total Maximum Daily Loads (TMDLs). Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.

Regarding compatibility with the County's Comprehensive Plan: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Commercial Center and Existing Developed Area Land Use Categories. With regard to the Commercial Center Land Use Category, the Comprehensive Plan states that 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. The Comprehensive Plan also states that commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The Comprehensive Plan states that the first step is to balance supply with demand and that strip commercial centers are discouraged. Commercial areas provide important services but they should be developed to enhance community character, according to the Comprehensive Plan. With regard to the Existing Developed Area (EDA) category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development

and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. The Planning Commission found that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the character of the County's existing population centers should be maintained, that the County should provide for appropriate residential, commercial, institutional, and industrial uses, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. Other objectives state that development should be regulated to minimize consumption of land, while continuing the County's rural and coastal character, that the supply of commercially zoned land should be balanced with anticipated demand of year-round residents and seasonal visitors, that major commercial and all industrial development should be located in areas having adequate arterial road access or near such roads, and that highway strip development should be discouraged to maintain roadway capacity, safety, and character. The Planning Commission found that the Transportation chapter of the Comprehensive Plan states that Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic and that resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90. The Plan further states that of special note is the fact that the MD Route 589 corridor has experienced significant development, has reached an unsatisfactory level-of-service and congestion has become a daily occurrence regardless of season. The Plan asserts that for this reason, MD Route 589 is considered impacted from a traffic standpoint. The Comprehensive Plan states that this implies that land use should not intensify in this area, that infill development of existing platted lots should be the extent of new development, and that this policy shall remain until road capacity is suitably improved. This chapter also states that commercial development will have a significant impact on future congestion levels and that commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. Additionally, the Planning Commission found that the Comprehensive Plan states that it is the Plan's policy that the minimal acceptable Level of Service (LOS) for all roadways be LOS C and that developers shall be responsible for maintaining this standard. Mr. Hand on behalf of the applicant testified that as part of the previous rezoning of the adjacent Silver Fox property in Case No. 392, at 33 acres approximately three times the size of the now petitioned area, a traffic study was submitted into evidence and upheld which indicated that although traffic impacts would arise after development of that site with commercial uses, a Level of Service C would still be maintained on MD Route 589, a level which the Comprehensive Plan considers acceptable.

As did the Planning Commission, the County Commissioners find that although there will most likely be adverse impacts to MD Route 589 arising from commercial development of the 11.5 acre petitioned area, they will be much less significant than those anticipated to arise from the previous rezoning and will have to be dealt with at the time of development.

Based upon their review, the County Commissioners adopt the findings of the Planning Commission and find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

Regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.


As a result of the testimony and evidence presented before the Commissioners and the findings as set forth above, the County Commissioners find that there has been a change in the character of the neighborhood since the 2009 comprehensive rezoning. As did the Planning Commission, the County Commissioners concur with the applicant's assertion that the most predominant change is the approval of Rezoning Case No. 392 which reclassified the adjacent property to the north from A-1 Agricultural District to C-2 General Commercial District in 2012. That rezoning has left the petitioned area as an island of A-1 Agricultural District zoning. Other changes to the character of the neighborhood include the significant expansion of the Casino at Ocean Downs, its connection to public sewer service, and the expansion of the Ocean Pines wastewater and water service areas. Furthermore, the County Commissioners conclude that the proposed development of the adjacent property to the east into a residential subdivision constitutes a change to the character of the neighborhood because the granting of Atlantic Coastal Bays Critical Area growth allocation by the Worcester County Commissioners and the Critical Area Commission was necessary to allow the subdivision to occur. Additionally, the County Commissioners agree with the applicant's argument that although the Casino is located on an agriculturally zoned property, it is truly not an agricultural use and is in fact commercial in nature, given its size of approximately 10,000 square feet and the extensive expanse of parking lots associated with the use. Like the Planning Commission, the County Commissioners agree with the applicant's contention that because Rezoning Case No. 392 was upheld in court it is only equitable to give the petitioned area the same zoning. The County Commissioners find that the existing A-1 Agricultural District zoning is inconsistent with the Comprehensive Plan, particularly in regards to the Land Use Categories placed on the petitioned area, and with existing zoning and development in the area and that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more desirable in terms of the Comprehensive Plan. In consideration of their findings the County Commissioners hereby approve Rezoning Case


No. 396 and thus rezone the petitioned area, shown on Tax Map 21 as Parcel 72, from A-1 Agricultural District to C-2 General Commercial District.


Adopted as of March 1, 2016. Reduced to writing and signed  
March 15, 2016.

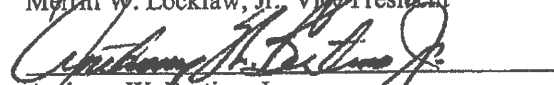
ATTEST:

WORCESTER COUNTY COMMISSIONERS

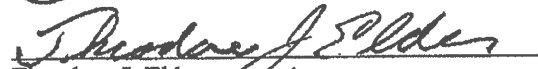
  
Harold L. Higgins  
Chief Administrative Officer

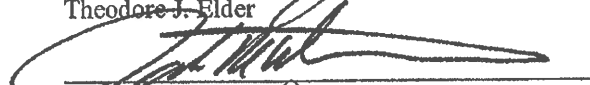
  
Madison J. Bunting, Jr., President

  
Merrill W. Lockfaw, Jr., Vice President

  
Anthony W. Bertino, Jr.

  
James C. Church

  
Theodore J. Elder

  
Joseph M. Mitrecic

  
Diana Purnell

ZONING RECLASSIFICATION RESOLUTION NO. 16-01

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 21 AS PARCEL 72 FROM A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative, applicant, and Hugh Cropper, IV, applicant's attorney, filed a petition for the rezoning of approximately 11.5 acres of land shown on Tax Map 21 as Parcel 72, located on the easterly side of MD Route 589 to the north of Gum Point Road, requesting a change in zoning classification thereof from A-1 Agricultural District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave said petition a favorable recommendation during its review on December 3, 2015; and

WHEREAS, subsequent to a public hearing held on March 1, 2016, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there has been a substantial change in the character of the neighborhood of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that the land petitioned by The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative, applicant, and Hugh Cropper, IV, applicant's attorney, and shown on Tax Map 21 as Parcel 72, is hereby reclassified from A-1 Agricultural District to C-2 General Commercial District.


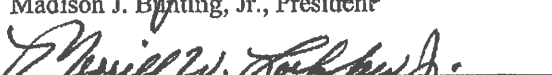

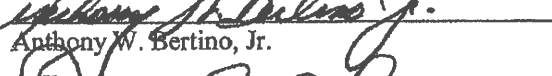
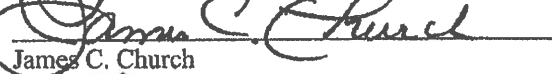


BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, March 1, 2016.

EXECUTED this 15<sup>th</sup> day of March, 2016.

ATTEST:

  
Harold L. Higgins  
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

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



## Exhibit 5

RESOLUTION NO. 19 - 2**SECTIONAL REZONING OF MARYLAND ROUTE 589 (RACETRACK ROAD) AREA  
NORTH OF U.S. ROUTE 50 (OCEAN GATEWAY)**

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, ADOPTING A COMPREHENSIVE (SECTIONAL) REZONING OF CERTAIN PARCELS OF LAND SHOWN ON TAX MAP 21 FROM E-1 ESTATE DISTRICT AND A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, on November 3, 2009, by Resolution No. 09-24, the County Commissioners of Worcester County, Maryland adopted comprehensive rezoning maps for Worcester County, Maryland referenced as the "Official Zoning Maps of Worcester County, Maryland Numbers 1 - 102"; and

WHEREAS, Section ZS 1-113(c)(6) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, provides for comprehensive (sectional) reclassification map amendments; and

WHEREAS, the County Commissioners of Worcester County, Maryland found it desirable and necessary to conduct a comprehensive (sectional) reclassification map amendment of Worcester County on those properties zoned E-1 Estate District and A-1 Agricultural District that are located to the north of Grays Corner Road, on the easterly and westerly sides of McAllister Road, northerly and southerly sides of Griffin Road, and the westerly side of MD Route 589 (Racetrack Road) to ensure that the zoning maps for Worcester County are compatible with the 2006 Comprehensive Plan for Worcester County; and

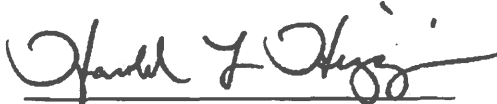
WHEREAS, the County Commissioners of Worcester County, Maryland have complied with all requirements for said comprehensive (sectional) reclassification map amendment, including the holding of a public hearing on December 18, 2018 to hear public comment on the potential comprehensive (sectional) map amendment.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the land shown on Tax Map 21 as Parcels 32, 71, 83, 84, 87, 88, 94, 97, 110, 111, 114, 219, 265, 276, and those portions of Parcels 79 and 151 which were zoned E-1 Estate District or A-1 Agricultural District are hereby reclassified to C-2 General Commercial District.

AND, BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, December 18, 2018.

PASSED AND ADOPTED this 8<sup>th</sup> day of January, 2019.


ATTEST:

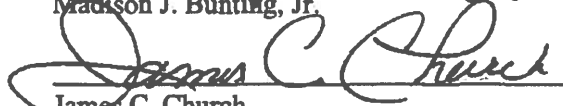
  
Harold L. Higgins  
Chief Administrative Officer


COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND


  
Diana Purnell, President

**Absent**  
Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.  
  
Madison J. Bunting, Jr.

  
James C. Church

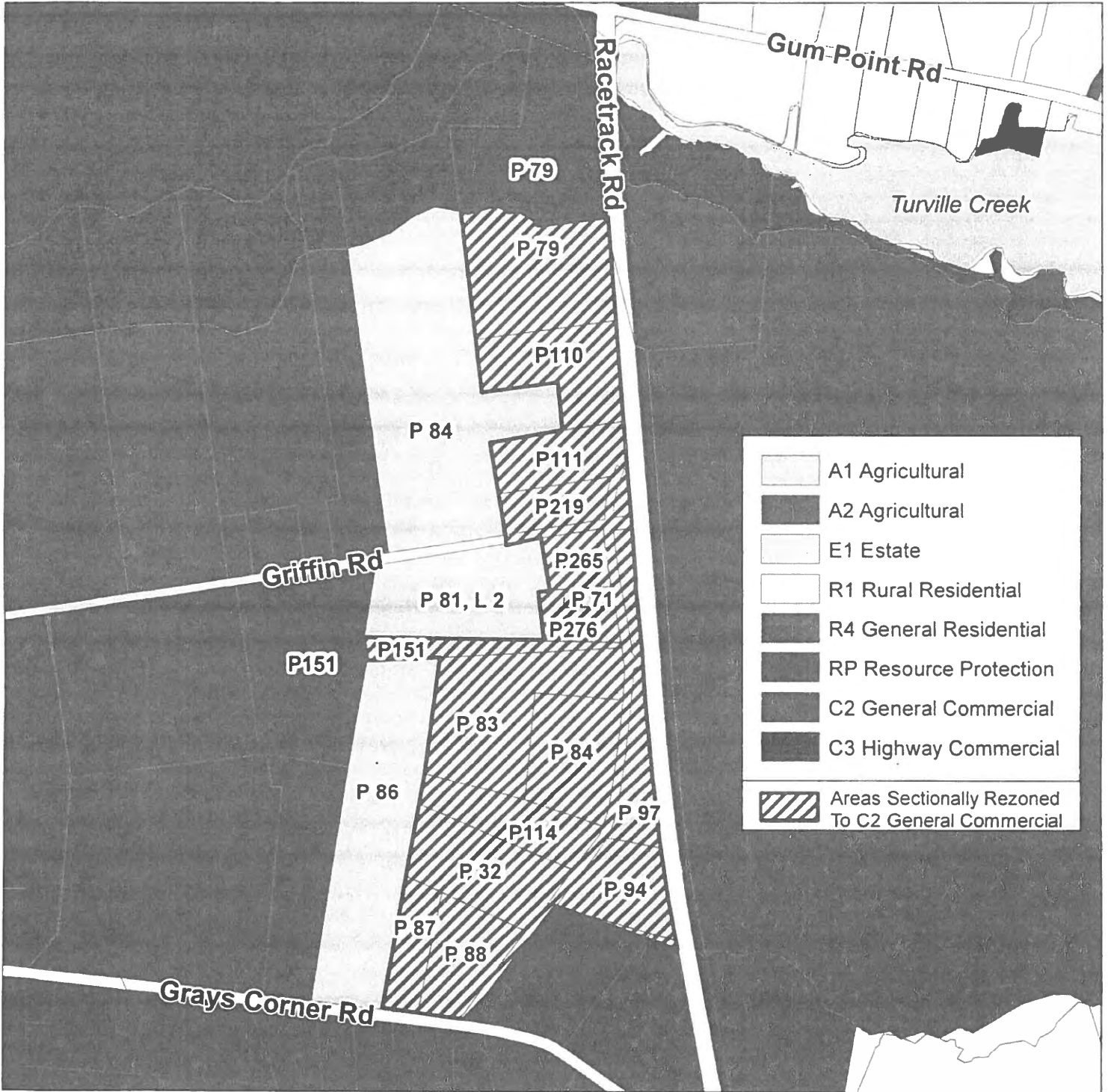
  
Theodore J. Elder

  
Joshua C. Nordstrom



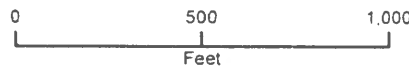
SECTIONAL REZONING MD ROUTE 589 / RACETRACK ROAD SOUTH

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division

Prepared: December 2018  
Source: 2009 Official Zoning Map



Drawn By: KLH      Reviewed By: PHW

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

IN THE MATTER OF \*  
 THE REZONING APPLICATION OF \* REZONING CASE NO. 403  
 NICHOLS-NEFF PROPERTIES, LLC \*

\*\*\*\*\*  
FINDINGS OF FACT

Subsequent to a public hearing held on July 19, 2016 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 403: This case seeks to rezone approximately 95.08 acres of land (hereinafter referred to as the petitioned area) located on the northwesterly side of Beauchamp Road to the northeast of the junction with MD Route 589 from E-1 Estate District to R-1 Rural Residential District. The petitioned area is shown as Parcels 127 and 259 on Tax Map 15.

Applicant's testimony before the County Commissioners: Mark Spencer Cropper, attorney representing the applicant, began his presentation by stating that both the Development Review and Permitting staff and the Planning Commission had recommended a R-1 Rural Residential District zoning classification for the petitioned area during the comprehensive rezoning process in 2007. Furthermore, he asserted that the existing E-1 Estate District zoning classification on the petitioned area is inconsistent with the Comprehensive Plan. Mr. Cropper introduced those persons he would be calling as witnesses relative to the rezoning application, including Christopher P. McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC; Betty H. Tustin, P. E., PTOE, traffic engineer with the Traffic Group; Ronnie B. Carpenter, P. E., civil engineer and principal with Carpenter Engineering, LLC; and Charles Nichols, managing member and general partner in ownership of Nichols-Neff Properties LLC. Mr. McCabe's resume was submitted as Applicant's Exhibit No. 1 and he explained his education, work background and current employment. Upon questioning by Mr. Cropper, Mr. McCabe stated that he had been qualified in court as an expert witness in his field. Mrs. Tustin also explained her education, employment and qualifications as an expert witness and her resume was submitted as Applicant's Exhibit No. 2. Mr. Carpenter stated that he was qualified as an expert witness in engineering and land planning and his resume was presented as Applicant's Exhibit No. 3. Mr. Nichols presented a letter into the record, which was submitted as Applicant's Exhibit No. 4, which sought the County Commissioners' support of the proposed rezoning. He explained that his family has owned several properties adjacent to and near to the petitioned area for many years and purchased the petitioned area in 2014. He stated that his family lives on the parcel known as the Mapleton farm which has been in the family since 1888. The family is in the process of placing the Mapleton farm and other adjacent properties in a donated Maryland Environmental Trust Easement, thus abandoning a previously proposed 123 lot subdivision on those lands. Mr. Nichols stated that the family's intention to take the petitioned area, in

a distressed state, and make a positive change by developing it in a reasonable and responsible manner that is an enhancement to the community.

Mr. Cropper called Mr. McCabe to testify and submitted Applicant's Exhibit No. 5, an aerial photograph of the petitioned area and surrounding vicinity. Mr. McCabe pointed out the petitioned area, outlined in blue on the photograph, noting that it consists of two properties used jointly for many years as the Pine Shores Golf Course. Applicant's Exhibit No. 6, a general rendering of the petitioned area's potential development as a subdivision under its current E-1 Estate District zoning, was submitted. Mr. McCabe explained that the proposed subdivision showed a total of 31 lots of approximately 80,500 square feet each and that the total number of lots actually feasible could possibly be more or less than 31. Applicant's Exhibit No. 7, a zoning map showing the petitioned area (outlined in blue) and the surrounding area, was then submitted by Mr. Cropper. Mr. McCabe stated that as shown on this exhibit the petitioned area is zoned E-1 Estate District while almost all of the other properties along the same side of Beauchamp Road are zoned R-1 Rural Residential District while those on the opposite side of the roadway, within Ocean Pines, are zoned R-2 Suburban Residential District. He pointed out the Mapleton Farm, Holland Farm, and the ETC property that are owned by the Nichols family and being placed within a conservation easement. Mr. Cropper then introduced Applicant's Exhibit No. 8, the Comprehensive Plan's Land Use Map. Upon questioning by Mr. Cropper, Mr. McCabe explained that the petitioned area, comprised of two separate parcels, is within two different land use categories according to this map. Parcel 127, the more easterly of the two parcels, is within the Existing Developed Area Land Use Category while Parcel 259, the more westerly, is within the Agricultural Land Use Category. In fact, Parcel 259 is the only parcel along Beauchamp Road that is not within the Existing Developed Area Land Use Category.

Mr. Cropper stated that he was basing the request for a rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District solely on the basis of a mistake in the existing zoning of the petitioned area. Upon questioning by Mr. Cropper, Mr. McCabe explained that he believes there is a mistake in the petitioned area's existing E-1 Estate District zoning because the County's Comprehensive Plan calls for the elimination of that zoning district. He furthermore noted that the petitioned area is within two different land use categories according to the Comprehensive Plan, yet the two parcels have been used jointly as if one parcel for a golf course for many, many years. He noted that virtually all of the properties to the south of Windmill Creek with the exception of the petitioned area are zoned residentially. Mr. Cropper submitted Applicant's Exhibit No. 9, a rendering of how the property could conceivably be developed under the requested R-1 Rural Residential District zoning. Mr. McCabe stated that the maximum number of lots feasible is 85 and that a subdivision on the petitioned area at this type of density is much more consistent with the development of the surrounding properties than would be a large lot development that would be permitted under the existing E-1 Estate District zoning. Applicant's Exhibit No. 10 was introduced by Mr. Cropper. It was a map from the County's Water and Sewerage Plan and Mr. McCabe pointed out that the petitioned area is within the S-6/W-6 categories. Noting that this means there is no water or sewer service planned for the site, Mr. McCabe testified that the applicants will have to apply for a Water and Sewerage Plan amendment and gain approval of same in order to connect to the Ocean Pines water and wastewater facilities.

Mr. Cropper called Mrs. Tustin to testify and entered the Traffic Impact Analysis prepared by her as the Applicant's Exhibit No. 11. Mrs. Tustin discussed the potential traffic impacts of residential development under the proposed R-1 Rural Residential District as compared to the existing E-1 Estate District. She stated that traffic arising from a R-1 Rural Residential District development on the petitioned area can definitely be accommodated on Beauchamp Road and at the intersection with MD Route 589 as currently existing. She said that the anticipated development will not necessitate any need for improvements to either road or to the intersection and that very insignificant additional traffic would result from a residential development under the requested zoning classification as compared to the existing zoning classification. Mrs. Tustin stated that it would amount to approximately 11 more trips per day.

Mr. Cropper once again called Mr. McCabe to testify and introduced as Applicant's Exhibit No. 12 the Planning Commission's Work Session Minutes dated November 13, 2008. Mr. McCabe noted that these minutes pertain to the Planning Commission's discussions during the comprehensive rezoning process and read a highlighted excerpt into the record which pertained to the E-1 Estate District, its utilization on lands already zoned that way, that there would be no additional lands zoned as such, and that much of the (at that time) currently zoned E-1 Estate District land may become residentially zoned. This excerpt stated that the Planning Commission was torn with whether to eliminate the E-1 Estate District altogether as the Comprehensive Plan calls for or to follow the phase-out as recommended by the draft Zoning Code and that the Planning Commission Attorney Sonny Bloxom advised the Planning Commission that the phase-out of the zoning district will start with the comprehensive rezoning. Mr. McCabe testified that these comments indicate that there was strong consideration in 2008 on the part of the Planning Commission regarding the elimination of the E-1 Estate District. The County Commissioners' Minutes from their November 3, 2009 minutes were introduced by Mr. Cropper as Applicant's Exhibit No. 13. Mr. McCabe read highlighted excerpts into the record indicating that (former) Commissioner Busick asked the Commissioners to reconsider retaining the existing E-1 Estate District zoning of properties located along McAllister Road, north of US Route 50 and west of MD Route 589. The excerpt indicated that Ed Tudor, Director of Development Review and Permitting, responded that staff recommended R-1 Rural Residential District zoning in order to eliminate the E-1 Estate District zoning as proposed by the Comprehensive Plan but that the County Commissioners subsequently, upon a motion by Commissioner Busick, voted unanimously not to accept staff's recommendation to zone the property R-1 Rural Residential District and instead retain the existing E-1 Estate District and A-1 Agricultural District zoning on all properties along McAllister Road. Mr. Cropper introduced the County Commissioners' Minutes dated October 20, 2009 as Applicant's Exhibit No. 14. Mr. McCabe again read highlighted excerpts, in this case pertaining to multiple parcels along MD Route 611 and South Point Road which had originally been proposed to be given R-1 Rural Residential District and E-1 Estate District designations by the comprehensive rezoning but were instead proposed to be E-1 Estate District. The minutes indicated that upon questioning by (former) Commissioner Cowger, Mr. Tudor responded that the Comprehensive Plan called for the elimination of the E-1 Estate District and that it would be accomplished during the next planning cycle and that Mr. Tudor explained that the residents were concerned that in the future the golf course could be converted to housing if the property were zoned R-1 Rural Residential District. Mr. Cropper introduced Pages 20 and 26 of the County's Comprehensive Plan as Applicant's Exhibit No. 15. Mr. McCabe read highlighted

excerpts into the record which stated that the Estate Land Use Category and the associated zoning district should be eliminated because it has consumed excessive amounts of land per housing units, taken working farms out of production, and been overtaken by the requirements of the Atlantic Coastal Bays Critical Area program. Additionally, the highlighted excerpts stated that extensive large lot development leads to sprawl and its negative impacts, that the previous Comprehensive Plan's Estate category created an oversupply of such residential lands, that many Estate designated lands were located in environmentally sensitive areas and the Coastal Bays Critical Area, and that some Estate areas were changed to Agriculture or incorporated into a growth area. Mr. Cropper stated that the owners of large neighboring properties had been contacted relative to the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District. A letter from M. Blair Snyder in support of the proposed rezoning was submitted as Applicant's Exhibit No. 16. A letter from Barry Skolnick, also in support of the rezoning, was introduced as Applicant's Exhibit No. 17. A letter from Joe Sinclair, Fire Chief of the Showell Volunteer Fire Department, supporting the requested rezoning was introduced as Applicant's Exhibit No. 18.

Mr. Cropper questioned Mr. McCabe as to whether there has been a change in the population of the area. Mr. McCabe stated that he concurred with the Planning Commission's finding that there has been very little change. As it pertained to the availability of public facilities, Mr. McCabe again concurred with the Planning Commission that the developers of the petitioned area would have to obtain a Water and Sewerage Plan amendment to connect to the Ocean Pines water and wastewater facilities and that other public facilities are adequate. He maintained that the proposed rezoning is compatible with existing development, noting the extensive residential development within the area, and with environmental conditions. Mr. McCabe asserted that the requested R-1 Rural Residential District zoning classification is consistent with the Comprehensive Plan and that it would be inconsistent with the Comprehensive Plan to retain the existing E-1 Estate District zoning classification. Mr. Cropper then closed his presentation.

The County Commissioners' findings regarding the definition of the neighborhood:  
The County Commissioners find that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.

The County Commissioners' findings regarding population change in the area: The Planning Commission concluded that there has been very little, if any, change to the population of the neighborhood since the comprehensive rezoning of 2009. The County Commissioners find that this is an accurate assessment.

The County Commissioners' findings regarding availability of public facilities:  
Based upon the Planning Commission's findings, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo attached to the Planning Commission's findings of fact and recommendation that the petitioned area has a designation of Sewer Service Category S-6 (*no planned service*). The property did carry a designation of S-3 (*six to ten year time frame*) in the original deliberations concerning the Greater Ocean Pines Sanitary Planning Area but it was removed according to the findings of the Planning Commission that the proposed

amendment would be consistent with the Comprehensive Plan if the proposed S-3 areas were deleted from the amendment. This was done according to Worcester County Commissioners' Resolution 05-09, dated April 5, 2005, and approved by the Maryland Department of the Environment on June 29, 2005. He noted that this was done prior to the adoption of the 2006 Comprehensive Plan. Mr. Mitchell stated that his department's well and septic records for the property file indicate a prior capacity of 4,2000 gallons per day from three separate systems for onsite sewage for the former golf course, which has been closed for some time. Mr. Mitchell also stated that the properties are shown in the Source Water Assessment Report for Ocean Pines as falling within the Zone #2 area for Well #4 of the Ocean Pines Sanitary Area Water Supply. One of the planning measures is to have the wellhead protection area properties sewered. This is especially important as the Ocean Pines water supply in this area is sourced from an unconfined aquifer. This property also falls within the St. Martins River/Ocean Pines Water Management Strategy Area. As a property located entirely within this area, it would be in the public interest to convert users of the unconfined water table to the public water system. This would help mitigate stress on the unconfined Pleistocene (Columbia) aquifer serving the area and supplying the public water supply wells in north Ocean Pines. Mr. Mitchell further stated that prior to being able to apply for public sanitary capacity, the owner would need to amend the Master Water and Sewerage Plan to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. He asserted that there is an inconsistent land use, agriculture, which is incompatible with the provision of public services. In the processing of amendments for the Ocean Downs Racetrack and the Crabs-to-Go commercial properties, his office encountered difficulties in proposing the provision of public services to properties designated agriculture in the Comprehensive Plan. They were only overcome with the retirement of a large amount of septic capacity in the Critical Area and provision of infrastructure to facilitate connections of even more septic capacity from that proposed sanitary area addition that had a singular and peculiar use in our jurisdiction. The other was an existing set of small commercial properties carrying the distinction of being the only properties not carrying over between the prior and existing Comprehensive Plans for the US Route 50 corridor between Berlin and Ocean City. Mr. Mitchell stated that any future amendments including this subject property will force state agencies to recall the unique nature of these two prior amendment applications in their comments. The land use designation in the current Comprehensive Plan has to be addressed in any future amendment to the Master Water and Sewerage Plan through either an amendment to the Comprehensive Plan itself or some other means. That should be considered by the applicants should they be successful in this endeavor. He maintained that to garner state approval of an amendment to bring public sewer to this property to serve compact residential uses, the agricultural land use designation in the Comprehensive Plan will need to be amended. Mr. Mitchell stated that ultimate development capacity for the property would be dependent on securing a rezoning and forging an acceptable nutrient offset for the connection to the Ocean Pines Sanitary Area. The owner could facilitate connection of properties in the *approved* Greater Ocean Pines Amendment for a nutrient offset. He continued that this could be a combination of factors - retiring existing septic capacity (do have on the subject property), facilitating construction of sewer mains past properties in the approved sanitary area or facilitating connection of properties in the approved sanitary area. These steps are a negotiated process but need to be taken to provide a nutrient offset to allow additional connections not anticipated in the Greater Ocean Pines Amendment to be realized. He stated that it was done this way for the Ocean Downs and Crabs-to-Go



amendment approvals. Mr. McCabe testified on behalf of the applicants that they recognize that they can only develop the petitioned area if the property receives public sewer and water utilities from Ocean Pines and that any issues regarding such connections must be resolved. Based upon the Planning Commission's findings, the County Commissioners determined that fire and ambulance service will be available from the Showell Volunteer Fire Department, located approximately five minutes away. Joe Sinclair, Fire Chief, responded by letter dated May 4, 2016 and entered into the record as Applicant's Exhibit No. 18 that the SVFD encourages any growth in its response area and felt strongly that it had adequate coverage for any development. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately fifteen minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. As noted in the Planning Commission's findings, no comments were received from the Maryland State Police Barracks or the Worcester County Sheriff's Office. The petitioned area is within the area served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo included in the staff report attached to the Planning Commission's findings stated that this rezoning may involve an impact (increased enrollment) to the four north county schools. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the proposed rezoning provided that the property owner obtains adequate public water and sewer service from the water and wastewater facilities at Ocean Pines for any proposed use on the petitioned area.

The County Commissioners' findings regarding present and future transportation patterns: Based upon the Planning Commission's findings of fact and recommendation, the County Commissioners find that the petitioned area fronts on Beauchamp Road which is County-owned and -maintained. This roadway terminates in a dead end and provides access to MD Route 589. The Comprehensive Plan identifies Beauchamp Road as a two lane County Road/Minor Collector Highway. It states that this collector provides primary access to uses along its west side and secondary access to the Ocean Pines truck route and that options for correcting drainage problems in the vicinity should be determined and corrective action taken. MD Route 589 is classified in the Comprehensive Plan as a Two Lane Secondary Highway/Major Collector Highway. Relative to this roadway, the Comprehensive Plan states that development in the corridor should be limited until capacity increases, scenic and transportation corridor planning conducted, the roadway should be dualized after the US Route 113 project is completed, and US Route 113 traffic should continue to be deflected to MD Route 90 rather than MD Route 589. As indicated in the Planning Commission's findings, Frank J. Adkins, Worcester County Roads Superintendent, responded that he had no comments relative to this rezoning application. Additionally, these findings indicate that Donnie L. Drewer, District Engineer, for State Highway Administration District 1, stated in his response memo attached to the Planning Commission's findings that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, that if development of the property is proposed in the future SHA may require a Traffic Impact Study to determine potential impacts to the surrounding State roadway network, that future development may also require an access permit to be issued from SHA, and that with the exception of these comments, SHA has no objection to a rezoning determination by Worcester County. The County Commissioners

find that Mrs. Tustin testified that her traffic analysis of the potential traffic arising from development of the site in accordance with the R-1 Rural Residential District classification indicated that such traffic can definitely be accommodated on Beauchamp Road and at the intersection with MD Route 589 as currently existing. She said that the anticipated development will not necessitate any need for improvements to either road or to the intersection and that very insignificant additional traffic would result from a residential development under the requested zoning classification as compared to the existing zoning classification, approximately 11 more trips per day. Based upon their review, the County Commissioners find that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

The County Commissioners' findings regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the Planning Commission's findings and the testimony of the applicant's representative, the County Commissioners find that the petitioned area is the site of an abandoned golf course and conclude that the vicinity surrounding the petitioned area is primarily residential in character. The St. John Neumann Catholic Church, the Most Blessed Sacrament School, and the Showell Elementary School are to the southwest and west of the petitioned area while those properties to the north, across Windmill Creek, are agricultural in nature. The properties to the east along the northerly side of Beauchamp Road are residential, including the River Run and St. Martins by the Bay planned unit developments, the Douglynne Farms subdivision, and the White Horse Park campground. The area on the southerly side of Beauchamp Road is within the Ocean Pines subdivision and is developed with single-family houses at a moderate density. The County Commissioners note that Mr. McCabe testified before the Planning Commission that any proposed residential project on the petitioned area will have to comply with stormwater management, sediment/erosion control, and Forest Conservation regulations, thus contributing to a reduction in the TMDL levels. Additionally, any potential development will have to connect to public sewer and water service and the existing on-site septic disposal systems removed, also leading to reduced TMDLs. Based upon their review, the County Commissioners find that the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District is compatible with existing and proposed development and existing environmental conditions in the area.

The County Commissioners' findings regarding compatibility with the County's Comprehensive Plan: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that according to the 2006 Comprehensive Plan and associated land use map, Parcel 259 of the petitioned area lies within the Agricultural Land Use Category while Parcel 127 of the petitioned area is within the Existing Developed Area Land Use Category. With regard to the Agricultural Land Use Category, the Comprehensive Plan states that the importance of agriculture to the county cannot be overstated, its significance is economic, cultural, environmental, and aesthetic, that agriculture is simply the bedrock of the county's way of life, and that the county must do all it can do to preserve farming as a viable industry. The Comprehensive Plan also states that this category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted and that 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. The County Commissioners find that with regard to the Existing Developed Area category, the Comprehensive Plan states this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Comprehensive Plan also states that 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, that the EDAs are anticipated to remain as mapped at least until the next plan review period, and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. Furthermore, the County Commissioners find that the Planning Commission noted that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the character of the County's existing population centers should be maintained, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. As did the Planning Commission and as testified to by the applicant's witness, the County Commissioners find that the Comprehensive Plan calls for the elimination of both the Estate Land Use Category and the E-1 Estate District zoning classification. Additionally, the County Commissioners concur with the Planning Commission's conclusion that the petitioned area should not have been divided between two different land use categories by the Comprehensive Plan, particularly since the two parcels were used jointly for many years as a golf course. The County Commissioners also agree with the Planning Commission's determination that Windmill Creek would have been the more appropriate boundary between the Agricultural and Existing Developed Area Land Use Categories. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

The County Commissioners' findings regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.

Decision of the County Commissioners: As a result of the testimony and evidence presented before the County Commissioners and the findings as set forth above, the County Commissioners find that there is a mistake in the existing zoning of the petitioned area. As detailed in the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that the existing Comprehensive Plan calls for the deletion of its Estate Land Use Category and the associated E-1 Estate District zoning classification. The Comprehensive Plan states that,

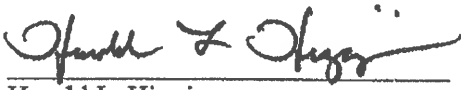
designed as a transition zone between urban/suburban development and the rural landscape, this category has consumed excessive amounts of land per housing unit, taking working farms out of production, been overtaken by the requirements of the Atlantic Coastal Bays Critical Area Program, and failed to achieve truly clustered open space development. The Comprehensive Plan furthermore states that large lot zoning is incompatible with the Plan's approach to new growth. The County Commissioners find that relative to land consumption, the Comprehensive Plan states that extensive large lot development leads to sprawl and its negative impacts and the previous Comprehensive Plan's Estate category created an oversupply of such residential lands. The County Commissioners note that the both the testimony of the applicant's representatives and the Planning Commission's findings indicate that during the redrafting of the Zoning and Subdivision Control Article and the zoning maps in 2008 and 2009, the staff and Planning Commission had recommended the elimination of the E-1 Estate District or, at a minimum, its severe restriction due to its deleterious effects. The County Commissioners note that according to the Planning Commission's findings, the staff and Planning Commission had initially recommended during the comprehensive rezoning that the petitioned area be given a residential zoning classification like the nearby properties along Beauchamp Road. However, because of misinformation and misunderstanding of the reasoning for the elimination of the E-1 Estate District and the resulting public concerns about potential conversion of properties to subdivisions in some other areas, the County Commissioners chose not to abandon the E-1 Estate District zoning and in fact retained it on most properties. The County Commissioners find that the petitioned area, comprised of two parcels, is within the Agricultural Land Use Category (Parcel 259) and the Existing Developed Area Land Use Category (Parcel 127). The County Commissioners find that with regard to the Existing Developed Area category, the Comprehensive Plan states this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Comprehensive Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. The County Commissioners concur with the Planning Commission's conclusion that having been utilized as a single property developed with a golf course for many years, the two parcels should have been placed within the same land use category by the Comprehensive Plan. Furthermore, the Planning Commission found that the Existing Developed Area Land Use Category is the more appropriate of the two, given that the remainder of the properties along Beauchamp Road are within that category, and that Windmill Creek represents a natural physical boundary between the petitioned area and should have served as the boundary for the Estate Land Use Category instead of Parcel 259 being included in that category. The County Commissioners concur with these conclusions. The County Commissioners find that the petitioned area should not be within the Estate Land Use Category nor should it be zoned E-1 Estate District. The County Commissioners conclude that the requested R-1 Rural Residential District is consistent with the existing development character along Beauchamp Road and is therefore a more appropriate zoning classification for the petitioned area. Based upon their review and in consideration of their findings, the County Commissioners conclude that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and hereby approve

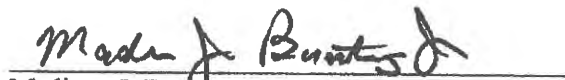
Rezoning Case No. 403 and thus rezone the petitioned area, shown on Tax Map 15 as Parcel Nos. 127 and 259, from E-1 Estate District to R-1 Rural Residential District.

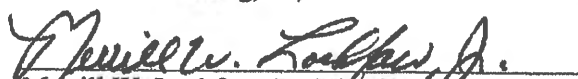
Adopted as of July 19, 2016. Reduced to writing and signed August 4, 2016.

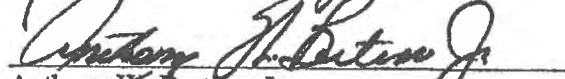
ATTEST:

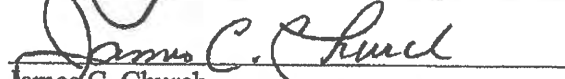
WORCESTER COUNTY COMMISSIONERS

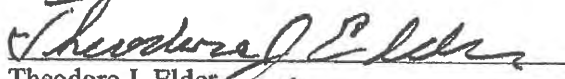
  
Harold L. Higgins  
Chief Administrative Officer

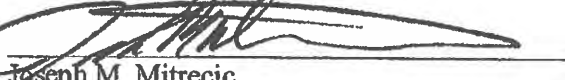
  
Madison J. Bunting, Jr., President


  
Merrill W. Lockfaw, Jr., Vice President

  
Anthony W. Bertino, Jr.

  
James C. Church

  
Theodore J. Elder

  
Joseph M. Mitrecic

  
Diana Purnell

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF CERTAIN PARCELS OF LAND SHOWN ON TAX MAP 15 AS PARCELS 127 AND 259 FROM E-1 ESTATE DISTRICT TO R-1 RURAL RESIDENTIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Nichols-Neff Properties, LLC, applicant, and Mark S. Cropper, applicant's attorney, filed a petition for the rezoning of approximately 95.08 acres of land shown on Tax Map 15 as Parcels 127 and 259, located on the northwesterly side of Beauchamp Road to the northeast of the junction with MD Route 589, requesting a change in zoning classification thereof from E-1 Estate District to R-1 Rural Residential District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on May 5, 2016; and

WHEREAS, subsequent to a public hearing held on July 19, 2016, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there is a mistake in the existing zoning of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland, that the land petitioned by Nichols-Neff Properties, LLC, applicant, and Mark S. Cropper, applicant's attorney, and shown on Tax Map 15 as Parcels 127 and 259 is hereby reclassified from E-1 Estate District to R-1 Rural Residential District.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, July 19, 2016.

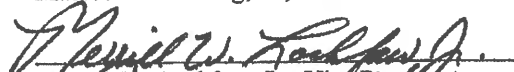
EXECUTED this 16<sup>th</sup> day of August, 2016.


ATTEST:

  
Harold L. Higgins  
Chief Administrative Officer

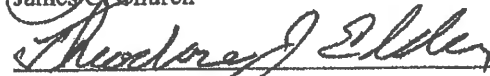
COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND


  
Madison J. Bunting, Jr., President

  
Merrill W. Lockfaw, Jr., Vice President

  
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Joseph M. Mitreic

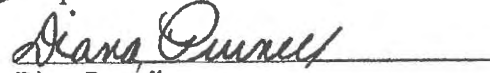
  
Diana Purnell

Exhibit 7

**From:** Aws Ezzat <[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)>  
**Sent:** Wednesday, June 21, 2023 8:07 AM  
**To:** April Mariner <[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)>  
**Cc:** Jeffrey Fritts <[JFritts@mdot.maryland.gov](mailto:JFritts@mdot.maryland.gov)>  
**Subject:** Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.  
Regional Engineer, Access Management  
District 1  
660 West Road  
Salisbury, MD 21801  
[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)  
(410) 677-4048 (office)

## Exhibit 8A

Worcester County, MD  
Thursday, October 5, 2023

## Subtitle ZS1:II. Primary District Regulations

## § ZS 1-201. A-1 Agricultural District.

- (a) Purpose and intent. This district is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare. This district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-1 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.  
[Amended 4-25-2017 by Bill No. 17-3]
  - (2) Poultry operations subject to the provisions of § ZS 1-349 hereof.  
[Amended 4-25-2017 by Bill No. 17-3<sup>[1]</sup>]  
[1] *Editor's Note: This bill also redesignated former Subsection (b)(2) through (17) as Subsection (b)(3) through (18).*
  - (3) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
  - (4) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also be sold, provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-325 and 1-322 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
  - (5) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
  - (6) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-



five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.

- (7) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
  - (8) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
  - (9) Divisions of land for agricultural purposes in accordance with the provisions of § ZS 1-311(b) (4).
  - (10) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
  - (11) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Department of the Environment approval.
  - (12) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
  - (13) Landing strips in accordance with the provisions of § ZS 1-345(a), Subsection (2) of the definition of "airfield," hereof.
  - (14) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
  - (15) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
  - (16) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
  - (17) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
  - (18) Large solar energy systems in accordance with the provisions of § ZS 1-344(d)(2) hereof.  
[Added 3-15-2011 by Bill No. 11-2]
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
  - (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.

- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock and plants but not including gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritourism facility. On a farm, as defined herein, the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm-related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 p.m. and 10:00 p.m. Overnight events are prohibited.

[Amended 8-17-2021 by Bill No. 21-7 <sup>[2]</sup>]

[2] *Editor's Note: This bill also repealed former Subsection (c)(10), Wineries as a part of a producing vineyard, as amended 7-19-2016 by Bill No. 16-4 and 2-21-2017 by Bill No. 16-6, and renumbered former Subsection (c)(11) through (34) as Subsection (c)(10) through (33), respectively.*

- (10) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all state and County health regulations shall be met.

## ITEM 8

- (11) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-1 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (12) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (14) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (15) Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- (16) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (17) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-1 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (18) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-305(r) hereof.
- (19) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (20) Gun clubs, archery ranges and shooting ranges. Minimum lot requirements shall be: lot area, one hundred acres; lot width, one thousand feet; front yard setback, three hundred feet; each side yard setback, three hundred feet; and rear yard setback, three hundred feet; and subject to the provisions of § ZS 1-325 hereof.
- (21) Public and private noncommercial cultural, social and recreational areas and centers, including parks and playgrounds but not including community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

- (22) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (23) Wastewater and water treatment facilities in accordance with the provisions of § ZS 1-328 hereof.
- (24) Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
- (25) Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
- (26) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (27) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (28) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
- (29) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (30) Commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.  
[Added 6-19-2012 by Bill No. 12-3;<sup>[3]</sup> amended 6-15-2021 by Bill No. 21-4]  
[3] *Editor's Note: This bill also redesignated former § ZS 1-201(c)(31) as § ZS 1-201(c)(32).*
- (31) Noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes by academic, non-profit or governmental entities. Minimum lot requirements for structures only shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. Notwithstanding the provisions of § ZS 1-305(n) the maximum height of any equipment or structure shall be fifty feet. Furthermore, all radar or microwave equipment for data collection or antennas for data transmission shall be separated by not less than five hundred feet from the nearest existing or permitted residential structure on an adjacent parcel.  
[Added 12-16-2014 by Bill No. 14-12<sup>[4]</sup>  
[4] *Editor's Note: This bill also renumbered former Subsection (c)(32) as Subsection (c)(33).*
- (32) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet;

each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road and no variance to this requirement is permitted notwithstanding the provisions of § ZS 1-116(c)(4). Any amplified music associated with such a use must end by 11:00 p.m.

[Added 2-21-2017 by Bill No. 16-7<sup>[5]</sup>]

[5] *Editor's Note: This bill also redesignated former Subsection (c)(33) as Subsection (c)(34).*

(33) Food waste composting facilities in accordance with § ZS 1-329.

[Added 10-18-2022 by Bill No. 22-18<sup>[6]</sup>]

[6] *Editor's Note: This bill also redesignated former Subsection (c)(33) as Subsection (c)(34).*

(34) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-1 District.

(d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the A-1 District:

- (1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-1 District.
- (2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.
- (3) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.
- (4) The keeping of not more than two roomers or boarders.
- (5) Roadside stands not to exceed a maximum of one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
- (7) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
- (8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
- (9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with the Environmental Programs Division approval, subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building

group shall be located within two hundred feet of the main farm building or accessory farm structure.

(11) Yard sales, subject to the provisions of § ZS 1-341 hereof.

(12) Noncommercial production of biofuels on a farm as a use incidental to the farm operation.

(e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

(1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.

[Added 1-5-2021 by Bill No. 21-1]

(f) Other regulations. The uses and structures permitted in the A-1 District shall be subject to the applicable regulations contained in Subtitle ZS1:I, General Provisions, and Subtitle ZS1:III, Supplementary Districts and District Regulations, of this Title.

## Exhibit 8B

Worcester County, MD  
Thursday, October 5, 2023

## Subtitle ZS1:II. Primary District Regulations

## § ZS 1-202. A-2 Agricultural District.

- (a) Purpose and intent. This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-2 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.  
[Amended 4-25-2017 by Bill No. 17-3]
  - (2) Poultry operations subject to the provisions of § ZS 1-349 hereof.  
[Added 4-25-2017 by Bill No. 17-3<sup>[1]</sup>  
[1] *Editor's Note: This bill also redesignated former Subsection (b)(2) through (18) as Subsection (b)(3) through (19).*
  - (3) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
  - (4) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also be sold, provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
  - (5) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
  - (6) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.

