

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

January 21, 2020

Item

- 9:00 AM - Vote to Meet In Closed Session in Commissioners' Conference Room - Room 1103
Government Center, One West Market Street, Snow Hill, Maryland
- 9:01 - Closed Session: Discussion regarding hiring two (2) Correctional Officer Trainees for the Jail and other personnel matters; discussing pending litigation; receiving legal advice from Counsel; and performing administrative functions
- 10:00 - Call to Order, Prayer (Arlene Page), Pledge of Allegiance
- 10:01 - Report on Closed Session; Review and Approval of Minutes
- 10:10 - Chief Administrative Officer: Administrative Matters 1-15
(Pending Board Appointments; Bid Specifications for Housing Rehabilitation Project in Snow Hill; Letter of Support for Grant Application - Diakonia; Commission on Aging Over-Expenditure Request; Revising Vehicle Mileage Reimbursement Rate; Proposed Revised Meeting and Budget Schedule for 2020; Local Matching Funds for FY20 Maryland Agricultural Land Preservation Foundation Program; Out-of-State Travel Request - Global Retail Real Estate Convention; Proposed Annexation - Town of Berlin; Request for Approved Private Roads - Seas Oaks Village Residential Planned Community; Ocean Pines Library Renovation Change Order Number 1; Proposed Extension of Portable Restroom Services Contract with Atlantic Pumping; Proposed Contract with D3 for Video and Billboard Design - Keep Worcester Clean Campaign; Proposed Change to Maryland Early Voting Requirements; Prosecution of Civil Infractions by County Attorney Roscoe Leslie; and potentially other administrative matters)
- 10:20 -
- 10:30 - Public Hearing - Rezoning Case No. 422 - M and G Route 50 Land, LLC - located on the South Side of US Route 50 and North Side of Old Ocean City Boulevard (MD 346) west of Main Street (MD 818) near Berlin, MD from A-1 Agricultural to C-2 General Commercial 16
- 10:40 -
- 10:50 -
- 11:00 - CTC Technology & Energy: Presentation of Worcester County Broadband Feasibility Study 17
- 11:10 -
- 11:20 - Chief Administrative Officer: Administrative Matters 1-15, continued
- 11:30 -
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press; County Commissioner's Remarks

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

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

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!

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Minutes of the County Commissioners of Worcester County, Maryland

January 7, 2020

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

Following a motion by Commissioner Bunting, seconded by Commissioner Church, with Commissioner Nordstrom absent, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (14) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, incoming County Attorney Roscoe Leslie; Public Information Officer Kim Moses, Human Resources Director Stacey Norton; and Commercial Real Estate Advisor John McClellan. Topics discussed and actions taken included: hiring Stacie Ayres-Ennis as a Rental License Program Coordinator for Development Review & Permitting and Tanya Niblett as a Store Clerk II for Liquor Control; approving a temporary Sergeant position within the County Jail to cover for personnel medical leave; reviewing personnel changes within the County Library and the Sheriff's Office; discussing an offer to purchase the former Liquor Control warehouse in Snow Hill; receiving legal advice from counsel; and performing administrative functions, including: reviewing the FY20 Monthly Financial Update.

Following a motion by Commissioner Bertino, seconded by Commissioner Purnell, the Commissioners unanimously voted to adjourn their closed session at 10:04 a.m.

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

The Commissioners reviewed and approved the open and closed session minutes of their December 17, 2019 meeting as presented.

The Commissioners presented a proclamation to Erica Morton of Big Brothers/Big Sisters (BBBS) recognizing January as National Mentoring Month. Ms. Morton advised that her organization partners with County organizations to provide community-based mentoring programs that served 45 families last year. She encouraged those in attendance to donate time

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each month to make a positive difference in the life of a young person and invited interested individuals to contact BBBS to find out more.

The Commissioners presented a commendation to Superintendent of Schools Lou Taylor to commend Board of Education (BOE) members, administrators, teachers, and support staff for being recognized as having the highest concentration in Maryland of four and five-star public schools by the Maryland State Department of Education (MSDE). Mr. Taylor thanked the Commissioners for the recognition and expressed his gratitude that they all work together collaboratively in Worcester County. He further expressed his hope to have even more five-star schools next year.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Bertino, the Commissioners unanimously agreed to appoint Bob Gilmore to the Local Development Council for the Ocean Downs Casino for the remainder of a four-year term expiring December 31, 2021 to replace long-time volunteer Jim Rosenberg who passed away and to reappoint J. T. Novak to the Board of Electrical Examiners for an additional three-year term expiring December 31, 2022.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to appoint Devin Bataille to the Recreation Advisory Board for a four-year term expiring December 31, 2023 to replace Shawn Johnson whose term expired and to reappoint Carl Smith to the Board of Electrical Examiners for an additional three-year term expiring December 31, 2022.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitreic to sign the Maryland Community Development Block Grant (CDBG) Program Close-Out Agreement in which the County received a \$300,000 grant from the Department of Housing and Community Development (DHCD) on October 24, 2011 to complete activities permitted under the County's Housing Rehabilitation Program.

Pursuant to the recommendation of Local Behavioral Health Authority Director Jessica Sexauer and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the sole proposal from Wraparound Maryland, Inc. of Salisbury, Maryland, which scored 87.5 out of 100 points, to provide mental health case management and care coordination services for children and youth. In response to a question by Commissioner Bertino, Ms. Sexauer advised that this Medicaid funds this program, and the public school system provides school-based referrals. In response to a request by Commissioner Bertino, Assistant Chief Administrative Officer Kelly Shannahan agreed to provide the Commissioners with information regarding the detailed budget for this program, which was included in the bid but not provided in the Commissioners' package.

Pursuant to the request of Health Officer Becky Jones and upon a motion by Commissioner Elder, the Commissioners unanimously accepted the low proposal from Royal Plus, Inc. of Snow Hill, Maryland at a cost of \$30,040.10 to replace the flooring at the Worcester Addictions Cooperative Center (WACS) in West Ocean City. Ms. Jones stated that the floor at this facility, which is provided to the County in collaboration with the Atlantic Club, is over 10

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years old and in need of replacement.

The Commissioners reviewed a letter from Heather Harmon Disque, Regional Entomologist for the Maryland Department of Agriculture (MDA) Office of Forest Pest Management (FPM), advising that her office has identified two areas where gypsy moth populations may cause defoliation in Worcester County and to seek the Commissioners' interest in participating in a gypsy moth aerial suppression project in spring 2020. She further noted that, if the Commissioners agree to participate in the treatment program, the County's estimated portion of the 50/50 cost share would be \$6,615 at \$35 per acre for approximately 189 acres. Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the 50% local cost share of approximately \$6,615 as an authorized over-expenditure for the gypsy moth aerial suppression project to be conducted in Worcester County.

The Commissioners reviewed a letter from Ocean City Mayor Rick Meehan advising that the town plans to make the following changes that will impact the West Ocean City (WOC) Park and Ride Shuttle Service: raise in-season parking rates in the Ocean City downtown area and make the shuttle service free, which will encourage more workers and visitors to park at the Park and Ride, free up additional parking space in the downtown area, and eliminate the \$3 transfer fee County residents previously paid to connect with the shuttle service to travel into Ocean City; discontinue the shuttle service route through the White Marlin Mall, as the \$2 million State Pedestrian Safety Project in WOC eliminated the need for this service; and increase the frequency of shuttle ride service and reduce the travel time for users traveling directly to and from the Park and Ride into Ocean City. Mayor Meehan further advised that the \$160,000 operating deficit to provide shuttle service will remain the same, and he asked the Commissioners to continue the \$80,000 annual grant to Ocean City to help offset these costs.

Commissioner Bertino stated that he does not oppose the request, but believes that this request should be considered during the FY21 budget deliberations.

Upon a motion by Commissioner Elder, the Commissioners voted 5-1, with Commissioner Bertino voting in opposition, to continue the annual cost share grant to Ocean City for the WOC Park and Ride Shuttle Service as revised.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the purchase of office furniture from F.A. O'Toole in the amount of \$7,088.33 as an authorized over-expenditure to set up a satellite office at the Ocean Pines Branch Library for the Treasurer's Office. Mr. Thompson stated that the Treasurer's Office satellite office is proposed to be relocated from the Isle of Wight facility on St. Martin's Neck Road to a 200-square foot room that is being converted from a computer room to the new Treasurer's Office satellite office at the Ocean Pines Branch Library. He stated that one County employee will be assigned to that location, though they are still working to develop a timeline for the new site.

Commissioner Bunting requested information regarding whether the Health Department, which plans to expand to utilize all available Isle of Wight office space, will compensate the County for use of this space or create any new revenue for the County.

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Pursuant to the recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitreccic to sign the Maryland Department of Planning (MDP) 2020 Census Grant Agreement for a grant of \$20,000 to be utilized by the Worcester County Complete Count Committee in community outreach projects and marketing to increase awareness, educate the public, and motivate participation in the 2020 Census.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved as a consent agenda the Emergency Services agenda item numbers 11-20 as follows: seeking reimbursement from the Emergency Number Systems Board (ENSB) of \$52,441.01 to rectify a funding error for Project 17-195 to build the County public network; approving ENSB Project 20-01 for monthly Public Safety Answering Point (PSAP) circuit fees of \$22,767.12 for Comtech Telecommunications Corp of Seattle, Washington to be funded by the ENSB at no cost to the County; approving ENSB Project 20-063 of \$9,765.53 for eight replacement chairs in the PSAP center to be funded by the ENSB at no cost to the County; approving ENSB Project 20-069 of \$20,634.01 for two chairs at the Maryland State Police Barrack (\$2,463.08), one chair for Ocean Pines Police Department (\$1,360.13), and 14 chairs for the Dispatch Center in the Ocean City Public Safety Building (\$16,810.80), to be funded by the ENSB at no cost to the County; approving ENSB Project 20-068 of \$2,595 for the annual license for Critical 9-1-1 Specialist Testing Software, to be funded by the ENSB at no cost to the County; approving ENSB Project 20-091 of \$10,000 for an onsite, eight-hour Denise Amber Lee Foundation training session on January 15, 2020 to be funded by the ENSB at no cost to the County; approving the County purchase of 10 Plantronics Encore Pro HW710 Headsets at a cost of \$869.50, with all costs to be reimbursed by the ENSB; approving the maintenance support agreement for "Hindsight" Fault-Tolerant Digital Logging Recorder System Extended Warranty from Exacom of Concord, New Hampshire of \$28,759.90 for 9-1-1 support services, with funding available within the FY20 budget for this purpose, and authorizing this request to be approved administratively in the future by the Chief Administrative Officer, as long as the contract does not change substantially; approving the FFY19 Emergency Management Performance Grant Program Agreement between the Maryland Emergency Management Agency (MEMA) and the County Commissioners (sub-recipient) for U.S. Homeland Security funding of \$74,406.86 to fund staff salaries, which requires a 100% County match; approving proposed improvements at 100 Belt Street in Snow Hill for Emergency Services Radio Storage and Maintenance at a cost of \$53,455.91, with FY20 funding available for this project. The radio storage and maintenance project includes relocating Emergency Services radios and other equipment from the former Liquor Control warehouse to the Belt Street location and consists of five contracts between the County and the following entities: \$11,482.59 with Royal Plus, Inc. for cleaning and remediation services; \$16,121.52 with Uline for furniture and equipment needed to store and utilize critical radio parts and equipment; \$7,404.40 with Harris to purchase a router; \$11,112.40 with Skyline Technology Solutions to install network equipment; and \$7,335 with Clark & Sons, Inc. to provide and install a roll-up door with ArmorBrite finish.

Pursuant to the recommendation of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the sole bid

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for the dredging of approximately 4,000 cubic yards to a channel depth of four feet at Public Landing to Murtech, Inc. of Salisbury, Maryland at a cost of \$192,000. Mr. Perlozzo stated that 100% of project costs will be funded through Land, Water, and Conservation funds of \$200,000. In response to questions by Commissioner Bertino, Mr. Perlozzo stated that the Department of Natural Resources (DNR) awarded the County a wetland permit to remove phragmites from the beach. He stated that the project should be complete and open for public use by mid-March.

In response to a question by Commissioner Mitrecic, Mr. Perlozzo stated that roughly 1,000 area youth have utilized the new synthetic ice rink, which is portable and will be set up in areas around the County, including the Berlin Fire Hall, a site to be determined in Pocomoke, and perhaps the West Ocean City Outlet Mall in the future.

Pursuant to the request of Mr. Perlozzo and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the design and construction of the concessions and bathroom facility at Showell Park, with Program Open Space (POS) funds to reimburse 90% of project costs. Commissioner Bertino recognized the dedication of County Parks Workers with regard to the upkeep of the Showell Park.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously awarded the low bid for construction of the Newark Spray Irrigation Project to Bunting and Murray Construction of Selbyville, Delaware at a total bid price, including add alternate No. 01, of \$1,604,253.60. Commissioner Elder thanked staff for their vigilance to reduce project costs and move forward with an affordable project. Mr. Tustin advised that the project is slated to begin within the next 60 days and should be completed by December 2020.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications to paint the north water tower in the Ocean Pines Sanitary Service Area (SSA), with funds of \$400,000 available for this project within the 2019 bond issue. Mr. Tustin stated that staff is still waiting for the Maryland Department of the Environment (MDE) to issue the construction permit, but felt that it was imperative to begin the bidding process now, so that work can begin in spring 2020. In response to a question by Commissioner Bertino, Mr. Tustin confirmed that the County received revenue for antennas in the past, but that there are no active antennas on the tower at this time. In response to a question by Commissioner Mitrecic, Mr. Tustin advised that County staff could have conversations about placing antennas on the tower once the project is complete.

In a related matter, Commissioner Bunting stated that a new tower has been erected on Gum Point Road, and he asked staff to determine how many antennas will be installed on that tower and whether Verizon Wireless will be one of the users.

In response to the recommendation of Mr. Tustin in response to a written request from Fred Stiehl, Chairman of the Ocean Pines Water and Wastewater Advisory Board, and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized staff to begin evaluating the potential to reuse effluent from the Ocean Pines Wastewater Treatment Plant

(WWTP) to irrigate the Ocean Pines Golf Course, based on the success the County has had using treated effluent from the Mystic Harbour WWTP to irrigate the Eagle's Landing Golf Course and from the Riddle Farm WWTP to irrigate the two golf courses at Riddle Farm. In response to a question by Commissioner Bunting, Mr. Tustin advised that they had one initial meeting with an Ocean Pines Association (OPA) representative to determine if there is an interest in this project, noting that such a project could divert about 200,000 gallons per day from the St. Martin's River, and the OPA official seemed receptive to the idea.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously accepted the proposal from EA Engineering, Science, and Technology, Inc. to provide professional services for the design of electrical systems at Pump Stations 2, 3, 4, and 5 in the West Ocean City (WOC) SSA at a cost of \$19,909.58 or \$4,977.40 per station.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the application of chip seal for resurfacing approximately 27.61 miles of County Roadways and to remove Day Girls Road from the list of roads to be resurfaced at this time. At Commissioner Bunting's request, Mr. Tustin agreed to add Day Girl Road to the list of roads for slurry seal paving in the future.

The Commissioners met with Mr. Tustin to discuss a December 9, 2019 email from Michael Lalli requesting that the County prohibit boat and trailer parking on Madison Avenue, as the proliferation of both can be dangerous to traffic circulation during the summer months and given that boat and trailer parking is available for a small fee nearby at Island Water Sports next to Harpoon Hannah's. Mr. Tustin stated that after investigating this issue, he fully supports this request.

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 20-1 prohibiting boat and trailer parking on Madison Avenue.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the Memorandum of Understanding (MOU) between the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) and the County Commissioners for the County to purchase salt from the SHA as needed through August 31, 2020 and authorized this request to be approved administratively in the future by the Chief Administrative Officer, as long as the contract does not change substantially.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized Commission President Mitrecic to sign the MOU between MDOT SHA and the County Commissioners to accept the Federal Aid Project Guidelines and Working Agreement, which details the standards and process involved if the County applies to receive federal funding to design and replace bridges in future years.

The Commissioners reviewed and concurred with the written request of MDOT

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Administrator Christine Nizer who advised that October 1, 2020 is the federal REAL ID deadline, that MDOT Motor Vehicle Administration (MVA) representatives remain focused on ensuring that all Marylanders are educated about and prepared for REAL ID, and that their support is needed to help communicate information about REAL ID to County residents.

Environmental Programs Director Bob Mitchell provided a status update regarding the Lewis Road Sewer Extension Project to connect the Lewis Road community to receive sewer service from The Landings WWTP as follows: on January 16, 2018 the Commissioners authorized staff to prepare a preliminary engineering report (PER) and to investigate project funding for "Alternative I" to install a gravity sewer system and central grinder pump station; an application for capital project funding was submitted to the Maryland Water Quality Financing Administration (WQFA) in January 2018, with notification received in June 2018 that the project did not qualify for this competitive grant; Environmental Programs submitted a request to the Maryland Department of the Environment (MDE) for a Priority Funding Area (PFA) exemption to utilize local funding through the annual Bay Restoration Fund (BFR) grant for a portion of this project, though area residents would be required to sign an agreement verifying that they can only receive one equivalent dwelling unit (EDU) per parcel as a condition for this exception to assure that funding was not used to support new growth; and in January 2019 the Commissioners approved the expenditure of \$6,500 to complete an environmental report to qualify for a low-interest loan and potential grant funding from the United States Department of Agriculture (USDA) to fund the project; and the report and loan application were submitted to the USDA in March 2019, with County staff still working with USDA officials, who are currently short-staffed, but who hope to provide an answer on grant and loan funding within 60 days. Mr. Mitchell stated that, on a parallel track, the County could resubmit the project to WQFA by the January 2020 deadline to determine what funding might be available for this effort from MDE, given that there is a new project scoring program in place, and since a dual funding source could help to make this project affordable to the local community.

Commissioner Mitrecic noted that the Commissioners ranked this project as their number one priority project nearly four years ago, and he thanked Mr. Mitchell for the update and continued work on this project.

In response to a question by Commissioner Mitrecic, Public Works Deputy Director John Ross advised that treated effluent is not pumped from the Mystic Harbour Wastewater Treatment Plant (WWTP) to the Eagle's Landing Golf Course at this time, as the discharge permit does not allow the spraying of effluent on the grass when growth is dormant in the winter months. Mr. Ross explained that effluent was sprayed on the golf course this past summer and agreed to provide the Commissioners with the more details and the actual volume of effluent that has been sprayed at this location to date.

Commissioner Bertino commended his fellow Commissioners on their unanimous vote to allocate \$100,000 to the Board of Education (BOE) and other area nonprofits that provide meal programs that feed students living in poverty, stating that he visited Pocomoke Middle School during the winter break and saw how their investment impacted over 100 families who received both hot meals and food bags based on the number of children per household. Commissioner

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Purnell concurred.

In response to a request by Commissioner Bertino, Mr. Higgins agreed to provide an update on steps being taken to improve Worcester County Government Center security at a future meeting.

Commissioner Mitrecic announced that Arlene Page, who delivers the opening prayer at the Commissioners' meetings, will no longer be able to attend the meetings due to health issues, and he directed County staff to recruit clergy throughout the County to deliver future prayers on a rotating basis. The Commissioners agreed to send a letter of thanks to Ms. Page for her service to the County.

The Commissioners introduced and welcomed incoming County Attorney Roscoe Leslie, who will take over for current County Attorney Maureen Howarth, who accepted a partner position with Ayres, Jenkins, Gordy & Almand in Ocean City, Maryland to begin later this month.

The Commissioners answered questions from the press, after which they adjourned at 11:21 a.m. to meet again on January 21, 2020.



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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 10, 2020

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

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (15) which have current or upcoming vacancies (25 total). They are as follows: Commission on Aging Board (2), Agricultural Preservation Advisory Board (2), Building Code Appeals Board (1), Ethics Board (1), Board of Library Trustees (2), Local Development Council for the Ocean Downs Casino (2), Lower Shore Workforce Development Board (1), Planning Commission (1), Property Tax Assessment Appeal Board (1, with 3 nominees to Governor for each seat = 6 total nominees), Social Services Board (1), Solid Waste Advisory Committee (5), Tourism Advisory Committee (1), Water and Sewer Advisory Councils - Mystic Harbour (2) and West Ocean City (2), and the Commission For Women (1). I have circled the members whose terms have expired or will expire on each of these boards.

Please see the attached requests, nominations and letters of interest for the following Boards:

The Worcester County Library Board of Trustees:

Reappointment - Patricia Tomasovic; Nomination - Jeff Smith - page 9

Local Development Council for the Ocean Downs Casino:

Two letters of interest - Joel Feldman and George Leukel - page 11

Lowershore Workforce Development Board :

One letter of interest - Alma Seidel - page 15

Tourism Advisory Board:

One letter of interest - George Leukel - page 29

Commission For Women:

One letter of interest - Kerrie Bunting - page 35

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

Pending Board Appointments - By Commissioner

District 1 - Nordstrom All District Appointments Received. Thank you!

District 2 - Purnel p. 27 - Solid Waste Advisory Committee (Rodney Bailey, non-attendance)-4yr.

District 3 - Church p. 27 - Solid Waste Advisory Committee (Bob Augustine)- 4-year
p. 31 - Water and Sewer Advisory Council - Mystic Harbour (Joseph Weitzell - Mystic Harbor and Bob Hunt - Deer Point) - 4-year
p. 32 - Water and Sewer Advisory Council - West Ocean City (Deborah Maphis and Gail Fowler)- 4 year

District 4 - Elder All District Appointments Received. Thank you!

District 5 - Bertino p. 27 - Solid Waste Advisory Committee (James Rodenberg)- 4 yr.

District 6 - Bunting p. 28 - Tourism Advisory Committee (Isabel Morris) - 4-year
p. 33 - Commission for Women (Bess Cropper) - 4 year

District 7 - Mitrecic p. 6 - Building Code Appeals Board (Bill Paul) - 4-year
p. 7 - Ethics Board (Frank Knight) - 4-year
p. 10 - Local Development Council for Ocean Downs (Michael Donnelly) - 4-year
p. 23 - Planning Commission (Jay Knerr) 5 -year
p. 25 - Social Services Advisory Board (Maria Campione-Lawrence)- 3yr.

All Commissioners

p. 5 - (2) Agricultural Preservation Advisory Board (Bill Bruning, Curt Lambertson) - 4-year
p. 10 - (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer - At-Large - business or institution representative in immediate proximity to Ocean Downs) - 4-year
p. 14 - (1) Lower Shore Workforce Development Board (Business Representative - Berlin area) - 4-year
p. 24 - (1) Property Tax Assessment Appeal Board (Gary M. Flater - Snow Hill Area - alternate) - must submit 3 nominees for each seat to Governor for his consideration in making these appointments 5yr.
p. 27 - (2) Solid Waste Advisory Committee (Michael Pruitt - Town of Snow Hill; Jamey Latchum - (Town of Berlin) 4 yr.
p. 31 - (2) Water and Sewer Advisory Council - Mystic Harbour (Joseph Weitzell - Mystic Harbor and Bob Hunt - Deer Point) - 4-year
p. 32 - (2) Water and Sewer Advisory Council - West Ocean City (Deborah Maphis and Gail Fowler)- 4yr

All Commissioners (Awaiting Nominations)

p. 3 - (2) Commission on Aging Board (Cynthia Malament- Berlin, Lloyd Parks - Girdletree) - self-appointed by Commission on Aging & confirmed by County Commissioners- 3-year
p. 8 - (2) Board of Library Trustees (Patricia Tomasovic and Jeff Smith) - 5year

COMMISSION ON AGING BOARD

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

Appointed by: Self-Appointing/Confirmed by County Commissioners

Function: Supervisory/Policy Making

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

Compensation: None

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

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

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

Current Members:

<u>Member's Name</u>	<u>Resides/Represents</u>	<u>Years of Term(s)</u>
Cynthia Malament	Berlin	07-10-13-16, 16-19
Lloyd Parks	Girdletree	08-11-14-17, 17-20
Clifford Gannett	Pocomoke City	*12-14-17, 17-20
James Covington	Pocomoke City	*18-20
Bonita Ann Gisriel	Ocean City	*18-20
Carolyn Dryzga	Ocean Pines	*18-20
Tommy Tucker	Snow Hill	09-12-15-18, 18-21
Tommy Mason	Pocomoke	15-18, 18-21
Helen Whaley	Berlin	*16-18, 18-21
Rebecca Cathell	Agency - Maryland Job Service	
Lou Taylor	Agency - Worcester County Board of Education	
Roberta Baldwin	Agency - Worcester County Department of Social Services	
Rebecca Jones	Agency - Worcester County Health Department	
Madison J. Bunting, Jr.	Worcester County Commissioners' Representative	
Fred Grant	Snow Hill	*15-16, 16-19, 19-22
Joyce Cottman	Berlin	*16, 16-19, 19-22

* = Appointed to fill an unexpired term

Prior Members:

Since 1972

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

Mary Leister (89-95)
 William Talton (89-95)
 Sunder Henry (89-95)
 Josephine Anderson
 Saunders Marshall (90-96)
 Louise Jackson (93-96)
 Carolyn Dorman (93-98)
 Constance Sturgis (95-98)
 Connie Morris (95-99)
 Jerry Wells (93-99)
 Robert Robertson (93-99)
 Margaret Davis (93-99)
 Dr. Robert Jackson (93-99)
 Patricia Dennis (95-00)
 Rev. C. Richard Edmund (96-00)
 Viola Rodgers (99-00)
 Baine Yates (97-00)
 James Shreeve (99-00)
 Tad Pruitt (95-01)
 Rev. Walter Reuschling (01-02)
 Armond Merrill, Sr. (96-03)
 Gene Theroux
 Blake Fohl (98-05)
 Constance Harmon (98-05)
 Catherine Whaley (98-05)
 Wayne Moulder (01-05)
 Barbara Henderson (99-05)
 Gus Payne (99-05)
 James Moeller (01-05)
 Rev Stephen Laffey (03-05)
 Anne Taylor (01-07)
 Jane Carmean (01-07)
 Alex Bell (05-07)
 Inez Somers (03-08)
 Joanne Williams (05-08)
 Ann Horth (05-08)
 Helen Richards (05-08)
 Peter Karras (00-09)
 Vivian Pruitt (06-09)
 Doris Hart (08-11)
 Helen Heneghan (08-10)
 Jack Uram (07-10)
 Robert Hawkins (05-11)
 Dr. Jon Andes
 Lloyd Pullen (11-13)
 John T. Payne (08-15)
 Sylvia Sturgis (07-15)
 Gloria Blake (05-15)
 Dr. Jerry Wilson (Bd. of Ed.)
 Peter Buesgens (Social Services)
 Deborah Goeller (Health Dept.)
 George "Tad" Pruitt (05-17)
 Bonnie C. Caudell (09-17)
 Larry Walton (13-18)

* = Appointed to fill an unexpired term

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: \$50 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>
Bill Bruning (O-O)	Elder	D-2, Snow Hill	11-15, 15-19
Curt Lambertson	Elder	D-4, Snow Hill	15-19
Kelley Gravenor	Elder	D-4, Snow Hill	*14-16, 16-20
Glen Holland (O-O)	Lockfaw	D-1, Pocomoke	13-17, 17-21
Kathy Drew	Bunting	D-6, Bishopville	** 06-09-13-17, 17-21
Ed Phillips (O-O)	Elder	D-4, Whaleyville	05-10-14-18, 18-22
Alan Hudson (O-O)	Elder	D-4, Berlin	14-18, 18-22

Prior Members:

- | | |
|------------------------------|------------------------------|
| Norman Ellis | Frank Baker (98-01) |
| Richard Bradford | Ed Anderson (98-03) |
| Charles Fulton | Robert Gray (00-05) |
| Elmer Hastings | Orlando Bishop (01-06) |
| David Stevens | Roger Richardson (96-07) |
| Curtis Shockley | Anne Hastings (06-11) |
| Gerald Redden | Earl Ludey (07-13) |
| William Sirman, Jr. | George Lee Clayville (00-14) |
| Harold Purnell | Sandra Frazier (03-14) |
| Chauncy Henry (96-97) | Donnie Powell (06-15) |
| Lieselotte Pennewell (93-98) | |
| Carlton Magee (90-00) | |
| Harry Mitchell (90-00) | |

* = 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

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: \$50 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: Edward A. Tudor, 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>
Bill Paul	D-7 - Mitrecic	Ocean-Pines	15-19
Kevin Holland	D-1 - Lockfaw	Pocomoke	96-04-08-12-16, 16-20
James Spicknall	D-5 - Bertino	Ocean Pines	04-08-12-16, 16-20
Mike Poole	D-6 - Bunting	Bishopville	17-21
Mark Bargar	D-4 - Elder	Berlin	14-18, 18-22
Jim Wilson	D-3 - Church	Berlin	02-06-10-14-18, 18-22
Elbert Davis	D-2 - Purnell	Snow Hill	*03-03-07-11-15-19, 19-23

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)

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 31st

Compensation: \$50 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Maureen Howarth, 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>
Frank Knight	D-7, Mitrecic	Ocean City	*14-15, 15-19
Joseph Stigler	D-4, Elder	Berlin	16-20
Jeff Knepper	D-5, Bertino	Ocean Pines	16-20
Bruce Spangler	D-3, Church	Berlin	*02-05-09-13-17, 17-21
David Deutsch	D-6, Bunting	Ocean Pines	17-21
Faith Mumford	D-2, Purnell	Snow Hill	14-18, 18-22
Mickey Ashby	D-1, Nordstrom	Pocomoke	14-18, 18-22

Prior Members: (Since 1972)

J.D. Quillin, III	Wallace D. Stein (02-08)
Charles Nelson	William Kuhn (90-09)
Garbriel Purnell	Walter Kissel (05-09)
Barbara Derrickson	Marion Chambers (07-11)
Henry P. Walters	Jay Knerr (11-14)
William Long	Robert I. Givens, Jr. (98-14)
L. Richard Phillips (93-98)	Diana Purnell (09-14)
Marigold Henry (94-98)	Kevin Douglas (08-16)
Louis Granados (94-99)	Lee W. Baker (08-16)
Kathy Philips (90-00)	Richard Passwater (09-17)
Mary Yenney (98-05)	
Bill Ochse (99-07)	
Randall Mariner (00-08)	

* = Appointed to fill an unexpired term

BOARD OF LIBRARY TRUSTEES

Reference: PGL Education 23-403, Annotated Code of Maryland

Appointed by: County Commissioners (from nominees submitted by Board of Library Trustees)

Function: Supervisory
 Responsible for the general control and development of the County library system. Oversees management of the libraries, assists in preparation of library budget and other fiscal matters, arranges for an annual audit, makes an annual report to the County Commissioners, make recommendations to the County Commissioners regarding library acquisitions/development.

Number/Term: 7/5 years
 Terms expire December 31st

Compensation: None

Meetings: 1 per month except July, and August

Special Provisions: Nominees submitted by Library Board; Maximum 2 consecutive terms

Staff Contact: Library Director - Jennifer Ranck (410) 632-2600

Current Members:

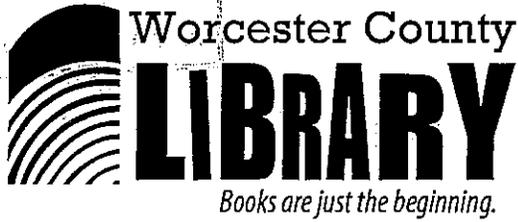
<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Ron Cascio	Berlin	09-14, 14-19 → replacement of Fred
Patricia Tomasovic	Pocomoke	*19 REAPPOINT see attached page
Holly Anderson	Newark	*10-11-16, 16-21
Nancy Howard	Ocean City	16-21
Donald James Bailey	Pocomoke	16-21
Vicki O'Mara	Ocean Pines	*18-22
Leslie Mulligan	Snow Hill	*17-18, 18-23

Prior Members: Since 1972

- | | | |
|-------------------------|----------------------------|----------------------------------|
| Herman Baker | Jere Hilbourn | Leola Smack (99-02) |
| Lieselette Pennewell | Janet Owens | Jean Tarr (94-04) |
| Edith Dryden | Ruth Westfall | Lois Sirman (01-06) |
| Clifford D. Cooper, Jr. | Helen Farlow | Amanda DeShields (00-07) |
| Klein Leister | Judy Quillin | David Nedrow (04-09) |
| Evelyn Mumford | Gay Showell | Belle Redden (99-09) |
| Ann Eschenburg | Susan Mariner | Beverly Dryden Wilkerson (06-10) |
| Barbara Ward | Jacqueline Mathias | John Staley (97-11) |
| Donald F. McCabe | Ann S. Coates (88-97) | James Gatling (01-11) |
| Fannie Russell | Jim Dembeck (91-97) | Shirley Dale (02-12) |
| Stedman Rounds | Bill Waters (88-98) | Edith Barnes (07-13) |
| Donald Turner | Geraldine Thweatt (97-98) | Richard Polhemus (11-16) |
| Sarah Dryden | Martha Hoover (87-99) | Richard Warner Davis (11-16) |
| L. Richard Phillips | Eloise Henry-Gordy (98-00) | Frederick Grant (13-17) |
| Barbara Bunting | William Cropper (91-01) | Rosemary S. Keech (12-18) |
| Joanne Mason | Ms. Willie Gaddis (89-01) | Vivian Pruitt (09-19) |

* = Appointed to fill an unexpired term

DEC 12 2019



To: Harold Higgins
From: Jennifer Ranck
Date: December 12, 2019
Re: Library Board of Trustees

The Worcester County Library Board of Trustees voted to re-appoint Patricia Tomasovic at their meeting on December 10, 2019.

Patricia Tomasovic

The board also voted to appoint Jeff Smith to replace Ron Cascio, who has completed his two terms as a Trustee.

Jeff Smith

Leslie Mulligan has agreed to serve as President.

Thank you and the County Commissioners for your consideration of the Trustees' recommendation.

Copy: Kelly Shannahan

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

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

Appointed by: County Commissioners

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

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

Compensation: None

Meetings: At least semi-annually

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Charlie Dorman	Dist. 4 - Elder	Resident - Snow Hill	12-16, 16-20
Rod Murray °	Dist. 6 - Bunting	Resident - Ocean Pines	*09-12-16, 16-20
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16, 16-20
Mayor Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22
Mary Beth Carozza		Maryland Senator	14-18, 18-22
Wayne A. Hartman		Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23

Prior Members:

Since 2009

J. Lowell Stoltzfus ° (09-10)	Todd Ferrante ° (09-16)
Mark Wittmyer ° (09-11)	Joe Cavilla (12-17)
John Salm ° (09-12)	James N. Mathias, Jr. ° (09-18)
Mike Pruitt ° (09-12)	Ron Taylor ° (09-14)
Norman H. Conway ° (09-14)	James Rosenberg (09-19)
Michael McDermott (10-14)	
Diana Purnell ° (09-14)	
Linda Dearing (11-15)	

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



Joel Feldman
CEO | REALTOR®

HERG GROUP
HORIZON



KELLER WILLIAMS
SELECT REALTORS

Licensed in MD & DE
Offices in Ocean City - Salisbury - Annapolis - Bel Air - Rehoboth

From: /
Sent: /
To: /
Subject: /

Marybeth,

I have applied to be a member of the Local Development Council for Ocean Downs. I live in Glen Riddle and own a business in West OC. Anything you can do to help would be greatly appreciated.

Joel

RECEIVED

JAN 07 2020

Worcester County Admin

Worcester County Admin.

INFO
Dec. 9, 2019

Copy: Board Book
-Volunteers

I see you are looking for volunteers for committees. I would like to volunteer for the local development Council for Ocean Downs Casino

or Tourism advisory Committee. I have lived in Ocean City for 40 years. I used to work as a photographer for Dispatch Newspaper. I now sell real estate for Holiday Real Estate at 71 St. O.C. I have been president of the O.C. Recreation Comm. President of the Ocean City Rotary Club.

Worked on many fundraising events for non profit clubs in town. Have appeared before Ocean City Mayor & Council with ideas for tourism events. I have criticized many of the tourism events that Bob Redemell has put on.

He has bait & switched Ocean City out of two events. He paid me \$300,000 to put on. One was a fabulous lazer light show on the beach. He switched them to a search light → 12

RECEIVED

DEC 11 2019

Worcester County Admin

show. Then he offered to bring Punkin Chunkin
 back to the beach in Nov. The city gave him
 \$285,000. He said he had a contract. Somehow
 Punkin Chunkin moved to Indiana to put on these
 shows. The O.C. Tourism advisory Board is stuck on
 giving good old boy Bob money to put on
 tourism events. Then they gave \$300,000 to B Rad
 to put on a Jelly Jamb Music Festival. He decided
 on old lands and to have it on the same ^(It was a) ~~blot.~~
 weekend as Firefly Music Festival in Dover, Del.
 Ocean city and Worcester County need to expand
 tourism events in the winter. Look at what
 Delaware is doing at Hudson Fields just north of
 Sees, Del. Photos enclosed. I like the idea of
 the county buying an Ice Skating Rink. We should
 rent it out to Ocean city for their Winterfest. Put
 the rink in the empty Inlet Lot. With other vendors
 like Hall Brothers did at Hudson Fields. Ocean
 always needs to do more tourist events like Maryland
 Live. Have Concerts on the weekends, Car Shows,
 Motorcycle Shows. Come meet the Celebrity.

P.S. Reynolds Beach has a Sea Witch Festival for Halloween. Why
 does Ocean City have a Giant Punkin Chunkin Festival for Halloween.

George Leukel

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 2nd Wednesday

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

Staff Contact: Lower Shore Workforce Alliance
Becca Webster, Workforce Director (410-341-3835, ext 6)
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>
(Vacant)	(Berlin area)	17-21	Business Rep.
Walter Maizel	Bishopville	*12, 12-16, 16-20	Private Business Rep.
Robert "Bo" Duke	Ocean City	*17, 17-21	Business Rep.
Melanie Pursel	Ocean City	18-22	Business Rep.
Jason Cunha	Pocomoke	*16-19, 19-23	Business Rep.

Prior Members: Since

Baine Yates	Bruce Morrison (05-08)
Charles Nicholson (98-00)	Margaret Dennis (08-12)
Gene Theroux (97-00)	Ted Doukas (03-13)
Jackie Gordon (98-00)	Diana Nolte (06-14)
Caren French (97-01)	John Ostrander (07-15)
Jack Smith (97-01)	Craig Davis (13-17)
Linda Busick (98-02)	Donna Weaver (08-17)
Edward Lee (97-03)	Geoffrey Failla (15-18)
Joe Mangini (97-03)	
Linda Wright (99-04)	
Kaye Holloway (95-04)	
Joanne Lusby (00-05)	
William Greenwood (97-06)	
Gabriel Purnell (04-07)	
Walter Kissel (03-07)	
Heidi Kelley (07-08)	

From: Alma Seidel <alma@realhosp.com>
Sent: Monday, January 6, 2020 11:47 AM
To: Karen M. Hammer
Subject: Lower Shore Workforce Development Board - Opening

Good Morning, Karen:

Thank you for taking my call this morning and thank you for speaking with me about the board opening. I did review the information on the county page and I've attached my resume below via my linkedin profile. Please let me know if you have any questions and next steps.

<https://www.linkedin.com/in/almaseidel/>

Thank you.

Alma

Alma M. Seidel
Vice-President, Human Resources



Ocean City | New York | Ft. Lauderdale

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Alma Seidel

Vice-President, Human Resources At Real Hospitality Group

Ocean City, Maryland 313 connections

Join to Connect

Real Hospitality Group



Immaculata University

Company Website

- [Report this profile](#)

About

Responsible for the successful administration of the organization's Human Resources function. Determines and directs HR strategies to support the company goals of productive and profitable business operations. Provides leadership and focus to advance the company's vision and culture. Drives organizational effectiveness and support for all major initiatives as set by the President and CEO.

Is the keeper of the culture and all people functions within the organization ensuring strategic planning and direction providing the organization with the best people and talent available and positioning the company as the employer of choice within the industry.

Activity



When the team screams, "CLEAN UP MUSIC!" after everyone leaves, that's when the real fun happens behind the scenes. I absolutely LOVE my family at...

Liked by Alma Seidel

- "People rarely succeed unless they have fun in what they are doing." ~Dale Carnegie

Liked by Alma Seidel



This is what your 2020 company Christmas party set up could look like! Treat and impress your company to a beautifully decorated ballroom with an...

Liked by Alma Seidel

Join now to see all activity

Experience

Corporate Director, Human Resources

Real Hospitality Group

Jun 2012 – Present 7 years 8 months

Ocean City, Maryland

Oversight of the Human Resources platform at Real Hospitality Group and across the entire management portfolio of over 3,000 associates. Responsible for all systems and functions as they relate to talent acquisition and onboarding, policies and procedures, salary and benefits compensation, training and development, rewards and recognition, leadership development, and corporate responsibility.

A career leader and expert in the field, possesses 30+ years of global experience in Human Resource Performance, Client Service Management, Support and Delivery Systems, Project Management and Communications Systems.

Education includes A.S. in Applied Sciences, Dual B.A. in Human Resources Performance and Organizational Dynamics, and a M.A. in Organization Leadership and Effectiveness. Active in education and volunteers as a visiting business expert in classrooms for instructors at universities, and local community colleges.

Holds a President's award for continuous career development and significant organizational contributions over time.

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Holds a President's award for continuous career development and significant organizational contributions over time.

Show more>Show less

•

Director, Hotel Support & Training

Real Hospitality Group

Jun 2010 – May 2012 2 years

Ocean City, Maryland

•

Office Manager

Engle Heating & Cooling

Mar 2008 – Mar 2009 1 year 1 month

Managed HVAC office and customer accounts. Responsible for install and service scheduling, accounts receivable and payables, banking and payroll.

Managed HVAC office and customer accounts. Responsible for install and service scheduling, accounts receivable and payables, banking and payroll.

•

Instructor

Wor-Wic Community College

Jan 2008 – Apr 2008 4 months

Instructor for Business and Workforce Development. Teaching expertise in Leadership, Time Management, Decision Making and Delegation studies.

Instructor for Business and Workforce Development. Teaching expertise in Leadership, Time Management, Decision Making and Delegation studies.

mei.

•

Project Manager

MEI

Nov 2006 – Jun 2007 8 months

Responsible for the development and implementation of the IT global communications plan for all MEI associates. This included the coordination and communication to global users of all planned activities for SAP, Service Desk, Avaya Telephone, Blackberry, Lotus Notes and Active Directory migration for four world-wide sites and sales teams.

Responsible for the implementation of a complete office re-layout and associate move. This included site re-layout, office redesign, associate moves, file storage consolidation, and office records management review and purge.

Responsible for the implementation of the global website. This included overseeing general website development for the home and technical support sites, site design, website strategy, information architecture of website pages, template creation and content development, site user approval and administration and training.

Responsible for the development and implementation of the IT global communications plan for all MEI associates. This included the coordination and communication to global users of all planned activities for SAP, Service Desk, Avaya Telephone, Blackberry, Lotus Notes and Active Directory migration for four world-wide sites and sales teams.

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Show more>Show less



Americas Customer Service Manager

MEI

2000 – 2006 6 years

Led the America's Customer Service Team and drove a \$8m-\$12m/pd order bank, providing customer satisfaction and increased business revenue through the management of the call center and credit operations. Controlled a multi-million dollar receivable and deduction portfolio through direct involvement with customer accounts and continuous interaction with sales, production and planning departments. Site process ownership for sales and delivery and successful implementation of the SAP business enterprise system for order management and accounts receivable. Subject-matter-expert for the customer relationship management system (CRM). Lead and implemented a new pricing portfolio mgmt plan. Championed an order fulfillment improvement process. Drove

20

customer service metrics to achieve world-class standards in call center operations. Successfully developed and implemented a global communication plan specific to the sale of MEI by Mars, Incorporated and the initial business transition.

Led the America's Customer Service Team and drove a \$8m-\$12m/pd order bank, providing customer satisfaction and increased business revenue through the management of the call center and credit operations. Controlled a multi-million dollar receivable and deduction portfolio through direct involvement with customer accounts and continuous interaction with sales, production and planning departments. Site process ownership for sales and delivery and successful implementation of the SAP business...

Led the America's Customer Service Team and drove a \$8m-\$12m/pd order bank, providing customer satisfaction and increased business revenue through the management of the call center and credit operations. Controlled a multi-million dollar receivable and deduction portfolio through direct involvement with customer accounts and continuous interaction with sales, production and planning departments. Site process ownership for sales and delivery and successful implementation of the SAP business enterprise system for order management and accounts receivable. Subject-matter-expert for the customer relationship management system (CRM). Lead and implemented a new pricing portfolio mgmt plan. Championed an order fulfillment improvement process. Drove customer service metrics to achieve world-class standards in call center operations. Successfully developed and implemented a global communication plan specific to the sale of MEI by Mars, Incorporated and the initial business transition.

Show moreShow less

Education



- Immaculata University

Immaculata University

M.A.OrganiZation Leadership

1999 – 2001

Masters degree program student representative selected to participate with interview board on the Election of University President, 2002.

Masters degree program student representative selected to participate with interview board on the Election of University President, 2002.



- Immaculata University

Immaculata University

B.A.Human Resource Performance and Organization Dynamics

1996 – 1999

Activities and Societies: Psi Chi, Alpha Sigma Lambda



- Delaware County Community College

Delaware County Community College

A.S. Business, Executive Secretarial Studies

1977 – 1980

Groups



- Mars/Masterfoods Alumni

Mars/Masterfoods Alumni

Recommendations

A preview of what LinkedIn members have to say about Alma:

- "

Alma has the right stuff! She brings energy, enthusiasm, and a can-do attitude in all her project work. I had the pleasure of working with Alma on two major business projects, and she was an effective communicator and leader throughout. I would recommend her work and know she'll succeed in all her future endeavors.

- "

Alma has a wealth of knowledge and leadership/management experience to share with students regarding: how to manage to achieve excellent business results, deliver exceptional customer service and maintain high employee morale. She is an outstanding leader and a talented people-person. She was a top-notch graduate student in my courses. After she received her masters degree, she participated in a number of my courses, as a visiting business expert, and my students always felt inspired and energized by Alma's example.

6 people have recommended Alma

22

PLANNING COMMISSION

Reference: Public Local Law ZS §1-112

Appointed by: County Commissioners

Functions: Advisory/Regulatory
 Make investigations and recommendations regarding zoning text and map amendment applications; recommend conditional rezoning; make recommendations to the Board of Zoning Appeals; review public projects, proposed facility development plans, regulations and standards; review and approve site plans; review and make recommendations regarding residential planned communities; review and approve subdivision plats.

Number/Term: 7/5 years; Terms expire December 31st

Compensation: \$50 per meeting (policy)

Meetings: 1 regular meeting per month; additional meetings held as necessary

Special Provisions: Historically - one member from each Commissioner District, plus two At-Large members; one member per district once expanded to seven districts.

Staff Contact: Department of Development Review & Permitting
 Edward A. Tudor, Director (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>
Jay Knerr	D-7, Mitrecic	Berlin	14-19
Jerry Barbierr	D-1, Lockfaw	Pocomoke	*12-15, 15-20
Mike Diffendal	D-3, Church	Berlin	10-15, 15-20
Richard L. Wells	D-6, Bunting	Bishopville	11-16, 16-21
Brooks Clayville	D-4, Elder	Snow Hill	02-07-12-17, 17-22
Marlene Ott	D-5, Boggs	Ocean Pines	08-13-18, 18-23
Betty M. Smith	D-2, Purnell	Berlin	*07-09-14-19, 19-24

Prior Members:

Since 1972

- | | | |
|--------------------|--------------------------|---------------------------------|
| David L. Johnson | R. Blaine Smith | James Jarman (99-03) |
| N. Paul Joyner | Edward A. Tudor | Harry Cullen (00-03) |
| Daniel Trimper, IV | Terry Bayshore | Ed Ellis (96-04) |
| Hugh F. Wilde | Larry Widgeon | Troy Purnell (95-05) |
| Warren Frame | Charles D. "CD" Hall | Larry Devlin (04-06) |
| Roland E. Powell | Ernest "Sandy" Coyman | Tony Devereaux (03-07) |
| Harry Cherrix | Rev. Donald Hamilton | Wilbert "Tom" Pitts (99-07) |
| W. David Stevens | Dale Stevens | Doug Slingerland (07-08) |
| Granville Trimper | Marion L. Butler, Sr. | Carolyn Cummins (90-94, 99-09) |
| J. Brad Aaron | Ron Cascio (96-97) | Madison "Jimmy" Bunting (05-10) |
| Lester Atkinson | Louie Paglierani (90-99) | Jeanne Lynch (06-11) |
| Paul L. Cutler | Robert Hawkins (96-99) | H. Coston Gladding (96-12) |
| Edward R. Bounds | Ilia Fehrer (94-99) | Wayne A. Hartman (09-14) |
| Edward Phillips | Rob Clarke (99-00) | |
| Vernon McCabe | W. Kenny Baker (97-02) | |

* = Appointed to fill an unexpired term

23

PROPERTY TAX ASSESSMENT APPEAL BOARD

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

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

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

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

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

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

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

Current Members:

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

C) = Chairman

Prior Members: Since 1972

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

* = Appointed to fill an unexpired term

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

* = Appointed to fill an unexpired term

SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

James Dryden	Naomi Washington (01-02)
Sheldon Chandler	Lehman Tomlin, Jr. (01-02)
Richard Bunting	Jeanne Lynch (00-02)
Anthony Purnell	Michael Reilly (00-03)
Richard Martin	Oliver Waters, Sr. (97-03)
Edward Hill	Charles Hinz (02-04)
John Davis	Prentiss Miles (94-06)
Thomas Shockley	Lakeshia Townsend (03-06)
Michael Delano	Betty May (02-06)
Rev. James Seymour	Robert "BJ" Corbin (01-06)
Pauline Robertson	William Decoligny (03-06)
Josephine Anderson	Grace Smearman (99-07)
Wendell White	Ann Almand (04-07)
Steven Cress	Norma Polk-Miles (06-08)
Odetta C. Perdue	Anthony Bowen (96-08)
Raymond Redden	Jeanette Tressler (06-09)
Hinson Finney	Rev. Ronnie White (08-10)
Ira Hancock	Belle Redden (09-11)
Robert Ward	E. Nadine Miller (07-11)
Elsie Bowen	Mary Yenney (06-13)
Faye Thornes	Dr. Nancy Dorman (07-13)
Frederick Fletcher	Susan Canfora (11-13)
Rev. Thomas Wall	Judy Boggs (02-14)
Richard Bundick	Jeff Kelchner (06-15)
Carmen Shrouck	Laura McDermott (11-15)
Maude Love	Emma Klein (08-15)
Reginald T. Hancock	Wes McCabe (13-16)
Elsie Briddell	Nancy Howard (09-16)
Juanita Merrill	Judy Stinebiser (13-16)
Raymond R. Jarvis, III	Arlette Bright (11-17)
Edward O. Thomas	Tracey Cottman (15-17)
Theo Hauck	Ronnie White (18-19)
Marie Doughty	
James Taylor	
K. Bennett Bozman	
Wilson Duncan	
Connie Quillin	
Lela Hopson	
Dorothy Holzworth	
Doris Jarvis	
Eugene Birckett	
Eric Rauch	
Oliver Waters, Sr.	
Floyd F. Bassett, Jr.	
Warner Wilson	
Mance McCall	
Louise Matthews	
Geraldine Thweat (92-98)	
Darryl Hagy (95-98)	
Richard Bunting (96-99)	
John E. Bloxom (98-00)	
Katie Briddell (87-90, 93-00)	
Thomas J. Wall, Sr. (95-01)	
Mike Pennington (98-01)	
Desire Becketts (98-01)	

* = Appointed to fill an unexpired term

SOLID WASTE ADVISORY COMMITTEE

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

Appointed by: County Commissioners

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

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

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

Meetings: At least quarterly

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Michael Pruitt	Town of Snow Hill		*15, 15-19
Bob Augustine	D-3, Church	Berlin	16-20
Granville Jones	D-7, Mitrecic	Berlin	*15-16, 16-20
Michelle Beckett-El Soloh	Town of Pocomoke City		*19-20
Rodney Bailey	D-2, Purnell	Berlin	*19-21
Jamey Latchum	Town of Berlin		*17, 17-21
Steve Brown	Town of Ocean City		*10-13-17, 17-21
George Linvill	D-1, Nordstrom	Pocomoke	14-18, 18-22
James Rosenberg	D-5, Bertino	Ocean Pines	*06-10-14-18, 18-22
George Dix	D-4, Elder	Snow Hill	*10-10-14-18, 18-22
Mike Poole	D-6, Bunting	Bishopville	11-15-19, 19-23

Non Attendance

Prior Members: (Since 1994)

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

* = Appointed to fill an unexpired term

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TOURISM ADVISORY COMMITTEE

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

Appointed by: County Commissioners

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

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

Compensation: \$50 per meeting expense allowance

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

Special Provisions: One member nominated by each County Commissioner

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)²</u>
Isabel Morris	D-6, Bunting	Bishopville	11-15, 15-19
Elena Ake	D-3, Church	West Ocean City	*16, 16-20
Josh Davis	D-5, Bertino	Berlin	*19-21
Lauren Taylor	D-7, Mitrecic	Ocean City	13-17, 17-21
Gregory Purnell	D-2, Purnell	Berlin	14-18, 18-22
Michael Day	D-4, Elder	Snow Hill	*19
Barbara Tull	D-1, Nordstrom	Pocomoke	03-11-15-19, 19-23

Prior Members: Since 1972

Isaac Patterson ¹	Barry Laws (99-03)	Molly Hilligoss (15-18)
Lenora Robbins ¹	Klein Leister (99-03)	Denise Sawyer (*18-19)
Kathy Fisher ¹	Bill Simmons (99-04)	
Leroy A. Brittingham ¹	Bob Hulburd (99-05)	
George "Buzz" Gering ¹	Frederick Wise (99-05)	
Nancy Pridgeon ¹	Wayne Benson (05-06)	
Marty Batchelor ¹	Jonathan Cook (06-07)	
John Verrill ¹	John Glorioso (04-08)	
Thomas Hood ¹	David Blazer (05-09)	
Ruth Reynolds (90-95)	Ron Pilling (07-11)	
William H. Buchanan (90-95)	Gary Weber (99-03, 03-11)	
Jan Quick (90-95)	Annemarie Dickerson (99-13)	
John Verrill (90-95)	Diana Purnell (99-14)	
Larry Knudsen (95)	Kathy Fisher (11-15)	
Carol Johnsen (99-03)	Linda Glorioso (08-16)	
Jim Nooney (99-03)	Teresa Travatello (09-18)	

* = 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

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Worcester County Admin.

INFO
Dec. 9, 2019

copy Board Book
-Volunteers

I see you are looking for volunteers for committees. I would like to volunteer for the local development Council for Ocean Downs Casino or Tourism advisory Committee. I have lived in Ocean City for 40 years. I used to work as a photographer for Dispatch Newspaper. I now sell real estate for Holiday Real Estate at 21 St. O.C. I have been president of the O.C. Recreation Comm. President of the Ocean City Rotary Club. Worked on many fundraising events for non profit clubs in town. Have appeared before Ocean City Mayor & Council with ideas for tourism events. I have criticized many of the tourism events that Bob Rodemell has put on. He has bait & switched Ocean City out of two events. He paid me \$300,000 to put on. One was a fabulous lazer light show on the beach. He switched them to a search light

RECEIVED

DEC 11 2019

Worcester County Admin

show. Then he offered to bring Punkin Chunkin
back to the beach in Nov. The city gave him
\$285,000. He said he had a contract. Somehow
Punkin Chunkin moved to Indiana to put on there
show. The O.C. Tourism advisory Board is stuck on
giving good old boy Bob money to put on
tourism events. Then they gave \$300,000 to B Rod
to put on a Jelly Fish Music Festival. He decided
on old lands and to have it on the same ^(It was a) ^{block.}
weekend as Firefly Music Festival in Dover, Del.
Ocean city and Worcester County need to expand
tourism events in the winter. Look at what
Delaware is doing at Hudson Fields just north of
Lewes, Del. Photos enclosed. I like the idea of
the county buying an Ice Skating Rink. We should
rent it out to Ocean city for their Winterfest. Put
the rink in the empty Inlet Lot. With other vendors
like Shell Brothers did at Hudson Fields. Ocean
always needs to do more tourist events like Maryland
Live. Have concerts on the weekends, Car Shows,
Motorcycle Shows. Come meet the Celebrity.

George Leukel

P.S. Rebuild the beach not a Sea Witch Festival for Shalhaven. Why
not Ocean City have a Giant Punkin Chunkin Festival for Shalhaven.

**WATER AND SEWER ADVISORY COUNCIL
MYSTIC HARBOUR SERVICE AREA**

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

Appointed by: County Commissioners

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

Number/Term: 7/4-year terms
Terms Expire December 31

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

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Joseph Weitzell ^C	Mystic Harbour	05-11-15, 15-19
Bob Hunt	Deer Point	*06-11-15, 15-19
David Dypsky	Teal Marsh Center	*10-12-16, 16-20
Stan Cygam	Whispering Woods	*18-20
Martin Kwesko	Mystic Harbour	13-17, 17-21
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22
Matthew Kraeuter	Ocean Reef	19-22

Prior Members: (Since 2005)

John Pinnero^C (05-06) Carol Ann Beres (14-18)
 Brandon Phillips^C (05-06)
 William Bradshaw^C (05-08)
 Buddy Jones (06-08)
 Lee Trice^C (05-10)
 W. Charles Friesen^C (05-13)
 Alma Seidel (08-14)
 Gerri Moler (08-16)
 Mary Martinez (16-18)

**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: Expense allowance for meeting attendance as authorized in the budget

Meetings: Monthly

Special Provisions: Must be residents/ratepayers of West Ocean City Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Deborah Maphis	West Ocean City	95-99-03-07-11-15, 15-19
Gail Fowler	West Ocean City	99-03-07-11-15, 15-19
Blake Haley	West Ocean City	*19-20
Todd Ferrante	West Ocean City	13-17, 17-21
Keith Swanton	West Ocean City	13-17, 17-21

Prior Members: (Since 1993)

Eleanor Kelly^c (93-96) Andrew Delcorro (*14-19)
 John Mick^c (93-95)
 Frank Gunion^c (93-96)
 Carolyn Cummins (95-99)
 Roger Horth (96-04)
 Whaley Brittingham^c (93-13)
 Ralph Giove^c (93-14)
 Chris Smack (04-14)

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

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

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

Compensation: None

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

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

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

Current Members:

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

Prior Members: Since 1995

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

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

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)	Michelle Bankert *(14-18)
Dee Shorts (04-07)	Nancy Fortney (12-18)
Ellen Payne (01-07)	Cristi Graham (17-18)
Mary Beth Quillen (05-08)	Alice Jean Ennis (14-17)
Marge SeBour (06-08)	Lauren Mathias Williams *(16-18)
Meg Gerety (04-07)	Teola Brittingham *(16-18)
Linda Dearing (02-08)	Jeannine Jerscheid *(18-19)
Angela Hayes (08)	Shannon Chapman *(17-19)
Susan Schwarten (04-08)	Julie Phillips (13-19)
Marilyn James (06-08)	
Merilee Horvat (06-09)	
Jody Falter (06-09)	
Kathy Muncy (08-09)	
Germaine Smith Garner (03-09)	
Nancy Howard (09-10)	
Barbara Witherow (07-10)	
Doris Moxley (04-10)	
Evelyne Tyndall (07-10)	
Sharone Grant (03-10)	
Lorraine Fasciocco (07-10)	
Kay Cardinale (08-10)	
Rita Lawson (05-11)	
Cindi McQuay (10-11)	
Linda Skidmore (05-11)	
Kutresa Lankford-Purnell (10-11)	
Monna Van Ess (08-11)	
Barbara Passwater (09-12)	
Cassandra Rox (11-12)	
Diane McGraw (08-12)	
Dawn Jones (09-12)	
Cheryl K. Jacobs (11)	
Doris Moxley (10-13)	
Kutresa Lankford-Purnell (10-12)	
Terry Edwards (10-13)	
Dr. Donna Main (10-13)	
Beverly Thomas (10-13)	
Caroline Bloxom (14)	
Tracy Tilghman (11-14)	
Joan Gentile (12-14)	
Carolyn Dorman (13-16)	
Arlene Page (12-15)	
Shirley Dale (12-16)	
Dawn Cordrey Hodge (13-16)	
Carol Rose (14-16)	
Mary Beth Quillen (13-16)	
Debbie Farlow (13-17)	
Corporal Lisa Maurer (13-17)	
Laura McDermott (11-16)	
Charlotte Cathell (09-17)	
Eloise Henry-Gordy (08-17)	

December 30, 2019

Worcester County Government,

I am very interested in serving our community in a larger capacity and would like to submit my resume in consideration for placement on a committee or board. Although I have only been with the Ocean Pines Chamber of Commerce for just over a year, I have been in the community for almost twenty and am very interested in the County's growth and development.

The most logical placement would be with the Economic Development Advisory Board. I have made it a point to expand the Chambers reach beyond Ocean Pines and been active in county wide issues and events. I feel I bring innovative thinking and a "never give up" spirit to whatever I do. With much of the county's impending growth slated for Rt 589, being the President of the closest Chamber affords me knowledge of the land, businesses and people that will benefit and be affected.

Another committee I'd be interested in is the Women's Commission. I have already begun discussions with appropriate agencies to host a Women and Minority Business Conference in April 2020. Aside from women as economic drivers, I understand the commission focuses on women's health and unique needs within the community. As a civic minded, single mother, I am a strong advocate for all voices being heard.

My positive nature, dedication and strong advocacy drive would allow me to excel in any committee. I'd truly appreciate the opportunity to learn more and become more involved in the planning side of our county and its successes.

Respectfully,

Kerrie Bunting

Kerrie Anne Bunting

CAREER GOALS: With twelve years of event and program administration as well as fundraising and marketing work experience, I strive to further the goals of organizations who aim to better the larger community. Whether in my professional or personal life, I am committed to creating and enhancing community based programming with professionalism, dignity, and passion.

SPECIALIZING IN:

- Exceptional organizational skills
- Professional verbal and written communication
- Fundraising
- Event creation and implementation
- Publication editing
- Volunteer coordination
- Social media marketing
- On-air media and community representation
- Budget administration

COMPUTER SKILLS: Proficient in PeopleSoft, Word, Excel, Front Page, Groupwise, Facebook, Twitter, Publisher, LinkedIn, Outlook, Office 360, Chamber Master. Several webpage operating systems.

RELATED WORK EXPERIENCE:

Sept 2018 – Present President of the Ocean Pines Chamber of Commerce

Advocate for Chamber Partners and community. Fundraise and increase Chamber exposure and community trust. Supervise one employee and maintain office building. Produce publications and communications regularly.

May 2017 to June 2018 Event Coordinator Women Supporting Women

Create new and conduct established annual events for local nonprofit, securing funding from community partners for each. Coordinate volunteers, vendors, media. Maintain budget and increase donations and sponsorships.

January 2016 to May 2017 Marketing Manager Quality Staffing Services

Represent company at local job fairs as well as create and conduct our own. Maintain all online position postings and social media marketing. Recruit, interview and place professional level applicants.

June 2015 to November 2015 Activities Director Castaways RV Resort & Campground

Create, advertise, supply and schedule daily activities for campground guests. Hire and supervise up to 8 staff members. Act as Manager on Duty for entire resort several times a week. Maintain department budget. Liaison for all special events such as weddings, reunions and annual bluegrass concert featuring national acts.

October 2014 to May 2015 Substitute teacher Wicomico County Board of Education

July 2014 to May 2015 Sales associate Macy's

December 2011 to October 2014 STEM Grant Program Coordinator University of Maryland Eastern Shore

Maintain \$5 million budget for NSF grant aimed at providing research and tuition assistance for students. Create and conduct workshops, monthly staff and faculty meetings and research conferences.

September 2006 to December 2011 Annual Fund Coordinator Salisbury University Alumni Relations & Annual Giving

Solicit alumni via bi-annual phonathons, online and direct mail for annual gifts. Hire and supervise up to 30 students during phonathons. Assist Advancement Department in all institutional special events such as reunions, homecoming, ribbon cuttings, dignitary visits, etc.

September 1993 to October 1999 Clinical Research Technician The Johns Hopkins University

Database maintenance, clinical trial data acquisition. Department phlebotomist and serum bank administrator.

EDUCATION: B.S., Salisbury University, biology major and chemistry minor M.S., The Johns Hopkins University

HONORS: Salisbury University Staff Appreciation Award, November 2007.

Was bestowed the Maryland Adjutant Generals Coin in October 2009 for my work with SU's ROTC and deployed alums.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

TEL: 410.632.1200 / FAX: 410.632.3008

www.co.worcester.md.us/drp/drpindex.htm

2

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

County Admin

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 1/14/2020
Re: Worcester County Housing Rehabilitation Program Bid Package

Attached please find a bid package for rehabilitation work to be performed on a single-family home located in the Snow Hill area. This project is proposed to be funded through the County's new CDBG grant, MD-20-CD-22. Please review and approve to be placed out for the County's competitive bidding process.

DRAFT

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

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

The projects are proposed to be funded by the Community Development Block Grant (CDBG) Program and are thus subject to all applicable Equal Opportunity and Civil Rights guidelines. **Sealed bids will be accepted until 1:00 p.m. on Monday February 10, 2020** in the Office of the County Commissioners at the above address at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Housing Rehabilitation Bid – February 10, 2020**" in the lower left-hand corner. Bids will be reviewed by staff and awarded by the County Commissioners at a future meeting. In awarding the bids, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bids they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate.

All inquiries regarding the bid specifications shall be directed to the Housing Program Inspector, Dave Walter, at 410-213-2021. All other inquiries shall be directed to Jo Ellen Bynum, Housing Program Administrator, at 410-632-1200, ext. 1171.

WORCESTER COUNTY HOUSING REHABILITATION PROGRAM

GENERAL SPECIFICATIONS

These specifications cover general items of information relating to this bid solicitation. Detailed specifications for the homes to be rehabilitated are attached. Bids will be accepted until 1:00 p.m. on Monday, February 10, 2020 at the Worcester County Commissioners Office, Room 1103, One West Market Street, Snow Hill, Maryland 21863 at which time they will be opened and read aloud. General telephone inquiries may be directed to the County's Housing Consultant, Jo Ellen Bynum, at 410-632-1200, ext. 1171. Questions of a technical nature may be directed to the Program Inspector, Dave Walter, at 410-213-2021. Bids may be mailed or delivered in person. Faxed bids are not acceptable. Bids must be clearly marked "Housing Rehabilitation Bid – February 10, 2020". Each bid must be signed and dated.

Contractor qualifications: Any contractor who has not submitted a Contractor Qualification form to the Program within the past six (6) months must complete and return the enclosed form. Contractors for these projects must be licensed Maryland Home Improvement Contractors as well as possess active liability insurance (\$100,000/\$300,000 for personal injury and \$50,000/\$100,000 for property damage).

Completion of job: Contractors are expected to commence work within ten (10) days of the issuance of the Notice To Proceed. Work must be completed within thirty (30) days of commencement of job. If anticipated start date and completion schedule is different than outlined above, please write estimated dates on enclosed Bid Form.

Contracting Policy: Attached to this bid is a copy of the Rehabilitation Program Guidelines. Contractors are urged to read this document carefully.

WORCESTER COUNTY IS REQUESTING QUOTATIONS FROM QUALIFIED CONTRACTORS FOR REPAIRS TO:

PROPERTY OF: **Ronald & Cordia Manuel**
ADDRESS: **410 W. Market Street**
Snow Hill MD 21863
TELEPHONE: **443-859-7148**

TOTAL QUOTE: _____

CONTRACTOR: _____ DATE: _____
NO QUOTATIONS AFTER: 02/10/20

PART ONE: GENERAL CONDITIONS
PART TWO: SCOPE OF WORK

PART ONE – GENERAL CONDITIONS

- 1) The Contractor shall coordinate all work in progress with the homeowner so as not to severely disrupt living conditions. Inside work which is disruptive, or displaces the use of the kitchen, bathroom, or bedrooms, shall be pursued continuously on normal working days.
- 2) The Contractor shall be responsible for removing and replacing furniture and other articles, to and from other storage areas on premises, as needed to allow work space or to protect such possessions. Provide plastic film protection over all furniture (if not removed), carpets, finished floors, etc. – also install film at doorways as required.
- 3) The Contractor shall remove all excess material, construction debris, and other existing debris and material specified herein, to an approved dumpsite off premises. Work area shall be broom swept at the end of each work day.
- 4) The Contractor shall contact the Program Inspector or Housing Administrator for direction in the event that coordination or clarification problems arise with the homeowner or other contractors.
- 5) The Contractor shall coordinate closely with the homeowner as to which possessions are considered “junk and debris” and which are valuable before hauling anything away.
- 6) The Contractor shall leave all work areas on the premises in a neat and clean condition, and shall instruct the homeowner in the care and use of all installed equipment and appliances. Owner’s manuals and warranty booklets are to be provided to the homeowner for all applicable equipment, appliances, and materials.
- 7) The Contractor shall not undertake or engage in any additional work intended to be billed to the Program as an “extra” or as additional cost to the original contract without a written change order signed by the Program Inspector, Housing Administrator, and homeowner. A written change order as outlined above is also

required for substitutions or additions to the original scope of work not involving additional costs.