## ITEM 8

- (7) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
  - (8) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
  - (9) Consolidated development rights subdivisions in accordance with the provisions of § ZS 1-309 hereof.
  - (10) Divisions of land for agricultural purposes in accordance with the provisions of § ZS 1-311(b) (4).
  - (11) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
  - (12) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Environmental Programs Division approval.
  - (13) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
  - (14) Landing strips in accordance with the provisions of § ZS 1-345(a), Subsection (2) of the definition of "airfield," hereof.
  - (15) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
  - (16) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
  - (17) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
  - (18) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
  - (19) Large solar energy systems in accordance with the provisions of § ZS 1-344(d)(2) hereof.  
[Added 3-15-2011 by Bill No. 11-2]
  - (20) Casino Entertainment District, subject to the provisions of § ZS 1-352 hereof.  
[Added 10-20-2020 by Bill No. 20-7]
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
  - (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred



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feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.

- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock, plants, gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritourism facility. On a farm, as defined herein, the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm-related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 p.m. and 10:00 p.m. Overnight events are prohibited.

[Amended 8-17-2021 by Bill No. 21-7 <sup>[2]</sup>]

[2] *Editor's Note: This bill also repealed former Subsection (c)(10), Wineries as a part of a producing vineyard, as amended 7-19-2016 by Bill No. 16-4 and 2-21-2017 by Bill No. 16-6, and renumbered former Subsection (c)(11) through (44) as Subsection (c)(10) through (43), respectively.*

- (10) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard

setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all state and County health regulations shall be met.

- (11) Marine yards for the construction and major repair of watercraft, including marine railways, general marine activities and incidental retail sales of parts and accessories. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (12) Storage yards and buildings for storage of watercraft and recreational vehicles. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Structures and storage yards for contractors' shops, equipment and material storage yards, such as electrician, carpenter, plumber, HVAC, sheet metal, sign painting, printing, upholstery, furniture painting or interior decorating, merchandise fabrication and repair, but not including any retail sales. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet, and subject to the provisions of § ZS 1-325 hereof. In addition, such structures and storage yards shall be screened on all sides in accordance with the provisions of § ZS 1-322 hereof.
- (14) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way. [Amended 6-15-2021 by Bill No. 21-4]
- (15) Fairgrounds and racetracks (but not including noncommercial racetracks). Minimum lot requirements shall be: lot area, one hundred acres; lot width, one thousand feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet.
- (16) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (17) Golf teaching facilities, which may include golf driving ranges, golf holes, clubhouses and incidental retail sales. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (18) Rental campgrounds, membership campgrounds and cooperative campgrounds in accordance with the provisions of §§ ZS 1-318, ZS 1-322 and ZS 1-325 hereof.
- (19) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-2 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (20) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

- (21) Schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (22) Hospitals for inpatient and outpatient medical treatment. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (23) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (24) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (25) <sup>[3]</sup>Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
  - <sup>[3]</sup> *Editor's Note: Former Subsection (c)(26), Conversion of an existing historic or architecturally significant dwelling into an inn of a type compatible with the character of the neighborhood but not for use as a nightclub, tavern or roadhouse, was repealed 10-15-2019 by Bill No. 19-3. Bill No. 19-3 also redesignated former Subsection (c)(28) through (46) as Subsection (c)(26) through (44), respectively.*
- (26) <sup>[4]</sup>Surface mining in accordance with the provisions of § ZS 1-330 hereof.
  - <sup>[4]</sup> *Editor's Note: Former Subsection (c)(27), Country inns for transient overnight guests, was repealed 10-15-2019 by Bill No. 19-3. Bill No. 19-3 also redesignated former Subsection (c)(28) through (46) as Subsection (c)(26) through (44), respectively.*
- (27) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (28) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-2 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (29) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (30) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (31) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty

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thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, locker areas, summer camp lodgings, and racetracks shall be at least two hundred feet from any perimeter property line and public road rights-of-way.

- (32) Public and private (commercial and noncommercial) marinas, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition and light maintenance facilities for hull, deck and interior repairs and painting. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (33) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (34) Wastewater and water treatment facilities, in accordance with the provisions of § ZS 1-328 hereof.
- (35) Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
- (36) Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
- (37) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (38) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (39) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
- (40) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (41) Noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes by academic, non-profit or governmental entities. Minimum lot requirements for structures only shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. Notwithstanding the provisions of § ZS 1-305(n) the maximum height of any equipment or structure shall be fifty feet. Furthermore, all radar or microwave equipment for data collection or antennas for data transmission shall be separated by not less than five hundred feet from the nearest existing or permitted residential structure on an adjacent parcel.  
[Added 12-16-2014 by Bill No. 14-12]
- (42) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the

property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road and no variance to this requirement is permitted notwithstanding the provisions of § ZS 116(c)(4). Any amplified music associated with such a use must end by 11:00 p.m.

[Added 2-21-2017 by Bill No. 16-7]

(43) Food waste composting facilities in accordance with § ZS 1-329.

[Added 10-18-2022 by Bill No. 22-18<sup>[5]</sup>]

[5] *Editor's Note: This bill also redesignated former Subsection (c)(43) as Subsection (c)(44).*

(44) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-2 District.

(d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the A-2 District:

(1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-2 District.

(2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.

(3) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.

(4) The keeping of not more than two roomers or boarders.

(5) Roadside stands not to exceed a maximum of one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.

(6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.

(7) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.

(8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.

(9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.

(10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with the Environmental Programs Division approval,

subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.

(11) Yard sales, subject to the provisions of § ZS 1-341 hereof.

(12) At the site of a fairground or racetrack as specified in Subsection (c)(16) hereof, on-site housing for owners or employees may be provided. The total amount cannot exceed one single-family residential unit and bunkhouses with a maximum of twenty-five beds with shared kitchen, bathroom and living facilities to be located in not more than five buildings. All bunkhouses must be located not more than two hundred feet from the main buildings associated with the fairground or racetrack. The one single-family residential unit may exceed the limitation of two hundred feet in separation.

(13) Noncommercial production of biofuels on a farm as a use incidental to the farm operation.

(e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

(1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.

[Added 1-5-2021 by Bill No. 21-1]

(f) Other regulations. The uses and structures permitted in the A-2 District shall be subject to the applicable regulations contained in Subtitle ZS1:I, General Provisions, and Subtitle ZS1:III, Supplementary Districts and District Regulations, of this Title.



Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2008.  
Squares: Worcester County Commissioners.  
Updated: Resolution No. 19-1, Effective 1/21/09, Case No. 422

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 2

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2008.  
Squares: Worcester County Commissioners.  
Updated: Resolution No. 19-1, Effective 1/21/09, Case No. 422

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 21

**STAFF REPORT****REZONING CASE NO. 443**

**PROPERTY OWNER:** William and Linda Ayres  
2710 Cortland PL, NW  
Washington, DC 20008

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 16, Parcels 21 & 53, Tax District 03

**SIZE:** The petitioned area is approximately 27.57 acres in size.

**LOCATION:** The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).

**CURRENT USE OF PETITIONED AREA:** The current use of the petitioned location is farmland and forested area.

**CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

**REQUESTED ZONING CLASSIFICATION:** 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.

A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only were adjacent to existing municipalities.



## C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.

**ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission's review and unfavorable recommendation. A copy of the minutes from that meeting are attached.

**SURROUNDING ZONING:** Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.

## COMPREHENSIVE PLAN:

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture 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. 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.” (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.
3. Maintain the character of the county’s existing population centers.
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.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

Areas surrounding Existing Developed Areas (EDA) shouldn’t be rezoned simply because of their proximity to the EDA in this case Ocean Pines.(i.e. Ocean Pines). The EDAs are anticipated to remain the same until the next plan review period.

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## Chapter 3 Natural Resources

Prime farmland is a limited resource and is important for meeting short and long term food needs. Non-prime farmland is no less important for maintaining the Counties “critical mass” of working farms. (Page 49).

## Chapter 4 Economy

Objectives: Agriculture and Forestry

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
6. Review permitted land use in agricultural zones to ensure compatibility with agriculture as a quasi-industrial use. Adjust requirements to prevent inappropriate uses from developing in agricultural areas.

(Pages 59, 60)

**WATER AND WASTEWATER:** According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan, no comments were received from the County's Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

EmA - Elkton silt loam (1.3% of site), severe limitations to on-site wastewater disposal  
 FadA - Fallsington sandy loams (3.7% of site), severe limitations to on-site wastewater disposal  
 HmA - Hammonton loamy sand (16.8% of site), severe limitations to on-site wastewater disposal  
 KeA - Kentuck silt loam (16% of site), severe limitations to on-site wastewater disposal  
 NnA - Nassawango fine sandy loam (0.6% of site) severe limitations to on-site wastewater disposal  
 NnB - Nassawango fine sandy loam (43.3% of site), severe limitations to on-site wastewater disposal  
 WddA - Woodstown sandy loam (18.2% of site), severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

**ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is also directly across from the MD589 Ocean Parkway Intersection.

In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute 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)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)

Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

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, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

**SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15

percent and the reforestation threshold will change from 50 percent to 15 percent. No comments were received from the State Critical Area Commission relative to this request.

**FLOOD ZONE:** The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

**PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589.

**INCORPORATED TOWNS:** This property is within 5.5 miles of the incorporated town of Berlin.

**ADDITIONAL COMMENTS RECEIVED:** N/A

!!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. CASE 443

Date Received by Office of County Commissioners: 5/25/23

Date Received by Development, Review and Permitting: \_\_\_\_\_

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): 16
- B. Parcel Number(s): 21 and 53
- C. Lot Number(s), if applicable: \_\_\_\_\_
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on Race Track Road
- B. Consisting of a total of 27.57 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): A-1 Agricultural District  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 27.57
- C. Requested zoning classification(s): A-2 Agricultural District  
(25.57 acres) and C-2, General Commercial District (2.0 acres)  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 27.57

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 substantial change in the character of the neighborhood, see attached.**


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.

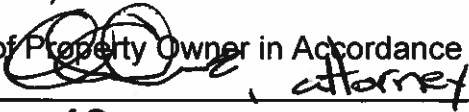


- 2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
- 3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses 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 Owners  
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842  
 Phone Number: 410-213-2681  
 E-Mail: hcropper@bbcmlaw.com  
 Date: May 14, 2023

C. Signature of Property Owner in Accordance with VI.A. above

Signature:  attorney  
 Printed Name of Owner: William Ayres and Linda Ayres  
 Mailing Address: 2710 Cortland Pl, NW, Washington, DC 20008  
 Phone Number: 212-586-1903  
 E-Mail: ayreswilliam@netscape.net; lindaayres2710@gmail.com  
 Date: May 14, 2023

(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 1<sup>st</sup> to January

31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> 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.

**REASONS FOR REQUESTED ZONING CHANGE**

William Ayres and Linda Ayres, by their attorney, Hugh Cropper IV, respectfully submit the following in support of their Rezoning Application:

This Rezoning Application is based upon substantial changes in the character of the neighborhood since the November 3, 2009 Comprehensive Rezoning. The property is currently zoned A-1, Agricultural District. This is a request to rezone approximately 2 acres of the property to C-2, General Commercial District, being that portion of the property abutting the existing C-2 Zone, which is currently improved by a convenience store. This is a request to rezone the remainder of the property, slightly over 25 acres, to A-2, Agricultural District.

A copy of the March 7, 2006 Land Use Plan, which accompanies the Worcester County Comprehensive Plan, is attached (Exhibit 1). The Land Use Plan is a broad brush approach, or guide, to future zoning. In the actual Plan which the undersigned obtained from the County Commissioners' Office back in 2006, it appears that a portion of the property, being part of the 2 acres proposed to commercial zoning, is actually in the Commercial Center in the Land Use Plan. Again, given the scale of the actual Land Use Plan, it is difficult to tell. At a minimum, it abuts the Commercial Center.

The remainder of the property is designated Agriculture and, as such, the proposed rezoning to A-2, Agricultural District, is consistent with the Land Use Map, and the Worcester County Comprehensive Plan.

This property was the subject of a previous rezoning application, which

requested a reclassification of the entire property to C-2, General Commercial District. That application was withdrawn.

Circumstances with respect to this specific property have changed since that application; namely, the current tenant farmer has refused to plant the property because: (1) due to its location, it is inaccessible to combines and tractors; (2) the soils are poor, and do not support good production; and (3) it is in an area remote from large tracts of farmland, and it is not economically feasible to take large farm equipment to this property.

The neighborhood is defined as the commercial corridor along Maryland Route 589, as shown on the attached diagrams (Exhibits 2 and 3). The property is shown on the Zoning Map, which was an attachment to the January 2019 proposed rezoning (Exhibit 4).

Among other substantial changes to the character of the neighborhood, are the following:

1. Coastal Venture Properties, LLC has obtained special exceptions and other unplanned for approvals in connection with its medical office complex on Worcester County Tax Map 16, Parcel 24, directly across Maryland Route 589 from the subject property. The substantial construction can be seen on the aerial photograph which is attached as an exhibit to this summary (Exhibit 5). In fact, the property has become a large multi-disciplinary medical complex operated by Tidal Health in connection with the Tidal Health Hospital in Salisbury. This major expansion, in and of itself, would represent a substantial change in the character of the neighborhood, and it is literally across Maryland

Route 589 from the subject property.

2. Upgrades to the Ocean Downs Casino represents a substantial change in the character of the neighborhood. Perhaps more importantly, Worcester County amended its Comprehensive Water and Sewerage Plan to permit a force main under Turville Creek to a pump station at the Ocean Downs Casino. This allowed the Ocean Downs Casino to purchase additional EDU's, thereby authorizing the expansion (all of which was unplanned for). The pump station was designed to accept additional effluent, and Crabs to Go is in the process of running a force main along Maryland Route 589 and connecting to this pump station.

3. On March 15, 2016, the Worcester County Commissioners rezoned 11.5 acres for the Estate of Mildred Parsons, Margaret Bunting, Personal Representative, in Case Number 398.

4. On September 4, 2012, the Worcester County Commissioners rezoned 30.9 acres in Rezoning Case No. 392. This rezoning was appealed to the Circuit Court, and subsequently appealed to the Court of Special Appeals, which upheld the decision of the Worcester County Commissioners (Exhibit 6). The Protestants filed a Petition for Writ of Certiorari, which was denied by the Court of Appeals (effectively confirming the rezoning). The aforementioned two rezonings were based on substantial changes in the character of the neighborhood since the last Comprehensive Rezoning, November 3, 2009.

5. The Worcester County Commissioners recently amended the Worcester County Comprehensive Water and Sewerage Plan to include

Worcester County Tax Map 21, Parcels 66A and 66B, for connection to the Greater Ocean Pines Sanitary Service Area. A force main will be designed and installed along Maryland Route 589.

6. The sectional rezoning at Maryland Route 589 (Racetrack Road) represents a substantial change in the character of the neighborhood.

7. There have been other expansions/connections to the Greater Ocean Pines Sanitary Service Area. There have been other changes in the neighborhood, some of which are outlined in the Silver Fox Court of Special Appeals Opinion, a copy of which is attached hereto (Exhibit 6).

Although the property is designated Agricultural in the Worcester County Land Use Plan, it does abut Commercial Center. It is directly across from the North Gate of Ocean Pines. It is adjacent to commercially zoned property to the south. It is part of a predominantly commercial neighborhood. Taken as a whole, the Comprehensive Plan is a broad brush approach to guide future development.

Having found a substantial change in the character of the neighborhood, the proposed rezoning is more desirable with respect to the objectives of the Comprehensive Plan. For the majority of the property, the proposed A-2, Agricultural District, will allow for quasi-commercial uses, such as farmers markets, which will be an asset to the neighborhood, and consistent with the Comprehensive Plan.

The applicants respectfully request that the application be granted.

Respectfully submitted,



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Hugh Cropper IV  
Attorney for Property Owners  
William Ayres and Linda L. Ayres



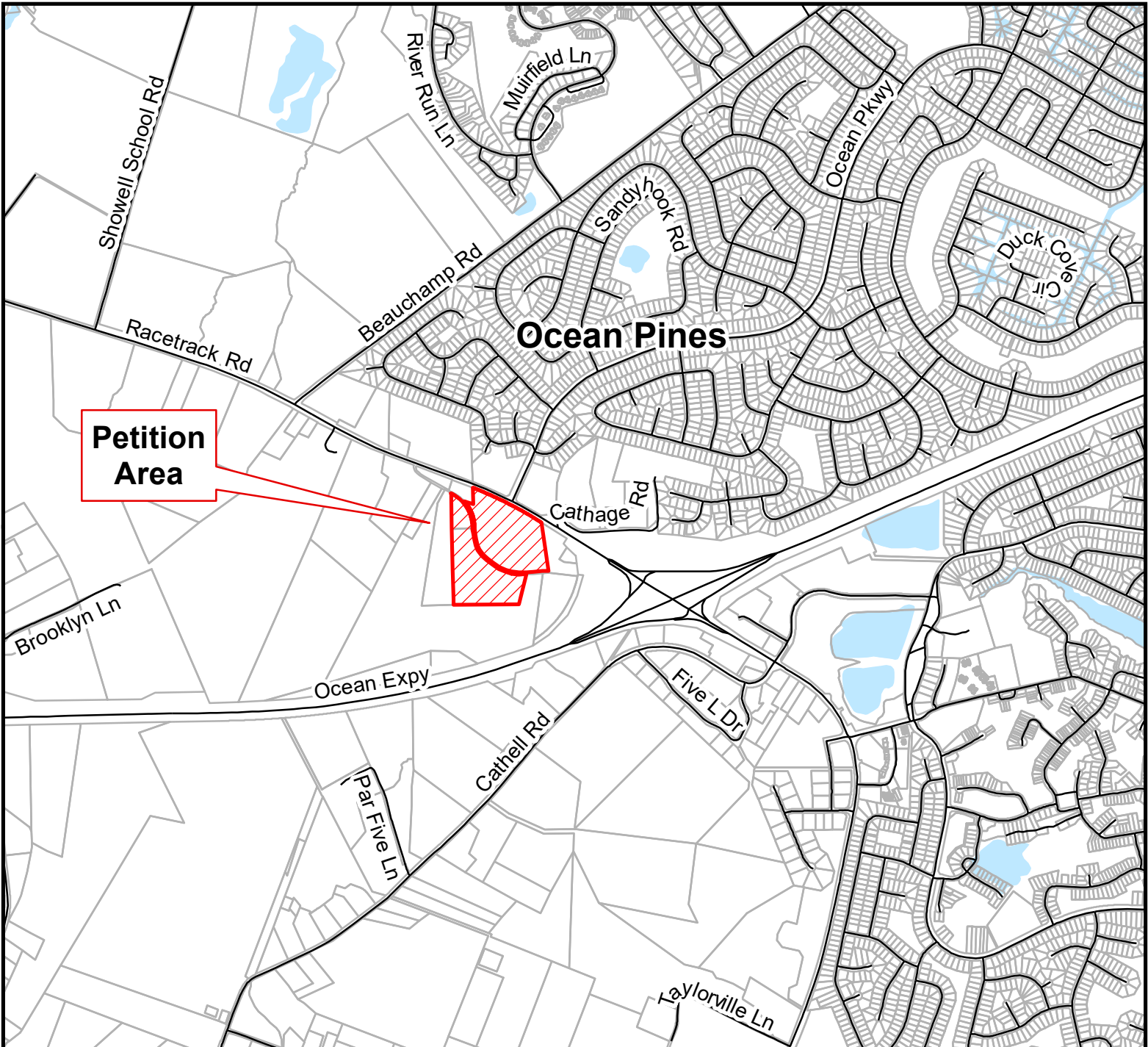
# WORCESTER COUNTY, MARYLAND



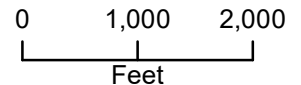
REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML

# WORCESTER COUNTY, MARYLAND



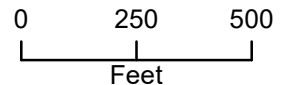
REZONING CASE NO. 443  
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## AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



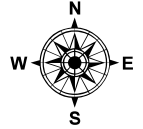
Source: 2022 Aerial Imagery  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

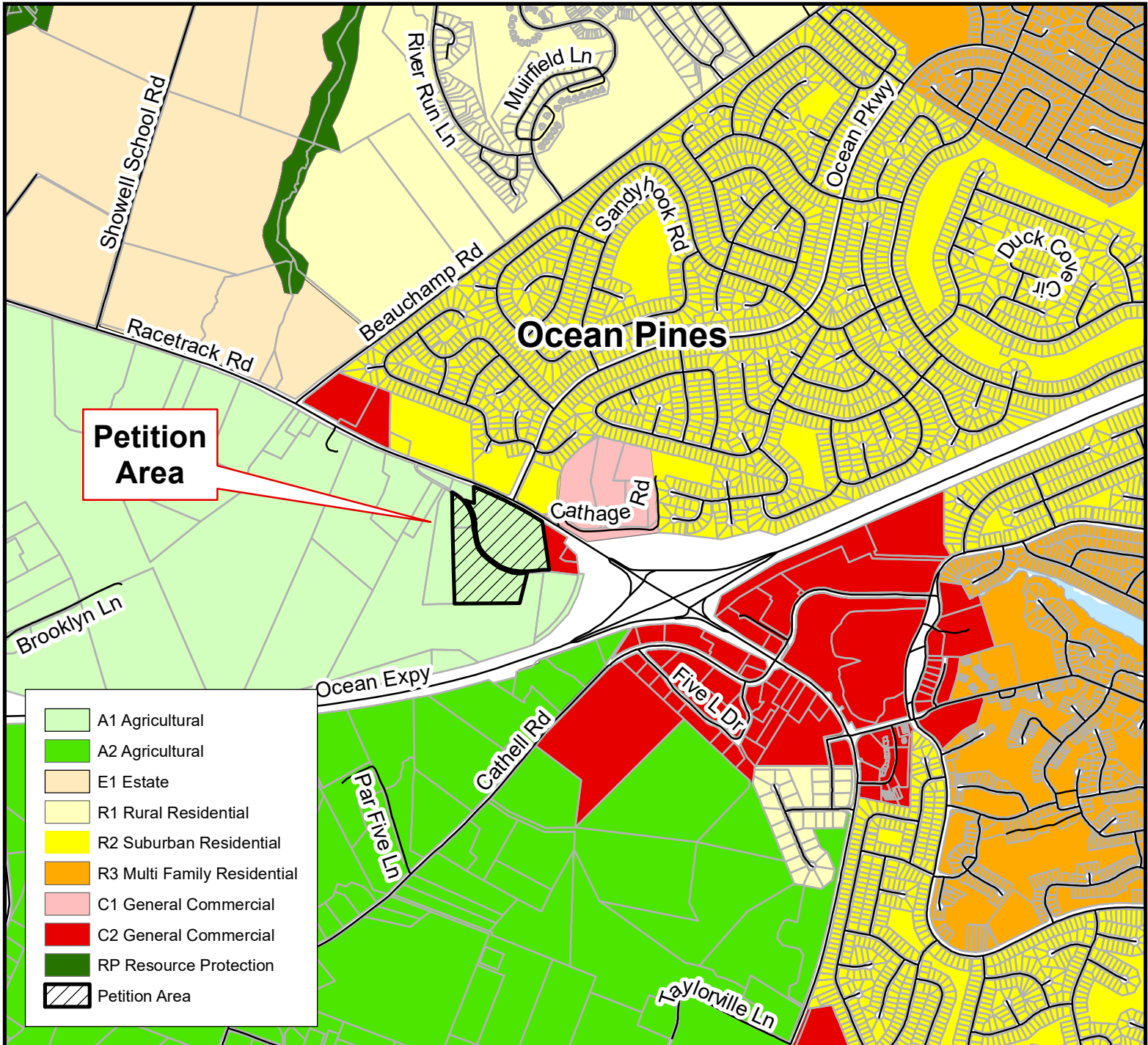
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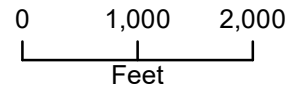
REZONING CASE NO. 443  
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## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML

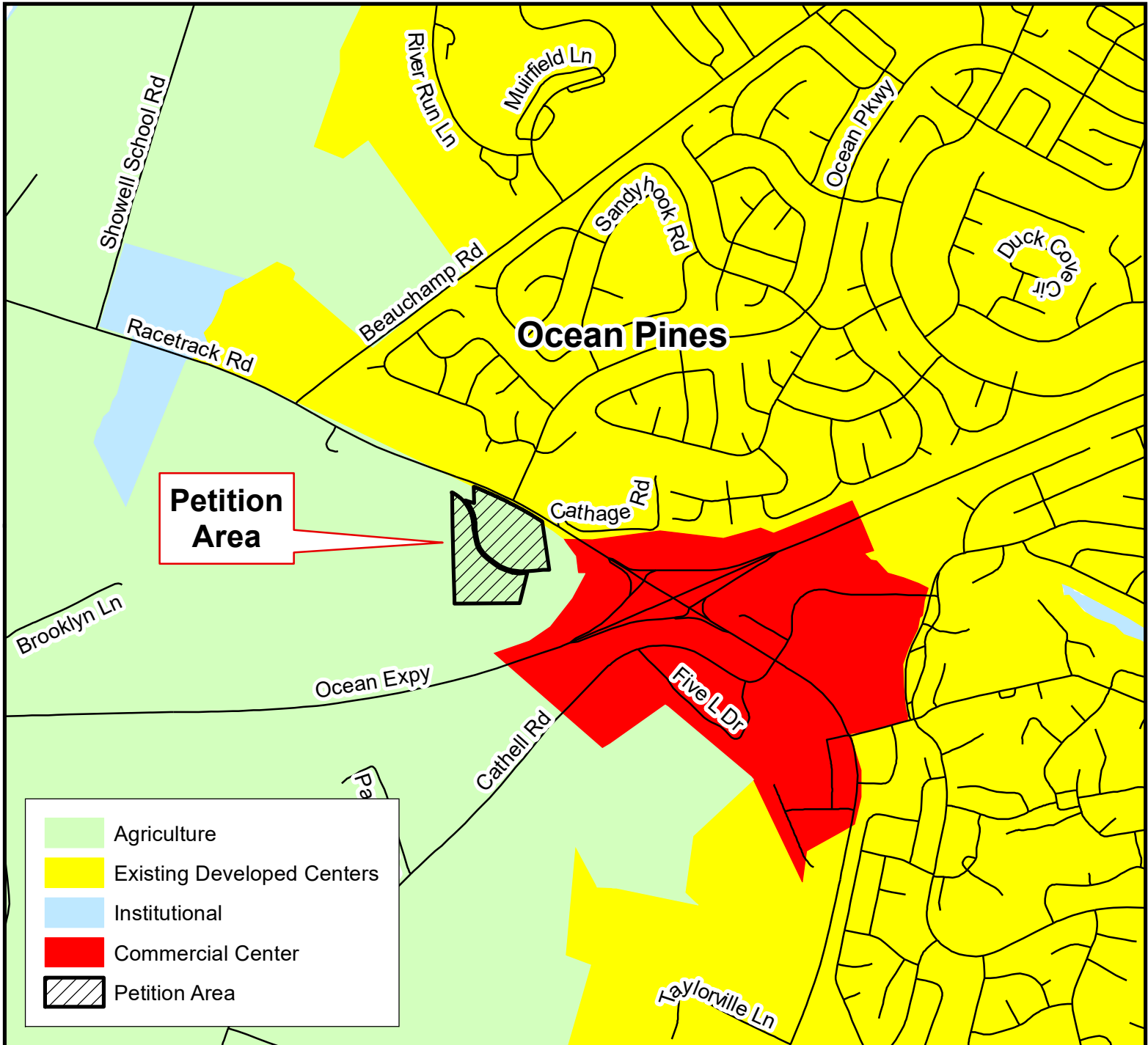
# WORCESTER COUNTY, MARYLAND



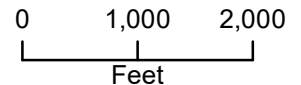
REZONING CASE NO. 443  
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## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML

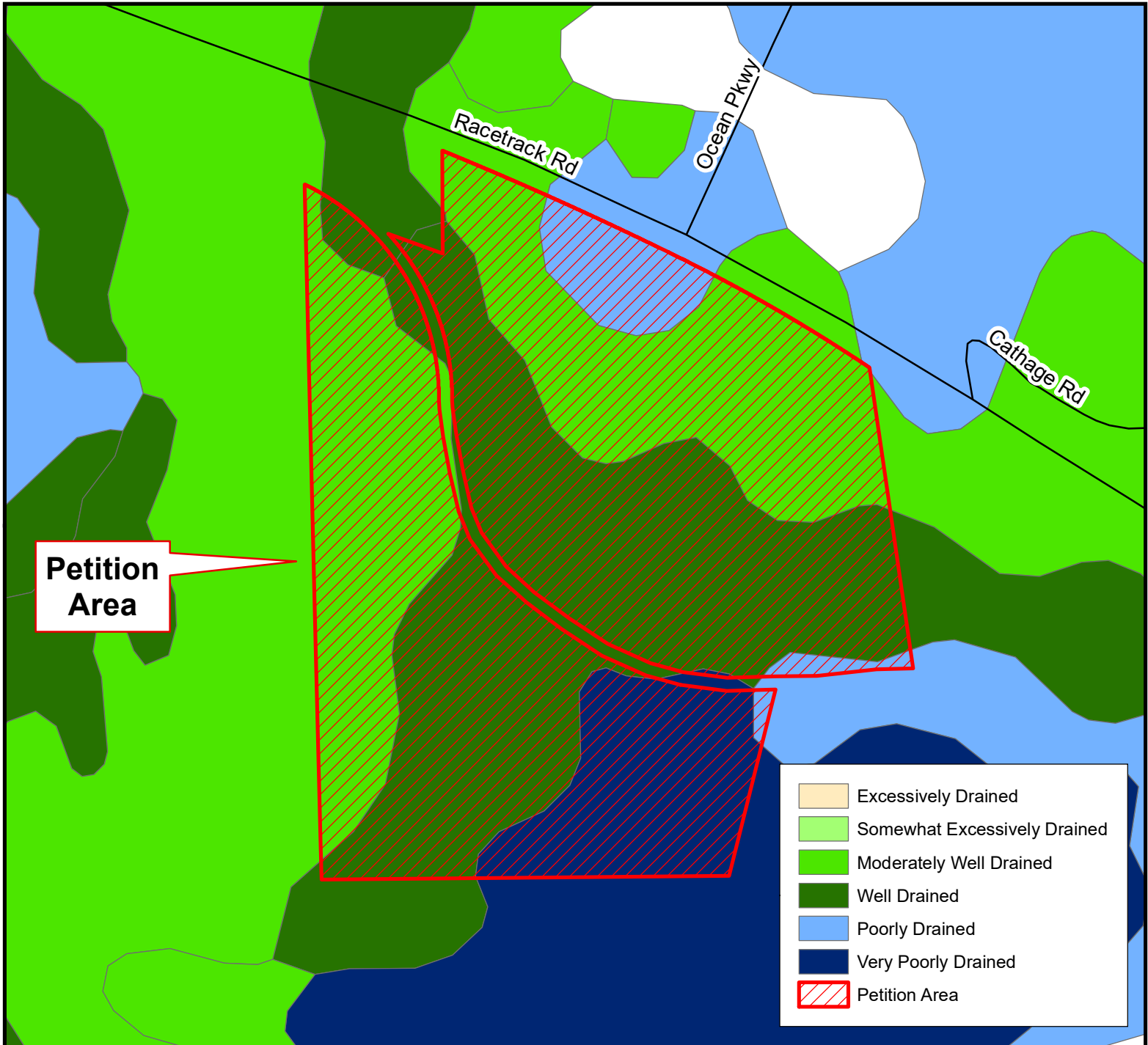
# WORCESTER COUNTY, MARYLAND










REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



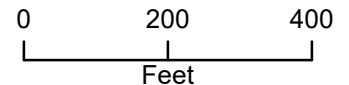
## SOIL SURVEY MAP



**Petition Area**

-  Excessively Drained
-  Somewhat Excessively Drained
-  Moderately Well Drained
-  Well Drained
-  Poorly Drained
-  Very Poorly Drained
-  Petition Area

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



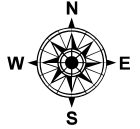
Source: 2007 Soil Survey  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

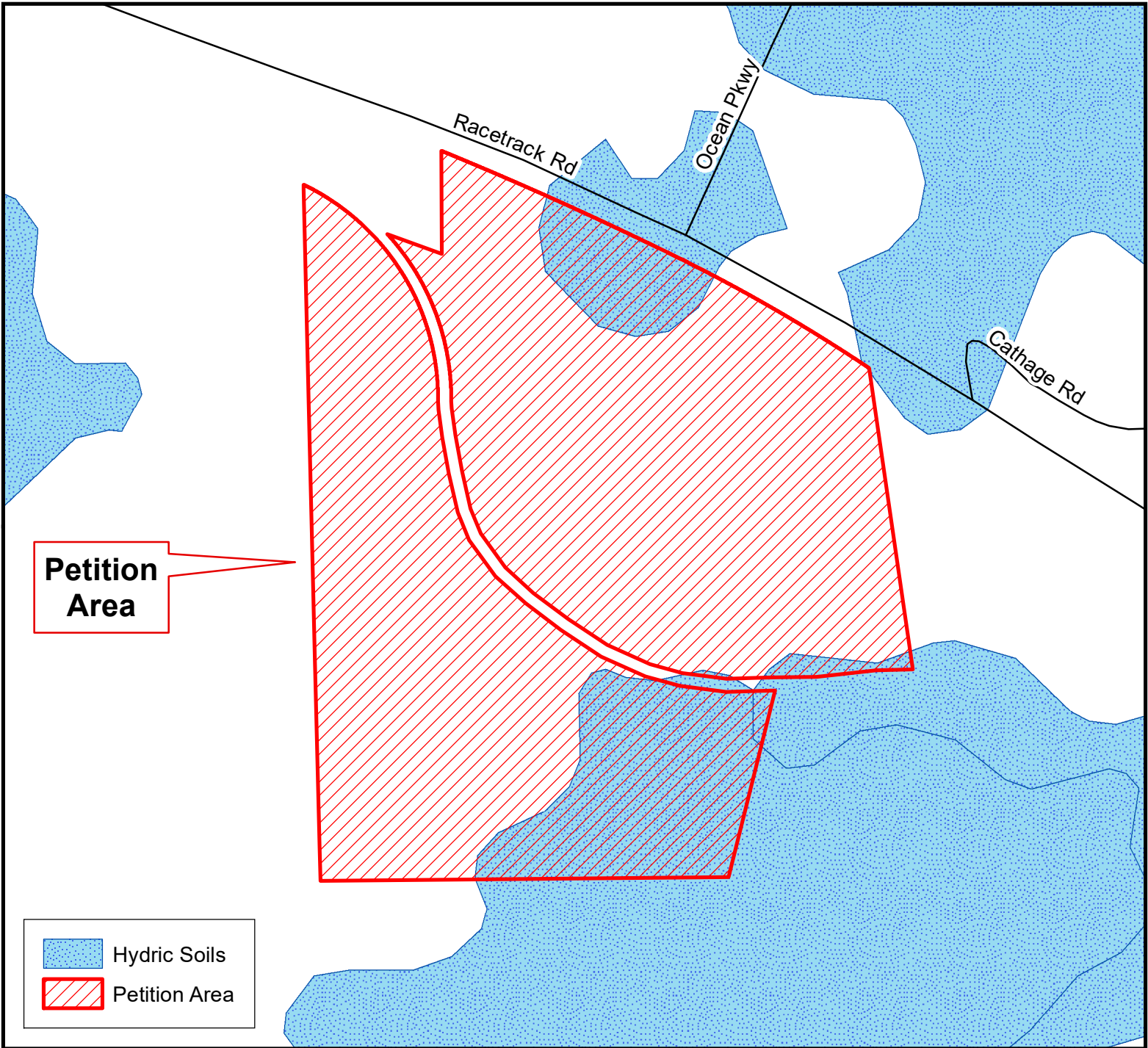
# WORCESTER COUNTY, MARYLAND



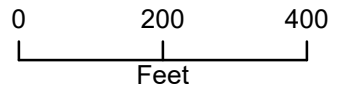
REZONING CASE NO. 443  
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Tax Map: 16, Parcel 21 and 53



## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:2,640 if printed on A portrait (8.5" x 11") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 18N WGS84




**MAP LEGEND**

**Area of Interest (AOI)**

 Area of Interest (AOI)




















**Soils**






 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland  
 Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmA	Elkton silt loam, 0 to 2 percent slopes	0.4	1.3%
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.1	3.7%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	4.8	16.8%
KeA	Kentuck silt loam	4.6	16.0%
NnA	Nassawango fine sandy loam, 0 to 2 percent slopes	0.2	0.6%
NnB	Nassawango fine sandy loam, 2 to 5 percent slopes	12.5	43.3%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	5.2	18.2%
<b>Totals for Area of Interest</b>		<b>28.7</b>	<b>100.0%</b>



Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

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**To:** Matt Laick, Deputy Director, DDRP

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

**Subject: EP Staff Comments on Rezoning Case No. 443**  
Worcester County Tax Map 16, Parcels 21 & 53  
Reclassify approximately 25.57 Acres of A-1 Agricultural District to A-2 Agricultural District  
and Reclassify 2 acres A-1 Agricultural District to C-2 General Commercial District

**Date:** 7/21/23

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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 §ZS 1-113(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 applicant is contending that there has been a change in the character of the neighborhood. 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. This property has an Agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the west and south. This district is reserved for farming, forestry, and related industries with minimal residential and other compatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The surrounding zoning and land uses for the most part have corresponded with their land use designations in the *Comprehensive Plan*.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-6/W-6 (No planned service) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank served the existing building for the property until the system was demolished and abandoned. To get an amendment approved for water & sewer planning area classification changes that permit connection to public systems, the underlying agricultural land use designation for the properties would need to change to be consistent with the *Comprehensive Plan*.
3. We would note the Comprehensive Plan’s Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: “Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence, regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain

until road capacity is suitably improved.” The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.

4. This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15 percent and the reforestation threshold will change from 50 percent to 15 percent.
5. The applicant submits that the character of the neighborhood has changed to an extent that justifies this amendatory action to change the zoning designation. The example properties the applicant submits that justify a change in the character of the neighborhood had underlying land use designations of either commercial center or existing developed.

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

**From:** Aws Ezzat <[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)>  
**Sent:** Wednesday, June 21, 2023 8:07 AM  
**To:** April Mariner <[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)>  
**Cc:** Jeffrey Fritts <[JFritts@mdot.maryland.gov](mailto:JFritts@mdot.maryland.gov)>  
**Subject:** Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



**Aws Ezzat, P.E.**  
**Regional Engineer, Access Management**  
District 1  
660 West Road  
Salisbury, MD 21801  
[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)  
(410) 677-4048 (office)

have to consider. Ms. Smith asked if the people on the fixed income could afford the additional metering cost if individual meters were required. A resident stated that they pay the same tax rate as anyone else in the County. Another resident said they had more issues with short term rentals, not year-round occupancy.

Mrs. Wimbrow said that rather than amend or retrofit the campground subdivision regulations, perhaps consideration should be given to another type of residential planned community that lent itself to more affordable housing with the use of reduced lot requirements and smaller residential units.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr, and carried unanimously to postpone a recommendation on this matter and present further discussion at an upcoming meeting.

## **VII. Map Amendment**

As the next item of business, the Planning Commission reviewed Rezoning Case No. 421, requesting a change from A-1 Agricultural District to C-2 General Commercial District, associated with Tax Map 16, Parcels 21 and 53, southerly side of MD Route 589 across from the Ocean Pines North Gate. Present for the review were Hugh Cropper, IV, Esquire, Greg Wilkins, surveyor, Chris McCabe, environmental consultant, and Tim Metzner, Davis, Bowen and Friedel. Mr. Cropper stated that this request consisted of two parcels, but that he is reconsidering keeping the forest in the rear as A-1 Agricultural District as it could serve as the Forest Conservation Area for any development project. He said that he is arguing for a change in the character of the neighborhood. The first change is the roundabout proposed by the State Highway Administration (SHA) at the north gate of Ocean Pines. It would give a suitable commercial entrance directly onto this property almost dead center as designed. Mr. Cropper said that the Ayres family was contacted by SHA, and SHA requested that they donate approximately one acre of land. If donated, they would construct a commercial entrance at no cost to the property owner. Mr. Cropper identified the proposed roundabout and entrance as Applicant's Exhibit No. 1. Mr. Cropper said that Mr. Gillis (owner of the Ocean Pines Medical project on the opposite side of Racetrack Road from the subject properties) is considering contributing to the expenses of the project. The roundabout has gone through concept phase with SHA, and is now in the design phase. Mr. Cropper stated that he was not sure where this project stands with respect to the timing of physical construction of the road improvements.

Mr. Cropper and Mr. Wilkens defined the neighborhood as far south as the Casino at Ocean Downs north to the intersection of the MD Route 113 and MD Route 589 interchange as shown on the exhibit included in the packet. Mr. Cropper provided the Findings of Fact from the MD Route 589 sectional rezoning case across from the casino, as well as all of the other rezoning cases that were approved since 2009 along Racetrack Road that constitute changes in neighborhood (Applicant's Exhibit No. 2). Other examples of changes include the casino itself, expansion of sewer service from Ocean Pines to the Crabs to Go property, as well as the special exception approvals and subsequent development of Mr. Gillis' medical office project. While not

in the defined neighborhood, Mr. Cropper referenced the Nichols Neff properties on Beauchamp Road that were recently rezoned from E-1 Estate District to R-1 Rural Residential District. While Mr. Cropper said that the subject properties were in the Agricultural Land Use category according to the Land Use Plan in the Comprehensive Plan, he believes that it might be possible to connect to public facilities since the same was recently granted for the Nichols Neff project.

With respect to population change, he noted that there has been very little residential development, with the exception of the Nichols Neff project (anticipated 90 single-family residential lots). Relating to transportation patterns, Mr. Cropper referred again to the exhibit illustrating the roundabout. Relating to compatibility with existing and proposed development, Mr. Cropper stated that this property abuts commercial uses, and the remaining road frontage is of Ocean Pines subdivision along MD Route 589. He stated that there were no significant environmental conditions on the property with the exception of a low spot by the driveway that leads to the tower. The properties are not located in the Critical Area.

Relating to the Comprehensive Plan, Mr. Cropper stated that a commercial use is more consistent with the terms of the Comprehensive Plan. He said that this property is not suitable for agriculture once the roundabout is constructed, especially with quantity of land remaining or the difficulty for access by farm equipment. Residential uses would not be desirable, as headlights and noise would impact any resident. Mr. Cropper even asserted that there may be a need for additional medical offices in the area.

Mr. Cropper then introduced Chris McCabe, an environmental consultant. Mr. McCabe agreed with Mr. Wilkins' definition of the neighborhood. Mr. McCabe discussed the proposed Nichols Neff project, which would result in an increase in the population in the surrounding neighborhood. As a consultant for Frontier Town and Fort Whaley, Mr. Cropper noted that the County Commissioners have downzoned commercially zoned lands to agricultural zoning, with a net reduction of 64 acres. Even if you deduct all of those lands recently rezoned to commercial, there is still a net loss. Mr. Cropper noted that since the Comprehensive Plan, Zoning Code and Zoning Maps were prepared, the County has experienced a building boom, then a bust, and a slight resurgence.

Regarding the rear parcel, since it is fully wooded, while Mr. Cropper doesn't want to amend the application, he would be fine if the Planning Commission were to only give a favorable recommendation for the rezoning on the front portion, and not the back portion. Submitted as Applicant's Exhibit No. 3 were newspaper articles on the roundabout. Mr. McCabe stated that from an environmental perspective, there are no adverse impacts by rezoning the subject properties commercial except for potential impacts to the currently farmed non-tidal wetlands. Mr. McCabe agreed that it would be extremely challenging to access property with farm equipment if the roundabout were to be constructed. With respect to the potential for a residential development, this property is not well suited. Therefore, commercial is better, and would represent a continuation of the commercial migration north.

Mr. Cropper then introduced Tim Metzner with Davis, Bowen and Fridel. Mr. Metzner handles water and wastewater engineering, and he assisted in the design of the pump station at Frontier Town campground. Mr. Metzner confirmed that in order to connect to public sewer, the developer would have to get approvals for a Sanitary Service Area expansion and a Water and Sewerage Plan Amendment. Mr. Metzner submitted as Applicant's Exhibit No. 4 an aerial photograph illustrating the location of the existing water and sewer lines in the vicinity of the subject properties. Mr. Metzner noted that the sewer force main is currently located on the opposite side of MD Route 589 at the northerly property line and that the water line is stubbed to the north end of Ocean Parkway. Mr. Metzner agreed that both lines were feasible to tie into to supply this project. Mr. Cropper noted that they have drafted an application for both, but have not yet filed it pending the rezoning request. Mr. Cropper stated that even if they don't get a Water and Sewerage Plan Amendment approved, they may be able to find space for an on-site septic system and reserve area because the soils are well drained.

In summary, Mr. Cropper stated that the request to rezoning the front 10 acres is reasonable, and he is willing to give up the rear forested area to leave as agricultural zoning.

The Planning Commission then discussed each one of the findings to determine whether they had a consensus. They were as follows:

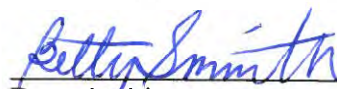
1. With respect to the definition of the neighborhood, Mr. Knerr disagreed with the applicant's definition. He described it as a much smaller section, extending from MD Route 90 north along MD Route 589 to Beauchamp Road, which consists of a much more of a rural area. The Planning Commission agreed by consensus with this revised definition.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they modified the neighborhood as described in Item 1 above.
3. Relating to population change (which Mrs. Wimbrow noted refers to much more than just residential changes), the Planning Commission finds that there has been a change, namely an increase in commercial uses and activities.
4. Relating to the availability of public facilities, the Planning Commission finds that this property is within the W-6/S-6 area with limited chances for public facilities. Mr. Mitchell stated that he did not find compatibility with the Comprehensive Plan since it is mapped within the Agricultural Land Use category on the Land Use Plan. Mr. Cropper stated again that they could always seek on-site septic.
5. Relating to present and future transportation patterns, the Planning Commission finds that the roundabout is still proposed, and it is not a guaranteed road improvement. Mr. Barbierri said that until such time as it is a certainty, this requested amendment is speculative, and that it may be a premature rezoning application. While Mr. Cropper could potentially request something more definitive from SHA, it still isn't guaranteed.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that it is compatible with the surrounding commercial uses such as the Shore Stop gas station and the Ocean Pines Medical facility.

7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the commercial center category is close to, if not partially on the subject property. Even with the revised definition of the neighborhood, Mr. Cropper stated that there is a lot of commercial uses within the defined area. Mrs. Wimbrow said that land use categories as defined by the Land Use Map and the actual zoning districts as defined by the Zoning Maps are confused on a regular basis. She stated that the land use categories are not site specific, and need to be thought of as broad brush, more fluid.
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 has been a change.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable – but only if the roundabout is installed.

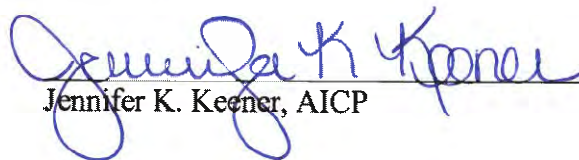
Mr. Clayville said that during his tenure on this board, Pennington Commons was supposed to be the final big development on MD Route 589 until road improvements were made. He also said that he would have liked to see the Ocean Pines Association comment on this proposal. Mrs. Wimbrow reminded the Planning Commission that a request for comment on the rezoning was sent to the Ocean Pines Association but no response was received. Mr. Clayville doesn't think that it is time to rezone this parcel and that the Planning Commission needs to save some area for future development. Mr. Tudor referenced Page 80 of Comprehensive Plan, which states that there shall be no additional development/ intensification on MD Route 589 without road improvements.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville and carried unanimously to find the map amendment inconsistent with the Comprehensive Plan and forward provide an unfavorable recommendation to the Worcester County Commissioners based on the findings as previously outlined.

**VIII. Adjourn** – The Planning Commission adjourned at 3:33 P.M.



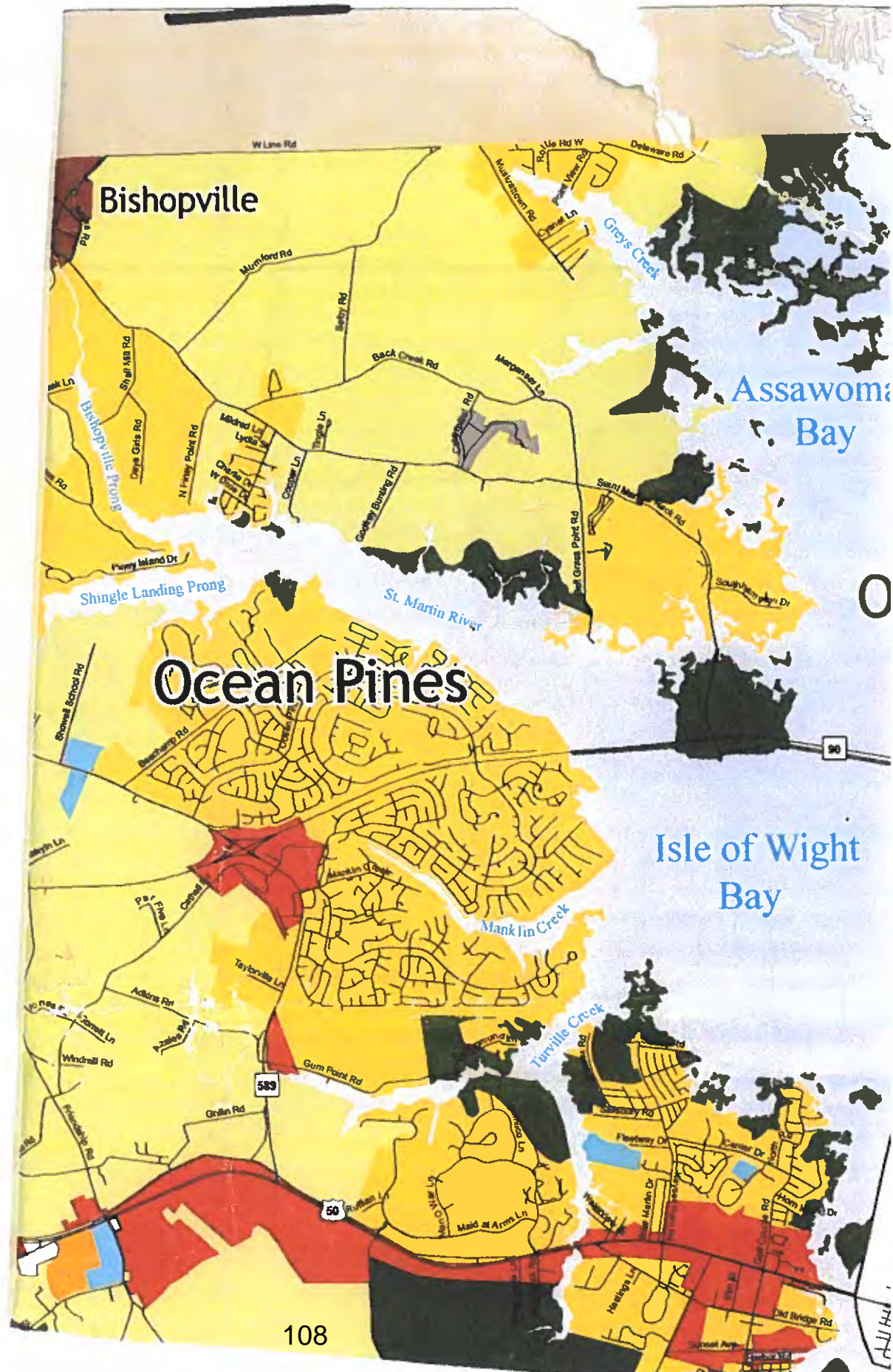
Betty Smith, Secretary



Jennifer K. Keener, AICP



# Exhibit 1



Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road

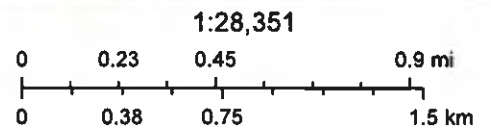


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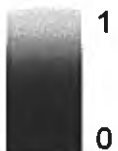
*Exhibit 2*

State Boundary Mask

High Resolution Imagery 2016-2017



Tax Map Image



- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

8 - 111

MD iMAP, MDP, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, DoIT, MD iMAP, ESRI

ITEM 8  
Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



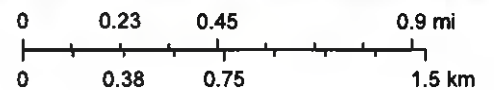
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State Boundary Mask  
Tax Map Image



**Exhibit 3**



8 - 112

MD iMAP, MDP Sources: Esri HERE Garmin Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, ESRI

# Exhibit A

ITEM 8

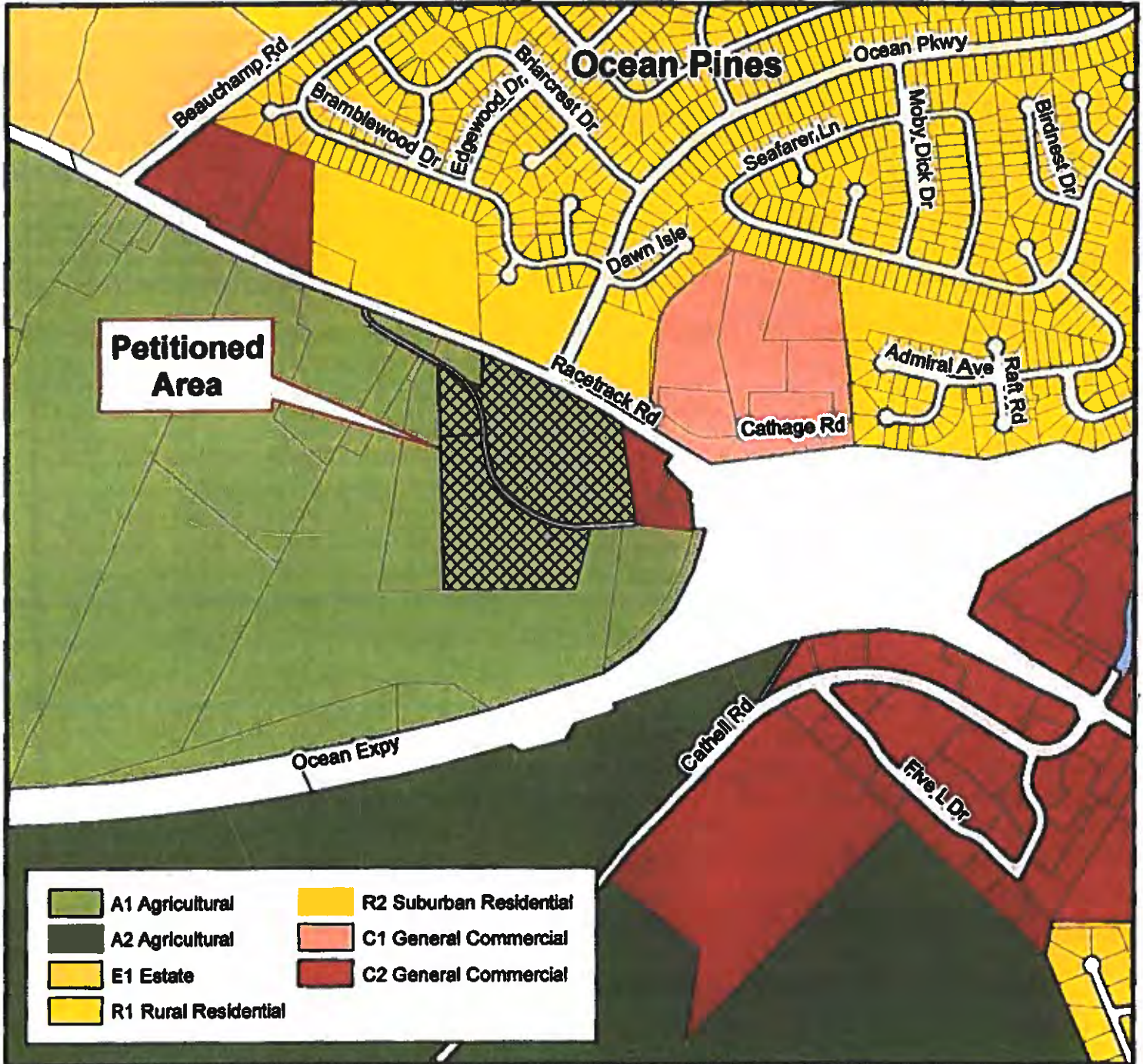


## WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 421**  
**A-1 Agricultural District to C-2 General Commercial District**  
**Tax Map: 16, Parcel 21 and 53**

### ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared January 2019



Source: 2006 Zoning District Map (current)

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

# Untitled Map

Write a description for your map.

## ITEM 8

**Legend**

-  Sewer
-  Water



112

8 - 114

Google Earth

© 2018 Google

Exhibit 6

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

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SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

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Meredith,  
Zarnoch,  
Eyler, James R.  
(Retired, Specially Assigned),

JJ.

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Opinion by Zarnoch, J.

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Filed: July 22, 2014

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")<sup>1</sup> who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

#### FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

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<sup>1</sup>As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.<sup>2</sup> Rt. 589 now has more traffic signals and turn lanes.

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<sup>2</sup>The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward  
(continued...))



Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

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<sup>2</sup>(...continued)

expansion), the facility at that time was more appropriately characterized as a "racino," *i.e.*, a slots parlor at a racetrack. See [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.<sup>3</sup> Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,<sup>4</sup>

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<sup>3</sup>Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

<sup>4</sup>The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. *See* Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a licensee: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, *see* Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. *See* [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

### QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

### DISCUSSION

#### I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offutt v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

## II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

*Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty.*, 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

#### A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable . . . ." On this point, we agree with the circuit court.

**B. Changes in the Character of the Neighborhood**

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

## 1. Casino

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation



that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

## **2. Bowling Alley and Movie Theater**

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

## **3. Steen Property Subdivision**

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

### **III. Worcester County Zoning Ordinance Criteria**

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) 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,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

**A. Population Change**

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

**B. Availability of Public Facilities**

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

**C. Present and Future Transportation Patterns**

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.<sup>5</sup>

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners’ assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm’rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,<sup>6</sup> which is sufficient evidence to consider

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<sup>5</sup>Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep’t of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

<sup>6</sup>Tustin explained that to conduct traffic counts her firm will:

(continued...)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

**D. Compatibility with Development and Environmental Conditions**

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

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<sup>6</sup>(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,<sup>7</sup> exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

**E. Recommendation of the Planning Commission**

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

**F. Compatibility with County's Comprehensive Plan**

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

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<sup>7</sup>This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

*Rylins Enterprises, Inc.*, 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT  
FOR WORCESTER COUNTY REVERSED.  
COSTS TO BE PAID BY APPELLEES.**





**The Board of Education of Worcester County**  
 6270 Worcester Highway | Newark, Maryland 21841  
 Telephone: (410) 632-5000 | Fax: (410) 632-0364  
[www.worcesterk12.org](http://www.worcesterk12.org)

November 7, 2023

**Board Members**

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President  
 WILLIAM E. BUCHANAN  
Vice-President  
 KATIE A. ADDIS  
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Officer  
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Chief Financial Officer  
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Chief Safety & Academic Officer, Gr. 9-12

Mr. Anthony W. Bertino, Jr., President  
 Worcester County Commissioners  
 Worcester County Government Center  
 One W. Market Street, Room 1103  
 Snow Hill, Maryland 21863

Dear President Bertino:

Each year in November we review our Capital Improvement Program (CIP) with the Commissioners. We will be reviewing the proposed FY 2025 CIP with you on November 7<sup>th</sup>. The FY 2025 CIP has been developed in accordance with the County Capital Improvement Plan and is in compliance with the Maryland Interagency Commission for School Construction (IAC) regulations.

We will be requesting the Commissioners' approval of the enclosed CIP as a planning document. Verification to the IAC that the County Commissioners have approved the proposed plan is required no later than November 30<sup>th</sup>. The 2023-2024 Educational Facilities Master Plan provides additional information on our current and future facility needs and is available for your viewing or downloading from our school system website at: [www.worcesterk12.org](http://www.worcesterk12.org), Business & Operations, Facilities.

The proposed FY 2025 CIP is consistent with the Worcester County Ten Year Capital Improvement Plan and incorporates all prior recommendations of the County Commissioners regarding our future school construction needs as follows:

- **Planning / Funding Requests**

The FY 2025 Capital Improvement Program includes a Planning Request and Design Funding Request for the Buckingham Elementary Replacement School project. The Feasibility Study, Educational Specifications and Conceptual Planning phases of design for the Buckingham Elementary Replacement School are complete.

As you are aware, we have been working through Buckingham Elementary state funding issues with the Interagency Commission on School Construction (IAC). Following a meeting with the IAC and State Senator Mary Beth Carozza on October 23, 2023, the IAC requested that we revise our FY25 CIP to include the Buckingham requests. The IAC is going to review and re-consider the status of Berlin Intermediate School as a Buckingham Elementary "adjacent school". Should the IAC determine that Berlin Intermediate is not a Buckingham adjacent school, state funding would be available for the Buckingham project. The FY25 CIP we are forwarding to you is the revised CIP.

The CIP includes a Construction Funding Request for the Snow Hill Middle School/Cedar Chapel Special School Roof Replacement project which is scheduled to begin, pending approvals, in June 2024.

## ITEM 9

The CIP also includes a Design Funding Request for the Pocomoke Elementary School Roof Replacement project which is scheduled to begin, pending approvals, in June 2025.

- **Future Projects**

The FY 2025 CIP includes the Buckingham Elementary Replacement School project and future roof replacement projects at Snow Hill Middle School and Cedar Chapel Special School, Pocomoke Elementary School and Worcester Technical High School. Our long-range planning also includes a proposed renovation/addition or replacement school project for Snow Hill Elementary School.

It is our belief that we have been successful in addressing our school construction needs due to the combined efforts of our Board of Education, County Commissioners, state legislators and community members. Through your support, in November 2021 we began construction of the much needed addition project at Stephen Decatur Middle School which was ready for students in January 2023. Also, with your support, we have completed the initial phases of design for the Buckingham Elementary Replacement School project. It is our hope that with the ongoing support of the County Commissioners, we will continue to provide all Worcester County children with excellent educational facilities.

The Board of Education and I want to thank and commend you for your continued support of our school system. I look forward to meeting with you on November 7<sup>th</sup> to discuss the FY 2025 Capital Improvement Program.

Sincerely,



Louis H. Taylor  
Superintendent of Schools

LT:jjp

cc: Board of Education Members  
Mr. Weston Young

**WORCESTER COUNTY PUBLIC SCHOOLS**



**FY2025  
CAPITAL IMPROVEMENT PROGRAM (CIP)**

September 19, 2023  
Revised October 24, 2023

**FY 2025 CAPITAL IMPROVEMENT PROGRAM  
WORCESTER COUNTY PUBLIC SCHOOLS  
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(Revised 10/24/23)**

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## Worcester County FY 2025 Capital Improvement Program Summary

### 1. Planning Requests

- The Worcester County Public Schools FY 2025 CIP includes a Planning Request for the Buckingham Elementary Replacement School project.

### 2. Construction Funding Requests

- The FY 2025 CIP includes a Construction Funding Request for the Snow Hill Middle School/Cedar Chapel Special School roof replacement project to be executed in summer 2024.

### 3. Design Funding Requests

- The FY 2025 CIP includes Design Funding requests for:
  - Buckingham Elementary Replacement School project.
  - Pocomoke Elementary School roof replacement project to be executed in summer 2025.

### 4. Previous/Current Projects

- Stephen Decatur Middle School Addition – 23.014.022 LPC
  - The project included construction of a 24,800 square foot addition to the existing 79,500 square foot Stephen Decatur Middle School, a new Security Vestibule and a new Band Storage Room.
  - The bids were presented to and approved by the Worcester County Board of Education on September 21, 2021 and the Worcester County Commissioners on October 5, 2021.
  - Contractor mobilization to the site began on October 15, 2021, construction began on November 1, 2021 and construction was substantially complete on January 2, 2023.
  - Contractor close-out is in progress.

### 5. Future Projects

- Future projects with State funding requests identified in the FY 2025 Capital Improvement Program include:
  - Roof replacement at Snow Hill Middle School/Cedar Chapel Special School
  - Roof replacement project at Pocomoke Elementary School
  - Roof replacement project at Worcester Technical High School
  - A ren/add or replacement school project at Snow Hill Elementary School



STATE OF MARYLAND  
FORM 102 (B) REQUEST FOR MAJOR CONSTRUCTION FUNDING & IAC PLANNING APPROVAL

LEA Entry  
IAC Entry

PSC No.: <b>23.007</b>		REQUEST TYPE: PLANNING (LP): <input checked="" type="checkbox"/> FUNDING: <input checked="" type="checkbox"/>																																																												
LEA: Worcester		JOINT FUNDING THROUGH CIP & BTL: <input checked="" type="checkbox"/> DATE PLANNING (LP) APPROVED: _____																																																												
SCHOOL NAME: Buckingham Elementary		FY: 2025 DATE SUBMITTED: _____																																																												
ADDRESS: 100 BUCKINGHAM ROAD, BERLIN, MD 21811		PRIORITY #: _____ REVISED DATE: 10/24/23																																																												
PROJECT TYPE	NEW <input type="checkbox"/>	ADDITION <input type="checkbox"/>	REPLACEMENT <input checked="" type="checkbox"/>																																																											
COOPERATIVE USE:	<input checked="" type="checkbox"/>	PROTOTYPE DESIGN: <input type="checkbox"/>	HIGH PERFORMANCE: <input type="checkbox"/>																																																											
SCHOOL NUMBER: 23.0901	SRC: 551	GRADES: Other	STATE COST SHARE %: 50% LOCAL COST SHARE %: 50%																																																											
CURRENT FUNDING REQUES	\$513,000	EXPECTED FIVE-YEAR PROGRAM FUNDING REQUESTS																																																												
TOTAL PRIOR STATE FUNDS:	\$0	FY2026	FY2027 \$5,339,000																																																											
		FY2028	FY2029																																																											
		FY2030	TOTAL: \$5,852,000																																																											
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2. EXISTING FACILITY:		LEA Proposed Scope for Renovation/Demolition																																																												
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c. SE and CTE:		New CTE Program(s)? <b>N</b>																																																												
New Regional SE program(s)? <b>N</b>		CTE application filed with MSDE? <b>N</b>																																																												

4. DESCRIPTION & JUSTIFICATION: (What you wish to accomplish with this project)

Buckingham Elementary School was constructed in 1978. The school serves students in grades Pre-Kindergarten-3 through Grade 4. There have been no additions or renovations executed at the school over the 45-year lifespan of the building. During the 2022-23 school year, Buckingham Elementary operated at 118% of Local-Rated Capacity and 90% of State-Rated Capacity. Buckingham Elementary will utilize five portable classrooms in 2023-24 to accommodate existing programs. During the 23-24 school year, all Grade 4 instruction will be conducted in portable classrooms. Worcester County, through an aggressive school construction program supported by State school construction funding, has reduced the number of county-wide portable classrooms from 52 in 2015-16 to 11 in 2023-24. Five of the remaining eleven portable classrooms are utilized at Buckingham Elementary and five are utilized at Snow Hill Elementary School. Additional space is required to accommodate all existing and future programs. Beginning in the 2021-22 school year, PreK-3 and PreK-4 programs became all-day programs at Buckingham Elementary. Cafeteria, Media Center and support spaces are also inadequate to serve the current and projected future enrollments and needs of the students. A Feasibility Study began in July 2022 to evaluate existing Buckingham Elementary building and site conditions and instructional adequacy of the existing space and to provide the Worcester County Board of Education with construction options to address deficiencies. The Feasibility Study was completed in January 2023; was approved by the Board of Education in January 2023 and by the Worcester County Commissioners in March 2023. The construction of a replacement school option was approved by both the Board of Education and the County Commissioners. Educational Specifications were completed and forwarded to MSDE in May 2023 and were approved by MSDE in September 2023. The Conceptual Planning process began in March 2023 and was completed in September 2023 resulting in a conceptual floor plan, site plan and elevations for the proposed replacement school.

Note: Adjacent Schools - Berlin Intermediate School is not used as an adjacent school due to grade structure (Grades 5-6).

5. ENROLLMENT PROJECTIONS (Requested and Adjacent Schools)	YEAR	2022	2023	2024	2025	2026	2027	2028	2029	Difference
	SRC	Current Enrollment	FTE	FTE	FTE	FTE	FTE	FTE	FTE	SRC-FTE
Buckingham Elementary (23.007)	551	515	532	516	521	519	525	560	577	-26
Berlin Intermediate (23.012)	0	0	0	0	0	0	0	0	0	0
Ocean City Elementary (23.006)	777	521	543	540	547	528	544	533	544	233
Showell Elementary (23.001)	850	621	634	623	612	616	621	629	640	210
										0
										0
<b>TOTAL:</b>	2,178	1,657	1,709	1,679	1,680	1,663	1,690	1,722	1,761	417
Case Number: <input type="text"/>	Note: Raw Eligible Enrollment based on SRC and 7-year FTE. To determine the Raw Eligible Enrollment for a new school, enter the SRC and 7 year enrollments for the Adjacent School(s) above.									134
*Eligible Enrollment. If the sum of available seats in all adjacent schools shown in the table above is less than 15% of the project school's enrollment (Year 7 FTE), the adjacent schools are excluded from the calculation of eligible enrollment for state funding allocation.										134

APG PSCP CIP/ BTL Form 102  
Request for Planning, Design Services and/or Funding for Major School Construction Projects

6. BUDGET:		Total Estimated Project Budget	Estimated Local Funds	Estimated Maximum State Allocation
Design		\$ 2,863,000	\$ 2,350,000	\$ 513,000
Building		\$ 42,055,000	\$ 37,750,000	\$ 4,305,000
Site Development		\$ 4,768,000	\$ 3,950,000	\$ 818,000
Furniture, Fixtures, and Equipment		\$ 1,666,000	\$ 1,450,000	\$ 216,000
Other		\$ 1,650,000	\$ 1,650,000	\$ -
LEA Contingency	2.5%	\$ 800,000	\$ 800,000	\$ -
High Performance (Admin Cost - Estimated at 2%)		\$ 2,050,000	\$ 2,050,000	\$ -
<b>Total</b>		<b>\$ 55,852,000</b>	<b>\$ 50,000,000</b>	<b>\$ 5,852,000.00</b>

7. SCHEDULE:		Ed Spec Completion Date:	Feasibility Study Completion Date:	Estimated Bid Date:
		9/1/2023	1/18/23	1/15/2026
	Schematic Design (SD) Completion Date:	4/1/2024	Design Development (DD) Completion Date:	Estimated Construction Start Date:
			10/1/24	6/1/2026
	Construction Document (CD) Completion Date:	5/1/2025		Estimated Project Completion Date:
				7/1/2028

Revised 7/2023

4





**STATE OF MARYLAND - CAPITAL IMPROVEMENT PROGRAM / BUILT TO LEARN**  
**COMPUTATION SUPPLEMENTAL WORKSHEET FOR ESTIMATING THE STATE ALLOCATION FOR FY 2024**  
 (Amounts rounded to the nearest 1,000)

LEA  
 IAC Entry

PSC No.:	23.007	Worcester
Project Type:	Replacement	Buckingham Elementary

Priority #	0
CIP or CIP/BTL	CIP/BTL
Request Type	Planning, Funding
Basis for Applied Funding Factors:	Estimate
Date of First Construction Funding:	
Bid Date (Actual Only):	
LEA State Share	50%
Concentration of Poverty Add-on	-
Maintenance Add-on	-
Net Zero Energy Add-on	-
Project State Share	50%

GROSS AREA BASELINE in GSF				
Educ. Type	Eligible Enrollment	GSF per student	Total GSF	
Elementary	134	141.00	=	18,894
Middle			=	
High			=	
Special ED Elem	62	39.00	=	2,418
Special ED Middle			=	
Special ED High			=	
CTE			=	
				<b>21,312</b>
Existing Facility GSF	49,000	Adjusted Eligible GSF*		
Demolition of Existing GSF	49,000			
Revised Existing Facility GSF	-			
Eligible New GSF	21,312			

Enrollment Case # (if applicable)

NEW GSF				Construction Cost	Cost State Share
A. Eligible New GSF	21,312	x	404.00	8,610,000	4,305,000
B. Cooperative-Use Space (GSF)		x	404.00		
C. GAB Variance (if applicable)		x	404.00		
D. Facility Addition Subtotal (A+B+C)	21,312			8,610,000	4,305,000
E. Site Development (0.19*D)		x	19%	1,636,000	818,000
F. Facility Addition & Site Subtotal (D+E)				10,246,000	5,123,000
G. Design Cost (0.1*F)		x	10%	1,025,000	513,000
H. Furniture, Fixtures and Equipment (0.05*D)		x	5%	431,000	216,000
I. Total Costs for new space (F+G+H)				11,702,000	5,852,000

RENOVATED GSF							Construction Cost	Cost State Share
Age of Structure	Construction Year	GSF to be Renovated	Cost per GSF	Percentage to be Covered	Cost			
40 & older			404.00	100%				
31-39			404.00	85%				
26-30			404.00	75%				
21-25			404.00	65%				
16-20			404.00	50%				
0-15			404.00	0%				
J. Eligible Structure Renovation								
K Cooperative-Use Space (GSF)			404.00					
L. GAB Variance (if applicable)			404.00					
M. Facility Renovation Subtotal (J+K+L)								
N. Site Development (0.1*M)			5%					
O. Facility Renovation & Site Subtotal (M+N)								
P. Design Cost (0.1*O)			10%					
Q. Furniture, Fixtures and Equipment (0.5*M)			5%					
R. Total Cost for Renovated Space (O+P+Q)								

<b>TOTAL COST</b>					11,702,000	5,852,000
<i>Less Prior State Funds for Related Projects</i>						

<b>MAXIMUM STATE ALLOCATION</b>						5,852,000
<i>Less CIP allocations for the Project</i>						

<b>ADJUSTED MAXIMUM STATE ALLOCATION</b>						
<i>Less CIP allocations for the Project</i>						
<i>Less other State funding program allocations for the project</i>						

<b>BALANCE</b>						5,852,000
----------------	--	--	--	--	--	-----------

**Additional Notes:** The "Net State Funding" on this worksheet is an estimate of the maximum State allocation for this project, but may be reduced based on the costs of the approved contract(s), ineligible items, and change orders.

Date Planning Approved: \_\_\_\_\_  
 Date Revised: \_\_\_\_\_

Existing facility is 49000 sf. Project consists of an addition of 21312 sf and renovation of 0 sf



PSC No.: 23.009/013 FUNDING PROGRAM: PSCP CIP  BUILT TO LEARN   
 LEA: Worcester REQUEST TYPE: Facility Renewal  
 SCHOOL NAME: Snow Hill Middle School / Cedar Chapel Special School FY: 2025 Date Submitted: 9/20/23  
 ADDRESS: 522 / 510 Coulbourne Lane, Snow Hill, MD. 21863 PRIORITY #: 2 Revised Date: 10/24/23  
 PROJECT TYPE (Primary System/PS) Roof:  HVAC: \_\_\_\_\_ Structural: \_\_\_\_\_ Other Facility Renewal: \_\_\_\_\_ Windows/Doors: \_\_\_\_\_  
 Electrical Upgrade \_\_\_\_\_ COST SHARE %: STATE 50% LOCAL 50%  
 COOPERATIVE USE \_\_\_\_\_  
 HIGH PERFORMANCE \_\_\_\_\_  
 SCHOOL NUMBER 23.0208 / 0401 GRADES 4-8 / Age 4-21 SRC 784 / 90  
 Asset Tag Number of PS (if applicable) \_\_\_\_\_ Year PS Entered Service 1994 / 1986  
 CURRENT FUNDING REQUEST: \$1,981,000  
 TOTAL PRIOR STATE FUNDS: \$62,000

EXPECTED FIVE-YEAR PROGRAM FUNDING REQUESTS										TOTAL:
FY2026	\$0	FY2027	\$0	FY2028	\$0	FY2029	\$0	FY2030	\$0	\$2,043,000

1. SITE: Acreage 24.000 Date IAC Approved \_\_\_\_\_ MHT Category # \_\_\_\_\_ Date of MHT Review \_\_\_\_\_ In PFA  Water  Sewer

2. EXISTING FACILITY:

	RENOVATED		DEMOLISHED		TOTAL
	Gross SF	Date	Gross SF	Date	Gross SF
ORIGINAL - SHMS	90,000	1970	2,815	1986	90,000
ORIGINAL - CCSS	17,175	1986			17,175
ADDITION					-
ADDITION					-
ADDITION					-
TOTAL	107,175		2,815		107,175

3. Indicate below the date the building component was last replaced with State Funds:  
9/1/1994

4. Describe all preventive maintenance activities that have occurred to keep the system operational? (i.e., work orders, etc.)  
 From 2017 through 2021, the WCPS Maintenance Department received and addressed a total of 35 roof issue related work orders from SHMS/CCSS (26 from SHMS, 9 from CCSS). In addition, WCPS contracted with the Garland/DBS Leak Response Repairs Inspection Services program for roof assessments, preventative maintenance and leak repair services. SHMS and CCSS are included in this program.

5. Detailed Scope: (What do you wish to accomplish with this project; Describe, with measurements)  
 Snow Hill Middle School was constructed in 1970. The original roof was replaced in 1994. A 2020 roof inspection conducted by an independent roofing consultant identified blisters, seam separation, pitch pan, drains and expansion joint issues. The roof was given an overall rating of "Fair/Poor". The condition of the Snow Hill Middle School roof has also been identified by State Maintenance inspections. Cedar Chapel Special school was constructed in 1986 as an addition to Snow Hill Middle School. Although the school floor plan and roof are contiguous, Cedar Chapel Special School has a unique PSC and School Number. Cedar Chapel serves students with severe physical and mental disabilities and its operation is completely separate from Snow Hill Middle School. The original 36-year-old CCSS roof exhibits issues similar to the Snow Hill Middle School roof. Both roofs have exceeded their life expectancy.

6. Alternative Solution: What else can be done to correct the problem:  
 Replacement of the Snow Hill Middle and Cedar Chapel Special School roofs is the best solution to address the aging roofs.

7. What Caused this Problem? (normal wear and tear, poor contractor performance, poor materials, improper maintenance)?  
 Normal wear and tear over 29 years for the Snow Hill Middle School roof and 37 years for the Cedar Chapel Special School roof have resulted in the plan to replace both roofs. SHMS roof will be 30-years-old and CCSS roof will be 38-years-old when the roof replacement project begins in summer 2024.

Note: Data should be entered into the fields highlighted in gray. In addition, the formula fields in Section 11 - Total Estimated Project Budget can be overwritten.

8. What are the consequences if this project is not approved:  
Check all that apply:

- 1. Failure of system is likely to cause shutdown of facility for purposes of delivering educational programs and services.
- 2. System is currently adversely affecting the delivery of educational programs & services.
- 3. System is currently causing serious threats to life, safety, or health of facility occupants.
- 4. System is currently causing violations of building or other official codes.
- 5. System is currently causing or will imminently cause damage to other building systems.
- 6. Replacement/installation will increase the remaining useful lifespan (RUL) of other building systems in the facility, thereby extending the RUL of the facility.

9. ENROLLMENT PROJECTIONS (Requested)	Year→	2022	2023	2024	2025	2026	2027	2028	2029	Difference
	SRC	Current Enrollment	FTE	FTE	FTE	FTE	FTE	FTE	FTE	SRC-FTE
Requested School: Snow Hill Middle School	784	403	410	417	428	437	427	419	409	375
Requested School: Cedar Chapel Special School	90	43	43	43	43	43	43	43	43	47

10. EMERGENCY ELECTRICAL POWER:

Entering an X in the Electrical Upgrade/Replacement field on page 1 indicates that this project involves replacement of the electrical system or upgrade to the electrical capacity. Provide the Status of the Shelter Compliance Process:

11. BUDGET:

		Total Estimated Project Budget	Estimated Local Funds	Estimated Net State Funding
Design	3%	\$ 120,000	\$ 60,000	\$ 60,000
Building		\$ 3,968,000	\$ 1,983,000	\$ 1,983,000
Site Development	0%	\$ 0	\$ 0	\$ 0
Other (Furniture and Fixtures, etc.)	0%	\$ 0	\$ 0	\$ 0
<b>Construction Cost</b>		<b>\$ 4,086,000</b>	<b>\$ 2,043,000</b>	<b>\$ 2,043,000</b>
Contingency	5%	\$ 198,000	\$ 198,000	\$ -
High Performance Costs (Administrative only)		\$ -	\$ -	\$ -
<b>Total</b>		<b>\$ 4,284,000</b>	<b>\$ 2,241,000</b>	<b>\$ 2,043,000</b>

12 SCHEDULE:

Date A/E Hired: 1/27/2023

Ed. Specs: N/A

Estimated Bid: 1/11/2024

Actual Bid Date: \_\_\_\_\_

Schematic Design: N/A

Design Development: N/A

Estimated Construction: 6/15/2024

Actual Construction: \_\_\_\_\_

Construction Document: 6/8/2023

Estimated Project Completion: 8/31/2024

Project Completion: \_\_\_\_\_

Revised 7/2021

Note: Data should be entered into the fields highlighted in gray.  
The formula fields in Section 11 - Total Estimated Project Budget can be overwritten.

**ROOF INSPECTION/SURVEY FORM**  
(FILL OUT FOR EACH ROOF LEVEL/SECTION OF BUILDING)

Worcester County

SCHOOL: Snow Hill Middle School/Cedar Chapel Special School  
 ADDRESS: Snow Hill, MD  
 LEVEL/SECTION: All low sloped roof sections  
 LAST REPLACEMENT DATE: +/\_ 24  
 ROOF DECK MATERIAL: Metal

ROOF TYPE: BUR  EPDM  SHINGLE  METAL  SLATE  MODIFIED BIT   
 OTHER  \_\_\_\_\_

WATERTIGHTNESS: NO LEAKS  LEAKS EVERY RAIN   
 LEAKS ONLY OCCASIONALLY   
 LEAKS ONLY DURING HIGH WINDS AND RAIN

CONDITION OF ROOF (Indicate Condition from 1 Poor to 4 Excellent for each element)

Blisters	<u>2</u>	Ridges	<u>2</u>
Splits	<u>3</u>	Exposed Felts	<u>3</u>
Eroded Felts	<u>2</u>	Drains	<u>1</u>
Alligatoring	<u>3</u>	Gravel Stop	<u>3</u>
Debris / Vegetation	<u>1</u>	Punctures	<u>N/A</u>
Seam Separation	<u>N/A</u>	Ponding Water	<u>2</u>
Pitch Pans	<u>3</u>	Expansion Joint	<u>2</u>
Parapet Cap	<u>2</u>	Parapet Metal	<u>2</u>
Gutters	<u>n/a</u>	Downspout	<u>2</u>
Counter Flashing	<u>3</u>	Curbs	<u>3</u>

INSULATION: YES  NO  TYPE/CONDITION: Rigid fiberboard and Perlite insulation.

ADDITIONAL INFORMATION: Item numbers are referenced to attached plan. If available, similarly number photographs.

See attached photographs.

OVERALL ROOF CONDITION 2.0 (1 Poor to 4 Excellent)

PHOTOGRAPHIC/VIDEO RECORD: YES  NO

Identify the area being shown, the item, and the date.

ROOF PLAN INCLUDED WITH ROOF LEVELS IDENTIFIED: YES  NO

COMMENT:

# ITEM 9

This roof system has seen the end of its useful life. A couple leaks have been identified and work orders have been processed and repaired over the last couple months. Further investigation will determine if these active leaks are exterior walls, metal panels, widow and /or actual roof leaks.

This overall condition of this roofing system is in fair condition. The field of the roof is starting to show signs of age and stress are the major contributors to the breakdown of the roof system. Several blisters and ridges are occurring throughout the roof system. Flashings are starting to separate and need repairs to keep the water out of the building envelope. The existing parapet metal coping system the fasteners are starting to back out allowing moisture directly into the building. Several drains need to be cleaned to allow the water to flow properly throughout the building. The expansion joint has several openings leaving a direct source of water entry in the building. This roof has been budgeted and been approved for replacement next fiscal year in 2024/25

INSPECTED BY: Jeff Smith

DATE: July 2023

**ROOF INSPECTION/SURVEY FORM**  
(FILL OUT FOR EACH ROOF LEVEL/SECTION OF BUILDING)

Worcester County

SCHOOL: Snow Hill Middle School/Cedar Chapel Special School  
 ADDRESS: Snow Hill, MD  
 LEVEL/SECTION: All low sloped roof sections  
 LAST REPLACEMENT DATE: +/\_ 23  
 ROOF DECK MATERIAL: Metal

ROOF TYPE: BUR  EPDM  SHINGLE  METAL  SLATE  MODIFIED BIT   
 OTHER  \_\_\_\_\_

WATERTIGHTNESS: NO LEAKS  LEAKS EVERY RAIN   
 LEAKS ONLY OCCASIONALLY   
 LEAKS ONLY DURING HIGH WINDS AND RAIN

CONDITION OF ROOF (Indicate Condition from 1 Poor to 4 Excellent for each element)

Blisters	<u>2</u>	Ridges	<u>2</u>
Splits	<u>3</u>	Exposed Felts	<u>3</u>
Eroded Felts	<u>2</u>	Drains	<u>1</u>
Alligatoring	<u>3</u>	Gravel Stop	<u>3</u>
Debris / Vegetation	<u>1</u>	Punctures	<u>N/A</u>
Seam Separation	<u>N/A</u>	Ponding Water	<u>2</u>
Pitch Pans	<u>3</u>	Expansion Joint	<u>2</u>
Parapet Cap	<u>2</u>	Parapet Metal	<u>3</u>
Gutters	<u>n/a</u>	Downspout	<u>3</u>
Counter Flashing	<u>3</u>	Curbs	<u>3</u>

INSULATION: YES  NO  TYPE/CONDITION: Rigid fiberboard and Perlite insulation.

ADDITIONAL INFORMATION: Item numbers are referenced to attached plan. If available, similarly number photographs.

See attached photographs.

OVERALL ROOF CONDITION 2.0 (1 Poor to 4 Excellent)

PHOTOGRAPHIC/VIDEO RECORD: YES  NO

Identify the area being shown, the item, and the date.

ROOF PLAN INCLUDED WITH ROOF LEVELS IDENTIFIED: YES  NO

This roof has had several repairs over the years and continues to need continuous attanetion until this roof system is completely replaced down to the substrate. No active leaks at this time and continued PM should be completed going into 2023 until money is in the budget to replace in fiscal 2023/2024.

INSPECTED BY: Jeff Smith DATE: August 2022

**ROOF INSPECTION/SURVEY FORM**  
**(FILL OUT FOR EACH ROOF LEVEL/SECTION OF BUILDING)**

Worcester County

SCHOOL: Snow Hill Middle School/Cedar Chapel Special School  
ADDRESS: Snow Hill, MD  
LEVEL/SECTION: All low sloped roof sections  
LAST REPLACEMENT DATE: +/\_ 22  
ROOF DECK MATERIAL: Metal

ROOF TYPE: BUR  EPDM  SHINGLE  METAL  SLATE  MODIFIED BIT   
OTHER  \_\_\_\_\_

WATERTIGHTNESS: NO LEAKS  LEAKS EVERY RAIN   
LEAKS ONLY OCCASIONALLY   
LEAKS ONLY DURING HIGH WINDS AND RAIN

CONDITION OF ROOF (Indicate Condition from 1 Poor to 4 Excellent for each element)

Blisters	<u>3</u>	Ridges	<u>3</u>
Splits	<u>3</u>	Exposed Felts	<u>3</u>
Eroded Felts	<u>3</u>	Drains	<u>1</u>
Alligatoring	<u>3</u>	Gravel Stop	<u>3</u>
Debris / Vegetation	<u>1</u>	Punctures	<u>N/A</u>
Seam Separation	<u>N/A</u>	Ponding Water	<u>2</u>
Pitch Pans	<u>3</u>	Expansion Joint	<u>3</u>
Parapet Cap	<u>3</u>	Parapet Metal	<u>3</u>
Gutters	<u>n/a</u>	Downspout	<u>3</u>
Counter Flashing	<u>3</u>	Curbs	<u>3</u>

INSULATION: YES  NO  TYPE/CONDITION: Rigid fiberboard and Perlite insulation.

ADDITIONAL INFORMATION: Item numbers are referenced to attached plan. If available, similarly number photographs.

See attached photographs

OVERALL ROOF CONDITION 2.5-3 (1 Poor to 4 Excellent)

PHOTOGRAPHIC/VIDEO RECORD: YES  NO

Identify the area being shown, the item, and the date.

ROOF PLAN INCLUDED WITH ROOF LEVELS IDENTIFIED: YES  NO

COMMENT:

# ITEM 9

This roof sections was replaced 22 years ago and for the age of the roof it seems to be in average working condition. All of these sections will need preventive maintenance schedule and implimented into the WCBOE miantenance plan. Repairs to the roof are the following: All flashings, penetrations, blisters, ridges,, and all other sources of water infiltration shall be repaired according to NRCA minimum standards.

A couuple internal drains seems to be clogged and need to be repaired ASAP. This was reported and a work ordered has been released.

No active leaks at this time.

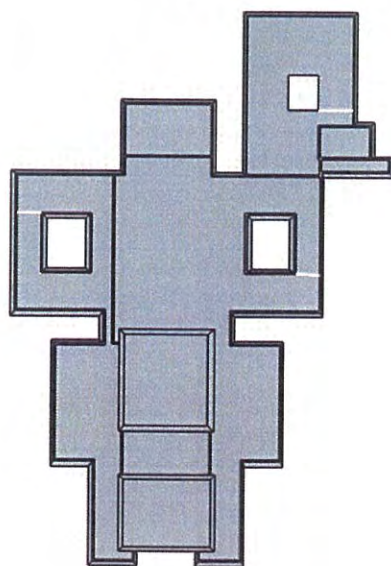
INSPECTED BY: Jeff Smith

DATE: October 2021



# Precise Aerial Measurement Report

Prepared for you by The Garland Company Inc



522 Coulbourne Lane, Snow Hill, MD 21863



since 1895

The Garland Company Inc.  
3800 East 91st St  
Cleveland, OH 44105

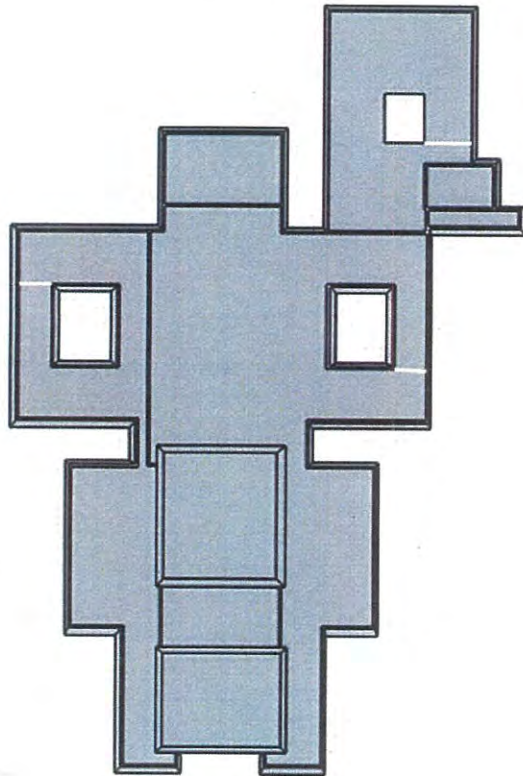
Todd Holtzner  
tel. 410-598-7998  
email: [tholtzner@garlandind.com](mailto:tholtzner@garlandind.com)



# ITEM 9

522 Coulbourne Lane, Snow Hill, MD 21863

## EXTENDED COVERAGE 2D



### Report Details

Report:13355654  
Building: Snow Hill Middle

### Roof Details

Total Area = 116,502 sq ft  
Total Roof Facets = 56  
Predominant Pitch = 0/12  
Number of Stories <=1  
Total Ridges = 154 ft  
Total Valleys = 111 ft  
Total Rakes = 0 ft  
Total Eaves = 5,385 ft

### Report Contents

Length Diagram .....	2
Pitch Diagram.....	3
Area Diagram .....	4
Notes Diagram .....	5
Report Summary.....	9



**Disclaimer:** This report was produced using EagleView Extended Coverage Technology. Due to a variety of reasons including but not limited to tree coverage, poor images, low photo resolution or other blockages, this report DOES NOT offer an accuracy guarantee. EagleView recommends that anyone using this report field verify the measurements.