- 8) The Contractor shall obtain and pay for all building, plumbing, electrical, well, septic and other permits required for specified work.
- 9) The Contractor shall call for all inspections required by County law as well as inspections to receive draw payments and any special inspections required by the Program Inspector. All work shall conform to code.
- 10) All of the above general conditions shall be adhered to unless otherwise specifically described in the following scope of work.

PROJECT: RONALD & CORDIA MANUEL

DATE: 12-10-2019

ADDRESS: 410 WEST MARKET STREET

SNOW HILL, MD 21863

PHONE: 443-859-7148

SCOPE OF WORK

A: Contractor to obtain all necessary building and plumbing permits. Remove the toilet in each of the hall full bathroom, and the half bathroom. Remove existing finish flooring and underlayment in each bathroom. Remove any water damaged subflooring and install new as necessary. New subflooring is to match existing in height. Install new 3/4" lauan underlayment and builder grade vinyl tile flooring in the half bathroom. Install new underlayment and builder grade floor tile in the hall full bathroom. Floor tile is to match the existing as close as possible. Provide and install a new toilet in each bathroom with new wax ring seals, shut off valves and water supply line. New toilets to meet current plumbing Code requirements. Remove all construction related debris from the property.

PRICE: _____

B: Remove insulation in the crawlspace that has been compromised by plumbing waste line leaks and or back up. Remove all vapor barrier that has been that has been soiled by leaked waste back up. Perform waste cleanup in area of waste line back up in the crawlspace. Snake and clean out all plumbing waste lines from the toilets through all pipelines in the house and the crawlspace to the street municipality sewer line connection. Install new R-19 Kraft faced fiberglass insulation wher insulation was removed. Install new 6 mil ply vapor barrier on the crawlspace floor where damaged vapor barrier was removed. Ensure heavy overlap at all seams of the vapor barrier. Remove all construction related debris, soiled insulation and vapor barrier.

PRICE: _____

TOTAL PRICE: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

COMPANY NAME: _____

ADDRESS: _____

PROJECT: RONALD & CORDIA MANUEL

DATE: 12-10-2019

ADDRESS: 410 WEST MARKET STREET

SNOW HILL, MD 21863

PHONE: 443-859-7148

PHONE NUMBERS: OFFICE: CELL:

MHIC#: EXPIRATION DATE:

DATE OF PROPOSAL:

We hereby certify that we have reviewed and accept the preceding scope of work as written.

Ronald Manuel 1-10-20

Owner- Ronald Manuel Date

Cordia Manuel 1-10-20

Owner- Cordia Manuel Date

ATTENTION: THIS BID FORM MUST BE REPRODUCED ON YOUR COMPANY LETTERHEAD AND BE SUBMITTED WITH YOUR BID PACKAGE. ALL PAGES OF WORK SCOPE WITH LINE ITEM PRICING DETAIL MUST BE INCLUDED. ANY MISSING INFO OR WORDING MAY DISQUALIFY YOUR BID. THE BID PACKAGE IS ALSO AVAILABLE ON-LINE AT www.co.worcester.md.us

BID FORM

***must be signed to be valid**

**Property of Ronald & Cordia Manuel
410 W. Market Street
Snow Hill, MD 21863**

I have reviewed the specifications and provisions for rehabilitation work on the above referenced property and understand said requirements. I hereby propose to perform this work for the total price of:

Total Quote : \$ _____
Date Available To Start: _____

Date: _____

Signature

Typed Name

Title

Company Name

Address

Phone Number(s)

MHIC # Expiration Date

Bid Submission Checklist

- Contractor Qualification Form
- Proof of Liability Insurance and Worker's Compensation
- Contractor Conflict of Interest Disclosure Form
- Bid Form- on your company letterhead using Worcester format
- Scope of Work with Line Item Breakdown- all lines completed and total price
- Signed Bid Submission Checklist

Signature

Date

Please check off items submitted above, sign and include this checklist with your submission package. If you have any questions as to if a previously submitted Contractor Qualification Form has expired, please contact Jo Ellen Bynum at 410-632-1200, ext. 1171. Bids submitted with no Contractor Qualification form on file dated within the past 6 months may not be considered.

**WORCESTER COUNTY HOUSING REHABILITATION PROGRAM
CONTRACTOR QUALIFICATION FORM**

Contractor _____

Address _____

Phone Number _____

Federal I.D. or S.S. # _____

Insurance Company, Agent, & Coverages: _____

List of Company Officers: _____

List of Licenses Currently Held:

MHIC Number Exp. Date

MBR Number Exp. Date

MDE Lead Cert. Exp. Date

EPA Lead Cert. Exp. Date

Trade References (2)

Name Phone

Name Phone

Client References (2)

Name Phone

Name Phone

Is contractor in a State of Bankruptcy? _____ Yes _____ No

Is contractor on HUD's debarred list? _____ Yes _____ No

Is contractor any of the following? (not required to qualify)

- _____ Minority Business Enterprise
- _____ Women's Business Enterprise
- _____ Disadvantaged Business Enterprise
- _____ Section 3 Employer

Contractor Conflict of Interest Disclosure

All businesses submitting bids for projects and activities which include funding through the Maryland Community Development Block Grant Program must disclose any potential conflict of interest. A conflict of interest may occur if the business owner/principals are related to or have a business relationship with an employee, officer or elected official of **Worcester County**. If it is determined there is a conflict of interest or potential conflict of interest, you may not be selected even if your bid is determined to be the lowest, most qualified. The **County** can request for the State of Maryland CDBG Program to review and make a determination which could result in a waiver allowing for approval.

1. Are owner(s)/principal(s) ever been an employee, agent, consultant, officer, elected official or appointed official of _____? Yes No
If yes, please identify: _____

2. Are owner(s)/principal(s) related (including through marriage or domestic partnership) to an employee, agent, consultant, officer, elected or appointed official of _____? Yes No If yes, please identify: _____

3. Do owner(s)/principal(s) have a business or professional relationship with anyone identified under Question #1? Yes No
If yes, please identify: _____

I/We certify that the above information is true and correct. I/We understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

Signed: _____
Date: _____

Name: _____ (Print)

Signed: _____
Date: _____

Name: _____ (Print)

**For all non-construction contracts and for single family housing rehabilitation only
9/2017*

For Grantee Use Only:

CDBG Grant Number:	Date Received:
<input type="checkbox"/> Conflict of Interest does not exist	<input type="checkbox"/> Conflict of Interest exists
Date Sent to State:	<input type="checkbox"/> Waiver Granted <input type="checkbox"/> Waiver Denied

REHABILITATION

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

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

Apex Construction
Attn: Mike Meade
12650 Sunset Avenue, Suite 7
Ocean City, MD 21842
m.meadeestimator@gmail.com
jjfranzetti@gmail.com

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

Beach Construction Company 10/23/18
11555 Quillin Way
Berlin, MD 21811
443-880-3473
410-641-8590
beachcoeast@gmail.com

Robert Brooks MBE 8/10/18
Apostle Expert Exteriors
P.O. Box 485
Salisbury, MD 21803
410-548-1392, ext. 107
rbrooks.apostlecon@gmail.com

CONTRACTORS

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

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

Colossal Contractors
Attn: Kim Crawford
4601 Sandy Spring Road
Burtonsville, MD 20866
301-476-9060
info@colossalcontractors.com

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

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

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

Andy Argetakis
J.A. Argetakis Contracting Co., Inc.
3723 Eastern Avenue, Baltimore, MD
21224
jcatanzaro.jaargetakis@verizon.net
P:410-633-8016/F:410-633-6010

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

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

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

The Myers Group
1147 S. Salisbury Blvd #8-140
Salisbury, MD 21801
443-366-9222
Fax: 410-572-6081 left message
themyersgroupllc@aol.com

Ocean Tower Construction, LLC
Oleg Shakirov
12905 Coastal Highway
Ocean City, MD 21842
443-366-5556
oceantower9@usa.com

Poseidon Plumbing & Home Services
12637 Sunset Avenue #1
Ocean City, MD 21842
410-251-1096
matts@poseidonhomeservices.com

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

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

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

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



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 13, 2020

3

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

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

To: Harold Higgins, Chief Administrative Officer
Worcester County Commissioners

From: Kim Reynolds, Senior Budget Accountant 

Subject: Diakonia, Inc. – Letter of Support

Attached for your review and approval is requested letter of support from Diakonia, Inc. for their application for Supportive Services for Veterans Families (SSVF) Program Grant from the U.S. Department of Veterans Affairs.

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



OFFICE OF THE
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Worcester County

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21863-1195

January 21, 2020

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

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
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MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

DRAFT

Supportive Services for Veteran Families (SSVF) Program Office National
Center on Homelessness Among Veterans
4100 Chester Avenue, Suite 201
Philadelphia, PA, 19104

Dear Program Director,

The County Commissioners of Worcester County support Diakonia, Inc.'s application for continued funding through the Supportive Services for Veterans Families (SSVF) Program Grant from the U.S. Department of Veterans Affairs. This program began on October 1, 2013 and has become an integral part of the services offered in communities, as well as being essential to the goal of ending veteran homelessness. This grant will fund the eighth year of this outstanding program.

We support Diakonia, Inc.'s strategies of veteran outreach through county agencies and veterans organizations; housing assistance, and linkage of veterans and their families with existing community support.

Diakonia, Inc. pledges to continue to work with you on this project by helping to identify those in need and the services that can benefit local veterans. We encourage you to continue to support the work of Diakonia, Inc. as the staff and volunteers work to build a foundation for veterans in crisis to maintain a lifestyle without homelessness by providing security and stability and enhancing their quality of life. We applaud the successes this program has had over the past seven and a half years.

Diakonia is a long-time leader in our local nonprofit community, serving individuals, families and veterans in Worcester, Wicomico, and Somerset Counties by providing quality services including shelter, food, clothing and resources to rebuild their lives. On behalf of our local community, I respectfully request a fair consideration in supporting Diakonia's homeless veterans grant application and are grateful for your attention to this matter.

Sincerely,

Joseph Mitrecic
President Worcester County Commissioners



WorCOA

Worcester County Commission on Aging, Inc.

Our mission is to enhance the quality of life of all Worcester County citizens 50 years and older by providing programs and services that promote active, independent and healthy lifestyles.

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To: Honorable Joe Mitrecic

Cc: Harold Higgins, Chief Administrative Officer

From: Rob Hart, Executive Director *R.H.*

Date: January 8, 2020

SUBJECT: Over Expenditure Request

Over the last several months we have been having issues getting seniors to our medical daycare and other programs. Shore Transit is our vendor for this type of transportation but because of the volume of demand from the general public they are unable to perform what they have been doing in the past.

We have been working with Brad Bellacicco and staff on coordinating some of our Community for Life resources to help them. The area that we are working with Shore Transit on is West Ocean City and Bishopville where we currently pickup 4 participants for delivery to Snow Hill. We drop them off to Shore Transit at the Northern Worcester County Senior Center and Shore Transit takes them to Snow Hill for medical daycare. We reverse this process in the afternoon.

We are requesting additional funding from the County Commissioners to allow us to continue this for the next 6 months. We will be using our current part-time staff to do these pickups and drop-offs. We estimate that this coordination will take about 4 hours a day on average. We have to use two mini vans and drivers because of the distance between the participants. Our requested amount is \$8,840 for this service. This amount is less than Shore Transit would be able to add service or any other outside vendor. We currently have been using MDoA funds but no longer have them available. This service will rollover if WorCOA becomes the SSTAP provider in FY21.

If our request is approved we would like the additional funding to be adjusted in line item 320.7140.090 our senior ride for NWCS. This will bring the total amount requested to \$17,840 for FY20.

I am requesting that the County Commissioners approve this request so we can continue delivering these needed services to our participants.

*REVIEWED FY20 Budget = \$9,000
Worcester County Budget Officer
over expenditure request = \$8840
K. Whited*

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

Worcester Adult
Medical Day Services
4767 Snow Hill Road
Snow Hill, MD 21863
410.632.0111

Berlin
Senior Center
10129 Old Ocean City Blvd.
Berlin, MD 21811
410.641.0515

Ocean City
Senior Center
104 41st Street
Ocean City, MD 21842
410.289.0824

Snow Hill
Senior Center
4767 Snow Hill Road
Snow Hill, MD 21863
410.632.1277

Pocomoke City
Senior Center
400 Walnut Street
Pocomoke City, MD 21851
410.957.0391

1

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



OFFICE OF THE
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SNOW HILL, MARYLAND

21863-1195

January 8, 2020

5

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

COMMISSIONERS
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MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

TO: Harold Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer *Kathy*
RE: Privately Owned Vehicle Mileage Reimbursement – County Employees

I would like to request that we look at the mileage reimbursement to employees. The County currently is reimbursing at the rate of \$.58, the State of Maryland and IRS 2019 standard mileage rate. I would like to request the rate be decreased to \$.575 per mile effective with County travel beginning February 1, 2020 which would stay in line with the State and IRS.

Below is information that may be helpful to show the rate for the State of Maryland, IRS and Worcester County.

	State of Maryland	IRS	County
Effective January 1, 2020	\$.575	\$.575	\$.575 Request
Effective January 1, 2019	\$.58	\$.58	\$.58
Effective January 1, 2018	\$.545	\$.545	\$.505

Attached please find backup from the IRS and Maryland Department of Budget and Management for the rates beginning January 1, 2020. I am available for any questions you may have.

Attachments

Kjw/H:\FY20 Budget\2020 Mileage Reimbursement Rate.docx



LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lieutenant Governor

DAVID R. BRINKLEY
Secretary

MARC L. NICOLE
Deputy Secretary

Privately Owned Vehicle Reimbursement Rates

The reimbursement rate for State employees who utilize their vehicles on authorized State business will be as follows:

Effective January 1, 2020 - **\$0.575 per mile**

The reimbursement rate for CY 2019 was \$.58 per mile

Half-Rate for reimbursement has not changed it is \$0.29

For half-rate guidance, please refer to the State of Maryland Policies and Procedures for Vehicle Fleet Management section 8.2.01. The Policies and Procedures are located:

http://dbm.maryland.gov/Documents/FleetManagementServices/fleet_mgmt_manual.pdf

~Effective Resource Management~

45 Calvert Street • Annapolis, MD 21401-1907

Tel: (410) 260-7041 • Fax: (410) 974-2585 • Toll Free: 1 (800) 705-3493 • TTY Users: call via Maryland Relay

<http://www.dbm.maryland.gov>



IRS issues standard mileage rates for 2020

IR-2019-215, December 31, 2019

WASHINGTON — The Internal Revenue Service today issued the 2020 optional standard mileage rates (PDF) used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on January 1, 2020, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 57.5 cents per mile driven for business use, down one half of a cent from the rate for 2019,
- 17 cents per mile driven for medical or moving purposes, down three cents from the rate for 2019, and
- 14 cents per mile driven in service of charitable organizations.

The business mileage rate decreased one half of a cent for business travel driven and three cents for medical and certain moving expense from the rates for 2019. The charitable rate is set by statute and remains unchanged.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, except members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details, see Rev. Proc. 2019-46 (PDF).

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for more than five vehicles used simultaneously. These and other limitations are described in section 4.05 of Rev. Proc. 2019-46 (PDF).

Notice 2020-05 (PDF), posted today on IRS.gov, contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate, and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan. In addition, for employer-provided vehicles, the Notice provides the maximum fair market value of automobiles first made available to employees for personal use in calendar year 2020 for which employers may use the fleet-average valuation rule in § 1.61-21(d)(5)(v) or the vehicle cents-per-mile valuation rule in § 1.61-21(e).

Page Last Reviewed or Updated: 31-Dec-2019



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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 13, 2020

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Commissioners' Revised Meeting and Budget Schedule for 2020

You will recall that we previously revised the FY2021 Budget Schedule to avoid afternoon budget work sessions which would have conflicted with Commissioner Elder's school bus schedule. Now that Commissioner Elder has retired as a School Bus Contractor, he has agreed that afternoon budget work sessions would be preferable to meeting on the Wednesday morning following a regular meeting. As a result, I have asked Budget Officer Kathy Whited to revise the FY 2021 Budget Schedule accordingly (see attached). You will notice that we are proposing to reschedule the budget work sessions which had been scheduled on the mornings of Wednesday, April 15, Tuesday, April 28 and Wednesday, May 20 from 9:00 am to 1:00 pm and instead schedule budget work sessions all day on Tuesday, March 31 and Tuesday, May 12 (from 9:00 am to 4:00 pm) and in the afternoons (from 1:00 to 4:00 pm) after the Commissioners' regularly scheduled meetings on Tuesday, April 14 and Tuesday, May 19, 2020, thereby eliminating 3 additional meeting days.

In summary, we are proposing the following changes to the FY 2021 Budget Schedule:

Current budget work sessions

Tuesday, March 31 - 9 am - 1 pm
~~Wednesday, April 15 - 9 am - 1 pm~~
~~Tuesday, April 28 - 9 am - 1 pm~~
Tuesday, May 12 - 9 am - 1 pm
~~Wednesday, May 20 - 9 am - 1 pm~~
Tuesday, May 26 - 9 am - 1 pm (if needed)

Proposed budget work sessions

Tuesday, March 31 - 9 am - 4 pm
Tuesday, April 14 - 1 pm - 4 pm
Tuesday, May 12 - 9 am - 4 pm
Tuesday, May 19 - 1 pm - 4 pm
Tuesday, May 26 - 9 am - 4 pm (if needed)

Please review the proposed Revised FY 2021 Budget Schedule with the County Commissioners for their approval. If you or the Commissioners should have any questions or concerns with regard to this matter, please feel free to contact me.

Proposed Revised
WORCESTER COUNTY
FY 2021 Budget Schedule
 Amended January 21, 2020

Thursday, December 12, 2019	FY2021 Operating Budget Information Distributed
Thursday, January 30, 2020	Department & Agency Operating Budget finalized in New World Systems
February 12, 13, 14, 2020	Departments meet with County Administrator and Budget Officer
Friday, February 21, 2020	Operating Budgets Submitted to County Administrator from Municipals and Ocean Pines Association Board of Education submit to County Administrator MOE for FY21 Board of Education submit to County Administrator Non-Recurring FY21
Tuesday, March 3, 2020	County Commissioners review requests of Municipalities & Ocean Pines Association
Friday, March 6, 2020	Operating Budget from Board of Education submitted to County Administrator
Tuesday, March 17, 2020	Requested FY2021 Consolidated Operating Budget to Commissioners Non-Recurring MOE Discussion–Deadline to file March 31 Maintenance of Effort Discussion - Deadline to file MOE Waiver is April 1
Tuesday, March 31, 2020	Budget work session/Discussion with Board of Education (9-4) Commissioner Operating Budget Review with Selected Departments/Agencies
Tuesday, April 14, 2020	Commissioner Operating Budget Review with Selected Departments/Agencies (1-4)
Tuesday, May 5, 2020	Requested FY2021 Operating Budget Public Hearing
Tuesday, May 12, 2020	Budget Work Session Discussion with Departments personnel matters
Tuesday, May 19, 2020	Budget Work Session (start 1:00 pm)
Tuesday, May 26, 2020	Budget Work Session (if needed)
Tuesday, June 2, 2020	FY2021 Consolidated General Fund Operating Budget Adopted Proposed FY2021 Enterprise Funds Public Hearing at Government Center
Tuesday, June 16, 2020	FY2021 Water & Wastewater Services Enterprise Fund Budget Adopted FY2021 Solid Waste Enterprise Fund Budgets Adopted

2020

Proposed

WORCESTER COUNTY COMMISSIONERS' REVISED MEETING DATES

The Worcester County Commissioners have established the following meeting dates for 2020. Regular meetings are generally held on the first and third Tuesday of each month, except where such dates fall on a legal holiday or other scheduling conflict. All meetings will be held in the Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland with the open session to commence at 10:00 a.m. unless otherwise noted.

January 7, 2020	Regular Meeting
January 21, 2020	Regular Meeting - (Special Legislative Session)
February 4, 2020	Regular Meeting
February 18, 2020	Regular Meeting - (Legislative Session)
March 3, 2020	Regular Meeting
March 17, 2020	Regular Meeting - (Legislative Session)
March 31, 2020	Work Session - 9am-4pm Budget Review w/ Departments
April 14, 2020*	Regular Meeting Work Session - Budget Review in the afternoon with Board of Education & Departments/Agencies
April 21, 2020	Regular Meeting - (Legislative Session)
May 5, 2020	Regular Meeting - Budget Hearing
May 12, 2020	Budget Work Session - 9am-4pm - Discussion w/ Departments and Personnel Matters
May 19, 2020	Regular Meeting - (Legislative Session) and Budget Work Session in the afternoon
May 26, 2020	Budget Work Session (9am-4pm - if needed)
June 2, 2020	Regular Meeting - Budget Adoption
June 16, 2020	Regular Meeting - (Legislative Session)
July 7, 2020	Regular Meeting
July 21, 2020	Regular Meeting - (Legislative Session)
August 4, 2020	Regular Meeting
August 18, 2020	Regular Meeting - (Legislative Session)
September 1, 2020	Regular Meeting
September 15, 2020	Regular Meeting - (Legislative Session)
October 6, 2020	Regular Meeting
October 20, 2020	Regular Meeting - (Legislative Session)
Wednesday, November 4, 2020**	Regular Meeting
November 17, 2020	Regular Meeting - (Legislative Session)
December 1, 2020	Regular Meeting
December 15, 2020	Regular Meeting - (Legislative Session)

* Meet on Tuesday, April 14, 2020 due to National Hurricane Conference April 6-9, 2020

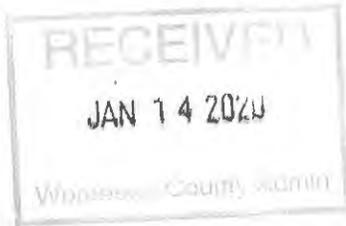
** Meet on Wednesday, November 4, 2020 due to General Election Holiday on Tuesday, November 3, 2020

As Proposed January 21, 2020

Current
WORCESTER COUNTY
FY 2021 Budget Schedule
 Approved November 19, 2019

Thursday, December 12, 2019	FY2021 Operating Budget Information Distributed
Thursday, January 30, 2020	Department & Agency Operating Budget finalized in New World Systems
February 12, 13, 14, 2020	Departments meet with County Administrator and Budget Officer
Friday, February 21, 2020	Operating Budgets Submitted to County Administrator from Municipals and Ocean Pines Association
	Board of Education submit to County Administrator MOE for FY21
	Board of Education submit to County Administrator Non-Recurring FY21
Tuesday, March 3, 2020	County Commissioners review requests of Municipalities & Ocean Pines Association
Friday, March 6, 2020	Operating Budget from Board of Education submitted to County Administrator
Tuesday, March 17, 2020	Requested FY2021 Consolidated Operating Budget to Commissioners
	Non-Recurring MOE Discussion–Deadline to file March 31
	Maintenance of Effort Discussion - Deadline to file MOE Waiver is April 1
Tuesday, March 31, 2020	Budget work session/Discussion with Board of Education (9-1:00) * Commissioner Operating Budget Review with Selected Departments/Agencies
→ Wednesday, April 15, 2020	Commissioner Operating Budget Review with Selected Departments/Agencies (9-1) Budget work session/Discussion with Departments personnel matters
→ Tuesday, April 28, 2020	Budget work session/Discussion with Departments personnel matters (9-1)
Tuesday, May 5, 2020	Requested FY2021 Operating Budget Public Hearing
Tuesday, May 12, 2020	Budget Work Session (9-1:00) *
→ Wednesday, May 20, 2020	Budget Work Session (9-1:00)
Tuesday, May 26, 2020	Budget Work Session – (9-1:00 if needed) *
Tuesday, June 2, 2020	FY2021 Consolidated General Fund Operating Budget Adopted Proposed FY2021 Enterprise Funds Public Hearing at Government Center
Tuesday, June 16, 2020	FY2021 Water & Wastewater Services Enterprise Fund Budget Adopted FY2021 Solid Waste Enterprise Fund Budgets Adopted

→ = Delete
 * = Revise



7

Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, Director, Environmental Programs 

Subject: FY 20 MALPF Matching Funds

Date: January 13, 2020

As a certified county by the Maryland Agricultural Land Preservation Foundation (MALPF), Worcester County is required to commit matching funds for our easement acquisition program. Certification allows the county to retain 75% instead of 33% of the agricultural transfer tax the county collects. To continue to be eligible for additional matching funds from the state, we are required to contribute qualifying expenditures from a county source other than agricultural land transfer taxes to this program

As the attached memorandum from Katherine Munson details, we would need to commit a minimum contribution of **\$16,000.00** in match funds for purchases of easements in the FY 20 cycle and to remain certified under this program. We could also choose to supplement that figure with an additional match using encumbered agricultural preservation funds (Acct. No. 1010.1702.7180).

I would offer, as I did last year, that uncertainty does exist with respect to estimating annual agricultural transfer taxes (we are conservative in estimating this amount), how many easements the state will offer in the year, what property owners will accept the offer from the state, and the ultimate matching fund level we will have available for easements (that is a combination of the matching funds and transfer taxes). Katherine has attached two spreadsheets that examine the historical perspective on our local funding levels with an additional examination of matching fund allocation for our neighboring shore counties.

The state is now contemplating their FY20 funding levels and are looking to the commitments made by the counties on a local match before the final offers are made. If we do decide to put in a supplemental funding amount over the minimum, we will get more than a 50% return on this

Citizens and Government Working Together

investment with matching funds from the state and we will allow perhaps another easement or two to be accomplished in this funding cycle.

We are respectfully recommending that the County Commissioners agree to provide the minimum contribution. We also respectfully request the Commissioners also consider a supplemental figure utilizing encumbered funds as identified above. This could be in the amount of \$50,000, which will be our additional match. The total match would be \$65,000, with the balance coming from retained and leftover agricultural transfer taxes. A draft letter for this commitment has been attached and the supplemental funding level, if approved, would need to be inserted in the last bullet point of that letter with the final amount added to the figure in the first paragraph of the draft letter.

Both Ms. Munson and I will be available to discuss this request with you and the County Commissioners.

Attachments

cc: Phil Thompson/Finance Officer
Kathy Whited/Budget Officer
Katherine Munson
David Bradford



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE CONSTRUCTION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

Memorandum

To: Robert Mitchell, Director

From: Katherine Munson, Planner V

Subject: FY20 MALPF Matching Funds

Date: January 6, 2020

The Maryland Agricultural Land Preservation Foundation (MALPF) requires certified counties to commit matching funds for the agricultural preservation easement acquisition program.

Worcester County's Agricultural Land Preservation Program was certified effective as of July 1, 2004. Certified counties retain and receive more funding for agricultural easement acquisition than non-certified counties (Worcester County is the only certified county on the lower shore). It entitles the county to retain 75% instead of 33% of the agricultural transfer tax the county collects, and to be eligible for additional matching funds from the state, as available. Certification requires that the county contribute qualifying expenditures from a county source other than agricultural land transfer taxes, equal to 9% of the agricultural land transfer taxes collected annually in the county.

Worcester County received eleven (11) applications to sell an easement in the spring of 2019 (FY20 funding cycle).

To meet the minimum obligations to remain certified, the county would need to commit **\$16,000.00** in match funds for purchase of easements in the FY20 cycle:

- An estimate of retained Agricultural Land Transfer Tax of **\$15,000.00** (\$4,642.80 has been retained so far in FY20; a balance of \$6,671.18 is left over from FY19)
- The minimum amount of non-Transfer Tax match required of certified counties, estimated at **\$1,000.00** (9% of FY20 Transfer Tax revenue). **This amount must be drawn from Worcester County's general fund.**

Please note that for the FY20 application cycle, the Worcester County Agricultural Land Preservation Advisory Board and the Worcester County Planning Commission recommended approval of, and the county commissioners approved, seven (7) applications. One of the seven (7) applications subsequently dropped from consideration because the landowner accepted a "round two" offer. The six (6) applications remaining represent 1,003 +/- acres. Appraisals and the bid determine the offer. If all applicants were to receive an offer, \$2.0 to \$2.6 million is estimated to be required.

Please keep in mind that all county match is matched by the state at a 60:40 ratio (up to an amount TBD, but for the last three cycles that amount has been \$1.3 million). For FY19 match, Worcester County offered \$50,000.00 in additional match from encumbered funds in Account No. 100.1702.7108. Worcester County's total match in FY19 was \$64,385.00 which was matched by \$96,578.00 in state funds. This allowed for purchase of an easement that would not have occurred otherwise: three (3) 2019 applicants sold an easement to MALPF.

We would like to suggest that the county provide a total match of \$65,000; \$50,000 from Account No. 100.1702.7108 for FY20.

I've compiled a list of cash match offered by eastern shore counties to the MALPF program 2015-2019 in case this may be useful.

I have also attached a map showing the location of FY20 applicant properties, and FY19 easement purchases.

The county must provide a matching funds commitment by **February 1, 2020**. Attached is a letter to be signed by the appropriate county representative.

Please contact me should you have any questions. Thank you for your attention to this matter.

Attachments

cc: Bob Mitchell, Director
Kathy Whited, Budget Officer
Phil Thompson, Treasurer's Office
Worcester County Agricultural Land Preservation Advisory Board

MALPF Matching Funds/Fund Allocation 2015-2019

FY 2015/16

County	General Allotted	County Match	State Match (60/40 ratio)
Worcester	641,225	130,859	196,289
Wicomico	641,225	0	0
Somerset	641,225	4,058	6,087
Caroline	641,225	31,292	46,938
Dorchester	641,225	0	0
Kent	641,225	56,800	85,200
Queen Anne's	641,225	227,471	341,207
Talbot	641,225	100,000	150,000

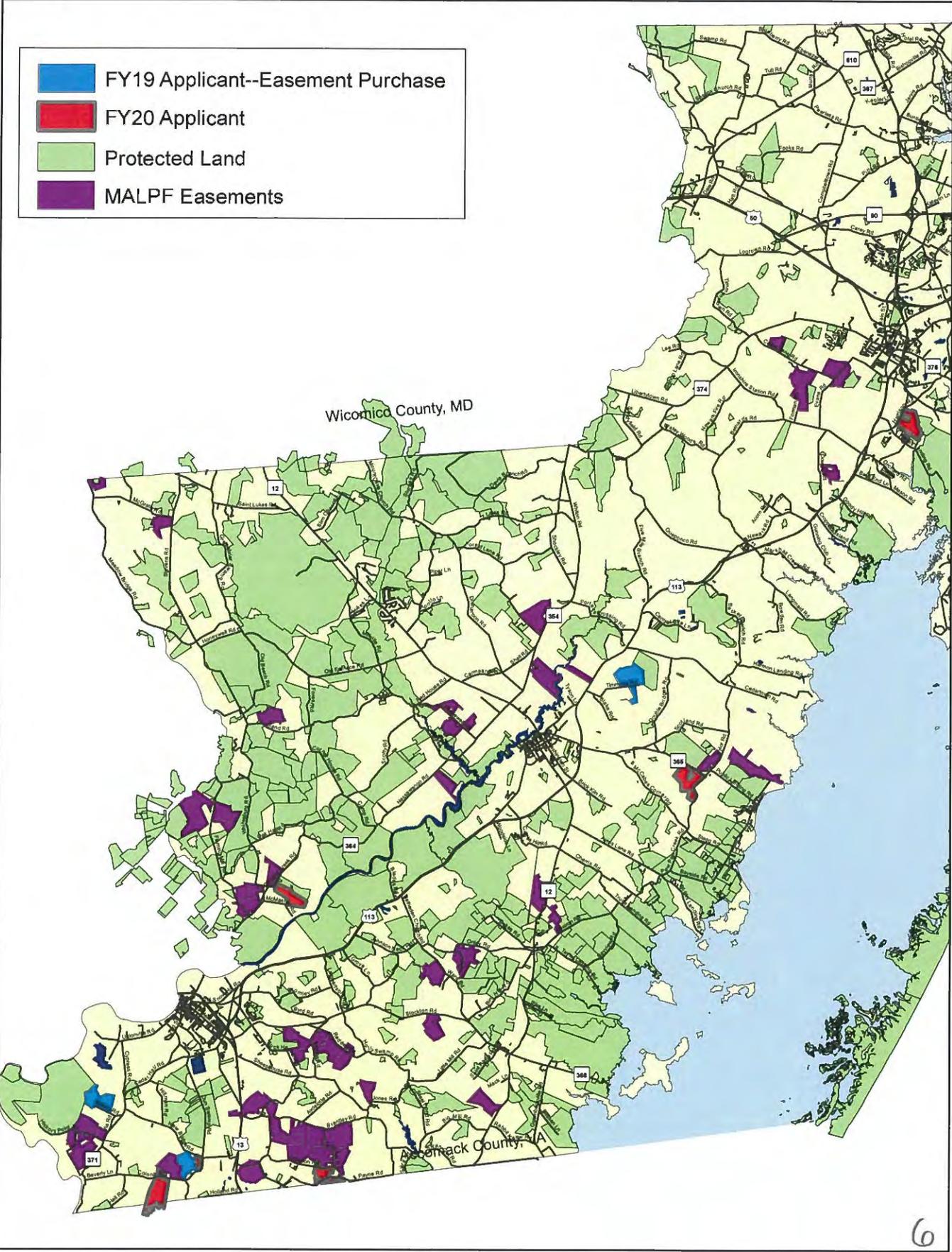
2017/2018

County	General Allotted	County Match	State Match (60/40 ratio)
Worcester	920,982	133,913	200,870
Wicomico	920,982	0	0
Somerset	920,982	7,984	11,976
Caroline	920,982	31,609	47,414
Dorchester	920,982	0	0
Kent	920,982	130,000	195,000
Queen Anne's	920,982	499,260	748,890
Talbot	920,982	125,000	187,500

2019

County	General Allotted	County Match	State Match (60/40 ratio)
Worcester	825,859	64,385	96,578
Wicomico	821,224	0	0
Somerset	828,949	33,849	50,774
Caroline	821,224	44,128	66,192
Dorchester	822,769	0	0
Kent	821,224	23,199	34,799
Queen Anne's	822,769	750,000	1,125,000
Talbot	821,224	100,000	150,000

MALPF Easements, FY19 Easement Acquisitions and FY20 Applicants



DRAFT

January 21, 2020

Michelle Cable, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RE: FY20 Local Matching Funds – Worcester County

Dear Ms. Cable:

Please be advised that Worcester County's commitment of local matching funds for the Maryland Agricultural Land Preservation Foundation (MALPF) FY20 easement acquisition program shall be **\$65,000.00**. This amount includes the following sources of funds:

- An estimate of retained Agricultural Land Transfer Tax for FY20 of **\$15,000.00**; and
- A County General Fund cash match in FY21 of: **\$50,000.00**.

If you have any questions regarding this commitment, please do not hesitate to contact Katherine Munson, Planner V, Environmental Programs, at 410-632-1220, ext 1302.

Sincerely,

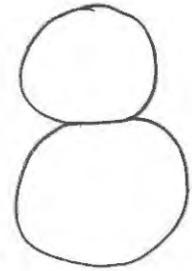
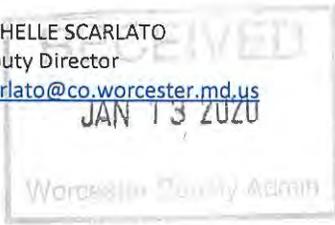
Joseph M. Mitrecic
President

cc: Bob Mitchell, Director of Environmental Programs
Katherine Munson, Planner V, Environmental Programs
Kathy Whited, Budget Officer
Phil Thompson, Finance Officer

KATHRYN GORDON
Director
kgordon@co.worcester.md.us

100 Pearl Street Suite B
Snow Hill, Maryland 21863
Phone: 410-632-3112
Fax: 410-632-5631

LACHELLE SCARLATO
Deputy Director
lscarlato@co.worcester.md.us



DEPARTMENT OF
ECONOMIC DEVELOPMENT

Worcester County

TO: Worcester County Commissioners
Harold Higgins, Chief Administrative Officer

FROM: Kathryn Gordon, Director *(Signature)*

DATE: January 14, 2020

RE: International Council of Shopping Centers RECon Travel Request

The International Council of Shopping Centers (ICSC) is holding their annual Global Retail Real Estate Convention (RECon) in Las Vegas, Nevada May 17 through 19, 2020. RECon is ICSC's largest global gathering of retail and real estate professionals that provides the following: networking opportunities among colleagues; deal making with emerging brands, food-and-beverage companies, health and wellness providers and more; and professional development and career-building opportunities.

I am requesting authorization for out-of-state travel to ICSC's RECon event for Deputy Director, Lachelle Scarlato. This conference is the premier event for the encouragement of retail development in the country, and more than 30,000 people attended last year. With Lachelle's background in commercial real estate, water and sewer infrastructure available for commercial properties along the Route 50 Corridor, and the tremendous development opportunities throughout our county, it is important we continue to market development sites to quality retailers.

The Economic Development FY20 budget will cover the full cost of this conference (*Travel, Training & Expense Meetings/Conferences/Shows 700.100*):

Registration	\$680
Flight	\$800 *plus applicable taxes and fees*
Hotel	\$800 (up to \$200/night *4 nights)
Meals	\$375 (\$75/day @ 5 days) estimate
Transportation/Other	\$100
<hr/>	
TOTAL	\$2755.00

Thank you for your time and consideration for this request.

RECon

May 17–19, 2020

Las Vegas Convention Center
Las Vegas, NV United States

DISCOVER MORE.

Deal making begins Sunday, May 17, at 12:30 pm, and ends Tuesday, May 19, at 5 pm.

Maximize your time in Las Vegas by hitting the deal making floor early. At RECon 2020, you will get:

- Three days of deal making
- Perspectives from industry experts and visionary key notes
- Live programming and interviews on the show floor
- Professional development and career-building opportunities
- Curated destinations showcasing emerging brands, food-and-beverage companies, health-and-wellness providers, outlet centers and more

Register early to get discounts and start planning your time in Las Vegas.

In partnership with onPeak, we are offering discounted rates at select Las Vegas hotels for RECon 2020. Click [here](#) to conveniently book your stay, plus find the most affordable hotel options. Note, onPeak is the only official hotel provider endorsed by ICSC, and we encourage you to book through them early for the best selection and price.

Registration Fees

	Early Bird (Dec. 13, 2019)	Advance (Apr. 24, 2020)	On-Site
Member	\$630	\$680	\$850
Non-Member	-	\$1,370	\$1,650

Deal Making Hours:

- Sun., May 17: 12:30 pm – 5:00 pm
- Mon., May 18: 8:00 am – 5:00 pm
- Tue., May 19: 8:00 am – 5:00 pm

Download the new ICSC mobile app [here](#) to explore our upcoming event offerings where you can connect, learn and road test ideas with other professionals.

Follow us on Facebook (@MyICSC), Twitter (@ICSC) and Instagram (@ICSC) for the latest event news and updates.

About this event series

RECon is the world's largest global gathering of retail real estate professionals. Join leading developers, owners, brokers and retailers to conduct a year's worth of business under one roof, in record time.

[Additional Resources](#)

Attendee List

[View](#)

[Book Hotel](#)



May 17 – 19, 2020 | Las Vegas, NV
Las Vegas Convention Center | #ICSCRECon

REGISTRATION FEES

Full Convention

	EARLY BIRD	ADVANCE	ON-SITE
Member*:	\$630	\$680	\$850
Non-Member:	\$1,370	\$1,370	\$1,650
Student Member**:	\$50	\$50	N/A

Access to the Full Convention includes Professional Development Day (Sunday) | All Conference Programming and Keynote Presentations, Receptions and Awards Ceremonies | Access to the Leasing Mall and Marketplace Mall.

* To qualify for member rates, each registrant must be a member or an affiliate member of ICSC. To become an ICSC member, call ICSC information services at +1 646 728 3800 or visit www.icsc.com/membership.

** Student Members must register in advance to qualify for the student rate. Student registration will not be offered on-site

Professional Development Day – Sunday, May 17

ADVANCE/ON-SITE: \$250

This fee is for the Professional Development Day on Sunday, including all conference and education sessions. Those with RECon Full Convention Registration do *NOT* need to add on this fee, as it is included in your registration fee. Those who have a free Exhibitor or Marketplace Mall badge and would like to attend Professional Development Day sessions must register for this option.

BECOME A MEMBER AND SAVE ON REGISTRATION!

ICSC Membership Fees

Regular and Associate:	\$800	Public/Academic Affiliate:	\$50
Affiliate:	\$125	Student:	\$50
Public/Academic:	\$100		

REGISTRATION DEADLINES

December 13, 2019

Early Bird Deadline – Members Save \$50

March 27, 2020

Deadline to register and receive your badge in the mail.

April 24, 2020

Deadline to receive advance registration fee.

May 16, 2020

Registrations will be accepted on-site in Las Vegas.

TRANSFERS/CANCELLATIONS

If you are unable to attend RECon, you may transfer your registration to a colleague (member to non-member transfer requires higher registration fee be paid). After badges are mailed, the original registrant's badge must be returned in order to process a transfer or cancellation. You may cancel your registration up to March 27, 2020 and receive a refund. All cancellations will be subject to a \$100 fee and must be received by ICSC in writing. No refunds will be issued after March 27, 2020.

TERMS, CONDITIONS AND RULES

This Registration Form is subject to ICSC Terms, Conditions and Rules for Event Registrants available at www.icsc.com/event-terms-and-conditions, which are hereby incorporated by reference.

HOW TO REGISTER

Online: www.icsccon.com

Fax: +1 732 694 1800

Mail: ICSC, P.O. Box 419822, Boston, MA 02241-9822

REGISTRATION INFORMATION

PLEASE PHOTOCOPY FORM AS NEEDED.

Name _____ Title _____

Company _____

Address _____

City _____ State/Province _____ Zip/Pastal Code _____ Country _____

Telephone _____ Fax _____

Email _____ Membership I.D.# _____

REQUIRED FOR NON-U.S. APPLICANTS

Date of Birth _____ Country of Citizenship _____

Please check here if any of the above information has recently changed.

▶ _____	+	_____	=	_____
REGISTRATION FEE		MEMBERSHIP FEE		TOTAL AMOUNT
		(if applicable)		

METHOD OF PAYMENT (No cash accepted in advance or on-site.)

Check made payable to ICSC enclosed.

Credit Card: Mastercard Visa AMEX Discover

Credit Card Number (include all digits) _____ Expiration Date (month/year) _____

Name (as it appears on credit card) _____ Signature _____ 2020RECON



9

DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

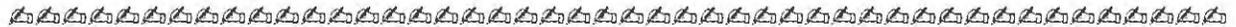
TEL: 410-632-1200 / FAX: 410-632-3008
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: January 3, 2020
RE: Proposed Annexation - Town of Berlin



The Department is in receipt of the attached documentation from the Town of Berlin relative to the proposed annexation and zoning classification of two parcels of land which are located on the southerly side of US Route 50, to the east of Seahawk Road. Both parcels are shown on Tax Map 25 and together total approximately 104,811 square feet (2.4 acres), according to the annexation petition. Parcel 408 is immediately adjacent to the corporate boundary of Berlin and is the site of Myers Tool Rental facility while Parcel 430 is the site of the former McDonalds Restaurant. I would like to offer the following comments regarding this proposal.

At the present time under the County's jurisdiction, the properties proposed for annexation are zoned C-2 General Commercial District. The Annexation and Development Agreement, attached to the letter dated December 18, 2019 from David H. Engelhart, Berlin Planning Director, states that the proposed town zoning classification to be assigned to the subject property is B-2.

The governing law with respect to such a request can be found in § 4-416 of the Land Use Article of the Annotated Code of Maryland. This section of the Annotated Code states in part that "(W)without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of annexation" and that "...if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of annexation." Since the subject property is neither currently zoned for residential purposes by the County nor proposed to be by the Town, the density issue does not apply.

However, the County Commissioners must consider whether the land uses permitted by the Town's proposed zoning classification are substantially different than those allowed by the County's zoning.

The subject property is shown as being within the Commercial Center Land Use Category on the Land Use Map associated with the 2006 Comprehensive Plan. 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, that retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers, that commercial areas by their nature locate on prominent sites and can visually dominate a community, and that commercial areas provide important services but they should be developed to enhance community character. It is my conclusion that the proposed annexation is consistent with these recommendations of the Comprehensive Plan.

The subject property is currently designated as being within a Growth Area in Berlin's Comprehensive Plan and is contiguous to the corporate limits of the town. The site is within an existing, developed commercial corridor, is zoned commercially under the County's jurisdiction and is in an area of commercially zoned and used properties, a number of which have been previously annexed.

As it pertains to zoning classifications on adjacent and nearby properties within the County's jurisdiction, the adjacent and nearby properties on both the north and south sides of the US Route 50 corridor are zoned C-2 General Commercial District. The property immediately to the south within the County's jurisdiction is also zoned C-2 General Commercial District. The Stephen Decatur Middle and High Schools are located on the westerly side of Seahawk Road, both of which are within the corporate limits of Berlin. The Oceans East multi-family residential development is located a short distance to the south on Seahawk Road and is also within the town limits. It is my conclusion that the proposed B-2 zoning classification for the site to be annexed is consistent with existing zoning in the area and does not permit uses which are substantially different than those in the County's zoning classification.

In consideration of the State's Smart Growth initiatives, I conclude that the proposed annexation are consistent with its recommendations relative to growth in areas adjacent to existing municipalities and established growth areas. It is my understanding that numerous properties in proximity to the subject property are within the corporate limits of Berlin. The proposed annexation constitutes a logical extension of just such a growth area and of services, etc.

As noted above, Article 23A prohibits rezoning upon annexation to a zoning classification which permits uses or densities substantially different than those specified in the County's zoning ordinance without the approval of the County Commissioners. Based upon my review, I perceive that the proposed annexation is consistent with the land uses recommended by the Comprehensive Plan and with existing zoning and land use in the area. I furthermore conclude that no action is required on the part of the County Commissioners.

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

EAT/phw

*



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov

'America's Coolest Small Town'



Mr. Ed Tudor, Director

December 18, 2019

Worcester County Department of Development Review and Permitting

One West Market Street, Room 1201

Snow Hill, MD 21863

Dear Ed,

I have enclosed copies of an Annexation Petition and packet received from Two Farms, Inc. and the Myers Trust to annex Worcester County Tax Map No. 25, Parcels 430 and 408 into the corporate limits of Berlin for your required review and comment.

The Berlin Planning Commission recommended the annexation to the Berlin Mayor and Council by a unanimous 5-0 vote at a public hearing held during its December 11, 2019 meeting.

Please contact me with any questions or concerns. Happy Holidays!

Sincerely,

David H. Engelhart

Planning Director

Town of Berlin, MD

LAW OFFICES
WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.

3509 COASTAL HIGHWAY
OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
J. RICHARD COLLINS
REGAN J.R. SMITH
CHRISTOPHER T. WOODLEY
CHRIS S. MASON
PETER S. BUAS

(410) 289-3553
TELEFAX (410) 289-4157

MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

October 28, 2019

OF COUNSEL
JOSEPH G. HARRISON, JR.

Mr. Jeff Fleetwood,
Acting Administrative Director
Of the Town of Berlin
10 William Street
Berlin, MD 21811
and

Mr. David Englehart
Planning Director
Town of Berlin
10 William Street
Berlin, MD 21811

RE: Annexation Petition – Two Farms, Inc., T/A Royal Farms and Myers Trust, Michael G. Myers Trustee

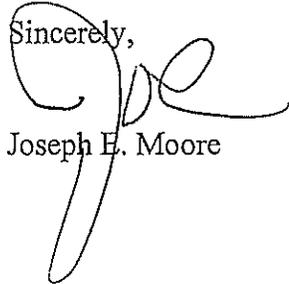
Dear Jeff and Dave:

Enclosed herewith is a Petition for Annexation of the property immediately contiguous to the eastern corporate limits of Berlin on the south side of U.S. Route 50, which was previously annexed by Resolution 2002-10. The property consists of the Myers two rental property, and the previous McDonald's drive-in property. Once you have had a chance to consider the contents thereof, I will stand by to attend, on behalf of my clients, any work sessions, planning commission sessions or other meetings which are considered necessary or beneficial by the Town.

If you have any questions or concerns, please do not hesitate to call.

Kind regards.

Sincerely,


Joseph E. Moore

JEM/kd

cc: Jeff Bainbridge
Jack Whisted, Royal Farms
Bob Hand
Mike Myers

VSERVER11User Shares\kd\wlling\Royal Farms\Lu\Fleetwood\Englehart102819.docx

LAW OFFICES
WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.
3509 COASTAL HIGHWAY
OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE
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MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

October 24, 2019

Mr. Jeff Fleetwood, Acting Administrative Director
Town of Berlin
10 William Street
Berlin, MD 21811

RE: Annexation of property owned by Two Farms, Inc., Parcel 430, Map 25 and the property of Michael G. Myers Revocable Trust, Tax Map 25, Parcel 408, East of Seahawk Road adjacent to annexed property in annexation 2002-10

Dear Jeff:

The purpose of this letter is to act as an Annexation Petition for the property of which is designated as Tax Map 25, Parcel 430, and Tax Map 25, Parcel 408, which properties are located on the southerly side of U.S. Route 50, just to the east of Seahawk Road. The property consists of, in combination, two parcels of land shown on the Plat entitled "Lot 1 Berlin Plaza Third Election District, Worcester County, Maryland" which is recorded among the Worcester County Land Records in Plat Book No. 54 at Page 64, and which said plat is attached hereto as Exhibit "A" to this petition. The property, in combination, consists of 104,811 square feet as shown on the plat and, the westerly property line of the Myers Trust property is contiguous to the easterly line of the corporate limits of Berlin located immediately to the west.

I will submit a proposed Annexation Agreement, to be considered by the Planning Commission, and subsequently, the Mayor and Council, related to the two properties.

I am authorized to sign this Annexation Petition on behalf of both property owners.

The property is already in Growth Area No. 1 of the town, and is, therefore, under the provisions of *Local Government Article Subtitle 4*, presently appropriate for consideration for annexation by the Mayor and Council of the Town of Berlin.

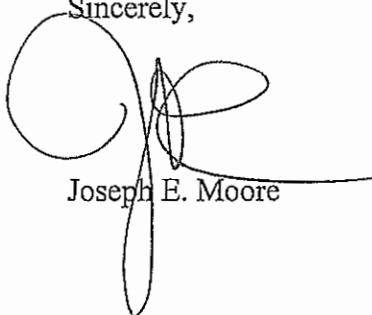
Because the property is presently zoned C-2 in the county, the requested zone to be established in the town would be B-2 shopping district which is the same, or similar zone to that which presently exists in the county.

Once you have had an opportunity to review the contents of this letter as an Annexation Petition, and the Annexation Agreement draft attached hereto, please advise whether or not the Mayor and Council will consider the annexation of the property upon mutually agreeable terms and conditions.

I attach as exhibits hereto, the Annexation Agreement that is proposed, the plat of the proposed annexed property and the existing area of the municipal boundaries adjacent to our property.

I send a copy of this also to Dave Englehart, Planning Director of the town, for his and your review.

Sincerely,

A handwritten signature in black ink, appearing to be 'JEM', with a long horizontal line extending to the right.

Joseph E. Moore

JEM/kd

Enclosures

\\SERVER\USER Share\kdowling\Two Farms Inc\Lit\Ann\Aller\ANNEXATION91219.docx

Exhibit "A"

Annexed Property Description

DESCRIPTION OF ANNEXED AREA

Beginning at a point on the southerly side of the right of way line of U.S. Route 50, at the easterly point of the property which was annexed into the Town of Berlin by Annexation Resolution 2002-10 (now the property of Two Farms, Inc.) and from said point of beginning running by and with the easterly property line of said annexed Two Farms, Inc. property, south $13^{\circ} 42$ minutes 10 seconds east 299.82 feet to a point; thence continuing by and with said property line; south $13^{\circ} 49$ minutes 57 seconds east 200.18 feet to a point; thence leaving the line of said annexed area and running in an easterly direction; north $76^{\circ} 17$ minutes 50 seconds east 222.40 feet to a point; thence running in a northerly direction north $13^{\circ} 42$ minutes 10 seconds west a distance of 500 feet to a point which is the north easterly corner of the boundary line of the proposed annexed property at its intersection with the southerly line of said U.S. Route 50 right of way; thence by and with the southerly right of way line of U.S. Route 50; south $76^{\circ} 17$ minutes 50 seconds west 222.91 feet to the place of beginning; said annexed property containing 1.947 acres of land more or less.

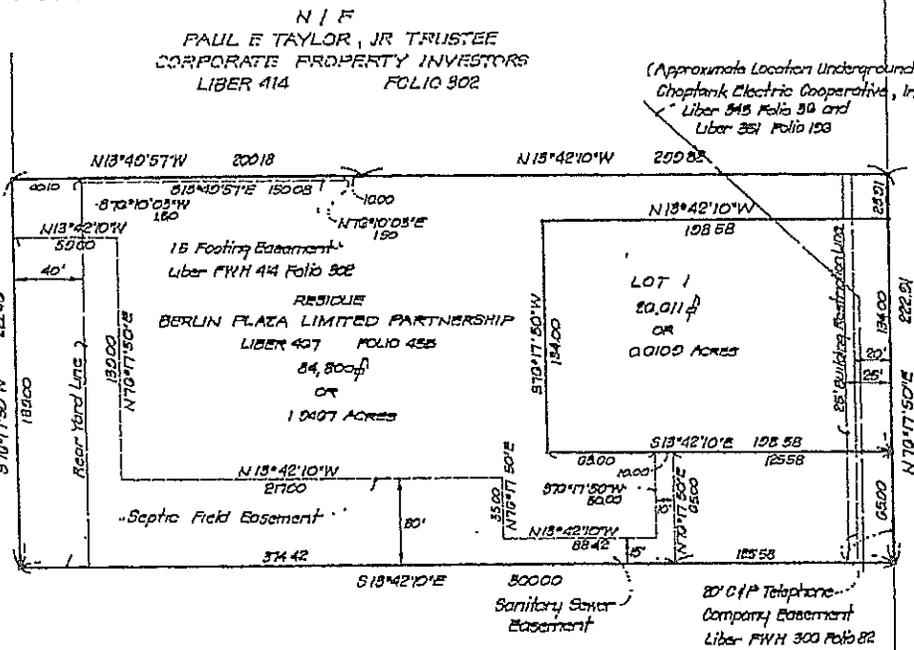
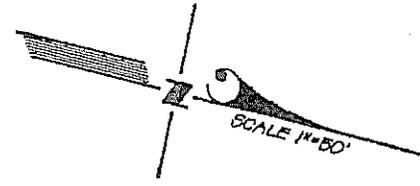
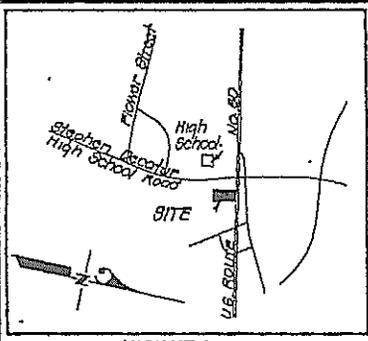
LOT 1

BERLIN PLAZA

THIRD ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND

DATE MAY, 1976

SCALE 1"=60'



U.S. ROUTE 50
200' R/W



This commercial subdivision lot and property shown hereon is approved only for the water supply and sewerage system for the McDonald's Restaurant. Any future development plans will have to be submitted and reviewed by the Worcester County Health Department.

SURVEYORS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of all the lands conveyed by Safeway Stores, Inc to Berlin Plaza Limited Partnership by deed dated September 10, 1974 and recorded among the Land Records of Worcester County, Maryland in Liber 407 at Folio 455

Iron pipes marked thus — are in place as shown

I further certify that the requirements of Section 72, Article 17 of the Annotated Code of Maryland (as amended) as far as they relate to the making of this plat have been complied with

The total area included in this plan of subdivision is 25970 acres

Date May 20, 1976

Carlin M. Bazis
CARLIN M. BAZIS
Reg. Professional Land Surveyor
Maryland #6089

OWNER'S DEDICATION

We, Berlin Plaza Limited Partnership, by Berlin Plaza Limited, Inc, General Partner, owners of the property shown and described hereon, hereby adopt this plan of subdivision and establish the minimum building restriction lines, except as shown

There are no suits of action, leases, liens, trusts or mortgages on the property included in this plan of subdivision except certain deeds of trusts and the parties in interest thereto have indicated their assent to this plan of subdivisions

BERLIN PLAZA LIMITED PARTNERSHIP
Joan T. Goffe 6-8-76 Judith T. Goodwin
Joan T. Goffe, Secretary Date Berlin Plaza Limited, Inc.
by Judith T. Goodwin, President

We assent to this plan of subdivision
for MERRITT BAYNBS & LOANING
Paul Rogers 6-8-76 William D. Rogers
N Paul Rogers, Trustee William D. Rogers, Jr., Trustee Date

for CHICAGO TITLE INSURANCE COMPANY
John P. Cooney 6-8-76 John W. Underwood
John P. Cooney, Trustee John W. Underwood, Trustee Date

for STUART LBS
John P. Cooney 6-8-76 John W. Underwood
John P. Cooney, Trustee John W. Underwood, Trustee Date

WORCESTER COUNTY PLANNING & ZONING COMMISSION

APPROVED June 11, 1976
Date
David R. Johnson
SIGNATURE

WORCESTER COUNTY HEALTH DEPARTMENT

APPROVED 6/9/76
Date
James R. Larkin, P.S.
COUNTY HEALTH OFFICER

BAZIS, CARLIN and ASSOCIATES, INC.
Land Surveyors and Planners
9332 Annapolis Road
Lanham, Maryland 20801
301-577-8200

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (hereinafter "Annexation Agreement"), is made on this _____ day of _____ 2019 by the MAYOR AND COUNCIL OF BERLIN, a Maryland Municipal Corporation (hereinafter the "Town") and Michael G. Myers Revocable Trust, and Two Farms, Inc. T/A Royal Farms, (hereinafter jointly called "Owners").

RECITALS

The recitals set forth herein, to the extent that they set forth the intentions of, or commitments by the parties, are enforceable provisions of this contract.

A. The Town is a Municipal Corporation authorized to enter into this Annexation Agreement pursuant to the Charter and Code of the Town and of the Annotated Code of Maryland.

B. Owners are the fee simple owners of two tracts of land (hereinafter the "annexation property") which are more particularly described as two parcels of land on the southerly side of U.S. Route 50, east of Seahawk Road, which are jointly shown on a certain plat entitled, "Lot 1 Berlin Plaza Third Election District, Worcester County, Maryland" made by Bazis Carlin and Associates, Inc., dated May 1970 and duly recorded among the Land Records of Worcester County, Maryland in Plat Book 54, at page 64., said properties combined total 104,811 square feet of land. The recorded Plat of said property is shown on Exhibit "A" attached hereto and incorporated herein by reference.

C. The annexation property is currently designated as a Growth Area within the Comprehensive Plan of the Town of Berlin, and is designated as "Existing Developed Area" on the Worcester County Comprehensive Land Use Map ("Map") and is contiguous to the Corporate Limits of the Town.

D. The Town desires that growth be in accordance with the goals and guiding principles outlined in the Town's Comprehensive Plan and the impact of such growth is managed for the benefit of the Town and its citizens.

E. The current wastewater treatment plant serving the Town was constructed in the early 1960's, upgraded periodically and significantly, including a substantial increase in capacity and has adequate capacity to serve the Annexation Property (the "Town's Plant").

F. Owners have requested annexation of the Annexation Property by the Town so long as certain matters pertaining to its future development are resolved, including without limitation, matters related to planning, zoning, and the future extension of public utilities and services;

G. The Town is willing to accomplish the annexation process, and to submit the Annexation Resolution to a vote by the Town's Council (the "Council"), and to a referendum of the Town's citizens, if requested, provided that the Owner agrees to adhere to the goals and

guiding principles of the Town's Comprehensive Plan, and all ordinances and regulations consistent therewith, including any and all agreements which will be required by the Town in connection with any proposed development;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties do hereby agree as follows:

1. Recitals. The preamble and introductory clauses prior hereto are incorporated into this Annexation Agreement as a part hereof, and such provisions accurately reflect the facts therein recited and the intention of the parties.

2. Definitions:

"Sewer EDU" shall mean the equivalent amount of wastewater treatment required to serve one (1) single family home, which is two hundred fifty (250) gpd.

"Water EDU" shall mean the equivalent amount of treated water to serve one (1) single family home, which is two hundred fifty (250) gpd.

"Owner" shall mean the fee simple owner of the Annexation Property, the contract purchaser of the Annexation Property and any of his or their successors, heirs or assigns.

"MGD" shall mean million gallons per day.

"WWTP" shall mean wastewater treatment plant.

"WTP" shall mean water treatment plant.

3. Petition. In order to effectuate the annexation of the Annexation Property, the Owner shall execute and submit to the Mayor of the Town Petition for the Annexation (Annexation Petition). The submission of a letter of request will qualify for such Petition. No persons who are eligible to sign a petition and to participate in a referendum election under the provisions of Md. Code Ann. Article 23A, § 19 live within the area to be annexed. Therefore, pursuant to Md. Code Ann. Article 23A, § 19(k), any person (including an association, the two or more joint owners of jointly-owned property, a firm or corporation) owning real property within the area to be annexed has a right equal to a natural person to sign the Annexation Petition. The Owner constitutes all the persons eligible to sign the Annexation Petition and is the owner of at least twenty-five percent (25%) of the assessed valuation of the property proposed for annexation. (The Owners own 100% of said assessed value.)

4. Annexation. Upon the presentation of a proper Annexation Petition, in the form of a submission letter, a satisfactory concept plan and the execution of this Annexation Agreement, the Town will introduce an Annexation Resolution for public hearing and consideration in accordance with the procedures required by the Annotated Code of Maryland and the Town Code.

5. Property. The property that is subject to this Annexation Agreement is identified on Exhibit "A" attached hereto and incorporated herein by reference.

6. Zoning Upon Annexation.

A. The Town agrees that with the approval of Worcester County Commissioners (the "Commissioners"), if required by statute, the property shall be designated as a B-2 Zoning District upon annexation. The parties agree that all existing land uses within the Annexation Property, whether permitted uses, accessory uses, non-conforming uses, or special exception uses, currently made in, or upon the Annexation Property, may continue subject to appropriate zoning regulations. (The property is presently zoned C-2 under the Worcester County Zoning Code.)

B. The Annexation Property shall be developed consistent with ordinances adopted by the Town.

7. Development Intentions.

A. Development of the Annexation Property shall be subject to any necessary approvals by the Town's Planning and Zoning Commission and the Mayor and Council as required by law.

B. The Town agrees that upon the property owners paying all required reservation fees, adequate capacity of treated water shall be reserved for the Annexation Property and the Owners shall be charged all ordinary and standard fees at such time as the reserved EDU shall be utilized.

C. The Town shall reserve adequate EDU's of treated effluent for the Annexation Property, provided the Owners shall pay "ready to serve fees" for said capacity.

D. In the event Owner requests allocation or reservation for any future use additional EDU's, Owner shall be entitled to pay "ready to serve fees" for any such additional EDU's as requested, until those additional EDU's, if any, shall be utilized for a future purpose on the annexed property.

E. Owner shall be entitled to pay "ready to serve fees" for any additional EDU's which they request, until the additional EDU's, if any, are requested by the Owner to be utilized for any purpose on the annexed property.

8. Public Works Agreements and Bonding. To the extent that Owner is required to construct any infrastructure to accommodate the development of the subject property, Owner shall utilize the Town of Berlin Public Works Agreement, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

9. Further Conditions.

9.1. Sewer and Water Facilities for Commercial Development. The Two Farms, Inc., Owner intends to develop the Annexation Property with commercial uses. Owner recognizes that such development may necessitate some infrastructure improvements. It is anticipated, however, that such extensions or improvements will include such work as is required to construct a sewer and water extension along U.S. Route 50 from the existing facilities in order to reach the property and any lift stations or other facilities required by the Town:

(a) Sanitary Sewer. The Annexation Project shall be served with wastewater from the Town.

(b) Water. The Annexation Property shall be served with treated water from the Town.

9.2. User Fees. Owner shall be charged all ordinary and standard user fees for water, front foot assessments, garbage, impact fees and building permits, and shall be charged "ready to serve fees", if requested by Owner, pursuant to the provisions of Paragraph 7.E. hereof.

9.3 Except for the expense reimbursement provisions set forth below, this Annexation Agreement is contingent in its entirety upon the following conditions precedent:

(a) Submittal of a letter constituting an Annexation Petition and all supporting documents; and

(b) The successful and final annexation of the Annexation Property into the Town. The annexation will not become effective until the referendum periods have expired, and if applicable, all referenda have been resolved in favor of the annexation.

9.4. Either Owner in the annexed area or the Town may declare this Annexation Agreement null and void if the conditions in Paragraph 11.A. do not occur.

10. Mutual Assistance.

A. The parties shall do all things reasonably necessary or appropriate to carry out and to expedite the terms and provisions of this Annexation Agreement and to aid and assist each other in carrying out the terms and provisions of this Annexation Agreement and the intentions of the parties as reflected by said terms including, without limitation, the giving of such notices, the holding of such public hearings, the enactment by the Town of such resolutions and ordinances and the taking of such other actions as may be necessary to enable the parties' compliance with the terms and provisions of this Annexation Agreement and as may be necessary to give effect to the terms and objectives of this Annexation Agreement and the intentions of the parties as reflected by said terms.

B. The Owners and the Town agree to promptly execute all permit applications needed by either party for permits or approvals from the Maryland Department of the Environment, the Maryland State Highway Administration, Worcester County, and its various agencies and departments, or any other public or private agencies from whom a permit is required to develop the Annexation Property, provided that such permit applications are prepared in accordance with applicable rules, regulations, and laws, and the parties each further agree to cooperate in the securing of such permits or approvals from such agencies.

11. Termination of Annexation Agreement:

A. In the event Owners fail to: (i) secure Worcester County Commissioners approval of the requested zoning classification, if needed, (ii) secure Maryland Department of the Environment final approval of an amendment to the Worcester County Comprehensive Water and Sewer plan, if needed, then this Annexation Agreement may be terminated by either the Town or Owners, as the case may be, upon thirty (30) days' notice. Notice of termination shall be sent as follows:

To the TOWN to:

Jeff Fleetwood, Acting Administrative Director
Town of Berlin
10 William Street
Berlin, MD 21811

To Owner to:

Two Farms, Inc., T/A Royal Farms
3611 Roland Avenue
Baltimore, MD 21211
Attn: John Kemp, President/CEO

Michael G. Myers Revocable Trust
Attn: Michael Myers
246 S.E. 11A Street
Stuart, FL 34994

With Copy to:

Joseph E. Moore, Esquire
Williams, Moore, Shockley & Harrison, LLP
3509 Coastal Highway
Ocean City, MD 21842

B. The parties may extend any specified date by mutual agreement.

12. Enforcement:

A. Unless lawfully terminated or cancelled, the Annexation Agreement shall be enforceable by either party to the Annexation Agreement or any party's successors in interest, in any court of competent jurisdiction, by any appropriate action or suit at law or in equity, to secure the performance of the covenants herein contained. The non-prevailing party shall reimburse the prevailing party in any such action any and all expenses incurred by the prevailing party, including but not limited to, reasonable attorney's fees and court costs, whether or not suit is filed in a court of law.

B. This Annexation Agreement and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Maryland.

C. Any enforcement shall be subject to the indemnity provisions of this Annexation Agreement.

13. Prior Matters. This Annexation Agreement is the acknowledgment and ratification of negotiations and dealings between the parties initiated prior to the submission of a Petition for Annexation to be acted upon the Town.

14. Entire Agreement. This Annexation Agreement embodies and constitutes the entire understanding between the parties with respect to the transactions contemplated herein, and all prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Annexation Agreement.

15. Modification.

A. Neither this Annexation Agreement nor any provisions hereof may be waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

B. Amendments to this Annexation Agreement shall become effective immediately upon the written agreement of both parties.

16. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Annexation Agreement.