Measurements provided by [www.eagleview.com](http://www.eagleview.com)

Contact: Todd Holtzner  
Company: The Garland Company Inc.  
  
Address: 3800 East 91st St  
Cleveland, OH 44105  
  
Phone: 410-924-2110

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### Length Diagram

Total Line Lengths:

- Ridges = 0 ft
- Hips = 154 ft
- Valleys = 111 ft
- Rakes = 0 ft
- Eaves = 5,385 ft
- Flashing = 8 ft
- Step flashing = 6 ft
- Parapets = 3,840 ft

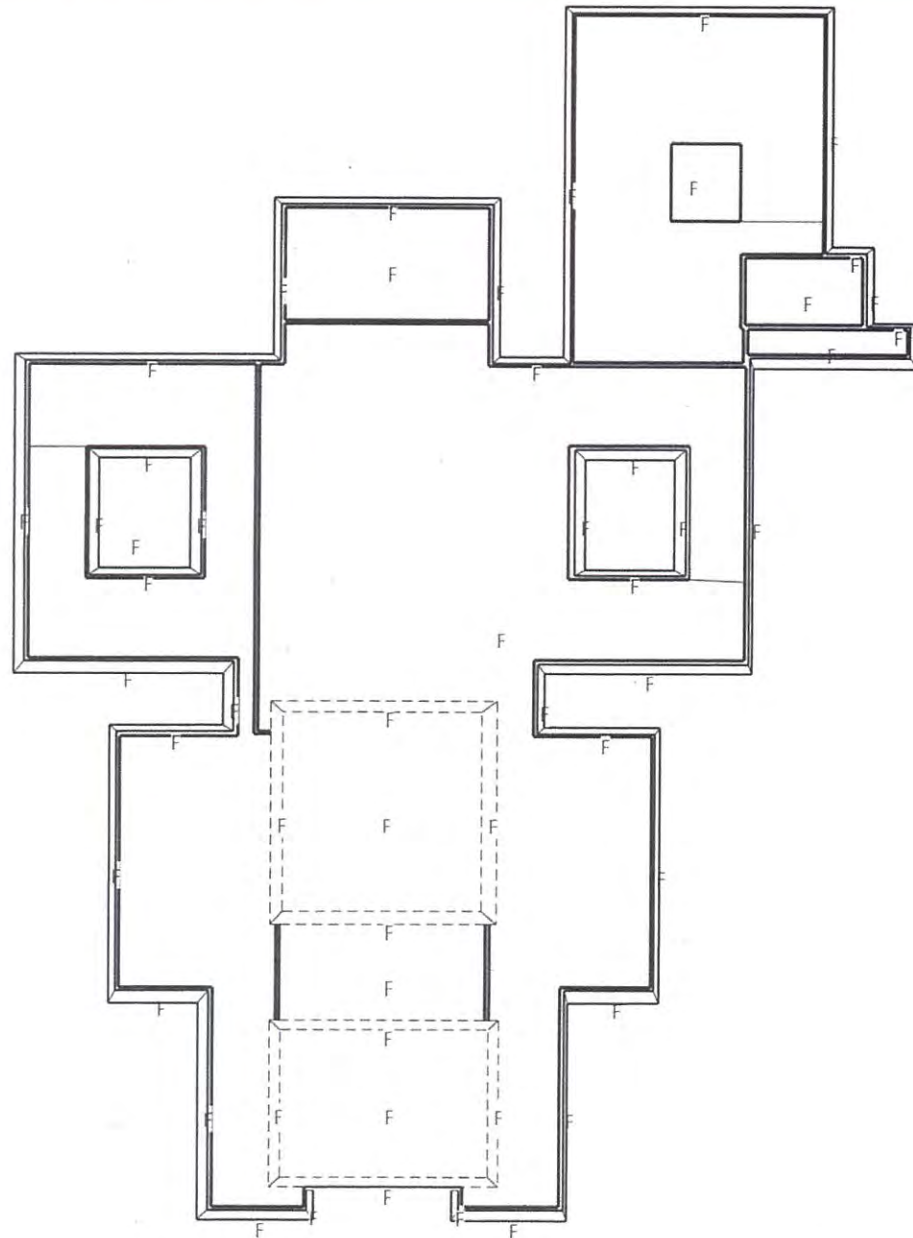
Note: This diagram contains segment lengths (rounded to the nearest whole number) over 5 feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).

**EXTENDED COVERAGE 2D**

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## Pitch Diagram

Pitch values are shown in inches per foot, and arrows indicate slope direction. The predominant pitch on this roof is 0/12.

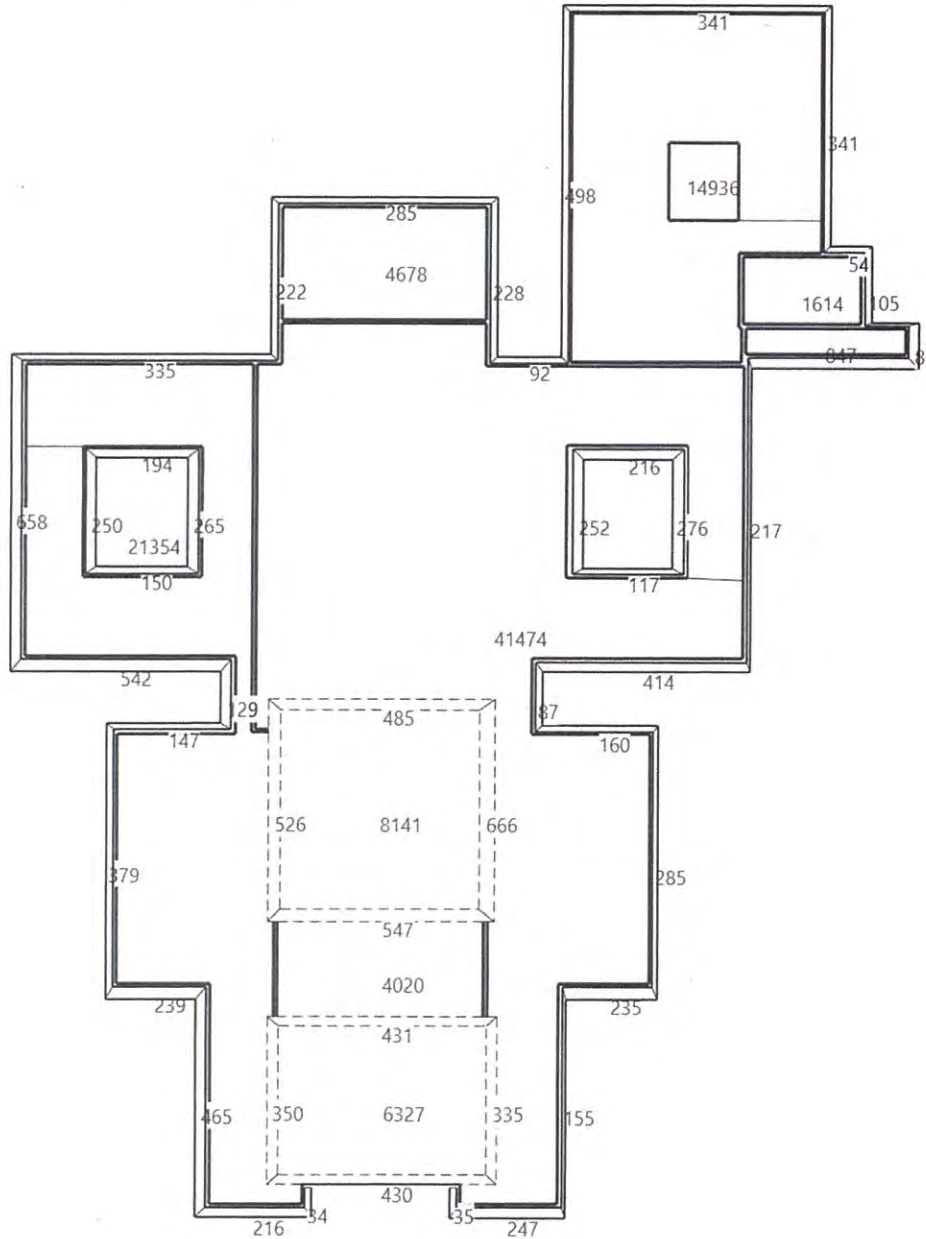
Note: This diagram contains labeled pitches for facet areas larger than 20 square feet. In some cases, pitch labels have been removed for readability. Blue shading indicates a pitch of 3/12 and greater.

**Pitch Diagram Disclaimer: With Extended Coverage, only the predominant pitch may be noted due to resolution of photo. Refer to pitch table for more information.**

**EXTENDED COVERAGE 2D**

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## Area Diagram

Total Area = 116,502 sq ft, with 56 facets.

Note: This diagram shows the square feet of each roof facet (rounded to the nearest foot). The total area in square feet, at the top of this page, is based on the non-rounded values of each roof facet (rounded to the nearest square feet after being totaled).

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**EXTENDED COVERAGE 2D**

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**Facet Area (sq ft) Based Upon Pitch**

The area for each facet appears in the column under the appropriate pitch.

Facet	Pitch(inches per foot)										
	0	2	4	6	8	10	12	14	16	18	20
A	29.6	30	31.2	33.1	35.6	38.5	41.9	45.5	49.3	53.4	57.5
B	34.3	34.8	36.2	38.3	41.2	44.6	48.5	52.7	57.2	61.8	66.7
C	35.1	35.6	37	39.2	42.2	45.7	49.6	53.9	58.5	63.3	68.2
D	54.1	54.8	57	60.5	65	70.4	76.5	83.1	90.2	97.5	105.2
E	82.8	83.9	87.3	92.6	99.5	107.8	117.1	127.2	138	149.3	160.9
F	87.4	88.6	92.1	97.7	105	113.8	123.6	134.3	145.7	157.6	169.9
G	92.2	93.5	97.2	103.1	110.8	120	130.4	141.7	153.7	166.2	179.2
H	105.4	106.9	111.1	117.8	126.7	137.2	149.1	162	175.7	190	204.9
I	117.1	118.7	123.4	130.9	140.7	152.4	165.6	179.9	195.2	211.1	227.6
J	129.1	130.9	136.1	144.3	155.2	168.1	182.6	198.4	215.2	232.7	250.9
K	147.4	149.4	155.4	164.8	177.2	191.9	208.5	226.5	245.7	265.7	286.5
L	150.2	152.3	158.3	167.9	180.5	195.5	212.4	230.8	250.3	270.8	291.9
M	155.3	157.4	163.7	173.6	186.6	202.2	219.6	238.6	258.8	280	301.8
N	159.5	161.7	168.1	178.3	191.7	207.6	225.6	245.1	265.8	287.5	310
O	194.2	196.9	204.7	217.1	233.4	252.8	274.6	298.4	323.7	350.1	377.5
P	215.8	218.8	227.5	241.3	259.4	280.9	305.2	331.6	359.7	389	419.4
Q	216	219	227.7	241.5	259.6	281.2	305.5	331.9	360	389.4	419.8
R	217.2	220.2	228.9	242.8	261	282.7	307.2	333.7	362	391.6	422.2
S	221.6	224.7	233.6	247.8	266.3	288.5	313.4	340.5	369.3	399.5	430.7
T	228.1	231.2	240.4	255	274.1	296.9	322.6	350.5	380.2	411.2	443.3
U	235.2	238.4	247.9	263	282.7	306.2	332.6	361.4	392	424	457.1
V	239	242.3	251.9	267.2	287.2	311.1	338	367.2	398.3	430.9	464.5
W	246.8	250.2	260.2	275.9	296.6	321.3	349	379.2	411.3	444.9	479.7
X	249.5	252.9	263	278.9	299.9	324.8	352.8	383.4	415.8	449.8	484.9
Y	251.8	255.3	265.4	281.5	302.6	327.8	356.1	386.9	419.7	453.9	489.4
Z	265.2	268.9	279.5	296.5	318.7	345.2	375	407.5	442	478.1	515.5

Each value is rounded to the nearest square foot. The totals are based on the unrounded values.

**Pitch Table**

Areas per Pitch		
Roof Pitches	Area (sq ft)	% of Roof
0/12	116501.8	100%

**Pitch Table Disclaimer:** The table above lists each pitch on this roof and the total area and percent (both rounded) of the roof with that pitch. With Extended Coverage, EagleView recommends field verifying measurements and pitch utilizing the table above.

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**Facet Area (sq ft) Based Upon Pitch**

The area for each facet appears in the column under the appropriate pitch.

Facet	Pitch(inches per foot)										
	0	2	4	6	8	10	12	14	16	18	20
AA	275.9	279.7	290.8	308.5	331.6	359.1	390.2	423.9	459.8	497.4	536.3
AB	285	288.9	300.4	318.6	342.5	371	403.1	437.9	475	513.8	553.9
AC	285.4	289.3	300.8	319.1	343	371.5	403.6	438.5	475.7	514.5	554.7
AD	334.9	339.5	353	374.4	402.5	435.9	473.6	514.6	558.2	603.7	650.9
AE	335.1	339.7	353.2	374.7	402.7	436.2	473.9	514.9	558.5	604.1	651.3
AF	340.6	345.3	359	380.8	409.4	443.4	481.7	523.4	567.7	614	662
AG	341	345.7	359.4	381.2	409.8	443.9	482.2	524	568.3	614.7	662.8
AH	350.2	355	369.1	391.5	420.9	455.9	495.3	538.1	583.7	631.3	680.7
AI	362.7	367.7	382.3	405.5	435.9	472.1	512.9	557.3	604.5	653.9	705
AJ	379	384.2	399.5	423.7	455.5	493.3	536	582.4	631.7	683.3	736.6
AK	414.4	420.1	436.8	463.3	498	539.4	586.1	636.8	690.7	747.1	805.4
AL	429.9	435.8	453.2	480.6	516.7	559.6	608	660.6	716.5	775	835.6
AM	430.6	436.5	453.9	481.4	517.5	560.5	609	661.7	717.7	776.3	836.9
AN	464.7	471.1	489.8	519.6	558.5	604.9	657.2	714.1	774.5	837.7	903.2
AO	484.7	491.4	510.9	541.9	582.5	630.9	685.5	744.8	807.8	873.8	942.1
AP	498	504.9	524.9	556.8	598.5	648.3	704.3	765.2	830	897.8	967.9
AQ	526.2	533.5	554.7	588.3	632.4	685	744.2	808.6	877	948.6	1022.7
AR	541.6	549.1	570.9	605.5	650.9	705	765.9	832.2	902.7	976.4	1052.7
AS	546.9	554.4	576.5	611.5	657.3	711.9	773.4	840.4	911.5	985.9	1063
AT	658.3	667.4	693.9	736	791.2	856.9	931	1011.5	1097.2	1186.8	1279.5
AU	665.6	674.8	701.6	744.2	800	866.4	941.3	1022.8	1109.3	1199.9	1293.7
AV	846.7	858.4	892.5	946.6	1017.6	1102.2	1197.4	1301	1411.2	1526.4	1645.7
AW	1614.3	1636.6	1701.6	1804.8	1940.1	2101.3	2283	2480.5	2690.5	2910.2	3137.6
AX	4019.9	4075.3	4237.3	4494.4	4831.3	5232.7	5685	6176.9	6699.8	7247	7813.3
AY	4678.3	4742.8	4931.4	5230.5	5622.6	6089.8	6616.1	7188.6	7797.2	8433.9	9093
AZ	6326.6	6413.9	6668.8	7073.4	7603.6	8235.4	8947.2	9721.4	10544.3	11405.4	12296.7

**Pitch Table**

Areas per Pitch		
Roof Pitches	Area (sq ft)	% of Roof
0/12	116501.8	100%

**Pitch Table Disclaimer:** The table above lists each pitch on this roof and the total area and percent (both rounded) of the roof with that pitch. With Extended Coverage, EagleView recommends field verifying measurements and pitch utilizing the table above.

**EXTENDED COVERAGE 2D**

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### Facet Area (sq ft) Based Upon Pitch

The area for each facet appears in the column under the appropriate pitch.

Facet	Pitch(inches per foot)										
	0	2	4	6	8	10	12	14	16	18	20
BA	8141.3	8253.6	8581.7	9102.3	9784.6	10597.6	11513.5	12509.8	13568.8	14676.9	15823.8
BB	14936.2	15142.2	15744.1	16699.2	17951.1	19442.6	21123	22950.8	24893.7	26926.6	29030.8
BC	21354.2	21648.8	22509.3	23874.7	25664.6	27796.9	30199.4	32812.7	35590.3	38496.8	41505.1
BD	41473.7	42045.8	43717.1	46369	49845.2	53986.7	58652.7	63728.1	69122.8	74767.8	80610.4
Total	116502	118109	122803	130253	140017	151651	164759	179015	194170	210026	226438

### Pitch Table

Areas per Pitch		
Roof Pitches	Area (sq ft)	% of Roof
0/12	116501.8	100%

**Pitch Table Disclaimer:** The table above lists each pitch on this roof and the total area and percent (both rounded) of the roof with that pitch. With Extended Coverage, EagleView recommends field verifying measurements and pitch utilizing the table above.

## EXTENDED COVERAGE 2D

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Each value is rounded to the nearest square foot. The totals are based on the unrounded values.



Report: 13355654

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**Waste Calculation Table**

Waste %	Area (sq ft)	Squares
0%	116,502	1165.0
10%	128,152	1281.5
12%	130,482	1304.8
15%	133,977	1339.8
17%	136,307	1363.1
20%	139,802	1398.0
22%	142,132	1421.3

This table shows the total roof area and squares (rounded up to the nearest decimal) based upon different waste percentages. The waste factor is subject to the complexity of the roof, individual roofing techniques and your experience. Please consider this when calculating appropriate waste percentages. Note that only roof area is included in these waste calculations. Additional materials needed for ridge, hip, valley, and starter lengths are not included.

**Report Summary**

Below is a measurement summary of the values presented in this report.

**Total Roof Facets** = 56

**Property Location**

Longitude = -75.3974206  
Latitude = 38.1670351

**Notes**

There were no changes to the structure in the past four years.

**Lengths, Areas and Pitches**

Ridges = 0 ft (0 Ridges)  
Hips = 154 ft (26 Hips).  
Valleys = 111 ft (20 Valleys)  
Rakes\* = 0 ft (0 Rakes)  
Eaves/Starter\*\* = 5,385 ft (80 Eaves)  
Drip Edge (Eaves + Rakes) = 5,385 ft (80 Lengths)  
Parapet Walls = 3,840 (66 Lengths).  
Flashing = 8 ft (5 Lengths)  
Step flashing = 6 ft (2 Lengths)  
Total Area = 116,502 sq ft  
Predominant Pitch = 0/12

**Online Maps**

Online map of property

[http://maps.google.com/maps?f=q&source=s\\_q&hl=en&geocode=&q=522+Coulbourne+Lane,Snow+Hill,MD,21863](http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=522+Coulbourne+Lane,Snow+Hill,MD,21863)

Directions from The Garland Company Inc. to this property

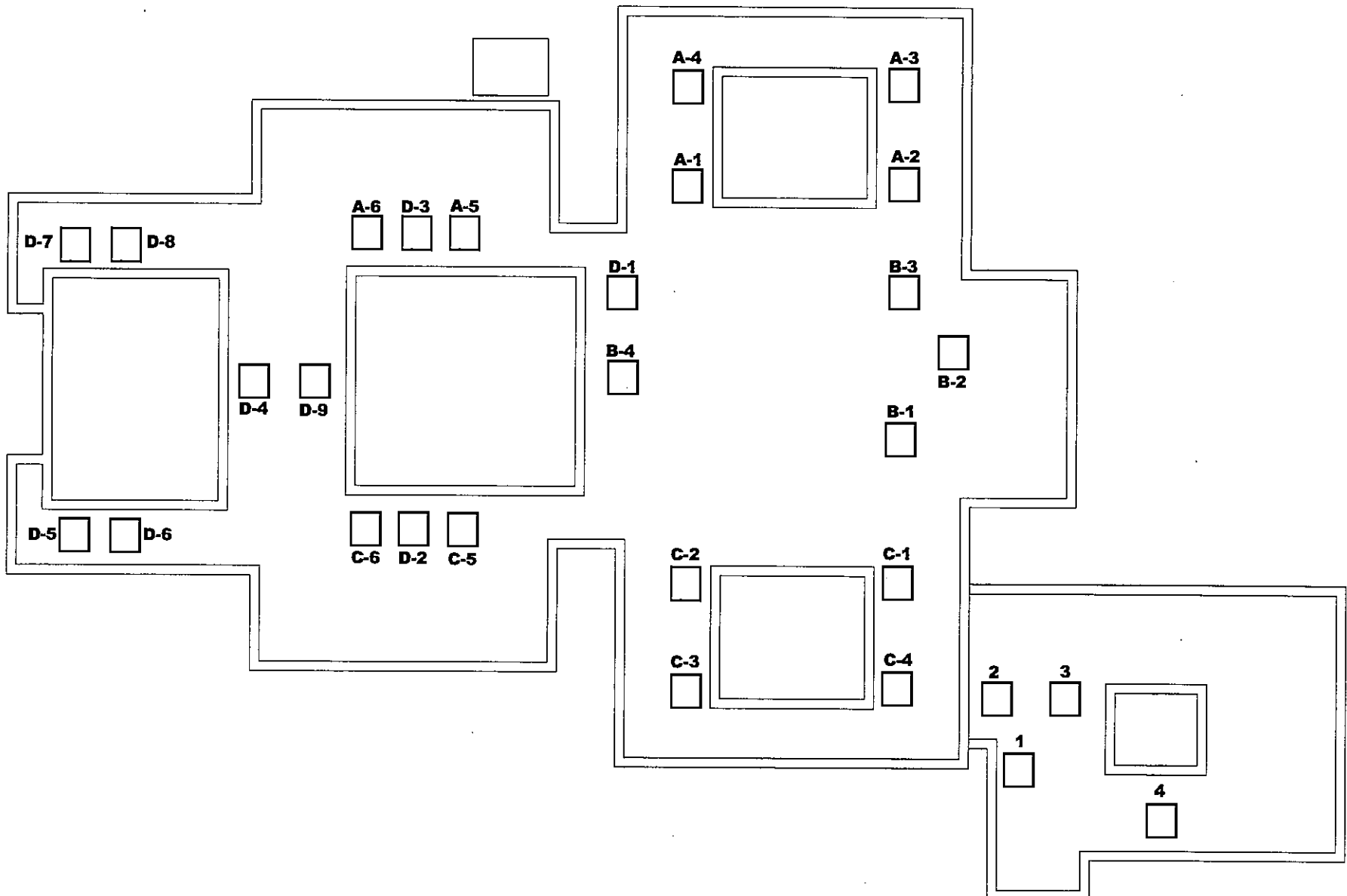
[http://maps.google.com/maps?f=d&source=s\\_d&saddr=3800+East+91st+St,Cleveland,OH,44105&daddr=522+Coulbourne+Lane,Snow+Hill,MD,21863](http://maps.google.com/maps?f=d&source=s_d&saddr=3800+East+91st+St,Cleveland,OH,44105&daddr=522+Coulbourne+Lane,Snow+Hill,MD,21863)

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\* Rakes are defined as roof edges that are sloped (not level).

\*\* Eaves are defined as roof edges that are not sloped and level.

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**HVAC ROOFTOP UNIT LOCATION PLAN  
SNOW HILL MIDDLE /CEDAR CHAPEL**

CEDAR CHAPEL SPECIAL SCHOOL

THE WORCESTER COUNTY  
BOARD OF EDUCATION

**SNOW HILL MIDDLE SCHOOL**  
HVAC ROOFTOP UNIT LOCATION PLAN  
BERLIN, MARYLAND

Project Number:
Date: 3/31/23
Revisions:
Scale: AS NOTED
Drawn by:
Sheet: A-1



PSC No.: 23.002 FUNDING PROGRAM: PSCP CIP  BUILT TO LEARN   
 LEA: Worcester REQUEST TYPE: Facility Renewal  
 SCHOOL NAME: Pocomoke Elementary School FY: 2025 Date Submitted: 9/20/23  
 ADDRESS: 2119 Pocomoke Beltway, Pocomoke, MD. 21851 PRIORITY #: 3 Revised Date: 10/24/23

PROJECT TYPE (Primary System/PS) Roof:  HVAC:  Structural:  Other Facility Renewal:  Windows/Doors:   
 Electrical Upgrade  COST SHARE %: STATE 50% LOCAL 50%

COOPERATIVE USE   
 HIGH PERFORMANCE   
 SCHOOL NUMBER 23.0102 GRADES PK3 - 3 SRC 506  
 Asset Tag Number of PS (if applicable) \_\_\_\_\_ Year PS Entered Service 1993

CURRENT FUNDING REQUEST: \$50,000  
 TOTAL PRIOR STATE FUNDS: \$0

EXPECTED FIVE-YEAR PROGRAM FUNDING REQUESTS										TOTAL:
FY2026	\$1,021,000	FY2027	\$0	FY2028	\$0	FY2029	\$0	FY2030	\$0	\$1,071,000

1. SITE: Acreage 21.600 Date IAC Approved \_\_\_\_\_ MHT Category # \_\_\_\_\_ Date of MHT Review \_\_\_\_\_  
 In PFA  Water  Sewer

2. EXISTING FACILITY:

	RENOVATED		DEMOLISHED		TOTAL
	Gross SF	Date	Gross SF	Date	Gross SF
ORIGINAL	40,500	1976			40,500
ADDITION	12,012	1993			12,012
ADDITION					-
ADDITION					-
ADDITION					-
TOTAL	52,512				52,512

3. Indicate below the date the building component was last replaced with State Funds:

9/1/1993

4. Describe all preventive maintenance activities that have occurred to keep the system operational? (i.e., work orders, etc.)  
 From 2019 through 2023, the WCPS Maintenance Department received and addressed a total of 51 roof issue related work orders from PES. In addition, WCPS contracted with the Garland/DBS Leak Response Repairs Inspection Services program for roof assessments, preventative maintenance and leak repair services. PES is included in this program.

5. Detailed Scope: (What do you wish to accomplish with this project; Describe, with measurements)  
 Pocomoke Elementary School was constructed in 1976. A 12,012 square foot addition was added in 1993. The original roof was replaced in 1993. A 2020 roof inspection conducted by an independent roofing consultant identified blisters, seam separation, pitch pan, drains and expansion joint issues. The roof was given an overall rating of "Fair/Poor". The condition of the Pocomoke Elementary roof has also been identified by State Maintenance inspections. The Pocomoke Elementary roof has exceeded its life expectancy.

6. Alternative Solution: What else can be done to correct the problem:  
 Replacement of the Pocomoke Elementary School roof is the best solution to address the aging roof.

7. What Caused this Problem? (normal wear and tear, poor contractor performance, poor materials, improper maintenance)?  
 Normal wear and tear over 30 years for the Pocomoke Elementary School roof resulted in the plan to replace the roof. The Pocomoke Elementary roof will be 32-years-old when the roof replacement project begins in summer 2025.

Note: Data should be entered into the fields highlighted in gray. In addition, the formula fields in Section 11 - Total Estimated Project Budget can be overwritten.

8. What are the consequences if this project is not approved:  
Check all that apply:

- 1. Failure of system is likely to cause shutdown of facility for purposes of delivering educational programs and services.
- 2. System is currently adversely affecting the delivery of educational programs & services.
- 3. System is currently causing serious threats to life, safety, or health of facility occupants.
- 4. System is currently causing violations of building or other official codes.
- 5. System is currently causing or will imminently cause damage to other building systems.
- 6. Replacement/installation will increase the remaining useful lifespan (RUL) of other building systems in the facility, thereby extending the RUL of the facility.

9. ENROLLMENT PROJECTIONS (Requested)	Year→	2022	2023	2024	2025	2026	2027	2028	2029	Difference
	SRC	Current Enrollment	FTE	FTE	FTE	FTE	FTE	FTE	FTE	SRC-FTE
Requested School: Pocomoke Elementary School	506	443	443	453	435	443	450	459	474	32

10. EMERGENCY ELECTRICAL POWER:  
Entering an X in the Electrical Upgrade/Replacement field on page 1 indicates that this project involves replacement of the electrical system or upgrade to the electrical capacity. Provide the Status of the Shelter Compliance Process:

11. BUDGET:		Total Estimated Project Budget	Estimated Local Funds	Estimated Net State Funding
Design	5%	\$ 100,000	\$ 50,000	\$ 50,000
Building		\$ 2,041,000	\$ 1,020,500	\$ 1,020,500
Site Development	0%	\$ 0	\$ 0	\$ 0
Other (Furniture and Fixtures, etc.)	0%	\$ 0	\$ 0	\$ 0
<b>Construction Cost</b>		<b>\$ 2,141,000</b>	<b>\$ 1,070,500</b>	<b>\$ 1,070,500</b>
Contingency	5%	\$ 102,000	\$ 102,000	\$ -
High Performance Costs (Administrative only)		\$ -	\$ -	\$ -
<b>Total</b>		<b>\$ 2,243,000</b>	<b>\$ 1,172,500</b>	<b>\$ 1,070,500</b>

12 SCHEDULE:	Date A/E Hired: <u>7/1/2024</u>	Ed. Specs: <u>N/A</u>	Estimated Bid: <u>1/11/2025</u>	Actual Bid Date: _____	
	Schematic Design: <u>N/A</u>		Design Development: <u>N/A</u>	Estimated Construction: <u>8/15/2025</u>	Actual Construction: _____
	Construction Document: <u>9/10/2024</u>		Estimated Project Completion: <u>8/31/2025</u>	Project Completion: _____	

Revised 7/2021  
Note: Data should be entered into the fields highlighted in gray.  
The formula fields in Section 11 - Total Estimated Project Budget can be overwritten.

**FUTURE PROJECT REQUEST - (Optional Form)**

LEA: Worcester  
 DATE: 9/20/2023

FISCAL YEAR: 2025

PSC NO.: 23.015

PROJECT TYPE: NEW  ADDITION  RENOVATION  REPLACEMENT

SYSTEMIC RENOVATIONS:  STATE-OWNED RELOCATABLES:

SCHOOL NAME: Worcester Technical High School

SCHOOL ADDRESS: 6290 Worcester Highway, Newark, MD. 21841

**DESCRIPTION:**

Replacement of 132,000 s.f. roof @ \$44.97/s.f.	\$5,936,000
Contingency @3.0%	\$178,000
A/E Design	<u>\$120,000</u>
 Total	 \$6,234,000

PROPOSED RATED CAPACITY: 778 GRADES: 10 - 12

REQUEST APPROVAL FOR PLANNING FY: FY 27 FUNDING FY: FY 28

ESTIMATED COST TO STATE: \$3,028,000 LOCAL COST: \$3,206,000

**PROJECT JUSTIFICATION:**

Worcester Technical High School opened in 2008. The original roof design intent was for a metal roofing system for the school. Due to budgetary constraints, a shingle roof system was installed. Due to ongoing roof issues at the school, in January 2022 WCPS requested and received a Limited Building Enclosure Evaluation from an independent roofing manufacturer. The evaluation noted several deficiencies in the existing roofing system including, deterioration of the OSB sheathing due to insufficient insulation/sheathing air space, insufficient ventilation throughout the roof system and insufficient flashing in roof valleys. The manufacturer's evaluation strongly recommended a complete tear off and replacement of the existing roof system. Preliminary design will include replacement of the roof shingle system with a metal roof system.

**ENROLLMENT PROJECTIONS:**

2023*	2024	2025	2026	2027	2028	2029	2030	2031	2032
580	613	613	626	610	599	597	599	617	600

\*Preliminary September 2023 enrollment estimate. Final enrollments will be provided when available.

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**FUTURE PROJECT REQUEST - (Optional Form)**

LEA: Worcester

DATE: 9/20/2023

FISCAL YEAR: FY 25

PSC NO.: 23.008

PROJECT TYPE: NEW  ADDITION  RENOVATION  REPLACEMENT

SYSTEMIC RENOVATIONS:  STATE-OWNED RELOCATABLES:

SCHOOL NAME: Snow Hill Elementary School

SCHOOL ADDRESS: 515 Coulbourne Lane, Snow Hill, MD. 21863

**DESCRIPTION:**

Replacement Space: 65,000 sf @ \$653.20/sf	\$42,458,000
Site Development (19.00%)	\$8,067,000
Demolition of Existing School	\$754,000
Contingency @2.0%	\$1,026,000
Moveable Equipment @2.5%	\$1,282,000
Technology @1.3%	\$667,000
A/E Fee and CM Fee	\$5,817,000
Miscellaneous	\$359,000
Playground Equipment	\$308,000
Building Commissioning	<u>\$282,000</u>
<b>Total</b>	<b>\$61,020,000</b>

PROPOSED RATED CAPACITY: 524 GRADES: PK3 - 3

REQUEST APPROVAL FOR PLANNING FY: FY28 FUNDING FY: FY31/32

ESTIMATED COST TO STATE: \$17,288,000 LOCAL COST: \$43,732,000

**PROJECT JUSTIFICATION:**

Snow Hill Elementary School was constructed in 1979. There have been no additions or renovations executed at the school over the 44-year life of SHES. During the 2022-23 school year, Snow Hill Elementary operated at 118% of Local-Rated Capacity. Snow Hill Elementary will utilize five portable classrooms in 2023-24 to accommodate existing programs. Snow Hill Elementary School is one of only two WCPS schools utilizing portable classrooms. Additional space is required to accommodate existing programs. Cafeteria, Media Center and support spaces are also inadequate to serve existing needs. A Snow Hill Elementary School Feasibility Study is planned for summer/fall 2026 to evaluate existing building and site conditions and to evaluate construction options.

**ENROLLMENT PROJECTIONS:**

2023*	2024	2025	2026	2027	2028	2029	2030	2031	2032
370	361	343	349	354	362	374	382	389	393

\*Preliminary September 2023 enrollment estimate. Final enrollments will be provided when available.

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**SUMMARY OF CURRENT PLANNING AND FUNDING REQUESTS**

LEA: Worcester FISCAL YEAR: FY 25 DATE: 9/20/2023 (Rev. 10/24/23)

PRIORITY #	PROJECT TITLE	TOTAL EST. COST	NON-PSCP/IAC FUNDS	TOTAL STATE FUNDS	PRIOR PSCP/IAC FUNDS	Expected Project Requests (enter fiscal year below)												
						FY	2025	FY	26	FY	27	FY	28	FY	29	FY	30	
1	Buckingham Elementary Replacement School	\$55,852	\$50,000	\$5,852	\$0		\$513				\$5,339							
2	Snow Hill Middle/Cedar Chapel Roof Replacement	\$4,284	\$2,241	\$2,043	\$62		\$1,981											
3	Pocomoke Elementary School Roof Replacement	\$2,243	\$1,172	\$1,071	\$0		\$50	\$1,021										
4	Worcester Tech High School Roof Replacement	\$6,234	\$3,206	\$3,028	\$0					\$60	\$2,968							
5	Snow Hill Elementary School Replacement School	\$61,020	\$43,732	\$17,288	\$0										\$1,576			
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		
16																		
17																		
18																		
19																		
20																		
21																		
22																		
	TOTAL (Last page only)	\$129,633	\$100,351	\$29,282	\$62		\$2,544	\$1,021		\$5,399	\$2,968		\$1,576				\$0	

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**STATUS OF PREVIOUSLY APPROVED PROJECTS**

LEA: Worcester FISCAL YEAR: FY 25  
 DATE: 9/20/2023

PROJECT TITLE and PSC NO. <sup>1</sup> (Chronological Order by Fiscal Year)	MONTH AND YEAR (00/00) OF STATE APPROVAL					Percent Construction Completed	Date Occupied
	IAC	SD	DD	CD	CONTRACT AWARD		
Stephen Decatur Middle Addition 23.014.21 LP	6/20	10/20	6/21	6/21	11/21	99%	1/23
Cedar Chapel S.S. *** HVAC Units 23.013.21 ASP	4/21				6/21**	0%	
Stephen Decatur High Repair Masonry Walls 23.004.21 ASP	4/21				6/21**	100%	8/21
Cedar Chapel S.S. Playground 23.013.23 PTG	6/23				9/23	0%	
Cedar Chapel S.S. Playground 23.013.23 ASP	2/23				9/23	0%	
Pocomoke High School Cameras 23.003.23 SSGP	11/22				2/23	100%	8/23
Snow Hill High School Cameras 23.005.23 SSGP	11/22				2/23	100%	8/23
Worcester Tech Cameras 23.015.23 SSGP	11/22				2/23	100%	8/23
Pocomoke Elementary Cameras 23.002.24 SSGP	9/23				9/23	0%	
Snow Hill Elementary Cameras 23.008.24 SSGP	9/23				9/23	0%	

<sup>1</sup> ALL PROJECTS INCLUDING SYSTEMIC RENOVATION, AGING SCHOOL, SCHOOL SAFETY, HEALTHY SCHOOLS FACILITY FUND AND QZAB.

**STATUS OF STATE-OWNED RELOCATABLES**

LEA: Worcester

FISCAL YEAR: FY 25

DATE: 9/20/2023

SCHOOL	BUILDING NUMBER	MFR/ NO. CLRM(S)	CURRENT USE	DATE SITED	ACTION REQUESTED	JUSTIFICATION
<p>(Note: 11 locally owned portable temporary classrooms are used to accommodate all existing programs.)</p>						

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<sup>1</sup> The following actions may be requested: Retain in the same location, Move within school system, Revert to State (indicate date available). The completed form should be included with the Capital Improvement Program submittal.

WORCESTER COUNTY

SUMMARY OF PORTABLE CLASSROOMS

2023 - 2024

SCHOOL	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	SQ. FT.
Buckingham Elementary	5	5	5	5	5	5	5	5	3,840
Ocean City Elementary	0	0	0	0	0	0	0	0	0
Pocomoke Elementary	0	0	0	0	0	0	0	0	0
Showell Elementary	9	9	9	9	0 <small>(Note 4)</small>	0	0	0	0
Snow Hill Elementary	5	5	5	5	5	5	5	5	3,840
Berlin Intermediate	6	6	6	6	6	0 <small>(Note 5)</small>	0	0	0
Pocomoke Middle	0	0	0	0	0	0	0	0	0
Snow Hill Middle	1	1	1	1	1	1	1	1	768
Cedar Chapel Special	0	0	0	0	0	0	0	0	0
Stephen Decatur Middle	9	9	9	9	9	9	0 <small>(Note 6)</small>	0	0
Pocomoke High	0	0	0	0	0	0	0	0	0
Snow Hill High	4 <small>(Note 2)</small>	0 <small>(Note 3)</small>	0	0	0	0	0	0	0
Stephen Decatur High	0	0	0	0	0	0	0	0	0
Worcester Tech	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>39</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>26</b>	<b>20</b>	<b>11</b>	<b>11</b>	<b>8,448</b>

- (1) Four temporary structures and thirteen locally owned portables utilized at Snow Hill High School (13,056 s.f.). Eleven portable classrooms relocated from Pocomoke High School in 2011 to support renovation/addition project.
- (2) Four temporary structures at Snow Hill High School demolished and nine locally owned portable classrooms relocated to Central Office in summer 2016.
- (3) Two locally owned portable classrooms demolished and two locally owned portable classrooms at Snow Hill High School relocated to Central Office in January 2017. No portable classrooms at Snow Hill High School.
- (4) Nine locally owned portable classrooms demolished at Showell Elementary School as part of the replacement school project.
- (5) Six locally owned portable classrooms removed from the Berlin Intermediate School site in summer 2021. Portables not required with move of Grade 4 from Berlin Intermediate to the new Showell Elementary School.
- (6) Nine locally owned portable classrooms were in use at Stephen Decatur Middle School from September thru December 2022 and were demolished in December 2022. The SDMS Addition project provided 16 new classrooms beginning in January 2023.

# WORCESTER COUNTY Priority Funding Areas

**Priority Funding Areas**

**Pre-defined Areas**

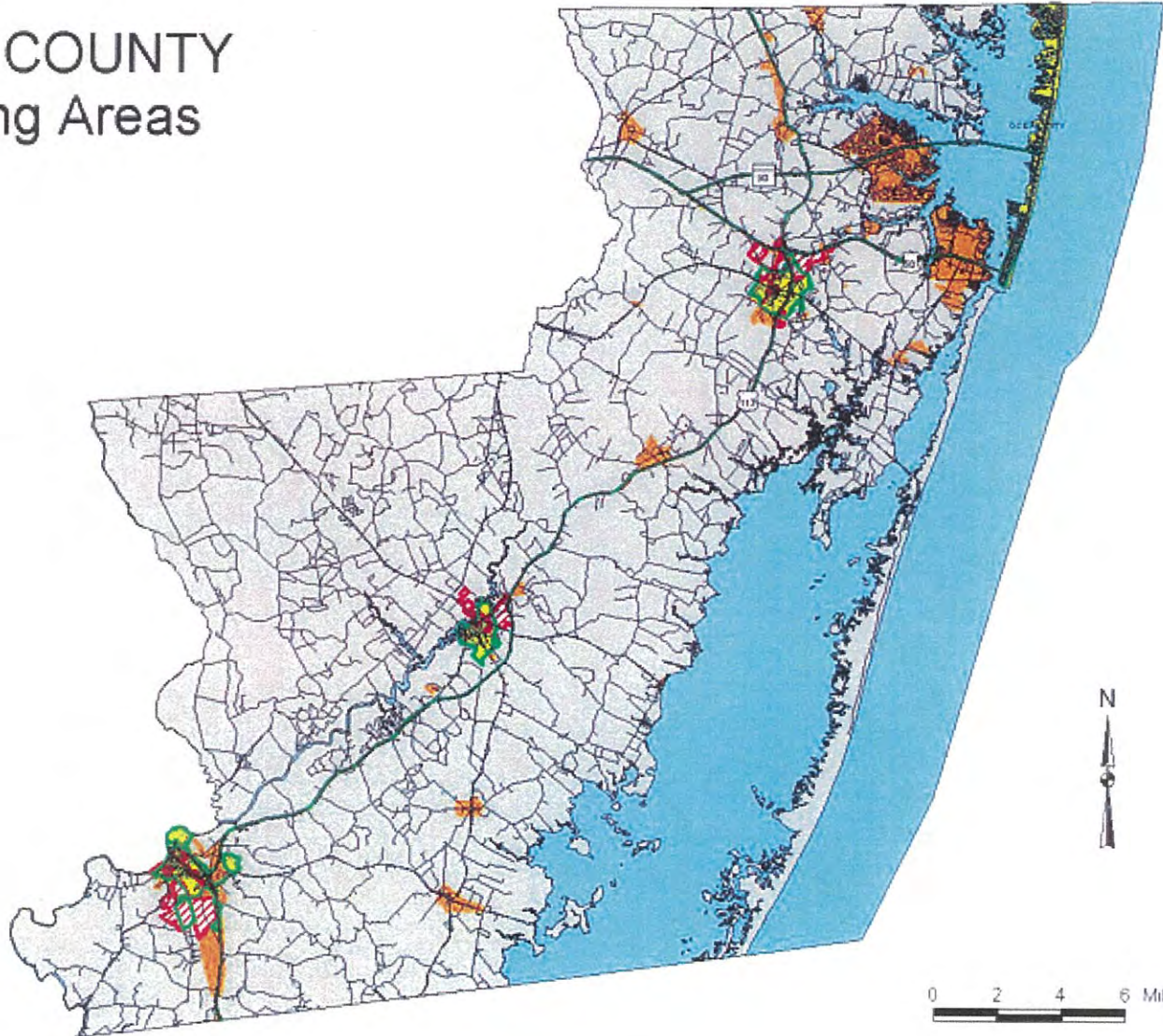
-  Inner Beltway Area
-  Heritage Area
-  Designated Neighborhood
-  Enterprise Zone
-  Municipality

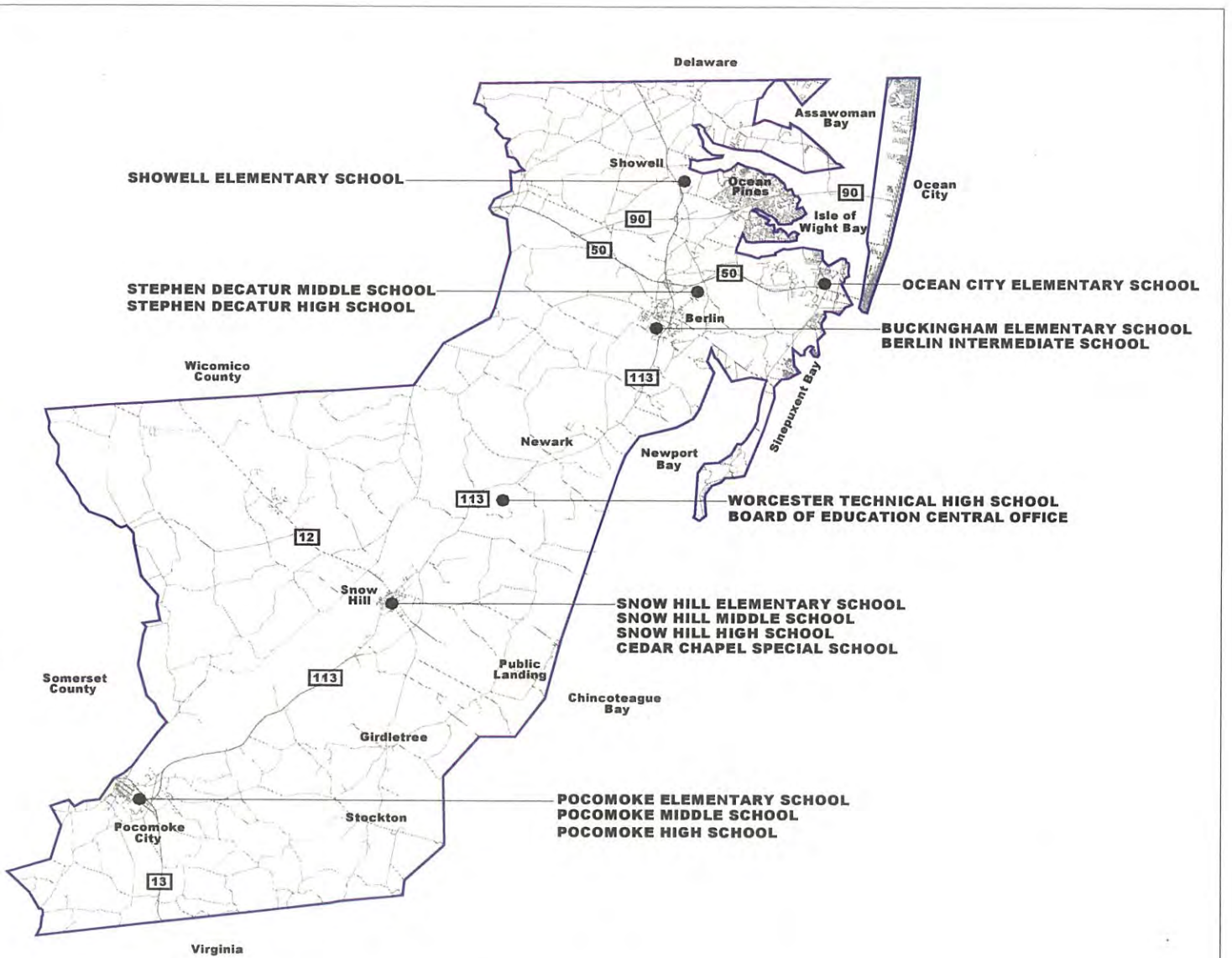
**County Certified Areas**

-  Compliance Area / Eligible for Funding
-  Area Not Meeting Criteria
-  Rural Village / Community with Water Only
-  Additional Area Eligible for Job Creation Tax Credit

Sources: Designated Neighborhoods (1997) - Maryland Office of Planning and the Department of Housing and Community Development; Enterprise Zones (1997) - Maryland Office of Planning and the Department of Business and Economic Development; Municipalities (1997) - Maryland Office of Planning; Heritage Areas (1998) - Maryland Office of Planning.

Maryland Office of Planning Comment  
Any proposals for projects in the area labeled as "Area not meeting criteria" will be referred to the Smart Growth and Neighborhood Conservation Coordinating Subcommittee for review.





**SCHOOL LOCATION MAP  
WORCESTER COUNTY, MARYLAND**

Summary of Pre-Kindergarten Enrollment\*  
September 30, 2023  
(Revised 10/24/23)

Pre-Kindergarten Age 3

Pre-Kindergarten Age 4

Showell Elementary School (All day PreK-3)

Showell Elementary School (All day PreK-4)

18  
18 TOTAL  
18 FTE

18  
17  
17  
17  
69 TOTAL  
69 FTE

Ocean City Elementary School (All day PreK-3)

Ocean City Elementary School (All day PreK-4)

18  
18 TOTAL  
18 FTE

17  
16  
16  
16  
65 TOTAL  
65 FTE

Buckingham Elementary School (All day PreK-3)

Buckingham Elementary School (All day PreK-4)

20  
20  
40 TOTAL  
40 FTE

17  
17  
16  
16  
66 TOTAL  
66 FTE

Snow Hill Elementary School (All day PreK-3)

Snow Hill Elementary School (All day PreK-4)

19  
18  
37 TOTAL  
37 FTE

14  
14  
14  
14  
56 TOTAL  
56 FTE

Pocomoke Elementary School (All day PreK-3)

Pocomoke Elementary School (All day PreK-4)

19  
18  
37 TOTAL  
37 FTE

19  
18  
18  
18  
73 TOTAL  
73 FTE

\*Projected

Summary of Kindergarten Enrollment\*  
September 30, 2023  
(Revised 10/24/23)

Showell Elementary School

18  
18  
18  
18  
18  
17  
107 TOTAL  
107 FTE

Ocean City Elementary School

17  
17  
17  
17  
16  
16  
100 TOTAL  
100 FTE

Buckingham Elementary School

18  
18  
18  
18  
17  
89 TOTAL  
89 FTE

Snow Hill Elementary School

20  
20  
20  
20  
80 TOTAL  
80 FTE

Pocomoke Elementary School

17  
17  
16  
16  
16  
82 TOTAL  
82 FTE

\*Projected



**WORCESTER COUNTY PUBLIC SCHOOLS  
TEN-YEAR ENROLLMENT PROJECTIONS**

**FULL TIME EQUIVALENT**

**SEPTEMBER 30, 2022 – 2032**

**(Revised 10/24/23)**



# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	83	150	150	155	160	164	206	210	212	212	212
PRE-K 4	365	329	341	361	370	389	408	408	408	408	408
KINDERGARTEN	384	458	389	371	394	404	424	444	444	444	444
ELEMENTARY SPEC.	16	23	23	23	23	23	23	23	23	23	23
1	462	394	474	405	387	410	420	440	460	460	460
2	424	481	409	489	420	402	425	435	455	475	475
3	475	436	499	427	507	438	425	443	453	473	493
4	459	497	452	515	443	523	454	441	459	469	489
5	457	467	505	460	523	451	531	462	450	468	477
6	511	448	474	512	467	530	458	538	469	457	475
7	514	518	459	485	523	478	541	469	549	480	468
8	533	529	531	472	498	536	491	554	482	562	493
9	527	559	557	559	500	526	564	519	582	510	590
10	561	526	565	563	565	506	532	570	525	588	516
11	485	538	533	572	570	572	513	539	577	532	595
12	558	474	545	540	579	577	579	520	546	584	539
SECONDARY SPEC.	27	27	27	27	27	27	27	27	27	27	27
TOTAL ENROLLMENT	6,841	6,854	6,933	6,936	6,956	6,956	7,021	7,042	7,121	7,172	7,185
K-12 ENROLLMENT	6,393	6,375	6,442	6,420	6,426	6,403	6,407	6,424	6,501	6,552	6,565

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### BUCKINGHAM ELEMENTARY

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	19	40	40	40	40	40	80	80	80	80	80
PRE-K 4	75	66	70	74	76	80	84	84	84	84	84
KINDERGARTEN	78	89	66	70	74	76	80	84	84	84	84
1	72	77	92	69	73	77	79	83	87	87	87
2	77	84	80	95	72	76	80	82	86	90	90
3	90	78	87	83	98	75	79	83	85	89	93
4	104	98	81	90	86	101	78	82	86	88	92
TOTAL ENROLLMENT	515	532	516	521	519	525	560	577	592	602	610

WORCESTER COUNTY PUBLIC SCHOOLS

OCEAN CITY ELEMENTARY

TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	17	18	17	17	18	20	22	24	24	24	24
PRE-K 4	71	65	66	70	72	76	79	79	79	79	79
KINDERGARTEN	73	100	79	73	78	80	84	88	88	88	88
1	103	73	103	82	76	81	83	87	91	91	91
2	83	107	77	107	86	80	85	87	91	95	95
3	90	81	111	81	111	90	84	89	91	95	99
4	84	99	87	117	87	117	96	90	95	97	101
TOTAL ENROLLMENT	521	543	540	547	528	544	533	544	559	569	577

WORCESTER COUNTY PUBLIC SCHOOLS

POCOMOKE ELEMENTARY

TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	16	37	38	39	40	40	40	40	40	40	40
PRE-K 4	75	73	70	74	76	80	84	84	84	84	84
KINDERGARTEN	76	82	82	76	81	83	87	91	91	91	91
1	103	78	87	87	81	86	88	92	96	96	96
2	78	103	83	92	92	86	91	93	97	101	101
3	95	87	108	88	97	97	91	96	98	102	106
<b>TOTAL ENROLLMENT</b>	<b>443</b>	<b>460</b>	<b>468</b>	<b>456</b>	<b>467</b>	<b>472</b>	<b>481</b>	<b>496</b>	<b>506</b>	<b>514</b>	<b>518</b>

WORCESTER COUNTY PUBLIC SCHOOLS

SHOWELL ELEMENTARY

TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	17	18	17	20	22	24	24	24	26	26	26
PRE-K 4	77	69	72	76	78	82	86	86	86	86	86
KINDERGARTEN	98	107	99	93	98	101	106	110	110	110	110
1	100	104	109	101	95	100	103	108	112	112	112
2	111	100	104	109	101	95	100	103	108	112	112
3	120	116	103	107	112	104	103	103	106	111	115
4	98	120	119	106	110	115	107	106	106	109	114
<b>TOTAL ENROLLMENT</b>	<b>621</b>	<b>634</b>	<b>623</b>	<b>612</b>	<b>616</b>	<b>621</b>	<b>629</b>	<b>640</b>	<b>654</b>	<b>666</b>	<b>675</b>

WORCESTER COUNTY PUBLIC SCHOOLS

SNOW HILL ELEMENTARY

TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-K 3	14	37	38	39	40	40	40	42	42	42	42
PRE-K 4	67	56	63	67	68	71	75	75	75	75	75
KINDERGARTEN	59	80	63	59	63	64	67	71	71	71	71
1	84	62	83	66	62	66	67	70	74	74	74
2	75	87	65	86	69	65	69	70	73	77	77
3	80	74	90	68	89	72	68	72	73	76	80
<b>TOTAL ENROLLMENT</b>	<b>379</b>	<b>396</b>	<b>402</b>	<b>385</b>	<b>391</b>	<b>378</b>	<b>386</b>	<b>400</b>	<b>408</b>	<b>415</b>	<b>419</b>

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### CEDAR CHAPEL SPECIAL SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
PRE-KINDERGARTEN	0	0	0	0	0	0	0	0	0	0	0
KINDERGARTEN	0	0	0	0	0	0	0	0	0	0	0
ELEMENTARY SPEC.	16	23	23	23	23	23	23	23	23	23	23
SECONDARY SPEC.	27	27	27	27	27	27	27	27	27	27	27
TOTAL ENROLLMENT	43	50	50	50	50	50	50	50	50	50	50

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### BERLIN INTERMEDIATE SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
5	314	297	321	291	317	287	337	285	283	292	298
6	326	305	297	321	291	317	287	337	285	283	292
TOTAL ENROLLMENT	640	602	618	612	608	604	624	622	568	575	590



# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### POCOMOKE MIDDLE SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
4	89	99	89	110	90	99	99	93	98	100	104
5	80	88	101	91	112	92	101	101	95	100	102
6	97	81	90	103	93	114	94	103	103	97	102
7	90	100	84	93	106	96	117	97	106	106	100
8	92	98	105	89	98	111	101	122	102	111	111
<b>TOTAL ENROLLMENT</b>	<b>448</b>	<b>466</b>	<b>469</b>	<b>486</b>	<b>499</b>	<b>512</b>	<b>512</b>	<b>516</b>	<b>504</b>	<b>514</b>	<b>519</b>

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### SNOW HILL MIDDLE SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
4	84	81	76	92	70	91	74	70	74	75	78
5	63	82	83	78	94	72	93	76	72	76	77
6	88	62	87	88	83	99	77	98	81	77	81
7	82	91	64	89	90	85	101	79	100	83	79
8	86	87	93	66	91	92	87	103	81	102	85
<b>TOTAL ENROLLMENT</b>	<b>403</b>	<b>403</b>	<b>403</b>	<b>413</b>	<b>428</b>	<b>439</b>	<b>432</b>	<b>426</b>	<b>408</b>	<b>413</b>	<b>400</b>

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### STEPHEN DECATUR MIDDLE SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

<b>GRADE</b>	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
7	342	327	311	303	327	297	323	293	343	291	289
8	355	344	333	317	309	333	303	329	299	349	297
<b>TOTAL ENROLLMENT</b>	697	671	644	620	636	630	626	622	642	640	586

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### POCOMOKE HIGH SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
9	101	95	100	107	91	100	113	103	124	104	113
10	81	98	97	102	109	93	102	115	105	126	106
11	80	79	101	100	105	112	96	105	118	108	129
12	90	79	82	104	103	108	115	99	108	121	111
<b>TOTAL ENROLLMENT</b>	<b>352</b>	<b>351</b>	<b>380</b>	<b>413</b>	<b>408</b>	<b>413</b>	<b>426</b>	<b>422</b>	<b>455</b>	<b>459</b>	<b>459</b>

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### SNOW HILL HIGH SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
9	92	92	91	97	70	95	96	91	107	85	106
10	85	88	94	93	99	72	97	98	93	109	87
11	78	85	90	96	95	101	74	99	100	95	111
12	93	76	87	92	98	97	103	76	101	102	97
<b>TOTAL ENROLLMENT</b>	<b>348</b>	<b>341</b>	<b>362</b>	<b>378</b>	<b>362</b>	<b>365</b>	<b>370</b>	<b>364</b>	<b>401</b>	<b>391</b>	<b>401</b>

# ITEM 9

## WORCESTER COUNTY PUBLIC SCHOOLS

### STEPHEN DECATUR HIGH SCHOOL

#### TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
9	334	372	366	355	339	331	355	325	351	321	371
10	395	340	374	368	357	341	333	357	327	353	323
11	327	374	342	376	370	359	343	335	359	329	355
12	375	319	376	344	378	372	361	345	337	361	331
TOTAL ENROLLMENT	1431	1405	1458	1443	1444	1403	1392	1362	1374	1364	1380

# ITEM 9

WORCESTER COUNTY PUBLIC SCHOOLS

WORCESTER TECHNICAL HIGH SCHOOL

TEN YEAR ENROLLMENT PROJECTIONS - FTE BASIS

SEPTEMBER 30, 2022-2032

GRADE	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
ALL	514	560	599	610	625	603	592	594	601	621	601
TOTAL ENROLLMENT	514	560	599	610	625	603	592	594	601	621	601

TEL: 410-632-5623  
 FAX: 410-632-1753  
 WEB: co.worcester.md.us



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

DALLAS BAKER JR., P.E.  
 DIRECTOR

CHRISTOPHER CLASING, P.E.  
 DEPUTY DIRECTOR

**MEMORANDUM**

**TO:** Weston Young P.E., Chief Administrative Officer  
 Candace Savage, CGFM, Deputy Chief Administrative Officer  
**FROM:** Dallas Baker Jr., P.E., Director *Dallas Baker Jr*  
**DATE:** November 14, 2023  
**SUBJECT:** Building Cleaning Services Price Increase

Public Works is requesting Commissioner approval for a price increase to the current building cleaning services contract. Earlier this year, the State of Maryland accelerated the previously approved minimum wage rate increase schedule. The change moved the effective date for the \$15/hour minimum wage from January 1, 2025, to January 1, 2024. Consequently, the building cleaning services contractor, Sentral Services, is requesting the effective date of the Year 3 pricing move up from July 1, 2024 to January 1, 2024 to match the new State requirement. Sentral Services has confirmed these rates would then remain in effect for 18 months, through June 30, 2025 (the end of Year 3). The following schedule details the rate changes:

**Original Contract Dates:**

Term	From (service start date)	To (end of fiscal year)*
Initial Term 2 years	08/01/2022	06/30/2024*
Year 3	07/01/2024	06/30/2025*
Year 4	07/01/2025	06/30/2026*
Year 5	07/01/2026	06/30/2027*

**2024 Minimum Wage Increase Adjustment:**

Term	From (service start date)	To (end of fiscal year)*
Initial Term 2 years	08/01/2022	12/31/2023
<b>Year 3 (18 months)</b>	<b>01/01/2024</b>	<b>06/30/2025*</b>
Year 4	07/01/2025	06/30/2026*
Year 5	07/01/2026	06/30/2027*

Please let me know if there are any questions.

Attachments

CC: Chris Clasing  
 Mike Hutchinson  
 Kim Reynolds  
 Nick Rice





ENGAGED • EMPOWERED • PEOPLE

November 14, 2023

Michael Hutchinson  
 Maintenance Superintendent  
 Worcester County Dept. of Public Works  
 6113 Timmons Road,  
 Snow Hill, MD 21863

Dear Mike,

We appreciate your continued partnership with Sentral Services. As a part of our original RFP submission, we provided pricing for extension years 3-5, these rates consider our anticipated expenses to be incurred in those years with a normal economy. The past two years have exceeded all expectations of reasonable with rising costs, high inflation, and labor shortages.

	2020	2021	2022	2023	2024
<b>Effective date</b>	<b>1/1/2020</b>	<b>1/1/2021</b>	<b>1/1/2022</b>	<b>1/1/2023</b>	<b>1/1/2024</b>
State of Maryland Minimum Wage	\$ 11.00	\$ 11.75	\$ 12.50	\$13.25	\$ 15.00
% Increase from Previous Year		<b>6.82%</b>	<b>6.38%</b>	<b>6.00%</b>	<b>13.21%</b>

Earlier this year the state of Maryland accelerated the previously approved minimum wage (HB166 effective 7/1/2018) under SB0555 EFFECTIVE 1/1/2024 moving minimum wage to \$15.00 per hour, one year ahead as scheduled.

With this requirement we are requesting that our contract pricing accelerate to Year 3 effective 1/1/2024, in lieu of the renewal date of 7/1/2024. These rates would then remain in effect through **June 30, 2025**. This would represent an annual increase of \$9,084.82, (including added sites and adjustments).

We thank you for your consideration of our request and look forward to the continued partnership with you, your team, and Worcester County.

Respectfully,

Gregory R. Tucker  
 President

2022 Custodial Services Schedule  
Bid Pricing

**ITEM 10**


**Job# 00228-01 through 26**

08/01/2022-12/31/2023 01/01/2024-06/30/2025 07/01/2025-06/30/2026 07/01/2026-06/30/2027

NO.	BLDG.	LOCATION	VISITS DArWK.	VISITS DRrYR.	Price per Visit DRr Buildina	Price Years 1 & 2 per Buildina	Price Year 3 per Buildina	Price Year 4 per Buildina	Price Year 5 per Buildina
1	Senior Center	Berlin	1	52	\$ 81.27	\$ 8,452.08	\$ 4,352.82	\$ 4,483.41	\$ 4,617.91
2	Librarv	Berlin	3	156	\$ 93.73	\$ 29,243.76	\$ 15,060.54	\$ 15,512.35	\$ 15,977.72
3	Health Department	Berlin	3	156	\$122.18	\$ 38,120.16	\$ 19,631.88	\$ 20,220.84	\$ 20,827.46
4	Dental Clinic	Berlin	1	52	\$ 83.78	\$ 8,713.12	\$ 4,487.26	\$ 4,621.87	\$ 4,760.53
5	IOW SVC. BLDG.	Bishopville	2	104	\$ 61.22	\$ 12,733.76	\$ 6,557.89	\$ 6,754.62	\$ 6,957.26
6	Fire TralninQ Center	Newark	1	52	\$ 60.80	\$ 6,323.20	\$ 3,256.45	\$ 3,354.14	\$ 3,454.77
7	Senior Center	Ocean Citv	1	52	\$119.33	\$ 12,410.32	\$ 6,391.31	\$ 6,583.05	\$ 6,780.55
8	Library	Ocean Citv	3	156	\$ 82.32	\$ 25,683.84	\$ 13,227.18	\$ 13,623.99	\$ 14,032.71
9	Health Department	Ocean Citv	2	104	\$ 53.59	\$ 11,146.72	\$ 5,740.56	\$ 5,912.78	\$ 6,090.16
10	WWW	Ocean Pines	2	104	\$ 43.37	\$ 9,020.96	\$ 4,645.79	\$ 4,785.17	\$ 4,928.72
11	Library	Ocean Pines	3	156	\$102.90	\$ 32,104.80	\$16,533.97	\$ 17,029.99	\$ 17,540.89
12	Welcome Center	Pocomoke	1	52	\$ 77.32	\$ 8,041.28	\$ 4,141.26	\$ 4,265.50	\$ 4,393.46
13	Librarv	Pocomoke	3	156	\$57.77	\$ 18,024.24	\$ 9,282.48	\$ 9,560.96	\$ 9,847.79
14	Service Building Health Deoartment	Pocomoke	3	156	\$ 73.07	\$ 22,797.84	\$ 11,740.89	\$ 12,093.11	\$ 12,455.91
15	Service Building Senior Center	Pocomoke	1	52	\$ 69.73	\$ 7,251.92	\$ 3,734.74	\$ 3,846.78	\$ 3,962.18
16	Senior Center	Snow Hill	2	104	\$206.03	\$ 42,854.24	\$ 22,069.93	\$ 22,732.03	\$ 23,413.99
17	Health Deoartment	Snow Hill	3	156	\$303.86	\$ 94,804.32	\$ 48,824.22	\$ 50,288.95	\$ 51,797.62
18*	Tourism	Snow Hill	1	52	\$ 57.47	\$ 5,976.88	\$ 3,078.09	\$ 3,170.44	\$ 3,265.55
19	Board of Elections	Snow Hill	1	52	\$ 54.36	\$ 5,653.44	\$ 2,911.52	\$ 2,998.87	\$ 3,088.83
20	State's Attomev	Snow Hill	2	104	\$ 94.47	\$ 19,649.76	\$ 10,119.63	\$ 10,423.22	\$ 10,735.91
21	Roads	Snow Hill	2	104	\$ 38.94	\$ 8,099.52	\$ 4,171.25	\$ 4,296.39	\$ 4,425.28
22	Solid Waste	Newark	2	104	\$ 35.86	\$ 7,458.88	\$ 3,841.32	\$ 3,956.56	\$ 4,075.26
23	Recvclce	Newark	2	104	\$ 34.47	\$ 7,169.76	\$ 3,692.43	\$ 3,803.20	\$ 3,917.30
24	Government Center	Snow Hill	3	156	\$420.86	\$131,308.32	\$ 67,623.78	\$ 69,652.50	\$ 71,742.07
25	Animal Control	Snow Hill	1	52	\$ 43.03	\$ 4,475.12	\$ 2,304.69	\$ 2,373.83	\$ 2,445.04
26	Bank St.Blda.	Snow Hill	1	52	\$ 58.29	\$ 6,062.16	\$ 3,122.01	\$ 3,215.67	\$ 3,312.14
<b>TOTAL</b>						\$583,580.40	\$300,543.91	\$309,560.22	\$318,847.03

18\* Moved to new location, see next page

**MUST BE SIGNED, DATED and COMPLETE TO BE CONSIDERED**

Signed:  Date: **05/06/2022** Company Name: **Sentral Services, LLC**

Print: **Gregory Tucker** Company Address: **10441 Metropolitan Avenue, Kensington, MD 20895**

Title: **President** Tele hone: **(301) 339-0517**

Email **gtucker@sentralservices.com / or bids@sentralservices.com**

NOTE: Signature above constitutes receipt of all bid documents


2022 Custodial Services Schedule

**ITEM 10**

Bid Pricing **CO#1 - Tourism Building New Location 107 W. Green St  
Formerly 100 Pearl Street, Snow Hill, MD**

NO.	BLDG.	LOCATION	VISITS DRWK.	VISITS DRYR.	Price per Visit DRr Buildna	Price Years 1 & 2 per Bulldna	Price Year 3 per Bulldna	Price Year 4 per Bulldna	Price Year 5 per Bulldna
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18	Tourism (new Loc)	107 W. Green St	1	52	\$85.19	\$8,859.76	\$4,562.78	\$4,699.66	\$4,840.65
19									
20									
21									
22									
23									
24									
25									
26									
<b>TOTAL</b>					\$85.19	\$8,859.76	\$4,562.78	\$4,699.66	\$4,840.65

Cumulative Grand Total: \$586,463.28 \$302,028.59 \$311,089.45 \$320,422.13  
**BID MUST BE SIGNED, DATED and COMPLETE TO BE CONSIDERED**

Signed:  Date: 02/13/2023 Company Name: Sentral Services, LLC

Print: Greg Tucker Company Address: 10441 Metropolitan Avenue, Kensington, MD 20895

Title: President Tele hone: (301) 339-0517

Email gtucker@sentralservices.com Alternate email: contracts@sentralservices.com





Worcester County Government  
One West Market Street | Room 1103 | Snow Hill MD 21863-1195  
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

## MEMORANDUM

TO: Worcester County Commissioners  
FROM: Nicholas W. Rice, Procurement Officer  
DATE: November 21, 2023  
RE: Request to Purchase – Dump Truck and Snowplow

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Public Works is requesting Commissioner approval to purchase a 2024 Kenworth T480 dump truck and snowplow from Kenworth Mid Atlantic under a cooperative contract through Sourcewell. Funding has been approved in the FY24 Roads Division budget under account 100.1202.9010.010 Capital Equipment New Vehicles in the amount of \$250,000. Please see the attached quote in the amount of \$232,694.

The purchase of this dump truck will replace one (1) 2007 International 7300 Dump Truck (#121) which currently has 217,206 miles on it and acts as one of the fleet's salt brine applicator trucks. Truck #121 is currently still in operation but at the end of its useful life due to breakdown from rust. The new dump truck would come with a pre-plumbed stainless-steel body that will withstand the corrosive elements and fit in seamlessly with the Roads Division's salt brine process.

Sourcewell is a cooperative purchasing organization that competitively awards purchasing contracts on behalf of itself and its participating agencies. Sourcewell follows the competitive contracting law process to solicit, evaluate, and award cooperative purchasing contracts for goods and services.

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



Worcester County DPW Roads Div  
 5764 Worcester Highway  
 Snow Hill, Maryland 21863  
 Attn: Kevin Lynch  
 klynch@co.worcester.md.us

Kenworth Mid Atlantic- Delmarva A318  
 613 Clara St  
 Dover, DE 19904  
 Steve Abbott  
 410-430-5804  
[sabbott@allroadstrucks.com](mailto:sabbott@allroadstrucks.com)

Sourcewell Contract 060920-KTC  
 Kenworth Trucks  
 T480 Truck With  
 10' Dump Body



Model	Description	List Price	Sourcewell Price
T480	2024 T480 Dump Truck with Godwin 10' SS Body <b>Specs &amp; Pricing Based on Quote # QUO-994605-Z4P4K9</b> <i>Engine: PACCAR PX-9 330 HP 1000 Torque Trans: Allison 3500 RDS 6 speed</i> Chassis List Price = 160,023 x .83 = \$132,819 + \$500	\$ 160,023.00	\$133,319.00
<b>Sourcewell Program Options Priced Per Contract</b>			<b>Sourcewell Price</b>
10FT Body SS	Godwin 10FT SS Dump Body Cost = 75,800 + 5%= Sourcewell Price \$79,590.00		\$79,590.00
10' x 42" Snow Plow	Good Roads Snow Plow 10' x 42" +5%		\$11,385.00
Delivery Etc	Freight from Body Co, Delivery, Fuel, Storage/Flooring, Detail Etc.		\$8,400
<b>Reference Attached: 3416</b>	<b>Kenworth T480 Specifications Quote # QUO-994605-Z4P4K9 Body Quote #</b>		
<b>Total Sourcewell Price Delivered to ( Worcester County )</b>			<b>\$ 232,694.00</b>



# ITEM 11

## Sourcewell Discount Matrix for Kenworth Trucks Contract 060920-KTC: July 2023 Update

**STEP 1.** Any U.S. or Canadian authorized Kenworth Dealer generates a cab and chassis specification using the Kenworth PremierSpec system that meets the agency need. A chassis summary report is generated and at the end of the specifications a Total List Price is shown.

**STEP 2.** Agency chassis price will be determined by the Total List Price multiplied by the discount factor based on the model, plus any surcharge based on total list price compared to the minimums listed. This price includes cab and chassis only delivered to the first location after assembly.

**STEP 3.** Agency price for all truck bodies, additional equipment or services, fuel, chassis storage costs to allow body install, DOT or State inspections, extended warranties, etc. is no more than Kenworth dealer sales department cost plus 5%.

**STEP 4.** Agency total price is STEP 2 plus STEP 3 plus all required federal, state and local taxes, fees, tag, title, permits, etc.

**Example:**

1. Kenworth Dealer using PremierSpec generates specifications for a T880 model daycab with a Total List Price of \$259,110. Agency discount factor for that model is .655 per matrix below. The cab and chassis is subject to a \$1,000 upcharge since the list price is lower than the minimum listed for the model. The sale price for the cab and chassis would be \$170,717.05 (\$259,110 x .655 + \$1,000 min list upcharge), not including any body or other items.

2. Dealer also quotes a locally installed dump body, storage/flooring, local transport & delivery, DOT Inspection, local cleaning and fuel for \$29,117.00 (Dealer cost plus no more than 5% markup)

3. Total Agency price for chassis plus body and other goods and services is \$199,834 (\$170,717 plus \$29,117.00) plus any applicable taxes, state fees, tag, title, etc. Final delivery and payment terms to be mutually agreed upon by the Kenworth dealer and purchasing agency.

<b>Kenworth Medium Duty Models</b>	<b>Agency % Discount off Total List Price</b>	<b>Equivalent Discount Factor</b>	<b>\$500.00 upcharge if less than Minimum List Price:</b>	<b>\$1000.00 upcharge if less than Minimum List Price:</b>
T180	12.0%	0.880	\$102,500	\$98,500
T280	14.0%	0.860	\$118,500	\$115,500
T380	16.0%	0.840	\$129,000	\$125,500
T480	17.0%	0.830	\$160,500	\$157,500
K270 or K370 Cabover	7.0%	0.930	\$99,000	\$92,500
K270 / K370 w/Clear Rail Package	9.0%	0.910	\$119,750	\$116,500
T180 B6.7N Natural Gas Engine	24.0%	0.760	\$140,000	\$135,500
T280 B6.7N Natural Gas Engine	26.0%	0.740	\$149,500	\$146,500
T380 B6.7N Natural Gas Engine	26.0%	0.740	\$159,250	\$156,000
T280 L9N Natural Gas Engine	27.0%	0.730	\$169,500	\$166,000
T380 L9N Natural Gas Engine	27.0%	0.730	\$179,000	\$176,000
T480 L9N Natural Gas Engine	30.0%	0.700	\$213,250	\$210,500
<b>Kenworth Heavy Duty Models</b>	<b>Agency % Discount off Total List Price</b>	<b>Equivalent Discount Factor</b>	<b>\$1000.00 upcharge if less than Minimum List Price:</b>	<b>\$2000.00 upcharge if less than Minimum List Price:</b>
T680 Daycab	34.3%	0.657	\$245,500	\$240,000
T680 Sleeper	36.6%	0.634	\$273,500	\$267,000
T880 Daycab	34.5%	0.655	\$264,000	\$258,000
T880 Sleeper	35.2%	0.648	\$271,500	\$265,000
T880 Tridem	36.0%	0.640	\$310,000	\$304,500
W990 Daycab	36.0%	0.640	\$260,000	\$253,250
W990 Sleeper	38.2%	0.618	\$285,500	\$278,500
W990 Tridem	39.0%	0.610	\$325,500	\$317,000
T800 Daycab	32.4%	0.676	\$284,000	\$278,500
T800 Sleeper	32.6%	0.674	\$316,000	\$311,000
T800 Tridem	35.0%	0.650	\$324,500	\$316,500
W900 Daycab	31.0%	0.690	\$288,500	\$283,000
W900 Sleeper	34.0%	0.660	\$308,750	\$303,500
W900 Tridem	35.0%	0.650	\$338,000	\$331,500
T680 Daycab PX-9 Next Gen	30.1%	0.699	\$221,000	\$215,500
T880 Daycab w/ PX9 Engine	33.8%	0.662	\$234,500	\$227,500
W900 Daycab w/ PX9 Engine	30.0%	0.700	\$252,000	\$246,000
T880 Daycab with Front Drive Axle	30.0%	0.700	\$353,000	\$346,000
C500	25.0%	0.750	\$353,000	\$346,000
T680 Daycab ISX12N - Natural Gas Engine	36.0%	0.640	\$309,500	\$305,000
T680 Sleeper ISX12N - Natural Gas Engine	38.0%	0.620	\$308,000	\$301,000
T880 Daycab ISX12N - Natural Gas Engine	35.5%	0.645	\$306,500	\$299,500
T880 Sleeper ISX12N - Natural Gas Engine	41.5%	0.585	\$352,500	\$345,500
T880 Daycab L9N - Natural Gas Engine	35.0%	0.650	\$281,500	\$275,000
<b>Kenworth Battery Electric Models</b>	<b>Agency % Discount off Total List Price</b>	<b>Equivalent Discount Factor</b>	<b>\$1000.00 upcharge if less than Minimum List Price:</b>	<b>\$2000.00 upcharge if less than Minimum List Price:</b>
K270E/K370E Full Electric: 100 mi. Range	33.0%	0.670	Does Not Apply	Does Not Apply
K270E/K370E Full Electric: 150 mi. Range	34.0%	0.660	Does Not Apply	Does Not Apply
K270E/K370E Full Electric: 200 mi. Range	35.0%	0.650	Does Not Apply	Does Not Apply
T680E Full Electric Daycab	36.0%	0.640	Does Not Apply	Does Not Apply



**KENWORTH MID ATLANTIC - DELMARVA (A318)**  
**613 CLARA STREE**  
**DOVER, Delaware 19904**

**WORCESTER COUNTY DPW ROADS DIV**  
**5764 WORCESTER HIGHWAY**  
**SNOW HILL, Maryland 21863**  
**United States of America**

**Steve Abbott**  
**Cell Phone: 410-430-5804**  
**Office Phone:**  
**Email: sabbott@allroadstrucks.com**

**KEVIN LYNCH**  
**Office Phone: 410-632-2244**  
**Email: klynch@co.worcester.md.us**

### Vehicle Summary

	<b>Unit</b>		<b>Chassis</b>	
Model:	T480 Series Conventional	Fr Axle Load (lbs):		13220
Type:	FULL TRUCK	Rr Axle Load (lbs):		23000
Description 1:	T480 single axle dump	G.C.W. (lbs):		36220
Description 2:	Copy of T480 single axle dump			
	<b>Application</b>	Road Conditions:		
Intended Serv.:	Construction: Vehicles used in the cons	Class A (Highway)		80
Commodity:	Gravel/Crushed Rock/Sand	Class B (Hwy/Mtn)		15
		Class C (Off-Hwy)		5
		Class D (Off-Road)		0
	<b>Body</b>	Maximum Grade:		6
Type:	End Dump	Wheelbase (in):		185
Length (ft):	10	Overhang (in):		60
Height (ft):	11.5	Fr Axle to BOC (in):		69.5
Max Laden Weight (lbs):	4000			
		Cab to Axle (in):		115.5
		Cab to EOF (in):		175.5
		Overall Comb. Length (in):		309
	<b>Trailer</b>			
No. of Trailer Axles:	0			
Type:				
Length (ft):	0			
Height (ft):	0			
Kingpin Inset (in):	0			
Corner Radius (in):	0			
	<b>Restrictions</b>			
Length (ft):	75			
Width (in):	102			
Height (ft):	13.5			

**Approved by:** \_\_\_\_\_

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

**Note: All sales are F.O.B. designated plant of manufacture.**





Sales Code	Std/Opt	Description
<b>Model</b>		
0000480	S	<b>T480 Series Conventional</b>
0071001	O	<b>T480 Vocational Hood</b>
0080314	O	<b>EPA Clean Idle Label - PACCAR PX Engines</b>
0090161	O	<b>T480 Single Rear</b>
0098420	O	<b>State of Registry: Maryland</b>
<b>Engine &amp; Equipment</b>		
0130221	O	<b>PACCAR PX-9 330 330@1750 1000@1200, 2024</b> N09420 C333 0.....Reserve Speed Limit Offset ( N09380 C334 0.....Maximum Cycle Distance (N202 N09360 C400 252...Reserve Speed Function Reset N09200 C399 120...Standard Maximum Speed Limit N09400 C401 10....Maximum Active Distance (N20 N09220 C402 0.....Expiration Distance (N207) N09540 C395 0.....Expiration Distance (N209) N09260 C121 64....Max Vehicle Speed in Top Gea N09440 C234 YES...Engine Protection Shtdwn N09460 C231 NO....Gear Down Protection N09580 C133 5.....Idle Shtdwn Time N09680 C233 NO....Idle Shtdwn Override N09480 C132 1400..Max PTO Speed N09300 C128 64....Max Cruise Control Speed N09500 C239 YES...Cruise Control Auto Resume N09520 C238 NO....Auto Engine Brake in Cruise N09780 C190 80....High Ambient Temperature Thr N09740 C188 40....Low Ambient Temperature Thre N09760 C189 60....Intermediate Ambient Tempera N09720 C382 YES...Enable Hot Ambient Automatic N09600 C396 YES...Enable Impending Shutdown Wa N09620 C397 60....Timer For Impending Shutdown N09640 C206 35....Engine Load Threshold N09560 C225 YES...Enable Idle Shutdown Park Br
1000046	O	<b>EPA Emissions Warranty Engine</b>
1000151	S	<b>PremierSpec</b>
1000244	O	<b>Gearing Analysis: Balance</b>
1000253	O	<b>Customer's Typical Operating Spd: 63 MPH</b>
1000524		<b>RegistrationYear</b>
1000684		<b>Effective VSL Setting NA</b>

Price Level: January 1, 2024

Deal: T480 single axle dump

Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023

Quote Number: QLO-994605-Z4P4K9



<b>Sales Code</b>	<b>Std/ Opt</b>	<b>Description</b>
1000857	O	Engine Idle Shutdown Timer Enabled
1000859	O	Enable EIST Ambient Temp Ovrerule
1000891		Eff EIST NA Expiration Miles
1002060	S	Air Compressor: Cummins 18.7 CFM For Cummins And
1041399	S	Air Cleaner: MD Composite Engine Mounted
1093120	O	Inside/Outside Air Intake for Engine Mounted
1105232	O	Fan Hub: Horton Variable Speed
1121234	O	Cooling Module: 2.1M MD Vocational Hood,
1247264	O	EXH: Single Can 2024 RH Under with Single
1290130	O	Tailpipe: 5 in. single 30 in. 45 degree curved.
1321102	S	Fuel Filter: PACCAR 2.1M MD for PX-7 or PX-9
1321200	S	Run Aid:None
1321305	O	Start Aid:12V Heat
1504006	O	Block Heater: PACCAR 750 watt 120V for PX-7
1700149	O	Retarder: Jacobs for PX-9 and ISL With
1816200	O	Alternator: SEG 200 amp, Brush Type
1821225	O	Batteries: 2 PACCAR GP31 Threaded Post (1000)
1836106	S	Mitsubishi 105P55 12V Starter with Cummins and PX
1840067	O	Battery Disconnect Switch Mounted on Battery Box
1901005	O	Jump Start Terminals Frame Mounted BOC Below Top
1901018	S	Remote PTO/Throttle, 12-Pin, 250K, Back of Cab
<b>Transmission &amp; Clutch</b>		
2011631	O	Transmission: Allison 3500RDS 6-speed, With PTO
2406452	O	Driveline: 2 Dana SPL170XL 1 Centerbearing

Price Level: January 1, 2024

Deal: T480 single axle dump

Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023

Quote Number: QUO-994605-Z4P4K9



<i>Sales Code</i>	<i>Std/ Opt</i>	<i>Description</i>
2409941	S	One Heavy-Duty One-Piece Aluminum Crossmember
2410018	O	Torque Converter Included W/ Allison
2410114	O	Left Hand PTO Access, Right Hand Dip Stick Tube
2410153	O	Push Button Shifter Controls, Center Console
2410204	O	Allison Fuel Sense: Delete
2410244	O	J1939 Park Brake Auto Neutral
2410310	O	Allison Neutral at Stop
2429358	O	Rear Transmission Support Springs for
2460069	O	Transmission Cooler: Automatic Transmission
<b>Front Axle &amp; Equipment</b>		
2503461	O	Dana Spicer E-1462I Front Axle rated 14K
2621310	S	Front Brakes: 14.6K Bendix ES S-Cam 16.5x5 in.
2659047	O	Front Dustshield: for Drum Brakes:
2690002	S	Front Brake Drums: 14.6K 16.5x5 in. cast.
2702500	S	Front Hub: Iron Hub Pilot 14,600 lbs.
2741970	S	ConMet PreSet Plus Hub Package; Front Axle.
2750001	S	Hubcap: Front Vented.
2765001	S	Front Auto Slack Adjuster for Drum Brakes.
2864072	O	Front Springs: Taperleaf 14.6K W/ Shock Absorbers
2895091	O	Single Power Steering Gear: 14.6K.
2900055	O	5 mm Front Suspension Spacer Block
2900612	O	Threaded Front Spring Bushings in Place of
<b>Rear Axle &amp; Equipment</b>		
3041190	O	Single Dana Spicer S23-190 Single Reduction Rear
3200538	O	Rear Axle Ratio - 5.38.

Price Level: January 1, 2024  
 Deal: T480 single axle dump  
 Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023  
 Quote Number: QUO-994605-Z4P4K9



<b>Sales Code</b>	<b>Std/Opt</b>	<b>Description</b>
3330004	S	Single Rear Brakes 16-1/2x7 in. Bendix ES-
3392001	O	Single Rear Brake Heavy Duty Brake Drums: Cast.
3403220	S	Single Rear Hubs: Iron Hub Pilot 26k; 11.25" Bolt
3441971	S	ConMet PreSet Plus Hub Package; Single Rear Axle.
3465001	S	Single Rear Axle Automatic Slack Adjusters.
3485007	S	Spring Brake: 3030 Long Stroke Single 3 in.
3490047	O	Dustshields for Drum Brakes: All Rear Axles.
3495226	S	Bendix 4S/4M Anti-Lock Brake System.
3531000	O	Wheel Differential Lock for Dana Spicer Axle
3646417	O	Rear suspension: single Reyco 79KB multileaf 26K
3836310	O	Rear Shock Absorbers for Reyco 79KB.
3836315	S	Bolted Rear Suspension Crossmembers for Reyco
<b>Tires &amp; Wheels</b>		
4038823	O	Front tires: Goodyear Endurance LHS 11R22.5 16PR
4238004	O	Rear Tires: Goodyear Armor Max Pro Grade MSD
4900004	O	Rear Tire Quantity: 4
5042285	O	Front Wheel: Accuride 50344 22.5x8.25 steel
5242285	O	Rear Wheel: Accuride 50344 22.5x8.25 steel
5853906	O	Powder Coat White Steel Wheel. Use in Conjunction
5900004	O	Rear Wheel/Rim Quantity: 4
<b>Frame &amp; Equipment</b>		
6056200	O	Frame Rails: 10-3/4 x 3-1/2 x 3/8in. Steel to
6302460	O	Bumper: Tapered Painted Steel Channel.
6319064	O	64 in. Bumper Setting. Requires a Bumper Code.
6321010	S	Front Tow Loops: Two



<b>Sales Code</b>	<b>Std/Opt</b>	<b>Description</b>
6390034	O	24 in. Frame Rail Extensions. Vocational Hoods
6397001	O	Huck Bolts Throughout Frame, where Possible.
6400644	O	Battery Box Cantilever Aluminum BOC with Smooth
6409210	O	Rubber Battery Pad in Bottom of Battery Box.
6409901	S	Battery Box Location: LH Side.
6451125	S	DPF/SCR Box Natural End Plates and Natural
6490139	S	Heavy-Duty One-PC Aluminum Intermediate/ Fill-In
6490433	S	Heavy-Duty 5-Piece Rear Cab Support, Hucked
6679858	O	Final End-of-Frame Cut-Off Dimension Will be
6721102	S	Rear Mudflap Arms: Betts B-25 Standard-Duty,
6722000	S	Rear Mudflap Shields: White Plastic Antisail W/
6741023	O	Square End-of-Frame W/ Bolted Crossmember,
<b>Fuel Tanks &amp; Equip</b>		
7140070	O	70 US Gallon D-Shape Rectangular Aluminum Under
7722173	O	Large DEF Tank, 15 Gallons.
7889203	O	DEF to Fuel Fill Ratio 2:1 or Greater.
7889245	O	Anti-Siphon Device in Fuel Tank Filler Neck.
7889614	S	DEF Tank Location is LH BOC. For 2.1M Medium-Duty
7920070	O	Location: 70 gal fuel tank LH under cab
<b>Cab &amp; Equipment</b>		
8024311	S	Cab: Stamped Aluminum with Curved Windshield
8090153	O	Hood: Sloped Vocational w/ Stationary Grille
8108002	O	Fine Particulate Filter for Cabin Air HVAC
8108011	S	Cab HVAC - Day Cab and 40 in. Sleeper
8201013	S	Steering Wheel: 18 in. 4-Spoke.