17. Binding Effect.

A. The terms of this Annexation Agreement shall be binding upon and shall inure to the benefit of the parties, any successor municipal authorities of the Town, owners of record of the Annexation Property, and the successors and assigns of the Owner. It is expressly understood and agreed that the Owners may assign their respective benefits, rights,

duties and obligations hereunder either as part of the conveyance of the Annexation Property as an entirety or severally as part of the conveyances of portions of the Annexation Property.

B. No provisions of this Annexation Agreement shall create any third party beneficiary rights or other rights in any person or entity not a party hereto.

18. Recording. This Annexation Agreement may be recorded among the Land Records of Worcester County at the expense of the recording party.

19. Severability. Should a substantial and material provision of this Annexation Agreement be determined to be invalid by any Court of this State or in violation of any statute, law or ordinance, then either party may, at its discretion, void the remainder of this Annexation Agreement, with the exception of the duty of Owner to pay all expenses as herein provided.

IN WITNESS WHEREOF, the parties have executed and sealed this Annexation Agreement as of the day and year first above written.

ATTEST:

MAYOR AND COUNCIL OF BERLIN

Elroy Brittingham, Vice President of Council

By: _____
W.G. Williams, III, Mayor

WITNESS:

TWO FARMS, INC.

By: _____(SEAL)
John Kemp, President/CEO

MICHAEL G. MYERS REVOCABLE TRUST

By: _____(SEAL)
Michael G. Myers, Trustee
"OWNERS"

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Elroy Brittingham, Vice President of Council and W.G. Williams, III, Mayor of the Town of Berlin, Maryland, known to me (or satisfactorily proven) to be the person whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained and in the capacities therein stated.

AS WITNESS my hand and Official Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared John Kemp, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained and in the capacities therein stated.

AS WITNESS my hand and Official Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Michael G. Myers, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained and in the capacities therein stated.

AS WITNESS my hand and Official Seal.

Notary Public

My Commission Expires: _____

DESCRIPTION OF ANNEXED AREA

Beginning at a point on the southerly side of the right of way line of U.S. Route 50, at the easterly point of the property which was annexed into the Town of Berlin by Annexation Resolution 2002-10 (now the property of Two Farms, Inc.) and from said point of beginning running by and with the easterly property line of said annexed Two Farms, Inc. property, south 13° 42 minutes 10 seconds east 299.82 feet to a point; thence continuing by and with said property line; south 13° 49 minutes 57 seconds east 200.18 feet to a point; thence leaving the line of said annexed area and running in an easterly direction; north 76° 17 minutes 50 seconds east 222.40 feet to a point; thence running in a northerly direction north 13° 42 minutes 10 seconds west a distance of 500 feet to a point which is the north easterly corner of the boundary line of the proposed annexed property at its intersection with the southerly line of said U.S. Route 50 right of way; thence by and with the southerly right of way line of U.S. Route 50; south 76° 17 minutes 50 seconds west 222.91 feet to the place of beginning; said annexed property containing 1.947 acres of land more or less.

LOT 1

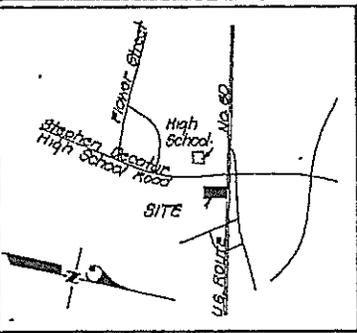
BERLIN PLAZA

THIRD ELECTION DISTRICT

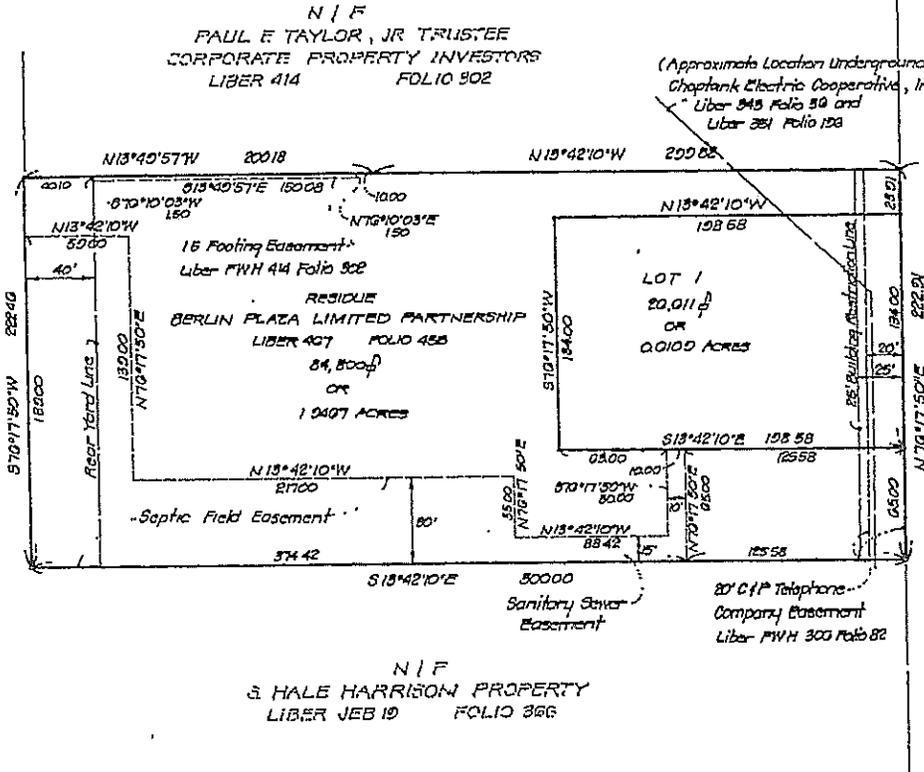
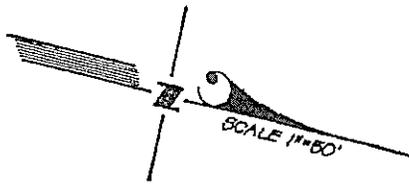
WORCESTER COUNTY, MARYLAND

DATE MAY, 1976

SCALE 1"=60'



VICINITY MAP
Scale 1"=2000'



This commercial subdivision lot and property shown hereon is approved only for the water supply and sewerage system for the McDonald's Restaurant. Any future development plans will have to be submitted and reviewed by the Worcester County Health Department.

U.S. ROUTE 50
200' R/W

SURVEYORS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of all the lands conveyed by Safeway Stores, Inc to Berlin Plaza Limited Partnership by deed dated September 10, 1974 and recorded among the Land Records of Worcester County, Maryland in Liber 407 at folio 455.

Iron pipes marked thus — are in place as shown. I further certify that the requirements of Section 72, Article 17 of the Annotated Code of Maryland (as amended) as far as they relate to the making of this plat have been complied with. The total area included in this plan of subdivision is 2.5570 acres.

Date May 28, 1976
Casimir M. Bazis
 CASIMIR M. BAZIS
 Reg. Professional Land Surveyor
 Maryland #3089

OWNER'S DEDICATION

We, Berlin Plaza Limited Partnership, by Berlin Plaza Limited, Inc, General Partner, owners of the property shown and described hereon, hereby adopt this plan of subdivision and establish the minimum building restriction lines, except as shown. There are no suits of action, leases, liens, trusts or mortgages on the property included in this plan of subdivision except certain blocks of trusts and the parties in interest thereto have indicated their assent to this plan of subdivisions.

BERLIN PLAZA LIMITED, PARTNERSHIP
Joan T. Cotter 6-8-76 Judith T. Goodwin
 Joan T. Cotter, Secretary Date Berlin Plaza Limited, Inc.
 by Judith T. Goodwin, President

We assent to this plan of subdivision for:
 MERITT SAVINGS & LOANING
Paul Rogers William D. Rogers, Jr. 6-8-76
 Paul Rogers, Trustee William D. Rogers, Jr., Trustee Date
 CHICAGO TITLE INSURANCE COMPANY
John P. Cooney John W. Underwood 6-8-76
 John P. Cooney, Trustee John W. Underwood, Trustee Date
 STUART LIES
John P. Cooney John W. Underwood 6-8-76
 John P. Cooney, Trustee John W. Underwood, Trustee Date

WORCESTER COUNTY PLANNING & ZONING COMMISSION
 APPROVED June 11, 1976
 Date
David L. Johnson
 SIGNATURE

WORCESTER COUNTY HEALTH DEPARTMENT
 APPROVED 6/9/76
 Date
James L. ...
 COUNTY HEALTH OFFICER

BAZIS, CARLIN and ASSOCIATES, INC.
 Land Surveyors and Planners
 9332 Annapolis Road
 Lanham, Maryland 20801
 301-577-9290





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>

MEMORANDUM

10

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION



TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: January 13, 2020
RE: Request for Approved Private Road - Sea Oaks Village RPC

The Department is in receipt of a request from Carpenter Engineering, LLC behalf of their client, Sea Oaks Village, LLC, to establish the proposed roads in the RPC as approved private roads. Mr. Ronnie Carpenter, P. E., on behalf of Carpenter Engineering, LLC has submitted two separate proposed road construction standards for the project, one for the residential portion and the other for the commercial entrance portions. The project contains two proposed roads to be known as Sea Oaks Lane and Oak Leaf Lane. Sea Oaks Lane totals 1,887 feet in length, which is comprised of 1,373 feet in the residential section and 514 feet in the commercial section. Oak Leaf Drive is 619 feet in length.

As required by § ZS 1-123, the Planning Commission reviewed the request at its meeting on January 2, 2020. Based upon the information in Mr. Carpenter's thorough submission, which is attached herewith, the Planning Commission gave the proposal a unanimous favorable recommendation. The project was previously given preliminary plat approval on September 5, 2019 and commercial site plan approval on December 5, 2019 by the Planning Commission.

The County Commissioners are not required to hold a public hearing on this request but may do so where they feel the proposal shall have an impact on the public generally. In my opinion, the request does not rise to that level. Prior similar requests have not been the subject of a public hearing. Sea Oaks Village, LLC will be responsible for all construction costs and future maintenance costs will be the responsibility of the property owners' association.

Copies of the applicable documents have been included herewith as well as a map showing the location of the approved private roads, a full size copy of the preliminary plat and a draft resolution of approval, should the County Commissioners see fit to approve the request. As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachments

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
John Tustin, Public Works Director
Frank Adkins, Roads Superintendent



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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PLANNING DIVISION
ZONING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Zoning Administrator *JKK*
Date: January 7, 2020
Re: Approved Private Road Request – Sea Oaks Village RPC

During their regular meeting held on Thursday, January 2, 2020, the Planning Commission reviewed a request to establish approved private roads as well as a proposed construction standard as part of the approved private road requirements of §ZS 1-123. The two roads, Sea Oaks Lane and Oak Leaf Lane, are proposed to be located within the Sea Oaks Village Residential Planned Community off of Stephen Decatur Highway. Based upon their review, the Planning Commission forwarded a favorable recommendation to the Worcester County Commissioners.

At this time, I would request that the item be scheduled for review by the Worcester County Commissioners at their next available meeting. I have attached all documentation provided by the applicant regarding the request. If I can be of any further assistance, please do not hesitate to ask.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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PLANNING DIVISION
ZONING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer K. Keener, AICP Zoning Administrator *JKK*
Date: December 26, 2019
Re: Approved Private Road Request – Sea Oaks Village RPC

The Department has received a request from Carpenter Engineering, LLC on behalf of his client, Sea Oaks Village, LLC to establish approved private roads within the proposed Residential Planned Community of Sea Oaks Village in Ocean City, Maryland (Tax Map 26, Parcel 274, Lot 3A). The proposed names are Sea Oaks Lane and Oak Leaf Lane. Please note that the draft preliminary plat has these roads listed as “Drive”, which will be updated on all subsequent submittals. The attached letter dated December 6, 2019 provided by Ronnie Carpenter provides significant detail of the standards found in §ZS 1-123 Approved private roads.

In addition to this request, the applicant is requesting to have their own road standards approved. The specification shown on the cover sheet of the attached draft preliminary plat (sheet 1 of 7) reflects the proposed road details. The top detail is for the residential streets, and the bottom detail is for the entrances to the commercial and residential areas.

This project has been reviewed multiple times by staff and the Planning Commission at various stages. As part of this review, a request for comment was solicited from the County Roads Division of the Department of Public Works, as well as the Fire Marshal’s Office. No comments were forwarded to the department relative to this request.

Before these requests can be forwarded to the County Commissioners, the Planning Commission must provide a recommendation, either favorable or unfavorable. As always, I will be available to discuss the matter when necessary.



CARPENTER
ENGINEERING, LLC

P.O. Box 3460, Ocean City, MD 21843

☎ 3024386745

☎ 8883722844

📧 CarpenterEngineeringLLC

Ronnie@CarpenterEngineeringLLC.com

December 6, 2019

Via Hand Delivery

Ms. Jennifer K. Keener, AICP
Zoning Administrator
Worcester County
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Application for Private Road Approval
Sea Oaks Village Residential Planned Community
Ocean City, Worcester County, Maryland

Dear Ms. Keener:

In accordance with Section 1-123 of the Zoning and Subdivision Control Article, Carpenter Engineering, LLC is pleased to submit the following in support of our request for approval of the proposed private roads for Sea Oaks Village:

- Ten (10) copies of the Preliminary Plat;
- Ten (10) copies of the correspondences from Worcester County indicating approval of the Preliminary Plat for the residential and commercial portions of the property; and
- Ten (10) copies of the proposed private road cross sections.

We believe that a signed copy of the RPC application is already on file with the County and may be included by reference for this request for Private Road Approval. It is important to note that the road names indicated on the Preliminary Plat have been renamed from "Road" to Lane, which is reflected on the construction plans, and will be shown as such on the Final Plat. The following commentary is provided in support of our request for use of private roadways for this project.

Criteria for Approved Private Roads

Connectivity to Public Roads

The proposed private right-of-way known as Sea Oaks Lane proposes connectivity to Route 611, also known as Stephen Decatur Highway. The Maryland State Highway Administration (MDSHA) issued their statement of no objection for the proposed entrance location on September 17, 2019. The location of the proposed entrance is approximately 100 feet northeasterly along Stephen Decatur

Highway from the intersection of Stephen Decatur Highway with Sinepuxent Road. In the immediate roadway network, Route 707 and Route 50 are easily accessible in the northeasterly direction from the subject property. The entrance proposes a safe and channelized entrance from Route 611 for internal access to parking lots and loading spaces associated with the commercial buildings, as well as a single access to the residential development with private community amenities.

Area to be Served by Private Roads

The private roads propose to serve two commercial buildings, approximately 23,500 square feet, with road frontage along Route 611, and 59 townhome units in the rear portion of the property, which will be developed and sold in fee simple. The owners of the commercial buildings and the townhome units will become a part of the Sea Oaks Village Home Owners Association. In addition to Sea Oaks Lane, a second private road within the residential portion of the development is proposed, named as Oak Leaf Lane, which will serve a small portion of the proposed 59 townhome units. The amenities proposed for the development, such as the swimming pool, will be private facilities and not for public use.

Desirability / Necessity to be Served by Private Road

The proposed private road network provides a typical access to the commercial property in the front portion of the property. In the residential portion of the development, the private road network promotes a safer and close knit community, as well as privacy. The exclusivity of the private roads, along with a great reduction in through traffic, creates desirability to a residential community adjacent to a commercial land use. The private roadways within the residential neighborhood are proposed with a 30-foot wide right-of-way, which ultimately adds to the environmental site design targets and compliments the goals of an RPC.

Financial Feasibility for Construction and Maintenance

Sea Oaks Village, LLC has conducted extensive estimating with multiple contractors and consultants to plan for the construction of this project. The project is planned in one single construction phase, although selling of individual dwelling units will occur as a home builder purchases packs of lots within an improved community. Sea Oaks Village, LLC has determined this project to be financially feasible, or would not push forward with plat approval and construction permitting.

In regard to the financial maintenance of the proposed private roadways, Winegrad, Hess, Friedman & Levitt, LLC has provided Sea Oaks Village, LLC with a project-specific operation and maintenance budget. Included therein are detailed budget estimates for snow asphalt and concrete repairs, drainage/stormwater management maintenance, and snow removal. The budget includes other elements of the project such as snow removal, estimates associated with the swimming pool and other open space. The proposed budget illustrates how maintenance dues of the homeowners association will be adjusted through buildout of the community. The budget has been prepared to illustrate maintenance feasibility for the community. It is our understanding that a copy of this budget has been previously supplied to the County for review.

Construction and Maintenance Standards

Materials and methods of construction for roadway construction will be in accordance with the standards for Worcester County. The Preliminary Plat depicts the proposed road cross sections, and we have provided a separate letter-size drawing of the same road cross sections. The proposed entrance will be executed in accordance with the requirements of MDSHA and at the directions provided in their permit. Quality control for the private roadways will be self-managed, documented and provided to Worcester County as construction occurs. This will be done to satisfy County requirements for backfilling, compaction and testing of utilities within the private right-of-ways.

In regards to maintenance of the private roadways, the County previously received the Declaration of Covenants, Conditions, Easements, and Restrictions for Sea Oaks Village Homeowners Association, Inc. Therein, the maintenance of private roadways include the following:

Section 9.2. Association Maintenance. The Association shall maintain, repair and replace the Common Area, and all improvements and facilities situated thereon, and shall keep the Common Area and such improvements and facilities in good order at all times. This obligation shall include, without limitation, to the extent applicable:

(a) the maintenance, repair and, as necessary, replacement of any private streets and parking areas within the Common Area;

(b) the maintenance, repair and, as necessary, replacement of any sidewalks, pathways, trails and walkways that are constructed or installed by, or on behalf of, the Declarant and/or any Participating Builder within the Property, provided that the Association shall not be obligated to maintain, repair or replace any sidewalk, pathway, trail, or walkway leader, or portion thereof, within any Lot that may reasonably be deemed to serve or benefit only that Lot (the maintenance, repair and replacement of any such sidewalk, pathway, trail or walkway leader shall be the obligation of the benefited Lot Owner); and

(c) the removal of accumulated snow and ice from within all private streets and parking areas within the Common Area.

Further, the Association shall maintain, repair and replace (i) any rights-of-way, entry strips, signage, retaining walls located in the Common Area, and entrance features or improvements that are situated within or that are appurtenant to and serve the Project, including, without limitation, any landscaping and other flora and improvements situated thereon, and (ii) any other real and personal property, facilities and equipment as the Association is obligated or elects to maintain pursuant to this Declaration, or any lease, easement or agreement, or the direction of any governmental authority or agency. The expenses of all such maintenance, repair and replacement shall be a Common Expense of the Association, including, but not limited to, reserves for the maintenance, repair and replacement of any such property or improvements. The Association shall also maintain any portion of any Lot that it is obligated or elects to maintain pursuant to this Declaration, any easement or other agreement.

Ms. Jennifer K. Keener, AICP
RE: Sea Oaks Village – Private Roads Approval
December 6, 2019
Page 4

The Association shall also have the right to enter any Lot, without the consent of the Owner and/or occupant thereof, to conduct any emergency repairs as are necessary for the maintenance and protection of the Common Area, any Lot and the Lawn and Garden Areas. The costs of such repairs shall be collectible from the Owner of such Lot in the same manner as Assessments as provided in Article 5 herein.

The Association shall be responsible for the maintenance, repair and replacement of any stormwater management area or facilities situated within the Common Area, including, without limitation, drainage pipes, dry-wells, infiltration trenches, ponds, wetlands, basins, swales, berms, out-flow control devices, micro-bio-retention devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any. The Association shall also be responsible for the maintenance, repair and replacement of any stormwater management area or facilities which serve and/or benefit the Property whether or not located within the Common Area if the Association is responsible therefor pursuant to any easement, agreement or the direction of any governmental authority or agency. Such responsibility may be in the form of contributing the Association's share of the maintenance costs of any stormwater management area, facility or equipment pursuant to an easement or agreement which shall be a Common Expense of the Association. The Board of Directors may enter into any such easements and/or other agreements as the Board of Directors may deem necessary or desirable for purposes of allocating and/or sharing the costs associated with the maintenance of any stormwater management areas, facilities and/or equipment which serve and/or benefit the Property. The Association shall not refuse to accept the conveyance of any such stormwater management area, facilities or equipment from the Declarant and/or any Participating Builder.

Please feel free to contact me at (302) 438-6745 or Ronnie@CarpenterEngineeringLLC.com if you have any questions or comments.

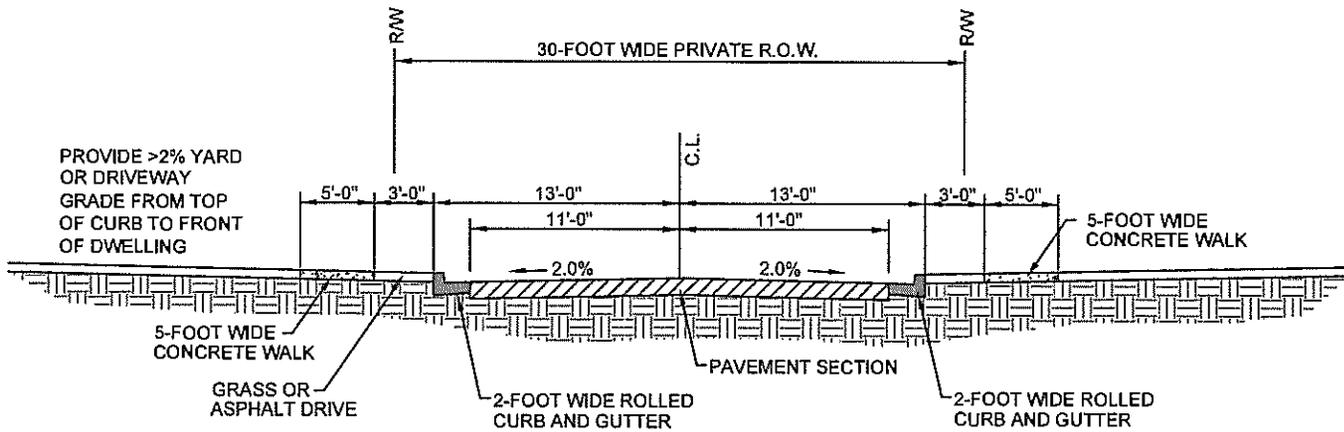
Very truly yours,



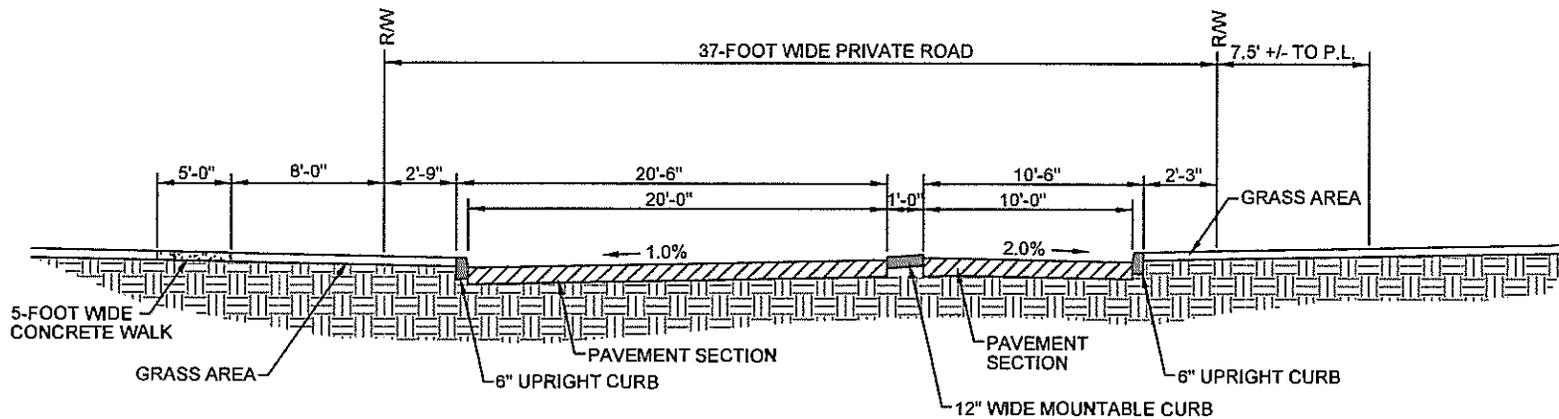
Ronnie B. Carpenter, P.E.
Carpenter Engineering, LLC

Enclosures: Preliminary Plat (rev.0)
Worcester County Correspondences
Proposed Road Cross Sections (rev.0)

PC: Mr. Steve Murphey – Sea Oaks Village, LLC – Owner (w/ enclosures via electronic mail)

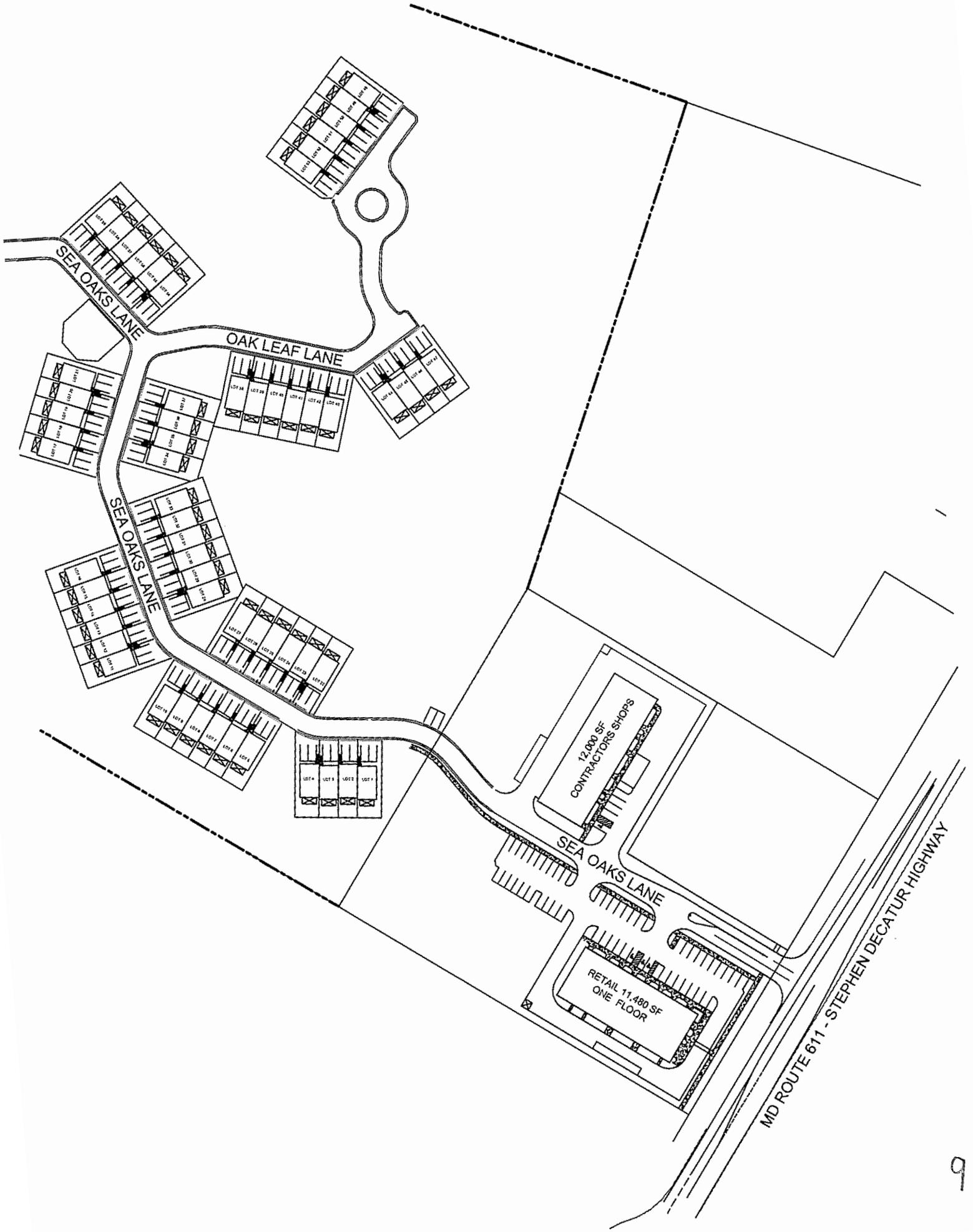


TYPICAL PRIVATE ROADWAY SECTION DETAIL
(FOR RESIDENTIAL STREETS)
 NOT TO SCALE



TYPICAL PRIVATE ROADWAY SECTION DETAIL
(FOR COMMERCIAL / RESIDENTIAL ENTRANCE)
 NOT TO SCALE

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DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

September 9, 2019

R.D. Hand & Associates, Inc.
Attention: Bob Hand
12302 Collins Road
Bishopville, MD 21813

Re: Preliminary Plat – Sea Oaks Village
Tax Map 26 Parcel 274 Lot 3A Tax District 10

Dear Mr. Hand,

This is to confirm that the Worcester County Planning Commission, during its regular business meeting held on September 5, 2019, reviewed the preliminary plat for the above referenced subdivision.

The Planning Commission first approved the use of dead end/cul-de-sac streets and then the Preliminary Plat subject to compliance with the requests made in the Staff Report dated August 30, 2019.

This preliminary plat is valid for two (2) years from the date of approval and shall expire September 5, 2021. In the event that final plat approval is not obtained prior to the preliminary approval expiration, application must be made for re-approval and the preliminary plat must conform to the current Zoning Codes and standards.

The next step of the subdivision process is submittal of construction plans (i.e. roads, water and sewer, stormwater management, etc.). The Technical Review Committee and other agencies must approve construction plans prior to or concurrent with submission of the final plat.

Please contact me with any questions you may have.

Sincerely,

Cathy Zirkle
DRP Specialist II

Cc: Stephen Murphy, Sea Oaks Village
Hugh Cropper, IV, Esquire
Frank Lynch, Jr.
Ronnie Carpenter
Chris Reda
file



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ING DIVISION
DING DIVISION
MINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

December 6, 2019

R.D. Hand & Associates, Inc.
12302 Collins Road
Bishopville, MD 21813

Re: Sea Oaks Village Commercial - Proposed construction of a 12,000 square foot building for contractor shops and an 11,480 square foot retail building, Westerly side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential District and C-1 Neighborhood Commercial district (RPC Overlay Zone)

Dear Mr. Hand:

This is to confirm that the Worcester County Planning Commission, during its regular business meeting held on Thursday, December 5, 2019, reviewed the site plan for the above referenced project. The Planning Commission granted site plan approval subject to the Code Requirements letter and the following Planning Commission conditions:

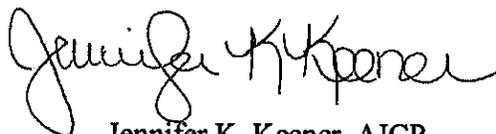
1. The Planning Commission granted a waiver to Items 1 through 5, with the condition that the landscaping shall be as provided on the exhibit prepared by Bob Hand; and
2. That the plan be conditioned upon completion of Item 6: As part of this review, the water and sewer infrastructure, design report and easements must be reviewed and approved by the Department of Public Works, Water and Wastewater Division. Given the interconnected nature of this commercial area with the residential townhouses in the rear, this approval will be more consistent with approval of the construction plans as part of the subdivision process. Therefore, the Planning Commission shall condition the approval of this site plan upon approval of the construction plans and all that those plans entail;

When the above referenced items have been addressed, two copies of the revised site plan and one copy of the revised building elevations should be forwarded to this department for review. Once the site plan is in compliance with the Planning Commission's approval, the Department will advise the applicant to submit ten (10) sets of the site plan for signature approval. Please note that the Department will not issue any building, zoning or other associated permits pertaining to this project until the site plans receive signature approval.

Citizens and Government Working Together

Please do not hesitate to contact me at this office with any questions you may have concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer K. Keener". The signature is written in a cursive style with a large initial "J" and a distinct "K".

Jennifer K. Keener, AICP
Zoning Administrator

cc: Hugh Cropper, IV, Esquire
Sea Oaks Village, LLC, property owner
Ronnie Carpenter, Engineer
Frank G. Lynch, Jr., surveyor
file

RESOLUTION NO. 20 - ____

RESOLUTION APPROVING A PROPOSAL FOR APPROVED PRIVATE ROADS FOR SEA OAKS VILLAGE RESIDENTIAL PLANNED COMMUNITY ON STEPHEN DECATUR HIGHWAY - WORCESTER COUNTY, MARYLAND

WHEREAS, the County Commissioners of Worcester County, Maryland received a request from Carpenter Engineering, LLC and Sea Oaks Village, LLC for approval of certain private roads and associated construction standards, said road construction standards shown on the plan attached hereto and made a part hereof; said proposed private roads to be located in the Sea Oaks Village Residential Planned Community, on the westerly side of Maryland Route 611, north of Sinepuxent Road, in Worcester County, Maryland; and

WHEREAS, the residential portion of the Sea Oaks Village Residential Planned Community received preliminary subdivision plat approval from the Planning Commission on September 5, 2019 and site plan approval for the commercial portion of the project from the Planning Commission on December 5, 2019; and

WHEREAS, in accordance with the provisions of § Section ZS 1-123 (Approved private roads) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the Worcester County Planning Commission reviewed and favorably recommended approval of the proposed approved private roads known as Sea Oaks Lane and Oak Leaf Lane, proposed by Carpenter Engineering, LLC and Sea Oaks Village, LLC, at its meeting of January 2, 2020; and

WHEREAS, the County Commissioners reviewed the request at their meeting of January 21, 2020 and considered its relationship to existing and planned public roads of the County; the nature of the area to be served by the roads; the desirability or necessity of public access to the areas to be served by the roads; whether or not the construction and maintenance of the roads is financially feasible; the proposed construction and maintenance standards; and the proposed maintenance plan and find that the use of the Approved Private Roads in this situation is warranted.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the request for the establishment of the approved private roads known as Sea Oaks Lane and Oak Leaf Lane in the Sea Oaks Village Residential Planned Community and associated construction standard proposed by Carpenter Engineering, LLC and Sea Oaks Village, LLC as described herein is hereby approved.

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

PASSED AND ADOPTED this _____ day of _____ 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

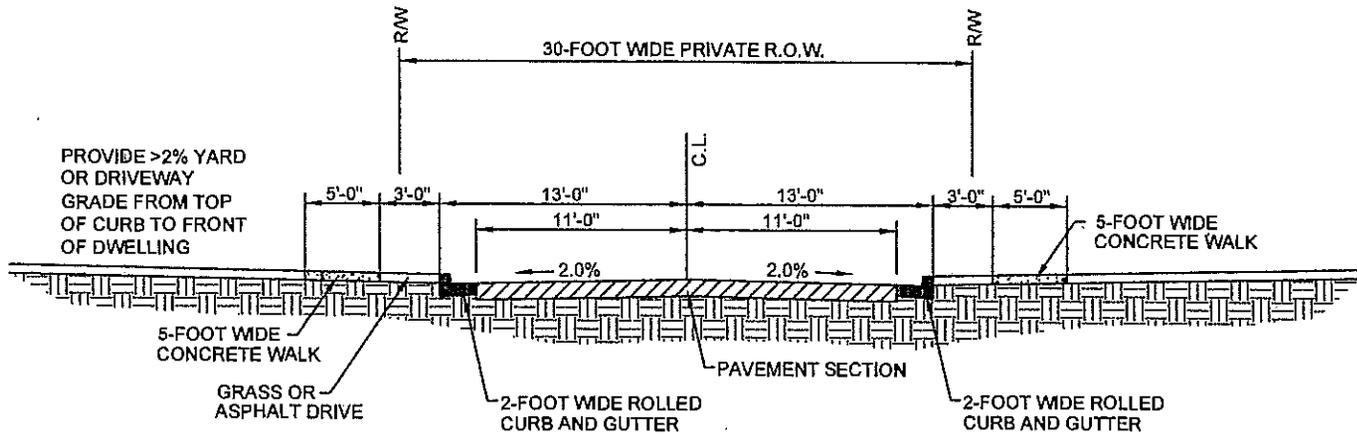
Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

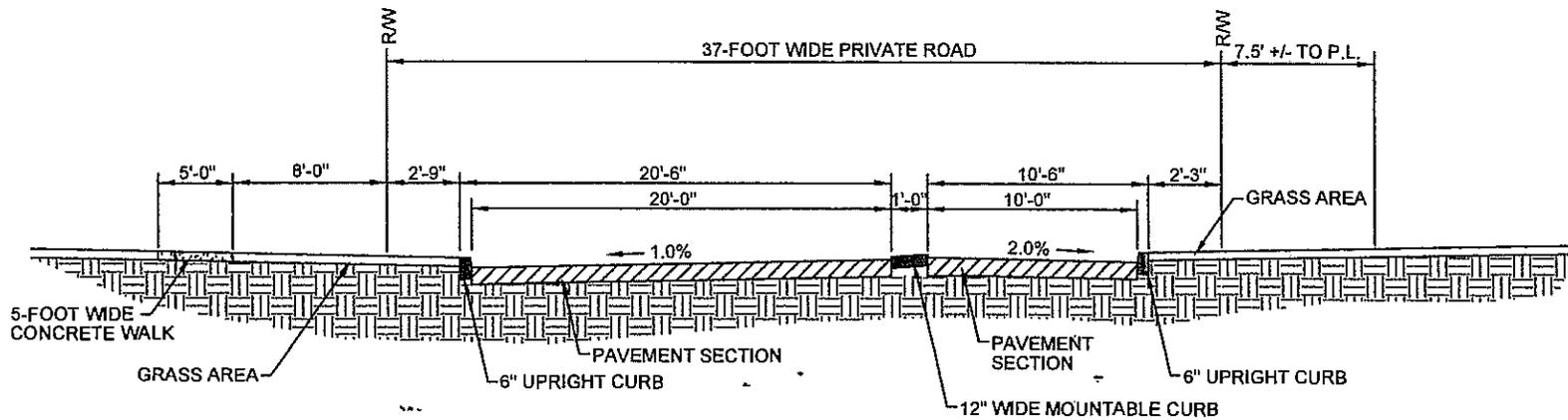
James C. Church

Joshua C. Nordstrom

Diana Purnell



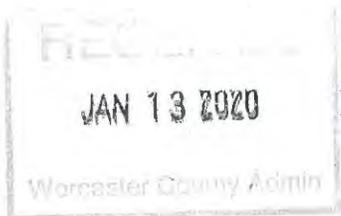
TYPICAL PRIVATE ROADWAY SECTION DETAIL
(FOR RESIDENTIAL STREETS)
 NOT TO SCALE



TYPICAL PRIVATE ROADWAY SECTION DETAIL
(FOR COMMERCIAL / RESIDENTIAL ENTRANCE)
 NOT TO SCALE



11



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: January 13, 2020
SUBJECT: Ocean Pines Library Renovation Change Order

DIVISIONS

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

The Whiting-Turner Contracting Company has successfully completed the Ocean Pines Branch Library building envelope and HVAC renovation project. The project was completed with a surplus of \$15,077.00. At this time, Whiting-Turner's final payment request has been submitted to the County for processing and they are requesting close out of the financial portion of the project with the County's execution of the attached three (3) copies of Change Order #001. The credit will reduce Whiting-Turner's final contract sum to \$1,239,562.00.

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

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

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

Attachments

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

cc: Kenneth J. Whited

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



AIA® Document G701™ – 2001

Change Order

PROJECT <i>(Name and address):</i>	CHANGE ORDER NUMBER: 001	OWNER: <input checked="" type="checkbox"/>
Ocean Pines Library Construction Ocean Pines, Maryland 21811	DATE: November 11 th , 2019	ARCHITECT: <input type="checkbox"/>
TO CONTRACTOR <i>(Name and address):</i>	ARCHITECT'S PROJECT NUMBER: N/A	CONTRACTOR: <input checked="" type="checkbox"/>
The Whiting-Turner Contracting Company 100 West Main Street Salisbury, MD 21801	CONTRACT DATE: August 28 th , 2018	FIELD: <input checked="" type="checkbox"/>
	CONTRACT FOR: General Construction	OTHER: <input type="checkbox"/>

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

The original Contract Sum was	\$ 1,254,639.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 1,254,639.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ 15,077.00
The new Contract Sum including this Change Order will be	\$ 1,239,562.00

The Contract Time will be increased by zero (0) days.

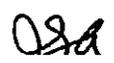
The date of Substantial Completion as of the date of this Change Order therefore is February 15, 2019.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

_____	<u>The Whiting-Turner Contracting Company</u>	<u>Worcester County Commissioners</u>
ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
_____	100 West Main Street, Salisbury MD	One West Market Street
ADDRESS	21801	Snow Hill, MD 21863
_____	ADDRESS	ADDRESS
BY <i>(Signature)</i>		_____
_____	BY <i>(Signature)</i>	BY <i>(Signature)</i>
(Typed name)	James J. Martini, Senior Vice President	_____
_____	(Typed name)	(Typed name)
DATE	12/5/2019	_____
_____	DATE	DATE

ASS

2 



Change Notification to Owner

Whiting-Turner Contracting Co
100 West Main St., Salisbury, MD 21801
Tel: (410) 677-3253 Fax: (410) 677-3259

Project: Ocean Pines Library Construction
11107 Cathell Rd.
Ocean Pines, MD 21811

W-T Job Number: 017131.100
Date: 07/17/2019
CN Number: 000023
Project Area:

To: Ken Whited
Worcester County
One West Market St.
Snow Hill, MD 21863

From: Whiting-Turner Contracting Co
100 West Main St.
Salisbury, MD 21801

DESCRIPTION: Credit remaining contingencies to owner.

REASON:

SOURCE:

SCOPE OF WORK: Credit remaining construction and commissioning contingency to owner.

CONTRACTORS AFFECTED: Whiting-Turner Contracting Co

RELATED OBJECTS:

AUTHORIZATION

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

Cost: -\$ 15,077.00

Funding:

SCHEDULE:

- NO IMPACT
- POSSIBLE IMPACT - WT REVIEWING
- IMPACT TO SCHEDULE AS FOLLOWS _____

OWNER DIRECTION:

DISTRIBUTION:

- ORIGINAL FILE
- OWNER/OWNER REP.
- ARCHITECT
- LENDER

- PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
- PROCEED AND CONFIRM COST
- PROCEED FOR NTE COST INDICATED ABOVE
- PROCEED T&M
- PROCEED FOR LUMP SUM COST ABOVE
- PROCEED (NO IMPACT)
- PROCEED AND PRICE
- CANCEL
- REJECTED

Other: _____

OWNER'S REPRESENTATIVE

DATE

COST BREAKDOWN

DATE: 07/17/2019

PROJECT AREA:

JOB NO: 017131.100

CN NO: 000023

Vendor	Description	Budget Code	Billing Amount
Whiting-Turner Contracting Co	Credit remaining commissioning contingency.	017131.100.0000000.01910000.X	-\$ 3,830.29
Whiting-Turner Contracting Co	Credit remaining construction contingency.	017131.100.8500000.85700000.X	-\$ 11,246.71
Total Cost of this work:			-\$ 15,077.00

APPROVAL:

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

PROPOSAL AMOUNT: **-\$ 15,077.00**

OWNER CHANGE REF: _____

DATE: _____

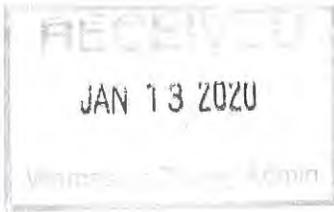
SUBMITTED BY: _____
WHITING-TURNER REPRESENTATIVE DATE

APPROVED BY: _____
OWNER'S REPRESENTATIVE DATE

OCEAN PINES LIBRARY - ROOF REPAIRS
Construction Contingency Log

Contingency Description	Allowance Deduct	Notes
Construction Contingency	\$ 101,796.00	
Cost for Zimmer P&P Bond	\$ 4,139.00	Approved
Credit for Northeast P&P Bond (Waived)	\$ (10,685.00)	Approved
Cost for KB P&P Bond	\$ 3,073.00	Approved
PCI # 02 - T&M Chimney Demo (Estimate)	\$ 17,471.00	Approved
PCI # 04 - Extra Framing @ Gable / Rake	\$ 16,448.00	Approved
PCI # INT09 - Increased WT Labor	\$ 43,200.00	Approved
Reading Room Sprinkler Work	\$ 2,303.10	Approved
Meeting Room Sprinkler Work	\$ 3,810.00	Approved
Gable End Mock-Up	\$ 457.00	Approved
Rake Board Notching - KB Ticket 24202	\$ 566.00	Approved
PCI # INT13 - Jason - Additional Half Time	\$ 13,000.00	Approved
KB Ticket 24198 - Window Return @ Mtg Rm (Half)	\$ 508.00	Half Return
KB Ticket 24204 - Window Returns @ Mtg Rm (Full)	\$ 1,005.00	Full Return
KB Ticket 24205 - Finish Bulkhead @ Mtg Rm	\$ 589.00	Mtg Room
KB Ticket 24206 - Paint Bulkhead @ Reading Room	\$ 424.00	Reading Room
KB PCO # 12 - Mobilize / Lift for Ext. Paint	\$ 1,500.00	Approved
KB PCO # 13 - Kraft Faced Insul. Add	\$ 540.00	Approved
KB Ticket 24213 - Patch Sprinkler Penetrations	\$ 352.00	Approved
KB Ticket 24214 - Caulk Hardie Panel Joints	\$ 368.00	Approved
KB Ticket 24215 - Extra ACT	\$ 600.00	Approved
Credit Lywood In-Contract Allowance	\$ (500.00)	Approved
J&B Caulkers - Caulk additional control joint	\$ 110.00	Approved
KB Credit - Window Shades	\$ (6,250.00)	Approved
KB Credit - Fascia Allowance	\$ (1,022.00)	Approved
Goodwin Bros. - Window Shades	\$ 2,990.00	Approved
NECC - Carpentry Allowance Credits	\$ (11,047.00)	Approved
NECC - Masonry Allowance Credits	\$ (12,606.00)	Approved
KB Sheathing Costs	\$ 2,500.00	Approved
KB Fascia Costs	\$ 1,022.00	Approved
JMZ - Additional Damper	\$ 293.00	Approved
OWNER CONTINGENCY	\$ 8,586.00	Approved
ALLOWANCE OVERAGE	\$ 5,622.12	Approved
DESIGN CREDIT	\$ (339.83)	Approved
BUILDER'S RISK OVERAGE	\$ 535.40	Approved
CSG Final Billing - March Services	\$ 587.50	Approved
Aerial Drone Survey	\$ 400.00	Approved
Balance:	\$ 11,246.71	<i>Credit to Owner</i>

→ Outlined on next page



12

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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: January 13, 2020
SUBJECT: Worcester County – Portable Restroom Services

DIVISIONS

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

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

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

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

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

Atlantic Pumping's current one year contract extension with the County to provide portable toilet service will expire on January 31, 2020. Atlantic Pumping has continued to perform their contract services in compliance of the specified service agreement to meet the needs of the County. At this time, Atlantic Pumping is willing to extend their services for one more year at the current contract extension pricing. Atlantic's acknowledgement letter and December 28, 2018 Bid Form for the extension are attached for your review.

2020 CONTRACT EXTENSION PRICING:

<u>SCHEDULE</u>	<u>PRICE</u>
Part A serving Solid Waste & Firing Range	4,032.00
Part B serving Parks & Boat Ramps	<u>16,692.00</u>
TOTAL PART A & B	20,724.00

It is requested that the County extend Atlantic's current contract by amending the current agreement for one additional year per the enclosed summary of Atlantic Pumping's pricing dated December 28, 2018 at a total cost of \$20,724.00.

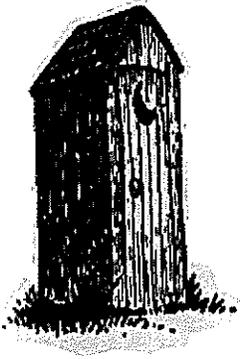
Funds are available to pay for this service for FY20 and the County should anticipate the appropriate portion of the above expense for FY21.

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

Attachments

cc: Kenneth J. Whited

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino the Commissioners unanimously agreed to extend the County's two-year contract with Atlantic Pumping of Bishopville, Maryland for an additional year through January 31, 2020 for the rental and service of portable restrooms for Part A - Boat Landings, Solid Waster Homeowner's Convenience Centers, and the County Firing Range for the Maintenance Division of Public Works at a total cost of \$4,032.00 and for Part B - passive and active recreational parks for Recreation and Parks at a total cost of \$16,692.00 for a grand total annual cost of \$20,724.00.



Atlantic Pumping, Inc.

**Septic Installations
Septic Repairs & Cleaning
Portable Restroom Rentals & Service
High Pressure Sewer & Drain Cleaning
Grease Trap Cleaning**

Date: 11/19/19

To: Ken Whited
Maintenance Superintendent
6113 Timmons Rd.
Snow Hill, MD. 21863

Dear Mr. Whited,

This document is to confirm that Atlantic Pumping, Inc. has agreed to extend the existing contract for an additional year, and provide & maintain the Worcester County Recreation & Parks Dept. & Worcester County Maintenance Dept. their Portable Restrooms for the same pricing that has been agreed upon in the existing contract.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Rice', written in a cursive style.

Brad Rice/President

**P.O. Box 395
Bishopville, MD 21813
Office: 410-641-1617 / 410-352-3951 / 410-548-7577 / 302-436-5047
Fax: 302-436-5049
Email: atlanticpumping@verizon.net**

**WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS
MAINTENANCE DIVISION
PORTABLE TOILET SERVICE RFP**

PART A - INSTRUCTIONS

1. **SERVICE PERIOD**

The contract period is for one year starting February 1, 2019 through January 31, 2020.

2. **TAXES**

The County is exempt from all Federal and State taxes for direct purchase of supplies and materials. However, the County's tax exemption does not extend to the bidder for supplies and materials, which bidder must purchase to complete this contract. Therefore, bidders' prices should reflect the inclusion of Federal and State taxes on purchased supplies and materials.

3. **SCOPE OF SUPPLY**

Supply and service five (5) flush with sink portable restrooms located at the Solid Waste sites and the Firing Range according to the attached portable restroom schedule. All portable restroom will be cleaned, to include pumping waste tanks, replenishing of water tanks, general cleaning, sanitizing, supplying toilet tissue and hand sanitizer.

4. **SPECIFICATIONS**

- All portable restrooms will be in good condition and in an acceptable condition to the County at all times. All portable restrooms will be self-contained portable chemical type and will be serviced per the attached schedules. Toilet and service procedure must comply with the State of Maryland Department of Health and Mental Hygiene Rule 26.04.02.07 and 26.04.02.08.
- All portable restrooms will be secured to the site with rebar or some other type of anchorage as approved by the County.
- All handicap accessible portable restrooms will have secured ramps to meet ADA compliance.
- All portable restrooms will be supplied with hand sanitizing units with waterless solutions.
- All invoicing shall be submitted to the Worcester County Department of Public Works-Maintenance Division, 6113 Timmons Road, Snow Hill, Maryland 21863
- Any damages to the portable restroom shall be the responsibility of the contractor at no additional cost to the County. The repairs shall take place within 24 hours of notification to the company of damages.

5. **EXCEPTIONS**

The County, dependent on its needs, shall reserve the right to amend the quantity of units to be supplied as listed in these bid documents. The County will provide ample notice of changes that may be requested and an amended contract will be issued to reflect the revisions to services.

6. **TERMINATION CLAUSE**

The County reserves the right of termination of contract or forfeiture of payment for services, if portable restrooms are not maintained as specified in the Scope of Work.

PART A BID FORM

Service to be performed once per week

• **SOLID WASTE DIVISION**

CT.	LOCATION	UNIT DESCRIPTION	TYPE
1	Berlin, MD HOCC	1 flush w/sink	A
2	Newark, MD Central Site	1 flush w/sink	A
3	Snow Hill, MD HOCC	1 flush w/sink	A
4	Pocomoke, MD HOCC	1 flush w/sink	A

• **COUNTY FIRING RANGE**

CT.	LOCATION	UNIT DESCRIPTION	TYPE
1	Newark, MD - Langmaid Road	1 standard	B

Solid Waste and Firing Range **PERIOD: 02/01/19 - 1/31/20**

Quote per portable restroom per month for flush w/sink unit (A) \$ 45.00 ⁰⁰ Per mo.
 Quote per portable restroom per month for standard unit (B) \$ 48 ⁰⁰ Per mo.

PRICING SUMMARY

ITEM	PRICE
Cost of flush w/sink unit (A) x 5 units x 12 months	\$ <u>2280</u> ⁰⁰
Cost of standard unit (B) x 2 units x 12 months	\$ <u>1152</u> ⁰⁰
TOTAL	\$ <u>4032</u> ⁰⁰

BID MUST BE SIGNED TO BE VALID

NAME: Brad Rice

SIGNATURE: 

COMPANY/FIRM: Atlantic Pumping Inc.

DATE: 12 / 28 / 18

COMPANY ADDRESS: P.O. Box 345

TE.: (410) 641 - 1617

Bishopville, MD. 21813

EMAIL: atlanticpumping@verizon.net

CITY: _____ ST. _____

ZIP: _____

PART B INSTRUCTIONS

1. SERVICE PERIOD

The contract period is for one year starting February 1, 2019 through January 31, 2020.

2. TAXES

The County is exempt from all Federal and State taxes for direct purchase of supplies and materials. However, the County's tax exemption does not extend to the bidder for supplies and materials, which bidder must purchase to complete the job. Therefore, bidders' prices should reflect the inclusion of Federal and State taxes on purchased supplies and materials.

3. SCOPE OF SUPPLY

- ❖ Parks - Schedule 1
- ❖ Boat Ramps - Schedule 2

- Parks...Supply and service twelve (11) handicap accessible and fifteen (11) standard portable restrooms according to the attached PORTABLE RESTROOM SCHEDULE. Service is to include pumping of waste tanks, general cleaning and sanitizing, and supplying of toilet tissue.
- Boat Ramps...Supply and service eight (8) handicap accessible portable restrooms including stabilized ramps and two (2) standard portable restrooms located at the County boat ramps according to the attached portable restroom schedule. All portable restroom are to be cleaned, to include pumping waste tanks, general cleaning, sanitizing, supplying toilet tissue and hand sanitizer.

4. SPECIFICATIONS

- Toilets shall be self-contained portable chemical type and shall be serviced per the attached PORTABLE RESTROOM Schedule. Toilet and service procedure must comply with the State of Maryland Department of Health and Mental Hygiene Rule 26.04.02.07 and 26.04.02.08.
- A record shall be submitted each month with an itemized statement stating the location and quantities of portable restrooms, also included on the reports shall be work completed for that month. Submit to the Worcester County Department of Recreation & Parks, Attn: Bill Rodriguez, Park Superintendent, 6030 Public Landing Road, Snow Hill, MD 21863.
- Any damages to the portable restroom shall be the responsibility of the contractor at no additional cost to the County. The repairs shall take place within 24 hours of notification to the company of damages.
- Contacts for park portable restrooms shall be Bill Rodriguez, Parks Superintendent at 410-632-3173, or Debbie Perez, Recreation & Parks Office Assistant at 410-632-2144, ext.2504.
- If work is not performed as per specifications on attached schedule, receipts shall be required after completion of each service.
- All standard and handicapped units should be equipped with hand sanitizer units with a waterless solution.

5. EXCEPTIONS: The number of contracted portable restrooms is subject to change whether in increases or decreases, due to changes being made throughout the County properties.

6. TERMINATION CLAUSE: The County reserves the right of termination of contract or forfeiture of payment for services if portalets are not maintained as specified.

PART B - PARKS SCHEDULE 1

PORTABLE RESTROOM SCHEDULE – February 2019 through January 2020

Schedule 1–Portable Restroom – Passive January 1 to December 31 – serviced 1 time/wk

Parks

Newark Park	1 Handicap Accessible
Stockton Park	1 Handicap Accessible
Whaleyville Park	1 Handicap Accessible
Girdletree Park	1 Handicap Accessible

Schedule 2 – Portable Restroom – Active *Off - Peak Season serviced 1 time/wk

Parks

Bishopville Park	1 Handicap Accessible
Homer Gudelsky Park	1 Handicap Accessible
Isle of Wight Nature Park	1 Handicap Accessible
John Walter Smith Park	1 Handicap Accessible
Newtown Park	1 Handicap Accessible
Northern Worcester Athletic Complex	1 Handicap Accessible
Showell Park	1 Handicap Accessible

****Peak Season serviced 2 times/wk**

1 Handicap Accessible
1 Handicap Accessible
1 Handicap Accessible & 1 Standard
1 Handicap Accessible & 2 Standard
1 Handicap Accessible & 1 Standard
1 Handicap Accessible & 5 Standard
1 Handicap Accessible & 2 Standard

* Off-Peak season shall be the period of time from November 1 to February 28.

** Peak season shall be the period of time from March 1 to October 31.

Schedule 1 – Portable Restrooms Passive Parks are to be serviced 1 time per week January 1 to December 31.

Schedule 2 – Portable Restrooms Active Parks – Off Peak Season service 1 time per week.

Schedule 2 – Portable Restrooms Active Parks – Peak Season service twice per week on Mondays and Fridays.

PART B BID FORM - PARKS

Prices must be quoted as monthly rates as well as a **TOTAL BID FOR 2019-2020**. The monthly rate will allow for adjustments, if needed. Please see attached **PORTABLE RESTROOM SCHEDULE**. The number of contracted portable restrooms is subject to change whether in increases or decreases, due to changes being made throughout the County properties.

PARKS **PERIOD: 02/01/19 - 1/31/20**

Quote per portable restroom per month for handicap unit - Type (a, c, d) \$ 51.⁰⁰

Quote per portable restroom per month for standard unit - Type (b) \$ 61.⁰⁰

TYPE d \$ 61.⁰⁰

ITEM	PRICE
Cost of Jan. 1 to Dec. 31 handicap portable restroom (a) x 4 portable restroom x 12 months	\$ <u>2448.⁰⁰</u>
Cost of peak season standard portable restroom (b) x 11 portable restrooms x 8 months	\$ <u>5368.⁰⁰</u>
Cost of off-peak season handicap portable restrooms (c) x 7 portable restrooms x 4 months	\$ <u>1428.⁰⁰</u>
Cost of peak season handicap portable restrooms (d) x 7 portable restrooms x 8 months	\$ <u>3416.⁰⁰</u>
TOTAL	\$ <u>12,660.⁰⁰</u>

BID MUST BE SIGNED TO BE VALID

NAME: Bruce Rice

SIGNATURE: 

COMPANY/FIRM: Atlantic Pumping

DATE: 12 / 28 / 18

COMPANY ADDRESS: 10 Discovery

TE: (410) 641 - 1617

P.O. Box 295

EMAIL: atlanticpumping@ Verizon.net

CITY: Bishopville ST. MD.

ZIP: 21813

PART B BID FORM - BOAT RAMPS

Prices must be quoted as monthly rates as well as a **TOTAL BID FOR 2019-2020**. The monthly rate will allow for adjustments, if needed. Please see attached **PORTABLE RESTROOM SCHEDULE**. The number of contracted portable restrooms is subject to change whether in increases or decreases, due to changes being made throughout the County properties.

Service to be performed twice per week on Mondays and Fridays. The handicap-accessible restroom located at the Public Landing Boat Ramp will be serviced continually for twelve (12) months. See Bid Form.

• **COUNTY BOAT RAMPS**

CT.	LOCATION	UNIT DESCRIPTION	TERM	TYPE
1	Shell Mill	1 handicap w/ramp	8 mos.	A
2	Gum Point	1 handicap w/ramp	8 mos.	A
3	South Point	1 handicap w/ramp	8 mos.	A
4	Mason Landing	1 handicap w/ramp	8 mos.	A
5	Public Landing	1 handicap w/ramp	12 mos.	A
5	Public Landing	2 standard	8 mos.	B
6	Taylor Landing	1 handicap w/ramp	8 mos.	A
7	George Island Landing	1 handicap w/ramp	8 mos.	A
8	Cedar Hall	1 handicap w/ramp	8 mos.	A

Boat Landings PERIOD: APRIL-NOVEMBER...02/01/19 - 1/31/20

Quote per portable restroom per month for handicap accessible unit (A) \$ 48. ⁰⁰/₁₀₀
 Quote per portable restroom per month for standard unit (B) \$ 48 ⁰⁰/₁₀₀

ITEM	PRICE
Cost of handicap portable restroom (A) x 1 portable restroom x 12 months	\$ <u>576</u> ^{<u>00</u>} / _{<u>100</u>}
Cost of handicap portable restroom (A) x 7 portable restroom x 8 months	\$ <u>2688</u> ^{<u>00</u>} / _{<u>100</u>}
Cost of standard portable restroom (B) x 2 portable restrooms x 8 months	\$ <u>768</u> ^{<u>00</u>} / _{<u>100</u>}
TOTAL	\$ <u>4032</u> ^{<u>00</u>} / _{<u>100</u>}

BID MUST BE SIGNED TO BE VALID

NAME: Bruce Rice SIGNATURE: [Signature]

COMPANY/FIRM: Atlantic Pumping Inc DATE: 12 / 28 / 18

COMPANY ADDRESS: _____ TE.: (410) 641 - 1617

P.O. Box 395 EMAIL: atlanticpumping@verizon.net

CITY: Bishopville ST. MD. ZIP: 21813

Directions to Worcester County Solid Waste Transfer Stations

- **Berlin Homeowner Convenience Center:**
Turn off of Route 50 onto Seahawk Road that runs next to Stephen Decatur High School. Turn right past the Middle School onto Flower Street. Follow until see Transfer Station sign on Flower Street turn left.
- **Newark Central Site:**
Turn off of Route 113 onto Central Site Lane north of Worcester County Vocational Center. Follow road to transfer station.
- **Snow Hill Homeowner Convenience Center:**
Turn off of Route 113 onto Bay Street towards Snow Hill (Route 365). Make first right onto Timmons Street. Follow into bend and make first right onto Holly Court. Follow into transfer station.
- **Pocomoke Homeowner Convenience Center:**
Turn off of Route 113 onto Byrd Road. Turn left onto Pocomoke Landfill Road. Follow into transfer station.

Directions to Worcester County Sheriff's Department Firing Range

Turn off of Route 113 at Newark Station onto Langmaid Road. Follow Landmaid Road all the way to the end. It will be necessary for the driver to stop by the Maintenance Department to pick up a key to the lock to gain access.

Directions to Worcester County Boat Ramps

- **Shell Mill Boat Ramp (Bishopville):** Turn off of Route 113 onto Bishopville Road (Route 368) then onto St. Martins Neck Road (Route 367). Then onto Shell Mill Road, boat ramp at end.
- **Gum Point Boat Ramp (Berlin):** Turn off of Route 113 onto Route 50 headed east. Turn onto Racetrack Road (Route 589) then onto Gum Point Road. Boat Ramp on right side approximately 2 miles.
- **South Point Boat Ramp (Berlin):** Turn off of Route 50 onto Route 611 heading towards Assateague. Turn onto South Point Road and follow to end.
- **Mason Landing Boat Ramp (Newark):** Turn off of Route 113 onto Langmaid Road away from Newark Station. Make first left onto Marshall Creek Road. Follow to end.
- **Public Landing Boat Ramp (Snow Hill):** Turn off of Route 113 onto Public Landing Road (Route 365, away from Snow Hill). Follow to end.
- **Taylor Landing Boat Ramp (Girdletree):** Turn off of Route 113 onto Route 12 (Away from Snow Hill). Turn left onto Box Iron Road, then bear right onto Taylor Landing Road. Follow to end.
- **George Island Landing Boat Ramp (Stockton):** Turn off of Route 113 onto Route 12 past Girdletree towards Stockton. Turn left onto Route 366 (George Island Landing Road). Follow to end.
- **Cedar Hall Boat Ramp (Pocomoke):** Located 6 miles from Route 13 off Route 371 in Pocomoke, end of Cedar Hall Wharf Road.

**WORCESTER COUNTY DPW
Maintenance Division**

**2019-2020 PORTABLE TOILET SERVICE
ATLANTIC PUMPING PRICING SUMMARY**

PART A...SOLID WASTE

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
BERLIN	HDCP - A	1	12	1	48.00	576.00
NEWARK	HDCP - A	1	12	1	48.00	576.00
SNOW HILL	HDCP - A	1	12	1	48.00	576.00
POCOMOKE	HDCP - A	1	12	1	48.00	576.00
ADDITIONAL UNIT	HDCP - A	1	12	1	48.00	576.00

2,880.00

PART A...FIRING RANGE

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
BERLIN	STD - B	2	12	1	48.00	1,152.00

1,152.00

SUBTOTAL PART A SOLID WASTE & FIRING RANGE 4,032.00

PART B...PARKS-PASSIVE USE

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
NEWTOWN	HDCP - A		12	1	51.00	612.00
STOCKTON	HDCP - A		12	1	51.00	612.00
WHALEYVILLE	HDCP - A		12	1	51.00	612.00
GIRDLETREE	HDCP - A		12	1	51.00	612.00

2,448.00

PART B...PARKS-ACTIVE USE-PEAK

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
BISHOPVILLE	HDCP - D		8	2	61.00	0.00
HOMER GADULSKI	HDCP - D		8	2	61.00	0.00
ISLE OF WIGHT	HDCP - D		8	2	61.00	0.00
ISLE OF WIGHT	STD - B	1	8	2	61.00	488.00
JOHN WALTER SMITH	HDCP - D		8	2	61.00	0.00
JOHN WALTER SMITH	STD - B	2	8	2	61.00	976.00
NEWTOWN	HDCP - D		8	2	61.00	0.00
NEWTOWN	STD - B	1	8	2	61.00	488.00
NORTHERN WORCESTER	HDCP - D		8	2	61.00	0.00
NORTHERN WORCESTER	STD - B	5	8	2	61.00	2,440.00
SHOWELL	HDCP - D		8	2	61.00	0.00
SHOWELL	STD - B	2	8	2	61.00	976.00

5,368.00

PART B...PARKS-ACTIVE USE-OFF PEAK

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
BISHOPVILLE	HDCP - C	1	4	1	51.00	204.00
HOMER GADULSKI	HDCP - C	1	4	1	51.00	204.00
ISLE OF WIGHT	HDCP - C	1	4	1	51.00	204.00
JOHN WALTER SMITH	HDCP - C	1	4	1	51.00	204.00
NEWTOWN	HDCP - C	1	4	1	51.00	204.00
NORTHERN WORCESTER	HDCP - C	1	4	1	51.00	204.00
SHOWELL	HDCP - C	1	4	1	51.00	204.00

1,428.00

**WORCESTER COUNTY DPW
Maintenance Division**

**2019-2020 PORTABLE TOILET SERVICE
ATLANTIC PUMPING PRICING SUMMARY**

PART B...PARKS-ACTIVE USE-PEAK

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
BISHOPVILLE	HDCP - D	1	8	2	61.00	488.00
HOMER GADULSKI	HDCP - D	1	8	2	61.00	488.00
ISLE OF WIGHT	HDCP - D	1	8	2	61.00	488.00
ISLE OF WIGHT	STD - B		8	2	61.00	0.00
JOHN WALTER SMITH	HDCP - D	1	8	2	61.00	488.00
JOHN WALTER SMITH	STD - B		8	2	61.00	0.00
NEWTOWN	HDCP - D	1	8	2	61.00	488.00
NEWTOWN	STD - B		8	2	61.00	0.00
NORTHERN WORCESTER	HDCP - D	1	8	2	61.00	488.00
NORTHERN WORCESTER	STD - B		8	2	61.00	0.00
SHOWELL	HDCP - D	1	8	2	61.00	488.00
SHOWELL	STD - B		8	2	61.00	0.00

3,416.00

SUBTOTAL PART B PARKS 12,660.00

PART B...BOAT RAMPS

LOCATION	TYPE	UNITS	MOS.	OCC./WK.	PRICE/MO.	EXT.
SHELL MILL	HDCP - A	1	8	2	48.00	384.00
GUM POINT	HDCP - A	1	8	2	48.00	384.00
SOUTH POINT	HDCP - A	1	8	2	48.00	384.00
MASON LANDING	HDCP - A	1	8	2	48.00	384.00
PUBLIC LANDING	HDCP - A	1	12	2	48.00	576.00
PUBLIC LANDING	STD - B	2	8	2	48.00	768.00
TAYLOR LANDING	HDCP - A	1	8	2	48.00	384.00
GEORGE ISLAND LANDING	HDCP - A	1	8	2	48.00	384.00
CEDAR HALL	HDCP - A	1	8	2	48.00	384.00

SUBTOTAL PART B BOAT RAMPS 4,032.00

GRAND TOTAL 20,724.00



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

OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

MEMORANDUM

TO: Chief Administrative Officer Harold Higgins
FROM: Public Information Officer Kim Moses and Recycling Manager Mike McClung
DATE: January 13, 2020
RE: D3 contract for video and billboard design for Keep Worcester Clean campaign

Recycling Manager Mike McClung and I have been working with representatives from D3 Corporation of West Ocean City to enlist their design services for the Keep Worcester Clean (KWC) campaign. The attached D3 contract, which includes fees totaling \$1,995 for video production and billboard design (\$1,520), along with an ad placement administrative fee (\$475), will allow us to launch the billboards in early February/March and to launch the commercials in early April/May.

As you will recall, in October 2019 we advised the Commissioners of anticipated advertising costs of approximately \$7,300 for two billboards for six months and approximately \$5,600 for television commercials to run for three months. However, it may be more advantageous to extend the commercial campaign from three to six months to assure the KWC campaign continues to receive public attention throughout the 2020 summer season. Therefore, we respectfully request approval for Commissioner President Mitrecic to sign the attached contract from D3 and to extend the commercial campaign from three to six months.

County staff will work with D3 to produce video and billboard graphics based on KWC campaign initiatives. As both products are being finalized, we will determine the actual advertising costs and request your approval of the final advertising purchases.

We are available to answer any questions you may have regarding the KWC campaign, which will launch officially in mid-January with a series of press releases and public service announcements to help increase public awareness and seek public partnerships to keep Worcester clean.

1a

D3 SERVICES Custom Website Design, Mobile Web and Apps, E-Commerce, Reservation Systems, Social Marketing, SEO/Google/Facebook, Print Services, Graphic Design, Branding, Google Virtual Tours, Aerial/ Video/Photography

WEBSITE DESIGN, DEVELOPMENT & MANAGEMENT PROPOSAL

D3

Creative Minds.
Proven Results.

Prepared For:

Worcester County

Kim Moses

kmoses@co.worcester.md.us

Prepared By:

Craig Lynch

craig@d3corp.com

12319 Ocean Gateway, Ste 202
Ocean City, MD 21842

o: 410.213.2400
f: 410.213.2484



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Objective

1. Worcester County wishes to develop video/billboard marketing campaigns to communicate with an audience about Keeping Worcester Clean throughout the county.
2. D3 will custom-develop the campaigns in support of multiple public service marketing initiatives directed by Client.

Proposed Fees

	Service Plan
Video Production/Billboard Design - Keep Worcester Clean 16 hours of design, production, shooting, scripting and planning, and delivery at \$95/hour.	\$1,520.00
Ad Placement Administration for placement of production ads 5 Hours of ad placement administrative time at \$95/hour.	\$475.00
Media and Advertising Buys All media and advertising purchasing are undetermined at this time.	TBD
Total Cost	\$1,995.00

Payment:

- 100% of payment due upon delivery of finished product.
- Ad Buy Fees are separate.
- Worcester County will own the video and all rights to the video and billboard designs to use however they would like for this campaign and in the future. D3 hold no rights or claims for any of the graphics or the video.

About D3

History:

D3 is a full-service website development and digital marketing agency with offices in Ocean City, Maryland & Salisbury, Maryland and presence throughout the Mid-Atlantic region. D3 has been in business for 24 years serving over 4,000 businesses and organizations of all sizes and types all over the world, meeting their digital and print marketing needs.

Experience:

With a full-time staff of 48, D3 has a team of exceptionally qualified personnel and offers a complete suite of services, allowing clients to rely on one company to handle all design, development, service, graphic design, print, and digital marketing needs. This is important as clients will always have one point of contact to integrate the entire marketing mix as their organizations grow and evolve. In addition, D3 custom-builds all work in-house and does not use overseas labor. D3 is proud to be made in the USA and is a strict proponent of building the local economy and workforce. D3's design, development, and programming staff boasts over 300 years of combined custom web and application development experience.

Commitment to Service:

D3 is uniquely positioned as a debt-free company that operates in a market that allows our fees to be competitive and service to be impeccable. Operating debt-free not only allows us to charge fair rates, but also to invest earnings into personnel, training and new technologies as opposed to paying off debt service. Clients depend on D3 to continually introduce new ideas and digital services as Internet technology progresses. Completion of your new website will actually mark the beginning of our relationship as we help you adapt and grow through the use of cohesive print, web and digital marketing technologies. We look forward to being partners with you for years to come.

View our portfolio at www.D3Corp.com.

Terms & Conditions

1. **Proprietary Information:** Certain proprietary data that each party will be disclosing to the other party or which a party will otherwise acquire during the course of this agreement (the "Agreement") is owned by the disclosing party including, without limitation, customer information, order history and data lists (the "Proprietary Information"). The Proprietary Information will remain the property of the disclosing party. Proprietary Information of Client shall include, without limitation, data obtained from the Client. All Proprietary Information will remain the property of the disclosing party. Upon termination or expiration of this Agreement, or any extension hereof, the receiving party will return all Proprietary Information and copies thereof to the disclosing party at the disclosing party's request within five business days. The receiving party will sign an affidavit that the receiving party has retained no copies of Proprietary Information.

2. **Proper Use:** Client shall not, directly or indirectly, do any of the following: (i) reverse engineer, decompile, disassemble or otherwise attempt to discover the source code for any software related to any services provided by D3 (the "Services"); (ii) modify, translate, or create derivative works based on the software related to the Services, content or end user documentation; (iii) rent, lease, distribute, sell, resell, assign, or otherwise transfer its rights to use any software related to the Services; or (iv) remove any copyright or other proprietary notices from the such software or any other D3 materials furnished or made available hereunder. Client shall comply with all applicable governmental laws, ordinances, codes, rules, regulations, and orders in its performance under this Agreement, and will obtain all permits or licenses required in connection with the license and use of any of D3 Services.

3. **Dates:** The date of the signing of this Agreement is the "Effective Date." The date the Services are completed, executed, active, and/or made available to Client, whichever occurs first, is the "Activation Date." Service Fees and the Service Term specified in this Agreement begin on the Activation Date. Cancellation and all other policies apply upon the Effective Date.

4. **Term & Termination:** a. Unless terminated pursuant to Paragraph (b) of this Section, this Agreement shall remain in effect for a period of three (3) years commencing on the Activation Date (the "Service Term"), and shall renew automatically and remain in effect for further terms of one (1) year each, unless notice of termination in writing is sent via certified mail no more than one hundred eighty (180) days and no less than sixty (60) days prior to the last day of the Service Term or further term.

b. If Client or D3 defaults in the observance or performance of any of the covenants, provisions or conditions in this Agreement and such default shall continue uncured for a period of sixty (60) days after written notice to the defaulting party is sent by both certified mail and regular first class mail, then the party giving such notice may cancel the Agreement.

c. Termination or cancellation by Client at any time in the future, other than for cause specified above, will result in forfeiture of any and all waived fees and discounted rates provided. Upon termination, normal rates will apply from inception of the project and Client agrees to pay D3 any difference between full price and discounted prices paid. If Client

Worcester County

elects to cancel the project after work has begun, D3 shall retain any down payments, deposits or other payments made by Client as payment for work completed. No refunds will be provided. In addition, additional payments may be due to D3 based on the amount of work completed prior to cancellation.

d. Upon termination of this Agreement, Client will immediately (i) return to D3 all D3 Proprietary Information and all copies thereof, (ii) terminate use of the Services, and (iii) except as provided in the next succeeding sentence, pay to D3 the full amount of the fees for the entirety of the Service Term. Upon termination of this Agreement by Client for cause pursuant to Section 4b, D3 shall refund to Client the pro-rata portion of any pre-paid fee for the Services attributable to the portion of the Service Term during which D3 has been in breach of this Agreement, as well as any pre-paid fee for the Services attributable to the remainder of the Service Term within thirty (30) days of the date of termination of this Agreement.

5. Payment:

a. Client agrees to pay D3 the production, development, service, marketing and other fees and amounts specified in this Agreement. D3 shall promptly enable Client's access to the services upon Client's payment of any applicable setup, production or development fees (the "Setup Fee"). Unless otherwise agreed upon, the Setup Fee will be due in full on the Effective Date. If an additional Setup Fees is incurred during the setup process (as agreed to by both parties), the entire balance of the Setup Fee is due on the Activation Date.

b. Unless otherwise specified, all invoiced amounts for any monthly, quarterly or annual service fees (the "Service Fees") shall be due in advance of services being performed for that service period. Any fees billed based on service usage (the "Usage Fees") will be billed monthly after service has been performed. Service Fees and Usage Fees must be paid by ACH or credit card designated by Client. Each time Client uses any D3 Services, or allows or causes the Services to be used, Client agrees and reaffirms that D3 is authorized to charge Client's bank account or designated credit card. Client agrees that D3 may submit charges for Service Fees and Usage Fees for the Service Term and any further term until this Agreement is terminated according to Section 3. D3 may deduct and offset any amounts due from Client to D3 from any amounts due from D3 to Client.

c. If Client does not object in writing to an invoiced amount within thirty (30) calendar days of a given invoice or statement, Client shall be deemed to have acknowledged the correctness of that invoice or amount, shall be deemed to have acknowledged that the services rendered by D3 as set forth on the invoice or statement have been accepted by Client as having been performed in a workmanlike manner, and shall be deemed to have waived its right to dispute that invoice or amount. Client's dispute as to a portion of any invoice or amount shall not give Client the right to withhold or delay payment of the whole invoice or amount. Invoices not paid within thirty (30) day of receipt of invoice will be considered past due. Payments for past due invoices will bear interest at the rate of one and one half percent (1.5%) per month, compounded monthly, or the maximum amount permitted by law, whichever is less. Client expressly agrees to pay monthly compounded interest on any past due invoice as stated herein.

d. D3 will have no obligation to perform any of its obligations under this Agreement if Client fails to make any timely

Worcester County

payment, following its receipt of notice of the nonpayment and a five (5) business day opportunity to cure, and D3 will have the right in its sole discretion, without liability to Client, to either (a) suspend performance of any of its obligations under this Agreement for so long as the payment remains outstanding, (b) disable any service D3 operates for Client, or (c) terminate this Agreement. Client shall be liable for all costs and expenses incurred by D3 in collection of past due fees, including but not limited to, collection agency fees, expert witness fees, court costs, and reasonable attorney's fees.

e. Service Fees will remain constant for the duration of the initial contract period and are subject to increase upon each contract renewal. During the term of this Agreement, D3 and Client may mutually agree in writing on any additional services to be provided by D3 not initially agreed to in the initial Scope of Work. These services may incur additional fees and will be quoted as such in writing to Client. All fees are non-refundable.

6. Ownership: Client shall have ownership of its website or other Services provided to Client by D3, unless specifically stated and agreed to by both parties. In addition, Client owns the content, data, and materials provided to D3 to create the Services and/or contained within the Services. However, any and all Systems developed or licensed by D3 shall at all times remain the exclusive property of D3. Systems include, but are not limited to, software, databases, programs, scripts, custom content, and any other tool used to execute the Services contained in this Agreement. Examples include, but are not limited to: reservation systems, email marketing systems, metrics and reporting systems, ecommerce applications, proprietary content management systems, and any other application owned or licensed by D3. Client is permitted to use the Systems specified in this Agreement during the term of this Agreement, but at no time have any ownership of the Systems. Upon termination of this Agreement for any reason, Client has no ownership rights to the Systems and loses all rights to use any of the Systems.

7. Choice of Law: The Terms & Conditions of this Agreement shall be governed by and construed and interpreted in accordance with the laws of Maryland. Client and D3 jointly waive any right to trial by jury in any action or proceeding arising in connection with this Agreement. Client and D3 agree that proper venue for any suit arising out of this Agreement shall be either the Circuit Court or District Court for Worcester County, Maryland.

8. Limitation of Liability: It is the responsibility of Client to test, proof, and correct any errors or omissions to any of the Services developed or implemented for Client by D3, including, but not limited to: ecommerce payment systems, content management systems, website content, electronic forms, email delivery, and advertising/marketing programs. D3 agrees to promptly correct any mistakes of its own accord upon notification from Client of such mistakes. Client understands that if it has the ability to manage the content of its Services, then Client may cause errors to the Services. It is the responsibility of Client to test the Services after any modifications are made to the Services and notify D3 of any problems. Additional fees may be charged to Client by D3 in order to correct any problems caused by Client. In the event that the D3 does not honor the terms of this Agreement, the sole recourse of Client is termination of this Agreement.

Once the final commercial is approved by the client, D3 is no longer responsible for the work product or liable for any claims regarding the work product. To the maximum extent permitted by applicable law, the aggregate liability of D3, its employees, affiliates, vendors, contractors or suppliers, whether in contract (including fundamental breach or failure of

Worcester County

an essential purpose), tort (including negligence), misrepresentation or otherwise in respect of a single occurrence or a series of occurrences shall in no circumstances exceed the amounts paid by Client to D3 hereunder in the Service Term immediately preceding the first event giving rise to any claim of breach. In no event shall D3, its employees, affiliates, vendors, contractors or suppliers, or affiliates of any of them, be liable to Client or any third party for any punitive, indirect, incidental, special, consequential, attorney's fees, or other damages whatsoever or for any failure to realize expected savings, loss of business, loss of revenues or profits, loss of data, or any other commercial or economic loss (including, without limitation, losses due to business or service delays, server downtime or outages, performance or delay of the Internet or D3's Internet service providers, email service downtime, service interruptions, loss of business information or data, failure to save data, errors in or omissions of Services, security breach of Services, other pecuniary loss, or any other information therein (or any component of any of the foregoing)) arising out of or related to this Agreement or the D3 Services even if Client has been advised of the possibility of such damages. Except those expressly set forth in this Agreement, this paragraph sets out Client's exclusive remedies, and under no circumstances shall Client be entitled to equitable remedies.

9.Warranty Disclaimer: All Systems and Services provided by D3 are provided "as is" without warranty of any kind. To the maximum extent permitted by applicable law, D3 disclaims all express, implied, statutory and other warranties of any kind, including without limitation any implied warranties of merchantability, fitness for a particular purpose, title, custom, trade, quiet enjoyment, availability, accuracy of informational content or system integration, or any warranties arising under any other legal requirement, D3 does not warrant that the D3 Services, Systems, suppliers, servers, the Internet, D3's Internet service providers, vendors, contractors, employees or any other component thereof is error-free or will operate in an uninterrupted manner, and D3 will not be liable for the consequences of any interruptions or errors.

10.Force Majeure: Fires, floods, wars, acts of war, strikes, lockouts, labor disputes, accidents to equipment and/or machinery, delays or defaults of common carriers, orders, decrees of judgments of any court, delays or outages of the Internet or Internet service providers, or any other contingency beyond the control of D3, whether related or unrelated, or similar or dissimilar to any of the foregoing, will be sufficient excuse for any resulting delay or failure in the performance by D3 of its obligations under this Agreement, but such performance will be excused only as long as the *force majeure* continues, including a reasonable amount of time for D3 recovery.

11.Relationship of the Parties: The relationship between D3 and Client is that of independent contracting parties, and not that of partners, joint venturers, or principal and agent. Neither party has or will hold itself out as having the authority to bind or act in the name of, or on behalf of, the other. During the Service Term and for a period of one (1) year thereafter, Client shall not directly or indirectly, individually or on behalf of any other person, firm, partnership, corporation or business entity of any type, hire, offer to hire, divert, entice away, solicit or in any manner assist, encourage or persuade, or attempt to do any of the foregoing, any current officer, employee, consultant or contractor of D3, nor shall Client hire, offer to hire, or solicit the services of any former officer, employee, consultant or contractor whose relationship with D3 has been terminated for less than three (3) months without D3's prior written consent.

Worcester County

12.Publicity: Upon execution of this Agreement, D3 shall have the right to issue a press release describing the relationship of the parties. D3 shall also have the right to use the name and logo of Client (indicating Client as owner of the logo) to identify Client as a customer of D3 in promotional materials and/or articles, including D3's filings with public agencies. Neither party will issue any press releases or engage in any other promotional activities, other than the foregoing, that identify the other party without obtaining such other party's written approval; provided, however, that either party may at any time reiterate any information contained in any jointly issued or previously approved press release, article or promotional material. Client shall have the right to use D3's trade name and service marks (the "Marks") on a non-exclusive basis during the term of this Agreement solely for display or advertising purposes in accordance with this Agreement. Client shall use the Marks in compliance with all relevant laws and regulations.

13.Entire Understanding: With respect to its subject matter, this Agreement contains the parties' entire understanding, superseding any prior agreements and understandings. There are no representations, warranties, promises, inducements, restrictions, stipulations, or obligations other than those expressly set forth in this Agreement. Further, these Terms & Conditions apply to all past, present, and future Services provided to Client by D3, including, but not limited to, development work, production, advertising, marketing services, maintenance agreements, and Service renewals, whether or not such Services are contracted for in writing. Any modification or deletion of any Terms & Conditions for any past, present, or future Services provided to Client by D3 must be approved by both parties by written, signed agreement.

14.Construction; Severability; Waiver: The language use in this Agreement is the language chosen by the parties to express their mutual intent, and no rule of strict construction will be applied against either party. The section headings are for convenience and are not intended as aids in construction. Further, It is agreed that the covenants of this Agreement are severable, and that if any single clause or clauses shall be found unenforceable, the entire Agreement shall not fail but shall be construed and enforced without any severed clauses in accordance with the tenor of this Agreement. Failure or delay by either party to enforce compliance with any term or condition of this Agreement shall not constitute a waiver of such term or condition. Any waiver by a party of an available remedy against a breach or default by the other party will not constitute an ongoing waiver of any right to exercise available remedies against any future breach or default.

15.Authorized Signature; Binding on Successors; Third Party Benefits: The individual signing on behalf of Client warrants and represents that he or she has the express authority to bind Client to the Terms & Conditions of this Agreement. This Agreement will bind and inure to the benefit of the parties and their respective legal representatives, successors, and permitted assigns. Nothing in this Agreement will confer any benefits, rights, or remedies upon any person or entity not a party hereto.

16.Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute on instrument. This Agreement may be executed by signature via portable document format (.pdf) transmission or other electronic or facsimile signature, which shall be deemed to be the same as an original signature.

Worcester County

Acceptance

This proposal is valid through December 31, 2019 and converts to a binding Agreement upon signing.

Client hereby applies for the services described above and for all subsequent contract periods until this Agreement is terminated in the manner described above. Client agrees to pay D3 / Internet Business Strategies, Inc. the amount stated below:

Campaign costs for Keep Worcester Clean Campaign - \$1,995.00

I, _____ a duly appointed officer of Worcester County, do hereby give my authorization for the above-mentioned work to be completed by D3 / Internet Business Strategies, Inc.

IN WITNESS WHEREOF, the parties have executed this agreement as of the dates set forth below.

Worcester County	D3
Worcester County Representative Signature	D3 Representative Signature
Printed Name/Title	Printed Name/Title
Date Signed	Date Signed
Email Address	Email Address

Worcester County

Payment Details

Client:
Worcester County

Date:

Billing Contact:

D3 Authorization:

Address:

Billing Phone:

Billing Email:

100% Up Front: \$1995.00

Paid via: Check Credit Card ACH

Please choose discounted pricing with payment via ACH, or standard cost via credit card:

ACH Authorization:

Credit Card Authorization:

Card #:

Name on Card:

Expiration:

CCV:

Billing Zip Code of Card:

Please set me up for automatic payments with the ACH information or credit card provided. I authorize D3 to charge my monthly/annual fees directly to ACH account or my credit card. I understand, if applicable, that my monthly/annual payments will continue to be charged to my ACH account or credit card until I change or cancel my service.

Worcester County

Worcester County

Points of Contact

Please let us know who is authorized to make decisions and requests on behalf of your business for D3's departments listed below.

Service	Client Point of Contact	D3 Contact
Billing Contact		accounting@d3corp.com
Email Hosting Contact		edits@d3corp.com
Website Edits		edits@d3corp.com
Email Marketing		emarketing@d3corp.com
Printed Materials		print@d3corp.com
Reservations System		res@d3corp.com
Domain Changes		support@d3corp.com

To: Sen. Addie Eckhardt, Sen. Mary Beth Carozza, Del. Carl Anderton, Del. Johnny Mautz, Del. Sheree Sample-Hughes, Del. Charles Otto, Del. Wayne Hartman, Del. Chris Adams, et al.

Re: Proposed Change to Maryland Early Voting Requirements

March 7, 2019

Members of the Eastern Shore Delegation:

14

At our regular meeting on February 5, 2019, the Commissioners were presented with a petition requesting the establishment of a second early voting site in Worcester County. Many of our citizens believe that a second site would result in greater access to voting and voting registration, eliminating for some the impractical thirty-minute ride from the Southern end of the County to our current early voting site in Berlin, MD.

The Commissioners generally favor this plan, but find the current law establishing the parameters of early voting sites in Maryland to be impractical, restrictive, and ultimately too expensive for a county with a smaller population. Therefore, I am requesting that you consider an amendment to State code 10-301.1(d) to read:

“In addition to the required main early voting site - operating under established parameters - counties with a population of less than 125,000 registered voters shall have the option of opening additional sites for no fewer than two (2) consecutive days at a length of no less than six (6) consecutive hours on either day, encompassed in the established time frame for early voting.”

I believe that this will allow Worcester County - and others in Maryland – the flexibility needed to bring the maximum number of voters to the polls, while limiting the financial burden to the County. I appreciate your consideration – please contact me with any questions or comments.

Respectfully -

Added by request of
Commissioner Nordstrom

Joshua C. Nordstrom
Worcester County Commissioner, District 1
443/614-6021
jnordstrom@co.worcester.md.us

- See local Election office
Comments and information
beginning on page 7

Kelly Shannahan

Subject: FW: Proposed Submission to State
Attachments: Early Voting Change.docx

----- Original message -----

From: "Joshua C. Nordstrom" <jnordstrom@co.worcester.md.us>
Date: 12/30/19 4:06 AM (GMT-05:00)
To: Joseph Mitrecic <jmitrecic@co.worcester.md.us>
Cc: Harold Higgins <hhiggins@co.worcester.md.us>
Subject: Proposed Submission to State

I would like to see some version of this on the agenda for next Tuesday. State reps have asked for a resolution from the Commissioners before they will introduce it. Call me with any questions: 443/614-6021.

Josh

Joan Roache, co-coordinator of Your Vote, Your Voice, presented a petition to establish a second early voting site in Pocomoke City. In addition to the petition, the Commissioners reviewed an email from Board of Elections Director Patricia Jackson, which included an itemized expense report of \$116,709 for the additional staff, equipment, and rent for a second site. Ms. Roache recognized the 14 members of Your Vote, Your Voice in attendance and stated that it is a hardship for many residents of Pocomoke who either have limited transportation or work multiple jobs and cannot commute 29 minutes each way from Pocomoke to the Gull Creek Nursing Home in Berlin to participate in early voting. In response to a question by Commissioner Church, Ms. Roache advised that the Board of Elections advised her that they were not opposed to the idea, but that funding is not available in their budget to staff a second early voting site. Therefore, Ms. Roache urged the Commissioners to provide funding for the additional site.

Commissioner Nordstrom thanked Ms. Roache and stated that many Pocomoke residents work two or more jobs, so they cannot get to the polls on election day, and often these same individuals lack the transportation needed to drive to Berlin for early voting. Thus, he noted that today's discussion is a great first step to taking a larger look into the requirements involved in adding a second early-voting site in Worcester County. In response to a question by Commissioner Mitrecic, County Attorney Maureen Howarth advised that State law requires early voting sites to be open to the public for a full seven days. Commissioner Mitrecic agreed that it is important that everyone votes; however, he stated that other alternatives may be available, such as relocating the early voting location to Snow Hill or increasing the number of bus runs from Pocomoke to Gull Creek during early voting, which would not incur significant additional costs. Commissioner Elder concurred, noting that those residing on St. Luke's Road and other outlying areas close to the Wicomico County line face the same commuting hardships when it comes to early voting. He stated that moving early voting to a central location, like Snow Hill, may be a better alternative. He also pointed out that the Commissioners are tasked with controlling costs, and it could be difficult to identify a funding source to cover the additional expenses involved in opening a second early voting site.

Commissioner Bunting stated that a central location may be the best solution. Board of Elections President Lou Ann Trummel stated that in a 3-2 vote the board voted down the request to add a second site. She stated that any additional early voting site must be secured by September 2019 for the next election. Following some discussion, the Commissioners thanked Ms. Roache and the other members of Your Vote, Your Voice for meeting with them.

After some discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 5-2, with Commissioners Nordstrom and Purnell voting in opposition, to eliminate the requested second early voting site in Pocomoke and one new position for the Board of Elections for a total reduction of \$117,259 from the requested FY20 Board of Elections budget. Commissioners Nordstrom and Purnell supported the request and stated that the northern early voting location creates an hour round trip for residents of Pocomoke, and an additional location in southern Worcester would encourage more early voting.

Worcester County Voting Support Options

Background: Maryland Primary Early Voting is April 16 – 23 from 1000 to 2000

People with disabilities that are certified with Shore Transit under the Americans with Disabilities Act (ADA) can schedule a door to door ride for voting if they live with $\frac{3}{4}$ of a mile of a fixed route and travel during the operating hours of that fixed route.

Option 1

Run a bus from Pocomoke City (location TBD) to the Snow Hill early voting polling place at a cost of \$75 per hour. For pick up and arrival at the poll opening and last return after the polls close requires 12 hours or \$900 per day. Wait times could be about hour waiting on 1 bus to make the loop.

Option 2

Run two bused from Pocomoke City (location TBD) to the Snow Hill early voting polling place at a cost of \$75 per hour or \$1800 per day. This would minimize waiting time at both ends.

Option 3

Provide information and tickets for interested people to take the existing fixed route buses from Pocomoke City to the Snow Hill and back.

Pick up in Pocomoke 0610, 1144, 1454, 1610 & 1844

Return from Snow Hill 0836, 1401, 1724, 1836 & 2036

Fare is \$3 per trip, tickets could be distributed by groups in Pocomoke (paid for in advance) or special pass could be created, distributed, collected and submitted to the County for payment.

Option 4

Lend Worcester County a vehicle at no cost for a county employee or volunteer to drive.

Worcester County Commission on Aging owns and operates buses which move clients to their centers in the morning and return them in the afternoon. They might be able to move voters around their scheduled runs.

Kelly Shannahan

From: Kelly Shannahan
Sent: Wednesday, January 15, 2020 8:47 AM
To: Patti Jackson
Cc: Harold Higgins
Subject: Pocomoke Early Voting Site
Attachments: img-115083742-0001.pdf

Importance: High

Patti,

The attached request from Commissioner Nordstrom will be included for discussion at the next County Commissioners meeting on Tuesday, January 21, 2020. You are invited and encouraged to attend and listen to the discussion. I will have a better idea of time once the package has been completed and I will email you my best estimate of when you should plan to be in attendance. It will likely either be sometime between 10 am and 10:30 am or between 11:20 am and 12 noon depending upon how quickly they handle the other administrative matters.

At this point, I am only planning to include the attached letter and perhaps a cost estimate that we received some time ago from Shore Transit regarding the cost of providing special transportation between Pocomoke and the early voting site in Berlin which was another option suggested. However, I am hoping that you could help me by providing the following information:

- A copy of the cost estimate you prepared previously when it was suggested that the early voting site in Pocomoke would need to be open all week.
 - If possible, is there any chance you could break down your costs to show the fixed costs of setting up and breaking down in Pocomoke as well as a daily cost of running an early voting site in Pocomoke so the Commissioners can extrapolate to determine the cost of such a facility if it was only operated for 2- or 3-days?
- General statistics regarding the number of south County voters (those who live closer to Pocomoke than Berlin) who have taken advantage of early voting in Berlin, as well as those in that area who have voted by absentee ballot in the past couple of elections.
 - In fact, it might be helpful to see those statistics for the entire County broken down by region if that information already exists as it may help the Commissioners to get a sense of how many people might actually take advantage of an additional early voting site in Pocomoke.
- Finally, any other information you wish to share from the board regarding previous discussions of this proposal (ie. copies of minutes or handouts to your board)

In order to provide this information in the Commissioners' meeting package, I will need it before the end of the day today as the package will be copied and distributed first thing tomorrow morning. Please reply to this email to confirm receipt and give me an idea what, if any of this information you will be able to provide today.

Thanks for your help.

Kelly Shannahan
Assistant Chief Administrative Officer

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

From: Patricia Jackson -SBE- [mailto:patricia.jackson@maryland.gov]
Sent: Wednesday, January 15, 2020 8:53 AM
To: Kelly Shannahan <kellys@co.worcester.md.us>
Subject: Re: Pocomoke Early Voting Site

Hi Kelly,

I will be out of the office on January 21st due to my husband having surgery. I will attempt to get the information to you today for inclusion in the packet.

I have talked to the Maryland Association of Election Officials (MAEO) Legislative Committee chairs and they are against any legislation regarding "part time" early voting. Their views are as follows:

- that MD elections run on uniformity
- there is already legislation allowing for an additional center for the full duration of early voting
- voter confusion is a big factor in having things set up for brief periods of time that are not consistent

Patricia Jackson, Election Director
Worcester County Election Office
201 Belt Street, Suite C
Snow Hill, Maryland 21863
410.632.1320, ext. 102
Patricia.Jackson@maryland.gov

Kelly Shannahan

From: Patricia Jackson -SBE- <patricia.jackson@maryland.gov>
Sent: Wednesday, January 15, 2020 10:14 AM
To: Kelly Shannahan
Subject: Re: Pocomoke Early Voting Site
Attachments: January 30, 2019.pdf; EV Costs and Stats 01152020.pdf

Kelly,

This is what I have compiled so far on such short notice.

Attached you will find the following:

(1) A list of costs compiled for the FY20 budget when Commissioner Nordstrom requested a second early voting site in Pocomoke. You will see, whenever applicable, the costs are broken down by 8 days to give you a better feeling of the daily costs. P. 9

(2) Chart showing early voting breakdown by precinct for 2018 General. These stats are listed on State Board of Elections website, elections.maryland.gov under the Elections heading. P. 10

(3) Chart showing 2018 General total votes counted. This includes early voting, Election Day voting, Absentee and Provisional voting, but is broken down by County, not precinct. This is also on SBE website. P. 11

(4) Teresa printed P. 18 two reports, one from 2018 General and one from 2016 General, showing absentee ballots requested and returned. I am also attaching a list of polling places showing the precinct numbers so you can decipher the reports. P. 13 P. 12

(5) Copy of Jan 30, 2019, board meeting in which the proposed additional early voting site was discussed. P. 23

These costs were included in the FY20 Budget Request in response to Commissioners inquiry regarding additional early voting polling place. These costs are effective as of January 31, 2019.

Additional Early Voting Polling Place		
Rent (\$500 per day x 8 days)	4,000	4000
Judges:		
2 Chief Judges \$275 per day x 8 = 4400		4400
1 Election Field Support \$275 per day x 8 = 2200		2200
11 Election Judges \$165 per day x 8 = 14,520		14520
Training for 112 judges (\$40 x 112) = 6,720		6720
SBE Trainers \$550		550
Additional Equipment for Early Voting		
6 Electronic pollbooks \$1,800 x 6 = 10,800		10800
6 Electronic pollbook printers \$800 x 6 = 4,800		4800
2 voting units \$2,035 x 2 = 4,070		4070
1 Ballot Marking Device \$1,200		1200
ADA table for BMD \$900		900
10 voting booths \$4,000		4000
ADA voting booth \$229		229
Secrecy Sleeves 100 x \$60 = 600		600
6 Ballot Judge bags \$175 x 6 = 1,050		1050
Delivery & Pickup charges by SBE movers \$2,000		2000
Election supplies (pens, clipboards, etc.) \$300		300
10 tables and 40 chairs \$1,800		1800
Router & Telecon services charged by SBE \$2,000		2000
Antenna & modem charged by SBE \$1,600		1600
Early Voting Manuals \$2,000		2000
8 Provisional Ballot bags 8 x \$65 = 520		520
Supplies bag \$260		260
Vote here signs \$30 x 5 = 150		150
Early Voting Feather Sign \$350		350
No Electioneering signs and cones 4 x \$70		280
Sign tower \$160		160
Contingency & Extended Hours supplies \$450		450
Security Guard \$25/hr for 14 hrs/day x 8 days		2800
HB79 - additional staff member for office for each additional EV site		
Election Administrative Assistant \$42,000		42000
		116709

2018

Early Voting Breakdown

Precinct	Polling Place	Registered Voters	District 1	District 2	District 3	District 4	District 5	District 6	District 7	Total	Turnout
001-001	Pocomoke Community Center	4047	174						1	175	4%
001-002	First Baptist Church	779	88							88	11%
002-001	Shiloh U. M. Church	542	1	28						29	5%
002-002	Snow Hill Middle School	1303		100						100	8%
002-003	Newark Fire Department	518		105						105	20%
002-004	Berlin Intermediate School	580		137		1				138	24%
002-005	Stephen Decatur Middle School	1834		379			1			380	21%
003-001	Ocean City Elementary School	3044			501		2		1	504	17%
003-002	Ocean City Lions Club	1788			407	2				409	23%
003-003	Berlin Intermediate School	999			261					261	26%
004-001	Snow Hill Elementary School	2431				283				283	12%
004-002	Buckingham Elementary School	785			1	211			1	213	27%
004-003	Buckingham Elementary School	376				71				71	19%
004-004	Showell Fire Department	1476				205			1	206	14%
005-001	Showell Elementary School	3241	1				970		1	972	30%
005-002	Ocean Pines Library	2999		1			696		1	698	23%
006-001	Ocean Pines Community Center	3246		1			1		921	923	28%
006-002	Showell Elementary School	1111							221	221	20%
006-003	Bishopville Fire Department	1832				2			247	249	14%
007-001	Roland E Powell Convention Center	5788		1	1				711	713	12%
Totals		38719	264	752	1171	775	1670	1392	714	6738	17%

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2018 gubernatorial general election
 Total votes counted

County	Early Voting		Polling Place (Election Day)		Absentee		Provisional		Total
Allegany	2,654	11.07%	19,280	80.41%	1,331	5.55%	712	2.97%	23,977
Anne Arundel	69,496	30.07%	145,759	63.06%	11,565	5.00%	4,316	1.87%	231,136
Baltimore City	47,682	25.61%	123,273	66.21%	7,606	4.08%	7,636	4.10%	186,197
Baltimore County	102,163	31.14%	205,860	62.75%	13,581	4.14%	6,453	1.97%	328,057
Calvert	8,839	22.21%	28,601	71.87%	1,970	4.95%	383	0.96%	39,793
Caroline	3,123	26.87%	8,055	69.31%	335	2.88%	108	0.93%	11,621
Carroll	16,949	22.41%	55,411	73.27%	2,742	3.63%	526	0.70%	75,628
Cecil	7,857	22.29%	25,996	73.73%	1,189	3.37%	214	0.61%	35,256
Charles	16,879	25.82%	45,074	68.94%	2,049	3.13%	1,376	2.10%	65,378
Dorchester	3,030	24.14%	8,805	70.14%	609	4.85%	109	0.87%	12,553
Frederick	23,919	22.05%	77,779	71.69%	5,255	4.84%	1,537	1.42%	108,490
Garrett	2,830	25.27%	7,638	68.20%	611	5.46%	120	1.07%	11,199
Harford	36,032	32.33%	70,992	63.70%	3,277	2.94%	1,154	1.04%	111,455
Howard	47,186	32.58%	89,230	61.60%	6,591	4.55%	1,841	1.27%	144,848
Kent	2,986	33.99%	5,308	60.43%	394	4.49%	96	1.09%	8,784
Montgomery	113,672	27.62%	251,431	61.09%	37,030	9.00%	9,446	2.30%	411,579
Prince George's	102,863	31.98%	196,338	61.03%	12,452	3.87%	10,029	3.12%	321,682
Queen Anne's	9,018	39.06%	12,996	56.30%	815	3.53%	256	1.11%	23,085
Saint Mary's	9,750	23.84%	28,676	70.13%	1,822	4.46%	644	1.57%	40,892
Somerset	2,197	27.80%	4,992	63.17%	305	3.86%	409	5.18%	7,903
Talbot	8,544	46.28%	8,813	47.74%	928	5.03%	175	0.95%	18,460
Washington	8,757	17.04%	39,007	75.89%	2,898	5.64%	736	1.43%	51,398
Wicomico	10,019	29.43%	21,825	64.11%	1,542	4.53%	656	1.93%	34,042
Worcester	6,743	27.95%	15,774	65.37%	1,318	5.46%	294	1.22%	24,129
Statewide	663,188	28.49%	1,496,913	64.31%	118,215	5.08%	49,226	2.11%	2,327,542

This table includes voters who voted in the 2018 Primary Election and whose ballots were counted. It does not include voters whose absentee or provisional ballots were rejected.

Source: Statewide voter registration system

2018 Polling Places

DIST/PREC	POLLING PLACE NAME & ADDRESS	DIST/PREC	POLLING PLACE NAME & ADDRESS
1-1	POCOMOKE COMMUNITY CENTER 410-957-4200 1410 Market Street, Pocomoke City, MD 21851	4-1	SNOW HILL ELEMENTARY SCHOOL 410-632-5210 515 Coulbourne Lane, Snow Hill, MD 21863
1-2	FIRST BAPTIST CHURCH, GIRDLEFREE 5912 Taylor Landing Rd, PO Box 37, Girdletree, MD 21829	4-2 & 4-3	BUCKINGHAM ELEMENTARY SCHOOL 100 Buckingham Rd, Berlin, MD 21811
2-1	SHILOH UMC Joanne Waters 443-430-5217 2655 Worcester Hwy, PO Box 494, Pocomoke, MD 21851	4-4	SHOWELL FIRE COMPANY 410-352-5916 11620 Worcester Hwy, Showell, MD 21862
2-2	SNOW HILL MIDDLE SCHOOL 410-632-5240 522 Coulbourne Lane, Snow Hill, MD 21863	5-2	OCEAN PINES LIBRARY 410 208-4014 11107 Cathell Rd, Berlin, MD 21811
2-3	NEWARK FIRE COMPANY 410-632-3980 8338 Newark Rd, PO Box 82, Newark, MD 21841	6-1	OCEAN PINES COMMUNITY HALL ASSATEAGUE ROOM 239 Ocean Parkway, Ocean Pines, MD 21811
2-5	STEPHEN DECATUR MIDDLE SCHOOL 9815 Seahawk Rd, Berlin, MD 21811	5-1 & 6-2	SHOWELL ELEMENTARY SCHOOL 410-632-5350 11318 Showell School Rd, Berlin, MD 21811
3-1	OCEAN CITY ELEMENTARY SCHOOL 12828 Center Dr, Ocean City, MD 21842	6-3	BISHOPVILLE FIRE COMPANY 410-352-5778 10709 Bishopville Rd, PO Box 350, Bishopville, MD 21813
3-2	OCEAN CITY LIONS CLUB 410 524-3410 12534 Airport Road, Berlin; P.O. Box 71, OC 21843	7-1	ROLAND E POWELL CONVENTION CENTER 4001 Coastal Hwy, Ocean City, MD 21842
2-4 & 3-3	BERLIN INTERMEDIATE SCHOOL 410-632-5320 309 Franklin Ave, Berlin, MD 21811	EARLY VOTING	GULL CREEK SENIOR LIVING COMMUNITY SUNROOM 1 Meadow Street, Berlin, MD 21811 410-641-3171

Absentee Ballot Statistics By Precinct Report

Election : 11/06/2018 - 2018 GUBERNATORIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
2018					
01001-Dist/Prec: 01001					
	DEMOCRAT	61	50	49	1
	REPUBLICAN	65	58	58	0
	UNAFFILIATED	19	15	15	0
	OTHERS - INDEPENDENT	1	0	0	0
	OTHERS - LIBERALS	1	0	0	0
	Total :	147	123	122	1
01002-Dist/Prec: 01002					
	DEMOCRAT	15	14	14	0
	REPUBLICAN	15	14	14	0
	UNAFFILIATED	1	1	1	0
	Total :	31	29	29	0
02001-Dist/Prec: 02001					
	DEMOCRAT	8	8	7	1
	REPUBLICAN	4	3	3	0
	Total :	12	11	10	1
02002-Dist/Prec: 02002					
	DEMOCRAT	47	44	44	0
	REPUBLICAN	16	14	14	0
	UNAFFILIATED	2	1	1	0
	OTHER PARTIES	2	2	2	0
	OTHERS - INDEPENDENT	1	1	1	0
	Total :	68	62	62	0
02003-Dist/Prec: 02003					
	DEMOCRAT	5	2	2	0
	REPUBLICAN	6	6	6	0
	Total :	11	8	8	0
02004-Dist/Prec: 02004					
	DEMOCRAT	14	14	14	0
	REPUBLICAN	3	2	2	0
	UNAFFILIATED	1	0	0	0
	Total :	18	16	16	0
02005-Dist/Prec: 02005					
	DEMOCRAT	29	21	21	0
	REPUBLICAN	3	2	2	0

Absentee Ballot Statistics By Precinct Report

Election : 11/06/2018 - 2018 GUBERNATORIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
	UNAFFILIATED	2	2	2	0
	Total :	34	25	25	0
03001-Dist/Prec: 03001					
	DEMOCRAT	53	44	44	0
	REPUBLICAN	64	49	49	0
	UNAFFILIATED	12	8	7	1
	OTHERS - INDEPENDENT	2	1	1	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	132	103	102	1
03002-Dist/Prec: 03002					
	DEMOCRAT	27	21	21	0
	REPUBLICAN	37	32	32	0
	UNAFFILIATED	8	6	5	1
	OTHERS - GREEN	1	1	1	0
	OTHERS - INDEPENDENT	2	2	2	0
	Total :	75	62	61	1
03003-Dist/Prec: 03003					
	DEMOCRAT	34	31	31	0
	REPUBLICAN	19	18	18	0
	UNAFFILIATED	5	4	4	0
	OTHERS - INDEPENDENT	2	2	2	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	61	56	56	0
04001-Dist/Prec: 04001					
	DEMOCRAT	42	36	36	0
	REPUBLICAN	67	59	59	0
	UNAFFILIATED	9	7	7	0
	OTHERS - INDEPENDENT	1	1	1	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	120	104	104	0
04002-Dist/Prec: 04002					
	DEMOCRAT	10	9	9	0
	REPUBLICAN	13	12	12	0

Absentee Ballot Statistics By Precinct Report

Election : 11/06/2018 - 2018 GUBERNATORIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
	UNAFFILIATED	5	4	4	0
	Total :	28	25	25	0
04003-Dist/Prec: 04003					
	DEMOCRAT	2	2	2	0
	REPUBLICAN	6	6	6	0
	UNAFFILIATED	1	1	1	0
	Total :	9	9	9	0
04004-Dist/Prec: 04004					
	DEMOCRAT	15	10	10	0
	REPUBLICAN	8	8	8	0
	UNAFFILIATED	5	2	2	0
	OTHERS - INDEPENDENT	1	1	1	0
	Total :	29	21	21	0
05001-Dist/Prec: 05001					
	DEMOCRAT	53	43	43	0
	REPUBLICAN	53	45	45	0
	UNAFFILIATED	27	21	21	0
	OTHER PARTIES	1	1	1	0
	OTHERS - INDEPENDENT	7	4	4	0
	Total :	141	114	114	0
05002-Dist/Prec: 05002					
	DEMOCRAT	51	42	42	0
	REPUBLICAN	38	30	30	0
	UNAFFILIATED	17	14	14	0
	OTHERS - INDEPENDENT	1	1	1	0
	OTHERS - LIBERTARIAN	1	0	0	0
	Total :	108	87	87	0
06001-Dist/Prec: 06001					
	DEMOCRAT	45	39	37	2
	REPUBLICAN	59	53	53	0
	UNAFFILIATED	14	12	11	1
	OTHERS - GREEN	1	1	1	0
	OTHERS - INDEPENDENT	1	1	1	0
	OTHERS - LIBERTARIAN	1	1	1	0

Absentee Ballot Statistics By Precinct Report

Election : 11/06/2018 - 2018 GUBERNATORIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
	Total :	121	107	104	3
06002-Dist/Prec: 06002	DEMOCRAT	23	22	21	1
	REPUBLICAN	27	25	25	0
	UNAFFILIATED	3	2	2	0
	OTHERS - GREEN	1	0	0	0
	Total :	54	49	48	1
06003-Dist/Prec: 06003	DEMOCRAT	35	28	27	1
	REPUBLICAN	26	22	22	0
	UNAFFILIATED	8	5	4	1
	Total :	69	55	53	2
07001-Dist/Prec: 07001	DEMOCRAT	120	102	101	1
	REPUBLICAN	158	132	131	1
	UNAFFILIATED	27	23	23	0
	OTHERS - INDEPENDENT	7	7	7	0
	Total :	312	264	262	2

Absentee Ballot Statistics By Precinct Report

Election : 11/06/2018 - 2018 GUBERNATORIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected

Summary Party - Ballots Summary

Political Party	-----Ballots-----			
	Sent	Returned	Accepted	Rejected
DEMOCRAT	689	582	575	7
REPUBLICAN	687	590	589	1
UNAFFILIATED	166	128	124	4
OTHER PARTIES	3	3	3	0
OTHERS - GREEN	3	2	2	0
OTHERS - INDEPENDENT	26	21	21	0
OTHERS - LIBERALS	1	0	0	0
OTHERS - LIBERTARIAN	5	4	4	0
Total :	1580	1330	1318	12

Absentee Ballot Statistics By Precinct Report

Election : 11/08/2016 - 2016 PRESIDENTIAL GENERAL ELECTION Precinct : All

2016

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
01001-Dist/Prec: 01001					
	DEMOCRAT	100	90	90	0
	REPUBLICAN	90	85	79	3
	UNAFFILIATED	25	20	20	0
	OTHERS - LIBERTARIAN	1	0	0	0
	Total :	216	195	189	3
01002-Dist/Prec: 01002					
	DEMOCRAT	10	8	8	0
	REPUBLICAN	28	22	22	0
	UNAFFILIATED	4	4	4	0
	Total :	42	34	34	0
02001-Dist/Prec: 02001					
	DEMOCRAT	12	9	9	0
	REPUBLICAN	7	6	6	0
	UNAFFILIATED	4	4	4	0
	Total :	23	19	19	0
02002-Dist/Prec: 02002					
	DEMOCRAT	64	57	55	1
	REPUBLICAN	17	16	16	0
	UNAFFILIATED	6	4	4	0
	Total :	87	77	75	1
02003-Dist/Prec: 02003					
	DEMOCRAT	4	3	3	0
	REPUBLICAN	13	10	10	0
	UNAFFILIATED	4	2	2	0
	Total :	21	15	15	0
02004-Dist/Prec: 02004					
	DEMOCRAT	21	18	18	0
	REPUBLICAN	2	2	2	0
	UNAFFILIATED	3	3	3	0
	Total :	26	23	23	0
02005-Dist/Prec: 02005					
	DEMOCRAT	45	30	30	0
	REPUBLICAN	10	8	7	0
	UNAFFILIATED	7	7	7	0

Absentee Ballot Statistics By Precinct Report

Election : 11/08/2016 - 2016 PRESIDENTIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
	Total :	62	45	44	0
03001-Dist/Prec: 03001	DEMOCRAT	71	60	57	2
	REPUBLICAN	93	82	79	1
	UNAFFILIATED	24	18	17	0
	OTHERS - INDEPENDENT	2	2	2	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	191	163	156	3
03002-Dist/Prec: 03002	DEMOCRAT	42	35	35	0
	REPUBLICAN	62	49	47	2
	UNAFFILIATED	17	17	16	1
	Total :	121	101	98	3
03003-Dist/Prec: 03003	DEMOCRAT	44	38	37	0
	REPUBLICAN	13	9	9	0
	UNAFFILIATED	12	9	9	0
	OTHERS - INDEPENDENT	1	1	1	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	71	58	57	0
04001-Dist/Prec: 04001	DEMOCRAT	69	67	64	0
	REPUBLICAN	70	67	67	0
	UNAFFILIATED	20	14	13	1
	OTHERS - GREEN	1	0	0	0
	OTHERS - INDEPENDENT	1	1	1	0
	OTHERS - LIBERTARIAN	1	0	0	0
	OTHERS - SOCIALIST	1	1	1	0
	Total :	163	150	146	1
04002-Dist/Prec: 04002	DEMOCRAT	14	13	13	0
	REPUBLICAN	17	15	14	0
	UNAFFILIATED	1	1	1	0

Absentee Ballot Statistics By Precinct Report

Election : 11/08/2016 - 2016 PRESIDENTIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
	Total :	32	29	28	0
<hr/>					
04003-Dist/Prec: 04003	DEMOCRAT	5	4	4	0
	REPUBLICAN	6	7	6	0
	UNAFFILIATED	2	2	2	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	14	14	13	0
<hr/>					
04004-Dist/Prec: 04004	DEMOCRAT	19	16	16	0
	REPUBLICAN	20	18	17	1
	UNAFFILIATED	2	2	2	0
	OTHER PARTIES	1	0	0	0
	OTHERS - INDEPENDENT	2	2	2	0
	Total :	44	38	37	1
<hr/>					
05001-Dist/Prec: 05001	DEMOCRAT	77	72	68	1
	REPUBLICAN	74	68	61	0
	UNAFFILIATED	34	33	30	1
	OTHERS - INDEPENDENT	3	3	3	0
	Total :	188	176	162	2
<hr/>					
05002-Dist/Prec: 05002	DEMOCRAT	53	52	49	1
	REPUBLICAN	52	52	45	0
	UNAFFILIATED	23	20	20	0
	OTHERS - INDEPENDENT	1	1	1	0
	Total :	129	125	115	1
<hr/>					
06001-Dist/Prec: 06001	DEMOCRAT	62	56	52	1
	REPUBLICAN	99	88	87	0
	UNAFFILIATED	33	30	26	0
	OTHERS - INDEPENDENT	3	3	3	0
	OTHERS - LIBERTARIAN	1	1	1	0
	Total :	198	178	169	1

Absentee Ballot Statistics By Precinct Report

Election : 11/08/2016 - 2016 PRESIDENTIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----			
		Sent	Returned	Accepted	Rejected
06002-Dist/Prec: 06002					
	DEMOCRAT	21	19	19	0
	REPUBLICAN	34	28	28	0
	UNAFFILIATED	5	5	5	0
	OTHERS - GREEN	1	1	1	0
	Total :	61	53	53	0
06003-Dist/Prec: 06003					
	DEMOCRAT	29	27	26	0
	REPUBLICAN	37	34	30	1
	UNAFFILIATED	12	12	11	0
	OTHERS - INDEPENDENT	1	1	1	0
	Total :	79	74	68	1
07001-Dist/Prec: 07001					
	DEMOCRAT	214	189	188	0
	REPUBLICAN	217	198	187	1
	UNAFFILIATED	67	60	56	0
	OTHERS - AMERICAN INDEPENDENT	1	1	1	0
	OTHERS - INDEPENDENT	9	8	8	0
	OTHERS - LIBERTARIAN	3	3	3	0
	Total :	511	459	443	1

Absentee Ballot Statistics By Precinct Report

Election : 11/08/2016 - 2016 PRESIDENTIAL GENERAL ELECTION Precinct : All

Precinct	Political Party	-----Ballots-----		
		Sent	Returned	Accepted Rejected

Summary Party - Ballots Summary

Political Party	-----Ballots-----			
	Sent	Returned	Accepted	Rejected
DEMOCRAT	976	863	841	6
REPUBLICAN	961	864	819	9
UNAFFILIATED	305	267	252	3
OTHER PARTIES	1	0	0	0
OTHERS - AMERICAN INDEPENDENT	1	1	1	0
OTHERS - GREEN	2	1	1	0
OTHERS - INDEPENDENT	23	22	22	0
OTHERS - LIBERALS	0	0	0	0
OTHERS - LIBERTARIAN	9	7	7	0
OTHERS - SOCIALIST	1	1	1	0
Total :	2279	2026	1944	18

MINUTES
Worcester County Board of Elections
100 Belt Street, Snow Hill MD 21863
Wednesday, January 30, 2019

Attendees: BOARD:

Kay Ann Hickman, Board Vice President
Gwen Cordner, Board Secretary
Hinson Finney
Lou Ann Trummel, Board President
Ed Rodier

STAFF:

Patricia Jackson, Election Director
Teresa Riggan, Deputy Election Director

Absent: Lindsey West, Board Attorney

Guest: Mary Burgess, Co-Chair, Worcester County Republican Central Committee
Loretta Spinuzza, Co-Chair, Worcester County Republican Central Committee

Meeting called to order and Quorum Determined

A quorum was declared present. President Trummel called the meeting to order at 10:00 am. President Trummel welcomed guests Mary Burgess and Loretta Spinuzza.

Approval of Minutes - Vice President Hickman offered a motion to approve the Board Meeting Minutes of January 9, 2019, Mr. Rodier seconded the motion and it was approved unanimously.

Correspondence - copy of letter addressed to County Commissioners received from YOUR VOTE YOUR VOICE! LOWER SHORE MARYLAND Representative Joan Roache was distributed.

OLD BUSINESS - none

NEW BUSINESS Discussion regarding establishment of an additional early voting polling place in Pocomoke in response to the request from YVYVLSM included economic impact analyses prepared by Mr. Rodier and Director Jackson which suggested the cost per voter would be prohibitive. If the County Commissioners approve this addition to the Board of Elections budget, the costs must be included Director Jackson's budget submission which is due tomorrow and all elements of the new location would be required to be in place as of 9/1/19. Mr. Finney made a motion to establish a second early voting polling place in Pocomoke, which was seconded by President Trummel. The vote which ensued resulted in the suggestion being unanimously rejected. Further discussion revealed the consensus that if/when a second early voting polling place is established, Snow Hill would be a better location than Pocomoke.

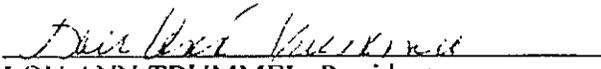
Ms. Cordner suggested that the complaint regarding lack of transportation from Pocomoke to the Gull Creek Early Voting Center could be resolved by working with Shore Transit to add a stop during the early voting schedule on the bus route that goes right by Gull Creek on Route 113.

MINUTES Worcester County Board of Elections
Page 2 of 2
January 30, 2019

Scheduling of the Next Meeting – The next meeting of the Worcester County Board of Elections will be held on Wednesday, April 3, 2019 at 10:00 am at the 100 Belt Street office; subsequent 2019 meetings will be held on July 3. and October 2.

Adjournment – President Trummel accepted Vice President Hickman's motion to adjourn at 10:45 am. which was seconded by Ms. Corder and unanimously approved.

Respectfully submitted,



LOU ANN TRUMMEL, President
Worcester County Board of Elections

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



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 14, 2020

15

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER

ROSCOE R. LESLIE
COUNTY ATTORNEY

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

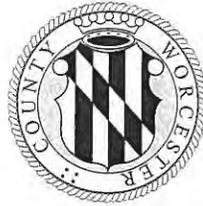
TO: Harold Higgins, Chief Administrative Officer
FROM: Roscoe R. Leslie, County Attorney *RL*
Re: Prosecution of Civil Infractions

With Ms. Howarth's leaving County employment, we need to name me as the attorney to prosecute County civil infractions. Pursuant to Annotated Code of Maryland, Local Government Article, §11-206, the County Attorney is authorized to prosecute civil infractions on behalf of the County, subject to the approval of the County Commissioners and designation by the State's Attorney. Attached is a letter for the Commissioners review and the President's signature.

Please advise if you should need any additional information.

/fac
H:\COATTY\prosecution of Civil Infractions Designation.wpd

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



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 21, 2020

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

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

DRAFT

Honorable Kristen Heiser
State's Attorney for Worcester County
106 Franklin St.
Snow Hill, MD 21863

Re: Prosecution of Civil Infractions

Dear Ms. Heiser:

In accordance with the Annotated Code of Maryland, Local Government Article §11-206, the County Commissioners have approved Roscoe R. Leslie, our County Attorney, as the proper person to prosecute Worcester County civil infractions. I ask that pursuant to this section you designate Mr. Leslie as the special prosecuting attorney.

If you need any additional information, please contact our Chief Administrative Officer, Harold Higgins. Thank you for your assistance in this matter.

Sincerely,

Joseph M. Mitrecic
President

cc: Roscoe R. Leslie, County Attorney

H:\COATTY\Civil Infractions Designation-State's Attorney.wpd

**NOTICE
OF
PROPOSED CHANGE
IN ZONING**

16

SOUTHERLY SIDE OF US ROUTE 50
NORTHERLY SIDE OF MD ROUTE 346

THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 422 has been filed by Joseph E. Moore, attorney, on behalf of M and G Route 50 Land, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 18.65 acres of land located on the southerly side of US Route 50 and northerly side of MD Route 346, in the Third Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING
on
TUESDAY, JANUARY 21, 2020
at 10:30 A.M.

in the
COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101, WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET, SNOW HILL, MARYLAND 21863

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 422 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. 422 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863, Monday through Friday from 8:00 am until 4:30 pm (except holidays).

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Joseph Mitrecic, President

1a



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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

Scheduled Public Hearing
on January 21, 2020

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: December 9, 2019
RE: Planning Commission Findings of Fact and Recommendation
Rezoning Case No. 422
(M & G Route 50 Land, LLC, Applicant, and Joseph E. Moore, Attorney for the Applicants)



Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 422, seeking to rezone approximately 18.65 acres of land located on the southerly side of US Route 50 and northerly side of MD Route 346, west of Berlin, from A-1 Agricultural District to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on October 3, 2019 and given a favorable recommendation.

Also attached for your use is a draft public notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Kelly Shannahan. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

EAT/phw

APPROVED
Worcester County Commissioners
Date HH 12/17/19

16

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 422

APPLICANT:

**M & G Route 50 Land, LLC
Ernest A. Gerardi, Jr., Manager
9 Bay Street
Berlin, Maryland 21811**

ATTORNEY FOR THE APPLICANT:

**Joseph E. Moore
3509 Coastal Highway
Ocean City, Maryland 21842**

October 3, 2019

WORCESTER COUNTY PLANNING COMMISSION

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A.	Copy of Written Staff Report	Pages 14 - 20
B.	Attachments to the Staff Report:	
1.	Memo dated June 11, 2019 requesting comments	Pages 21 - 22
2.	Letter dated May 23, 2019 to the Worcester County Commissioners from Joseph E. Moore with attached Application for Amendment of Official Zoning Map	Pages 23 - 29
3.	Comments of Robert J. Mitchell, Worcester County Environmental Programs Director	Pages 30 - 31
4.	Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 32
5.	Comments of Kathryn Gordon, Worcester County Economic Development Director	Page 33
6.	Letter dated June 18, 2019 to Phyllis Wimbrow from Wm. Gee Williams, Mayor of Berlin	Page 34
7.	Maps of petitioned area	Pages 35 - 40
8.	Letter dated August 28, 2019 to Phyllis Wimbrow from Wm. Gee Williams, Mayor of Berlin, and Joseph E. Moore, Attorney for Applicant	Page 41
9.	Letter dated August 21, 2019 to Robert Mitchell from Joseph E. Moore with attachments	Pages 42 - 44
10.	E-mails dated August 30, 2019 and August 29, 2019	

with attachments

Pages 45 - 47

11. Survey of petitioned area

Page 48

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 422, filed on May 24, 2019.
- B. APPLICANT: M & G Route 50 Land, LLC
Ernest A. Gerardi, Jr., Manager
9 Bay Street
Berlin, Maryland 21811
- APPLICANTS' ATTORNEY: Joseph E. Moore
3509 Coastal Highway
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 20 - Parcels 47 and 318 - Tax District 3
- D. SIZE: The subject property is comprised of two parcels which total 18.65 acres in size. Parcel 47 is 0.92 acres while Parcel 318 is 17.73 acres. A survey plat provided by the applicant indicates that there is an existing 150 foot wide easement for overhead power lines on Parcel 47 that totals 0.978 acres in size. It appears it is to be replaced with a new right-of-way totaling 0.41 acres.
- E. LOCATION: The petitioned area is located on the northerly side of Old Ocean City Road and the southerly side of US Route 50, west of Berlin. The petitioned area is within one mile of the corporate limits of Berlin.
- F. CURRENT USE OF PETITIONED AREA: The site is presently tilled land.
- G. CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.
- H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. That designation has been retained through both the 1992 and 2009 comprehensive rezonings.
- J. SURROUNDING ZONING: Adjoining and nearby properties to the west and southwest are also zoned A-1 Agricultural District. Properties to the east along both sides of Old Ocean Road are zoned R-2 Suburban Residential District.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Growth Area and Agricultural Land Use Categories. All of Parcel 318 and most of Parcel 47 are

within the Growth Area category while the most easterly portion of Parcel 47 is within the Agricultural Land Use category.

- L. **WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have designations of Water and Sewer Service Category W-3 and S-3 (Service within a 6 to 10 year timeframe) in the Master Water and Sewerage Plan. Mr. Mitchell states that his department's well and septic records show the properties were improved with existing individual well and septic before abandonment and that capacity would have to be reestablished which would include seasonal testing to explore what proposed commercial uses could be supported by approved interim onsite sewage systems.
- M. **ROAD ACCESS:** The petitioned area fronts on and currently has access to MD Route 346 (Old Ocean City Road), a State-owned and -maintained roadway. The petitioned area also has frontage on US Route 50, also state-owned and -maintained, but this segment is denied access. Thus, all access to the petitioned area must be from MD Route 346. The Comprehensive Plan does not make any statements or recommendations with regard to MD Route 346 specifically but § ZS 1-326(c) of the Zoning Code classifies it as a minor collector highway. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Joseph E. Moore, applicant's attorney, Hugh Cropper, IV, attorney, R. D. Hand, landscape architect, Chris McCabe, environmental consultant, John Salm, engineer, and Ernest A. Gerardi, Jr., property owner, were present for the review. Mr. Moore provided the Planning Commission with a description of the property's location, which he referred to as the westerly gateway to Berlin. He stated that it is a very visible entrance to Berlin and provided as Applicant's Exhibit No. 1 a photograph of the US Route 50 eastbound approach to MD Route 346. Mr. Moore noted that MD Route 346 acts as a service road since the property is denied access to US Route 50. Submitted as Applicant's Exhibit No. 2 was a photograph of the US Route 50 and MD Route 346 intersection. A survey of the properties was submitted as Applicant's Exhibit No. 3. Mr. Moore stated that the property is bounded by highways on two sides and Delmarva Power's electric substation on the east side, which he maintained was a substantial industrial type of use. He asserted that this creates an isolated piece of property zoned A-1 Agricultural District. Submitted as Applicant's Exhibit No. 4 was a collective of photographs of the Delmarva Power substation. Mr. Moore noted that everything east of the substation extending to the westerly corporate limits of Berlin is currently zoned R-2 Suburban Residential District. He maintained that the petitioned area was a significantly important potential location for commercial uses that would directly

serve the people of Berlin.

Hugh Cropper, IV, was called as the first witness. His resume was submitted as Applicant's Exhibit No. 5. Upon questioning by Mr. Moore, Mr. Cropper explained that he has some knowledge of agriculture, as he owns six agricultural properties, leases to farmers, and does some farming activity himself. He stated that, in his opinion, the site cannot be farmed without difficulty due to its odd shape, small size, and the location of power lines and ditches. He maintained that the location and triangular shape of the petitioned area has caused access limitations and that the site is too small and misshapen to be utilized by large farm equipment. Mr. Cropper noted that the Comprehensive Plan encourages the protection of large tracts of agriculturally zoned and utilized lands, yet the petitioned area is only 18 acres in size. He asserted that a farmer would only till this site to either keep the weeds down or for insurance purposes. Mr. Moore asked Mr. Cropper his opinion as to whether the A-1 Agricultural District is an appropriate zoning district for the petitioned area. Mr. Cropper responded that it is not because of the site's access limitations and small, irregular size and that it was in fact a mistake to maintain the zoning of the property as A-1 Agricultural District during the 2009 comprehensive rezoning, albeit one made in good faith. Regarding other potential uses of the property, the industrial nature of the adjacent power substation as well as the overhead power lines and associated easement located on the petitioned area make residential use of the petitioned area inappropriate. Mr. Cropper asserted that commercial use is the only logical use for the petitioned area.

Mr. Moore stated that while the Comprehensive Plan indicates that there is an overabundance of commercially zoned lands, especially in the US Route 50 corridor, this parcel is an isolated site that is not related to the abundance of commercial zoning situated to the east of Berlin along US Route 50. Mr. Cropper concurred that the Comprehensive Plan was referring to the commercially zoned properties in the US Route 50 corridor to the east of Berlin. Mr. Moore submitted Applicant's Exhibit No. 6 which was an aerial photograph of the general neighborhood of the petitioned area. Mr. Cropper noted that the closest commercially zoned property is at the intersection of US Route 50 and MD Route 818 (North Main Street). Pointing out that service road requirements are imposed in some areas of the US Route 50 corridor, Mr. Cropper noted if the petitioned area were zoned commercial, MD Route 346 would act as a service road for the petitioned area just as Samuel Bowen Boulevard does in the Walmart corridor. Mr. Moore stated that the petitioned area is approximately five miles west of the commercially zoned corridor between the easterly side of Berlin and West Ocean City and the stressed traffic conditions experienced during the peak season. Mr. Moore stated that Mr. Cropper was the attorney involved in the down-zoning of the commercially-zoned portion located further west at the Fort Whaley campground. He said that the petitioned area is the first appropriate location of

potentially commercially zoned property in Worcester County heading eastbound along US Route 50. He submitted Applicant's Exhibit No. 7 which was an aerial photograph of the US Route 50 corridor extending east from the subject property towards MD Route 589. Mr. Cropper noted that the substantial commercially zoned and utilized corridor east of MD Route 589 is 4.8 miles east of the petitioned area. An aerial photograph of the US Route 50 corridor extending west from the petitioned area to Dale Road and the former commercially zoned portion of the Fort Whaley campground was submitted as Applicant's Exhibit No. 8. This former commercial site is approximately 25 acres in size and is located 4.8 west of the petitioned area.

Mr. Moore stated that the petitioned area is classified by the Comprehensive Plan as being within a Growth Area. Relative to the various standards associated with these growth areas, Mr. Moore pointed out that one standard is the requirement for potential future annexation. The Comprehensive Plan calls for growth areas to be annexed by the incorporated towns but also expresses understanding that properties within growth areas cannot always be successfully or satisfactorily annexed and the County Commissioners may still permit development in these growth areas without annexation. Mr. Moore stated that a letter from Mayor Gee Williams of the Town of Berlin was included in the staff report objecting to the characterization of a breakdown in the annexation process. He noted, however, that there was a follow-up letter jointly signed by Mr. Moore and Mayor Williams that clarified the initial letter. It indicated that Mr. Moore and Mr. Gerardi had met with representatives of the Town of Berlin to work toward an annexation agreement. When they were in the final stages they were unable to reach an agreement with respect to certain circumstances and Mr. Moore and Mr. Gerardi therefore withdrew the annexation request at the recommendation of Mayor Williams. The letter indicated that the Town of Berlin understood that the property owner would subsequently file an application for rezoning and had no objection to this request. Mr. Moore stated that the crux of the matter is that regardless of whether the petitioned area is annexed, it is an appropriate area for commercial development to serve the Town of Berlin. He noted that downtown Berlin is fully developed, with no additional room for parking, but this site is unique in that it will provide a visible use to the gateway to Berlin.

Mr. Cropper summarized their position, stating that the agricultural zoning was a mistake, other zoning districts are inappropriate for a variety of reasons and commercial zoning is more desirable due to location and in terms of the Comprehensive Plan because the petitioned area is within a designated growth area. He maintained that regardless of whether the petitioned area is within the town limits of Berlin or not, it is needed to serve the town. Mr. Cropper also stated that Berlin's is the only successful growth area that Worcester County has had. He noted that the Town of Snow Hill annexed properties a number of years ago and just recently de-annexed them and asserted that it is not likely that the

area will be included in a growth area in the next plan cycle. He also pointed out that the growth area in Showell was never developed.