<b>Sales Code</b>	<b>Std/Opt</b>	<b>Description</b>
8201200	S	Adjustable Telescoping Tilt Steering Column.
8203060	O	5 Sets of Keys. Replaces Standard 2 Sets of Keys.
8208474	O	One Spare Switch: Wired to Power. BOC Wire
8220106	O	Gauge: Dash Mounted Air Filter Restriction Gauge.
8221105	O	Gauge: Air Application Gauge.
8222409	O	Gauge: DD Virtual Gauge - Air Filter
8222413	O	Gauge: DD Virtual Gauge - Manifold
8222712	O	Gauge: Fuel Filter Restriction Gauge.
8222722	O	Gauge: Manifold Pressure Gauge.
8282024	S	Main Instrument Package: 7" Digital Display
8330591	S	Interior Trim Package: 2.1M MD Gray Foam
8410122	O	Driver Seat: KW Air Seat HB Vinyl w/ Dual
8478051	O	Rider Seat: KW Toolbox 2-Man Bench Vinyl
8490161	O	Seat Color: Black Replacing Standard Gray
8496559	O	Driver and Rider Seat Belts: Orange Seat Belts.
8601432	O	Kenworth Radio DEA710 AM/FM/WB/USB, Bluetooth
8601875	O	CB Radio: Cobra 29 W/Weatherband/DI Ant
8698965	O	Speaker Package For Cab: (2) Speakers
8699900	O	Metal Ground Plate: Two-Way Radio. For
8700196	S	Turn Signal: Self-Cancelling
8700283	S	LH and RH Trip Ledge Rain Deflectors
8700663	O	Kenworth TruckTech+:
8800272	O	Grabhandle: RH, Exterior, Side of Cab - Ergonomic
8800372	O	Grabhandle: LH, Exterior, Side of Cab - Ergonomic
8800402	S	Dual Cab Interior Grabhandles: A Pillar Mounted

Price Level: January 1, 2024

Deal: T480 single axle dump

Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023

Quote Number: QUO-994605-Z4P4K9



<b>Sales Code</b>	<b>Std/ Opt</b>	<b>Description</b>
8832113	S	Kenworth Daylite Door With Standard LH/RH
8841411	S	Single Air Horn Under Cab.
8850139	S	Look-Down, Pass. Door, Black 11x6
8850842	S	Mirror Shell: Dual Aero In-Mold Black
8850877	O	Mirror: RH Hood Mounted Black Rectangle Convex
8850878	O	Mirror: LH Hood Mounted Black Rectangle Convex
8860852	O	Mirror: Dual KW Aero Rear View
8871446	S	Rear Cab Stationary Window 19in x 36in
8890101	S	One-Piece Bonded-In Windshield With Curved Glass.
8890135	O	Exterior Stainless Steel Sunvisor.
8890874	O	Kenworth Cab Air Suspension.
8891009	O	Thermal/Sound Insulation Package
8891011	O	Roof: Raised Profile, Stamped Aluminum w/
<b>Lights &amp; Instruments</b>		
9010813	O	Headlamps: Single Halogen Complex Reflector w/
9010951	O	Daytime Running Lights Located in Bumper.
9022137	S	Marker Lights: Five, Rectangular, LED
9030052	S	LED Stop, Turn, Tail: With Two LED
9056140	O	Dual Pedestal Floodlights: First Set
9059901	O	Floodlight Location: Located High - First Set.
9060011	O	Halogen Spotlight: LH Mounted.
9080206	O	Switch and Wiring: Cust. Installed Beacon Lights
9090052	O	Brake Lights on when Engine Brake Active.
9090058	O	Switch & Wiring: For Customer-Installed Plow

Price Level: January 1, 2024  
 Deal: T480 single axle dump  
 Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023  
 Quote Number: QUO-994605-Z4P4K9



Sales Code	Std/ Opt	Description
9090151	O	Wiring:Cust. Install Trlr Elec. Brake Controller.
9090180	O	Backup Alarm: Tail Light Bracket Mounted Variable
<b>Air Equipment</b>		
9101218	S	Air Dryer: Bendix AD-HF Puraguard Heated
9108001	S	Moisture Ejection Valve W/ Pull Cable Drain.
9140020	S	Nylon Air Tubing in Frame & Cab, Excluding Hoses
<b>Extended Warranty</b>		
9200008	S	Base Warranty - PACCAR PX-9 Engine
9200113	O	Severe Service Medium-Duty Warranty: 12 months/
9210159	U	Sourcewell Narr Sourcewell
9212659	O	TruckTech+ RD - 3YR Sub PACCAR PX Engines
9220001	O	Base Warranty: Emissions
<b>Miscellaneous</b>		
9409852	O	GHG Secondary Manufacturer: Does Not Apply
9490645	O	Zinc Phosphate Frame Rail Paint Processing.
9491659	S	VMUX Architecture
<b>Promotions</b>		
<b>Paint</b>		
9700000	O	Paint Color Number(s). N9702 A - L0006 WHITE N9770 BUMPER N0001 BLACK N9720 FRAME N0001 BLACK
9943014	O	Steel Bumper Painted Frame Color
9943048	O	Day Cab Bulk Paint
9943050	S	Day Cab Standard Paint
9944820	S	1 - Color Paint - Day Cab
9965510	S	Base Coat/ Clear Coat.

Price Level: January 1, 2024  
Deal: T480 single axle dump  
Printed On: 11/1/2023 1:45:26 PM

Date: November 01, 2023  
Quote Number: QUO-994605-Z4P4K9





<i>Sales Code</i>	<i>Std/ Opt</i>	<i>Description</i>
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**Special Requirements**

- Special Requirement 1 0098025
- Special Requirement 2
- Special Requirement 3
- Special Requirement 4

**Order Comments**



## Prices and Specifications Subject to Change Without Notice.

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Unpublished options may require review/approval.

Dimensional and performance data for unpublished options may vary from that displayed in CRM.

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### **PRICING DISCLAIMER**

*While we make every effort to maintain the web site to preserve pricing accuracy, prices are subject to change without notice. Although the information in this price list is presented in good faith and believed to be correct at the time of printing, we make no representations or warranties as to the completeness or accuracy of this information. We reserve the right to change, delete or otherwise modify the pricing information which is represented herein without any prior notice. We carefully check pricing specifications, but occasionally errors can occur, therefore we reserve the right to change such prices without notice. We disclaim all liability for any errors or omissions in the materials. In no event will we be responsible for any damages of any nature whatsoever from the reliance upon information from these materials. Please check your order prebills to confirm your pricing information*



**Shipping Destinations**

**Intermediate Destination:**

Final Destinations	Quantity
--------------------	----------

**MOXLEY'S TRUCK EQUIPMENT  
A DIVISION OF MOXLEY WELDING &  
MACHINE SERVICE, INC.**

3601 CONOWINGO ROAD~STREET, MARYLAND 21154  
Fed # 52-1162218  
(410) 879-2400 FAX (410) 879-2422

**Price Quotation**

Price Quotation #	3416
Date	10/6/2023
Salesperson	MM

<b>Name / Address</b>
WORCESTER COUNTY 2024 DUMP PROPOSAL

CONDITIONS: The prices and terms on this quotation are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All quotations and agreements are contingent upon strikes, accidents, fires, availability of materials and all other causes beyond our control. Prices are based on costs and conditions existing on date of quotation and are subject to change by the Seller before final acceptance.

Typographical and stenographic errors are subject to correction. Purchaser agrees to accept either overage or shortage not in excess of ten percent to be charged for pro-rata. Purchaser assumes liability for patent and copyright infringement when goods are made to Purchaser's specifications. When quotation specifies material to be furnished by the purchaser. Ample allowance must be made for reasonable spoilage and material must be of suitable quality to facilitate efficient production.

Conditions not specifically stated herein shall be governed by established trade customs. Terms inconsistent with those stated hererin which may appear on Purchaser's formal order will not be binding on the Seller.

Moxleys agrees to hold clients harmless from any transportation incident that is a result of a negligent act by our drivers.

Quantity	Description	Price	Total
1	GALION 10' 201 #4 SERIES STAINLESS DUMP BODY -3/16" AR-450 1 PC FLOOR -7 GAUGE SS SIDES AND ENDS -STACKED UNDERSTRUCTURE, CROSS-SILLS ON 12" ON CENTER -30" SIDES, VERT BRACES, GRIP-STRUT WALKWAY AND TARP RAIL -40" 3 PANEL AIR-GATE -U850 SUB-FRAME HOIST, D-ACTING, SAFETY PROP -2 STEP PULL-OUT LADDER 1 SIDE AND GRAB HANDLE -SPLASH GUARDS, FLAPS ON SS HINGE DESIGN -EDD-1500 AUTOMATIC ALUM-ARM LOAD COVER -8" BOLT-ON SPREADER PAN -AERO ALUM BEHIND-CAB TOOLBOX APPROX 84" X 14" X 40" WITH PLYWOOD LINED BOTTOM AND SHELF. 1 LIGHT -BODY-UP LIGHT, BACK UP ALARM -5/8" HITCH PLATE, BP-200 SWIVEL PINTLE HITCH, D-RINGS, 7 PIN RV PLUG, LIGHT BOXES, BRAKE CONTROL NOTE: DEALERS MUST PROVIDE AIR PACKAGE IF REQUIRED -36" CAB PROTECTOR - MARKER AND STROBE LIGHTS IN FRONT LIP AND SIDE FLANGES. WHELEN LED 12V SELF-CONTAINED -LED TRUCK LITE SYSTEM 77 SERIES MODULAR HARNESS. 2 RED-WHITE IN EACH REAR POST AND 1 AMBER WHELEN 1 LED SPREADER LIGHT. LED PLOW LIGHTS - HEATED - MOUNT ON WITH DEALER ORDERED FENDER-MIRRORS -FORCE AMERICA VT-35SS STAINLESS TANK-VALVE, PTO-DRIVEN TXV LOAD-SENSE PUMP, ULTRA ARM TWIN-JOYSTICK CONTROL CENTER, 1 FOR PLOW, 1 FOR BODY	75,800.00	75,800.00

To confirm order, sign and return via facsimile @ 410-879-2422 or mail. Quote valid for 30 days. NO REFUNDS ON SPECIAL ORDERED ITEMS.  
 CASH CUSTOMERS: Final payment must be cash or certified check. NO OUT OF STATE CHECKS ACCEPTED, unless prior approval by MWM.

<b>Subtotal</b>
<b>Sales Tax (6.0%)</b>
<b>Total</b>

**SIGNATURE** \_\_\_\_\_

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Quantity	Description	Price	Total
1	FORCE 5100 SERIES SPREADER CONTROLLER. -PRO-VISION BACK UP CAMERA. SS DISCONNECTS FOR CUSTOMER PLOW AND SANDER, ALL HOSES RAN NEATLY AND FASTENED EVERY 18" MAX. INTERVALS -PAINT UNDER CHASSIS COMPONENTS GLOSS BLACK -OAK SIDE BOARDS -LOW-OIL WARNING / AUTO SHUT-DOWN PTO KICK OUT -FRONT 1/2" WRAP AROUND BUMPER SUPPLIED BY DEALER, WITH TOW EYES IF ACCEPTABLE. NO PLOW HITCH, PLOW, OR SPREADER. GOOD ROADS 120M 10 X 36 <u>10 X 42</u> MOLDBOARD SHALL BE FORMED USING 10 GAUGE HOT ROLLED STEEL MINIMUM OF 8 VERTICAL 1/2" X 3" RIBS WITH 2 RIBS AT CENTER HINGE POINT 2 ROWS OF 1/2" X 3" HORIZONTAL RIBS RUNNING LENGTH OF MOLDBOARD MOLDBOARD SHALL BE 10 FT WIDE AND 36" HIGH; TOP OF MOLDBOARD SHALL BE CHANNEL FORMED BOTTOM OF MOLDBOARD SHALL HAVE A BACK UP ANGLE OF NOT LESS THAN 3 1/2" X 3 1/2" X 1/2" ANGLE GUSSETED SHEET SHALL EXTEND DOWNWARD BELOW THE HOLES FOR THE CUTTING EDGE MOLDBOARD SHALL BE EQUIPPED WITH A BUILT-IN SNOW SHIELD OF 10 GAUGE STEEL CUTTING EDGE SHALL BE 3/4" X 6" FULL LENGTH WITH CARBIDE INSERT CUTTING EDGE SHALL HAVE 11/16" SQUARE HOLES PUNCHES	<del>9,843.00</del> \$10,843	9,843.00

To confirm order, sign and return via facsimile @ 410-879-2422 or mail. Quote valid for 30 days. NO REFUNDS ON SPECIAL ORDERED ITEMS.  
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<b>Subtotal</b>
<b>Sales Tax (6.0%)</b>
<b>Total</b>

**SIGNATURE** \_\_\_\_\_

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Quantity	Description	Price	Total
	TWO WAY POWER ANGLE PLOW TO BE EQUIPPED WITH HYDRAULIC CYLINDER FOR ANGLE OPERATION THE SEMI CIRCLE ANGLE SHALL BE 3 1/2" X 3 1/2" X 1/2" ANGLE WITH A FRONT TUBE OF 4" X 4" X 3/8" SQUARE TUBE RUNNING A MINIMUM LENGTH OF 116" ALONG THE MOLDBOARD SEMI CIRCLE SHALL BE ATTACHED TO THE MOLDBOARD AT FIVE POINTS WITH THE OUTSIDE POINTS MEASURING A MINIMUM OF 116" FULLY AUTOMATIC TRIP DEVICE MOUNTED ON THE SEMI CIRCLE WITH HEAVY DUTY TRUNNION SUPPORT OF SOCKETS WITH GREASE FITTINGS		

To confirm order, sign and return via facsimile @ 410-879-2422 or mail. Quote valid for 30 days. NO REFUNDS ON SPECIAL ORDERED ITEMS.  
CASH CUSTOMERS: Final payment must be cash or certified check. NO OUT OF STATE CHECKS ACCEPTED, unless prior approval by MWM.

<b>Subtotal</b>	<b>\$85,643.00</b>
<b>Sales Tax (6.0%)</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$85,643.00</b>

**SIGNATURE** \_\_\_\_\_

TEL: 410-632-5623  
 FAX: 410-632-1753  
 WEB: co.worcester.md.us



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

DALLAS BAKER JR., P.E.  
 DIRECTOR

CHRISTOPHER CLASING, P.E.  
 DEPUTY DIRECTOR

**MEMORANDUM**

**TO:** Weston Young P.E., Chief Administrative Officer  
 Candace Savage, CGFM, Deputy Chief Administrative Officer  
**FROM:** Dallas Baker Jr., P.E., Director *Dallas Baker Jr*  
**DATE:** November 13, 2023  
**SUBJECT:** Sheriff's Star Team Building & Mosquito Control Compound Property Swap

Public Works is requesting Commissioner approval to relocate Mosquito Control to the Sheriff's Star Team Building and \$85,000 to complete needed renovations to convert and create a usable space for Mosquito Control utilizing this existing building. Funds are available in Assigned Fund Balance project account County Building Repairs and Improvements. Renovation of an existing structure for better utilization of both properties is favorable and recommended by the Sheriff's Office, Mosquito Control and Maryland Department of Agriculture.

The Star Team building is located on the same compound on Timmons Road as Mosquito Control (see image below). The Sheriff's Office currently uses the facility for storage and is willing to exchange properties. This exchange benefits both the Sheriff and Mosquito Control. The Sheriff would use the existing Mosquito Control area for a secure area and impound lot. The Sheriff's current impound lot is located at a shared facility with Emergency Services at 100 Belt Street or the old Board of Elections building. This location is in a residential area and is not an adequate space. The existing security fence is only 4 feet high, making impounded items easily accessible. Town code prohibits increasing the fence to an appropriate height enabling proper security of impounded vehicles and property. The Sheriff's Office anticipates some minor modifications to the Mosquito Control site including the purchase of a storage container for approximately \$2,400 which they have indicated can be covered in their current budget.

The Mosquito Control office trailer needs replacement or a considerable amount of work. There are active roof/wall leaks we continue to repair. The floor in the restroom is rotten and needs replacement. This office trailer is an old construction office trailer and is approximately 30 years old. In 2018, cost estimates for replacing the trailer were developed, adjusting for 2023 inflation, the estimates range from \$89,000 - \$284,000. If relocation is approved, the trailer can be discarded. The existing Mosquito Control compound is secured with a 10-foot-high fence with barbed wire. Although this fence has some areas needing repair, it would suffice for the Sheriff's impound lot. The lot is much larger than the Belt Street location, more private and provides better security.

The relocation would require a renovation of the Star Team building. This renovation comes at a price much lower than the replacement of the office trailer because most of the work can be handled with in-house forces (see attached estimate). Part of this request is the consolidation of Mosquito Control's supplies into the new facility. Mosquito Control currently utilizes a shed, outside the fenced area, that stores some supplies and chemicals used for treatment. Two, 1200-gallon tanks would be eliminated and removed along with all supplies. The chemicals and supplies would be relocated to a section of the new space. Chemical amounts would be much less and only 550 gallons therefore lessening the risk if a leak should occur.

## Attachment

cc: Matt Crisafulli, Sheriff  
Kim Reynolds, Budget Officer  
Chris Clasing, Deputy Director of Public Works  
Michael Hutchinson, Maintenance Superintendent





**Mosquito Control/Star Team Building Renovation**

6495 Timmons Road  
 Snow Hill Maryland 21863

Data Release: Year 2023

**Renovation Cost Estimate by RS Means & Michael Hutchinson**

Quantity	Assembly Number	Line Source	Work Completed By	Description	Unit	Material O&P	Installation O&P	Total O&P	Ext. Material O&P	Notes
----------	-----------------	-------------	-------------------	-------------	------	--------------	------------------	-----------	-------------------	-------

**Mosquito Control-Star Team Building Renovation**

2470.00	C10101280562		Worcester County Maintenance	Wood studs including blocking, shoe and double top plate, 2"x4", 16" OC	S.F.	\$ 1.29	\$ 0.76	\$ 2.05	\$ 3,186.30	In House Labor
2470.00	C10101280780		Worcester County Maintenance	Gypsum board, 1 face only, exterior sheathing, standard drywall 5/8"	S.F.	\$ 0.33	\$ 0.38	\$ 0.71	\$ 815.10	In House Labor
2470.00	C10101280880		Worcester County Maintenance	Add for the following: fiberglass insulation, 3-1/2"	S.F.	\$ 0.77	\$ 0.28	\$ 1.05	\$ 1,901.90	In House Labor
2.00	C10201101200		Worcester County Maintenance	Doors, hollow metal door, drywall frame, 1-3/8" thick, 3'-0" x 7'-0"	Ea.	\$ 1,083.50	\$ 146.52	\$ 1,230.02	\$ 2,167.00	In House Labor
720.00	C30302101200		Worcester County Maintenance	Suspended acoustical ceiling, 2' x 4' grid, mineral fiber board, standard face, 5/8" thick	S.F.	\$ 2.97	\$ 1.39	\$ 4.36	\$ 2,138.40	In House Labor
720.00	C30302102400		Worcester County Maintenance	Suspended acoustical ceiling systems:, add for 2' x 2' grid system	S.F.	\$ 0.36	\$ 0.12	\$ 0.48	\$ 259.20	In House Labor
1.00	D20104101920		Worcester County Maintenance	Kitchen sink w/trim, countertop, stainless steel, 25" x 22" single bowl	Ea.	\$ 1,430.65	\$ 652.93	\$ 2,083.58	\$ 1,430.65	In House Labor
1.00	D20109201200		Worcester County Maintenance	Bathroom, lavatory & water closet, 2 wall plumbing, share common plumbing wall*	Ea.	\$ 1,938.30	\$ 1,433.25	\$ 3,371.55	\$ 1,938.30	In House Labor
4.00	E10903151000		Worcester County Maintenance	Cabinets standard wood, base, two drawers two doors, 36" wide	Ea.	\$ 625.00	\$ 34.03	\$ 659.03	\$ 2,500.00	In House Labor
2.00	E10903150300		Worcester County Maintenance	Cabinets standard wood, base, one drawer one door, 18" wide	Ea.	\$ 480.00	\$ 29.63	\$ 509.63	\$ 960.00	In House Labor
120.00	C30204300500		Worcester County Maintenance	Flooring, carpet, nylon anti-static, 26 oz heavy traffic	S.F.	\$ 6.55	\$ 0.55	\$ 7.10	\$ 786.00	In House Labor
456.00	C30204302700		Worcester County Maintenance	Flooring, resilient, vinyl sheet goods, backed, .080" thick, plain pattern/colors	S.F.	\$ 3.79	\$ 1.52	\$ 5.31	\$ 1,728.24	In House Labor

**ITEM 12**

1.00	Concrete Work		McCarthy & Son	Fill in 2 old A/C openings, Cut in 3 new windows, Demo existing block interior wall	Ea.				\$ 7,820.00	Contracted Service
1.00	HVAC		Worcester County Maintenance	Install new HVAC system	Ea.				\$ 11,000.00	In House Labor
1.00	Electrical & Plumbing		Worcester County Maintenance	Install all new lights, electrical devices, new sinks, toilet and ey wash station	Ea.				\$ 2,500.00	In House Labor
1.00	Yard Fence		McGee Fence	Install new fence around rear of building to secure spray vehicles	Ea.				\$ 5,950.00	Contracted Service
1.00	Fiber Installation		Worcester County I.T.	Install new fiber line from Animal Control for telephones and computer	Ea.				\$ 15,000.00	In House Labor
1.00	Fire Alarm System		Absolute Security	Install new fire alarm system. The building is not currently protected	Ea.				\$ 5,702.20	Contracted Service
1.00	Burglar Alarm		Absolute Security	Install new burglar alarm. The building is not currently protected	Ea.				\$ 1,525.75	Contracted Service
1.00	Access Control		Absolute Security	Install new access control system	Ea.				\$ 9,831.77	Contracted Service
1.00	Security Cameras		Absolute Security	Install new security cameras. The building is not currently protected	Ea.				\$ 4,835.52	Contracted Service

**Mosquito Control-Star Team Renovation Total**

**\$ 83,976.33**



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

### MEMORANDUM

To: Weston S. Young, P.E., Chief Administrative Officer  
From: Jennifer K. Keener, AICP, Director  
Date: November 13, 2023  
Re: Revised Fee and Over expenditure consideration – I.D. Check Guides, Liquor License Applications

.....

Prior to the FY 23 liquor license renewal season, Worcester County was provided with free copies of the I.D. Check Guides to distribute to the license holders, courtesy of a grant made available to the Health Department. When the grant was eliminated, funds were included in the department's FY 23 budget to purchase the guides as a piggyback contract with the Health Department to save on costs. A mandatory fee of \$15 per book, one book per license, was charged to cover those costs.

As we approach the current FY 24 renewal season, we were notified that the Health Department would not be purchasing guides, and therefore we would not benefit from shared pricing. This will result in an increase of \$920 for the same quantity of guides purchased in FY 23.

There are two options available to us:

**Option 1:** Increase the mandatory revenue fee from \$15 to \$17 per book to cover the costs. I would also request an over expenditure of \$920 to cover the significant increase in expenses for this account (100.1008.6100.240 Printing Expense). If opportunities for savings arise in future fiscal years, we will revisit the fee.

**Option 2:** Eliminate the purchase and the fee altogether. It is not a requirement that we provide guides to the license holders. They can purchase the guides on their own, but at a slightly higher price (approximately \$25.95 for a single copy, \$20.50 for 2-19 copies, plus \$6 shipping and handling).

I have prepared a Resolution for each option which you will find attached to this memo. I will be available to discuss this item with the County Commissioners at the upcoming meeting.

cc: April Payne, Liquor License Administrator

# OPTION 1

## RESOLUTION NO. 23-

### RESOLUTION AMENDING LIQUOR LICENSE FEES

WHEREAS, § 33-1407 (Fees) of the Annotated Code of Maryland, as from time to time amended, provides that the Worcester County Commissioners shall regulate the alcoholic beverages license fees within Worcester County; and

WHEREAS, the Worcester County Commissioners amended said fees by Resolution No. 22-13 adopted on June 21, 2022; and

WHEREAS, the Worcester County Commissioners have determined it necessary to amend said fees.

NOW, THEREFORE, BE IT RESOLVED by the Worcester County Commissioners that the annual liquor license fees for Worcester County for license years commencing on or after November 21, 2023 shall be amended to be as follows:

#### BASIC FEES

<u>Class and Type</u>	<u>6 Day</u>	<u>7 Day</u>
"A" Beer	\$287.50	\$350.00
"A" Beer/ Wine	\$450.00	\$525.00
"B" Beer	\$362.50	\$450.00
"B" Beer/ Wine	\$475.00	\$ 575.00
"C" Beer	\$200.00	-
"C" Beer/ Wine	\$275.00	-
"D" Beer	\$437.50	\$550.00
"D" Beer/ Wine	\$500.00	\$625.00
"A" Beer/ Wine/ Liquor	\$4,500.00	\$4,500.00
"B" Beer/ Wine/ Liquor	\$2,250.00	\$3,125.00
"C" Beer/ Wine/ Liquor	\$625.00	\$975.00
"D" Beer/ Wine/ Liquor	\$3,750.00	\$4,250.00
"H" Beer/ Wine/ Liquor	\$2,250.00	\$3,125.00
"I" Beer/ Wine/ Liquor	\$3,750.00	\$4,250.00
"EF" Beer/ Wine/ Liquor	-	\$15,000.00

#### RENEWAL FEES

<u>Class and Type</u>	<u>6 Day</u>	<u>7 Day</u>
"A" Beer	\$462.50	\$525.00
"A" Beer/ Wine	\$625.00	\$700.00
"B" Beer	\$537.50	\$625.00
"B" Beer/ Wine	\$650.00	\$750.00
"C" Beer	\$375.00	-
"C" Beer/ Wine	\$450.00	-
"D" Beer	\$612.50	\$725.00

# OPTION 1

“D” Beer/ Wine	\$675.00	\$800.00
“A” Beer/ Wine/ Liquor	\$4,675.00	\$4,675.00
“B” Beer/ Wine/ Liquor	\$2,100.00	\$3,100.00
“C” Beer/ Wine/ Liquor	\$800.00	\$1,150.00
“D” Beer/ Wine/ Liquor	\$3,700.00	\$4,200.00
“H” Beer/ Wine/ Liquor	\$2,100.00	\$3,100.00
“I” Beer/ Wine/ Liquor	\$3,700.00	\$4,200.00
“EF” Beer/ Wine/ Liquor	-	\$15,175.00

OTHER FEES

Application for New License or Transfer of License (Plus New or Transfer Fee)	\$600.00
Application for Renewal of License (plus Basic Fee)	\$175.00
Renewal Late Fee (After March 31 deadline)	\$50.00 per day
Verification of Signatures	\$25.00
Advertising	\$60.00
Change of Name - Class “A”, “B”, “D” *	\$400.00
Change of Name - Class “C” *	\$25.00
Change from Individual to Corporation or from Corporation to Corporation (Plus ¼ of Basic License Fee)	\$600.00
Stock Transfer fee	\$400.00
Meeting Fees (changes to licensed premises restrictions or any implemented changes to actual license)	\$200.00
Special exceptions/ requests (no board meeting required)	\$200.00
Beer and Wine Festival License	\$3,000.00
Caterer’s License	\$500.00
Refillable Container Permit for Draft Beer	\$500.00
<b>I.D. Checking Guide</b>	<b>\$15.00-\$17.00</b>

\*Change of Name fee is not imposed during March and April

ONE DAY PERMIT

Beer	\$100.00
Beer/ Wine	\$100.00
Beer/ Wine/ Liquor	\$100.00

SUNDAY PERMITS

Beer	\$100.00
Beer/ Wine	\$100.00
Beer/ Wine/ Liquor	\$100.00

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be November 21, 2023.

# OPTION 2

## RESOLUTION NO. 23-

### RESOLUTION AMENDING LIQUOR LICENSE FEES

WHEREAS, § 33-1407 (Fees) of the Annotated Code of Maryland, as from time to time amended, provides that the Worcester County Commissioners shall regulate the alcoholic beverages license fees within Worcester County; and

WHEREAS, the Worcester County Commissioners amended said fees by Resolution No. 22-13 adopted on June 21, 2022; and

WHEREAS, the Worcester County Commissioners have determined it necessary to amend said fees.

NOW, THEREFORE, BE IT RESOLVED by the Worcester County Commissioners that the annual liquor license fees for Worcester County for license years commencing on or after November 21, 2023 shall be amended to be as follows:

#### BASIC FEES

<u>Class and Type</u>	<u>6 Day</u>	<u>7 Day</u>
"A" Beer	\$287.50	\$350.00
"A" Beer/ Wine	\$450.00	\$525.00
"B" Beer	\$362.50	\$450.00
"B" Beer/ Wine	\$475.00	\$ 575.00
"C" Beer	\$200.00	-
"C" Beer/ Wine	\$275.00	-
"D" Beer	\$437.50	\$550.00
"D" Beer/ Wine	\$500.00	\$625.00
"A" Beer/ Wine/ Liquor	\$4,500.00	\$4,500.00
"B" Beer/ Wine/ Liquor	\$2,250.00	\$3,125.00
"C" Beer/ Wine/ Liquor	\$625.00	\$975.00
"D" Beer/ Wine/ Liquor	\$3,750.00	\$4,250.00
"H" Beer/ Wine/ Liquor	\$2,250.00	\$3,125.00
"I" Beer/ Wine/ Liquor	\$3,750.00	\$4,250.00
"EF" Beer/ Wine/ Liquor	-	\$15,000.00

#### RENEWAL FEES

<u>Class and Type</u>	<u>6 Day</u>	<u>7 Day</u>
"A" Beer	\$462.50	\$525.00
"A" Beer/ Wine	\$625.00	\$700.00
"B" Beer	\$537.50	\$625.00
"B" Beer/ Wine	\$650.00	\$750.00
"C" Beer	\$375.00	-
"C" Beer/ Wine	\$450.00	-
"D" Beer	\$612.50	\$725.00

# OPTION 2

“D” Beer/ Wine	\$675.00	\$800.00
“A” Beer/ Wine/ Liquor	\$4,675.00	\$4,675.00
“B” Beer/ Wine/ Liquor	\$2,100.00	\$3,100.00
“C” Beer/ Wine/ Liquor	\$800.00	\$1,150.00
“D” Beer/ Wine/ Liquor	\$3,700.00	\$4,200.00
“H” Beer/ Wine/ Liquor	\$2,100.00	\$3,100.00
“I” Beer/ Wine/ Liquor	\$3,700.00	\$4,200.00
“EF” Beer/ Wine/ Liquor	-	\$15,175.00

OTHER FEES

Application for New License or Transfer of License (Plus New or Transfer Fee)	\$600.00
Application for Renewal of License (plus Basic Fee)	\$175.00
Renewal Late Fee (After March 31 deadline)	\$50.00 per day
Verification of Signatures	\$25.00
Advertising	\$60.00
Change of Name - Class “A”, “B”, “D” *	\$400.00
Change of Name - Class “C” *	\$25.00
Change from Individual to Corporation or from Corporation to Corporation (Plus ¼ of Basic License Fee)	\$600.00
Stock Transfer fee	\$400.00
Meeting Fees (changes to licensed premises restrictions or any implemented changes to actual license)	\$200.00
Special exceptions/ requests (no board meeting required)	\$200.00
Beer and Wine Festival License	\$3,000.00
Caterer’s License	\$500.00
Refillable Container Permit for Draft Beer	\$500.00
<b>I.D. Checking Guide</b>	<b>\$15.00</b>

\*Change of Name fee is not imposed during March and April

ONE DAY PERMIT

Beer	\$100.00
Beer/ Wine	\$100.00
Beer/ Wine/ Liquor	\$100.00

SUNDAY PERMITS

Beer	\$100.00
Beer/ Wine	\$100.00
Beer/ Wine/ Liquor	\$100.00

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be November 21, 2023.



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

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer  
FROM: Jennifer K. Keener, AICP, Director  
DATE: November 15, 2023  
RE: Worcester County Redistricting

\*\*\*\*\*

The four-week public comment period on the redistricting maps closed on Tuesday, November 14, 2023. We received 11 responses, two of which pertained to the maps, and nine pertained to the timing of the process.

Our office is finalizing the requested revisions, utilizing Draft Map A as the basis. I am requesting clarification on the timing of proceeding with the adoption of the map and accompanying legislative bill.

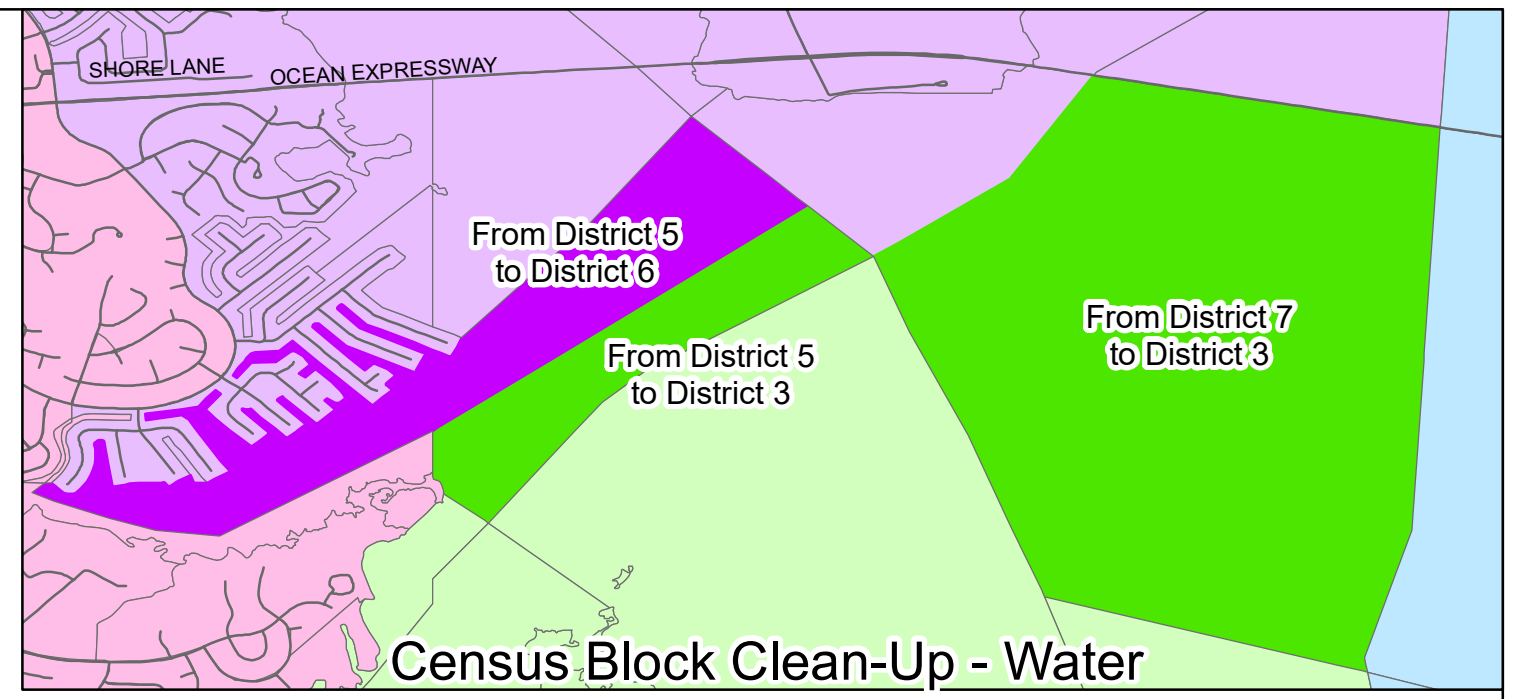
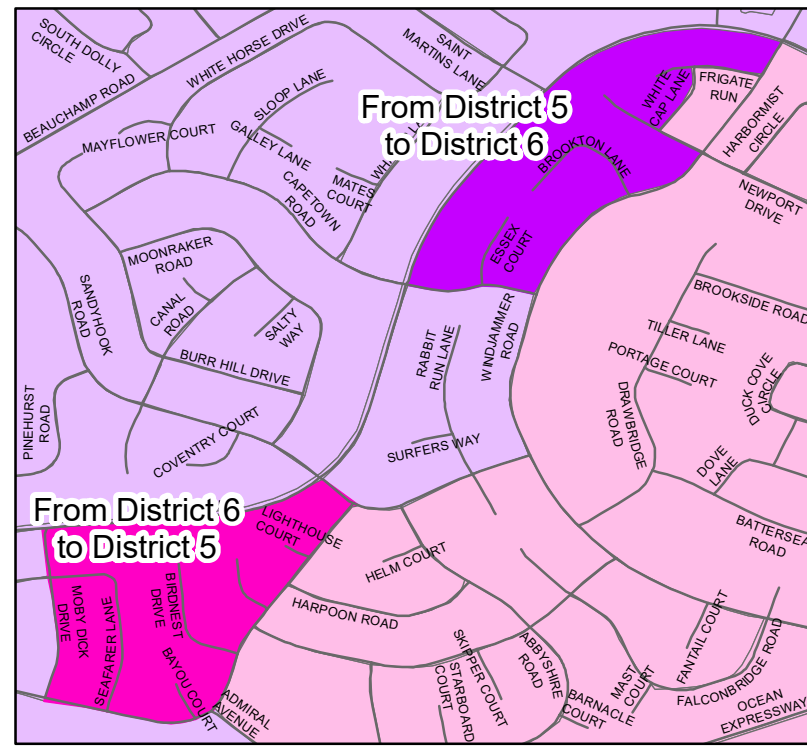
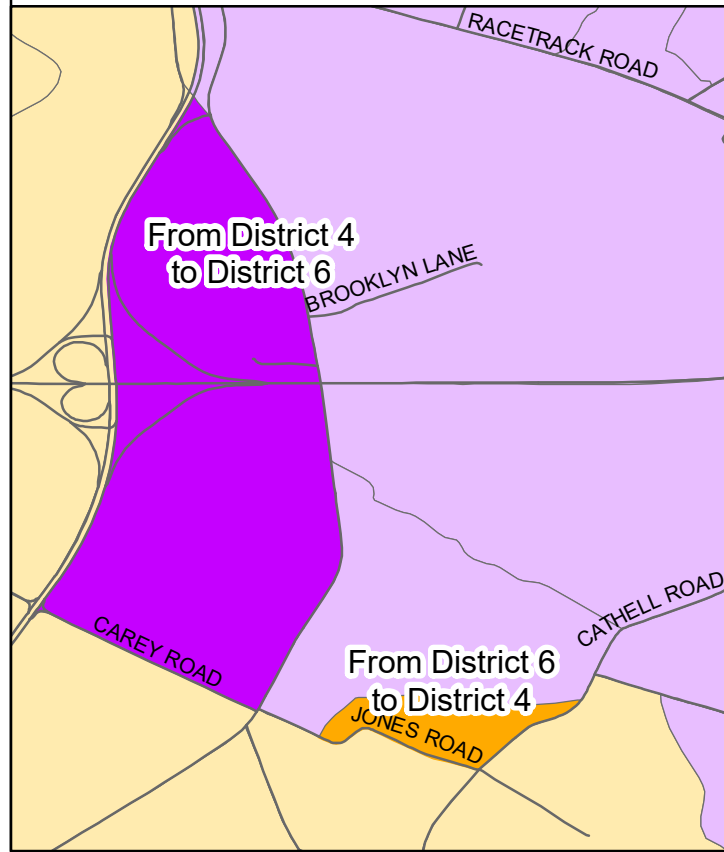
As always, if you or the County Commissioners have any questions, I will be available to discuss this matter at your convenience.



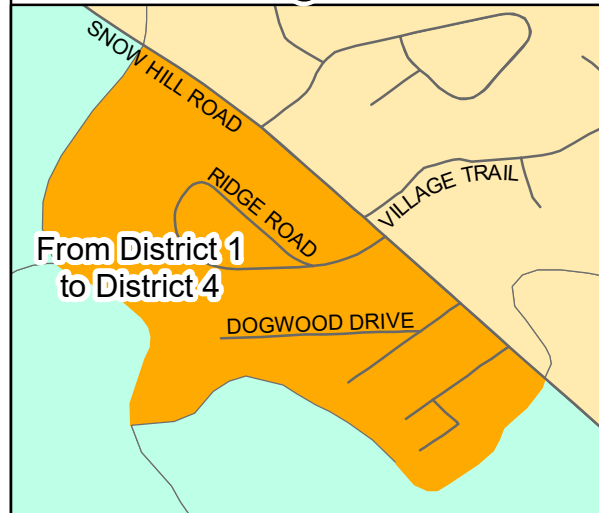


# WORCESTER COUNTY COMMISSIONERS DRAFT Redistricting - Revised Plan A

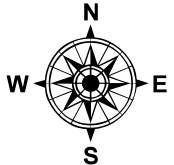
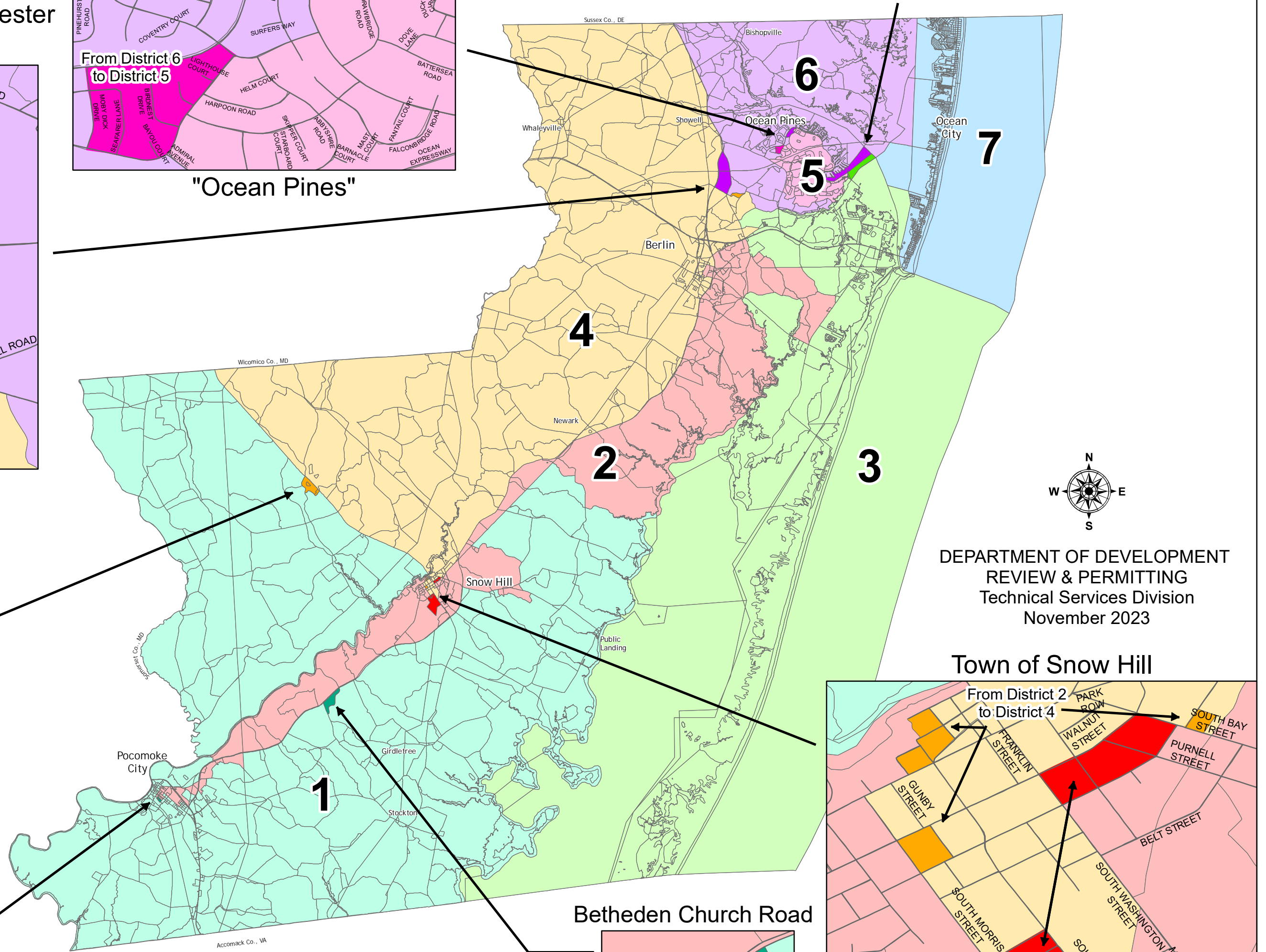
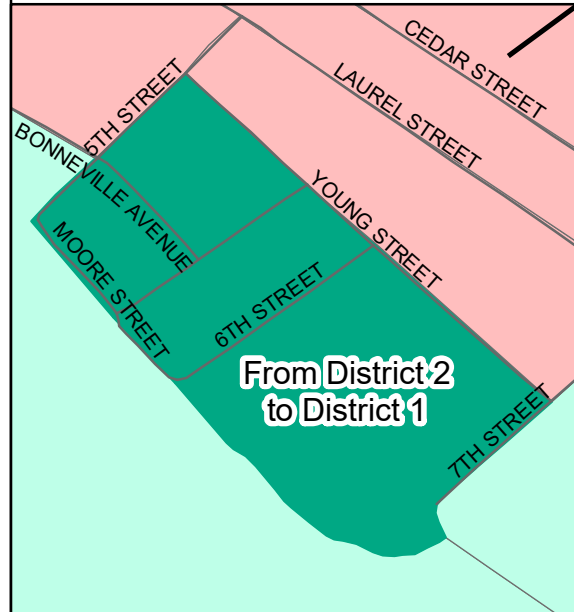
Ocean Expressway / Worcester Highway & Jones Road



"Rolling Hills"

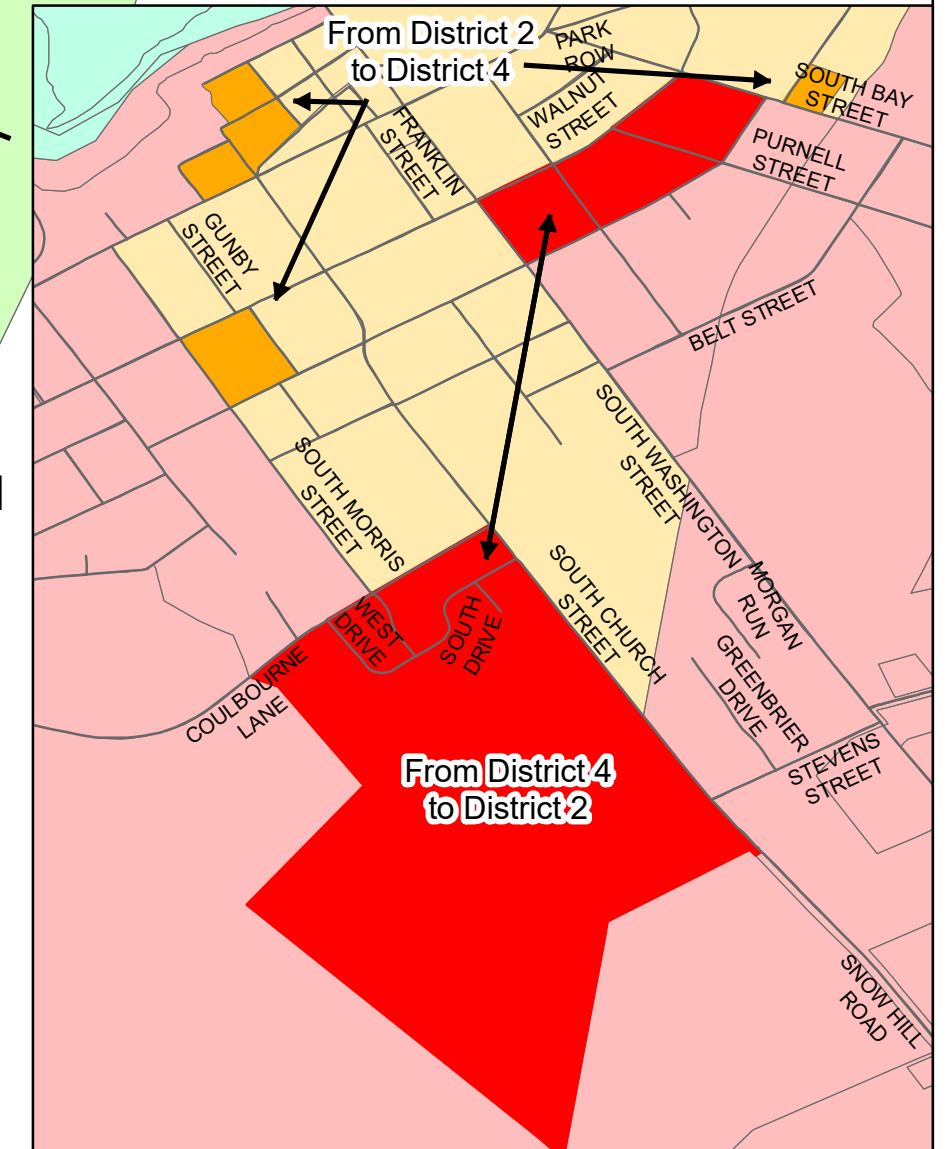


Town of Pocomoke City

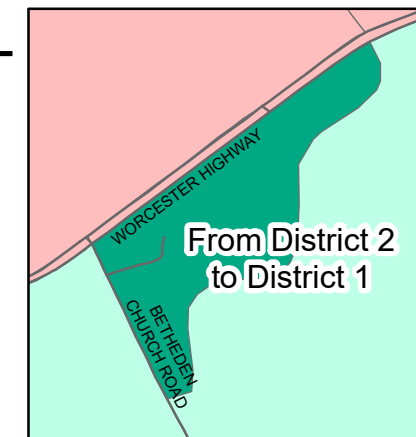


DEPARTMENT OF DEVELOPMENT  
REVIEW & PERMITTING  
Technical Services Division  
November 2023

Town of Snow Hill



Betheden Church Road



Population / Census Block Shift			Reference Area	District No.	Plan A	Revised Plan A
From District No.	To District No.	Amount				
			Town of Snow Hill	1	7577	7569
2	4	77	Town of Snow Hill	2	7615	7624
4	2	202	"Rolling Hills"	3	7639	7639
1	4	124	Betheden Church Rd	4	7618	7599
2	1	45	Town of Pocomoke City	5	7612	7588
2	1	71	Jones Rd / Cathell Rd	6	7612	7654
6	4	9	Worcester Hwy / Ocean Expy	7	6934	6934
4	6	27	Ocean Pines	Total:	52607	52607
5	6	199	Ocean Pines	Majority	671	478
6	5	175	Ocean Pines	Minority		



Worcester County Recreation & Parks

6030 Public Landing Road | Snow Hill MD 21863 | (410) 632-2144 | [www.PlayMarylandsCoast.org](http://www.PlayMarylandsCoast.org)

## MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer  
Candace Savage, Deputy Chief Administrative Officer

FROM: Kelly Rados, Director of Recreation & Parks

DATE: November 14, 2023

SUBJECT: Worcester County Fair

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It has been proposed that the Worcester County Fair could benefit from increased County support, specifically the Worcester County Recreation & Parks Department (WCRP), in order to sustain and grow the event. Currently, the Fair Board has decided on July 12 – 14 for 2024 Fair, with the location staying at Byrd Park.