R. D. Hand was called as the next witness. Mr. Moore noted that the Planning Commission is required by law to make certain findings of fact, including whether the proposed zoning district is compatible with the Comprehensive Plan. He stated that the majority of the petitioned area is classified by the Comprehensive Plan as being within the Growth Area Land Use Category and that this category designates areas outside incorporated areas that are suitable and desirable for future planned growth. Mr. Hand testified that they have discussed potential uses and developed a general plan for the use of the property under the C-2 General Commercial District zoning classification. Access to the site will be via MD Route 346 which functions as somewhat of a service road. Mr. Moore noted that during the comprehensive rezoning of 2009, the 2010 Census had not yet occurred. Between 1990 and 2000 the Town of Berlin had a 34 percent increase in population. The most recent Census figures showed that there was again significant growth in Berlin, approximately 28 percent, between 2000 and 2010. Mr. Hand stated that the population needs commercial services that can be conveniently provided and asserted that the petitioned area is an appropriate location because it is so close to the Town of Berlin. Additionally, the Comprehensive Plan calls for employment centers to be located close to population centers and the proposed rezoning and subsequent development would be in keeping with that recommendation. Growth areas and commercial centers also require adequate existing roadways. Mr. Moore pointed out that the petitioned area fronts on US Route 50, an arterial highway, and is directly served by MD Route 346 which acts as a service road to US Route 50 in this location. Mr. Hand stated that for these reasons he feels the petitioned area is an appropriate location for a community commercial center.

Mr. Moore stated that the Planning Commission and County Commissioners must also consider the potential impact a proposed rezoning may have on traffic and transportation patterns. He provided a traffic study dated September 30, 2019 prepared by Betty Tustin of the Traffic Group as Applicant's Exhibit No. 9. He stated that this traffic study concluded that the proposed commercial use of the petitioned area will not have an adverse impact on future traffic during any peak hours, with a Level of Service A being maintained on all roadways and at both proposed entrances. Mr. Moore stated that Mrs. Tustin analyzed the system based upon designs of both 50,000 and 80,000 square feet in gross floor area of commercial space. He stated that at no point did the traffic drop below a Level of Service A regardless of what size development Mrs. Tustin considered. Upon questioning by Mr. Moore, Mr. Hand stated that he had reviewed the traffic study and concurred with its conclusions and that, in his opinion, the proposed development comports with all aspects of the Comprehensive Plan and provided a needed service area for the Town of Berlin.

Chris McCabe was called as the next witness. Mr. Moore and Mr. McCabe stated that they had discussed the potential environmental impacts that may occur with a new development if the proposed rezoning to C-2 General Commercial District is approved. Mr. McCabe stated that there is an area of nontidal wetlands on the petitioned area and the proposed development will result in impacts of less than 5,000 square feet to them. He said that an application has been submitted to the Maryland Department of the Environment for these proposed nontidal wetland impacts and has been conceptually approved, with final approval to be granted once the zoning concurs with the proposed uses. Mr. McCabe said that there will be no adverse effects on the environment as a result of the change in land use and zoning and that any commercial project will have to comply with the requirements for stormwater management, sediment and erosion control and the Forest Conservation Law as part of a new development plan.

Mr. Moore asserted that there are adequate public facilities and services such as police, fire and electricity to serve the petitioned area. He noted that the petitioned area is about one mile from the corporate limits of the Town of Berlin, which has a volunteer fire department, and that the Maryland State Police Barracks are on US Route 50 in very close proximity. Mr. Moore stated that the applicant and he had been focusing on the need for public sewer service and the intent of earlier annexation discussions was to extend public sewer from the corporate limits of Berlin to the petitioned area. However, an annexation agreement could not be reached. Therefore, the property owner will have to accommodate any new development with on-site wastewater disposal (septic). Mr. Moore called John Salm as his next witness. Mr. Salm stated that he met with Mr. Gerardi, the property owner, and Bob Mitchell, Director of the Environmental Programs Department, to discuss the existing and potential on-site septic capacity of the property. He noted that while the petitioned area is currently vacant, Mr. Mitchell had stated that there were two approved septic areas that could be utilized for a new development which provide a capacity of 12,000 gallons per day. Mr. Salm also noted that there are some soils on the site that will probably provide another 12,000 gallons per day of sewage disposal. This would require that the property owner apply for and proceed with wet season testing through the Department of Environmental Programs. Mr. Salm stated without public sewer, there is limited on-site wastewater disposal and that this will limit the overall amount of commercial use. He estimated that approximately 80,000 square feet of commercial space could potentially be served on site and may include such developments as a convenience store with minimal seating as well as warehouse/contractors' shop facilities.

Noting that the property owner, Mr. Gerardi, was present and had been a significant force in the redevelopment of Berlin, Mr. Moore closed his presentation before the Planning Commission by stating that the location of the petitioned area and its odd configuration justifies a finding of mistake in the

existing agricultural zoning, though it is not one of an intentional nature. He maintained that the location of the Delmarva Power substation and overhead power lines make residential use unattractive, as does its location adjacent to two roadways. Mr. Moore asserted this “gateway” location does make the petitioned area conducive to commercial use, however, and is the only reasonable use.

III. PLANNING COMMISSION’S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that because Mr. Moore was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.
- B. Regarding population change: The Planning Commission concluded that while there has not been significant change to the population of the vicinity immediately surrounding the petitioned area since the comprehensive rezoning of 2009, the Town of Berlin has experienced substantial population growth over the last 30 years. According to Census records, the Town’s population increased 34 percent between 1990 and 2000 and grew another 28.5 percent by 2010, the year of the last Census. The Planning Commission determined that this increased population needs areas that provide commercial services.
- C. Regarding availability of public facilities: The Planning Commission found that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo (copy attached) that the subject properties have designations of Sewer and Water Service Categories S-3 and W-3 (Service within a 6 to 10 year timeframe) in the Master Water and Sewerage Plan. He stated that sewer and water could not be extended to the petitioned area until S-1 and W-1 designations are approved. He further stated that those designations would come with annexation and that where a property must be annexed in order to be connected to a water or sewer system, that system would not be considered directly available until that annexation is substantially completed. He noted that the property is not being considered for annexation by the Town of Berlin at this time. Mr. Mitchell stated that his department’s well and septic records show the properties were improved with existing individual well and septic before abandonment. He stated that that capacity would have to be reestablished and that would include seasonal testing to explore what proposed commercial uses could be supported by approved interim onsite sewage systems. Neither John H. Tustin, P. E., Director of Public Works, or John Ross, Deputy Director of Public Works, submitted any comments. According to the Worcester County Soil Survey the primary soil types on the petitioned area have severe limitations to on-site wastewater disposal. The Planning Commission found that John Salm testified that the two existing septic systems on the site provide about 12,000 gallons per day of wastewater disposal capacity and onsite soils would probably provide an additional 12,000 gallons per

day once required wet seasoning testing is performed. Mr. Salm stated that approximately 80,000 square feet of commercial use could be thus be served. He also testified adequate public facilities such as fire and police are available to serve the petitioned area. The Planning Commission found that fire and ambulance service will be available from the Berlin Volunteer Fire Company's main facility on Main Street or the substation on US Route 50, both approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately two minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department. The petitioned area is within the area served by the following schools: Buckingham Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE). In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning and that on-site wastewater disposal will be adequate to serve commercial use of the petitioned area.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on and currently has access to MD Route 346 (Old Ocean City Road), a State-owned and -maintained roadway. The petitioned area also has frontage on US Route 50, also state-owned and -maintained, but this segment is denied access. Thus, all access to the petitioned area must be from MD Route 346. The Comprehensive Plan does not make any statements or recommendations with regard to MD Route 346 specifically but § ZS 1-326 of the Zoning Code classifies it as a minor collector highway. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway and recommends that development be limited until capacity is no longer impacted and that the amount of commercial zoning along US Route 50 should be reduced to maintain its capacity. No comments were received from the State Highway Administration District 1 with regard to this application. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time. The Planning Commission noted that Mr. Moore submitted a traffic study which analyzed traffic impacts resulting from up to 80,000 square feet of commercial use on the petitioned area and that this study determined that all roadways and entrances would continue to operate at Level of Service A. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.
- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to

waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that the petitioned area is at present vacant. Based upon the testimony of Mr. McCabe, the Planning Commission found that there is an area of nontidal wetlands on the petitioned area and the proposed development will result in impacts of less than 5,000 square feet to them. Mr. McCabe also testified to the Planning Commission that an application has been submitted to the Maryland Department of the Environment for these proposed nontidal wetland impacts and has been conceptually approved, with final approval to be granted once the zoning concurs with the proposed uses. The Planning Commission determined that the petitioned area is situated between US Route 50 and MD Route 346 on the westerly side of Berlin and concurred with Mr. Moore's assertion that it constitutes a gateway to Berlin. Additionally, the Planning Commission agreed that the petitioned area is not conducive to either agricultural or residential use given its highway location, small size and odd shape as well as the industrial nature of the adjacent power substation and the overhead power lines and associated easement located on the petitioned area. The Planning Commission concluded that the proposed rezoning will serve the needs of the Town of Berlin and surrounding area and that there will be no adverse effects on the environment as a result of the change in land use and zoning. Based upon its review, the Planning Commission found 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.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Growth Area and Agriculture Land Use Categories. With regard to the Growth Area category the Comprehensive Plan states that this category designates areas outside incorporated areas that are suitable and desirable for future planned growth, including new and existing locations which contain limited wetlands, hydric soils, floodplains and contiguous forests, are comprised of generally larger parcels, are situated to be cost-effectively served with adequate public sanitary and other services, are located near employment, retailing and other services, and are served by adequate existing roadways (Level of Service C or better) or can be readily served. The Comprehensive Plan also states that Growth Areas identify generalized locations for planned new development and will accommodate most new growth. Adequate transportation and other public facilities must be in place at the time of development. With regard to the Agriculture 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. Agriculture is simply the bedrock of the County's way of life. The County must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other

incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged. The Planning Commission found that the petitioned area is located in a gateway location on the westerly side of Berlin, in close proximity to the corporate limits. The Planning Commission also concluded that due to the irregular shape of the petitioned area and its location between two major roadways, the site is not conducive to either agricultural or residential use. Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. The Planning Commission found that the petitioned area is within a designated Growth Area and at a gateway location for Berlin, an area of significantly increased population over the last 30 years. Additionally, commercial service locations are very limited to the west of Berlin. The petitioned area's location between US Route 50 and MD Route 346 and the adjacent power substation render the site unattractive for residential use, yet its small size and irregular shape make farming with today's large equipment difficult. The Planning Commission found that for these reasons it was a mistake to retain the A-1 Agricultural District zoning classification during the 2009 comprehensive rezoning and determined that commercial zoning and use of the petitioned area would be more appropriate. The Planning Commission concluded that there has not been a change in the character of the neighborhood. Based upon its review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 422, seeking a rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 422

PROPERTY OWNER: Ernest A. Gerardi, Jr., Manager
M & G Route 50 Land, LLC
9 Bay Street
Berlin, Maryland 21811

ATTORNEY: Joseph E. Moore, Esquire
3509 Coastal Highway
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 20 - Parcels 47 and 318 - Tax District 3

SIZE: The petitioned area is comprised of two parcels which total 18.65 acres. Parcel 47 is 0.92 acres while Parcel 318 is 17.73 acres. A survey plat provided by the applicant indicates that there is an existing 150 foot wide easement for overhead power lines on Parcel 47 that totals 0.978 acres in size. It appears it is to be replaced with a new right-of-way totaling 0.41 acres.

LOCATION: The petitioned area is located on the northerly side of Old Ocean City Road and the southerly side of US Route 50, west of Berlin. The petitioned area is within one mile of the corporate limits of Berlin.

CURRENT USE OF PETITIONED AREA: Tilled land

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on a mistake in existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. That designation has been retained through both the 1992 and 2009 comprehensive rezonings.

SURROUNDING ZONING: Adjoining and nearby properties to the west and southwest are also zoned A-1 Agricultural District. Properties to the east along both sides of Old Ocean Road are zoned R-2 Suburban Residential District.

COMPREHENSIVE PLAN:

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan

map, the petitioned area lies within the Growth Area and Agricultural Land Use Categories. All of Parcel 318 and most of Parcel 47 are within the Growth Area category while the most easterly portion of Parcel 47 is within the Agricultural Land Use category. With regard to the Growth Area category, the Comprehensive Plan states the following:

This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. These areas include new and existing locations which meet the following criteria:

1. Contain limited wetlands, hydric soils, floodplains and contiguous forests.
2. Comprised of generally larger parcels (100 or more acres).
3. Located outside of aquifer recharge, source water protection and other critical areas.
4. Situated to be cost-effectively served with adequate public sanitary and other services.
5. Located near employment, retailing and other services.
6. Served by adequate existing roadways (Level of Service C or better) or can be readily served.

Growth areas identify generalized locations for planned new development and will accommodate most new growth. Densities of up to ten dwelling units per acre should be provided to reduce consumption of currently undeveloped sites. Such density will require public water and sewer service. Adequate transportation and other public facilities must be in place at the time of development. (Page 14)

With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county’s way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged.” (Page 18)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

.....

2. Continue the dominance of agriculture and forestry uses through the county’s less developed regions.
3. Maintain the character of the county’s existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.

5. Locate new development in or near existing population centers and within planned growth centers.
 6. Infill existing population centers without overwhelming their existing character.
 7. Work with municipalities to develop annexation guidance policies that encourage infill within a municipality and then provide for logical community extensions.
 8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
 9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
 10. Locate employment centers close to the potential labor force.
 11. Set high environmental standards for new development, especially in designated growth areas.
-
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
 16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
 17. Discourage highway strip development to maintain roadway capacity, safety and character.
-
19. Limit rural development to uses compatible with agriculture and forestry.
 20. Direct new development in growth areas to planned communities.
 21. Promote mixed use development.

.....
(Pages 12, 13)

Also in Chapter 2, Land Use, the Comprehensive Plan states that in order to promote orderly growth and foster a cooperative relationship between the towns and the County, development in growth areas, which are located adjacent to or in close proximity to the corporate limits of a municipality shall be contingent upon all of the following conditions:

1. Annexation by the municipality.
2. Water, sewer and other services shall be provided to the development by the municipality.
3. The developer shall be responsible for all impact fees, excise taxes, adequate public facilities fees and other impositions including those payable to the County.
4. The annexation shall be subject to an annexation agreement to which the County shall be a party.

The Comprehensive Plan goes on to say that it is the intent of the County Commissioners and the Comprehensive Plan that development in such growth areas only occur if the four conditions are satisfied but the Commissioners recognize that in some cases the conditions

may not be applicable, rational or in the interest of good planning. In such cases, the Commissioners may permit development in such growth areas without the conditions being met. Therefore, in the event a municipality refuses to annex the property under terms satisfactory to the County Commissioners, then development in the growth area may proceed in the County outside of the town's corporate limits if approved by the County Commissioners in accordance with and governed by all legal requirements and procedures without satisfying the contingencies in this provision. (Pages 11 and 12)

In Chapter 4, Economy, pertinent objectives under the heading Commercial Services state the following:

- “1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
 2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
 3. Encourage mixed-use commercial, office and residential development.
 4. Bring into balance the amount of zoned commercial locations, with the anticipated need with sufficient surplus to prevent undue land price escalation.
 5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.
-” (Page 60)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

- “1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
 2. Permit development to occur only as rapidly as services can be provided.
 3. Ensure adequate public facilities are available to new development.
 4. Require new development to “pay its way” by providing adequate public facilities to meet the infrastructure demand it creates.
-” (Page70)

Chapter Seven - Transportation of the Comprehensive Plan states that “Worcester’s roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic. ...Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90.” (Page 79)

This chapter also states that “c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50.” (Page 82)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- “1. Acceptable Levels of Service -- It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
 -
 3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
 4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
 5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
- (Page 87)

WATER AND WASTEWATER: According to the response memo dated July 16, 2019 from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have designations of Sewer and Water Service Categories S-3 and W-3 (Service within a 6 to 10 year timeframe) in the Master Water and Sewerage Plan. He states that sewer and water could not be extended to the petitioned area until S-1 and W-1 designations are approved. He further states that those designations would come with annexation and that where a property must be annexed in order to be connected to a water or sewer system, that system would not be considered directly available until that annexation is substantially completed. He notes that the property is not being considered for annexation by the Town of Berlin at this time. Mr. Mitchell states that his department’s well and septic records show the properties were improved with existing individual well and septic before abandonment. He states that that capacity would have to be reestablished and that would include seasonal testing to explore what proposed commercial uses could be supported by approved interim onsite sewage systems. Neither John H. Tustin, P. E., Director of Public Works, or John Ross, Deputy Director of Public Works, submitted any comments.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- Ke - Kentuck silt loam - severe limitations to on-site wastewater disposal
- Ot - Othello silt loam - severe limitations to on-site wastewater disposal
- WdB - Woodstown sandy loam - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company’s main facility on Main Street or the substation on US Route 50, both approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately two minutes away, and the Worcester County Sheriff’s

Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department.

ROADWAYS AND TRANSPORTATION: The petitioned area is a part fronts on and currently has access to MD Route 346 (Old Ocean City Road), a State-owned and -maintained roadway. The petitioned area also has frontage on US Route 50, also state-owned and -maintained, but this segment is denied access. Thus, all access to the petitioned area must be from MD Route 346. The Comprehensive Plan does not make any statements or recommendations with regard to MD Route 346 specifically but § ZS 1-326© of the Zoning Code classifies it as a minor collector highway. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway and recommends that development be limited until capacity is no longer impacted and that the amount of commercial zoning along US Route 50 should be reduced to maintain its capacity. No comments were received from the State Highway Administration District 1 with regard to this application. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time.

SCHOOLS: The petitioned area is within the area served by the following schools: Buckingham Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's response memo, the petitioned area is not located within the Atlantic Coastal Bays Critical Area (ACBCA).

FLOOD ZONE: The FIRM map indicates that the petitioned area is primarily within Zone X (area of minimal flooding).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is within one mile of the corporate limits of Berlin. Discussions between the applicant and the town with regard to annexation have discontinued. A letter dated June 18, 2019 from Wm. Gee Williams, III, Mayor of Berlin, is attached for your review.

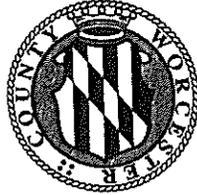
ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Kathryn Gordon, Deputy Director, Economic Development: No objection to the proposed rezoning.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **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?



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
William Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
Kathryn Gordon, Director, Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
James Meredith, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Rob Clarke, State Forester, Maryland Forest Services
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
Jim Corron, Fire Chief, Berlin Volunteer Fire Department
Mayor & Council of Berlin, Maryland

FROM: Phyllis H. Wimbrow, Deputy Director

DATE: June 11, 2019

RE: Rezoning Case No. 422- Ernest Gerardi, Jr., Applicant/ Joseph Moore, Attorney
Location-South Side of US Rt. 50 and North side of MD Rt. 346, West of Berlin

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at its meeting on August 1, 2019. This application seeks to rezone approximately 18.65 acres of land from A-1 Agricultural District to C-2 General Commercial District. Uses allowed in the district include, but are not limited to, motels/ hotels, retail and service

establishments, contractor shops, wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreation establishments, etc..

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. ***If no response is received by JULY 17, 2019, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

LAW OFFICES
WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.
3509 COASTAL HIGHWAY
OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE
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(410) 289-3553
TELEFAX (410) 289-4157

MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

May 23, 2019

Worcester County Commissioners
Attn: Mr. Kelly Shannahan, Assistant Chief Administrative Officer
Worcester County Government Center
One West Market Street, Room 1103
Snow Hill, MD 21863

RE: Application for Rezoning – M&G Route 50 Land, LLC west of Berlin

Dear Kelly:

I enclose herewith the Application for Amendment of the Official Zoning Map related to the above noted properties together with three copies of the plat of survey performed by LE Bunting Surveys, and a check payable to Worcester County in the amount of \$935.00 representing the Application fee.

As noted therein, the request for rezoning is based on a mistake in zoning due to the indicated presumption of the Worcester County Planning Department that the property would be the subject of annexation into the Town of Berlin. The reasons set forth in the application, I hope, are self-explanatory, and, this will advise that an ongoing analysis of the on-site waste water disposal capacity is being undertaken by John Salm Engineering.

This will further certify that Ernest Gerardi, Jr. is the sole member of M&G Route 50 Land, LLC and its manager.

If you need any further information from me please advise.

Kind regards.

Sincerely,

Joseph E. Moore

JEM/kd

cc: Mr. Ernest Gerardi, Jr.
Phyllis Wimbrow, Deputy Director, Dept.
Of Development, Review and Permitting

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Worcester County Commissioners
 Worcester County Government
 Center One W. Market Street, Room
 1103 Snow Hill, Maryland 21863

APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP

(For Office Use Only – Please Do Not Write in this

Space) Rezoning Case No. 422

Date Received by Office of the County Commissioners 5/24/19

Date Received by Development Review and Permitting 5/24/19

Date Reviewed by the Planning Commission _____

I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: _____
- B. Property Owner: X
- C. Contract Purchaser: _____
- D. Option Holder: _____
- E. Lessee: _____
- F. Attorney for B (insert A, B, C, D or E) Property Owner
- G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 20
- B. Parcel Number(s): 47 & 318
- C. Lot Number(s), if applicable: N/A
- D. Tax District Number: 03-008800/03-117243

III. Physical Description of Property

- A. Located on South side of U.S. Route 50, approximately 0 feet/miles to the North side of Old Ocean City Boulevard, west of Berlin.
- B. Consisting of a total of 18.65 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

The parcel of land is located at the south side of U.S. Route 50, at its intersection with Maryland Route 346 (Old Ocean City Boulevard) approximately 2 miles west of the corporate limits of the Town of Berlin.

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1 Agricultural
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: 18.65 acres
- C. Requested zoning classification(s): C-2 General Commercial District
(name and zoning district)
- D. Acreage of zoning classification(s) in "C" above: 18.65 acres

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:
- The requested change is based on a mistake in zoning as set forth as follows: The subject property is located at the intersection of the east bound lanes of U.S. Route 50 (an arterial highway in Worcester County) with the westerly portion of Maryland Route 346 (Old Ocean City Boulevard), the western "gateway" to the Town of Berlin and the first east bound exit from U.S. Route 50 into the Town. The subject property is located in a Growth Area on the Land Use Plan Map of the duly adopted Worcester County Comprehensive Plan. "Growth Areas" are established by the county as appropriate areas to be annexed into municipalities within the town and, it is submitted that the Growth Area inclusion of the subject property was a prelude to the potential orderly growth of the Town of Berlin by virtue of annexation. Indeed, on October 9, 2018 the Mayor and Council of Berlin, after the required public hearing, included the subject property in Growth Area Number 3 contained within the Comprehensive Plan of the Town of Berlin, which is a required prelude to the annexation of any property within the municipal corporate limits. Subsequently, application was made by the property owner for annexation into the town. Notwithstanding the previous affirmative action of the

Town of Berlin, at a meeting on Friday, April 5, with the property owner, the Mayor of Berlin, the Administrative Director of Berlin and the Planning Director of the Town, the property owner was advised that the recommendation would not be made to go forward on an annexation into the Berlin Corporate Limits. As a result, notwithstanding the extensive period of time expended by the property owner toward the inclusion of the property in the town's Growth Area, and the subsequent annexation and development of the property within the town and subject to its zoning and planning authority, the town withdrew its consideration for annexation declining to proceed to a public hearing.

2.

The property owner submits that the present circumstance in the potential development of the property comports with the Comprehensive Development Plan for Worcester County, as revised on March 14, 2006, with respect to such circumstances related to properties within Growth Areas.

3.

In the "Land Use" Chapter of the Worcester County Comprehensive Plan the following statement is made: "It is the goal of the Commissioners in adopting this Plan and in the creation of Growth Areas immediately adjacent to or in close proximity to incorporated towns to foster a solid and constructive working relationship between the county and each of the individual towns. The county and the towns should work together on future growth plans using a cooperative planning approach." Further, the statement is made that with the intent of fostering a cooperative relationship between the towns and the county development in Growth Areas should be contingent on the following conditions: "1. Annexation by the municipality. 2. Water, sewer, and other services shall be provided to the development by the municipality. 3. The developer shall be responsible for all impact fees, [etc.] including those payable to the county. 4. The annexation shall be subject to an Annexation Agreement to which the county shall be a party."

"It is the intent of the County Commissioners and this plan that development in such Growth Areas only occur if the four conditions are satisfied *but the Commissioners recognize that in some cases the conditions may not be applicable, rational, or in the interest of good planning. In such cases, the Commissioners may permit development in such Growth Areas without the conditions being met. Therefore, in the event a municipality refuses to annex the property under terms satisfactory to the County Commissioners, then development in the Growth Area may proceed in the county outside of the town's corporate limits if approved by the County Commissioners ...*" (emphasis added).

4.

In addition to the fact that the subject property is within such circumstances the mistake in maintaining the property in A-1 Agricultural Use Classification are as follows: (1). The purpose and intent of the C-2 General Commercial District set forth in Section ZS1-210(a) is to provide for commercial development serving populations of 3,000 or more within an approximate 10-20 minute travel time (the Town of Berlin) the C2 Commercial Centers generally have a higher parking

demand and greater visibility (the U.S. Route 50 corridor)

5.

The Worcester County Comprehensive Plan in determining appropriate siting of the commercial areas in the Land Use Chapter have the following comments:

(a) locate new development in or near existing population centers and within planned Growth Areas.

(b) balance the supply of commercially zoned land within anticipated demand of year-round residents and seasonal visitors

(c) locate major commercial and all industrial development in areas having adequate arterial road access or near such roads

(d) promote mixed use development

(e) Growth Areas should comply with the following: "Growth Areas (GA) – this category designates areas outside incorporated areas that are suitable and desirable for future plan growth. These areas include new and existing locations, which meet the following criteria: ...

Located near employment, retailing and other services

Served by adequate existing roadways (Level of Service C or better) or can be readily served.

6.

The Comprehensive Plan also provides that zoning should "place nodal centers at intersections of minor roadways for improved accessibility."

The property location is also significant for the appropriate determination of a change in zone. While the Comprehensive Plan indicates that the commercial zoning along U.S. Route 50 should be carefully monitored, when an examination of the Worcester County Land Use Map is made, it is readily evident that all of the commercial zoning which is referred to, is located east of Maryland Route 818 (North Main Street extended) along Route 50 and the significant majority of the commercial zoning located along Route 50 is located east of Seahawk Road at Stephen Decatur High School extending into West Ocean City. There is no commercial zoning within a significant distance from the subject property even though the subject property is the first and western entrance to Berlin Town Center.

7.

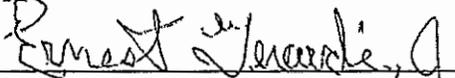
It is, therefore, submitted that the provisions of the Worcester County Comprehensive Plan with regard to development within county Growth Areas, appropriate commercial development along arterial roads providing easy access to commercial areas, the public benefit of locating commercial areas close to population centers, and all other applicable provisions related to the appropriate zoning for the site location enjoyed by the subject property are met and that by virtue of the Town of Berlin's refusal to consider annexation constitutes a mistake in maintaining the subject property in the A-1 Agricultural District and that a change in zoning to C-2 Commercial District is a more logical and desirable pattern for the land use of the subject property.

VI. Filing Information and Required Signatures

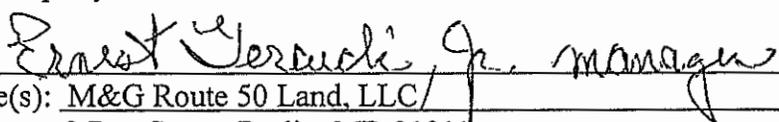
A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest in the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

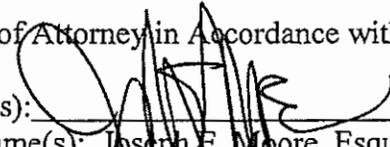
B. Signature of Applicants in Accordance with VI.A. above.

Signature(s):  manager
Printed Name(s): Ernest A. Gerardi, Jr., Manager M&G Route 50 Land, LLC
Mailing Address: 9 Bay Street, Berlin, MD 21811
Phone Number: 410-422-6223 Email: eag36jr@yahoo.com
Date: 5/22/19

C. Signature of Property Owner in Accordance with VI.A. above.

Signature(s):  manager
Printed Name(s): M&G Route 50 Land, LLC
Mailing Address: 9 Bay Street, Berlin, MD 21811
Phone Number: 410-422-6223 Email: eag36jr@yahoo.com
Date: 5/22/19

D. Signature of Attorney in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Joseph E. Moore, Esquire
Mailing Address: 3509 Coastal Highway, Ocean City, MD 21842
Phone Number: 410-289-3553 Email: jmoore@whmsh.com
Date: 5/23/19

(Please use additional pages and attach to the application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for Map Amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development and existing environmental conditions for the area including having no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement; the recommendation of the Planning Commission; and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or (b) there is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for a map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

F. USER\\E:\User Share\kdoerling\ZONING\ZONING FORM - WORCESTER COUNTY - Grid\52119.docx



Worcester County
Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

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

Subject: EP Staff Comments on Rezoning Case No. 422
Worcester County Tax Map 20, Parcels ~~44~~, 318 + 47
18.65 Acres A-1 Agricultural to C-2 General Commercial District

Date: 7/16/19

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The properties have a Growth Area land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). This category designates areas outside incorporated areas that are suitable and desirable for future planned growth.
2. The agricultural designation covers Parcel 4 in its entirety and extends through most of Parcel 304 and into the upper part of 171. *Erroneous/Incorrect Info*
3. The subject properties have a designation of a Sewer and Water Service Category of S-3 and W-3 (Service within a 6-10 year timeframe) in the *Master Water and Sewerage Plan*. Water and sewer could not be extended to the property until an S-1/W-1 designation was approved. That designation would come with annexation. Where a property must be annexed in order to be connected to a water or sewer system, that system would not be considered directly available until that annexation is substantially completed. The property is not being considered for annexation by the Town of Berlin at this time.

Citizens and Government Working Together

4. Our well and septic records show the properties were improved with existing individual well and septic before abandonment. That capacity would have to be re-established and that would include seasonal testing to explore what proposed commercial uses could be supported by approved interim onsite sewage system(s).
 5. The property is within Berlin's Urban Grown Boundary line. Even though the Greenbelt area has not been formalized by the Town, the potential area does not include this property. As noted by the applicant, the Town of Berlin has changed the property's designation in their comprehensive plan from Potential Development Area to Growth Area #3.
-
6. Chapter 2 (Land Use) of the *Comprehensive Plan* presents four conditions in which growth should occur within these designated areas (p11). They include:
 - a. Annexation by the municipality.
 - b. Water, sewer and other services provided by the municipality.
 - c. The developer shall be responsible for all impact fees, excise taxes, adequate public facilities fees, and other impositions including those payable to the County.
 - d. The annexation shall be subject to an annexation agreement to which the county shall be a party

We clearly do not have annexation in this case, but the *Comprehensive Plan* does present a recognition that in some cases, "the conditions may not be applicable, rational, or in the interest of good planning (p12)." The applicant even presents this argument in their submittal.

It is clear that without water and sewer services from the Town of Berlin, the property will not be able to achieve the growth area development intensity described in the *Comprehensive Plan*. The owner may achieve a development capacity on these properties with onsite sewer that will be less concentrated than what was envisioned for a growth area. If these properties are approved for a zoning reclassification, perhaps the development will exist for a time at that level, only intensifying with additional infill when annexation and public services are offered in the future.

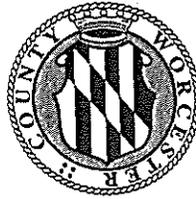
7. This rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Act (FCA). Since the FCA requirements are based upon applicable zoning, this conversion will result in a different requirement when compared to the present zoning. An agricultural zoning designation requires an afforestation threshold of 20 percent and reforestation threshold of 50 percent while a commercial zoning designation requires an afforestation of threshold of 15 percent and reforestation threshold of 15 percent. Proposed future site plans will need to meet the requirements of the FCA that are in place at the time of development.

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

Attachment

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249
TEL: 410-632-1220 FAX: 410-632-2012



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

MEMORANDUM

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: June 26, 2019
RE: Rezoning Case No. 422 and 423

DIVISIONS

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

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

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

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

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

.....
Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 422: No comments at this time.

Rezoning Case 423: Rezoning to a C-2 General Commercial District may cause more congestion with traffic and pedestrians in an area that has full-time residential homeowners depending on what the property is used for. The road was not built for commercial traffic and may cause pre-mature road failure. Elm^o Street does not drain well and may cause more drainage issues in the future.

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

cc: John H. Tustin, P.E., Director

FJA/ll
\\wcfile2\users\llawrence\Rezoning\Rezoning Case 422.423.doc

Phyllis Wimbrow

From: Kathryn Gordon
Sent: Tuesday, June 25, 2019 11:55 AM
To: Phyllis Wimbrow
Subject: Rezoning Cases 422 & 423

Good Afternoon Phyllis,

I looked through both rezoning cases mentioned above. These proposed rezoning will not have an effect on my department's responsibility.

Thank you,
Kathryn



Kathryn Gordon
Director
Worcester County Economic Development
100 Pearl Street, Suite B
Snow Hill, Maryland 21863

P: [410.632.3112](tel:410.632.3112)
F: [410.632.5631](tel:410.632.5631)
C: [410.430.8776](tel:410.430.8776)



Mayor & Council of Berlin

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



'America's Coolest Small Town'

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Wm. Gee Williams, III

June 18, 2019

Vice President

Elroy Brittingham, Sr.

Phyllis Wimbrow

Deputy Director

Department of Development Review and Permitting

Worcester County

One West Market St., Room 1201

Snow Hill, MD 21863

Council Members

Dean Burrell, Sr.

Troy Purnell

Thomas L. Gulyas

Zackery Tyndall

Re: Rezoning Case No. 422 – Ernest Gerardi Jr. – Applicant

Town Attorney

David Gaskill

Dear Ms. Wimbrow,

Town Administrator

Laura Allen

Thank you for sending the Town of Berlin a copy of the above referenced rezoning application.



I'm writing to correct several inaccuracies in the application regarding the Town's handling of Mr. Gerardi's annexation petition. It is incorrect to say the Town "withdrew its consideration for annexation" as noted on page 3 and "refused to consider annexation," as indicated on page 4.

The Town and Mr. Gerardi were not able to reach an agreement regarding the cost of extending water and sewer to his property. Mr. Gerardi would not pay for this critical part of the project and that decision by Mr. Gerardi terminated our negotiations.

Sincerely,

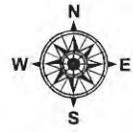
Wm. Gee Williams, III

Mayor

Cc: Town Administrator Laura Allen

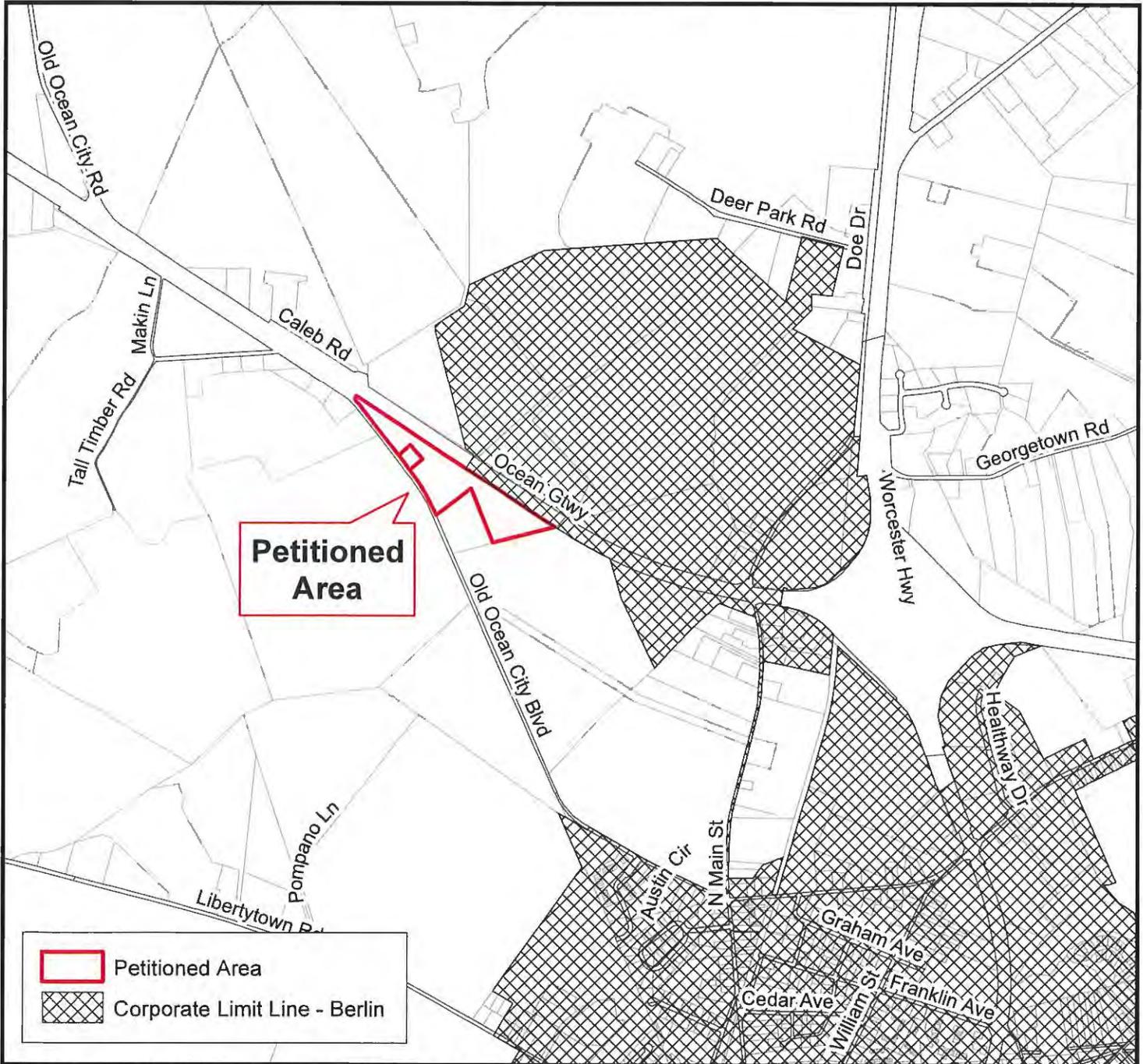


WORCESTER COUNTY, MARYLAND

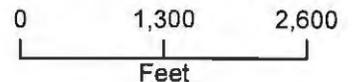


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



Source: Worcester County GIS Data Layers

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

Drawn By: KLH Reviewed By: PHW

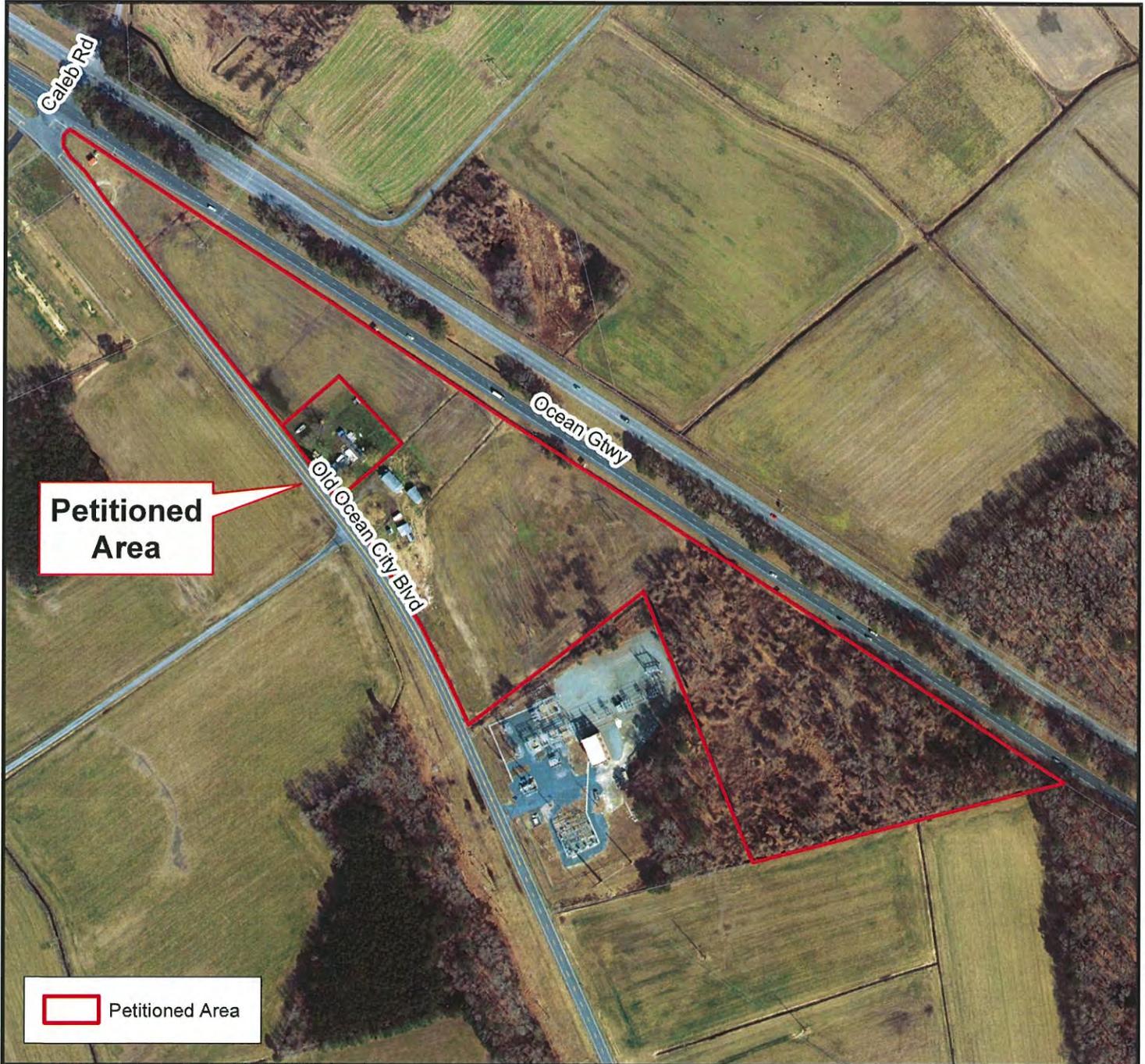


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019

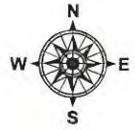
Source: 2016 Aerial Imagery

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

Drawn By: KLH Reviewed By: PHW

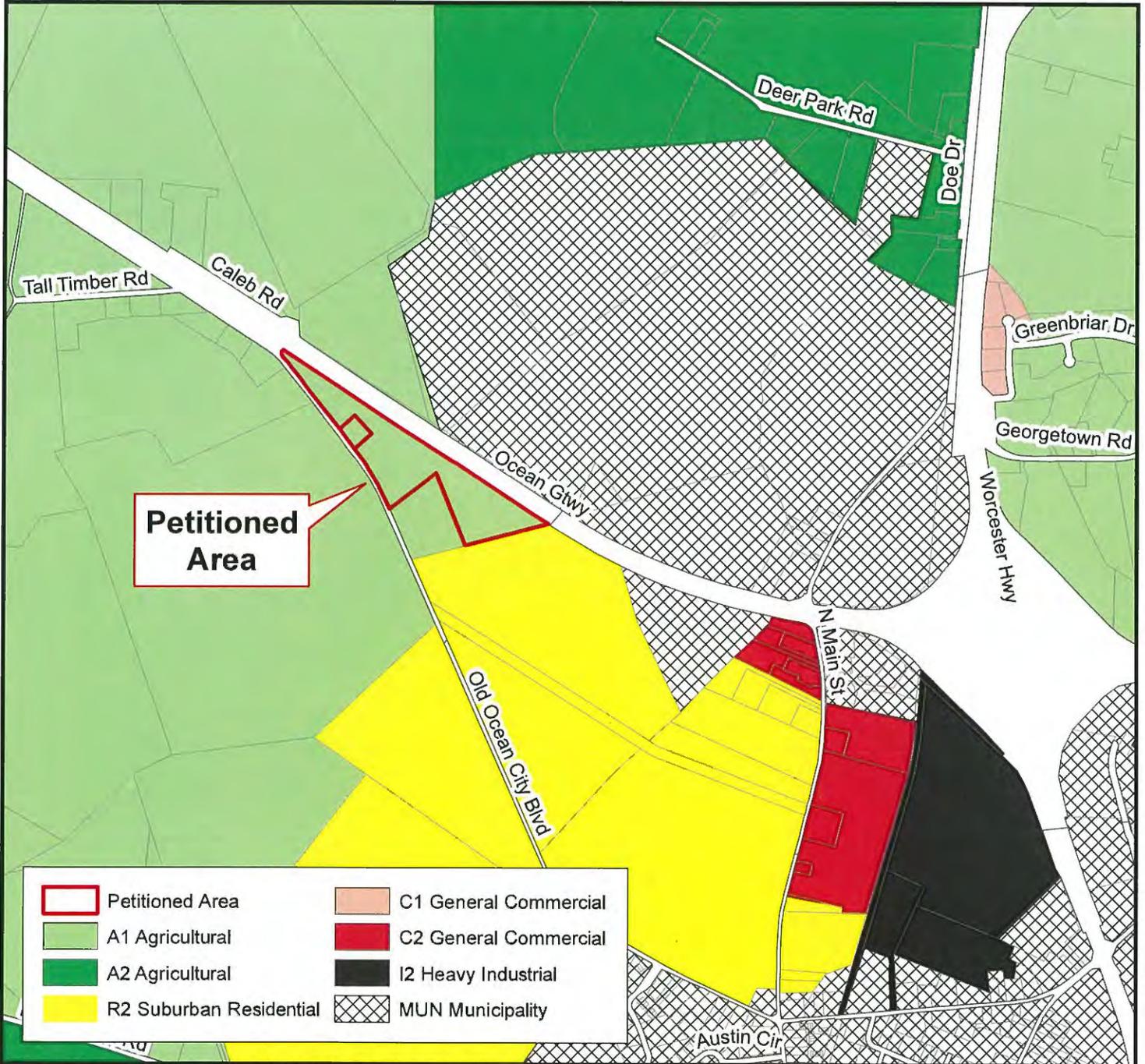


WORCESTER COUNTY, MARYLAND



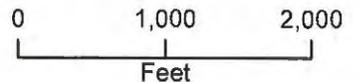
REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

ZONING MAP



Petitioned Area	C1 General Commercial
A1 Agricultural	C2 General Commercial
A2 Agricultural	I2 Heavy Industrial
R2 Suburban Residential	MUN Municipality

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



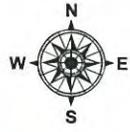
Source: 2009 Zoning District Map (current)

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

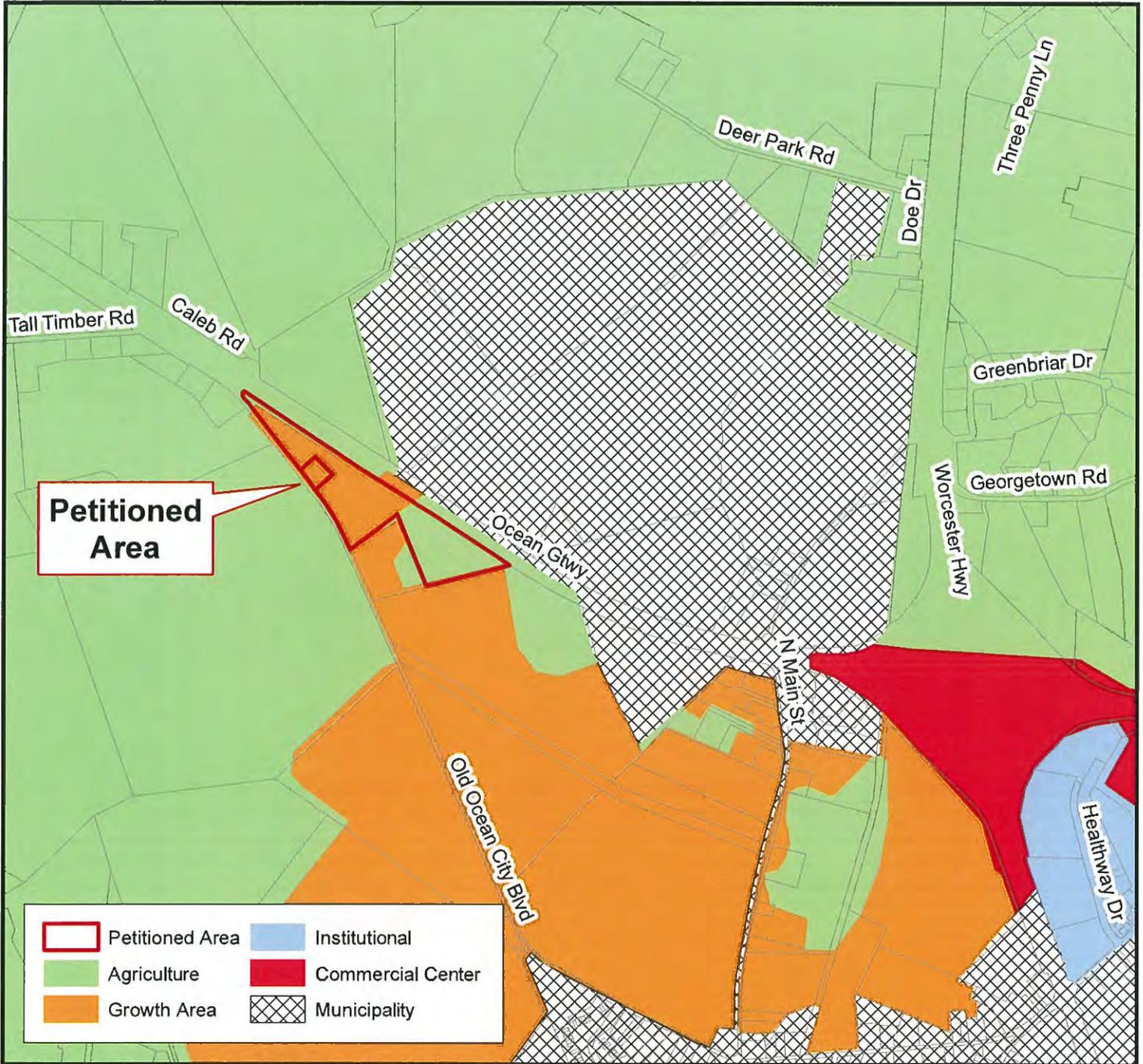


WORCESTER COUNTY, MARYLAND



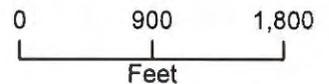
REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

LAND USE PLAN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Technical Services Division - Prepared June 2019



Source: 2006 Land Use Plan

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

Drawn By: KLH Reviewed By: PHW

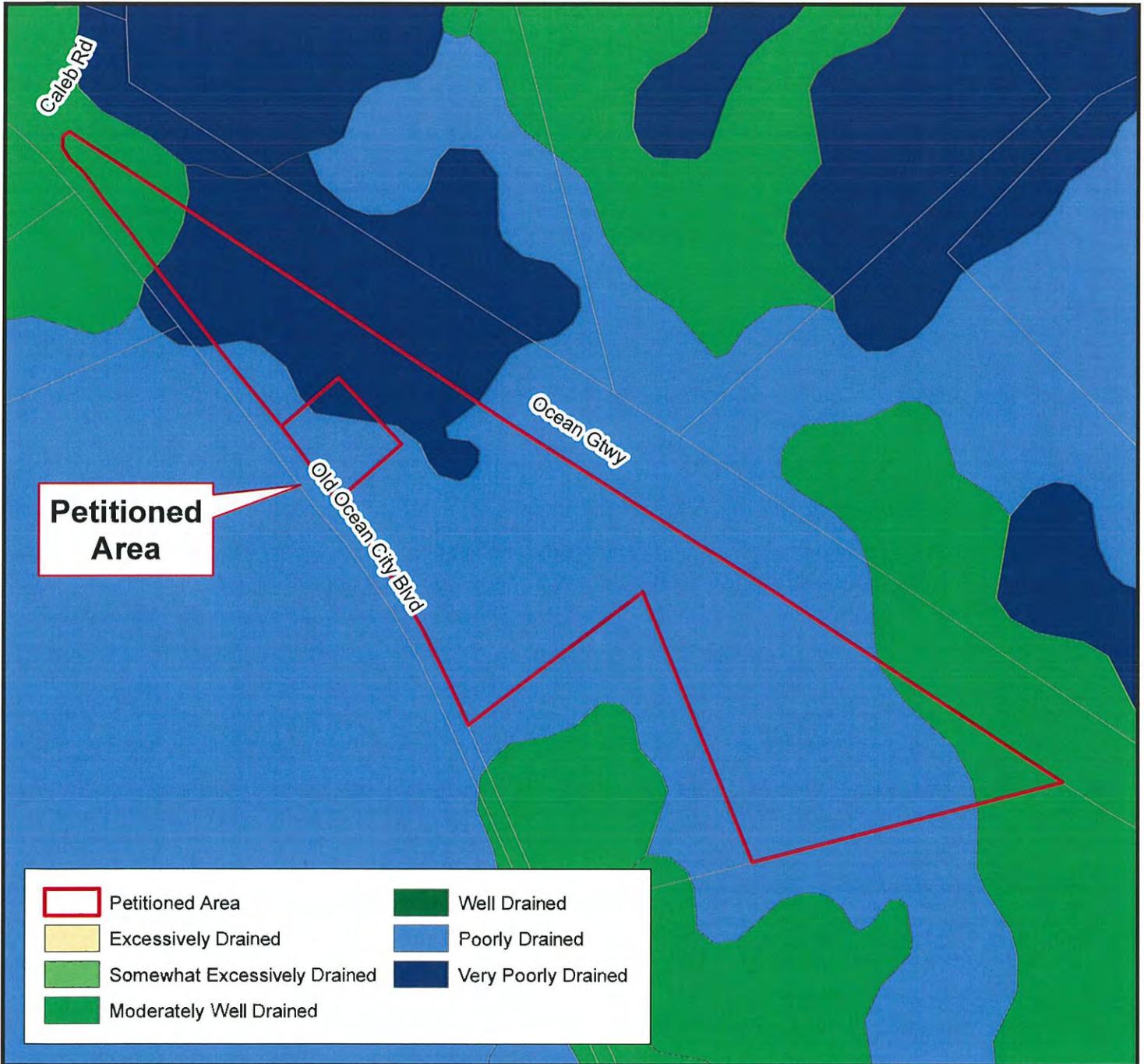


WORCESTER COUNTY, MARYLAND

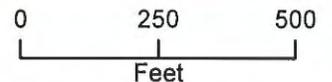


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



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: PHW

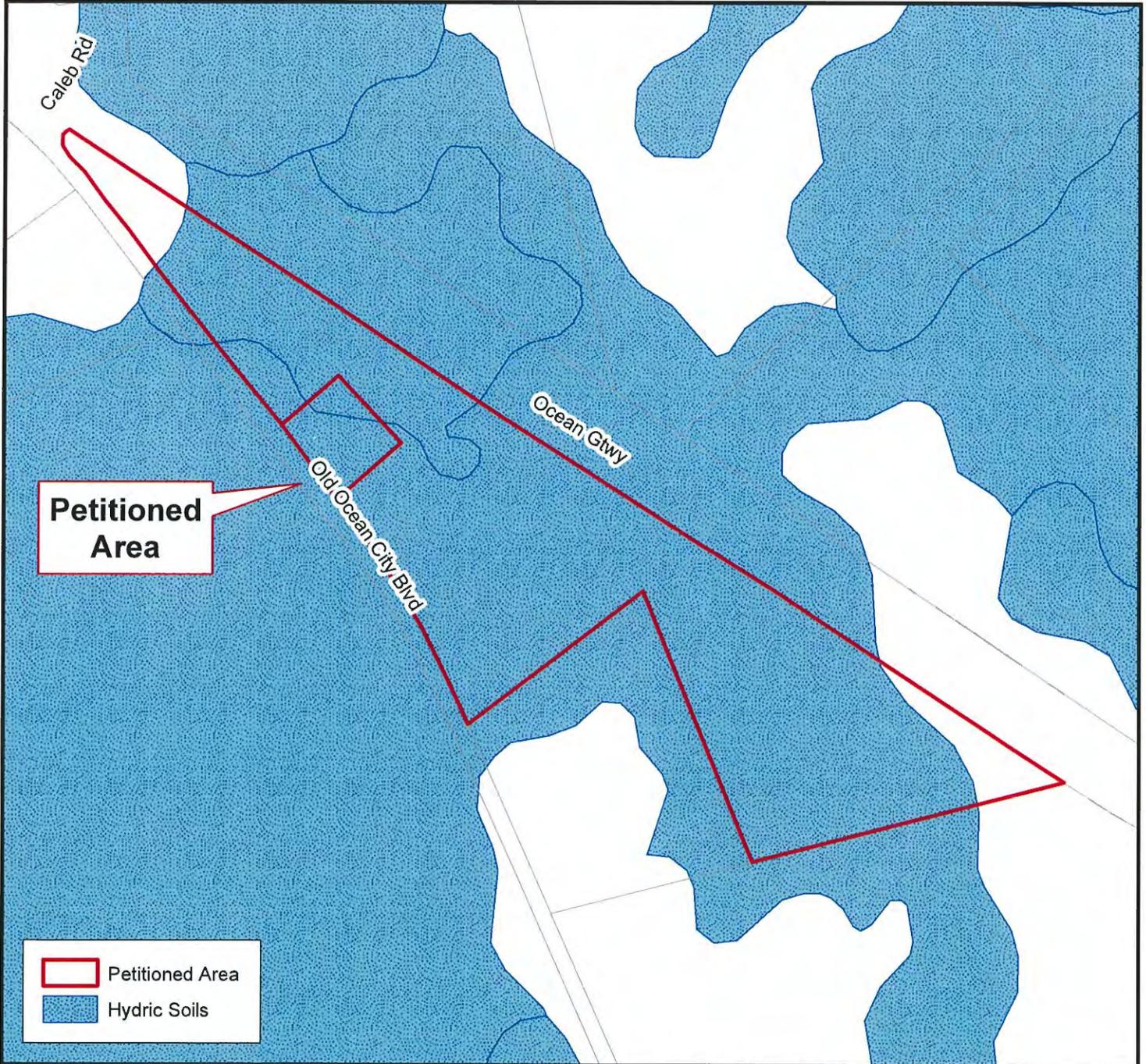


WORCESTER COUNTY, MARYLAND

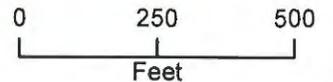


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



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: PHW



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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Council Members

Dean Burrell, Sr.

Troy Purnell

Thomas L. Gulyas

Zackery Tyndall

Town Attorney

David Gaskill

Town Administrator

Laura Allen



August 28, 2019

Phyllis Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market St., Room 1201
Snow Hill, MD 21863

Re: Rezoning Case No. 422 – Ernest Gerardi, Jr. – Applicant

Dear Mrs. Wimbrow,

You had previously sent to the Town of Berlin a copy of the Rezoning Application filed on behalf of Ernest Gerardi, Jr., Rezoning Case No. 422. On June 19, I sent you a response and subsequent to that, Mr. Gerardi's attorney, Joseph E. Moore and I have had communication with respect to alterations of the statement in application to I referred and my response.

The application's reference to the refusal of the Town to consider annexation, noted on pages 3 and 4 of the application are withdrawn in accordance with the notation below signed by Mr. Moore, and my letter dated June 18th is also amended as follows:

The Local Government Article of the Annotated Code of Maryland, requires that upon an annexation petition, the petitioner and the municipality reach an agreement regarding the conditions of annexation. In this matter, although there were negotiations about all conditions of annexation, the petitioner and the Town were unable to reach a mutually satisfactory Annexation Agreement as required by Maryland Law. Therefore, annexation considerations were abandoned by the applicant. The Town of Berlin understood at that time that Mr. Gerardi would file a subsequent application for rezoning in the county, to which the Town of Berlin has no objections.

This letter is joined in by the applicant to be submitted in the above noted Rezoning Case No. 422.

Sincerely,

Wm. Gee Williams, III
Mayor

JOINED IN AND AGREED TO:

Joseph E. Moore, Attorney for
Applicant

Cc: Laura Allen, Town Administrator
David Gaskill, Town Attorney
Dave Engelhart, Town Planning Director

LAW OFFICES
WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.
3509 COASTAL HIGHWAY
OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
J. RICHARD COLLINS
REGAN J.R. SMITH
CHRISTOPHER T. WOODLEY
CHRIS S. MASON
PETER S. BUAS

(410) 289-3553
TELEFAX (410) 289-4157

MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

August 21, 2019

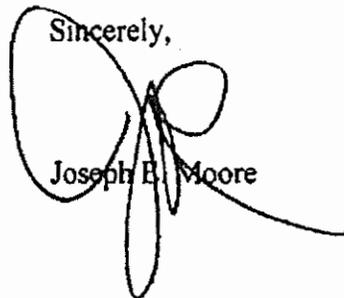
Mr. Robert J. Mitchell
Director, Environmental Services
Worcester County Department of
Environmental Programs
1 West Market Street, Room 1306
Snow Hill, MD 21863
Via email: bmitchell@co.worcester.md.us

Dear Bob:

I have your environmental program staff comments on Rezoning Case No. 422, which is scheduled for the Planning Commission Meeting of September 5. At that time, I intend to offer the Affidavit of John W. Salm III, copy of which is attached hereto, which provides that his analysis with respect to actual replacement capacity and potential additional capacity is set forth in Paragraphs 4 and 5 thereof.

I would appreciate your review of John's affidavit to make sure that you do not have a problem with John's opinion, even though you are not in a position to say with certainty that his analysis is correct.

Thank you in advance for your consideration of this request.

Sincerely,

Joseph E. Moore

JEM/kd
Attachment

\\SERVER1\User\Sharon\doan\log\Emac GERARD\Lu\Bob\Mitchell\2019.docx

AFFIDAVIT OF JOHN W. SALM III

THIS will certify by the undersigned, JOHN W. SALM III as follows: I am a professional engineer licensed in the State of Maryland and am the principal in J. W. Salm Engineering, Inc.

1. I am over the age of 18 and am competent to testify; and have personal knowledge of the matters and facts set forth herein.

2. I have done an analysis of the property owned by M & G Route 50 Land, LLC, located at the intersection of Maryland Route 346 and U.S. Route 50, west of the Town of Berlin.

3. I met with Robert Mitchell, Director of Environmental Programs in my office on May 15, 2019, at which time we discussed the two existing on-site systems, and I made an analysis (subject to actual environmental site work, which must await the required analysis season), and reached the final professional opinion with respect to both the actual replacement capacity of the previously existing on-site systems, and, further set forth, my professional estimate of potential additional capacity for on-site waste water disposal.

4. Based on my opinion and analysis, the present replacement systems for the two parcels of land (Parcel 47 and Parcel 318) have a replacement capacity of 1,200 GPD. That actual rated capacity would support the following commercial uses:

- a. Contractor Shops/Warehouses up to: 40,000 SF, or
- Self-Storage up to: 40,000 SF, or
- Retail up to: 24,000 SF, or
- Office up to: 13,333 SF, or
- Convenience Store: 5,000 SF +
(take-out food only)

5. Possible additional on-site capacity; limited to the Woodstown soils area of the site (0.69 +/- acre) indicates, in my professional opinion, based on setbacks and other likely siting requirements, an estimate of additional capacity of 1,200 gallons per day. The replacement plus additional capacity, in my professional opinion, could support the following extended commercial uses:

- a. Contractor Shops/Warehouses up to: 80,000 SF, or
- Self-Storage up to: 40,000 SF, or
- Retail up to: 48,000 SF, or
- Office up to: 26,666 SF, or
- Convenience Store: 5,000 SF + (180 inside seats)
(take-out food + 80 inside seats)


3/25/19

6. These estimates are my opinion only from a preliminary analysis. Exact field conditions and coordination with Worcester County Environmental Programs will determine the actual approvable on-site wastewater disposal capacity but is, in my opinion, a fair estimate of potential capacity on-site of the subject property.

I have reviewed the above stated Affidavit and, it does express my opinion to the best of my professional knowledge and belief, based upon the analysis that I have made.



7/25/19

John W. Salm III, P.E.,
President J.W. Salm Engineering, Inc., Berlin, MD

Phyllis Wimbrow

From: Jennifer Keener
Sent: Friday, August 30, 2019 10:03 AM
To: Phyllis Wimbrow
Subject: FW: M&G Route 50 Land LLC-soils analysis
Attachments: Joe Moore Corresp.pdf

What do I need to add to your report? Should I just print the email and attachment?

Jennifer K. Keener, AICP
Zoning Administrator
One West Market Street, Room 1201
Snow Hill, MD 21863
(410) 632-1200, extension 1123
jkkeener@co.worcester.md.us

From: Maureen L. Howarth
Sent: Friday, August 30, 2019 8:54 AM
To: Jennifer Keener
Subject: FW: M&G Route 50 Land LLC-soils analysis

For PC package.

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

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From: Robert Mitchell
Sent: Thursday, August 29, 2019 5:52 PM
To: Maureen L. Howarth <mhowarth@co.worcester.md.us>
Subject: FW: M&G Route 50 Land LLC-soils analysis

FYI – I did provide the following to Joe Moore as we discussed.

Robert J. Mitchell, LEHS, REHS
Director
Worcester County
Department of Environmental Programs
1 West Market Street, Room 1306
Snow Hill, MD 21863
Phone (410) 632-1220 x 1601

Fax (410) 632-2012



From: Robert Mitchell
Sent: Thursday, August 29, 2019 5:54 PM
To: 'Joe Moore' <jmoore@whmsh.com>
Cc: John Salm <jsalm@iwse.com>
Subject: RE: M&G Route 50 Land LLC-soils analysis

Joe-

My exact comments with respect to septic capacity on the proposed rezoning are listed below and they are contained within my comment memo:

1. Our well and septic records show the properties were improved with existing individual well and septic before abandonment. That capacity would have to be re-established and that would include seasonal testing to explore what proposed commercial uses could be supported by approved interim onsite sewage system(s).
2. The owner may achieve a development capacity on these properties with onsite sewer that will be less concentrated than what was envisioned for a growth area. If these properties are approved for a zoning reclassification, perhaps the development will exist for a time at that level, only intensifying with additional infill when annexation and public services are offered in the future.

I did meet with John Salm, and the future capacity estimates and prognostications on the potential for additional onsite sewage disposal are his alone. I confirmed the existence of the two septic systems serving those two properties and that we could potentially honor them at a max of 600 gpd each if they are not damaged and if they were protected and preserved within the site plan (if not paved over or located within setbacks to storm water infrastructure). That would be my definition of "re-established". The intent was that the existing septic reserve areas on each of the lots would not be rendered useless by placing structures or project features overtop them, by cut-and-fill construction activities, or by placing stormwater features within their setbacks.

John's forecast of additional approved sewage reserve areas is his estimate. While the potential is there with the soils, they would need to achieve minimum water tables and pass seasonal testing for additional flow on those properties. Again, they need to pass those tests and the developer needs to be able to protect and preserve these areas within the site plan without setback or building conflicts with the construction of the project's structures and related infrastructure.

So there is an onsite capacity of 1,200 gpd with the two existing areas, provided that they can be protected so they can be re-established. Additional future onsite capacity is unknown at this point without confirmed seasonal testing.

Hope this provides additional clarification you need. Please let me know if you need anything else.

Bob Mitchell

Robert J. Mitchell, LEHS, REHS
Director
Worcester County

Department of Environmental Programs
1 West Market Street, Room 1306
Snow Hill, MD 21863
Phone (410) 632-1220 x 1601
Fax (410) 632-2012



From: Joe Moore <jmoore@whmsh.com>
Sent: Thursday, August 29, 2019 12:13 PM
To: Robert Mitchell <bmitchell@co.worcester.md.us>
Cc: John Salm <jsalm@jwse.com>
Subject: M&G Route 50 Land LLC-soils analysis

Bob; I delivered to you a letter last week requesting that we be advised whether you will authorize us to use the pre-existing analysis as the on-site capability of the site to be utilized for the present capacity, as noted by John Salm's affidavit, with the property owner doing an additional analysis to determine potential additional capacity.

We believe it is important to be able to make the representation to the Planning Commission as to actual existing capacity, with potential additional capacity subject to testing. Are you OK with our allegation that due to the previous permits, we can represent that as actual existing capacity?

I have also left you a voice mail message asking that you call me at 410-289-3553.

Joe

Joseph E. Moore, Esq.
Williams, Moore, Shockley & Harrison, L.L.P.
3509 Coastal Highway
Ocean City, MD 21842
(410)289-3553 – office
(410)289-4157 – facsimile

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OCEAN CITY, MARYLAND 21842

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(410) 289-3553
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MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

January 14, 2020

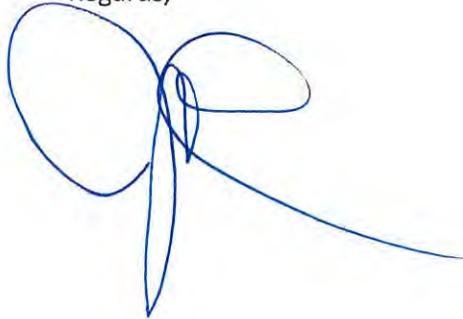
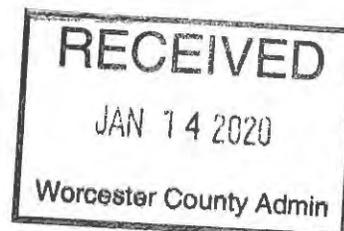
Mr. Kelly Shannahan
Assistant Chief Administrative Officer
Worcester County

Hand Delivered

Dear Kelly, Thanks to Phyllis Wimbrow, I enclose the proposed exhibits that I will utilize at the upcoming rezoning Public Hearing for M&G Route 50 Land, LLC on January 21.

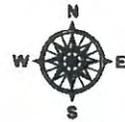
I appreciate your help.

Regards,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

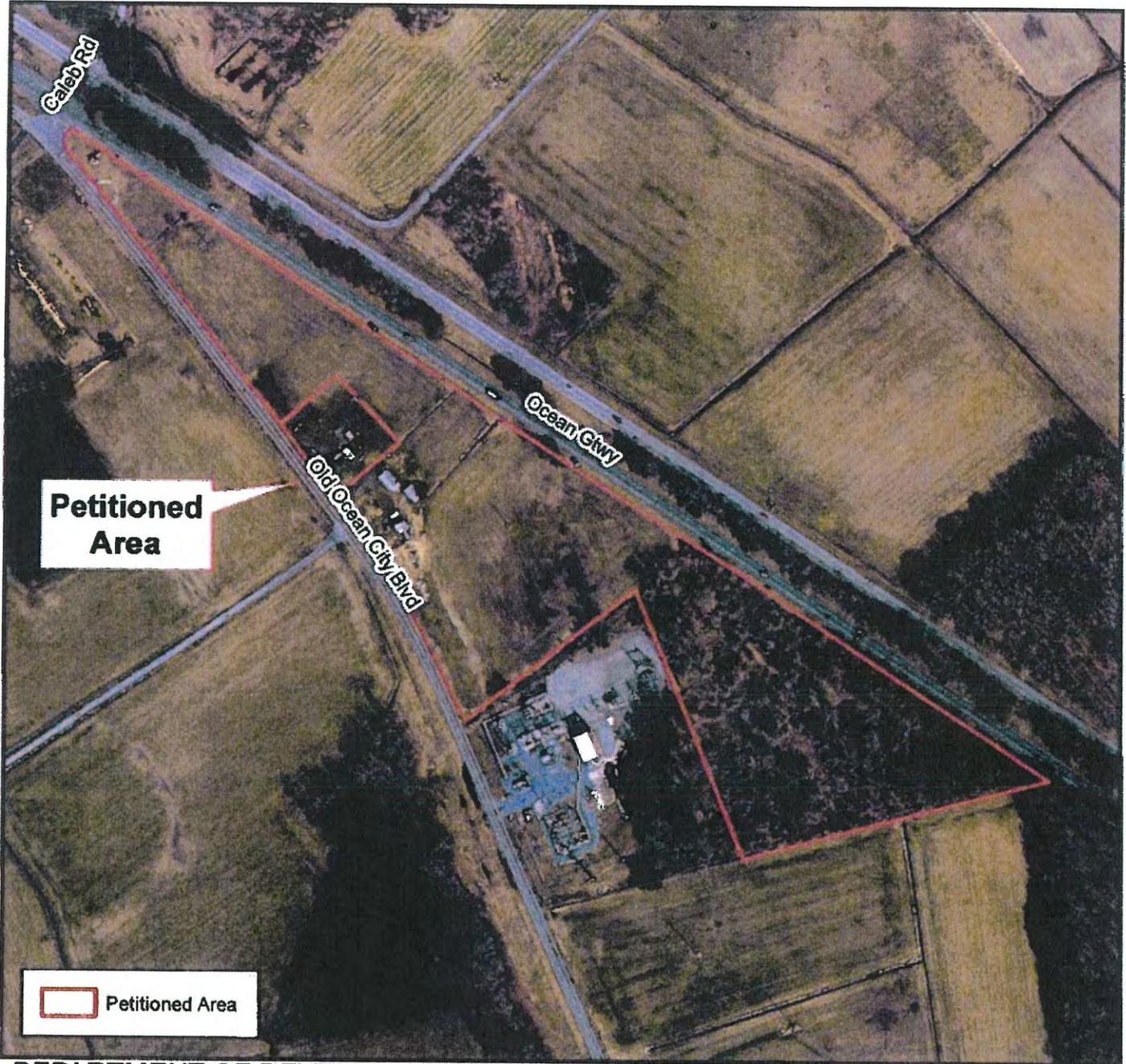


WORCESTER COUNTY, MARYLAND

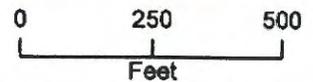


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



Source: 2016 Aerial Imagery

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

Drawn By: KLH

Reviewed By: PHW

50

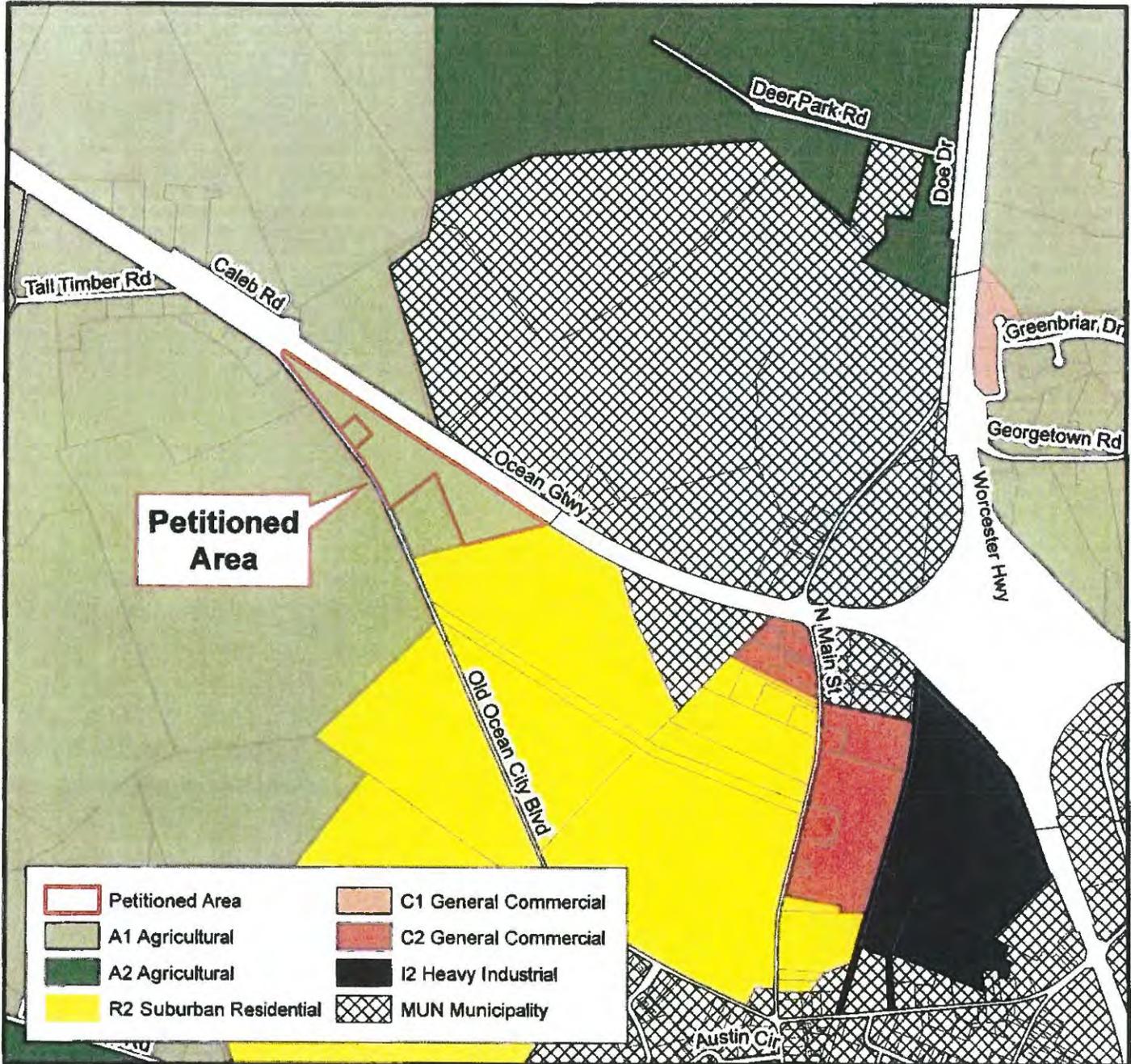


WORCESTER COUNTY, MARYLAND

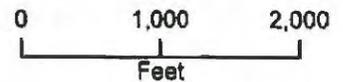


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



Source: 2009 Zoning District Map (current)

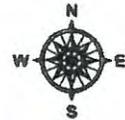
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Drawn By: KLH

Reviewed By: PHW

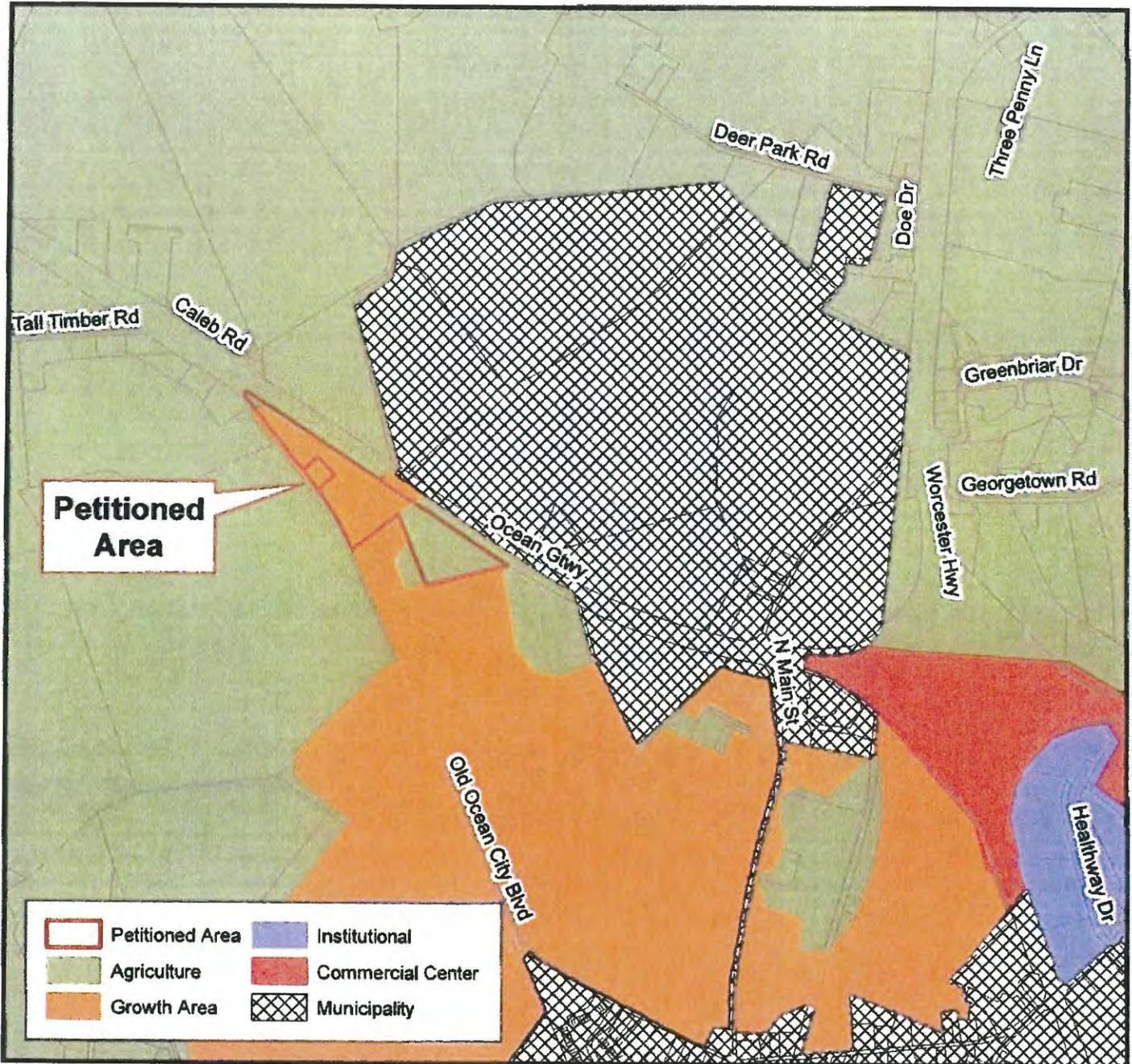


WORCESTER COUNTY, MARYLAND

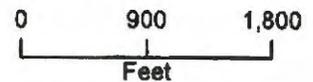


REZONING CASE NO. 422
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 20, Parcel 47 and 318

LAND USE PLAN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019



Source: 2006 Land Use Plan

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



Route 50 approach to 346 from West

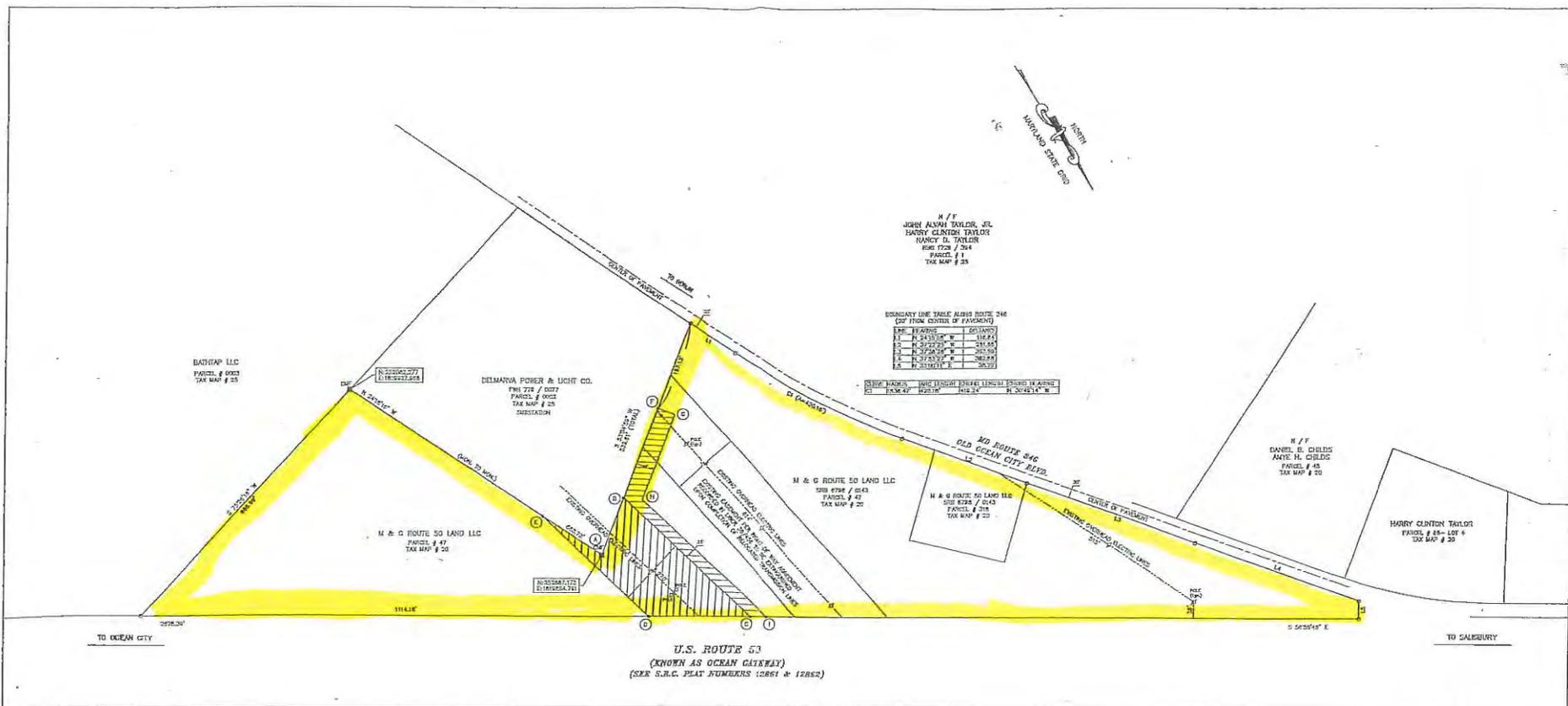


Intersection of Route 50 and Route 346 – first town approach from west; property at center



Property location at Route 346 approach to Route 50





Existing zoning: A-1 Agricultural
 Proposed zoning: C-2 General Commercial

EXISTING 150' WIDE EASEMENT
 (PER RIGHT OF WAY AGREEMENT
 RECORDED IN LIBER 519/259)

LINE	BEARING	DISTANCE
1	N 13°14'24" W	333.20
2	N 14°23'25" W	342.20
3	E 85°22'49" E	224.47
4	N 14°21'20" E	211.23
5	N 24°18'14" W	115.67

AREA = ±42,673 SQ. FT.

NEW RIGHT OF WAY

LINE	BEARING	DISTANCE
1	E 85°22'49" E	224.47
2	N 25°20'01" W	40.00
3	N 30°52'31" S	158.75
4	N 14°21'20" E	211.23
5	E 14°58'49" E	26.91
6	S 12°21'50" E	252.30

AREA = ±17,645 SQ. FT.

PLAT OF SURVEY
 OF LANDS OF
 M & G ROUTE 50 LAND LLC

TAX MAP #20, PARCEL 47 & 318
 THIRD TAX DISTRICT
 WORCESTER COUNTY, MARYLAND

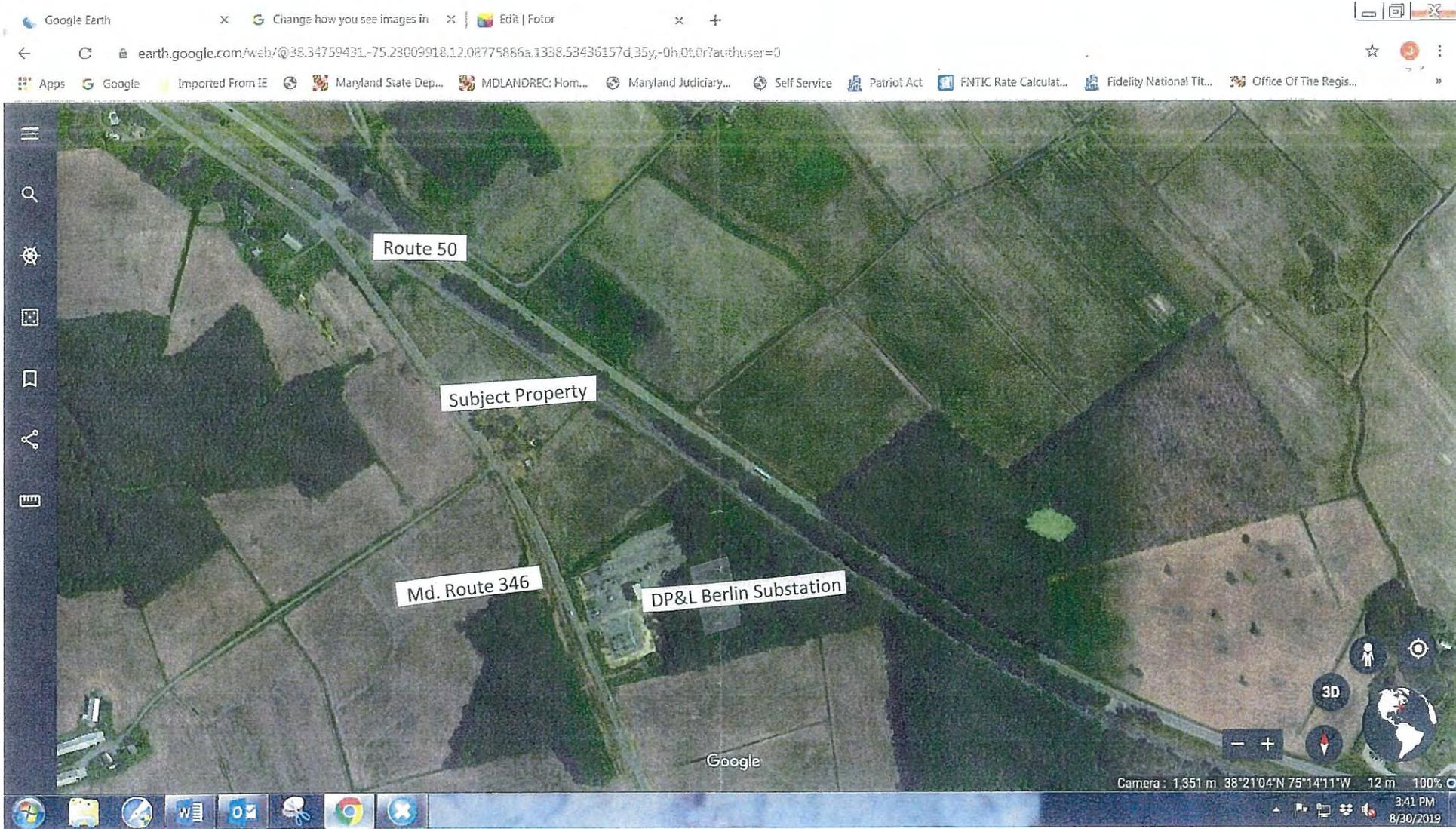
TOTAL AREA OF SURVEY = ±18.65 ACRES

DATE 12/28/2016
 REV. 02/24/2017
 SCALE: 1" = 100'

L. E. BUNTING, JR. DATE

L. K. BUNTING SURVEYS, INC.
 MARYLAND & GEORGIA
 LAND SURVEYORS
 24 BROAD STREET
 BERLIN, MARYLAND 21811
 (410) 641-8810

59



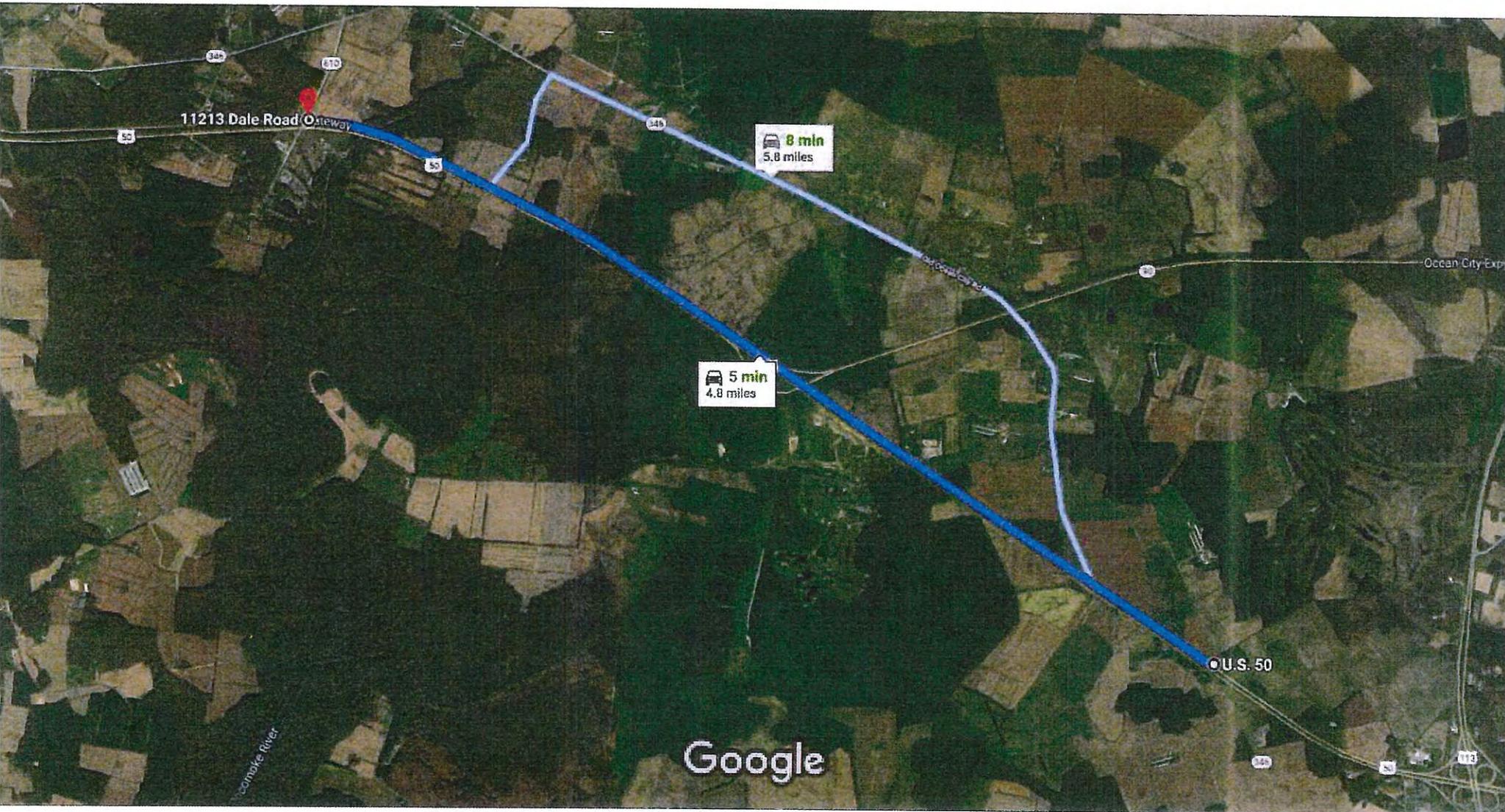




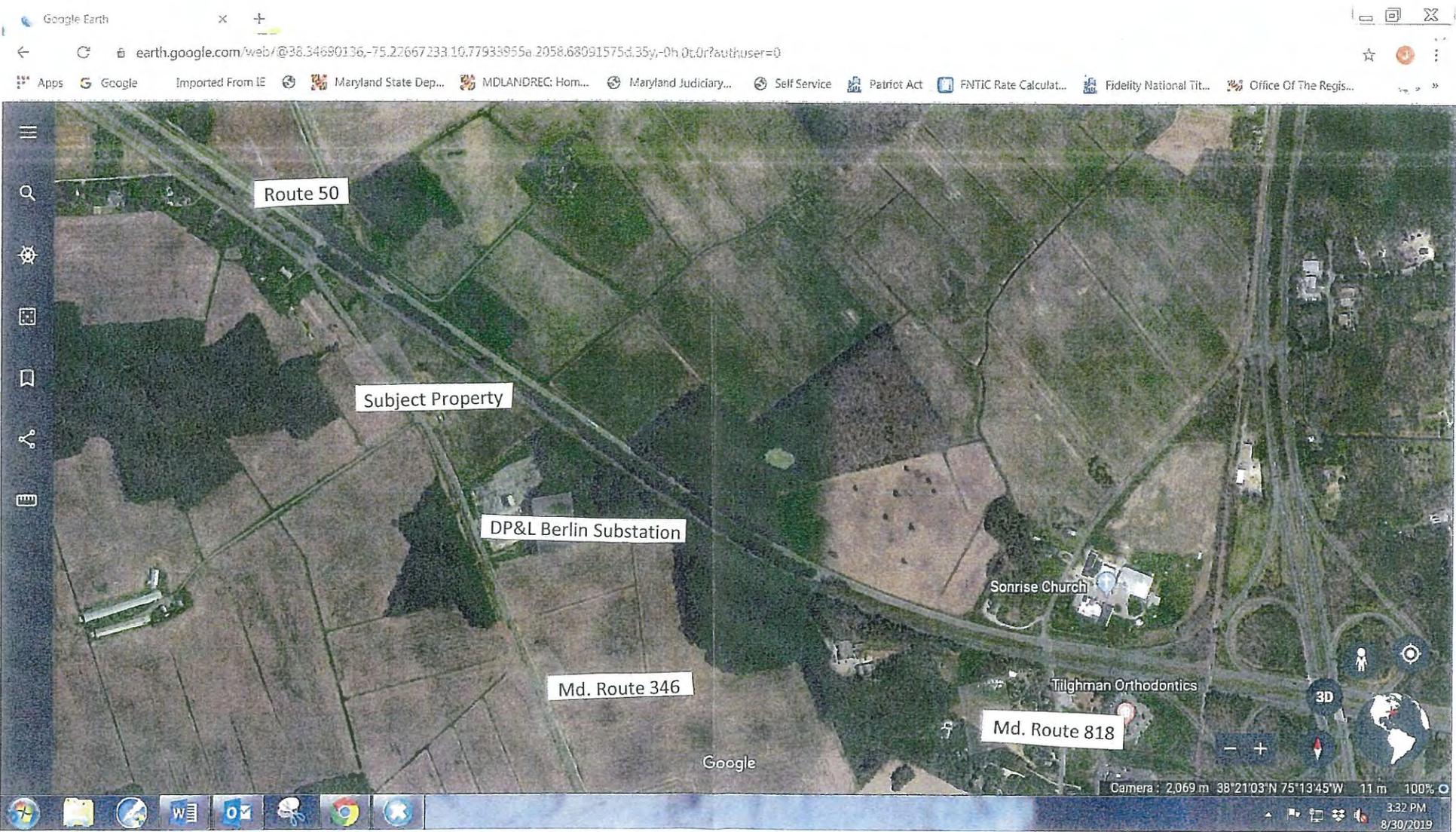


US-50, Berlin, MD 21811 to 11213 Dale Rd, Whaleyville, MD 21872

Drive 4.8 miles, 5 m



69



63

63

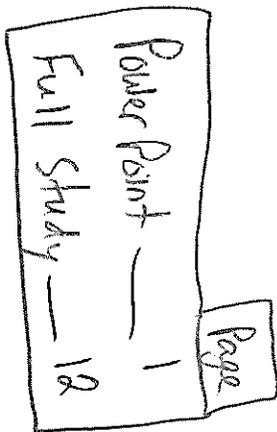


64

64

Worcester County Broadband Feasibility Study

Joanne Hovis, *President*
CTC Technology & Energy
January 2020



17

Agenda

Methodology

Key findings

Recommendations

2

Methodology – gathered data

Assessed existing broadband infrastructure

- Conducted extensive desk & field surveys
- Analyzed data & maps

Identified served & unserved areas

- Determined where fiber/cable infrastructure does not pass homes & businesses
- Created maps of unserved areas

Methodology – developed solutions

Prepared system-level designs & cost estimates

- Designed fiber & fixed wireless networks
- Compared capital & operating costs

Analyzed state & federal funding options

- Identified potential sources of grants or loans
- Developed strategies to leverage state & federal funds

Key findings

Broadband availability depends on location

- Comcast & Mediacom serve denser neighborhoods (e.g., Berlin, Pocomoke City, Ocean City)
- Neither provides service in sparsely populated areas

Broadband not available to 6,400 homes & businesses

- No service meeting federal/state definition (25 Mbps down/3 Mbps up)
- No passings in right-of-way

Unserved areas of Worcester County – Wireline service



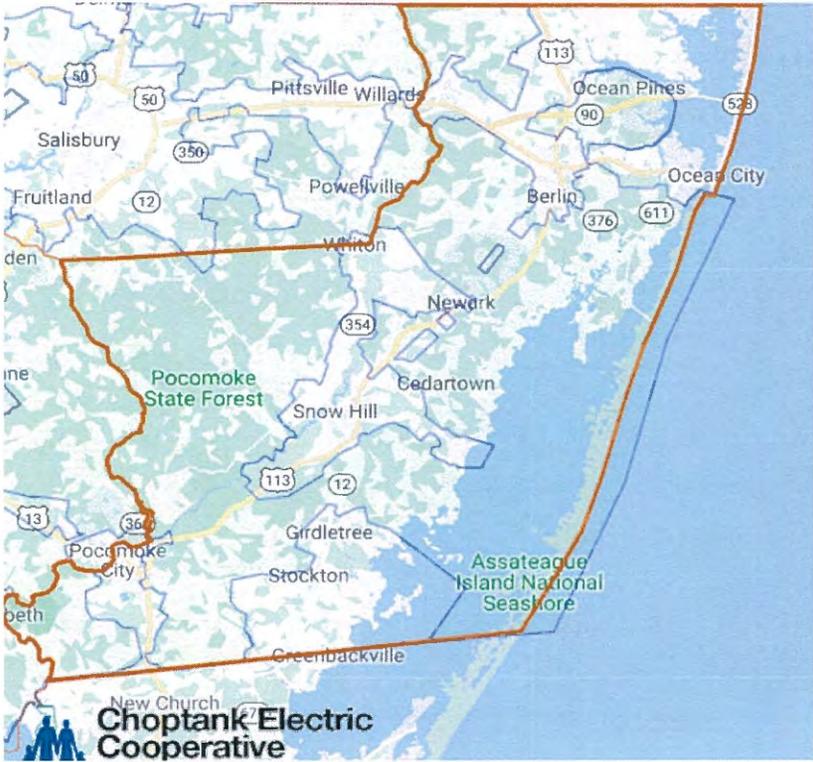
Fiber would be a better solution than wireless

Comparable
10-year cost
per customer

Long-term cost
of ownership
lower for fiber

Fiber has
technical
advantages

Choptank Could Potentially Cover Much of the Unserved Areas



State & federal funding represent important opportunities

ReConnect

Rural Digital
Opportunity
Fund

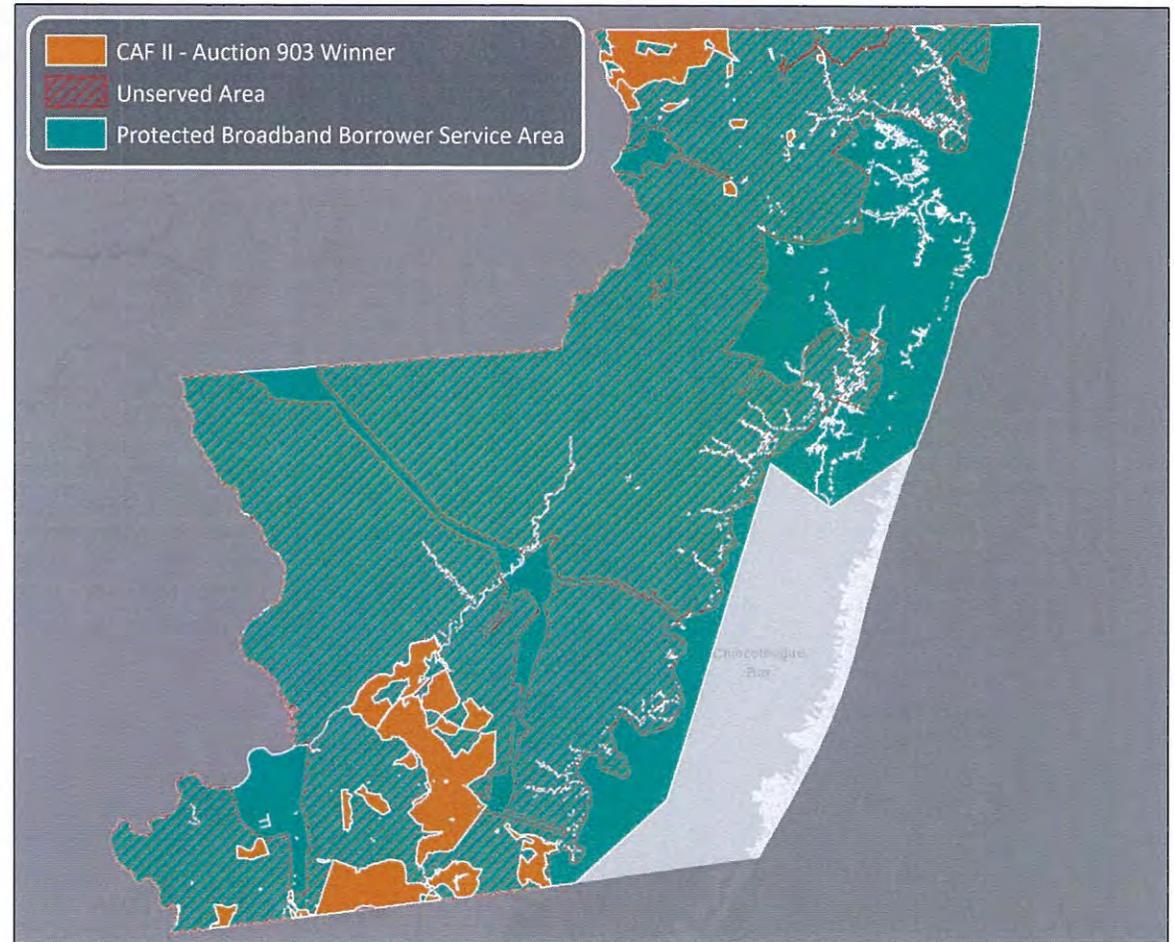
State
broadband
grants

Bloosurf's existing federal awards create hurdle

WISP's 2010 USDA-funded areas now "protected" – ineligible for Reconnect (absent a challenge by the County)

CAF II auction award areas ineligible for ReConnect & RDOF

State broadband program does not exclude protected or CAF II areas

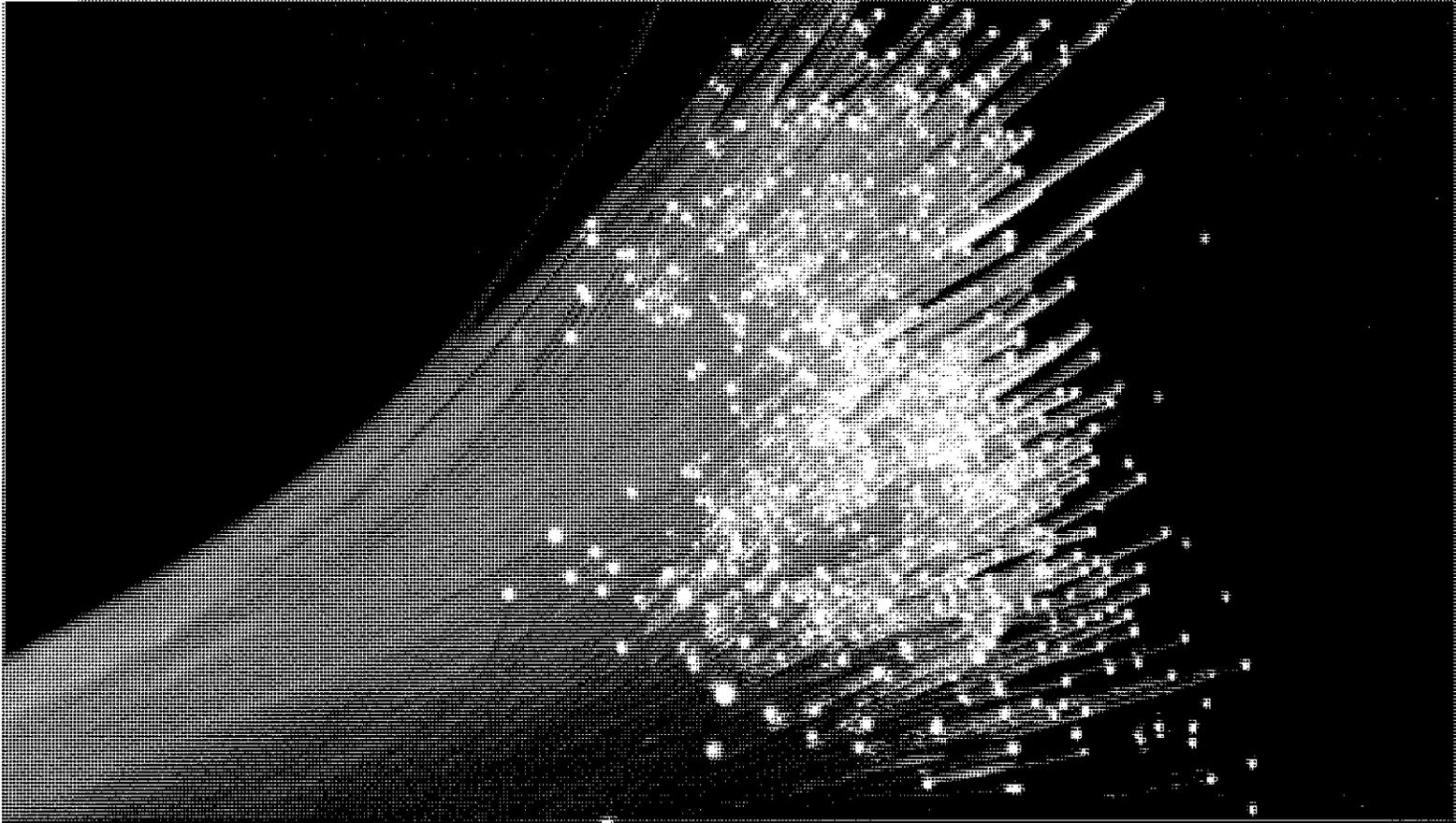


Multi-year strategy to collaborate with partners, apply for grants

- Collaborate with private sector partners to apply for state & federal broadband grants.
- State program does not place restrictions on geographic areas.
- Pursue state funding immediately; encourage Comcast, Thinking Urban, to apply.
- ReConnect will be difficult because of protected status areas.
- Engage with Choptank on RDOF.
- Partner with Thinking on state grant application, possibly ReConnect.
- Encourage Comcast to apply for a state broadband grant.
- Explore opportunities to support fixed wireless providers (last resort).

ctc technology & energy

engineering & business consulting



Broadband Feasibility Study

Prepared for Worcester County, Maryland

December 2019 | DRAFT

Columbia Telecommunications Corporation

10613 Concord Street • Kensington, MD 20895 • Tel: 301-933-1488 • Fax: 301-933-3340 • www.ctcnet.us

12

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1 Executive Summary

Commissioned in spring 2019 by the government of Worcester County, Maryland, this report reflects the County's ongoing efforts to ensure that all residents and businesses have access to high-speed, affordable broadband services.

As the County's consultant, CTC Technology & Energy (CTC) performed the following tasks at the County's direction:

- Conducted extensive desk and field surveys, and analyzed data and maps to identify served and unserved portions of the County
- Met with key public and private stakeholders to identify broadband needs
- Spoke with representatives of some internet service providers (ISP) operating in the County (or with potential interest to operate in the County) to learn what market forces or County support might lead them to invest in the County
- Prepared a high-level design and cost estimate for a fiber optic network deployment to fill the identified broadband gaps in the County
- Prepared a high-level design and cost estimate for a fixed wireless network deployment that might help fill broadband gaps in the County
- Analyzed a range of federal and state funding opportunities to identify potential sources of grants or loans (to the County or to ISPs) that might support the expansion of broadband services
- Developed a series of potential strategies the County could pursue to leverage federal and state funding to meet its broadband goals

1.1 Project Findings

Residents of Worcester County have access to a mix of internet services, but the availability of robust broadband services for individual homes and businesses depends on location. For example, while Comcast and Mediacom provide residential wired service in the County's denser neighborhoods (e.g., Berlin, Pocomoke City, and Ocean City), neither provides service in other, sparsely populated areas that meets the definition of broadband adopted by the FCC and the

State of Maryland’s Office of Rural Broadband (25 Mbps download and 3 Mbps upload, or “25/3”).¹

Because of the challenging economics of broadband deployment in rural areas, commercial ISPs likely will not invest in ubiquitous broadband infrastructure in currently unserved parts of the County absent some sort of financial support. State and federal funding programs may present the County and its potential partners with opportunities to fill some broadband gaps.

1.1.1 “Unserved” homes and businesses are those not passed by broadband infrastructure

Unserved areas are those where no infrastructure capable of delivering services that meets the federal definition of broadband “passes” along the public right-of-way adjacent to homes and businesses.² In practice, an unserved location is one where there is no cable or fiber plant in the right-of-way.

The availability of a passing to a home or business is the universally understood definition of what is served, both within the industry and among the state and federal government entities that fund broadband expansion³ and regulate communications services. It is important to note, however, that a “passing” does not include the “service drop”—the portion of the network that connects the infrastructure at the curb to the home or business itself.

As a result, there is another category of locations within the County where homeowners may struggle to get broadband service—but those homes do not fit into the category of unserved (and thus are not included in the count of unserved premises). These are areas where broadband infrastructure passes homes or businesses (and thus the premises are considered served), but because the premises are set back far from the road, the cost to build the service drops to the users’ premises is prohibitive.

Service to these homes or businesses is thus not a matter of the availability of infrastructure, but rather a matter of the affordability of drop construction—because many consumers, particularly those with very long driveways, will find the ISP’s quoted cost of connection to be very high.⁴ The County could choose to subsidize the cost of drop construction, but this is unfortunately an area

¹ “2018 Broadband Deployment Report,” FCC, Feb. 2, 2018, <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2018-broadband-deployment-report> (accessed December 2019).

² The current federal and state benchmark is 25/3, although some federal grants consider 10/1 speed as being served.

³ Such as through the state and federal programs discussed in Section 6, below.

⁴ Some local franchise agreements include language that require the cable company to build drops of up to a certain length (say, 300 feet) at no cost to the customer; drops longer than that threshold may be priced at the ISP’s discretion.

in which the County will not have a state or federal partner to solve that problem—because neither state nor federal grant funding applies to this challenging issue.

1.1.2 Broadband is not available to about 6,400 homes and businesses throughout the County

CTC’s analysis indicates that about 6,400 homes and businesses in the County do not have access to internet service that meets the federal definition of broadband. Based on desk and field surveys of wireline infrastructure conducted by a CTC outside plant engineer, we determined that the County’s unserved areas are the red highlighted portions of the map below (Figure 1). We did not include the southern portion of Assateague Island in our analysis; that land is shaded white in the map below.

Figure 1: Unserved Portions of Worcester County



1.1.3 The economics of rural broadband limit ISPs' interest in deploying broadband to unserved areas

Unserved portions of Worcester County face the same challenges as other rural communities in terms of attracting broadband infrastructure investment. Nationwide, even in the most affluent rural and semi-rural areas—from the horse farms around Lexington, Kentucky, to the ski communities outside of Aspen and Telluride, Colorado, to the resort areas on the Chesapeake Bay—the economics simply do not exist for rural broadband deployment absent substantial government funding. The private sector will not build costly infrastructure to reach all homes and businesses in low-density areas simply because the potential return on investment is insufficient to justify the investment.

The same dynamics apply to virtually all areas of rural infrastructure development. In the case of broadband, the issues are starker because broadband in the United States is traditionally thought of as an area of private investment, rather than public investment. The challenging economics result from the lack of density of homes—and, in many cases, the fact that homes are located on large parcels of land; long driveways or setbacks from the road greatly increase the cost to deploy wired infrastructure to those homes.

1.1.4 If the County invests in new infrastructure, fiber offers a better return than fixed wireless, given total cost of ownership and technical benefits

Based on engineering and cost-estimation for both a fiber-to-the-premises and a fixed wireless solution for unserved portions of Worcester County, we conclude that overall, fiber-to-the-premises represents a better broadband solution than fixed wireless for most unserved areas. Fiber-to-the-premises and fixed wireless have comparable 10-year costs per customer.⁵ But over a longer period, the total cost of ownership for a fiber-to-the-premises network would be lower than for a fixed wireless solution.

1.1.4.1 Fiber-to-the-premises in the County's unserved areas would require a large capital investment but relatively low operating costs

Constructing fiber infrastructure to unserved portions of the County would require a capital investment of approximately \$46.7 million to \$49.7 million, or \$6,500 per passing (outside plant infrastructure cost only). This estimate is based on conceptual-level engineering that considers a range of factors that affect deployment costs, from availability of utility poles to number of fiber route miles necessary to pass all unserved homes and businesses. Section 3 describes this cost estimate in more detail.

⁵ These estimates are based on a range of assumptions, which are described in Section 3 and Section 4.

1.1.4.2 A best-case fixed wireless solution could serve 50 to 85 percent of the County's unserved homes and businesses—but would require high capital and operating costs, and would not be as capable as a fiber network

As an alternative to deploying fiber-to-the-premises, the County could consider a fixed wireless network to deliver broadband services to unserved members of the community. CTC's engineers developed a model to assess the viability of that approach.

Our analysis found that a fixed wireless network could be used to serve a portion of the County's unserved homes and businesses—but it would have clear technical limitations relative to a fiber optic network and would not reach all unserved premises. In the best-case scenario, equipment mounted on 40 existing towers in the County could enable coverage of approximately 85 percent of the unserved premises; a more conservative coverage model indicates that about 50 percent of unserved premises could be served.

1.1.5 State and federal broadband funding programs represent an important opportunity for the County

State and federal funding sources represent an important element of large-scale broadband deployments for unserved areas. While these programs tend to have restrictions that affect their potential breadth of impact, our analysis is that a number of programs—including the state's recently announced rural broadband grant program, and the federal ReConnect and Rural Digital Opportunity Fund programs—could assist the County's efforts to reduce the number of unserved homes and businesses.

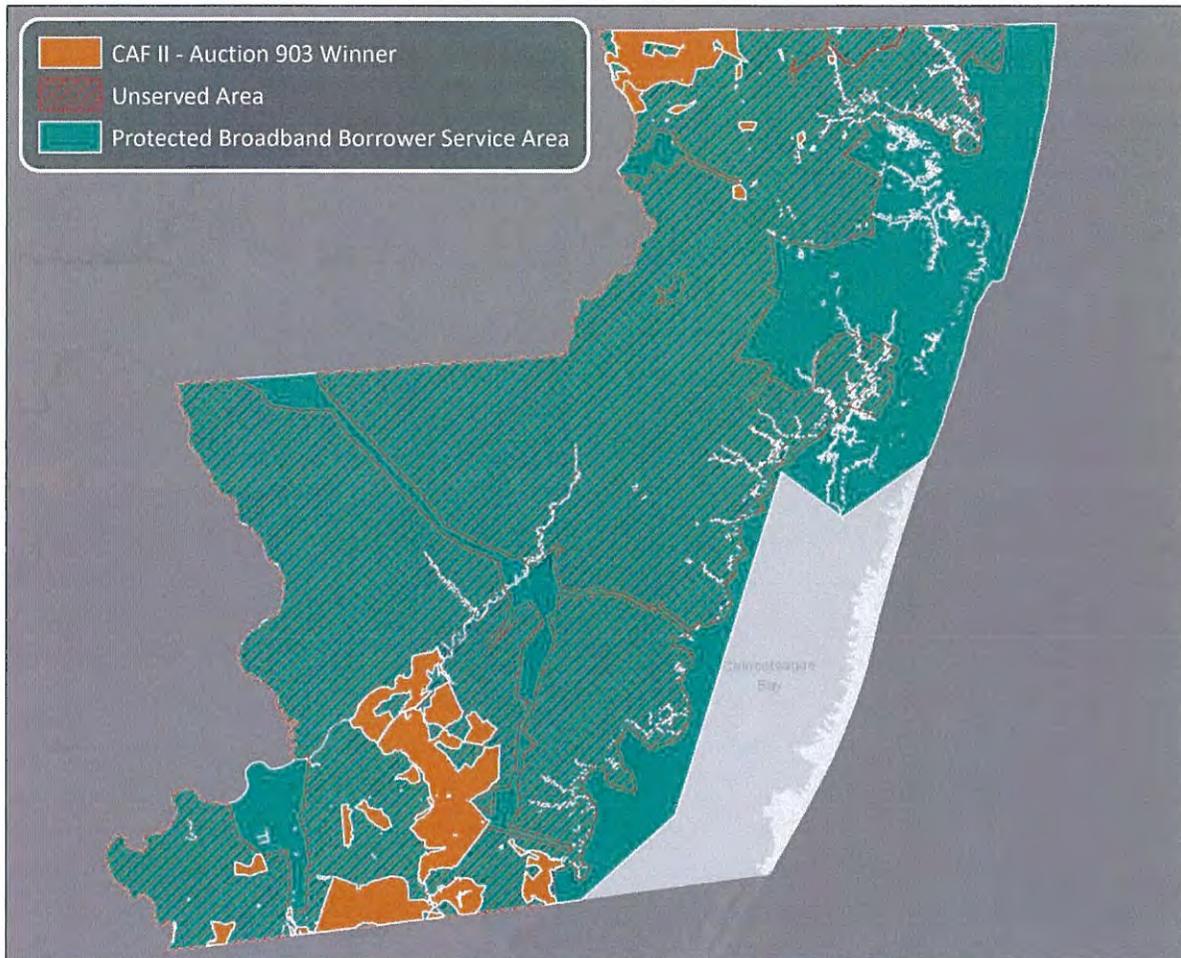
The federal ReConnect program represents the most significant congressional appropriation of broadband funding since the Recovery Act in 2009—with \$600 million allocated in 2019 and \$550 million available in 2020. The program awards loans, grants, or a combination of the two for last-mile connections in rural areas; it favors private sector applicants that demonstrate, experience in network operations, solid financials, and strong support from the local government in the area to be served. The second round of grant applications opens on January 31, 2020, and closes March 16, 2020.⁶ A third round of funding for this program is anticipated in the next year.

However, Congress created a significant barrier to ReConnect funding for the County when it wrote the legislation: It made ineligible any areas for which another grantee or loan recipient has received a previous broadband award. A wireless ISP, Bloosurf, was awarded \$3.2 million in USDA Broadband Initiatives Program (BIP) grant and loan funding in 2010 for service across the

⁶ "USDA to Make \$550 Million in Funding Available in 2020 to Deploy High-Speed Broadband Internet Infrastructure in Rural America," U.S. Department of Agriculture, News Release, Dec. 12, 2019, <https://www.usda.gov/media/press-releases/2019/12/12/usda-make-550-million-funding-available-2020-deploy-high-speed> (accessed December 13, 2019).

County,⁷ and won the Connect America Fund II (CAF II) auction for additional portions of the County; those areas (shaded in green or orange, respectively, in the map below) are technically ineligible for ReConnect funding; we expect the protected status to expire in 2021, but the CAF II exclusion will continue.⁸

Figure 2: Grant-Eligible and Ineligible Areas in Worcester County



The Rural Digital Opportunity Fund builds on the success of the CAF Phase II auction, with a proposal to allocate an additional \$20.4 billion over the next decade in order to support the buildout of high-speed broadband networks in unserved and underserved areas of the country. The Rural Digital Opportunity Fund will exclude CAF-II funded areas, but current indications are that no other areas are “protected.” Instead the focus is on unserved areas in terms of the 25/3

⁷ "Advancing Broadband," USDA BIP Awards Report, January 2011, <https://www.rd.usda.gov/files/reports/RBBreportV5ForWeb.pdf> (accessed December 2019).

⁸ See Section 6 for more details regarding how the County might challenge Bloosurf’s protected status in a ReConnect application.

benchmark. That leaves the green and cross-hatched areas in the map above potentially eligible for these grants. The Rural Digital Opportunity Fund represents a unique opportunity for which time is of the essence, as we expect the reverse auction will be held in 2020 for a decade's worth of funding.

The EDA opportunity does not exclude or protect any areas, and does not have any requirement for minimum speeds; it only focuses on broadband as an economic development tool—and therefore represents another good opportunity for the County with no protected or excluded areas.

The Governor's Office of Rural Broadband recently released the application for a broadband grant initiative that explicitly seeks to complement federal and local funding sources—an approach that could enable an entity partnering with the County to use the state's funding as a match for a federal ReConnect grant application, or to enable a lower bid in the Rural Digital Opportunity Fund reverse auction (in which the lowest bidder wins).

In contrast to the ReConnect protected areas, the state's grant program focuses exclusively on the broadband benchmark of 25/3, which leaves the entire cross-hatched area indicated as unserved in the map above as potentially eligible.

The Broadband Infrastructure Network Buildout Program will award grants of \$1 million to \$3 million from a total funding budget of at least \$9 million. While applicants needed to submit a non-binding letter of intent by December 23, 2019 (for applications due by February 21, 2020), we anticipate there will be state broadband funding again in 2021. Applicants for this opportunity would be the owners and deployers of the proposed broadband infrastructure.

1.1.6 The fixed wireless provider Bloosurf's status as an RUS borrower represents a significant obstacle to some current federal funding opportunities, but not to state funding

Bloosurf has received funding from federal grant and loan programs that effectively protects it from alternative provider applications in its claimed service areas under several federal grant programs. Bloosurf's service area covers the entire County. Once this protected status expires, however, these areas will open back up to applicants, presumably at the 25/3 benchmark.

This obstacle does not apply to the state programs, and does not present itself equally for all future federal grant programs; for example, the Rural Digital Opportunity Fund does not exclude the areas that are excluded under the ReConnect rules.

1.2 Recommendation: Develop a multi-year strategy to collaborate with partners to apply for state and federal broadband grants

Our primary recommendation is that the County collaborate with private sector partners to apply for state and federal broadband grants. The state program is particularly promising because it does not place restrictions on geographic areas, other than being unserved by 25/3. We recommend pursuing state funding immediately—encouraging Comcast, ThinkBig, and any other well-qualified entities to apply.

Federal funding program also looks promising, particularly the Rural Digital Opportunity Fund. We believe this could be a good option and we encourage the County to work with Choptank and also potentially ThinkBig (as well as alternative bidders) if Choptank does not bid.

The ReConnect opportunity will be more difficult, given the protect status of much of the County's unserved areas. The County could undertake an effort in this round of ReConnect funding to contest the protected areas status, because anecdotal and other data, including the County's own experience, suggest that there is not anything resembling adequate service in these areas. We think that such a challenge will be difficult, because USDA will be conservative in its evaluation of competing data and claims—but it may be worth the County's effort to perform the necessary mapping, planning, and engineering. The County is left in limbo of not having a performing private entity, but not being able to find another solution with federal funds. A ReConnect challenge will bring attention to the fact that the federal government has given money to an entity that does not appear to be delivering on its promised broadband service—and the federal government is simultaneously saying that the County is not eligible for new funding.

Based on the dialogue CTC and the County have established with some service providers, we recommend the following approaches.

1.2.1 Engage with Choptank Electric Cooperative on these issues

Choptank is an obvious choice for a partner in the County's broadband deployment efforts. Indeed, Choptank and electric cooperatives throughout the state have positioned themselves for this opportunity by asking the Maryland legislature to give them the authority to enter the broadband market.⁹

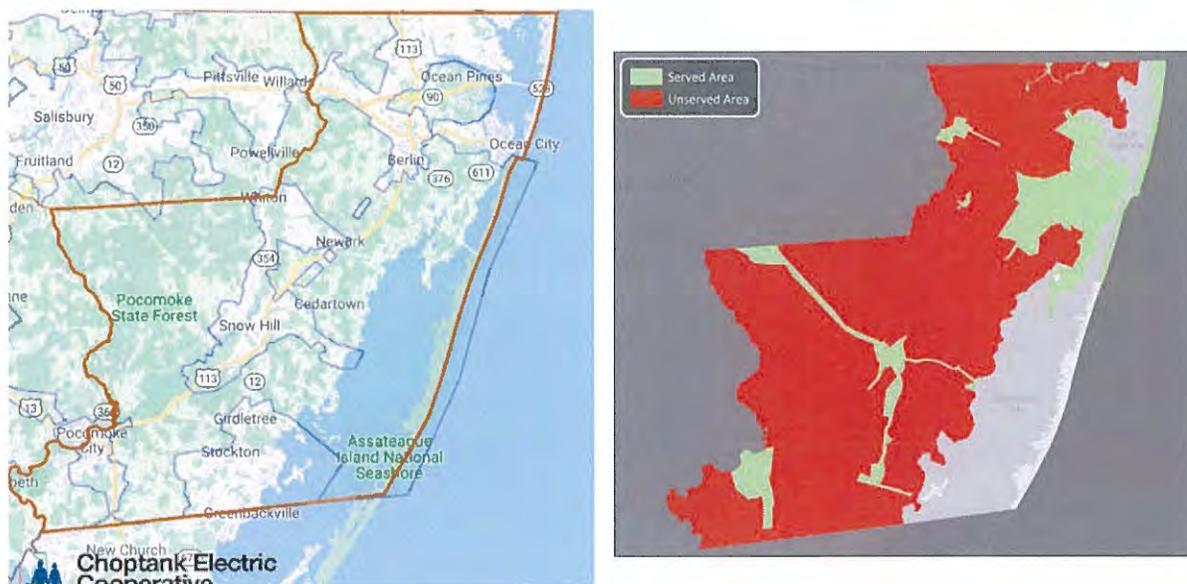
Because it is member-owned, Choptank presumably would not cherry-pick only certain unserved areas; it is responsible to all members within its service footprint in the County, not just to business opportunity in the way a for-profit ISP would be. Choptank also owns utility poles—the core structural asset needed for broadband deployment—throughout the County's unserved areas; those poles would be able to support fiber attachments and would dramatically lower

⁹ See, for example: "Support Choptank Fiber," <https://supportchoptankfiber.com/> (accessed December 2019).

Choptank’s fiber construction costs. In addition, Choptank has the technical capability to construct aerial fiber and a proven ability to manage customer relationships.

While Choptank’s current publicly published service area does not encompass all unserved areas of the County, there is substantial overlap that would enable Choptank to reach many of the unserved areas. The figures below show Choptank’s self-reported electric coverage map, side by side with the County’s unserved broadband areas.

Figure 3: Choptank’s Self-Reported Electric Service Area Compared to Unserved Portions of the County¹⁰



We expect electric cooperatives such as Choptank to benefit from the FCC’s Rural Digital Opportunity Fund, in particular, because of its ownership of poles in unserved areas. Choptank would have the lowest cost to build of any entity other than Verizon, which would be a competitive advantage if it were to bid on the FCC’s planned reverse auction for the Rural Digital Opportunity Fund (in which the lowest bidder wins).

What’s more, Choptank could also apply for state and ReConnect grants, in addition to Rural Digital Opportunity Fund funding. If Choptank were to miss the Rural Digital Opportunity Fund application window, it would still be eligible to apply for later rounds of ReConnect and state funding—but optimally, Choptank would secure funding from all of those sources.

¹⁰ Areas shaded darker are service areas for Choptank. Source: <https://choptank.maps.sienatech.com/> accessed 12/15/2019.

1.2.2 Partner with ThinkBig on a state broadband grant application and potentially support a ReConnect grant application

ThinkBig Networks could also be a strong partner for state and federal grant applications to construct fiber to serve the County's unserved areas. The company has indicated preliminary but not concrete interest.

ThinkBig will have a higher cost to build than Choptank would have, because it does not own the utility poles. But it would potentially be competitive for state grant funding (in partnership with the County) or federal ReConnect funding (See Section 2.3 and Section 6 regarding potential barriers to a ReConnect application.) And if Choptank does not bid on the Rural Digital Opportunity Fund, ThinkBig might be a competitor in the reverse auction; if ThinkBig can successfully secure a state grant, ReConnect funding, or support from the County, it could bid lower for Rural Digital Opportunity Fund funding and potentially position itself to win.

We recommend that the County explore a partnership with ThinkBig on a state broadband grant application, with the condition that if it receives funding, the company will seek to apply for a federal ReConnect grant using the state funds as part of its required matching contribution. Unless ThinkBig already submitted letters of intent for the current state grants, this strategy should be oriented toward expected future cycles of state grants. If ThinkBig were awarded state broadband funding, it could use those funds (and any County contribution to that program's match requirements) as its match for the federal application.

1.2.3 Encourage Comcast to apply for a state broadband grant

As a cable provider with a presence in the denser areas of the County (and current plans to expand in Ocean Pines),¹¹ Comcast has infrastructure in the County that could enable it to expand into unserved areas with relatively lower costs per passings than other wireline providers. (See Section 3.6 for our sample cost estimate.)

Like ThinkBig, Comcast does not own utility poles so it would not be the most competitive Rural Digital Opportunity Fund bidder—but if Choptank does not bid, Comcast could be competitive. That said, we are unable to analyze the Comcast opportunity in much detail because the company has not given us any concrete sense of their plans with regard to the Rural Digital Opportunity Fund. Representatives have told us that the company does not plan to submit applications for ReConnect anywhere in the country; this may also be the case for the Rural Digital Opportunity Fund, but the company's intent is unclear.

CTC and the County approached Comcast to explore the potential to build to unserved areas under the terms of the state's grant program. As of this writing, we have not received concrete

¹¹ Greg Ellison, "Comcast brings service competition to Ocean Pines," Bayside Gazette, Sept. 12, 2019, <https://baysideoc.com/comcast-brings-service-competition-to-ocean-pines/> (accessed December 2019).

feedback from Comcast that would enable us to determine what areas it is interested in or what grant levels would provide sufficient incentives for Comcast to work with the County and state.

1.2.4 Explore opportunities to support fixed wireless providers

Given our analysis of capital and operating costs (see Section 4 and Section 5), fixed wireless deployment would not be our first recommendation for filling the County's broadband service gaps. That said, the technology is feasible and, if the County were to identify a suitable partner, using fixed wireless might be a suitable option for serving some homes and businesses.

2 The County Has About 6,400 Unserved Homes and Businesses

Based on our discussions with County staff, Worcester County government has a general understanding of where residential broadband services¹² are and are not available to members of the community. At the County's direction, we used those insights as a foundation for our analysis—then verified and fine-tuned the boundaries with our own surveys, as described below.

Unserved areas are those where no infrastructure capable of delivering services that meets the federal definition of broadband “passes” along the public right-of-way adjacent to homes and businesses. This is the universally understood definition of what is served, both within the industry and among the government entities that fund broadband expansion¹³ and regulate communications services at the state and federal levels. In practice, an unserved location is one where there is no cable or fiber plant in the right-of-way.

It is important to note that a “passing” does not include the “service drop”—the portion of the network that connects the infrastructure at the curb to the home or business itself. As a result, there is another category of locations within the County where homeowners may struggle to get broadband service—but those homes do not fit into the category of unserved (and thus are not included in the 6,400 estimated unserved premises). These are areas where broadband infrastructure passes homes or businesses (and thus the premises are considered served), but because the premises are set back far from the road, the cost to build the service drops to the users' premises is prohibitive.

Service to these homes or businesses is thus not a matter of the availability of infrastructure, but rather a matter of the affordability of drop construction—because many consumers, particularly those with very long driveways, will find the ISP's quoted cost of connection to be very high.¹⁴ The County could choose to subsidize the cost of drop construction, but this is unfortunately an area in which the County will not have a state or federal partner to solve that problem—because neither state nor federal grant funding applies to this challenging issue.

2.1 Desk and field surveys verified the County's extensive unserved areas

To identify the County's served and unserved areas—and to identify likely routes for fiber deployment to fill the service gaps—a CTC outside plant engineer conducted extensive desk and field surveys of the County.

¹² This study is focused on lack of service that meets the federal definition of broadband (i.e., 25 Mbps download/3 Mbps upload), while also recognizing that 10/1 service is a disqualifying threshold for some federal funding, such as the USDA's ReConnect program.

¹³ Such as through the state and federal funding programs discussed in Section 6, below.

¹⁴ Some local franchise agreements include language that require the cable company to build drops of up to a certain length (say, 300 feet) at no cost to the customer; drops longer than that threshold may be priced at the ISP's discretion.

The engineer prepared for the analysis by dividing the County into survey areas based on major roads and natural boundaries. He then determined the availability of highly detailed Google Earth Street View imagery for each section—and planned driving routes for the portions of the County with limited or no available imagery, and that were identified as special areas of interest based on County data or density analyses.

During his desk survey, the engineer analyzed the Google Earth Street View maps where available—searching images of miles of County roadways for the presence of broadband infrastructure such as cable attachments on poles (for aerial construction) and handholes and pedestals (for underground construction). Following the completion of the desk survey, the engineer confirmed the Street View results with an on-site field survey—driving along representative roadways throughout the County.

Through these desk and field surveys, the engineer found that 6,390 homes and businesses in the County do not have access to internet service that meets the federal definition of broadband (i.e., a minimum of 25 Mbps downstream and 3 Mbps upstream), as illustrated in red in Figure 4. We did not include the southern portion of Assateague Island in our analysis as this is home to Assateague State Park, the Assateague Island National Seashore, and a small part of the Chincoteague National Wildlife Refuge—all of which are uninhabited, environmentally protected lands. (Those areas are shaded white in the map.)