Important factors and considerations for WCRP to successfully grow this event would include a new location, discussion on dates, new board makeup, and increased partnerships and support. These considerations and concerns have been outlined for your review in the attached document. A rough draft layout of the event has also been included, proposing John Walter Smith Park as a future location for the event.

Future plans would include increased vendors, live entertainment, expanded 4H representation, additional partners and more family friendly activities. We would grow sponsorship opportunities, funding, community involvement, and marketing initiatives.

Our goal is to showcase and celebrate Worcester County's agricultural community, heritage, and all it has to offer. The experience WCRP staff has gained through our own special event success will allow for new opportunities and expanded growth to the Fair.

I look forward to discussing this in more detail and making this an enjoyable experience for Worcester County.

cc: Jacob Stephens, Parks Superintendent  
W. Ben Kirk, Recreation Superintendent  
Lisa Gebhardt, Recreation Facility Superintendent

Attachments: Worcester County Fair Considerations  
Draft Fair Layout – JWS location

## Worcester County Fair

### Vision:

1. Worcester County Recreation & Parks Department (WCRP) to become more involved with the Worcester County Fair and eventually take over to serve as the lead.
2. Mission – To Celebrate Agricultural roots in Worcester County
3. A phased plan can be considered. This would allow WCRP to “ease” our way into the role without assuming full ownership of an event we haven’t had the correct conversations/partnerships with yet.
  - a. Year 1: 2024 (50%/50%) WCRP are more involved with the overall operations/logistics of the event, implementing significant structural changes (lay the foundation) that include a better layout for JWS, marketing materials, etc.
  - b. Year 2: (80%/20%) The County Fair is 80% Maryland’s Coast with the other 20% falling to key stakeholders such as 4-H, Fair Board, State Fair Board, local stakeholders, and current board members etc.

### Proposed New Location(s):

1. John Walter Smith Park (JWS) – Park would allow for an extended layout and future growth. Including the Recreation Center would allow for indoor space for 4H and other exhibits/projects created over the year.
  - a. July would not be available due to USSSA World Series tournaments.
2. Furnace Town - Event was held there in previous years, new leadership may be interested.

### Dates:

1. Date considerations:
  - a. Ideally the Worcester County Fair needs to be held prior to the State Fair.
  - b. 2024 Maryland State Fair: August 22 – 25, August 29 – September 2, and September 5 – 8.
  - c. Hold the Fair the weekend after Blessing of the Combines to create an Agricultural week in Worcester County.
  - d. JWS would be unavailable during the USSSA World Series. 2024 dates have an approximate start date of July 16 and end date of August 3 .
2. Consider other county fairs and similar events.
  - a. Blessing of the Combines – August 3, 2024
  - b. Pocomoke Fair – August 8 – 11, 2024
  - c. Wicomico Count Fair – August 16 – 18, 2024
3. Current Fair Board decided on July 12, 13, & 14 at Byrd Park for the 2024 Fair.

### Partners:

1. The current Fair Board would be made an Advisory Board. By-Laws would need to be updated.
2. Worcester County Recreation & Parks Staff
3. Additional Board Representation - Commissioners (or appointed members), Administration, Tourism & Economic Development Department, and Recreation & Parks Advisory Board
4. Partners - 4H, Extension Office, FFA, Farm Bureau, Town of Snow Hill

1. Indoor exhibits (Recreation Center) – 4H needs a larger presence and opportunity to be more visible.
2. Vendors
3. Music & Entertainment
4. Agriculture Education, Demonstrations and Youth Competitions
5. Youth & Family activities and competitions
6. Livestock area / Animal component
7. Food Vendors
8. Alcohol
9. Sponsors
10. Carnival games / Carnival rides

**Concerns/Considerations:**

1. Damage to fields / facility from foot traffic, equipment, vehicles, animals etc. There will be designated areas for specific equipment and livestock.
2. Additional electricity may need to be run. Needs and cost are currently unknown?
3. Evaluate current Recreation Programs/Events and Recreation Manager responsibilities.
  - a. Internally plan for the end of Camp Coast, Fall rollout of programs/events, current Fall event planning (Harbor Day, Track or Treat, and Golf Tournament).
  - b. Consider Parks staff workload with exiting tournaments and routine Park care.
4. Additional manpower and volunteers would be needed (set-up, clean-up, supervision). Volunteer groups would need to be recruited.
5. Severely under budgeted at \$15,000.

**Needs:**

1. Must have an increased budget, well north of \$90,000 (see event budget for Harbor Day)
2. New location identified
3. Large sponsors & support from community members in Worcester County (financially & physically)
4. New board members who are committed to building this
5. Sound / audio system
6. Manpower to keep up with demands of event
7. Additional parking / shuttles
8. Attractions & activities for kids and adults
9. Lights depending on the event times.
10. Signage / road signs
11. Increased vendors (artisans, food trucks, beverage trucks)
12. Carnival rides / games
13. Livestock! (increased clean up)
14. Pre-event marketing / during event promotions / schedule of event signage
15. DJ's / coordinators for contests / games (Bingo, etc.)

\*\*\* Harbor Day is just a 1-day event

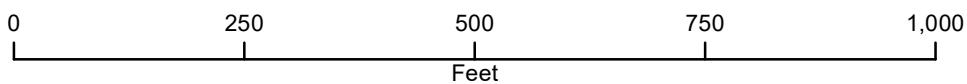
Harbor Day 2022		Revenue	
Expenses			
<b>Stage and Sound</b>		<b>Shirts</b>	
Stage	\$6,465.50	<b>Posters/Cake</b>	\$505.00
Stage Banner	\$365.00	<b>Vendors</b>	
	<b>\$6,830.50</b>	Artisan	\$2,625.00
<b>Bands</b>		Non-profit	\$200.00
Trinidad and Tobago	\$1,200.00		<b>\$3,330.00</b>
Permillia Project	\$1,200.00	<b>Sponsors</b>	
	<b>\$2,400.00</b>	Tmobile	\$1,500.00
<b>Entertainment</b>		Aetna/CVS	\$1,500.00
Jolly Tars	\$600.00	Elliotts Hardware	\$350.00
Fishmobile	\$850.00	Carter Machinery	\$1,000.00
Alyosha/Bayhopper	\$2,400.00	Bank of OC	\$250.00
Fishing game	\$67.27	Captain's Galley	In-Kind
Prize for Crabcake Contest	\$120.87	Fritchle/Barker	\$350.00
	<b>\$4,038.14</b>	Shore Untied Bank	\$350.00
<b>Posters</b>		Marlin Club Crew	\$200.00
Poster Winner	\$250.00		\$5,500.00
Framing	\$68.89	<b>Total Revenue</b>	<b>\$9,335.00</b>
	<b>\$318.89</b>		
<b>Advertising</b>			
98.1 (vendors / sponsors) (August)	\$400.00		
98.1 (September)	\$400.00		
98.1 - Promo(oct- \$490)	\$450.00		
98.1 - Promo(oct- \$490)	\$490.00		
Pd Social Media (vendors / Promo)	\$300.00		
Delmarva Life	\$750.00		
Dispatch Ad	\$426.00		
WBOC	\$250.00		
Event Flags	\$596.78		
Social Media (event promotion)	\$527.43		
	<b>\$4,590.21</b>		
<b>Set-up Logistics</b>			
Tents/chairs/tables	\$8,087.81		
Portalets	\$1,440.00		
Security	\$252.00		
Chalk/tape	\$97.82		
Tent Weights	\$144.90		
Sponsor Banners	\$1,058.01		
	<b>\$11,080.54</b>		
<b>Kids Crafts</b>			

# ITEM 15

Rays Hair Wraps	\$750.00
	\$750.00
<b>Decorations</b>	
Mums, Hay, etc.	\$ 339.00
Ice & Water	\$ 51.26
	\$ 390.26
<b>Harbor Day Budget:</b>	<b>\$38,500.00</b>
<b>Total Expenses</b>	<b>\$30,398.54</b>
<b>Unused Budget:</b>	<b>\$8,101.46</b>
<b>Total Revenue</b>	<b>\$9,335.00</b>



# Worcester County Recreation and Parks





COMMISSIONERS  
 Anthony W. Bertino, Jr., PRESIDENT  
 Madison J. Bunting, Jr. Vice PRESIDENT  
 Caryn Abbott  
 Theodore Elder  
 Eric J. Fiori  
 Joseph M. Mitrecic  
 Diana Purnell

OFFICE OF THE  
 COUNTY COMMISSIONERS  
**Worcester County**  
 GOVERNMENT CENTER  
 ONE WEST MARKET STREET • ROOM 1103  
 SNOW HILL, MARYLAND  
 21863-1195

WESTONS. YOUNG, P.E.  
 CHIEF ADMINISTRATIVE OFFICER  
 CANDACE I. SAVAGE  
 DEPUTY ADMINISTRATIVE OFFICER  
 ROSCOER, LESLIE  
 COUNTY ATTORNEY

November 13, 2023

To: Worcester County Commissioners  
 From: Karen Hammer, Administrative Assistant V  
 SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2023

**President Bertino – You have Four (4) positions open:**

- George Solyak – Term Ending – Agricultural Reconciliation Bd.
- Steven Habeger – Term Ending – Term Ending Dec. 2023 – Economic Dev. Advisory Board
- Maria C- Lawrence – Term Ending Dec. 2023 – Housing Review Board
- Joseph Green, Jr. – Resigned – Board of Zoning Appeals

**Commissioner Purnell – You have Five (5) positions open:**

- Christian Martin – Term Ending Dec. 2023 – Agricultural Preservation Advisory Board
- Elbert Davis – Term Ending Dec. 2023 – Building Code Appeals Board
- Natoshia C. Owens – Term Ending Dec. 2023 – Economic Dev. Advisory Board
- Roxanne Rounds – Term Ending Dec. 2023 - Local Development Council for Ocean Downs Casino
- Nancy Howard – Term Expired June 2023 – Social Services Adv. Board

**Commissioner Bunting - You have Five (5) positions open:**

- Robert Fisher – Deceased- Economic Dev. Advisory Board
- David Deutsch - Term Ending - Dec. 21- Ethics Board.
- John O'Brien – Term Expires Dec. 2023 – Solid Waste Advisory Board
- Ruth Waters – Term Expiring Dec. 2023 – Tourism Adv. Committee
- Susan Childs – Resigned – April 2022 – Commission For Women

**Commissioner Abbott – You have Two (2) positions open:**

- Jason Cunha – Term Expired Sept. 2023 – Lower Shore Workforce Dev. Board
- Tamara White – Tenure Ends Dec. 31, 2023 – Not Available for Reappointment- Commission For Women

**Commissioner Mitrecic – You have Four (4) positions open:**

- Bill Paul – Term Expiring Dec. 2023 – Building Code Appeals Board
- Frank Knight – Term Ending Dec. 2023 – Ethics Board
- Michael Donnelly- Term Expiring Dec. 2023 – Local Development Council for Ocean Downs Casino
- Jake Mitrecic – Term Expiring Dec. 2023 – Board of Zoning Appeals

**Commissioner Elder - You have Four (4) positions open:**

- Curt Lambertson – Term Ending Dec. 2023 – Agricultural Preservation Adv. Board
- Scott Tingle – Term Ending Dec. 2023 – Housing Review Board
- Joseph Stigler – Term Ending Dec. 2023 – Recreation Advisory Board
- Hope Carmean – Tenure Expires – Commission For Women - Not a Reappointment



## **Commissioner Fiori - You have Ten (10) positions open:**

- David Dypsky – term Ending Dec. 2023 – Board of Zoning Appeals
- Martin Kwesko - **Resigned** - Dec. 21-Water & Sewer Advisory Council, Mystic Harbour
- Matthew Kraeuter - Term Ended; **Available for Reappointment** - Dec. 21-WWW Advisory, Mystic Harbour
- Joseph Weitzell – passed - Water & Sewer Advisory Council, Mystic Harbour
- Richard Jendrek- passed- Water & Sewer Advisory Council, Mystic Harbour
- Bruce Bums -passed- Water & Sewer Advisory Council, Mystic Harbour
- Keith Swanton -Term Ended-Dec. 21- Water & Sewer Advisory Council, West Ocean City
- Deborah Stanley – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Gail Fowler – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Elizabeth Rodier -Term Ending-Dec. 21- Commission for Women- Not a Reappointment

### **All Commissioners:**

#### **(5)-Adult Public Guardianship Board-**

- 4– Terms Expiring Dec. 2023-attached summary in open session
- 1 - Term Expired - Ms. Wessels, (Roberta Baldwin will potentially help search for a viable replacement, if necessary).

#### **(5) - Commission on Aging – FYI 5 -Reappointments; See attached memo**

#### **(4)-Drug and Alcohol Abuse Council - 3 Positions Terms Ending Dec. 2023 – (1Deceased) (Dr. Cragway)**

#### **(1) – LMB – Nicole Griffen-Winder replacing Jennifer Loring, Dept. Social Services; memo attached**

#### **(4) -Local Development Council For the Ocean Downs Casino-**

- 2- Previously Expired Terms - Mark Wittmyer At-Large, David Massey (At-Large-Business O.P.), **Terms Expiring 2-** (Purnell) Roxane Rounds, (Mitrecic) Michael Donnelly.

#### **(5) -Water and Sewer Advisory Council - Mystic Harbour 3-(Passing of Richard Jendrek, Bruce Burns and Joseph Weitzell)**

- 2-Term Ended-Martin Kwesko and Matthew Kraeuter

#### **(3)- Water and Sewer Advisory Council- West Ocean City- 1 Term Ended-Dec. 21 – Keith Swanton**

- 2 – Terms Expiring Dec. 2023; Deborah Stanley, Gail Fowler

#### **(5 - Total): Commission for Women:**

- (3) Resigned -Elizabeth Rodier, (Fiori); Hope Carmean (Elder) and Susan Childs (Bunting).

Tenure Ending: Not Available to be Reappointed.  
 Tamara White (Abbott) Terri Shockley (At-Large)

#### **(7) Youth Council - Brogan Clark, Coilin Gallagher, Tirzah Hill, Eliza Myers, Sage Myers, Emily Skipper, Ellie Zollinger**

**See attachment for Nominations in Open Session.**

ADULT PUBLIC GUARDIANSHIP BOARD

Reference: PGL Family Law 14-402, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory  
Perform 6-month reviews of all guardianships held by a public agency.  
Recommend that the guardianship be continued, modified or terminated.

Number/Term: 11/3 year terms  
Terms expire December 31st

Compensation: None, travel expenses (under Standard State Travel Regulations)

Meetings: Semi-annually

Special Provisions: 1 member must be a professional representative of the local department  
1 member must be a physician  
1 member must be a psychiatrist from the local department of health  
1 member must be a representative of a local commission on aging  
1 member must be a representative of a local nonprofit social services organization  
1 member must be a lawyer  
2 members must be lay individuals  
1 member must be a public health nurse  
1 member must be a professional in the field of disabilities  
1 member must be a person with a physical disability

Staff Contact: Department of Social Services - Roberta Baldwin (410-677-6872)

Current Members:

<u>Member's Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
Connie Wessels	Lay Person	*15-16-19, 19-22 (Term Expired)
Brandy Trader	Non-profit Soc. Service Rep.	*15-17, 17-20, 20-23
LuAnn Siler	Commission on Aging Rep.	17-20, 20-23
Jack Ferry	Professional in field of disabilities	*14-14-17-20, 20-23
Thomas Donoway	Person with physical disability	17-20, 20-23
Roberta Baldwin	Local Dept. Rep. - Social Services	03-06-09-12-15-18-21-24
Melissa Banks	Public Health Nurse	*02-03-06-09-12-15-18-21-24
Dr. Ovais Khalid	Psychiatrist	23-26
Dr. William Greer	Physician	07-10-13-16-19-22-25
Richard Collins	Lawyer	95-16-19-22-25
Nancy Howard	Lay Person	*17-19, 19-22-25

\* = Appointed to fill an unexpired term

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  
(410-632-1277)

Current Members:

Member's Name	Resides/Represents	Years of Term(s)
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	
James Covington	Pocomoke City	*18-20, 20-23
Bonita Ann Gisriel	Ocean City	*18-20, 20-23
Carolyn Dryzga	Ocean Pines	*18-20, 20-23
Samuel Henry	D-3-Church	20-23
Dr. Mark Bowen	D-6-Bunting	20-23
Helen Whaley	Berlin	*16-18-21, 21-24
Fred Grant	Snow Hill	*15-16, 16-19-22-25
Joyce Cottman	Berlin	*16, 16-19-22-25

\* = Appointed to fill an unexpired term



*The Worcester Commission on Aging provides programs and services that support the quality of life, independence and health goals desired and needed by Worcester County's senior residents.*

MEMO

TO: Worcester County Commissioners  
RE: Members of the Board of Directors of the Worcester County Commission on Aging, Inc.  
DATE: November 3, 2023

Dr. Mark Bowen, Jim Covington, Carolyn Dryzga, Bonnie Gisriel and Samuel Henry, whose terms as members of the Board of Directors expired on September 30, 2023, were unanimously reappointed by the Board of Directors to additional 3-year terms effective October 1, 2023.

**Worcester Commission on Aging**

Community for Life in Worcester County • River Oaks Day Center • 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](mailto:info@worcoa.org) • [www.worcoa.org](http://www.worcoa.org)

## AGRICULTURAL PRESERVATION ADVISORY BOARD

Reference: PGL Agriculture 2-504.1, Annotated Code of Maryland

Appointed by: County Commissioners

Functions: Advisory  
Advise the County Commissioners and State Agricultural Preservation Foundation on establishment of agricultural districts and priorities for purchase of easements; promote preservation of agriculture in the County.

Number/Term: 7/4 years\*\*\*  
Terms expire December 31st

Compensation: \$100 per meeting (policy)

Meetings: As Needed

Special Provisions: 4 members to be owner-operators of commercial farms  
Membership limited to two consecutive full terms

Staff Contact: Katherine Munson, Dept. of Environmental Programs (410-632-1220)

Current Members: (O-O = Commercial Farm Owner-Operator)

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Terms (Year)</u>
Christian Martin	Purnell	D-2, Berlin	22 -23
Curt Lambertson	Elder	D-4, Snow Hill	15-19, 19-23
Kelley Gravenor	Elder	D-4, Snow Hill	*14-16-20, 20-24
Kathy Drew	Bunting	D-6, Bishopville	* 06-09-13-17-21,21-25
Glen Holland (O-O)	Abbott	D-1, Pocomoke	13-17-21-25
Ed Phillips (O-O)	Elder	D-4, Whaleyville	05-10-14-18-22-26
Alan Hudson (O-O)	Elder	D-4, Berlin	14-18-22-26

Prior Members:

Norman Ellis	Ed Anderson (98-03)
Richard Bradford	Robert Gray (00-05)
Charles Fulton	Orlando Bishop (01-06)
Elmer Hastings	Roger Richardson (96-07)
David Stevens	Anne Hastings (06-11)
Curtis Shockley	Earl Ludey (07-13)
Gerald Redden	George Lee Clayville (00-14)
William Sirman, Jr.	Sandra Frazier (03-14)
Harold Purnell	Donnie Powell (06-15)
Chauncy Henry (96-97)	Bill Bruning(O-O) (11-19)
Lieselotte Pennewell (93-98)	Billy Thompson (19-23)
Carlton Magee (90-00)	
Harry Mitchell (90-00)	
Frank Baker (98-01)	

\* = Appointed to fill an unexpired term  
 \*\* = Appointed to partial term to create proper staggering of terms  
 \*\*\*=Membership expanded from 5 to 7 members and terms reduced from 5 to 4-years each in 2006

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

Appointed by: County Commissioners

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

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

Compensation: None - Expense Reimbursement as provided by County Commissioners

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

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Ag/Forest Industry</u>	<u>Resides</u>	<u>Years of Term(s)</u>
George Solyak	At-Large	No	Ocean Pines	18-22
Stacey Esham	Forestry Bd.	Yes	Berlin	12-16-20, 20-24
Brooks Clayville	Farm Bureau	Yes	Snow Hill	00-04-08-12-16-20, 20-24
Dean Ennis	Farm Bureau	Yes	Pocomoke	06-10-14-18-22-26
Tom Babcock	At-Large	No	Whaleyville	14-18-22-26

Prior Members: Since 2000

- Michael Beauchamp (00-06)
- Phyllis Davis (00-09)
- Richard G. Holland, Sr. (00-12)
- Rosalie Smith (00-14)
- Betty McDermott \*(09-17)

\* = Initial terms staggered

## BUILDING CODE APPEALS BOARD

Reference: PGL - Public Safety Article - Section 12-501 - 12-508 - Annotated Code of Maryland  
COMAR 05.02.07 (Maryland Building Performance Standards)  
- International Building Code, International Residential Code

Appointed by: County Commissioners

Function: Quasi-Judicial  
Hear and decide upon appeals of the provisions of the International Building Code (IBC) and International Residential Code for one- and two-family dwellings (IRC)

Number/Term: 7/4-year terms  
Terms expire December 31

Compensation: \$100 per meeting (by policy)

Meetings: As Needed

Special Provisions: Members shall be qualified by reason of experience, training or formal education in building construction or the construction trades.

Staff Contact: Jennifer Kenner, Director  
Development Review & Permitting (410-632-1200, ext. 1100)

### Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Elbert Davis	D-2 - Purnell	Snow Hill	*03-03-07-11-15-19, 19-23
Bill Paul	D-7 - Mitrecic	Ocean Pines	15-19, 19-23
Kevin Holland	D-1 - Abbott	Pocomoke	96-04-08-12-16-20, 20-24
James Spicknall	D-5 - Bertino	Ocean Pines	04-08-12-16-20, 20-24
Mike Poole	D-6 - Bunting	Bishopville	17-21, 21-25
Mark Bargar	D-4 - Elder	Berlin	14-18-22-26
Jim Wilson	D-3 - Fiori	Berlin	02-06-10-14-18-22-26

### Prior Members:

Robert L. Cowger, Jr. (92-95)  
Charlotte Henry (92-97)  
Robert Purcell (92-98)  
Edward DeShields (92-03)  
Sumei Prete (97-04)  
Shane C. Spain (03-14)  
Dominic Brunori (92-15)  
Richard P. Mueller (98-17)

\* = Appointed to fill an unexpired term

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

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

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

Compensation: None

Meetings: As Necessary

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

Staff Contact: Regina Mason, Council Secretary, Health Department (410-632-1100)  
Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
<b><u>At-Large Members</u></b>		
Jaclyn Sturgis	Knowledgeable on Substance Abuse Issues	*22-23
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19, 19-23
Mimi Dean	Substance Abuse Prevention Provider	*18-19, 19-23
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12-16-20, 20-24
Dr. Roy W. Cragway, Jr.	Knowledgeable on Substance Abuse Issues	*17-20, 20-24
Rev. James Jones	Knowledge of Substance Abuse Issues	*21-25
Tina Simmons	Knowledge of Substance Abuse Treatment	21-25
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18-22-26
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14-18-22-26
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (adv)-14-18-22-26

<b><u>Ex-Officio Members</u></b>		
Rebecca Jones	Health Officer	Ex-Officio, Indefinite
Roberta Baldwin	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Kris Heiser	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Matt Crisafulli	County Sheriff	Ex-Officio, Indefinite
William Gordy (Eloise Henry Gordy)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Brian Shockley (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Donna Bounds	Warden, Worcester County Jail	Ex-Officio, Indefinite

\* Appointed to a partial term for proper staggering, or to fill a vacant term



Reference: County Commissioners’ Resolutions of March 1976, 4/16/85, 9/16/97, 5/4/99 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory  
 Provide the County with advice and suggestions concerning the economic development needs of the County; review applications for financing; review Comprehensive Development Plan and Zoning Maps to recommend to Planning Commission appropriate areas for industrial development; review/comment on major economic development projects.

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

Compensation: \$100 per meeting as expense allowance

Meetings: At least quarterly, more frequently as necessary

Special Provisions: One member nominated by each County Commissioner  
 Members may be reappointed

Staff Contact: Economic Development Department - Melanie Pursel (410-632-3110)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Term(s)</u>
Steven Habeger	D-5, Bertino	Ocean Pines	19-23
Natoshia Collick Owens	D-2, Purnell	Ocean Pines	*15-19, 19-23
Joe Schanno	D-3, Church	West Ocean City	*19-20, 20-24
C.D. Hall	D-1, Abbott	Pocomoke	*22-24
Robert Fisher	D-6, Bunting	Snow Hill	87-17-21, 21-25 (passed)
Ashley Harrison	D-7, Mitrecic	Ocean City	19-21, 21-25
Harry Wimbrow	D-4, Elder	Snow Hill	*22-25

Prior Members: Since 1972

George Gering	Shirley Pilchard	Thomas W. Davis, Sr. (99-09)
Margaret Quillin	W. Leonard Brown	Mickey Ashby (00-12)
Robert W. Todd	Charles Nichols (92-97)	Priscilla Pennington-Zytowicz (09-14)
Charles Fulton	Jeff Robbins (97-98)	Barbara Purnell (08-15)
E. Thomas Northam	Colleen Smith (94-98)	Timothy Collins (03-15)
Charles Bailey	Tommy Fitzpatrick (97-99)	Joshua Nordstrom (12-16)
Terry Blades	John Rogers (92-98)	William Sparrow (16-18)
Roy Davenport	Jennifer Lynch (98-99)	Greg Shockley (14-18)
M. Bruce Matthews	Don Hastings (92-99)	Tom Terry (15-19)
Barbara Tull	Jerry Redden (92-00)	John Glorioso (08-19)
Tawney Krauss	Keith Mason (98-00)	Ralph Shockley (*08-21)
Dr. Francis Ruffo	Bob Pusey (99-00)	Robert Clarke (*08-22)
William Smith	Harold Scrimgeour (00-02)	Marc Scher (*19-22)
Saunders Marshall	Scott Savage (98-03)	
Elsie Marshall	Gabriel Purnell (91-03)	
Halcolm Bailey	Michael Avara (99-03)	
Norman Cathell	Annette Cropper (00-04)	
Mary Humphreys	Billie Laws (91-08)	
Theodore Brueckman	Anne Taylor (95-08)	
	Mary Mackin (04-08)	

\* = Appointed to fill an unexpired term

**ETHICS BOARD**

Reference: Public Local Law, Section CG 5-103

Appointed by: County Commissioners

Function: Advisory  
 Maintain all Ethics forms; develop procedures and policies for advisory opinions to persons subject to the Ethics Law and for processing complaints alleging violations of the Ethics Law; conduct a public information program regarding the purpose and application of the Ethics Law; annually certify compliance to the State; and recommend any changes to the Commissioners in order to comply with State Ethics Law.

Number/Term: 7/4 years  
 Terms expire December 31<sup>st</sup>

Compensation: \$100 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Roscoe Leslie, County Attorney (410-632-1194)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
David Deutsch	D-6, Bunting	Ocean Pines	17-21
Frank Knight	D-7, Mitrecic	Ocean City	*14-19, 19-23
Judy Giffin	D-5, Bertino	Ocean Pines	*21-24
Joseph Stigler	D-4, Elder	Berlin	16-20, 20-24
Bruce Spangler	D-3, Fiori	Berlin	*02-05-09-13-17-21-25
Iola Tariq	D-2, Purnell	Berlin	*22-26
Mickey Ashby	D-1, Abbott	Pocomoke	14-18-22-26

Prior Members: (Since 1972)

- |                             |                               |
|-----------------------------|-------------------------------|
| J.D. Quillin, III           | Walter Kissel (05-09)         |
| Charles Nelson              | Marion Chambers (07-11)       |
| Garbriel Purnell            | Jay Knerr (11-14)             |
| Barbara Derrickson          | Robert I. Givens, Jr. (98-14) |
| Henry P. Walters            | Diana Purnell (09-14)         |
| William Long                | Kevin Douglas (08-16)         |
| L. Richard Phillips (93-98) | Lee W. Baker (08-16)          |
| Marigold Henry (94-98)      | Richard Passwater (09-17)     |
| Louis Granados (94-99)      | Jeff Knepper (16-21)          |
| Kathy Philips (90-00)       | Faith Mumford (14-22)         |
| Mary Yenney (98-05)         |                               |
| Bill Ochse (99-07)          |                               |
| Randall Mariner (00-08)     |                               |
| Wallace D. Stein (02-08)    |                               |
| William Kuhn (90-09)        |                               |

\* = Appointed to fill an unexpired term

**HOUSING REVIEW BOARD**

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

Function: Regulatory/Advisory  
To decide on appeals of code official's actions regarding the Rental Housing Code. Decide on variances to the Rental Housing Code. Review Housing Assistance Programs.

Number/Term 7/3-year terms  
Terms expire December 31st

Compensation: \$100 per meeting (policy)

Meetings: As Needed

Special Provisions: Immediate removal by Commissioners for failure to attend meetings.

Staff Support: Development Review & Permitting Department  
Davida Washington, Housing Program Administrator - 410-632-1200  
Ext: 1171

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Terms(s)</u>
Scott Tingle	D-4, Elder	Snow Hill	14-17-20, 20-23
Maria Campione-Lawrence	D-5, Bertino	Ocean Pines	*22-23
Felicia Green	D-2, Purnell	Ocean Pines	*21-24
Keri-Ann F. Byrd	D-1, Abbott	Pocomoke	22-25
Debbie Hileman	D-6, Bunting	Ocean Pines	10-13-16-19-22-25
Don Furbay	D-3, Fiori	W. Ocean City	23-26
Charlie Murphy	D-7, Mitrecic	Ocean City	*23-26

Prior Members:

Phyllis Mitchell	Albert Bogdon (02-06)
William Lynch	Jamie Rice (03-07)
Art Rutter	Howard Martin (08)
William Buchanan	Marlene Ott (02-08)
Christina Alphonsi	Mark Frostrom, Jr. (01-10)
Elsie Purnell	Joseph McDonald (08-10)
William Freeman	Sherwood Brooks (03-12)
Jack Dill	Otho Mariner (95-13)
Elbert Davis	Becky Flater (13-14)
J. D. Quillin, III (90-96)	Ruth Waters (12-15)
Ted Ward (94-00)	John Glorioso (*06-19)
Larry Duffy (90-00)	Sharon Teagle (00- 20)
Patricia McMullen (00-02)	Davida Washington (*21-21)
William Merrill (90-01)	Donna Dillion (08-22)
Debbie Rogers (92-02)	C.D. Hall 10-22
Wardie Jarvis, Jr. (96-03)	Chase Church (*19-22)
	Jake Mitrecic (15-21)

\* = Appointed to fill an unexpired term

## WORCESTER COUNTY'S INITIATIVE TO PRESERVE FAMILIES BOARD

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

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

Appointed by: County Commissioners

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

Compensation: \$100 Per Meeting for Private Sector Members

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

Meetings: Monthly

Staff Contact: Jessica Sexauer, Director, Local Management Board - (410) 632-3648  
 Christen Barbierri – LMB Coordinator - (410) 632-3648  
 Lisa Shockley, LMB Admin. Support

**Current Members:**

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides/Representing</u>	<u>Years of Term(s)</u>
Ivonne Lomax	<i>Ex officio</i>	Core Service Agency	Indefinite
Rebecca Jones	<i>Ex officio</i>	Health Department	Indefinite
Jennifer Loring	<i>Ex officio</i>	Juvenile Justice	Indefinite
Louis H. Taylor	<i>Ex officio</i>	Board of Education	Indefinite
Roberta Baldwin	<i>Ex officio</i>	Department of Social Services	Indefinite
Dr. Mark Bowen	At-Large - J. Purnell	Snow Hill	20-23
Amy Rothermel	At-Large - Mitrecic	Ocean City	17-20, 20-23
Mark Frostrom	At-Large - Nordstrom	Pocomoke City	*99-12-15-18-21-24
Theophilus Hobbs IV	At-Large - D. Purnell	Snow Hill	19-22-25

**Prior Members (since 1994):**

Tim King (97)	Kathy Simon	Ira Shockley (03-19)
Sandra Oliver (94-97)	Vickie Stoner Wrenn	Eloise Henry-Gordy *(07-20)
Velmar Collins (94-97)	Robin Travers	Jennifer LaMade - Indefinite
Catherine Barbierri (95-97)	Jordan Taylor (09)	Spencer Tracey - Indefinite
Ruth Geddie (95-98)	Aaron Marshall (09)	
Rev. Arthur George (94-99)	Allen Bunting (09)	
Kathey Danna (94-99)	LaTrele Crawford (09)	
Sharon Teagle (97-99)	Sheriff Charles T. Martin	
Jeanne Lynch (98-00)	Joel Todd, State's Attorney	
Jamie Albright (99-01)	Ed Montgomery (05-10)	
Patricia Selig (97-01)	Edward S. Lee (07-10)	
Rev. Lehman Tomlin (99-02)	Toni Keiser (07-10)	
Sharon Doss	Judy Baumgartner (07-10)	
Rick Lambertson	Claudia Nagle (09-10)	
Cyndy B. Howell	Megan O'Donnell (10)	
Sandra Lanier (94-04)	Kiana Smith (10)	
Dr. James Roberts (98-04)	Christopher Bunting (10)	
Dawn Townsend (01-04)	Simi Chawla (10)	
Pat Boykin (01-05)	Jerry Redden	Updated: February 21, 2023
Jeannette Tresler (02-05)	Jennifer Standish	Printed: January 5, 2023
Lou Taylor (02-05)	Anne C. Turner	
Paula Erdie	Marty Pusey	
Rev. Pearl Johnson (05-07)	Virgil L. Shockley	
Peter Fox (05-07)	Dr. Jon Andes (96-12)	
Lou Etta McClafin (04-07)	Dr. Ethel M. Hines (07-13)	
Bruce Spangler (04-07)	Deborah Goeller	
Sharon DeMar Reilly	Andrea Watkins (13-17)	
	Sheila Warner (Indefinite)	

# **Worcester County's Initiative to Preserve Families**



6040 Public Landing Rd.  
Post Office Box 129  
Snow Hill, MD 21863

Telephone: 410-632-3648

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**TO:** Anthony Bertino, President Worcester County Commissioners  
**FROM:** *JS* Jessica Sexauer, Director of Local Management Board  
**DATE:** November 3, 2023  
**SUBJECT:** Local Management Board (LMB) Board Appointment

On behalf of the Worcester County Local Management Board, I would like to request the Commissioners make the following appointment changes to the LMB Board:

Nicole Griffin-Winder, Ex Officio representing the Department of Juvenile Services. This representative will fill the infinite term vacated by Jennifer Loring due to position changes within the Department of Juvenile Services.

If you have any concerns or questions regarding these changes, please do not hesitate to contact me at 410-632-3468

Thank you for your assistance.

*Worcester County's Local Management Board*

## Worcester County's Initiative to Preserve Families



6040 Public Landing Rd.  
Post Office Box 129  
Snow Hill, MD 21863

Telephone: 410-632-3648

Worcester County's  
Initiative  
to Preserve Families

**Staff:**

Jessica Sexauer, Director ([jessica.sexauer@maryland.gov](mailto:jessica.sexauer@maryland.gov))  
Christen Barbierrri, Coordinator ([christen.barbierrri@maryland.gov](mailto:christen.barbierrri@maryland.gov))  
Lisa Shockley, Administrative Support ([lisa.shockley1@maryland.gov](mailto:lisa.shockley1@maryland.gov))

Name	Representing	Year/Term	Contact Information
Ivonne Lomax	Ex Officio- LBHA	Indefinite	<a href="mailto:ivonne.lomax@maryland.gov">ivonne.lomax@maryland.gov</a>
Rebecca Jones	Ex Officio- Health Department	Indefinite	<a href="mailto:rjones@maryland.gov">rjones@maryland.gov</a>
Nicole Griffin-Winder	Ex Officio- Juvenile Justice	Indefinite	<a href="mailto:Nicole.Griffin-Winder@maryland.gov">Nicole.Griffin-Winder@maryland.gov</a>
Louis H. Taylor	Ex Officio- Board of Education	Indefinite	<a href="mailto:lhtaylor@worcesterk12.org">lhtaylor@worcesterk12.org</a>
Roberta Baldwin	Ex Officio- Department of Social Services	Indefinite	<a href="mailto:Roberta.Baldwin@maryland.gov">Roberta.Baldwin@maryland.gov</a>
Dr. Mark Bowen	At Large- Snow Hill	2020-2023	<a href="mailto:mbowen0047@yahoo.com">mbowen0047@yahoo.com</a>
Amy Rothermel	At Large- Ocean City	2017-2020 2020-2023	<a href="mailto:abrother61@hotmail.com">abrother61@hotmail.com</a>
Mark Frostrom	At Large- Pocomoke	*1999-2012 2012-2015 2015-2018 2018-2021 2021-2024	<a href="mailto:frost1mark@aol.com">frost1mark@aol.com</a>
Theophilus "Theo" Hobbs IV	At Large- Snow Hill	2019-2022 2022-2025	<a href="mailto:oeht44@gmail.com">oeht44@gmail.com</a>

*Worcester County's Local Management Board*

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

**ITEM 16**

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
David Massey <sup>c</sup>	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Mary Beth Carozza	Indefinite	Maryland Senator	14-indefinite
Wayne A. Hartman	Indefinite	Maryland Delegate	18-indefinite
Charles Otto	Indefinite	Maryland Delegate	14-indefinite
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20, 20-24
Kerrie Bunting	Dist. 4 - Elder	Resident - Snow Hill	*22-24
Mayor Rick Meehan <sup>c</sup>	At-Large	Business - Ocean City	*09-12-16-20-24
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21, 21-25
Matt Gordon	Dist. 1 – Abbott	Resident - Pocomoke	19-22, 22-26
Ivy Wells	Dist. 3 - Church	Resident - Berlin	22-26
Cam Bunting <sup>c</sup>	At-Large	Business - Berlin	*09-10-14-18-22-26

**Prior Members:**

J. Lowell Stoltzfus<sup>c</sup> (09-10)  
Mark Wittmyer<sup>c</sup> (09-11)  
John Salm<sup>c</sup> (09-12)  
Mike Pruitt<sup>c</sup> (09-12)  
Norman H. Conway<sup>c</sup> (09-14)  
Michael McDermott (10-14)  
Diana Purnell<sup>c</sup> (09-14)  
Linda Dearing (11-15)  
Todd Ferrante<sup>c</sup> (09-16)

**Since 2009**

Joe Cavilla (12-17)  
James N. Mathias, Jr.<sup>c</sup> (09-18)  
Ron Taylor<sup>c</sup> (09-14)  
James Rosenberg (09-19)  
Rod Murray<sup>c</sup> (\*09-19)  
Gary Weber (\*19-21)

Charlie Dorman (12-19)  
Gee Williams (09-21)

\* = Appointed to fill an unexpired term/initial terms staggered  
<sup>c</sup> = Charter Member

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

Reference: Workforce Innovation and Opportunity Act of 2014, Section 107

Appointed by: County Commissioners

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

Number/Term: 26 - 5 Worcester County, 11 At-Large (by Tri-County Council), 10 Other  
2, 3 or 4-year terms; Terms expire September 30

Compensation: None

Meetings: Quarterly (March, June, September, December) on the 2<sup>nd</sup> Wednesday

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

Staff Contact: Lower Shore Workforce Alliance  
Johanna Allen – LSWA Administrative Assistant (410-341-3835, ext. 2502)  
American Job Center, 31901 Tri-County Way, Suite 215, Salisbury, MD 21804

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

<u>Name</u>	<u>Resides/Agency</u>	<u>Term</u>	<u>Representing</u>
Jason Cunha	Pocomoke	*16-19, 19-23	Business Rep.
Walter Maizel	Bishopville	*12-20, 20 -24	Private Business Rep.
Whitney Palmer	Berlin	*20-24	Business Rep.
Robert "Bo" Duke	Ocean City	*17-21, 21-25	Business Rep.
Alicia Warren	Berlin	22-26	Business/Healthcare Ind.

Prior Members: Since

Baine Yates	Heidi Kelley (07-08)
Charles Nicholson (98-00)	Bruce Morrison (05-08)
Gene Theroux (97-00)	Margaret Dennis (08-12)
Jackie Gordon (98-00)	Ted Doukas (03-13)
Caren French (97-01)	Diana Nolte (06-14)
Jack Smith (97-01)	John Ostrander (07-15)
Linda Busick (98-02)	Craig Davis (13-17)
Edward Lee (97-03)	Donna Weaver (08-17)
Joe Mangini (97-03)	Geoffrey Failla (15-18)
Linda Wright (99-04)	Melanie Pursel (18-*20)
Kaye Holloway (95-04)	Ivy Wells (20-21)(21-public appt.)
Joanne Lusby (00-05)	
William Greenwood (97-06)	
Gabriel Purnell (04-07)	
Walter Kissel (03-07)	



## RECREATION ADVISORY BOARD

Reference: County Commissioners' Action 6/13/72 and Resolution of 12/27/83 and Resolution 97-51 of 12/23/97 and Resolution 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory  
Provide the County with advice and suggestions concerning the recreation needs of the County and recommendations regarding current programs and activities offered.  
Review and comment on proposed annual Recreation Department budget.