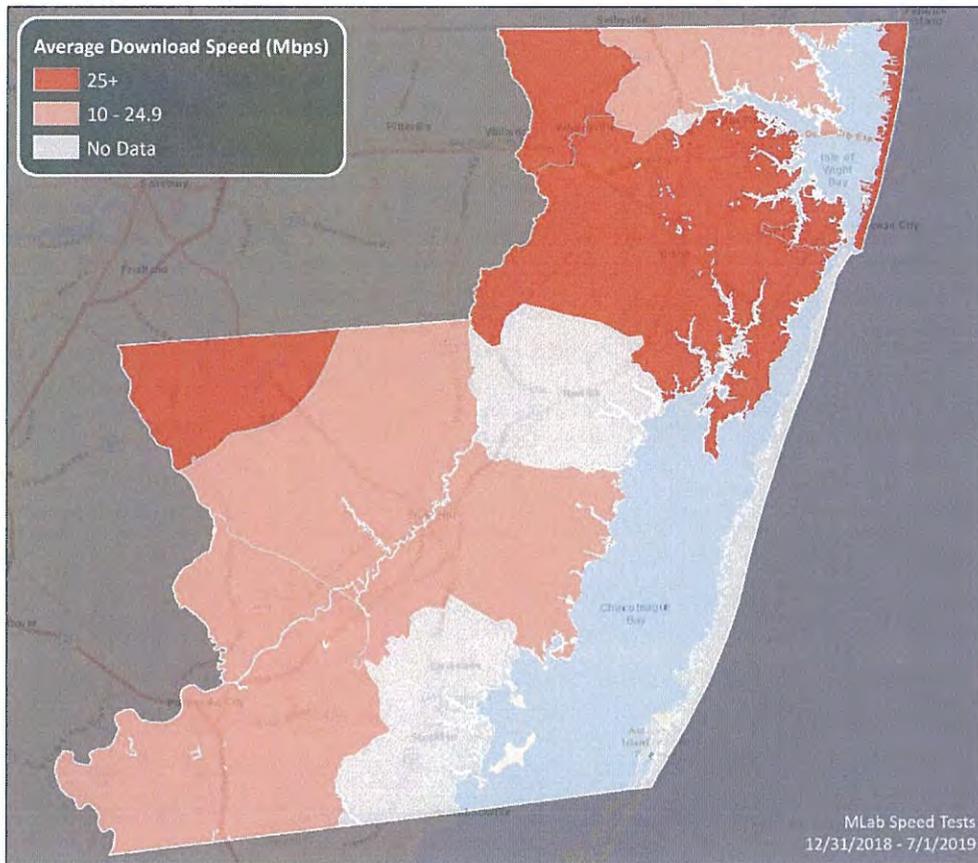
While these areas are unserved with wireline infrastructure based on our review, we note that a wireless ISP, Bloosurf, claims to have some level of service in these areas. We were unable to determine whether that is the case—but data provided by the County and other sources suggest that Bloosurf service does not under any circumstance achieve 25/3 speeds in these areas, and it is not clear that Bloosurf delivers even lower levels of speed to customers throughout much of the County—despite the fact that these areas purportedly are served by Bloosurf. As we discuss in Section 6 and Section 7, Bloosurf’s service is a critical issue for the County’s approach to federal grant funding opportunities.

Figure 4: Unserved Portions of Worcester County



As an additional validation of the unserved areas in the County, we also evaluated the speed test data gathered by M-Lab for the first six months of 2019 (Figure 5). M-Lab collects approximate locations based on users' IP addresses, which are then aggregated by ZIP code. While these data are not granular enough for detailed analysis, they do create a snapshot of the recorded download speeds greater or less than 25 Mbps for each ZIP code in the County. The M-Lab data generally agree with the field survey, indicating the County's central and southeastern areas are potentially unserved based on the lack of data from those ZIP codes.

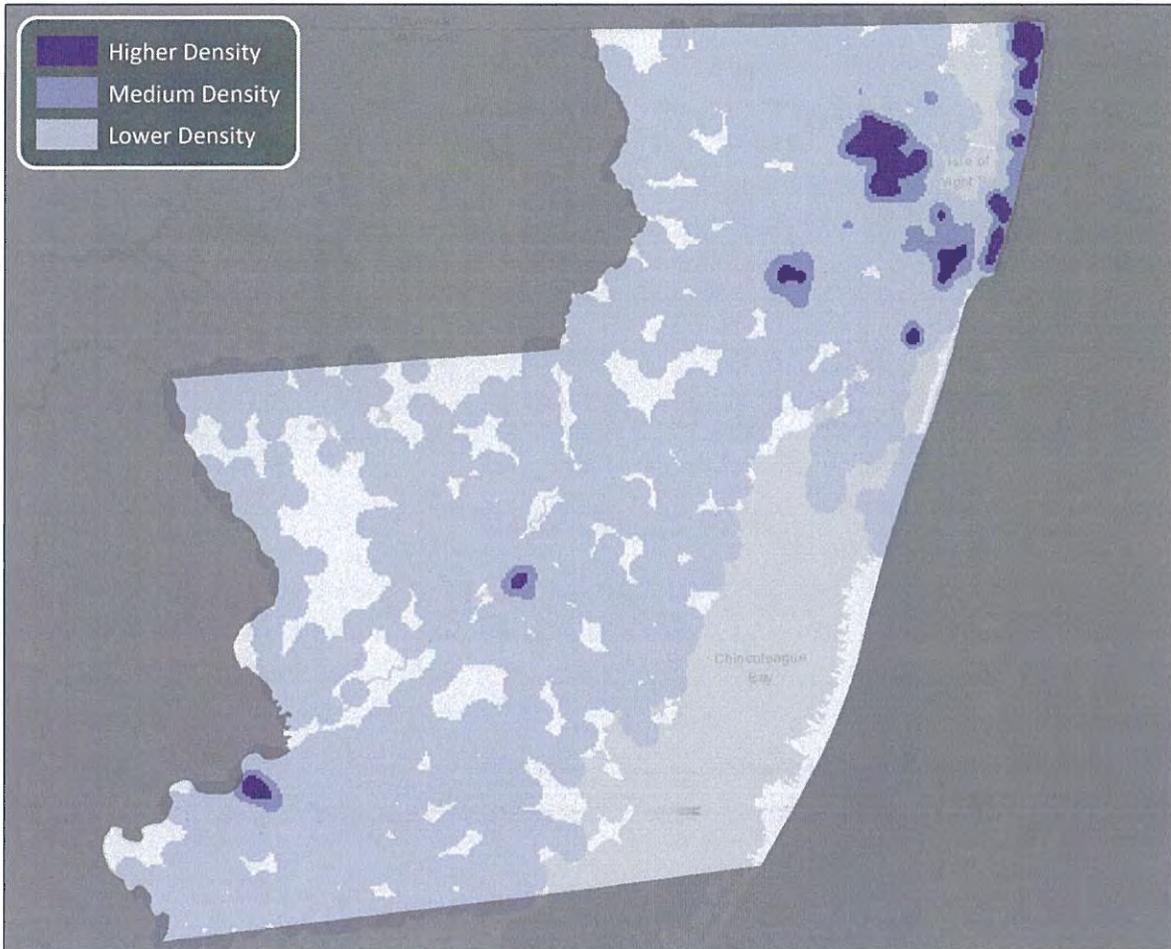
Figure 5: M-Lab Speed Test Results – Average Download



2.2 Broadband service in the County aligns with population density

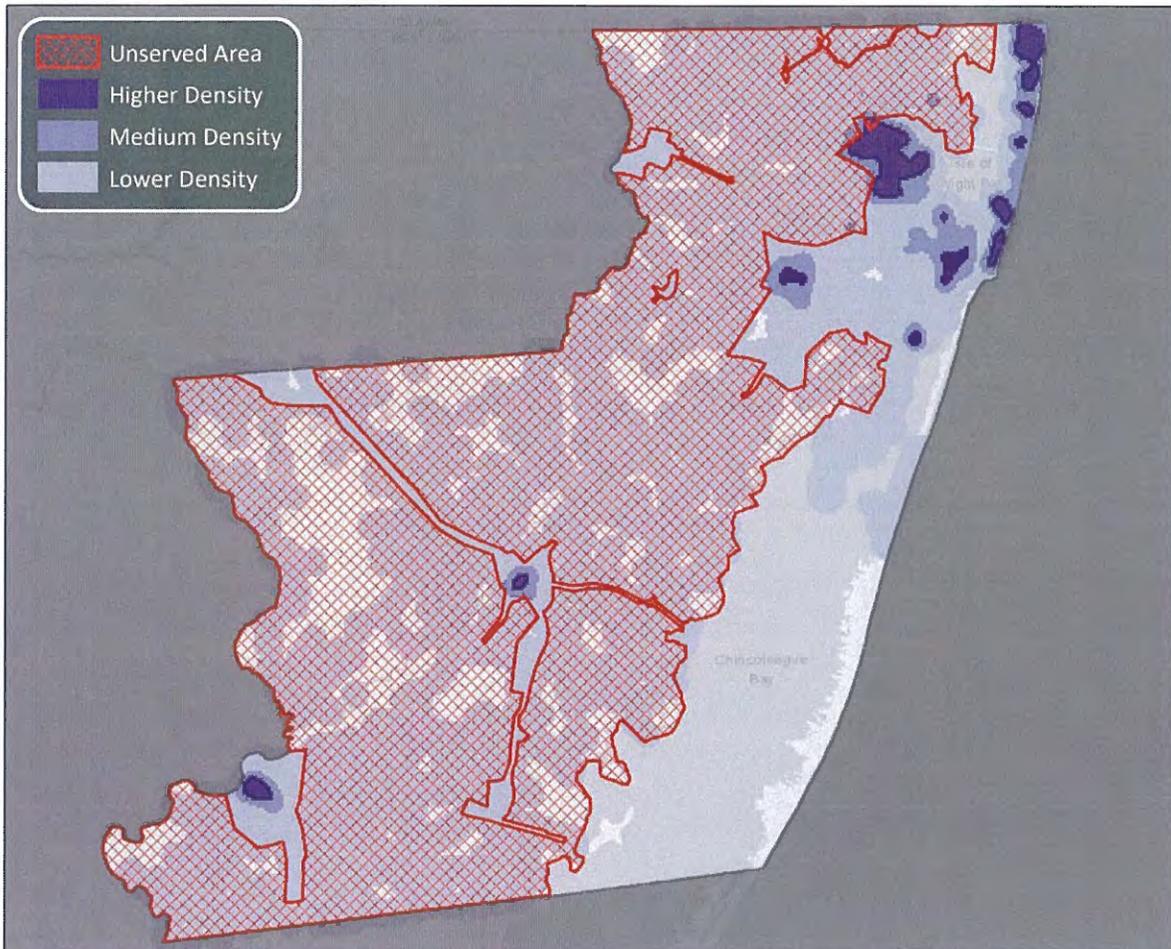
Using the County's address data, we developed a heat map of population density across the County (Figure 6). Most of the County has relatively low population density; very low density spaces are not included in the analysis, and thus are not shaded in the map.

Figure 6: Worcester County Population Density Heat Map



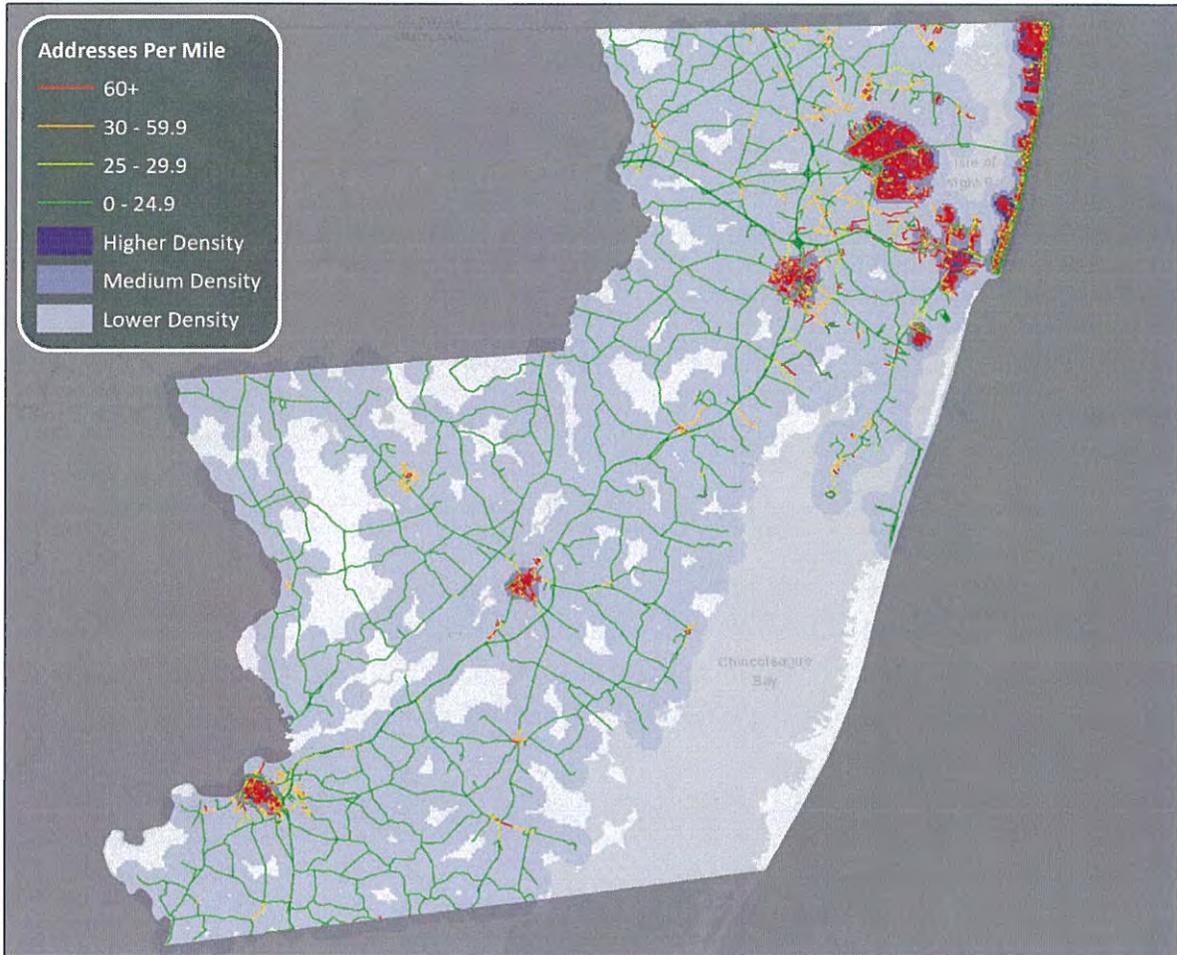
Not surprisingly, based on national broadband deployment patterns, the County's high-density areas align with the areas that our desk and field surveys indicate as being served with broadband (Figure 7). Similarly, we found that low population density is relatively homogeneous across the County's unserved areas. Very low density spaces are not included in the analysis, and thus are not shaded in the map.

Figure 7: Unserved and Served Portions of Worcester County



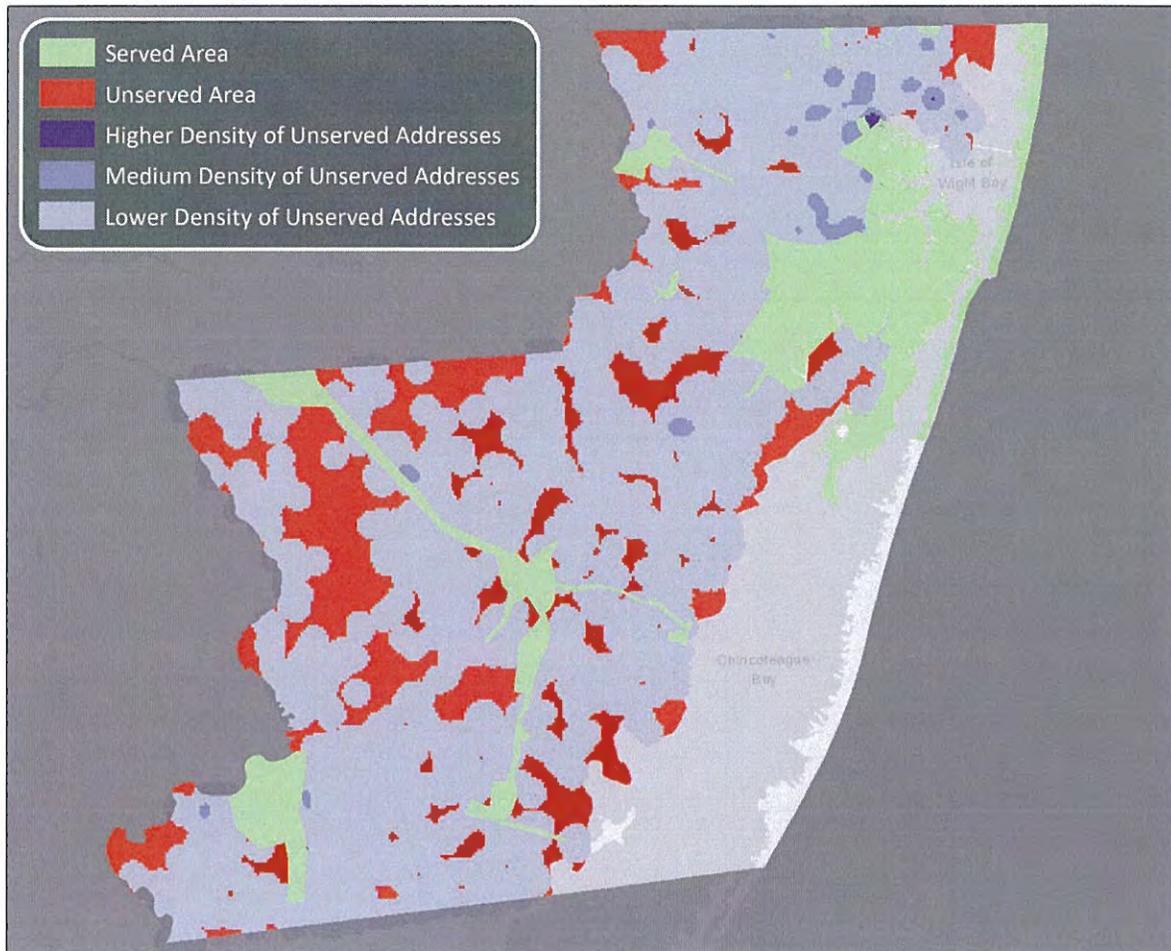
We calculated the passings per mile on each of the County's roads, which confirmed that the unserved areas are all low-density (Figure 8).

Figure 8: Passings per Mile, Density, and Service Availability



Removing all served areas from the map clearly shows the unserved areas of the County (Figure 9). Areas in red are unserved and uninhabited.

Figure 9: Unserved Portions of Worcester County by Population Density



The following map illustrates the same unserved areas, with County-provided address points added for emphasis (Figure 10).

Figure 10: Unserved Portions of Worcester County (with Addresses)

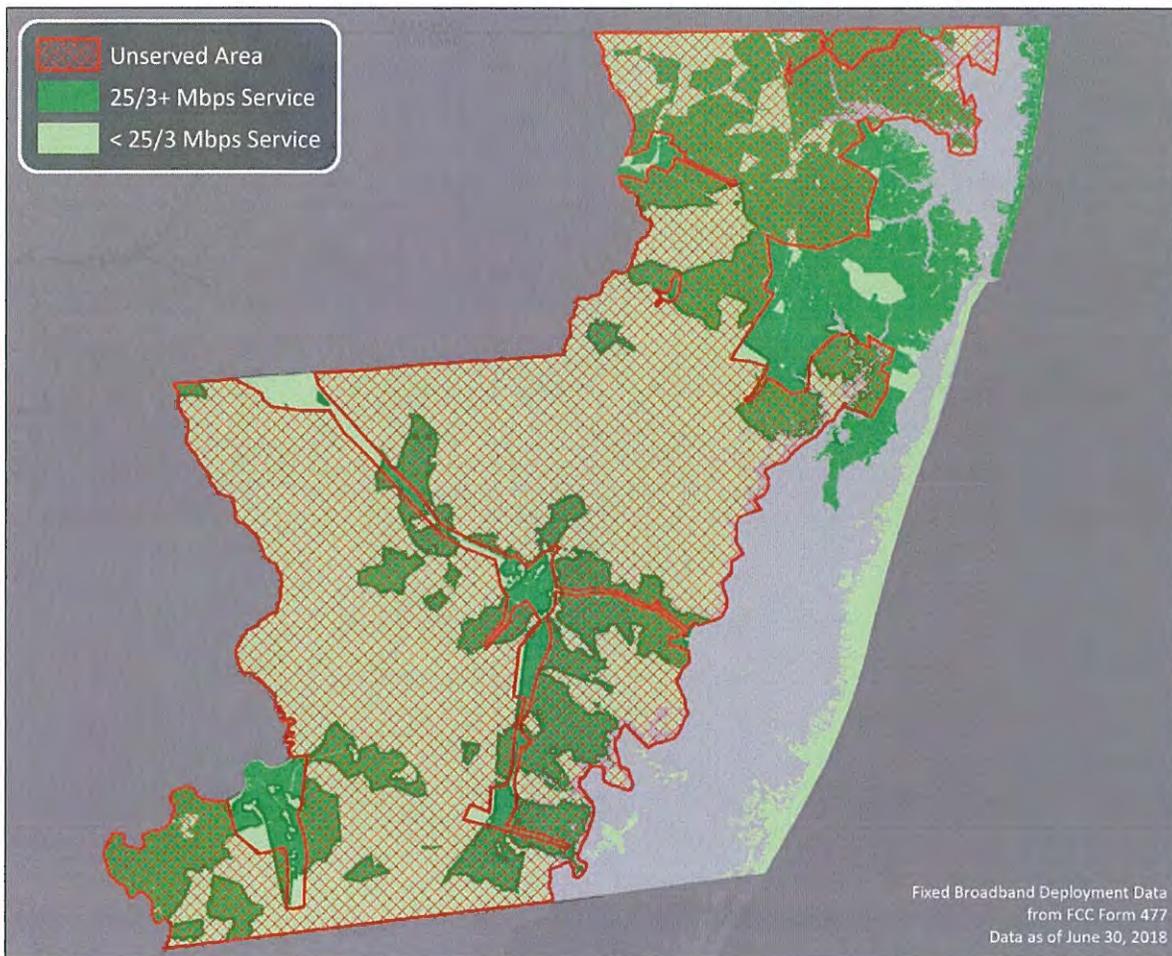


2.3 The County's unserved areas are eligible for state funding but applying for some federal funding would require challenging an existing federal grantee

With an understanding that state and federal funding may represent a viable opportunity for enabling the County's efforts to expand broadband availability, we also evaluated available FCC Form 477 data about broadband services available in the County—both at the 25/3 and 10/1 levels. We note that while the County is concerned about lack of service that meets the FCC's definition of broadband (25/3)—and that 25/3 is the threshold for the State of Maryland's expected broadband funding—the USDA's ReConnect grant and loan program uses 10/1 service availability as its minimum definition. (See Section 6 for a detailed discussion of funding opportunities.)

There is a tendency for Form 477 data to overstate service availability, given that an entire census block is reported as being served if even one location in the block meets the FCC’s requirement. (The data are also self-reported by carriers.) In the case of Worcester County, the Form 477 data do overstate broadband availability—as illustrated by the following map of 25/3 service availability, overlaid with the boundaries of the unserved areas confirmed in our desk and field surveys (Figure 11). **The survey-defined unserved areas are eligible for state broadband funding.**

Figure 11: FCC Form 477 Data on 25/3 Availability as Compared to Desk and Field Survey Findings



While the Form 477 data are not the sole basis for determining federal funding eligibility, federal entities will evaluate those data as they relate to applications; if the County or a partner applies, it will need to document where the County’s documented unserved boundaries diverge from those data—in other words, the portions of the unserved areas confirmed through our desk and field surveys that are incorrectly identified by Form 477 data as having service availability.

For purposes of identifying federal ReConnect-eligible areas, the following maps illustrate the Form 477-reported availability of 10/1 service (Figure 12) and the 10/1 service availability overlaid with the boundaries of the unserved areas confirmed in our desk and field surveys (Figure 13).

Figure 12: FCC Form 477 Data on 10/1 Availability

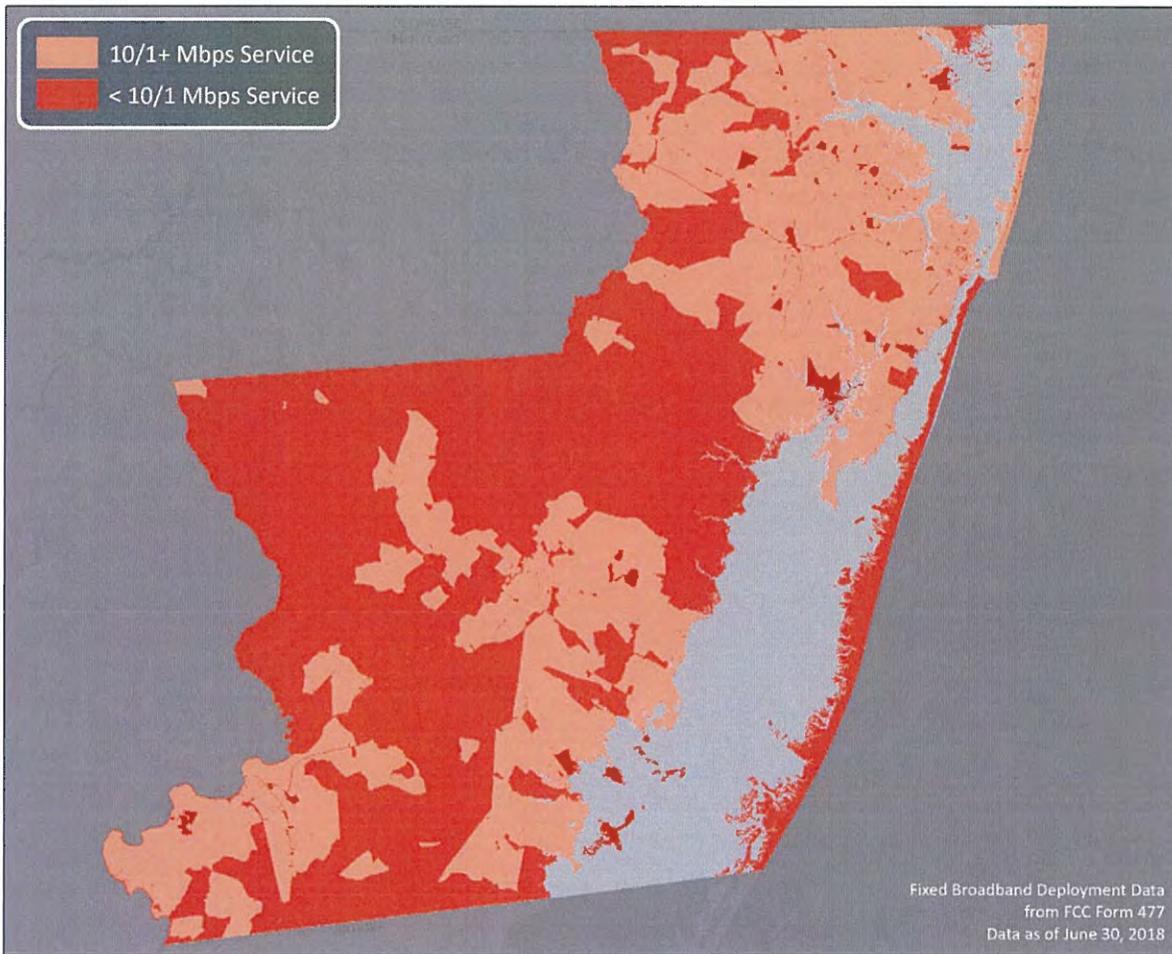
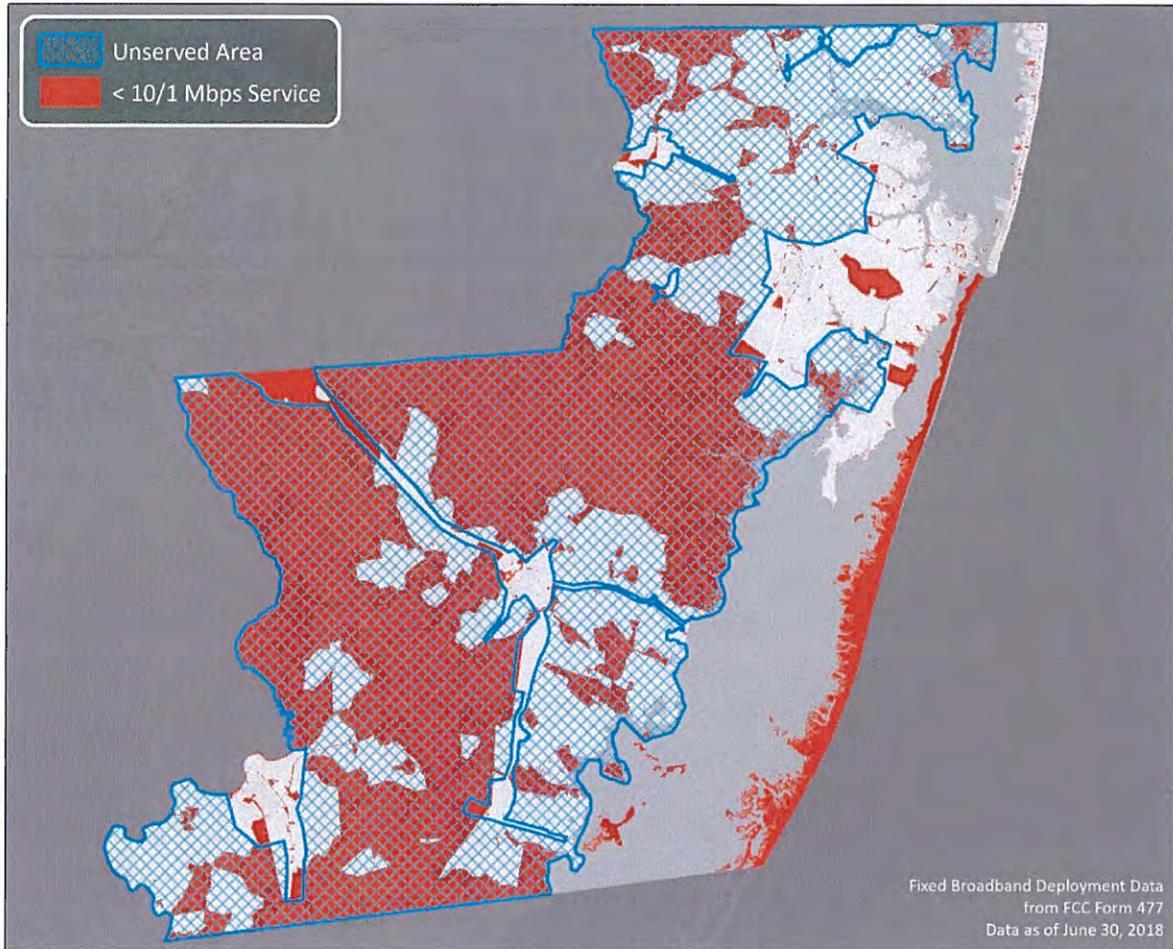


Figure 13: FCC Form 477 Data on 10/1 Availability as Compared to Desk and Field Survey Findings



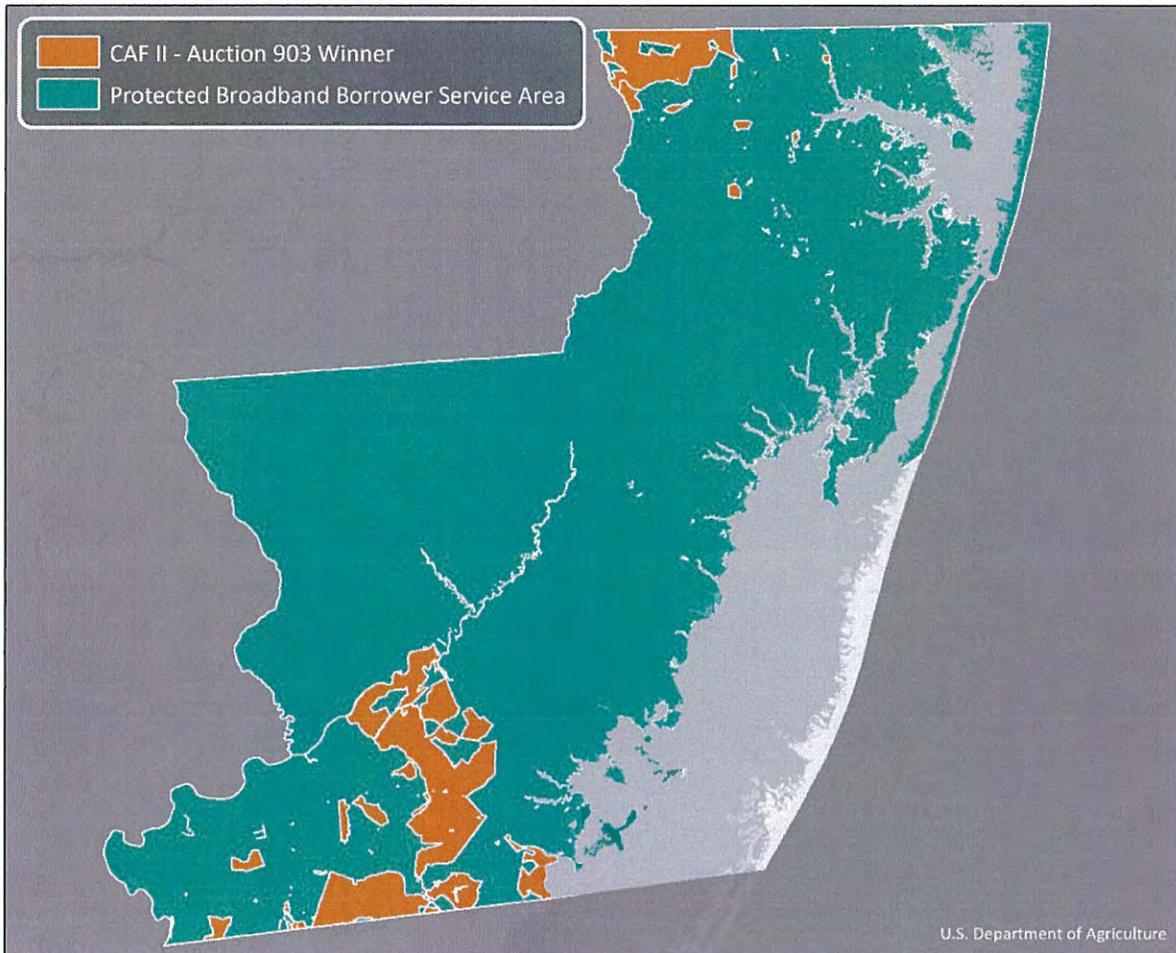
The ReConnect-eligible areas of the County would typically be those with less than 10/1 Mbps service, as documented by Form 477 data and our desk and field surveys. However, as Figure 14 (below) illustrates, most of the County is technically excluded from ReConnect eligibility because a wireless ISP, Bloosurf, has been awarded federal Connect America Fund II (CAF II) funding in certain areas (orange shading) and also previously received broadband grant and loan funding from the USDA’s Rural Utilities Service (RUS); that funding makes the rest of the County a “protected broadband borrower service area” (green shading).¹⁵

As we describe in more detail in Section 6, if the County and a partner were to apply for ReConnect funding, they would need to challenge Bloosurf’s protected broadband borrower service areas status as part of their application; the challenge would need to be based on

¹⁵ “Eligible Service Area,” ReConnect Loan and Grant Program, USDA RUS, <https://www.usda.gov/reconnect/eligible-service-area> (accessed November 2019).

documentation showing Bloosurf has not provisioned the services to which they committed delivering under their RUS award.

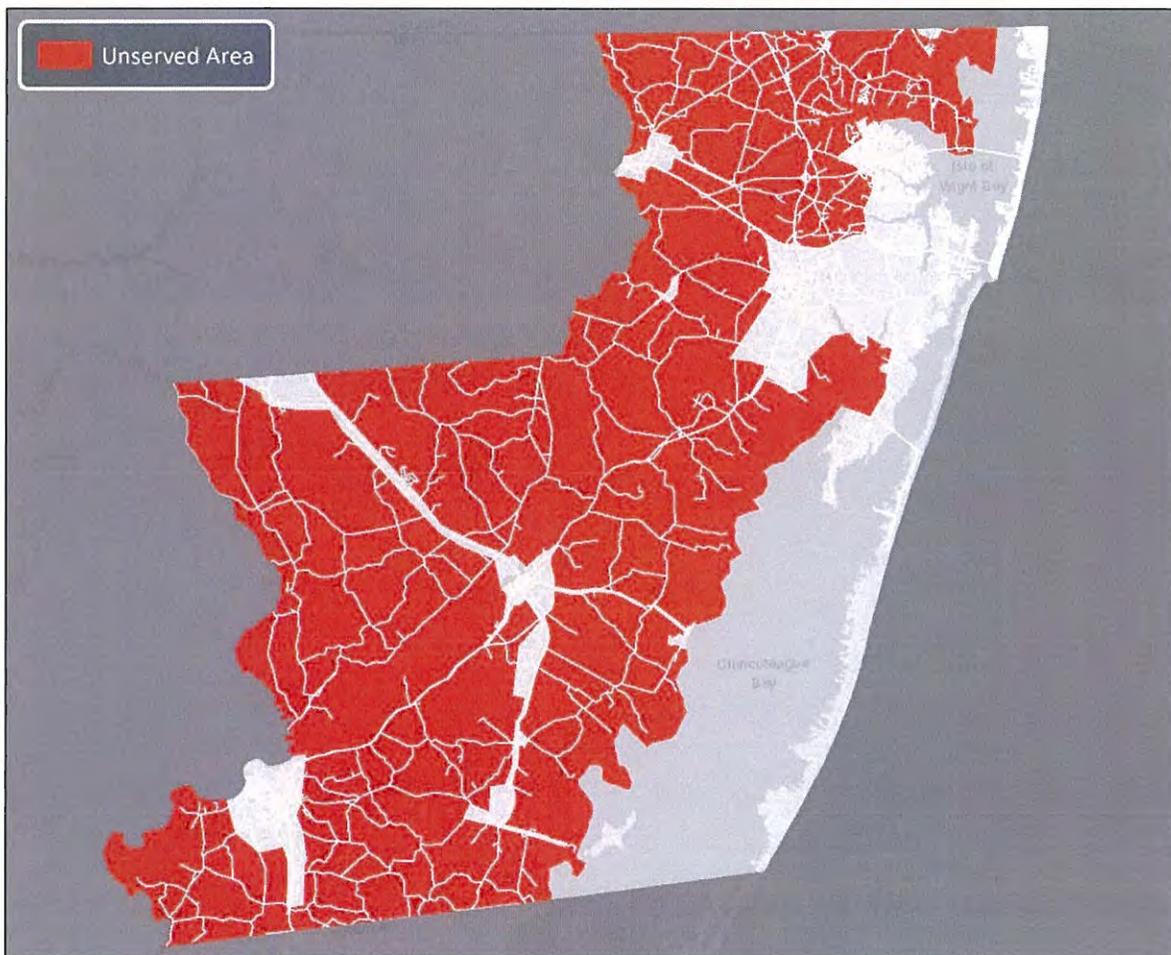
Figure 14: ReConnect-Ineligible Areas in Worcester County



3 Fiber-to-the-Premises Infrastructure to Fill Service Gaps Would Have High Capital Cost But Relatively Low Ongoing Operating Costs

As documented in Section 2, CTC's analysis of County-provided data and our extensive desk and field surveys identified the location of the County's unserved residents and businesses.¹⁶ For purposes of discussing a potential technical solution for serving those members of the community, we identified 6,390 unserved homes and businesses (also known as "passings") (Figure 15).

Figure 15: Unserved Portions of Worcester County as Confirmed by Desk and Field Surveys



¹⁶ The County is concerned about lack of service that meets the federal definition of broadband (i.e., 25 Mbps download/3 Mbps upload).

As a candidate solution, CTC’s engineers prepared a high-level network design for the deployment of a gigabit-capable fiber-to-the-premises (FTTP) network to homes and businesses. We then estimated the County’s costs for deploying that network.

The total estimated capital cost for the County to construct an FTTP network to serve unserved areas is \$46.7 million to \$49.7 million; details are shown in Table 1.¹⁷

Table 1: Estimated Total FTTP Deployment Cost for Unserved Areas

Cost Component	Estimated Cost (35% Take Rate)	Estimated Cost (60% Take Rate)
Outside Plant	\$41,500,000	\$41,500,000
Central Network Electronics	\$1,300,000	\$1,500,000
FTTP Service Drop Installations	\$2,800,000	\$4,800,000
Customer Premises Equipment	\$1,100,000	\$1,900,000
<i>Total Estimated Cost:</i>	<i>\$46,700,000</i>	<i>\$49,700,000</i>

We estimated a cost per passing by dividing the outside plant cost by the number of passings. This is the cost of constructing fiber alongside the roads in front of homes and businesses, divided by the number of homes and businesses—essentially the cost of building a network independent of connections to any specific homes and businesses. The average outside plant cost per passing will be approximately \$6,500.

Table 2: Estimated OSP Cost per Passing for Unserved Areas

Cost Component	Estimated Cost
Outside Plant	\$41,500,000
Passings	6,390
<i>OSP Cost per Passing</i>	<i>\$6,500</i>

These cost estimates—and the estimated operating costs described below (Section 3.5)—provide data relevant to assessing the financial viability of network deployment; they enable financial modeling to determine the approximate revenue levels necessary for the County to service any debt incurred in building the network. They also provide a baseline against which to evaluate the cost of incremental and non-fiber optic approaches, as compared to the cost of full coverage of the County’s unserved areas with the highest-bandwidth technology.

¹⁷ These numbers have been rounded.

3.1 Capital cost estimates are derived from a customized outside plant network design

To develop and refine the range of assumptions that will have an impact on the County’s network design and construction costs, a CTC engineer performed a desk survey of the County using Google Earth Street View (see Section 2.1 for more details). The engineer reviewed available green space, estimated the modifications that would be necessary to existing infrastructure on utility poles, and estimated the percentage of utility poles that would need to be replaced to accommodate the new network infrastructure. Based on this analysis, we developed customized estimates of per-mile costs for construction on utility poles and for underground construction where poles are not available.

Table 3 summarizes the important factors for construction determined through our desk and field surveys.

Table 3: Cost Factors Developed in Desk and Field Surveys

Cost Factor	Finding in Unserved Areas
Aerial Construction	95%
Poles per Mile	35
Average Moves Required per Pole	1
Poles Requiring Make-Ready	7%
Cost Per Move	\$350
Poles Requiring Replacement	3%
Average Pole Replacement Cost	\$7,000
Intermediate Rock Underground	1%
Hard Rock Underground	0%

Make-ready is the work required to create space on an existing utility pole for an additional attachment. Existing attachments often have to be moved or adjusted to create the minimum clearance required by code to add an additional attachment. Each move on the pole has an associated cost (i.e., for contractors going out to perform the move). When a utility pole is not tall enough to support another attachment or the pole is not structurally capable of supporting the attachment, a pole replacement is required. The pole replacement cost is then charged to the new attacher.

Where utility poles do not exist, underground construction is required. One of the challenging variables with underground construction is the prevalence of rock. Softer stones and boulders (intermediate rock) require the use of a specialized boring missile that is more expensive than traditional boring. Where hard rock, such as granite is present, specialized rock boring machinery

is required to directional bore new conduit. The cost of boring through rock is added to the cost of traditional boring.

CTC’s outside plant engineer noted that the quality of the poles and pole attachments in the County varied, as they do in many cities and counties—but that overall, most of the poles in the unserved areas have space for an additional attachment.

In some parts of the County’s unserved areas, the telecommunications cables (i.e., Verizon telephone lines) are on separate poles on the opposite side of the street from the electrical distribution cables. The telecommunications poles typically do not have space or capacity for an additional attachment, so we recommend the electrical poles be used for new fiber attachments. The cost estimate assumes that the County could attach to the electrical poles in the communications space below the electrical cables. Based on our experience, the electric pole lines are more favorable for new pole attachment than the average utility pole—which will correspond to a lower-than-average construction cost on the aerial poles.

The figures below show samples of poles in various conditions that we identified during our desk and field surveys of the County’s unserved areas. In the following figure, for example, make-ready is required to add a communications attachment. The extension arm would need to be replaced with a longer extension arm to gain horizontal clearance or a taller pole would be needed to provide vertical clearance.

Figure 16: Utility Pole Requiring Make-Ready



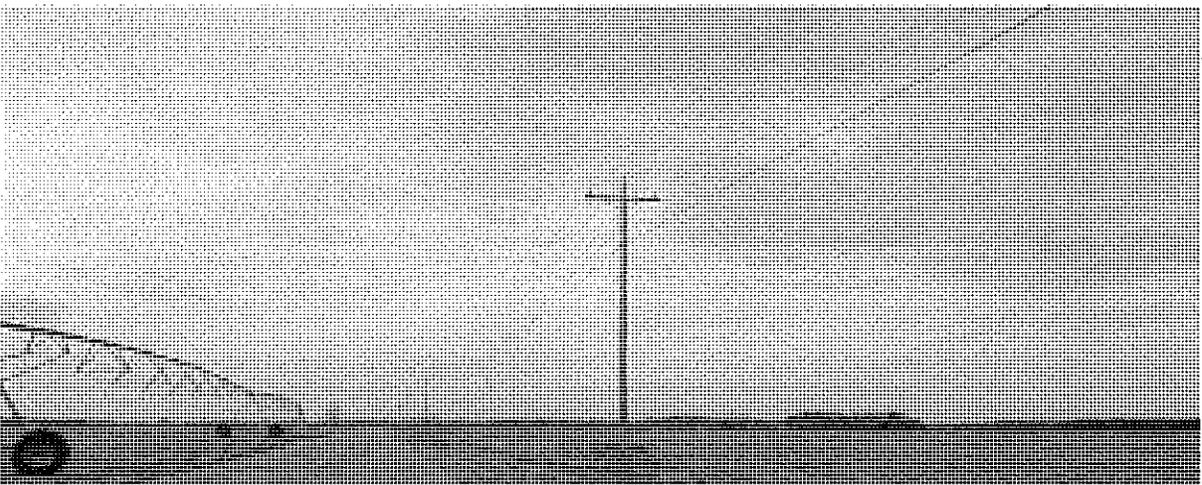
Tree trimming is required to attach an additional attachment on the utility poles in the following picture (Figure 17). Tree trimming is also an important maintenance function necessary to keep the pole line clear of tree limbs that could break and damage the wires on a utility pole.

Figure 17: Pole Line Where Tree Trimming Will Be Required



Figure 18 shows a low (favorable) make-ready pole line that has only one existing attachment in the communications space on the utility poles and where no tree trimming is required. Where make-ready is low, the cost of aerial construction is less than in high make-ready areas.

Figure 18: Low-Make-Ready Pole Line in Unserved Area



3.2 The network architecture can support multiple subscriber models and classes of service

We developed a conceptual, high-level FTTP outside plant network design that is aligned with best practices in the industry, reflects the County's goals, and is open to a variety of electronic architecture options.¹⁸

Figure 19, below, shows a logical representation of the FTTP network architecture we recommend based on the conceptual outside plant design. The drawing illustrates the primary functional components in the FTTP network, their relative position to one another, and the flexibility of the architecture to support multiple subscriber models and classes of service.

The recommended architecture is a hierarchical data network that provides scalability and flexibility, both in terms of initial network deployment and its ability to accommodate the increased demands of future applications and technologies without requiring expensive new construction. The characteristics of this hierarchical FTTP data network are:

- **Capacity** – ability to provide efficient transport for subscriber data, even at peak levels
- **Availability** – high levels of redundancy, reliability, and resiliency; ability to quickly detect faults and re-route traffic
- **Failsafe operation** – physical path diversity in the network backbone to minimize operational impact resulting from fiber or equipment failure
- **Efficiency** – no traffic bottlenecks; efficient use of resources
- **Scalability** – ability to grow in terms of physical service area and increased data capacity, and to integrate newer technologies without new construction
- **Manageability** – simplified provisioning and management of subscribers and services
- **Flexibility** – ability to provide different levels and classes of service to different customer environments; can support an open access network or a single-provider network; can provide separation between service providers on the physical layer (separate fibers) or logical layer (separate Virtual Local Area Network (VLAN) or Virtual Private Network (VPN) providing networks within the network)

¹⁸ The network's outside plant is both the most expensive and the longest-lasting portion. The architecture of the physical plant determines the network's scalability for future uses and how the plant will need to be operated and maintained; the architecture is also the main determinant of the total cost of the deployment.

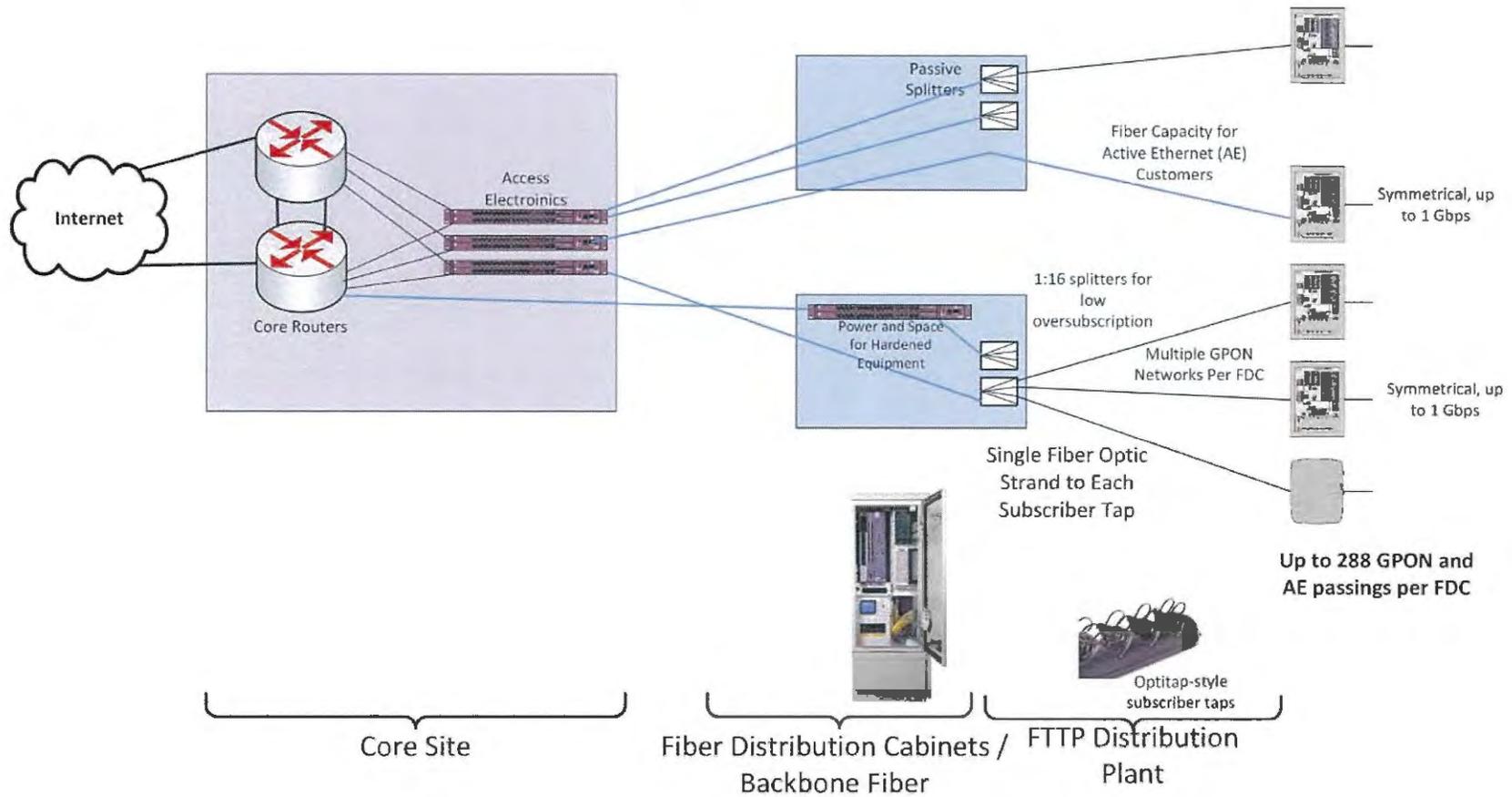
- **Security** – controlled physical access to all equipment and facilities, plus network access control to devices

This architecture offers scalability to meet long-term needs. It is consistent with best practices for either a standard or an open-access network model to provide customers with the option of multiple network service providers. This design would support the current industry standard Gigabit Passive Optical Network (GPON) technology. It could also provide the option of direct Active Ethernet (AE) services.¹⁹

The design assumes placement of manufacturer-terminated fiber tap enclosures within the public right-of-way or easements, providing watertight fiber connectors for customer service drop cables, and eliminating the need for service installers to perform splices in the field. This is an industry-standard approach to reducing both customer activation times and the potential for damage to distribution cables and splices. The model also assumes that the County obtains easements or access rights to the gated communities and private drives within the communities to access the homes in those neighborhoods.

¹⁹ The architecture enables the network to provide direct unshared Ethernet connections to 5 percent of customers, which is appropriate for a select group of high-security or high capacity commercial users (banks, wireless small cell connections). In extreme cases, the network can provide more customers with Active Ethernet with the addition of electronics at the FDCs on an as-needed basis.

Figure 19: High-Level FTTP Architecture



3.3 Network design assumptions include constructing more than 70 miles of fiber backbone

The network design and cost estimates assume the County will:

- Use existing County land to locate a core facility with adequate environmental and backup power generators to house network electronics, and provide backhaul to the internet
- Construct approximately 70 miles of backbone network to connect the unserved communities to the core via 15 fiber distribution cabinets (FDC)
- Construct 560 miles of fiber optics from the FDCs to each of the 6,390 residences and businesses (i.e., from termination panels in the FDC to tap locations in the public right-of-way or on County easements near the residence or business)
- Obtain easements or access rights to private roads where public rights-of-way do not exist, which we estimate is less than 10 percent of roads in the unserved areas²⁰

The FTTP network design was developed with the following criteria based on the above assumptions and required characteristics of the hierarchical FTTP network:

- Fiber will be installed in the communications space of the electrical utility poles where poles are present, and in newly constructed underground conduit in other areas
- Fiber will vary between 12- and 288-count based on the projected need in the area
- Fiber will be installed in the public right-of-way or in an easement on the side of the road
- The network will target up to 288 passings per FDC
- FDCs will support hardened network electronics and provide backup power and an active heat exchange²¹
- The network routes will avoid the need for distribution plant to cross major roadways and railways

²⁰ The County reports that all roadways that are lanes are private roads that may need easements.

²¹ These hardened FDCs reflect an assumption that the County's operational and business model will require the installation of provider electronics in the FDCs that are capable of supporting open access among multiple providers. We note that the overall FTTP cost estimate would decrease if the hardened FDCs were replaced with passive FDCs (which would house only optical splitters) and the providers' electronics were housed only at the hub facility.

- Internet bandwidth access will be purchased from existing ISPs in the County such as the Maryland Broadband Cooperative.

3.4 Total capital costs include outside plant construction, electronics, and service drop installation

3.4.1 Outside plant cost estimation methodology

We used the following unit cost assumptions when developing our estimated fiber construction costs. Cost estimates are based on comparable FTTP projects and numbers provided by local fiber construction contractors.

Table 4: Unit Cost Estimate Assumptions

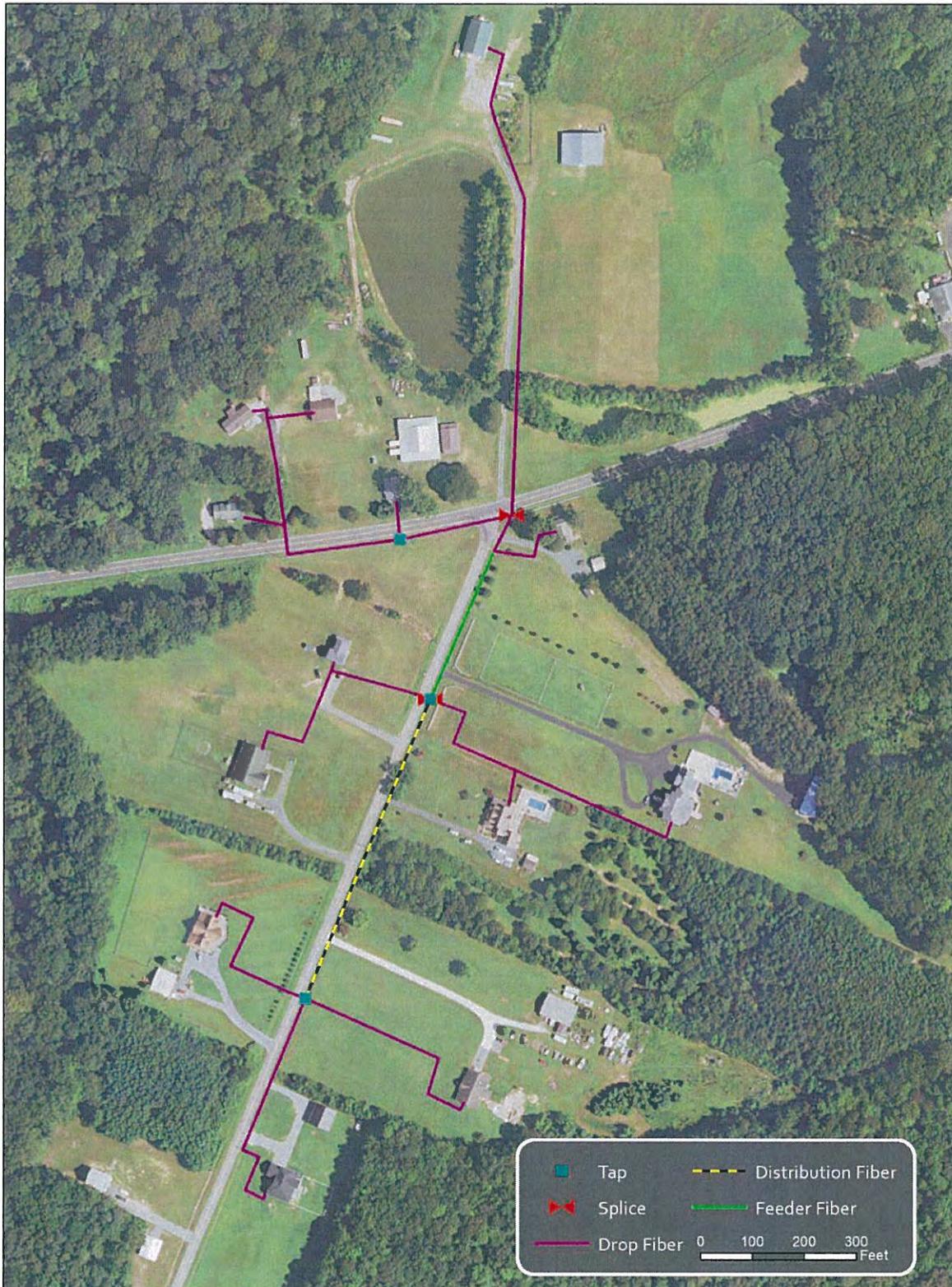
Description	Unit	Assumption
Placement of 2-inch conduit using directional boring	\$/foot	\$12.50
Pull-box placement, 24"x36"x36" Tier 22	each	\$1,050
Aerial cable installation per foot	\$/foot	\$1.50
Traffic control and work area protection per foot	\$/foot	\$.50
Tree Trimming	\$/foot	\$.50
Make-ready per foot	\$/foot	\$3.80
288-count cable	\$/foot	\$2.05
Aerial fiber installation materials	\$/foot	\$1.30

As with any utility, the design and associated costs for construction vary with the unique physical layout of the service area—no two streets are likely to have the exact same configuration of fiber optic cables, communications conduit, underground vaults, and utility pole attachments. Costs are further varied by soil conditions, such as the prevalence of subsurface hard rock; the condition of utility poles and feasibility of aerial construction involving the attachment of fiber infrastructure to utility poles; and crossings of bridges, railways, and highways.

To estimate costs, we extrapolated the unit costs determined from strategically selected sample designs in portions of the County that closely match the average density for the unserved areas.

Figure 20 is an example of a sample design. The area was chosen because the average density in the area closely matches the average for the total unserved areas.

Figure 20: Map of an Unserviced Area Sample Design



Our observations determined that the utilities are primarily aerial in unserved areas of the County. Most of the underground plant areas are in newly developed areas of the County, although these areas tend to be served. There are also private roads in the unserved areas where the County will either need to acquire their own easements or use the easement granted to Choptank Electric Cooperative or Delmarva Power, to place infrastructure on their utility poles.

3.4.1.1 Aerial and underground construction approach

Aerial construction entails the attachment of fiber infrastructure to existing utility poles, which could offer significant savings compared to all-underground construction but increases uncertainty around cost and timeline. Under some circumstances, costs related to pole remediation and make-ready construction can make aerial construction cost-prohibitive in comparison to underground construction. However, as discussed in Section 3.1, our survey finds that the majority of poles in Worcester County have sufficient space and capacity, and that the amount of needed make-ready is mostly average.

We assume that the fiber will be strand-mounted in the communications space on the existing utility poles. Splice cases, subscriber taps, and drops will also be attached to the strand, which facilitates maintenance and customer installation.

While generally allowing for greater control over timelines and more predictable costs, underground construction is subject to uncertainty related to congestion of utilities in the PROW and the prevalence of subsurface hard rock—neither of which can be fully mitigated without physical excavation and/or testing.

While anomalies and unique challenges will arise regardless of the design or construction methodology, the relatively large scale of this project is likely to provide ample opportunity for variations in construction difficulty to yield relatively predictable results on average.

We assume underground construction will be done using an industry-standard approach for this type of environment, which consists primarily of horizontal, directional drilling to minimize public right-of-way impact and to provide greater flexibility to navigate around other utilities. The design model assumes a single 2-inch, flexible, High-Density Polyethylene (HDPE) conduit over underground distribution paths, and dual 2-inch conduits over underground backbone paths to provide scalability for future network growth.

Costs for aerial and underground placement were estimated using available unit cost data for materials and estimates on the labor costs for placing, pulling, and boring fiber based on construction in comparable markets. The material costs were known, with the exception of unknown economies of scale and inflation rates and barring any shortages or supply disruptions restricting material availability and increasing costs. The labor costs associated with the placement of fiber were estimated based on comparable construction projects.

3.4.1.2 *Outside plant cost components*

The cost components for outside plant construction include the following tasks:

- **Engineering** – includes system level architecture planning, preliminary designs and field walk-outs to determine candidate fiber routing; development of detailed engineering prints and preparation of permit applications; and post-construction “as-built” revisions to engineering design materials.
- **Quality Control / Quality Assurance** – includes expert quality assurance field review of final construction for acceptance.
- **General Outside Plant Construction** – consists of all labor and materials related to “typical” underground or aerial outside plant construction, including conduit placement, utility pole make-ready construction, aerial strand installation, fiber installation, and surface restoration; includes all work area protection and traffic control measures inherent to all roadway construction activities.
- **Special Crossings** – consists of specialized engineering, permitting, and incremental construction (material and labor) costs associated with crossings of railroads, bridges, and interstate / controlled access highways.
- **Backbone and Distribution Plant Splicing** – includes all labor related to fiber splicing of outdoor fiber optic cables.
- **Backbone Hub, Termination, and Testing** – consists of the material and labor costs of placing hub shelters and enclosures, terminating backbone fiber cables within the hubs, and testing backbone cables.
- **FTTP Service Drop and Lateral Installations** – consists of all costs related to fiber service drop installation, including outside plant construction on private property, building penetration, and inside plant construction to a typical backbone network service “demarcation” point; also includes all materials and labor related to the termination of fiber cables at the demarcation point. The model only includes drop costs for the customers taking the service, an estimated 35 percent.

The assumptions, sample designs, and cost estimates were used to extrapolate a cost-per-mile for the outside plant infrastructure of \$66,000.

The distribution plant covers 630 miles, leading to a total outside plant cost of \$41,500,000. This leads to an average outside plant cost per passing of \$6,500. Table 5 provides a breakdown of the estimated outside plant costs. (Note that the costs have been rounded.)

Table 5: Estimated Outside Plant Costs

Area	Cost Per Plant Mile	Distribution Plant Mileage	Total Cost	Passings	Cost per Passing
Unserved	\$66,000	630	\$41,500,000	6,390	\$6,500

The actual cost to construct FTTP to every unserved premises in the County could differ from the estimate due to changes in the assumptions underlying the model. For example, if make-ready and pole replacement costs are too high, the network would have to be constructed underground—which could significantly increase the cost of construction. A non-uniform take-rate across different areas could also influence costs. Further and more extensive analysis would be required to develop a more accurate cost estimate.

Actual costs will also vary from this estimate due to factors that cannot be precisely known until the detailed design is completed, or until construction commences. These factors include:

- Costs of private easements;
- Utility pole replacement and make-ready costs;
- Variations in labor and material costs;
- Subsurface hard rock; and
- The County’s operational and business model.

We have incorporated suitable assumptions to address these items based on our experience in similar markets.

3.4.2 Central network electronics costs

Incremental network electronics equipment to serve the unserved area will cost an estimated \$1.3 million, assuming a 35 percent take-rate, and \$1.5 million assuming a 60 percent take-rate.²² (These costs may increase or decrease depending on take-rate, and the costs may be phased in as subscribers are added to the network.) The network electronics consist of the core and distribution electronics to connect subscribers to the FTTP network at the core and the FTTP access electronics located at the customer premises. Table 6, below, lists the estimated costs for each segment.

²² The take-rate affects the electronics and drop costs, but also may affect other parts of the network, as the County may make different design choices based on the expected take-rate. A 35 percent take-rate is typical of environments where a new provider joins the telephone and cable provider in a County and thus is the most conservative estimate for take-rate in this area. A 60 percent take rate is more likely where no other providers are available.

Table 6: Estimated Central Network Electronics Costs

Network Segment	35% Take-Rate	60% Take-Rate
Core and Distribution Electronics	\$1,000,000	\$1,000,000
FTTP Access Electronics	\$300,000	\$500,000
Central Network Electronics Total	\$1,300,000	\$1,500,000

Note that the electronics are subject to a seven- to 10-year replacement cycle, as compared to the 20- to 30-year lifespan of a County fiber investment.

3.4.2.1 Core and distribution electronics

The core electronics connect the FTTP network to the internet. The core electronics consist of high-performance routers, which handle all the routing on both the FTTP network and to the internet. The core routers have modular chassis to provide high availability in terms of redundant components and the ability to “hot swap” line cards in the event of an outage.²³ Modular routers also provide the ability to expand the routers as demand for additional bandwidth increases.

The cost estimate design envisions running networking protocols, such as hot standby routing protocol (HSRP), to ensure redundancy in the event of a router failure. Additional connections can be added as network bandwidth on the network increases. The core sites would also tie to the distribution electronics using 10 Gbps links. The links to the distribution electronics can also be increased with additional 10 Gbps and 40 Gbps line cards and optics as demand grows on the network. The core networks will also have 10 Gbps to ISPs, such as the Maryland Broadband Coop, that connect the FTTP network to the internet.

The cost of the incremental core routing equipment is approximately \$1,000,000. In addition, the network requires operations support systems (OSS), such as provisioning platforms, fault and performance management systems, remote access, and other operational support systems for FTTP operations. For a network of this scale, an OSS costs approximately \$100,000 to acquire and configure, if not provided by the network provider.

3.4.2.2 FTTP access electronics

The access network electronics at the FDCs connect the subscribers to the FTTP network by connecting the backbone to the fiber that goes to each premise. We recommend deploying access network electronics that can support both GPON and AE subscribers to provide flexibility within the FDC service area. These electronics are commonly referred to as optical line terminals

²³ A “hot swappable” line card can be removed and reinserted without the entire device being powered down or rebooted. The control cards in the router should maintain all configurations and push them to a replaced line card without the need for reconfirmation.

(OLT). We also recommend deploying modular access network electronics for reliability and the ability to add line cards as more subscribers join in the service area. Modularity also helps reduce initial capital costs while the network is under construction or during the roll-out of the network.

The cost of the access network electronics for the network is estimated at approximately \$300,000 and \$500,000, based on a take-rate of 35 percent and 60 percent, respectively; the costs include optical splitters at the FDCs aligned to those take-rates.

An alternative design places the OLTs at the core location, with the FDCs containing only splitters. As the County examines more closely the specific electronics architecture, this alternative may be a suitable approach, which would reduce size of the FDCs and provide a small cost savings.

3.4.3 FTTP service drop installation and customer premises equipment (per-subscriber costs)

Each activated subscriber would also require a fiber drop cable installation and related customer premises equipment, which would cost on average roughly \$1,750 per subscriber, or \$3.9 million total, assuming a 35 percent take-rate; at a 60 percent take-rate the total cost would be \$6.7 million.