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

Compensation: \$100 per meeting expense allowance, subject to funding

Meetings: At least quarterly, more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Support: Recreation and Parks Department - Lisa Gebhardt (410) 632-2144

### Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Joseph Stigler	D-4, Elder	Snow Hill	*21-23
Mike Hooks	D-1, Abbott	Pocomoke	12-16-20, 20-24
Missy Denault	D-5, Bertino	Berlin	*15-16-20, 20-24
William Gabeler	D-6, Bunting	Ocean Pines	21-25
Norman Bunting, Jr.	D-3, Church	Berlin	*16-17-21-25
Alvin Handy	D-2, Purnell	Ocean City	06-10-14-18-22-26
John Gehrig	D-7, Mitrecic	Ocean City	14-18-22-26

### Prior Members:

Since 1972

Howard Taylor	Cyrus Teter	Gregory Purnell (83-96)	Sonya Bounds (12-15)
Arthur Shockley	Warren Mitchell	Vernon Redden, Jr. (83-98)	Burton Anderson (05-15)
Rev. Ray Holsey	Edith Barnes	Richard Ramsay (93-98)	William Regan (02-16)
William Tingle	Glen Phillips	Mike Daisy (98-99)	Shawn Johnson (15-19)
Mace Foxwell	Gerald Long	Cam Bunting (95-00)	Devin Bataille (19-20)
Nelson Townsend	Lou Ann Garton	Charlie Jones (98-03)	Chris Klebe (*11-21)
J.D. Townsend	Milton Warren	Rick Morris (03-05)	
Robert Miller	Ann Hale	Gregory Purnell (97-06)	
Jon Stripling	Claude Hall, Jr.	George "Eddie" Young (99-08)	
Hinson Finney	Vernon Davis	Barbara Kissel (00-09)	
John D. Smack, Sr.	Rick Morris	Alfred Harrison (92-10)	
Richard Street	Joe Lieb	Janet Rosensteel (09-10)	
Ben Nelson	Donald Shockley	Tim Cadotte (02-12)	
Shirley Truitt	Fulton Holland (93-95)	Craig Glover (08-12)	
		Joe Mitrecic (10-14)	

\* = 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, 20-23
Harry Hammond	D-6, Bunting	Bishopville	15-21, 21- 24
Shelly Daniels	D-1, Abbott	Pocomoke City	22-25
Rebecca Colt-Ferguson	D-7, Mitrecic	Ocean City	22-25
Janice Chiampa	D-5, Bertino	Ocean Pines	22-25
Diana Purnell	ex officio - Commissioner		14-18-22-25
Voncelia Brown	D-3, Church	Berlin	16-19-22-25
Mary White	At-Large	Berlin	*17-19-22-25
Margaret Labesky	D-4, Elder	Snow Hill	23-26

\* = Appointed to fill an unexpired term

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: \$100 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 – David Candy - (410-632-3177)  
Solid Waste - Recycling Coordinator - Mike McClung - (410-632-3177)  
Department of Public Works - Dallas Baker- (410-632-5623)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
John O'Brien	D-6, Bunting	Bishopville	*22-23
Granville Jones	D-7, Mitrecic	Berlin	*15-16-20, 20-24
Michelle Beckett-El Soloh	Town of Pocomoke City		*19-20, 20-24
Michael Pruitt	Town of Snow Hill		*22-24
Don Furbay	D-3, Fiori	Berlin	20-24
James Charles	Town of Berlin		21-25
Brain Scarborough	Town of Ocean City		21-25
Vaughn White	D-2, Purnell	Berlin	*19-21, 21-25
Bob Gilmore	D-5, Bertino	Ocean Pines	*21-22, 22-26
George Linvill	D-1, Abbott	Pocomoke	14-18-22-26
George Dix	D-4, Elder	Snow Hill	*10-18-22-26

Prior Members: (Since 1994)

Ron Cascio (94-96)	Frederick Stiehl (05-06)	Rodney Bailey *19
Roger Vacovsky, Jr. (94-96)	Eric Mullins (03-07)	Steve Brown *10-19
Lila Hackim (95-97)	Mayor Tom Cardinale (05-08)	Bob Augustine 16-19
Raymond Jackson (94-97)	William Breedlove (02-09)	Michael Pruitt *15-19
William Turner (94-97)	Lester D. Shockley (03-10)	James Rosenburg (*06-19)
Vernon "Corey" Davis, Jr. (96-98)	Woody Shockley (01-10)	Jamey Latchum *17-19
Robert Mangum (94-98)	John C. Dorman (07-10)	Hal Adkins (*20-21)
Richard Rau (94-96)	Robert Hawkins (94-11)	Mike Poole (11-22)
Jim Doughty (96-99)	Victor Beard (97-11)	
Jack Peacock (94-00)	Mike Gibbons (09-14)	
Hale Harrison (94-00)	Hank Westfall (00-14)	
Richard Malone (94-01)	Marion Butler, Sr. (00-14)	
William McDermott (98-03)	Robert Clarke (11-15)	
Fred Joyner (99-03)	Bob Donnelly (11-15)	
Hugh McFadden (98-05)	Howard Sribnick (10-16)	
Dale Pruitt (97-05)	Dave Wheaton (14-16)	
	Wendell Purnell (97-18)	
	George Tasker (*15-20)	

\* = Appointed to fill an unexpired term

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

Appointed by: County Commissioners

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

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

Compensation: \$100 per meeting expense allowance

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

Special Provisions: One member nominated by each County Commissioner

Staff Contact: Tourism Department – Melanie Pursel, Director of Tourism 410-632-3110

**Current Members:**

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)<sup>2</sup></u>
Ruth Waters	D-6, Bunting	Bishopville	19-23
Josh Davis	D-5, Bertino	Berlin	*19-21, 21-25
Lauren Taylor	D-7, Mitrecic	Ocean City	13-17-21, 21-25
Kerrie Anne Bunting	D-4, Elder	Snow Hill	21-25
Gregory Purnell	D-2, Purnell	Berlin	14-18-22-26
Nola Tullar	D-1, Abbott	Pocomoke	23-27
Thomas Shuster	D-3, Fiori	West Ocean City	23-27

**Prior Members: Since 1972**

Isaac Patterson <sup>1</sup>	Klein Leister (99-03)	Michael Day *19-21
Lenora Robbins <sup>1</sup>	Bill Simmons (99-04)	Barbara Tull (03-23)
Kathy Fisher <sup>1</sup>	Bob Hulburd (99-05)	Elena Ake *16-23 Released
Leroy A. Brittingham <sup>1</sup>	Frederick Wise (99-05)	
George “Buzz” Gering <sup>1</sup>	Wayne Benson (05-06)	
Nancy Pridgeon <sup>1</sup>	Jonathan Cook (06-07)	
Marty Batchelor <sup>1</sup>	John Glorioso (04-08)	
John Verrill <sup>1</sup>	David Blazer (05-09)	
Thomas Hood <sup>1</sup>	Ron Pilling (07-11)	
Ruth Reynolds (90-95)	Gary Weber (99-03, 03-11)	
William H. Buchanan (90-95)	Annemarie Dickerson (99-13)	
Jan Quick (90-95)	Diana Purnell (99-14)	
John Verrill (90-95)	Kathy Fisher (11-15)	
Larry Knudsen (95)	Linda Glorioso (08-16)	
Carol Johnsen (99-03)	Teresa Travatello (09-18)	
Jim Nooney (99-03)	Molly Hilligoss (15-18)	
Barry Laws (99-03)	Denise Sawyer (*18-19)	
	Isabel Morris (11-19)	

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

## WATER AND SEWER ADVISORY COUNCIL MYSTIC HARBOUR SERVICE AREA

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

Appointed by: County Commissioners

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

Number/Term: 7/4-year terms  
Terms Expire December 31

Compensation: \$100.00/meeting

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

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

### Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Martin Kwesko	Mystic Harbour	13-17, 17-21 (Resigned)
Richard Jendrek <sup>C</sup>	Bay Vista I	05-10-14-18, 18-22 (deceased)
Matthew Kraeuter	Ocean Reef	*19-22 Available for Re-app.
Joseph Weitzell <sup>C</sup>	Mystic Harbour	05-11-15-19, 19-23 (deceased)
Bruce Burns	Deer Point	19-23 (deceased)
David Dypsky	Teal Marsh Center	*10-12-16, 16-20, 20-24
Stan Cygam	Whispering Woods	*18-20, 20-24

### Prior Members: (Since 2005)

John Pinnero <sup>C</sup> (05-06)	Carol Ann Beres (14-18)
Brandon Phillips <sup>C</sup> (05-06)	Bob Hunt (*06-19)
William Bradshaw <sup>C</sup> (05-08)	
Buddy Jones (06-08)	
Lee Trice <sup>C</sup> (05-10)	
W. Charles Friesen <sup>C</sup> (05-13)	
Alma Seidel (08-14)	
Gerri Moler (08-16)	
Mary Martinez (16-18)	

<sup>C</sup> = Charter member - Initial Terms Staggered in 2005  
\* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL  
WEST OCEAN CITY SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

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

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

Compensation: \$100.00/Meeting

Meetings: Monthly

Special Provisions: Must be residents/ratepayers of West Ocean City Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Keith Swanton	West Ocean City	13-17, 17-21
Deborah Maphis	West Ocean City	95-99-03-07-11-15-19, 19-23
Gail Fowler	West Ocean City	99-03-07-11-15-19,19-23
Blake Haley	West Ocean City	*19-20, 20-24
Todd Ferrante	West Ocean City	13-17-21-25

Prior Members: (Since 1993)

Eleanor Kelly<sup>c</sup> (93-96)                      Andrew Delcorro (\*14-19)

John Mick<sup>c</sup> (93-95)

Frank Gunion<sup>c</sup> (93-96)

Carolyn Cummins (95-99)

Roger Horth (96-04)

Whaley Brittingham<sup>c</sup> (93-13)

Ralph Giove<sup>c</sup> (93-14)

Chris Smack (04-14)

## 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 (3<sup>rd</sup> 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: Tamara White and Coleen Colson, 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>
Elizabeth Rodier	D-3, Fiori	Bishopville	18-21(Resigned)
Hope Carmean	D-4, Elder	Snow Hill	*15-16-19, 19-22
Tamara White	D-1, Abbott	Pocomoke City	17-20, 20-23
Susan Childs	D-6, Bunting	Berlin	21-24(Resigned)
Terri Shockley	At-Large	Snow Hill	17-20, 20-23
Dr. Darlene Jackson- Bowen	D-2, Purnell	Pocomoke	*19-21, 21-24
Kimberly List	D-7, Mitrecic	Ocean City	18- 21, 21-24
Gwendolyn Lehman	At-Large	OP, Berlin	*19-21, 21-24
Jocelyn Briddell	At-Large	Berlin	23-26
Coleen Colson	Dept of Social Services		19-22-25
Windy Phillips	Board of Education		19-22-25
Laura Morrison	At-Large	Pocomoke	*19-20-23-26
Crystal Bell, MPA	Health Department		*22-23-26
Judith Giffin	D-5, Bertino	Ocean Pines	*22-23-26
Jeanine Jersheid	Public Safety – Sheriff’s Office		23-26

**Prior Members: Since 1995**

Ellen Pilchard <sup>c</sup> (95-97)	Bonnie Platter (98-00)	Vyoletus Ayres (98-03)
Helen Henson <sup>c</sup> (95-97)	Marie Velong <sup>c</sup> (95-99)	Terri Taylor (01-03)
Barbara Beaubien <sup>c</sup> (95-97)	Carole P. Voss (98-00)	Christine Selzer (03)
Sandy Wilkinson <sup>c</sup> (95-97)	Martha Bennett (97-00)	Linda C. Busick (00-03)
Helen Fisher <sup>c</sup> (95-98)	Patricia Ilezuk-Lavanceau (98-99)	Gloria Bassich (98-03)
Bernard Bond <sup>c</sup> (95-98)	Lil Wilkinson (00-01)	Carolyn Porter (01-04)
Jo Campbell <sup>c</sup> (95-98)	Diana Purnell <sup>c</sup> (95-01)	Martha Pusey (97-03)
Karen Holck <sup>c</sup> (95-98)	Colleen McGuire (99-01)	Teole Brittingham (97-04)
Judy Boggs <sup>c</sup> (95-98)	Wendy Boggs McGill (00-02)	Catherine W. Stevens (02-04)
Mary Elizabeth Fears <sup>c</sup> (95-98)	Lynne Boyd (98-01)	Hattie Beckwith (00-04)
Pamela McCabe <sup>c</sup> (95-98)	Barbara Trader <sup>c</sup> (95-02)	Mary Ann Bennett (98-04)
Teresa Hammerbacher <sup>c</sup> (95-98)	Heather Cook (01-02)	Rita Vaeth (03-04)

\* = Appointed to fill an unexpired term

<sup>c</sup> = Charter member

BOARD OF ZONING APPEALS

Reference: Public Local Law - ZS §1-116

Appointed by: County Commissioners

Function: Regulatory  
Hear and decide on applications for special exceptions, variances from the setback or area provisions of the Zoning Ordinance, and on appeals where there is an alleged error in the application of the Zoning Ordinance; grant expansions of nonconforming uses.

Number/Term: 7 members (as of 1-31-97 per Bill 96-14)/3 years  
Terms expire December 31st

Compensation: \$100 per meeting, plus mileage for site inspections (policy)

Meetings: 2 per month

Special Provisions: None

Staff Contact: Department of Development Review & Permitting  
Jennifer Keener -Deputy Director, DRP (410-632-1200, ext. 1123)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
David Dypsky	D-3, Church	Ocean City	*11-14-17-20, 20-23
Joseph W. Green, Jr.	D-5, Bertino	Ocean Pines	Resigned *05-08-11-14-17-20-23
Jake Mitreic	D-7, Mitreic	Ocean City	20-23
Thomas Babcock	D-4, Elder	Whaleyville	15-18-21, 21-24
Robert M. Purcell	D-6, Bunting	Bishopville	*11-12-15-18-21, 21-24
Larry Fykes	D-1, Abbott	Pocomoke	*16-19-22-25
Lisa Bowen	D-2, Purnell	Berlin	* 22, 22-25

Prior Members: (Since 1972)

Robert B. Jackson	Doris Glover (91-95)	Lou Taylor (05-08)
Ruth Spinak	Marion Marshall (90-96)	Jerre F. Clauss (98-10)
Merrill Lockfaw	Madison Bunting (90-96)	Mike Diffendal (08-10)
Winnie Williams	Howard "Buzz" Taylor (97-98)	James E. Clubb, Jr. (06-11)
Randolph F. Wilkerson	Edward Bounds (90-99)	Joe Fehrer, Jr. (06-12)
Cashar J. Hickman	Marion Butler, Sr. (96-99)	Beth Gismondi (96-14)
E. Paige Boston	Dwight Campbell (95-00)	Bill Bruning (12-15)
Elbridge Murray	Larry Widgeon (94-00)	Robert L. Cowger, Jr. (10-16)
Gary McCabe	Robert Ewell (95-01)	Rodney C. Belmont (07-17)
Harley Day	Lester Shockley (99-02)	Larry Duffy (*17-19)
Charles Lynch	Robert Mitchell (02-05)	Glen Irwin (14-20)
Dwight E. Campbell	Janice Foley (99-05)	James Purnell (19-22)
T. Clay Groton	Richard Outten (00-06)	
Albert Berger	Doug Parks (00-06)	
Clifford Dypsky	Brian Roberts (06)	
Donald Jones	Dale Smack (01-06)	
George Ward, Jr. (92-95)		

\* = Appointed to fill an unexpired term



Reference: Resolution No. 06-2, adopted February 21, 2006

Appointed by: County Commissioners

Functions: Advisory  
 Share information about youth-related concerns; promote internal and external assets among youth in order to prevent unhealthy behaviors which may result in harm or reduced opportunities for success; and provide information to County Commissioners, County agencies, and Youth Serving organizations specific to youth development and resources.

Number/Term: Up to 25 with 5 from each community/two-year term  
 Terms Expire April 30<sup>th</sup>

Compensation: None

Meetings: Monthly, unless otherwise determined by the Council

Special Provisions: Members who have more than two unexcused absences may be recommended for replacement by the Youth Council.

Staff Contact: Mimi Dean, Health Department - Prevention Services - (410-632-1100)  
 Advisors: Tamara Mills, Worcester County Board of Education - (410-632-5031)  
 Kelcey Kengla, Worcester County Health Department - (410-632-1100)  
 Wendy Shirk, Worcester County Board of Education - (410-632-2880)

Current Members:

<u>Member's Name</u>	<u>School Attending</u>	<u>Area Representing</u>	<u>Year(s) of Term(s)</u>
Wynter Robers	Snow Hill	Snow Hill	21-25
Mary Ann Catherine Rutzler	Snow Hill	Snow Hill	21-25
Brooke Berquist	Stephen Decatur	Bishopville	22-25
Mia Acuna	Pocomoke	Pocomoke	22-24
Vanessa Francisco-Epitaci	Pocomoke	Pocomoke	22-24
Emily Knight	Pocomoke	Pocomoke	22-24
Mandy Chau	Pocomoke	Pocomoke	22-25
Teresa Guo	Pocomoke	Pocomoke	22-25
Kyleigh Kruse	Pocomoke	Pocomoke	22-26
Treston Melvin	Pocomoke	Pocomoke	22-24
Gabriella Thompson-Servant	Stephen Decatur	Berlin	22-25
Maddie Shirk	Stephen Decatur	Bishopville	22-24
Laila Pascucci	Stephen Decatur	Berlin	22-26



## Worcester County

HEALTH DEPARTMENT


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

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

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

# MEMO

**To:** Weston Young, Chief Administrative Officer, Worcester County, One West Market Street, Rm.1103, Snow Hill, Md 21863

**From:**  Mimi Dean, Director of Prevention Services, Worcester County Health Department

**cc:** Rebecca L. Jones, RN, BSN, MSN, Health Officer  
Lou Taylor, Superintendent, Worcester County Public Schools  
Tamara Mills, Worcester County Public Schools  
Kelcey Kengla, Coordinator of Special Programs II

**Date:** October 19, 2023

**Re:** Youth Council for Worcester County

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The Worcester County Youth Council continued to meet during the 2022-2023 school year to discuss and develop strategies to address youth-related concerns. We appreciate the support of the Commissioners for this Board.

The Worcester County Youth Council members reviewed applications during the September 11 and October 16, 2023 meetings and are recommending the appointment of the following 7 new members for the Youth Council.

The Council respectfully requests that the Worcester County Commissioners officially appoint the following youth to the Board.

**Appointment (2 Year)**

<i>Student Name</i>	<i>School</i>	<i>Grade</i>	<i>Community</i>
Brogan Clark	Stephen Decatur High School	11th	Berlin
Coilin Gallagher	Stephen Decatur High School	11th	Berlin
Tirzah Hill	Stephen Decatur High School	11th	Berlin
Eliza Myers	Stephen Decatur High School	10th	Berlin
Sage Myers	Stephen Decatur High School	10th	Berlin
Emily Skipper	Stephen Decatur High School	9th	Berlin
Ellie Zollinger	Stephen Decatur High School	10th	Berlin

This brings the membership to 20 youth with these appointments. During this school year, the youth council will work to recruit additional members in efforts to continue to expand membership. We are very excited to work with this group of energized, engaged, creative young people who are interested in making a difference in their schools and communities.

I am enclosing a copy of the students' applications, mailing addresses for appointments, a copy of membership list by community, and the 2022-2023 Annual Report.

We appreciate your kind consideration of this request and continued support of the council. Please reach out to me at 410-632-1100, extension 1104 if you have any questions or would like additional information.

**Worcester County Youth Council Advisors 2023-2024**

<b>Advisor Name</b>	<b>Organization</b>	<b>Email</b>	<b>Phone Number</b>
Mimi Dean	Worcester County Health Department	mimi.dean@maryland.gov	410-632-1100
Kelcey Kengla	Worcester County Health Department	kelcey.kengla@maryland.gov	410-632-1100
Tamara Mills	Worcester County Board of Education	tjmills@worcesterk12.org	410-632-5031
Wendy Shirk	Worcester County Board of Education	wwtingleshirk@worcesterk12.org	410-632-2880



Worcester County Government
One West Market Street | Room 1103 | Snow Hill MD 21863-1195
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

TO: The Salisbury Daily Times and The Ocean City Today Group
FROM: Candace Savage, CGFM, Deputy Chief Administrative Officer
DATE: October 19, 2023
SUBJECT: Bill 23-07 Cannabis

Please print the below Public Hearing Notice in The Salisbury Daily Times and Ocean City Digest/Ocean City Today on November 2nd, 2023 and November 9th, 2023. Thank you.

NOTICE OF INTRODUCTION OF EMERGENCY BILL 23-07
WORCESTER COUNTY COMMISSIONERS

Take Notice that Emergency Bill 23-07 (Public Health – Cannabis establishments) was introduced by Commissioners Bertino, Bunting, Abbott, Elder, Fiori, Mitrecic, and Purnell on October 3, 2023.

A fair summary of the bill is as follows:

§ PH 1-110. (Adds a new section to the Public Health Article to regulate cannabis establishments, establish minimum separation distances for dispensaries, and prohibiting on-site consumption establishments.)

A Public Hearing

will be held on Emergency Bill 23-07 at the Commissioners’ Meeting Room, Room 1101 – Government Center, One West Market Street, Snow Hill, Maryland on Tuesday, November 21, 2023 at 10:30 a.m.

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103 and is available for public inspection in Room 1103 of the Worcester County Government Center. In addition, a full copy of the bill is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

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BY: Commissioners Bertino, Bunting, Abbott, Elder, Fiori, Mitrecic, and Purnell  
INTRODUCED: October 3, 2023

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## AN EMERGENCY BILL ENTITLED

AN ACT Concerning

Public Health – Cannabis establishments

For the purpose of amending the Public Health Article to set forth regulations for certain cannabis establishments.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § PH 1-110 be enacted to read as follows:

**§ PH 1-110. Cannabis establishments.**

- (a) Definitions. For the purposes of this section, the definitions found in Title 36 of the Annotated Code of the State of Maryland shall apply.
- (b) Dispensaries. The following provisions shall apply to all dispensaries permitted after July 1, 2023:
- (1) A dispensary shall maintain a minimum separation distance of two-thousand feet from:
    - A. A pre-existing primary or secondary school;
    - B. A licensed childcare center or registered family childcare home under Title 9.5 of the Education Article of the Annotated Code of Maryland;
    - C. A playground, recreation center, library or public park; and
    - D. Another licensed dispensary.
- (c) On-site consumption establishments. On-site consumption establishments shall be prohibited in Worcester County. Furthermore, it shall be prohibited for any establishment to permit the consumption of cannabis or cannabis products on-site.
- (d) Other regulations. In regulating the siting of cannabis establishments, the provisions of this section shall first apply, but when a matter is not specifically regulated by this section, then the other provisions of the Code of Public Local Laws of Worcester County, Maryland shall apply.
- (e) Violations. Any person, licensee, agent, group, firm or corporation who violates the provisions of this Subtitle shall be guilty of a civil infraction.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.

Attest:

Worcester County Commissioners

\_\_\_\_\_  
Weston S. Young  
Chief Administrative Officer

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

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

\_\_\_\_\_  
Caryn G. Abbott  
Commissioner

\_\_\_\_\_  
Theodore J. Elder  
Commissioner

\_\_\_\_\_  
Eric J. Fiori  
Commissioner

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

\_\_\_\_\_  
Diana Purnell  
Commissioner



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>

Emergency Bill introduced by  
Commissioners Bertino, Bunting, Abbott,  
Elder, Fiori, Mitrecic, and Purnell

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer  
FROM: Jennifer K. Keener, AICP, Director  
DATE: September 25, 2023  
RE: Cannabis legislation

\*\*\*\*\*

Based upon the direction received at the September 5, 2023, meeting, I have worked with Roscoe Leslie, County Attorney, to draft legislation regarding the prohibition of on-site consumption establishments and the enhancement of the separation distances for new licensed dispensaries to schools, certain childcare facilities, recreational facilities, and other licensed dispensaries. I am presenting the attached text amendment to the Public Health Article for introduction and scheduling of a public hearing. The bill has been drafted as both a standard bill and an emergency bill, depending on the direction that the Commissioners wish to take.

I have inquired with April Payne, Liquor License Administrator, regarding any required separation distance between a school and an alcohol beverage establishment. She consulted with the board attorney, and both concluded that there has not been such a requirement in the state law specific to Worcester County. However, several other jurisdictions in the state do have such restrictions from a school, place of worship, youth centers or libraries which vary anywhere from 200 feet to 1,000 feet.

Attached you will find a map that illustrates the two existing licensed dispensaries in Worcester County, with the two-thousand-foot separation distance marked, as well as the separation distance to the nearest schools and other applicable features identified for reference. As previously noted, the legislation only applies to new dispensaries and does not affect the existing dispensaries, so the information provided on the maps is for visualization purposes only.

On September 8, 2023, the Maryland Cannabis Administration announced that social equity applications were being accepted between November 13 and December 12, 2023, with a lottery being conducted on or before January 1, 2024. Worcester County is slated to receive one standard dispensary license and has the potential to receive additional licenses for standard growers and processors and micro licenses. I have attached an informational sheet which includes the distribution charts for the various types of licenses, and the definition of a social equity applicant. In addition, you will find a map of the Disproportionately Impacted Areas for Worcester County, which are geographic areas defined approximately by zip code that had above 150% of the State's 10-year average for cannabis possession charges. In my reading of the legislation, it does not appear that the establishment must be in one of the disproportionately impacted areas of the county.

As always, I will be available to discuss these matters at an upcoming meeting.



## COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

## BILL 23-

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BY:  
INTRODUCED:

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## AN EMERGENCY BILL ENTITLED

AN ACT Concerning

Public Health – Cannabis establishments

For the purpose of amending the Public Health Article to set forth regulations for certain cannabis establishments.

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Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.

DRAFT

## COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

## BILL 23-

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BY:  
INTRODUCED:

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## A BILL ENTITLED

AN ACT Concerning

## Public Health – Cannabis establishments

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- (e) Violations. Any person, licensee, agent, group, firm or corporation who violates the provisions of this Subtitle shall be guilty of a civil infraction.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

DRAFT

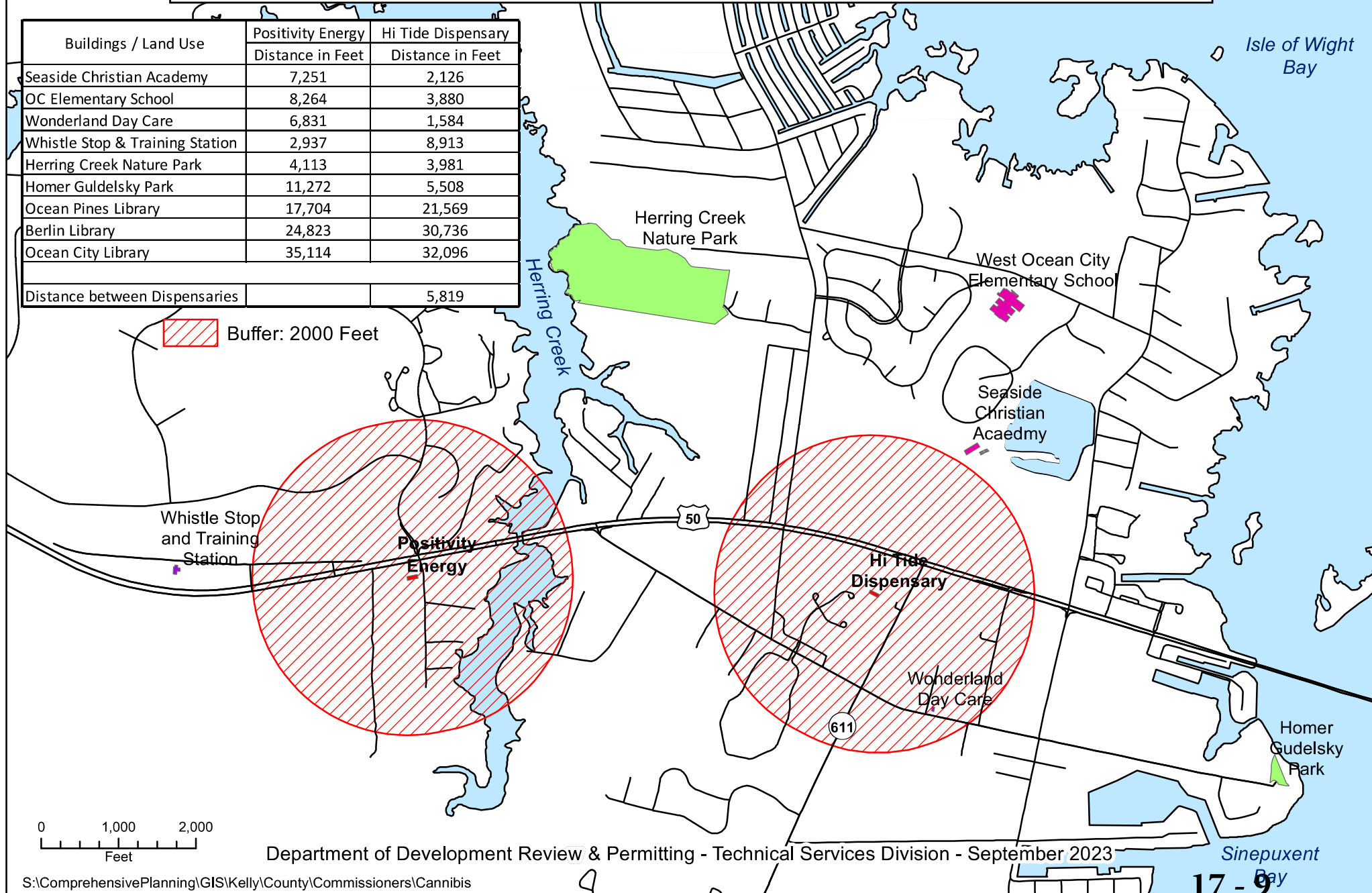



# Cannabis Dispensaries & Other Land Uses

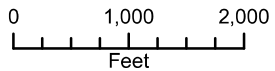


ITEM 17

Buildings / Land Use	Positivity Energy	Hi Tide Dispensary
	Distance in Feet	Distance in Feet
Seaside Christian Academy	7,251	2,126
OC Elementary School	8,264	3,880
Wonderland Day Care	6,831	1,584
Whistle Stop & Training Station	2,937	8,913
Herring Creek Nature Park	4,113	3,981
Homer Guldelsky Park	11,272	5,508
Ocean Pines Library	17,704	21,569
Berlin Library	24,823	30,736
Ocean City Library	35,114	32,096
Distance between Dispensaries		5,819



 Buffer: 2000 Feet



Department of Development Review & Permitting - Technical Services Division - September 2023



## Maryland Cannabis Administration Announces First Application Round for Cannabis Business Licenses

*Application round exclusively for social equity applicants will open in November*

**Linthicum Heights, MD** - The Maryland Cannabis Administration today announced that the first application round for cannabis business licenses will open on November 13. The Administration also announced the number of licenses, by license type, that will be available in the first application round.

“Today’s announcement is another step forward in fulfilling Maryland’s commitment to building an equitable and inclusive cannabis industry,” said **Maryland Cannabis Administration Acting Director Will Tilburg**. “This application round will more than double the number of cannabis businesses in the State, and each award will be to a verified social equity applicant.”

More than 175 standard and micro cannabis grower, processor, and dispensary licenses available in the first round will be exclusive to social equity applicants. A social equity applicant is an applicant that has at least 65% ownership and control held by one or more individuals who lived or went to public school in an area disproportionately impacted by the criminalization of cannabis, or attended a four-year institution of higher education in Maryland where at least 40% of enrollees were eligible for a Pell Grant.

Last week, the Office of Social Equity published the ZIP codes and public schools in Maryland that are within a disproportionately impacted area, and the qualifying four-year institutions of higher education. Detailed information on the qualifying geographic areas, public schools, and institutions of higher education may be found at [ose.maryland.gov](https://ose.maryland.gov).

The application round will be open for a period of 30 days, from November 13 to December 12. Any applicant who meets the minimum requirements for licensure, on a pass-fail basis, will be placed in a randomized lottery based on license type (grower, processor, or dispensary) and county or region for which the application was submitted. Under the Cannabis Reform Act, the Administration will begin conducting the lottery on or before January 1, 2024.

The following number of licenses will be available by license type and geographic area in the first application round:

**Table 1: Distribution of Standard Dispensary Licenses.**

<u>Jurisdiction</u>	<u>Number of Standard Dispensary Licenses Available</u>
<b>Maryland</b>	<b>75</b>
Allegany	1
Anne Arundel	5
Baltimore	6
Baltimore City	11
Calvert	3
Caroline	1
Carroll	2
Cecil	2
Charles	2
Dorchester	1
Harford	3
Howard	3
Frederick	3
Garrett	1
Kent	1
Montgomery	9
Prince George's	9
Queen Anne's	1
St. Mary's	2
Somerset	1
Talbot	2
Washington	3
Wicomico	2
Worcester	1

**Growers, Processors, and Micro Licenses:**

For the remaining license types, the State will be divided into four regions, as follows:

- **Western Region:** Allegany, Carroll, Frederick, Garrett, Montgomery, and Washington.
- **Southern Region:** Anne Arundel, Calvert, Charles, Prince George's, and St. Mary's.
- **Central Region:** Baltimore, Baltimore City, Cecil, Harford, and Howard.
- **Eastern Region:** Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester.

**Equal** numbers of each of the remaining license types will be available, as outlined below.

**Table 2. Distribution of Growers, Processors, and Micro Licenses.**

		<b>Number Available per Region</b>	<b>Total in Round 1</b>
<b>Standard</b>	<u>Growers</u>	4	16
	<u>Processors</u>	8	32
<b>Micro</b>	<u>Growers</u>	6	24

	<u>Processors</u>	6	24
	<u>Dispensaries</u>	2	8

Additionally, the Administration announced the opening of the Social Equity Verification Portal. The portal instructs individuals on the social equity applicant eligibility requirements and allows them to confirm their eligibility as a social equity applicant before the application period opens on November 13. The portal will be open for a period of 60 days, closing on Tuesday, November 7.

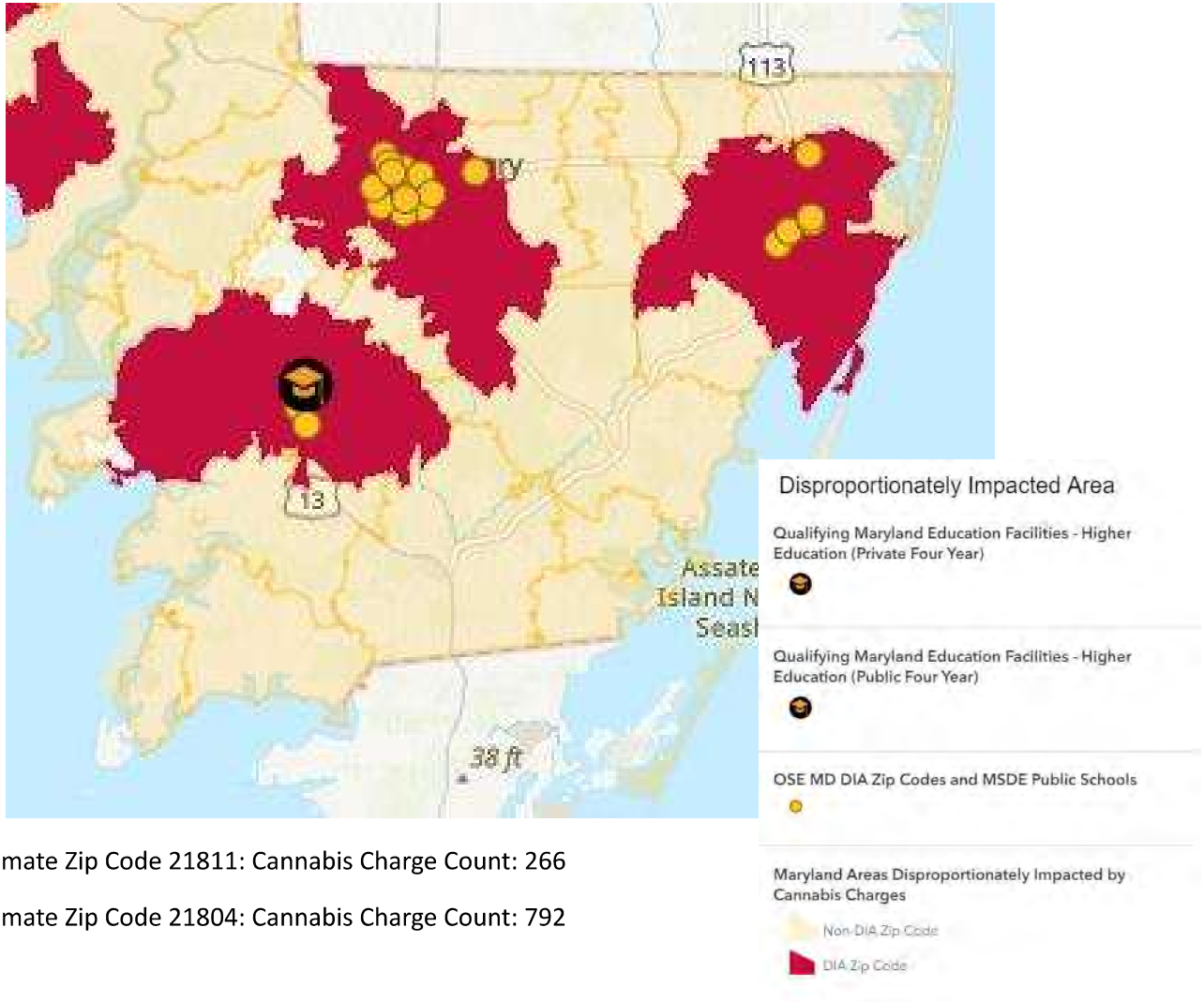
For more information on the application process and how to access the Social Equity Verification Portal, visit [cannabis.maryland.gov](https://cannabis.maryland.gov).



Maryland Office of Social Equity

Social Equity Applicant Eligibility Criteria

Disproportionately Impacted Areas



Approximate Zip Code 21811: Cannabis Charge Count: 266

Approximate Zip Code 21804: Cannabis Charge Count: 792

Screenshots of a working document as of September 15, 2023

<https://ose.maryland.gov/Pages/licensing-and-eligibility.aspx>



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

TO: *The Salisbury Daily Times and The Ocean City Today Group*  
 FROM: Candace Savage, CGFM, Deputy Chief Administrative Officer  
 DATE: October 19, 2023  
 SUBJECT: St. Martin's by the Bay USDA Grant Application

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Please print the below Public Hearing Notice in *The Salisbury Daily Times* and *Ocean City Digest/Ocean City Today* on November 2nd, 2023 and November 9th, 2023. Thank you.

**NOTICE OF PUBLIC HEARING  
 ST. MARTIN'S BY THE BAY USDA GRANT APPLICATION  
 WORCESTER COUNTY, MARYLAND**

The project proposes to replace the community's private supply well and distribution system by connecting the community to the Ocean Pines water system. Fifty-Four (54) residential EDU's will be served by extending an existing 8" water main along Beauchamp Road to St. Martin's Parkway and back into the community. There are no commercial connections planned as part of this project. The connection to Ocean Pines will alleviate concerns about salt water intrusion into the private well, provide fire flow protection (including new hydrants), and eliminate water shortage issues that have occurred since the system was installed in 1984. The Commissioners will hold a:

**PUBLIC HEARING  
 TUESDAY, NOVEMBER 21, 2023  
 at 10:35 a.m.**

IN THE COUNTY COMMISSIONERS' MEETING ROOM  
 WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101  
 ONE WEST MARKET STREET  
 SNOW HILL, MARYLAND 21863

The cost estimate for the project is \$2,519,000 for design and construction as of August 2023. This project will be funded via a USDA grant in the amount of \$1,024,000 and a USDA loan in the amount of \$1,495,000. The estimated quarterly water bill with the current USDA loan terms is \$392. Upfront EDU costs for this district are \$3,600 per EDU. Please note that the public hearing held May 17<sup>th</sup>, 2022 estimated the quarterly bill to be \$358, which has since increased due to the increased interest rates and term associated with the USDA loan. Project specifications and cost projections are available on request to view electronically by contacting the Worcester County Department of Public Works, 6113 Timmons Road, Snow Hill, Maryland 21863 Monday through Friday from 7:30 A.M. to 4:00 P.M. (except holidays), at (410) 632-5623 as well as at [www.co.worcester.md.us](http://www.co.worcester.md.us).

THE WORCESTER COUNTY COMMISSIONERS

TEL: 410-632-5623  
FAX: 410-632-1753  
WEB: co.worcester.md.us



ITEM 18

**APPROVED**

WSY 10/03/23

DALLAS BAKER JR., P.E.  
DIRECTOR

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

CHRISTOPHER CLASING, P.E.  
DEPUTY DIRECTOR

## MEMORANDUM

**TO:** Weston S. Young, P.E., Chief Administrative Officer  
Candace Savage, CGFM, Deputy Chief Administrative Officer  
**FROM:** Christopher S. Clasing, P.E., Deputy Director *Chs Cf*  
**DATE:** September 25, 2023  
**SUBJECT:** Request for Public Hearing for St. Martin's by the Bay

Public Works is requesting a public hearing for the St. Martin's by the Bay Community Water Project. US Department of Agriculture (USDA) requires a public hearing as part of the funding application process. The project proposes to replace the community's private supply well and distribution system by connecting the community to the Ocean Pines water system. Fifty-four (54) residential EDU's will be served by extending an existing 8" water main along Beauchamp Road to St. Martin's Parkway and back into the community. There are no commercial connections planned as part of this project. The connection to Ocean Pines will alleviate concerns about salt water intrusion into the private well, provide fire flow protection (including new hydrants), and eliminate water shortage issues that have occurred since the system was installed in 1984.

Proposed water usage for the 54 homes is estimated at 250 gallons per day (gpd) for a total of 13,500 gpd. The Ocean Pines system is capable of producing 1.5 Million gpd (MGD) and is currently averaging 1.16 MGD, leaving 343,000 gpd of capacity which is enough to serve St. Martin's by the Bay.

The cost estimate for the project is \$2,519,000 for design and construction as of August 2023. This project will be funded via a USDA grant in the amount of \$1,024,00 and a USDA loan in the amount of \$1,495,000. The awarded USDA loan has a 40-year term and with a 3% interest rate which puts the quarterly payment at approximately \$16,076. Divided between the 54 homes served by this project gives a debt repayment of \$298 per home per quarter plus another \$94 for the Domestic base fee and consumption fee, making an estimated quarterly water bill of \$392. Upfront EDU costs for this district are \$3,600 per EDU.

USDA requires notices for Public Hearings be advertised ten (10) days prior to the hearing. Copies of the notice advertisement and approved hearing minutes must be included as part of the funding application to USDA.

Please let me know if there are any questions.

### Attachments

cc: Dallas Baker  
Phil Thompson  
Jessica Wilson  
Barb Hitch



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PUBLIC INFORMATION REQUIREMENTS WEP

**7 CFR 1780.19 Public Information**

- (a) **Public notice of intent to file an application with the Agency.** Within 60 days of filing an application with the Agency the applicant must publish a notice of intent to apply for a RUS loan or grant. The notice of intent must be published in a newspaper of general circulation in the proposed area to be served.
- (b) **General public meeting.** Applicants should inform the general public regarding the development of any proposed project. Any applicant not required to obtain authorization by vote of its membership or by public referendum, to incur the obligations of the proposed loan or grant, must hold at least one public information meeting. The public meeting must be held not later than loan or grant approval. The meeting must give the citizenry an opportunity to become acquainted with the proposed project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, or any other issue identified by Agency. To the extent possible, this meeting should cover items necessary to satisfy all public information meeting requirements for the proposed project. To minimize duplication of public notices and public involvement, the applicant shall, where possible, coordinate and integrate the public involvement activities of the environmental review process into this requirement. The applicant will be required, at least 10 days prior to the meeting, to publish a notice of the meeting in a newspaper of general circulation in the service area, to post a public notice at the applicant's principal office, and to notify the Agency. The applicant will provide the Agency a copy of the published notice and minutes of the public meeting. A public meeting is not normally required for subsequent loans or grants which are needed to complete the financing of a project.

[https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1780#p-1780.19\(a\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1780#p-1780.19(a))

**SAMPLE NOTICE OF INTENT AND PUBLIC MEETING NOTICE**

The Organization's Name will file/has filed an application with the USDA Rural Development for financial assistance to develop Identified Project. A public information meeting for comments will be held at Time on Date at Location, to discuss the proposed project and to provide the opportunity for public comment.




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PUBLIC INFORMATION CONFIRMATION

1. Applicant required to obtain authorization by

by public referendum

Date of referendum

Attach documentation

2. Applicant not required to obtain authorization by vote of its membership or by public referendum, will hold at least one public information meeting.

- a. The public meeting must be held not later than loan or grant approval.
- b. The meeting must give the citizenry an opportunity to become acquainted with the proposed project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, or any other issue identified by Agency.
- c. To the extent possible, this meeting should cover items necessary to satisfy all public information meeting requirements for the proposed project.
- d. To minimize duplication of public notices and public involvement, the applicant shall, where possible, coordinate and integrate the public involvement activities of the environmental review process into this requirement.
- e. The applicant will be required, at least 10 days prior to the meeting, to publish a notice of the meeting in a newspaper of general circulation in the service area, to post a public notice at the applicant's principal office, and to notify the Agency.
- f. The applicant will provide the Agency a copy of the published notice and minutes of the public meeting.
- g. A public meeting is not normally required for subsequent loans or grants which are needed to complete the financing of a project.

\_\_\_\_\_ Date of Meeting. Attach documentation