Customer premises equipment is the subscriber's interface to the FTTP network; for GPON networks, these electronics are referred to as an optical node terminal (ONT). For this cost estimate, we selected customer premises equipment that both terminates the fiber from the FTTP network and provides only Ethernet data services at the premises (however, there is a wide variety of additional customer premises equipment offering other data, voice, and video services). The CPE can also be provisioned with wireless capabilities to connect devices within the customer's premises. We estimated the cost for subscriber customer premises equipment and installation to be \$500 per subscriber, or approximately \$1.1 million or \$1.9 million systemwide, assuming 35 percent or 60 percent penetration.

The drop installation cost is the biggest variable in the total cost of adding a subscriber. A short aerial drop can cost as little as \$250 to install, whereas a long underground drop installation can cost upward of \$10,000. We estimate an average of approximately \$1,250 per drop installation, which is based on the sample design and the average setbacks of the passings from the road.

Other per-subscriber expenses include the labor to install and configure the electronics, and the incidental materials needed to perform the installation. The numbers provided in Table 7, below, are averages and will vary depending on the type of premises and the internal wiring available at each premises.

Table 7: Incremental Per-Subscriber Cost Estimates

Construction and Electronics Required to Activate a Subscriber	Estimated Average Cost
Drop Installation and Materials	\$1,250
Subscriber Electronics (ONT)	200
Electronics Installation	200
Installation	100
<i>Total</i>	<i>\$1,750</i>

Taking into account the subscriber penetration, the costs per customer are \$22,460 for a 35 percent take-rate and \$14,720 for a 60 percent take-rate.

Table 8: Estimated Total Capital Costs per Customer

	Network Cost	Customers	Fixed Customer Costs	Incremental Customer Cost	Total Customer Cost
35% Take-Rate	\$46.7 million	2,236	\$20,890	\$1,750	\$22,640
60% Take-Rate	\$49.7 million	3,833	\$12,970	\$1,750	\$14,720

3.4.4 Construction of the FTTP network to unserved areas could expand the County’s fiber for internal purposes

The County has its own fiber optic routing that is often colocated with state fiber resources and is maintained by the state. Much of the fiber is in areas that are served; however, the fiber could be used to provide backhaul to the FTTP network or additional fiber might be overlashed or pulled through the same conduit.

The Maryland Broadband Cooperative also has fiber colocated with the state and County fiber. The Cooperative fiber could be used to provide internet access to the FTTP network.

The County’s fiber resources will not dramatically change the cost or scope of fiber construction needed to build out to the unserved areas. If the fiber can be overlashed or pulled through the same conduit then the network construction costs can be reduced by \$40,000 per mile. It is more likely that building the FTTP network would expand the County’s fiber footprint so that the County could connect other facilities to the County’s internal network, such as public safety radio locations.

3.5 Annual FTTP technical operating costs would total \$1.1 million

Some of the ongoing costs of operating an FTTP network include fiber maintenance, fiber locating, pole attachment fees, and equipment replacement. These estimates include costs directly related to the maintenance and operations of the physical and network electronics layers of the network, but does not include costs associated with higher layer services and other fixed administrative expenses that would otherwise be incurred regardless of the technical approach to network transport.

Regular fiber maintenance includes any add, moves, and changes required of the network. For example, if a roadway is widened a pole line may be moved or undergrounded, requiring the County to relocate this fiber. We estimate that 1 percent of the total capital cost is required annually for fiber maintenance, or \$400,000.

Fiber locating includes the marking of underground utilities as part of the state’s Miss Utility process. Each underground utility is responsible for locating and marking their utilities in the right-of-way. We estimate the cost at \$1,800 per mile of underground construction annually for utility locates, or \$120,000 annually for the estimated 65 miles of underground plant.

For every pole that the fiber network attaches to, the County must pay the pole owner an attachment fee for using the pole. Pole attachment fees go toward the maintenance of the utility pole line. We estimate a pole attachment fee of \$20 per pole per year or a total of \$400,000 annually for approximately 565 miles of aerial plant.

We recommend establishing an equipment replacement fund where the County puts a portion of the necessary funds to replace the network electronics. We recommend planning on replacing the network electronics every seven years, requiring the County to place approximately \$190,000 into the equipment fund annually.

Table 9 summarizes the FTTP technical operating costs.

Table 9: Annual FTTP Technical Operating Costs

Description	Annual Cost
Fiber Maintenance	\$400,000
Fiber Locating	\$120,000
Pole Attachment Fees	\$400,000
Equipment Replacement Fund	\$190,000
<i>Total</i>	<i>\$1,110,000</i>

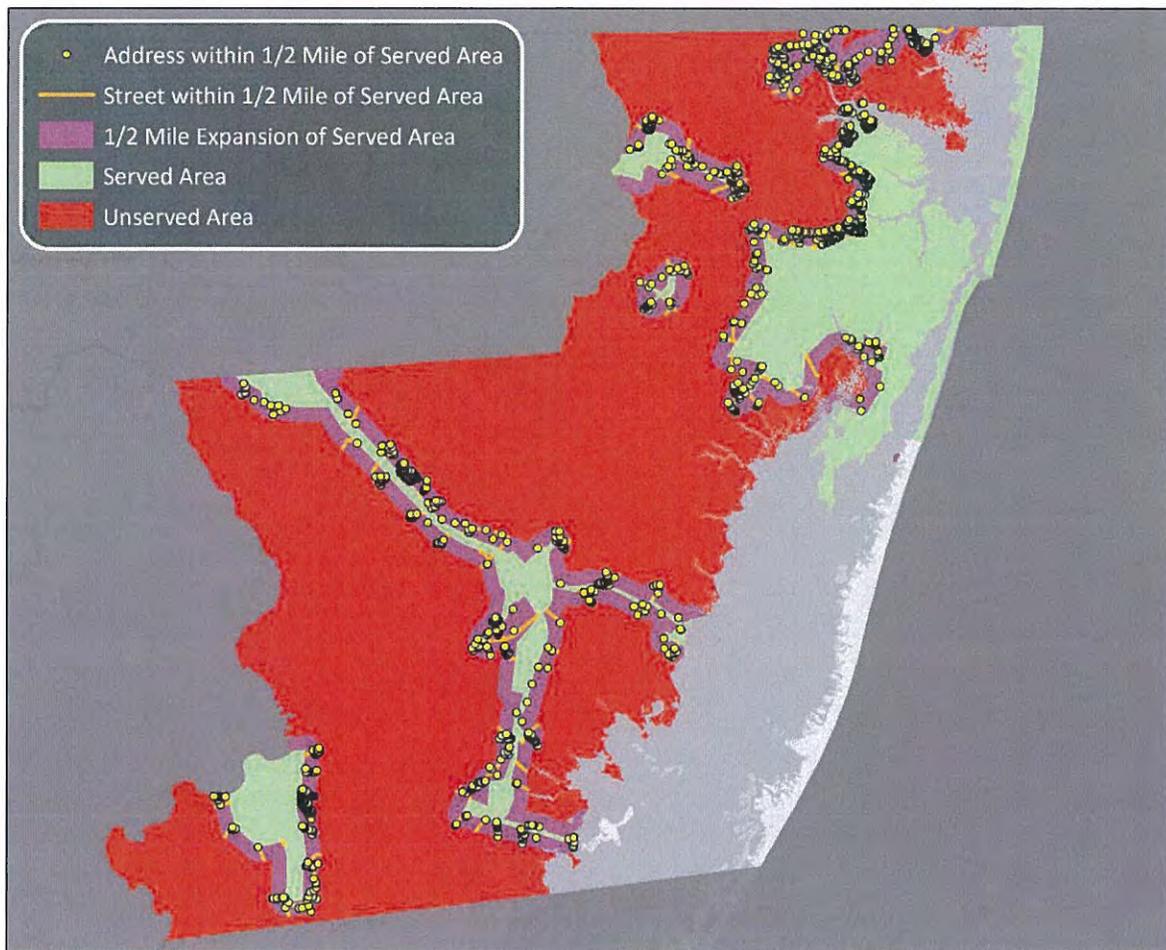
3.6 Comcast and Mediacom could pass 2,315 unserved homes and businesses with relatively small network extensions

As a point of comparison, we evaluated a scenario in which the cable companies expand their plant out from the edges of their existing footprints to pass currently unserved homes and businesses. This is not a comprehensive solution, but it indicates that there is a path forward for Comcast or Mediacom to address some of the County's unserved addresses with relatively modest network extensions.

We found that Comcast and Mediacom could serve approximately 2,315 unserved homes and businesses (36 percent of the County's unserved population) with a one-half mile network expansion from their existing plant for \$3,140 per passing. We note, however, the remaining unserved homes and businesses would be the most expensive unserved passings; if the companies were to extend infrastructure to the entire unserved areas, their average costs would be comparable to the County's fiber-to-the-premises cost of \$6,500 per passing.

The one-half mile network expansion from the cable companies' current service areas into the unserved areas (Figure 21) would require 110 miles of fiber construction. Comcast and Mediacom have no attachments in the unserved areas and would likely pay close to our estimate of \$66,000 per mile. Based on these and other assumptions, the total cost of network expansion would be \$7.3 million, not including network electronics or drop installation, which would be required for each new subscriber.

Figure 21: Unserved Addresses Within One-Half Mile of Existing Plant



The following table compares the outside plant costs between the existing network providers expanding the networks one-half mile and the outside plant costs for the County to build the entire unserved areas.

Table 10: Comparison of County-Built FTTP to Network Expansion Costs

	County-Owned FTTP Network	Cable Company Half-Mile Expansion
Passings	6,390	2,315
Plant Miles	630	110
Passings Per Mile	10	21
Cost Per Mile	\$66,000	\$66,000
Outside Plant Construction Costs	\$41.5 million	\$7.3 million
Outside Plant Cost Per Passing	\$6,500	\$3,140

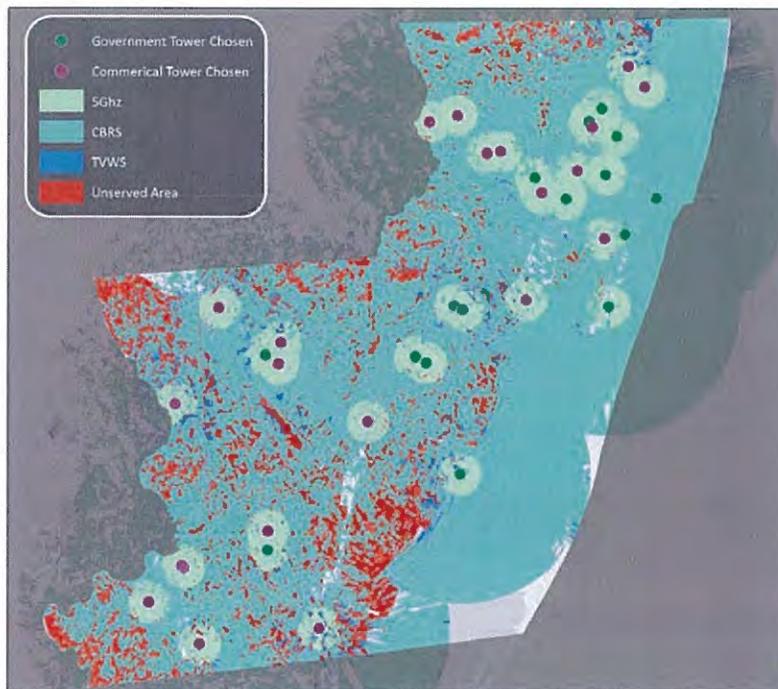
The network expansion area is more than twice as dense as the total unserved areas. This should be true given the areas closest to the existing providers are likely to be denser than the areas farther away from them. Using the same construction costs for both networks, the existing providers would see an approximately half the cost to construct their network per passing. This also implies that if the existing providers were to build these areas, the cost for the County to construct an FTTP network would double per passing as those denser portions of the unserved areas would now be served. In addition, there would be a smaller subscriber base of unserved residents—which would decrease the economies of scale for the operations of the County-built FTTP network.

4 A Fixed Wireless Solution to Partially Fill the County's Broadband Gaps Would Have Per Customer Capital Costs Comparable to Fiber, But Higher Ongoing Operating Costs, and Lower Performance

As an alternative to deploying fiber-to-the-premises, the County could consider a fixed wireless network—although it would have clear technical limitations relative to a fiber optic network. To that end, CTC's engineers developed a high-level candidate fixed wireless network model for serving the County's 6,390 unserved addresses using equipment mounted on existing towers; we then developed variations on that model (i.e., increasing the customers' received signal level required for service) to illustrate more conservative coverage estimates.

Our analysis found that a fixed wireless network could be used to serve a portion of the County's unserved homes and businesses. In an absolute best-case scenario for our candidate model, equipment mounted on 40 existing towers could deliver service to an estimated 86 percent of the County's unserved premises (Figure 22).²⁴

Figure 22: Coverage From Candidate Fixed Wireless Network



²⁴ The green and violet dots illustrate the tower locations, while the light green, dark green, and blue areas illustrate coverage with three types of wireless technologies. The red indicates the remaining unserved areas, not covered by any of these three scenarios. It should be noted that most of the blue areas (i.e., locations covered by "TV White Spaces" spectrum) would not achieve the current federal benchmark for broadband speeds of 25 Mbps downstream and 3 Mbps upstream.

However, we believe that model is not realistic, so we added receiver thresholds to make it more realistic. When we increased the candidate network’s receiver thresholds by 5 dB and 15 dB to illustrate the potential for foliage or other obstructions to limit signal propagation, we found that the network would cover, respectively, about 78 percent and 50 percent of the County’s unserved premises. Table 11 summarizes the cost and scope of the three scenarios.

Table 11: Capital Cost and Coverage of Candidate Fixed Wireless Network Model

Option	Number of Towers	Percent of Unserved Premises Served	Premises Served	Capital Cost with 35% Penetration ²⁵	Capital Cost with 60% Penetration	Capital Cost Per Customer 35% Penetration	Capital Cost Per Customer 60% Penetration
Candidate Network with 5 dB Higher Receiver Threshold	39	78	4,999	\$8,900,000	\$11,100,000	\$5,000	\$3,700
Candidate Network with 15 dB Higher Receiver Threshold	37	50	3,191	\$7,500,000	\$8,900,000	\$6,700	\$47,000

The following sections:

- Provide a high-level introduction to fixed wireless connectivity (including technologies, basic architecture, spectrum, and elements of costs)
- Describe a candidate fixed wireless solution for the County’s unserved homes and businesses
- Analyze the impact of foliage and other obstructions (i.e., increased signal thresholds) to estimate the likely range of network coverage

4.1 Fixed wireless networks can deliver broadband speeds

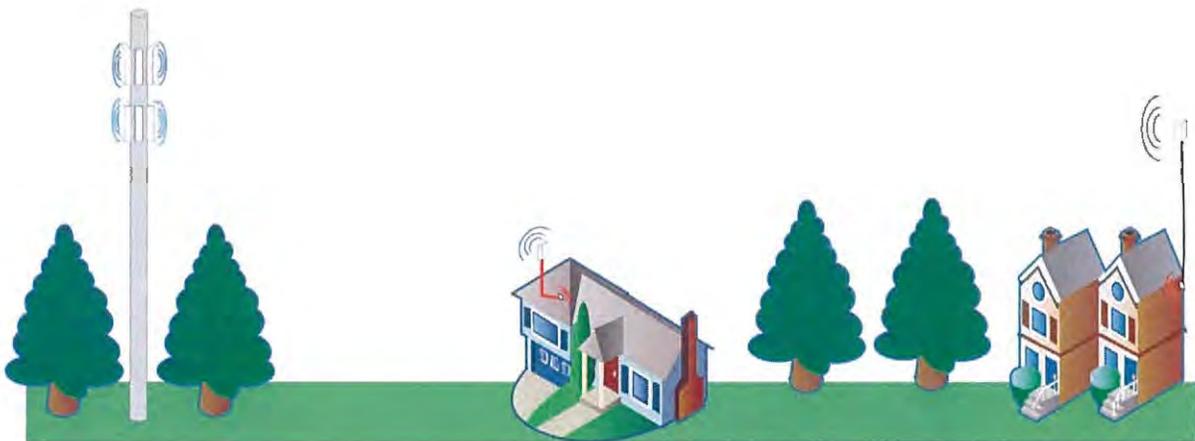
Broadband speeds in compliance with the FCC’s definition (i.e., 25 Mbps download, 3 Mbps upload—which is also the definition of “served” used for this project) are more readily available from fixed wireless networks than in the past, owing to the recent introduction of the Citizens Broadband Radio Service (CBRS) spectrum into the market and new wireless technologies. While wireless internet service providers (WISP) typically are not able to offer connection speeds on a

²⁵ Includes subscriber equipment for 35 percent of addresses.

market-wide basis comparable to cable or fiber networks built to each premise in a given area, a fixed wireless connection may be a desirable solution if cable or fiber is not cost-effective. This is especially true in low-density rural areas where there are few homes and businesses per mile, and therefore the cost of building wired networks is often high relative to potential subscribers.

In contrast to an underground or aerial cable, wireless broadband is provided from access point antennas on towers or rooftops. The customer antenna may be on the home or business or on a mast on the customer premises (Figure 23).

Figure 23: Example Fixed Wireless Network with Access Point Antennas on a Monopole



4.1.1 Fixed wireless networks can use various technologies and spectrum bands

Fixed wireless networks typically use the following spectrum:

- TV White Space (TVWS) 500 MHz
- Unlicensed 900 MHz, 2.4 GHz, 5 GHz
- Citizens Broadband Radio Service (CBRS) 3.5 GHz

Of these bands, only CBRS and 5 GHz technology have channel widths capable of delivering broadband (i.e., 25 Mbps down and 3 Mbps up).

TVWS delivers service over unused television frequencies (known as white space). TVWS bands have much better non-line-of-sight transmission qualities than the other bands. However, until recently, TVWS was not capable of delivering 25 Mbps down, and even now has significantly less capacity than other technologies. Also, because white space technology is still in an early phase of development, compatible equipment is far more expensive than other off-the-shelf wireless equipment. Finally, because Worcester County has a metropolitan area and many existing

broadcast television channels, the potential TVWS spectrum is significantly more limited than in more remote areas. Therefore, we only recommend TVWS use where other wireless connectivity is not available or feasible.

Most fixed wireless network solutions require the antenna at the subscriber location to be in or near the line of sight of the base station antenna. This can be especially challenging in mountainous regions and in areas with dense vegetation or tall buildings. WISPs often need to lease space at or near the tops of radio towers; even then, some customers may be unreachable without the use of additional repeaters. And because the signal is being sent through the air, climate conditions like rain and fog can impact the quality of service.

In addition, there is a tradeoff in these bands between capacity and the ability to penetrate obstructions such as foliage and terrain. The higher frequencies have wider channels and therefore the capability to provide the highest capacity. However, the highest frequencies are those most easily blocked by obstructions. Wireless equipment manufacturers offer a variety of point-to-multipoint and point-to-point solutions. A medium-sized business location would be more likely to obtain a point-to-point solution with dedicated bandwidth from the service provider to obtain the needed bandwidth and quality. Small businesses and residences would obtain a point-to-multipoint solution, which is more affordable to implement. Point-to-point networks may have limited network capacity, particularly in the upstream, making the service inadequate for applications that require high-bandwidth connections. The models in this report assume point-to-multipoint equipment, which is typical for a residential or small business connection.

4.1.2 Fixed wireless network deployment costs depend on a range of factors

The following factors will determine the costs associated with a fixed wireless network:

- **Wireless equipment:** Different wireless equipment has different aggregate bandwidth capacity and uses a range of different spectrum bands, each with its own unique transmission capabilities.
- **Backhaul connection:** Although the bottleneck tends to be in the last-mile connection, if a WISP cannot get an adequate connection back to the internet from its tower, equipment upgrades will not be able to increase available speeds beyond a certain point.
- **Future capacity and lifespan of investment:** Wireless equipment generally requires replacement every five to 10 years, both because exposure to the elements causes deterioration, and because the technology continues to advance at a rapid pace, making decade-old equipment mostly obsolete. The cost of deploying a wireless network is

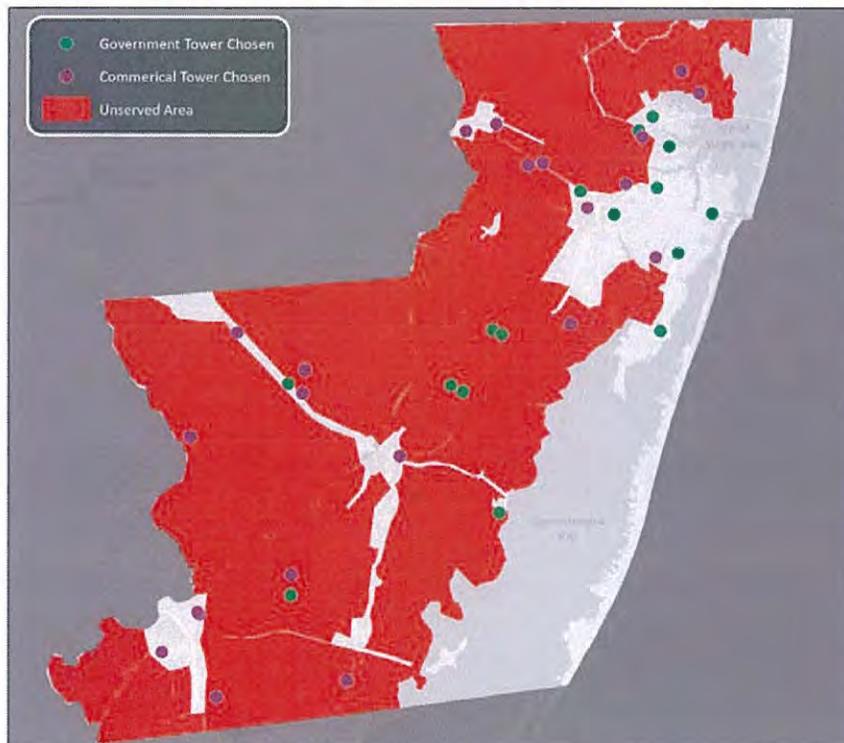
generally much lower than deploying a wireline network, but the wireless network will require more regular investment.

- **Availability of unobstructed line of sight:** Most wireless networking equipment requires a clear, or nearly clear, line of sight between antennas for optimum performance. WISPs often lease space near the tops of radio towers, to cover the maximum number of premises with each base station.

4.2 A candidate fixed wireless network depends on precise tower selection

To examine the feasibility of deploying a fixed wireless network to connect the County's unserved addresses, we analyzed multiple commercial and government databases and identified 51 existing tower locations in Worcester County; we then examined their height and ownership relative to their potential use as part of a solution. Of these towers, we selected 40 (16 of which are government-owned) that could potentially provide fixed wireless service to the County's unserved addresses. Figure 24 shows the government towers (in green) and commercial towers (in purple) selected as part of our candidate design.

Figure 24: Existing Towers Suitable for Fixed Wireless Solution



CTC assessed the coverage that could be provided by each of the selected tower sites using the three fixed wireless frequency band options (CBRS, 5 GHz, and TVWS) to determine how many of the unserved addresses would be within each band's predicted coverage area. (Each band will

need its own set of equipment; if one or more bands could be eliminated from specific sites, then the overall cost of deployment and operations would be reduced.)

Among the three technology options, the CBRS band is predicted to connect the most addresses. In addition to the characteristics of the spectrum that enable better connectivity around line-of-sight obstacles, CBRS antennas can be mounted higher than TVWS antennas (per FCC licensing rules), and have the greatest broadcast power of the three technologies, thereby allowing for better coverage than the other bands.

We based our analysis on the following assumptions:

- Antennas are placed at 80 percent of the tower height for 5 GHz and CBRS (i.e., we assumed that the top space of any existing towers is already utilized), and at the maximum allowable height of 30 meters (98 feet) for TVWS
- Broadcast power is at the FCC maximum for all three bands
- Channel bandwidth is 20 MHz for 5 GHz, 10 MHz for CBRS, and 6 MHz for TVWS
- Subscriber equipment antenna is placed at 4.57 meters (15 feet) above the ground
- Ground elevation and clutter resolution is 30 meters

4.3 Using existing towers, a fixed wireless network could serve about 50 to 86 percent of unserved residents

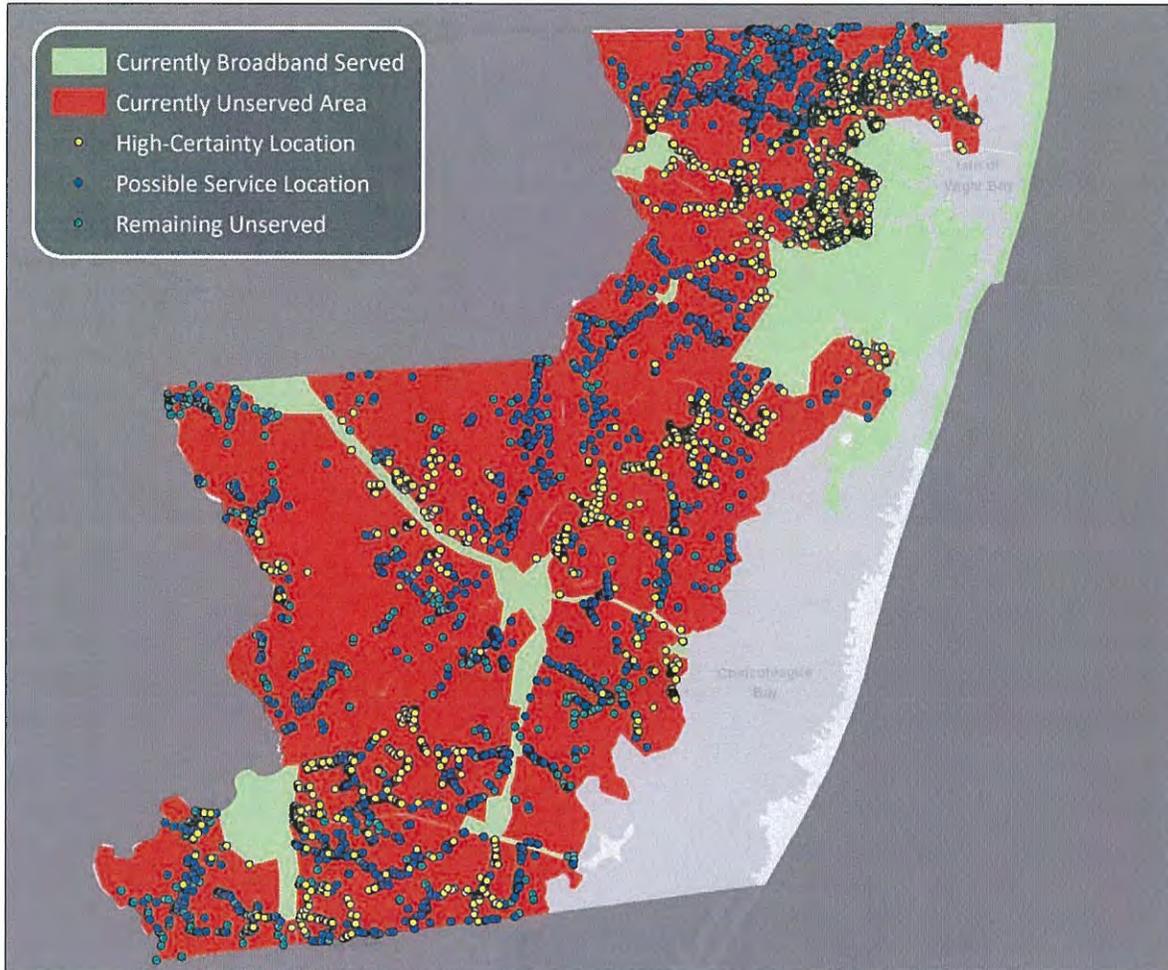
For the County's planning purposes, we conducted a high-level analysis to determine how many unserved premises could be served by a fixed wireless network. Combining the candidate coverage maps and our map of the County's unserved addresses in GIS, we identified the addresses that would be covered by the best-case wireless model.

One of the largest sources of uncertainty in wireless quality is the effect of trees. Our candidate model has characteristics that try to include the effect of trees based on the aerial imagery—however, this is often not finely enough tuned to take into account small variations in tree cover that can make very large difference in individual lines of sight (such as individual trees close to houses). To take that into account, we created two additional models—one with a light increase in tree cover (+5 dB receiver threshold) and one with a large increase in tree cover (+15 dB receiver threshold).

We believe the larger (15 dB) increase in signal attenuation represents a worst-case scenario—meaning that there is a high degree of certainty of coverage for the premises that appear to be served in that model. We believe the actual network coverage will be between the worst-case and the best-case scenarios—so in the potential coverage map (Figure 25), we depict the

locations that are not covered by the worst-case model but are covered by the best-case model as possible service locations.

Figure 25: Potential Fixed Wireless Coverage



4.3.1 A best-case fixed wireless network could cover about 86 percent of unserved residents

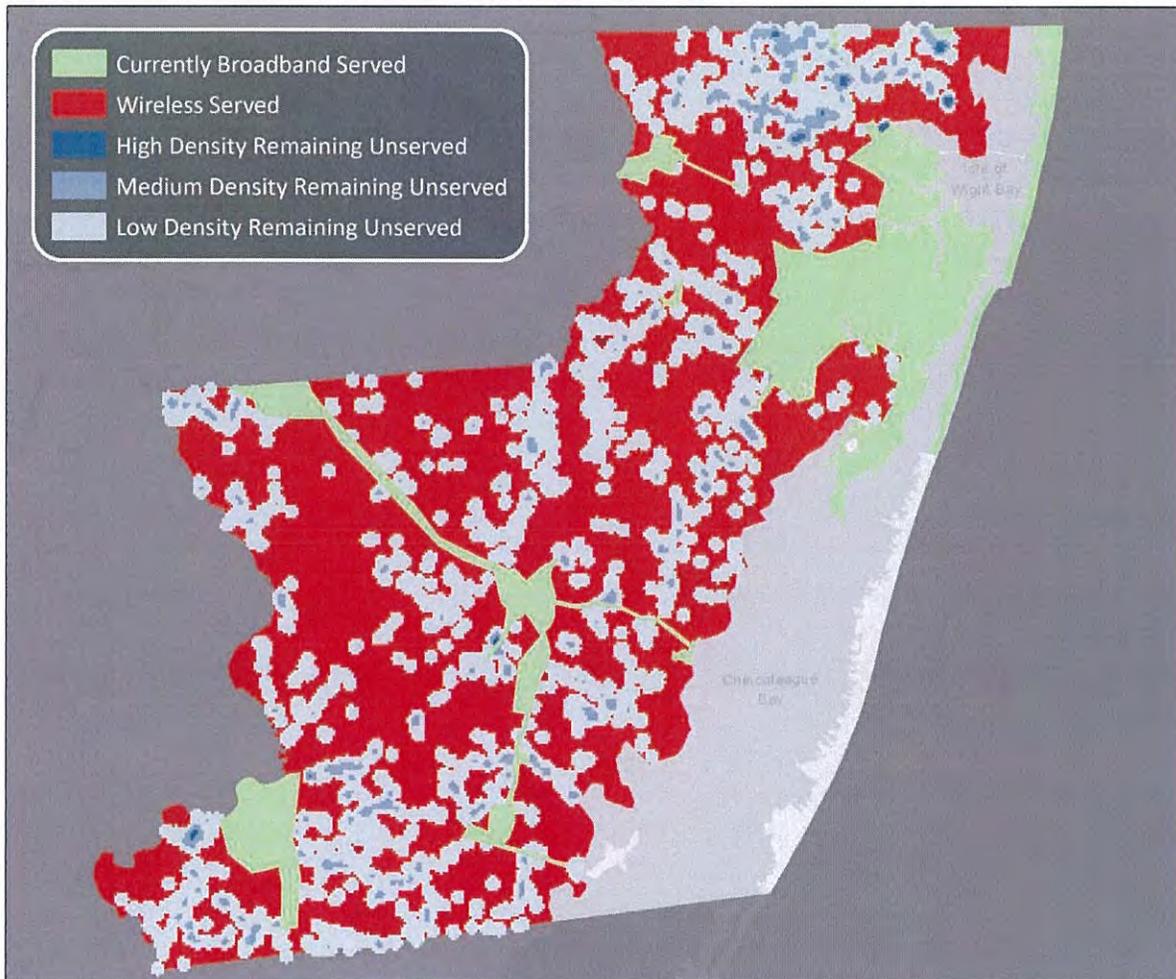
Our propagation analysis predicts that 5,501 addresses would be served by our candidate fixed wireless model—meaning that 887 addresses, or 14 percent of the County’s unserved premises, would not be covered by any frequency band in this best-case scenario. The following table breaks down the results.

Table 12: Summary of Best-Case Fixed Wireless Network Coverage

Addresses	Number
Total addresses in unserved area	6,390
Addresses served by CBRS band	3,657
Additional addresses served by TVWS band	247
Addresses served by one or more band	5,501
Addresses not served by any of the three bands	887
Percent of addresses served by one or more of the three bands	86%

Figure 26 is a heat map of the remaining addresses by density.

Figure 26: Density of Remaining Addresses



We used the Longley-Rice radio frequency (RF) model (also called the irregular terrain model (ITM)) because it is the most conservative and takes into consideration atmospheric conditions,

ground elevation, obstacles between the base station and the mobile station, and ground clutter.²⁶

We modeled the RF coverage using CloudRF software to generate propagation maps showing signal levels that would achieve a minimum throughput for each of the frequencies used. For the 5 GHz and CBRS frequencies, the maps indicate the areas where throughputs of 25 Mbps download and 3 Mbps upload (i.e., broadband speeds) can be achieved at the cell edge. Because TVWS will not achieve these throughputs, the coverage areas indicate the availability 10 Mbps download and 2 Mbps upload speeds (although 20 Mbps download and 4 Mbps upload may be attainable where bonding of two or more pairs of channels is possible).

Almost all addresses that have 5 GHz coverage also have CBRS coverage. Although no more addresses are reached by adding 5 GHz than by simply deploying CBRS, there may be some cases where the CBRS capacity is at a maximum and 5 GHz could be deployed to offload some of the traffic.

Because CBRS covers the most addresses, and delivers 25 Mbps, we recommend it be deployed at all the towers. The 5 GHz equipment can be used selectively to add capacity at sites, and TVWS can be used selectively to pick up additional addresses at select locations.²⁷ TVWS access points are included in the design as an alternative for serving addresses with exceptionally high obstruction due to foliage or obstructing terrain.

Our assumptions are as follows:

- Towers will be configured with three cell sectors for each frequency used
- All selected towers will have CBRS deployed
- 25 percent of the towers will also have 5 GHz deployed
- 25 percent of the towers will also have TVWS deployed
- Towers will be connected to backhaul using microwave links; 10 percent of the sites will require an additional hop
- Engineering and design includes propagation studies, RF path analysis for point-to-point connections, structural analysis, construction plans, and permits
- Site acquisition costs include the costs of the preliminary equipment dimensioning, power needs, shelter requirements, RF suitability, escorts, and lease negotiations.

²⁶ Other propagation models used for RF analysis include line of sight (LOS), Cost 231, Okumura Hata.

²⁷ Determining which band would be deployed at each tower site is beyond the scope of this analysis.

- There is room within the shelter at the tower location for necessary additional equipment
- A core network to manage functions such as authentication, billing, security, and connection to the internet will be set up at a cost of \$200,000

4.3.2 Assuming a low level of signal obstruction, the candidate network could cover 78 percent of unserved residents

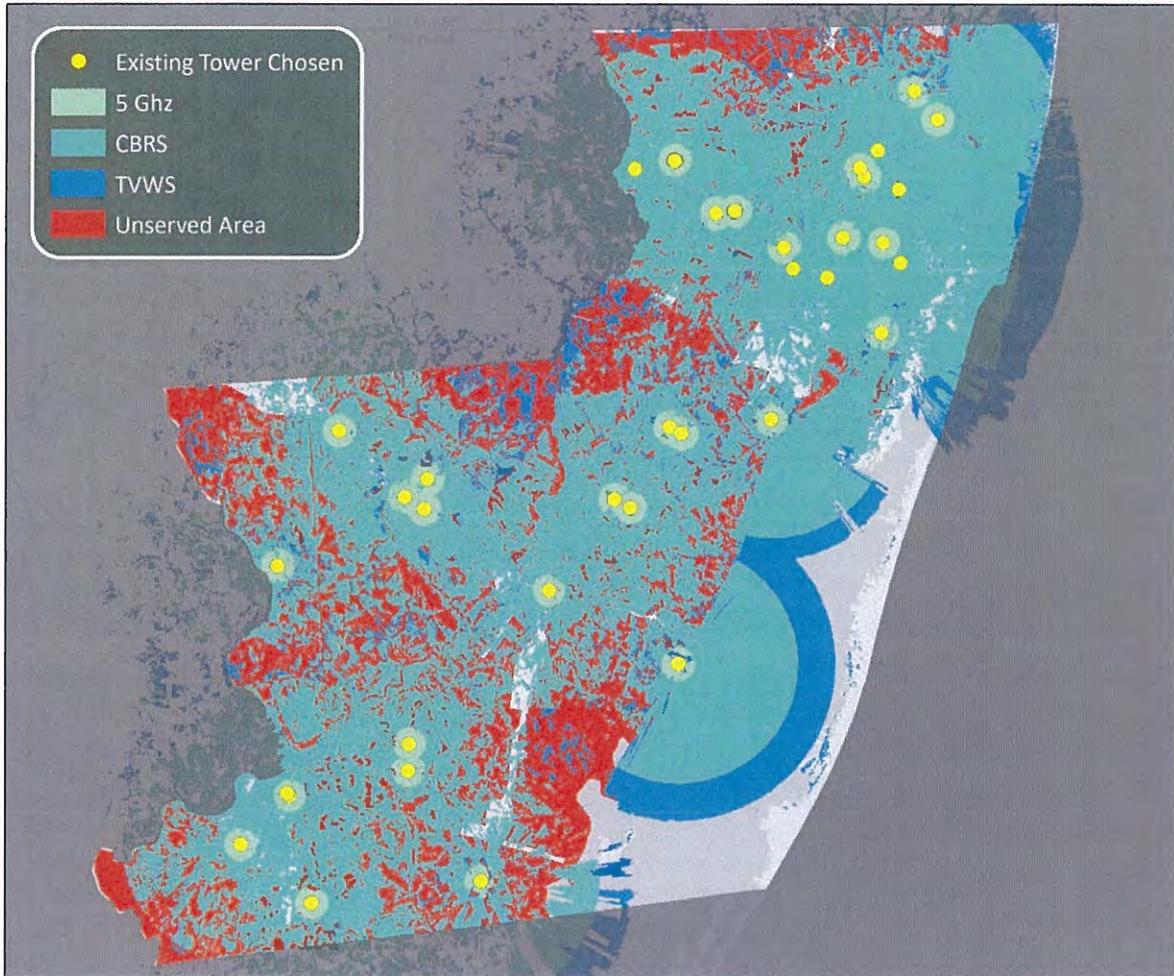
The model then increases the receiver thresholds by 5 dB. Our propagation analysis predicts that about 5,000 premises would be served by 39 of the original 40 towers—meaning that 1,389 addresses, or 22 percent of the County’s unserved premises, would not be covered by any frequency band. The following table summarizes the results.

Table 13: Summary of Fixed Wireless Coverage with 5 dB Higher Receiver Threshold

Addresses	Number
Total addresses in unserved area	6,390
Addresses served by CBRS band	3,907
Additional addresses served by TVWS band	306
Addresses served by one or more band	4,999
Addresses not served by any of the three bands	1,389
Percent of addresses served by one or more of the three bands	78%

Figure 27 shows the coverage in this model.

Figure 27: Fixed Wireless Coverage with 5dB Higher Receiver Threshold



The following table shows the costs for this model.

Table 14: Capital Cost Estimate for Fixed Wireless Network with 5 dB Higher Receiver Threshold

Item	Cost
Core Equipment	\$200,000
Access Point Equipment	\$663,750
Backhaul	\$585,000
Installation, Engineering and Design	\$2,730,000
Site Acquisition	\$1,560,000
<i>Total Distribution Network Cost</i>	<i>\$5,738,750</i>

Table 15: Capital Cost Estimate at Different Penetration Rates

Item	Cost
Capital Cost (Distribution Only)	\$5,738,750
Capital Cost (35% Penetration)	\$8,888,120
Capital Cost (60% Penetration)	\$11,137,670
Cost per Subscriber (35% Penetration)	\$5,000
Cost per Subscriber (60% Penetration)	\$3,700

4.3.3 Assuming a worst-case level of signal obstruction, the candidate network could cover 50 percent of unserved residents

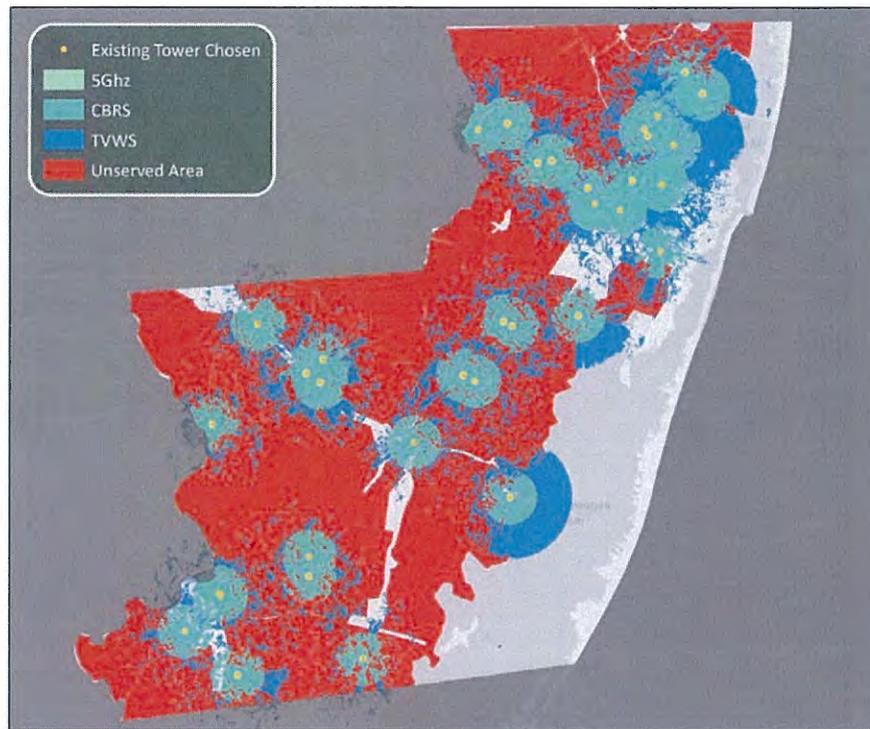
This model increases the receiver thresholds by 15 dB. Our propagation analysis predicts that in this worst-case, which requires 37 of the 40 original towers, 3,191 addresses would be served—meaning that 3,197 addresses, or 50 percent of the County’s unserved premises, would not be covered by any frequency band. The following table summarizes the results.

Table 16: Summary of Worst-Case Fixed Wireless Coverage (15 dB Higher Receiver Threshold)

Addresses	Number
Total addresses in unserved area	6,390
Addresses served by CBRS band	1,823
Additional addresses served by TVWS band	1,198
Addresses served by one or more band	3,191
Addresses not served by any of the three bands	3,197
Percent of addresses served by one or more of the three bands	50%

Figure 28 shows the coverage in this model.

Figure 28: Worst-Case Fixed Wireless Coverage (15 dB Higher Receiver Threshold)



The following table shows the costs for this model.

Table 17: Capital Cost Estimate for Worst-Case Fixed Wireless Network (15 dB Higher Threshold)

Item	Cost
Core Equipment	\$200,000
Access Point Equipment	\$626,250
Backhaul	\$555,000
Installation, Engineering and Design	\$2,590,000
Site Acquisition	\$1,480,000
<i>Total Distribution Network Cost</i>	\$5,451,250

Table 18: Capital Cost Estimate at Different Penetration Rates

Item	Cost
Capital Cost (Distribution Only)	\$5,451,250
Capital Cost (35% Penetration)	\$7,461,580
Capital Cost (60% Penetration)	\$8,897,530
Cost per Subscriber (35% Penetration)	\$6,700
Cost per Subscriber (60% Penetration)	\$4,700

5 Fiber-to-the-Premises Is Clearly a Preferable Technical Solution with Lower Long-Term Operating Costs Than a Fixed Wireless Solution

Overall, FTTP represents a better long-term broadband solution than fixed wireless for most unserved areas of the County—both because it is a superior technical solution and because it would have a lower long-term cost of ownership. Considering a likely 35 percent take-rate, the total 10-year cost per customer is comparable for FTTP (\$27,550) and fixed wireless (\$23,000 for the best-case model). Considering a 60 percent take-rate, the 10-year cost per customer is also comparable for FTTP (\$17,590) and fixed wireless (\$15,700 for best-case). (See Table 19 and Table 20.) However, over a longer period of time, an FTTP network would have a lower total cost than a fixed wireless network because the latter has higher operating costs.

Table 19: Fixed Wireless 10-Year Total Cost of Ownership Comparison

Option	Capital Cost Per Subscriber	Subscribers	10-Year Operating Costs Per Subscriber	Total 10-Year Capital and Operating Costs Per Subscriber*
Best Case (35% Take-Rate)	\$5,000	1750	\$18,000	\$23,000
Worst Case (35% Take-Rate)	\$6,700	1116	\$25,000	\$31,700
Best Case (60% Take-Rate)	\$3,700	3000	\$12,000	\$15,700
Worst Case (60% Take-Rate)	\$4,700	1914	\$16,000	\$20,700

Table 20: FTTP 10-Year Total Cost of Ownership Comparison

Option	Distribution Network per Subscriber	Incremental Cost per Subscriber	Subscribers	10-Year Operating Cost Per Subscriber	Total 10-Year Capital and Operating Costs Per Subscriber
FTTP (35% Take-Rate)	\$20,890	\$1,750	2,236	\$4,910	\$27,550
FTTP (60% Take-Rate)	\$12,970	\$1,750	3,833	\$2,870	\$17,590

This estimate is a simplified operations cost model focusing on required operating costs such as maintenance, fiber locating, pole attachments, equipment replacement, and tower leasing. Costs such as staffing, marketing, and legal resources are not included as these would vary depending on the business model chosen.

A comparison of the two technologies must also recognize that fiber and fixed wireless each have technical advantages and challenges.

Fiber optics, once constructed, is the highest-speed and most scalable technology. Current off-the-shelf technologies enable FTTP networks to provide capacity in excess of 1 Gbps to each subscriber, with new electronics making it possible to go to 10 Gbps or beyond in the coming years. Moreover, the FTTP network is not subject to interference from other signals or subject to line-of sight limitations.

Over time, maintenance and repair costs of fiber optic cables are low—approximately 1 percent of construction costs annually. The FTTP network also has maintenance costs for fiber locating and pole attachments. Fiber locating is the cost of marking underground utilities when there is a Miss Utility locate request. We estimate locating costs at \$1,800 per mile of underground plant. The network will also have to pay pole attachment fees to rent their space on the utility poles at an estimated cost of \$20 per pole per year. Equipment replacement occurs every seven years, but new equipment costs are only a percentage of the capital cost of an FTTP network.²⁸

As discussed in Section 4, however, construction costs can be high and can vary based on the availability of space on utility poles and in the right-of-way. Construction can be delayed by utility pole owners, other utilities on the poles, and by the requirement for permitting in the right-of-way (including on bridges, water crossings, and expressway crossings).

By comparison, fixed wireless technology provides an aggregate capacity between 100 and 250 Mbps. Using unlicensed and CBRS spectrum and innovations like higher-order multiple input, multiple output (MIMO) antennas, and the use of spatial multiplexing, these capacities could increase to as fast as 750 Mbps.

It is important to note, however, that this is the aggregate capacity out of a single antenna or antenna array; in a point-to-multipoint architecture, this capacity will be shared among all users connected to a single base station. Even so, in most of the unserved environments in the County, download speeds in the tens or even low hundreds of Mbps per user may be possible. Note that

²⁸ FTTP electronics could realistically last more than 10 years. We used seven years as a more conservative replacement estimate.

these are theoretical speeds for the network where in reality users may get less than the State's 25 Mbps down and 3 Mbps up definition of broadband. Additionally, wireless eliminates the need for new cable construction, significantly reducing the time to build and the complexity of construction.

Given the limitations of line of sight and available spectrum, however, the wireless solution is not as scalable as a wireline solution. The spectrum available for fixed wireless broadband is limited and provides much lower bandwidth than what is available in an FTTP network. Homes and businesses that have substantial tree cover and terrain will get poorer performance than others.

In addition, leasing space on a tower is costly. Leasing space for three sectors of antennas (as needed on each tower site) costs approximately \$60,000 per year. This is a critical consideration, because the fixed wireless model uses 37 to 40 existing towers, of which 16 are government (with potentially lower or eliminated lease costs), but the remainder are commercial. We find that tower lease costs, assuming free access to the government towers, are \$275 to \$400 per passing.

Additionally, securing continuing space on a tower is not as predictable as with fiber. Occasional fiber relocations as part of road projects typically are built into maintenance costs. In addition, pole leases are fairly secure over the long-term as there is a well-regulated governance around pole attachments and fees, and poles are rarely removed, but rather replaced when needed. In contrast, tower may need to relocate or be decommissioned, and tower owners may decide to let other clients receive space or mandate relocation of radios to a less than optimal location on the tower. Such relocations require heavy capital and operational expenses and risks at a systemic level.

Upgrading a wireless network requires replacement of the radios at the antenna site and at the user premises. Electronics may need to be replaced at five- to 10-year intervals due both to technological obsolescence and wear and tear—and unlike a fiber network, the electronics comprise almost all of the capital cost of the network, thus significantly increasing the ongoing cost.

Permitting for new tower locations may require a public hearing process and a lengthy approval process that stretches into many months, and may be difficult to achieve if there is local opposition to the tower.

6 State and Federal Grants and Loans Offer Opportunities to Address the Needs of Unserved Worcester County

Federal and state funding sources represent an important element of large-scale broadband deployments for unserved areas where no broadband is currently available. While these programs tend to have restrictions that affect their potential breadth of impact, our analysis is that the programs discussed below have the potential to assist the County’s efforts to greatly reduce the number of unserved homes and businesses.

As we describe below, the County is in a challenging situation in terms of some federal funding opportunities. The presence of a protected borrower grantee and CAF II awardee in the County (Bloosurf) makes Worcester’s unserved areas ineligible for ReConnect funding (see the orange and green shaded areas in the map below). But Bloosurf does not appear to be delivering anything like broadband speeds—and in fact it is not even clear how extensively they have any level of service in these protected areas. The County has indicated to us that they have little data suggesting Bloosurf has many customers, and they believe that large parts of the protected areas are entirely unserved by Bloosurf.

Fortunately, the County is eligible for state funding (because the state’s program considers only unserved status, not the presence of another federal grantee); further, there is another federal program—the Rural Digital Opportunity Fund—that may open as soon as late 2020, and that will not exclude any protected areas (i.e., the green shaded areas in the map). Additionally, circumstances around the eligibility of the Bloosurf protected area for ReConnect will hopefully be resolved in 2021 when it is expected that Bloosurf’s RUS loan/grant protection expires—and, along with it, the protected borrower status that currently blankets the County; at that point, we anticipate the County and a partner might apply for ReConnect.²⁹

6.1 State of Maryland broadband grants are designed to address unserved areas and provide matching for federal funding applications

The Governor’s Office of Rural Broadband (the Office), which is housed in the Department of Housing and Community Development, focuses on efforts to extend broadband service to unserved rural parts of the state “through partnerships with local jurisdictions and the private sector.”³⁰ The Office currently oversees both a small pilot program and a larger rural broadband grant initiative that explicitly seeks to complement federal and local funding sources—an approach that would enable the County or a partner, if it receives one of those larger grant

²⁹ Bloosurf’s CAFII funding cannot be contested because it is on 10-year timeline and recipients do not have to show performance yet. However, the FCC gave funding to an entity that was already failing to adequately deliver on funding provided for service in the same County. Then the ReConnect statute compounded the problem by prohibiting the County or another entity from applying for that funding to remedy the situation.

³⁰ “Maryland Rural Broadband,” Maryland Department of Housing and Community Development, <https://dhcd.maryland.gov/RuralBroadband/Pages/default.aspx> (accessed December 2019).

awards, to use the state’s funding as a match for a potential federal ReConnect grant application (if the County determines that such an application would be feasible). The unserved areas we documented in Section 2 would be eligible for state funding (Figure 30).

Figure 29: Unserved Portions of Worcester County



The Office announced the details of its rural Broadband Infrastructure Network Buildout Program, with grants of \$1 million to \$3 million (with a total of at least \$9 million in available funding program-wide), in late November 2019.³¹ The applicant has to be a local jurisdiction or the jurisdiction’s recognized partner. The grant will cover up to 50 percent of construction costs—with the applicant committing a 100 percent cash match—for a project that delivers at least 25/3

³¹ “Maryland Broadband Infrastructure Grant Program: Grant Application Guide,” Governor’s Office of Rural Broadband, State of Maryland, November 27, 2019, <https://dhcd.maryland.gov/RuralBroadband/Documents/FY2020-Broadband-Infrastructure-Program-Grant-Application-Guide.pdf> (accessed December 2019).

service to an unserved area.³² Our sense is that these requirements intentionally put larger companies in a better position to apply because of their access to cash for the required match and ability to file for larger grants. The proposed service area does not have to be contiguous and can cross county boundaries.

Any entity that plans to apply in this first offering was required to submit a non-binding letter of intent by December 23, 2019; those applications are due by February 21, 2020. (We expect multiple rounds of funding, however, so this will not be the only opportunity to apply.) Awardees will not be eligible for future grants from the program in the awarded jurisdiction for two years or until construction is complete, whichever is later.

The Office earlier solicited statements of interest from local jurisdictions for “Assistance for Broadband Expansion Pilot Projects.” The state will award relatively small grants of up to \$200,000 to local jurisdictions, in partnership with an ISP, to cover as much as “50 percent of the construction costs related to an ISP extending service [from the ISP’s existing network] to unserved households.” The County and its partner would be required to commit a 100 percent match for the funding, and to delivering at least 25/3 service. Pilot project applications are due January 7, 2020.

6.2 USDA’s ReConnect program represents a new, unique rural funding opportunity

The ReConnect program represents the most significant congressional appropriation of broadband funding since the Recovery Act in 2009—with \$600 million allocated in 2019 and \$550 million available in 2020. The program awards loans, grants, or a combination of the two for last-mile connections in rural areas. It is overseen by the Rural Utilities Service (RUS). The upcoming round of grant applications opens on January 31, 2020, and closes March 16, 2020.

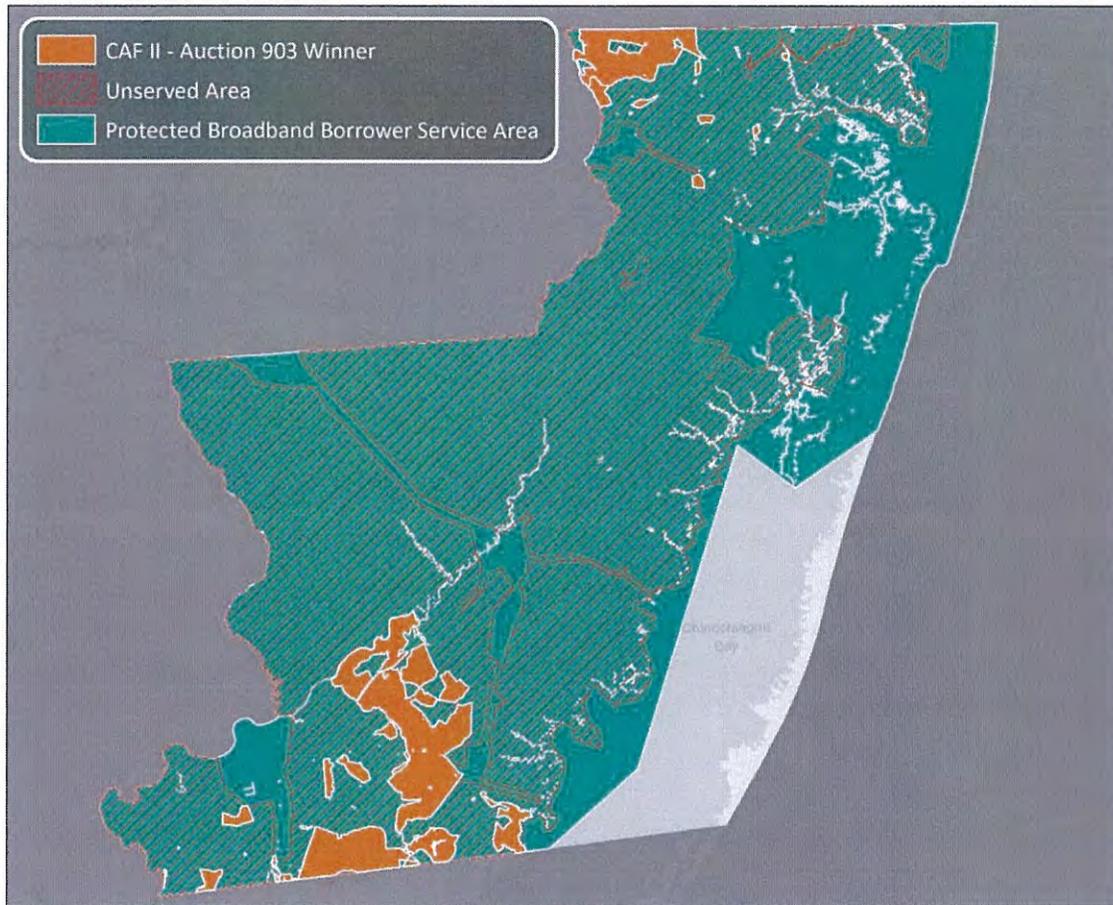
However, Congress created a significant barrier to ReConnect funding for the County when it wrote the legislation: It made ineligible any areas for which another grantee or loan recipient has received a previous broadband award. Bloosurf was awarded \$3.2 million in USDA Broadband Initiatives Program (BIP) grant and loan funding in 2010 for service across the County,³³ and won the Connect America Fund II (CAF II) auction for additional portions of the County; those areas—encompassing all of the County’s documented unserved areas—are technically ineligible for ReConnect funding (Figure 31).

³² The match must be in cash, not in-kind, and must be shown to be available at the time the grant contracts are executed. There is an exception to level of match requirements for Sustainable Communities (Maryland Department of Housing and Community Development) and Priority Funding Areas (Maryland Department of Planning).

³³ "Advancing Broadband," USDA BIP Awards Report, January 2011, <https://www.rd.usda.gov/files/reports/RBBreportV5ForWeb.pdf> (accessed December 2019).

In the sections below, we offer details on the ReConnect program—and the steps the County would need to take to challenge Bloosurf’s protected status, if it determines that it wants to take that path.

Figure 30: Grant-Eligible and Ineligible Areas in Worcester County for certain federal grants



6.2.1 USDA will prioritize private-sector applications and public-private partnerships

The program currently comprises three separate funding categories: 100 percent grants (covering up to 75 percent of eligible project costs, with a 25 percent match), 50 percent grants with a 50 percent loan or other form of match, and 100 percent loans. For Round 2 funding, the categories have the same requirements in terms of existing services allowed in the proposed funded service area (PFSA): Funds will go to rural areas where 90 percent or more of the households lack access to broadband speeds of at least 10 Mbps download and 1 Mbps upload. (In Round 1, 100 percent of the households in the PFSA had to lack access to 10/1 Mbps broadband for 100 percent grant awards.)

Applicants must propose networks capable of providing access to every premises in the PFSA at minimum speeds of 25 Mbps downstream and 3 Mbps upstream.

Matching funds are a point of distinction. Applicants for 100 percent grant awards will need to provide matching funds equivalent to 25 percent of the project's total cost—and that matching contribution must be expended first, followed by grant funds. For 50 percent grants with a 50 percent loan or other form of match, applicants can propose a cash alternative to the loan at the time of application. (For an awarded project in this scenario, all cash proposed must be expended first, followed by loan funds and then by grant funds.)

Generally, we anticipate that USDA will prioritize private-sector applications and public-private partnerships, so it will be important for local governments to build a public-private partnership strategy for this program. RUS will consider public networks that lack extensive experience to be startups and may disfavor their applications. Therefore, public entities without extensive experience as an ISP should consider partnering with an experienced public or private ISP to compete for these funds. And any experienced ISP, whether public or private, will require the strong collaboration and support of its local (and state) government to present a compelling case for funding.

Applications to this program will require a detailed business plan and pro forma. RUS will grant application review points based on those plans, as well as many other factors. The rurality of the PFSA can earn almost 25 points alone. RUS will also award points to applications proposing to build networks capable of at least 100/100 Mbps. Additional points can be scored if the proposed area includes a healthcare center, education facility, or critical community facility. Furthermore, points will be awarded for projects in states with an updated broadband plan in the past five years.

We anticipate RUS will make grant/loan combinations in the \$3 million to \$10 million range. This is quite a bit more than RUS's Community Connect grants—and, because the program's funding is considerably larger in total dollars, we anticipate that ReConnect will make more awards. Further, ReConnect does not have the low-income requirements of Community Connect, making it a more flexible program.

6.2.2 In Worcester, a ReConnect application will require challenging an existing USDA borrower

As we note above, most of the County is technically excluded from ReConnect eligibility because a wireless ISP, Bloosurf, has been awarded federal Connect America Fund II (CAF II) funding in certain areas and also previously received RUS broadband grant and loan funding; that funding

makes the rest of the County a “protected broadband borrower service area”—and thus ineligible for ReConnect funding. However, the County could challenge Bloosurf’s protected status.³⁴

Any potential challenge to the protected borrower area should start with a consultation with the USDA’s Rural Development representative for Maryland, Richard Jenkins, and include the Director of Maryland’s Governor’s Office of Rural Broadband, Kenrick Gordon, who can advise on the best path forward. Additionally, Richard Jenkins advised that a challenge process should include a consultation with USDA Deputy Assistant Administrator Ken Kuchno, because each protected broadband borrower service area will likely have unique background to review.³⁵

In other words, a challenge should not be rushed. Most importantly, the applicant will need to document that its PFSA, as defined, lacks 10/1 Mbps services (or whatever speed was to be provided per the original borrower documents). If the County or its partner can show that Bloosurf does not deliver the service it promised in the part of the protected area where the County’s PFSA is drawn, the new application may be eligible for consideration.

Under the program rules published in Round 1, a challenge can be made “if the applicant believes that at least 75% of the households in the part of the proposed funded service area in which they are seeking ReConnect funds are not receiving broadband service at the level for which an original RUS Broadband loan was made;” in order for the challenge to be viable, the RUS loan will need to have been “rescinded, defaulted on, or the terms and conditions of the original loan must not have been met.”³⁶

Round 2 rules did not explicitly include directions on potential challenges to protected borrower status. However, regulations for the overall program do allow for challenges³⁷—and the Round 2 rules do allow an ISP to file a challenge to a ReConnect application if the ISP delivers services in a proposed applicant’s PFSA³⁸ (i.e., the reverse of the scenario in which the applicant would challenge an existing borrower).

³⁴ We do not have any public data about what RUS required of Bloosurf, but there is no evidence of service being available, or of service that meets the federal or state definitions of broadband, in the unserved portions of the County.

³⁵ Telephone discussion between Heather Mills, Lead, CTC Funding Strategies Team, and Richard Jenkins, USDA Rural Development General Field Representative for Maryland, December 30, 2019.

³⁶ “Broadband Pilot (ReConnect) Program,” Federal Register, April 12, 2019, <https://www.federalregister.gov/documents/2019/04/12/2019-07345/broadband-pilot-reconnect-program> (accessed December 2019). We note these are the Round 1 rules; the Round 2 rules omit details on filing a challenge to protected broadband borrower service area status.

³⁷ Telephone discussion between Heather Mills, Lead, CTC Funding Strategies Team, and Richard Jenkins, USDA Rural Development General Field Representative for Maryland, December 30, 2019.

³⁸ “ReConnect Pilot Program,” Federal Register, December 12, 2019, <https://www.govinfo.gov/content/pkg/FR-2019-12-12/pdf/2019-26522.pdf> (Accessed December 2019).

6.3 USDA's Community Connect program represents another, more modest opportunity

Community Connect is another program to which the County could apply with a partner. The USDA administers this modestly sized grant program for local and tribal governments; it targets broadband deployment to unserved (defined as speeds less than 10 Mbps download and 1 Mbps upload), low-income rural communities with fewer than 20,000 residents in a contiguous PFSA (*and* not adjacent to cities with more than 50,000 residents). To prepare the most competitive Community Connect grant application possible, we would recommend the County target the lowest-income portions of its unserved areas.

Grantees must ultimately offer service at the broadband grant speed (defined as 25 Mbps download plus 3 Mbps upload) to *all* households and community institutions in the PFSA, with free service for at least two years to a community center.

The application process is rigorous and competitive (i.e., only about 10 percent of applicants receive an award) and once awarded, program requirements can be demanding (e.g., requiring last-mile service be available for all households in the service area). The program has been funded consistently since it was introduced in 2002 and represents an important opportunity for qualifying communities.

Eligible applicants include local or state units of government, incorporated organizations, Indian tribes or tribal organizations, cooperatives, private corporations, and limited-liability companies organized on a for-profit or not-for-profit basis. Individuals or partnerships are not eligible. Any public or private applicant must have the legal capacity and authority to own and operate the proposed broadband facilities, to enter into contracts, and to otherwise comply with applicable federal statutes and regulations. Thus, awards cannot be granted to a local government entity that does not want to own or operate the broadband service.

Once awarded, projects must offer last-mile service at the broadband grant speeds (25 Mbps download and 3 Mbps upload) to *all* businesses, residents, and community facilities in the PFSA, with free service provided to all critical facilities,³⁹ and at least one community center (with weekend hours and two to 10 public computer access points) for at least two years from the grant award. Grants can be used to offset the cost of providing such service and to lease

³⁹ Critical community facilities include public schools, public libraries, public medical clinics, public hospitals, community colleges, public universities, law enforcement, and fire and ambulance stations.

spectrum, towers, and buildings as part of the project design.⁴⁰ The lesser of 10 percent of the grant or \$150,000 can be used to construct, acquire, or expand an existing community center.⁴¹

6.4 Department of Commerce economic development grants assist distressed communities

The Department of Commerce’s Economic Development Administration (EDA) oversees the Economic Development Assistance program, which has delivered funds to distressed communities for many years. Public broadband projects in economically distressed communities are eligible for funding under the Public Works and Economic Adjustment Assistance (PWEAA) programs—which do not require that an area is unserved, but do require that jobs be created or saved as a direct result of the proposed project.

The EDA program coordinates with a \$587 million grant program⁴² also under the oversight of the Department of Commerce. This opportunity attempts to remedy disaster-stricken areas of the economic burdens that such disasters impose. Disasters are defined per the President’s declaration. If the County were to qualify, this opportunity would provide a similar application process to the broader, non-disaster Economic Development Assistance grants.

EDA’s materials on Public Works funding explicitly mention broadband,⁴³ but it does not appear that broadband funding has been a significant part of the portfolio. Over a period of a decade (2007–2017), the EDA’s annual reports included only eight references to relevant projects.⁴⁴

While broadband funding to date through the EDA appears to be modest, both construction and technical assistance are clearly eligible. Moreover, applicants can apply existing federal funds toward the cost-share, which allows them to leverage available resources. Given this, we recommend the County consider this opportunity. Additionally, the program does not require proof of lack of service or poor service. Instead, a proposed project must demonstrate that it will positively affect the economic prospects of the area; generally, in the form of addition of or saving of jobs. A local community economic development plan that highlights a need for better broadband will be an essential first requirement.

⁴⁰ Leasing costs can only be covered for three years.

⁴¹ Note that additional funds can be used to provide the computer access points and their connection to the network. Applicants may use their own resources to cover costs exceeding this limit. The program historically required provision of at least 10 computer access points in a public community center; however, now requires only two such access points—with a *maximum* of 10 computers.

⁴² See <https://www.grants.gov/view-opportunity.html?oppld=302953> (accessed November 2019).

⁴³ “Broadband Funding Guide,” U.S. Department of Commerce EDA, December 12, 2018, https://broadbandusa.ntia.doc.gov/sites/default/files/funding_eda_01_0.pdf (accessed December 2019).

⁴⁴ EDA annual reports available online at: <https://www.eda.gov/annual-reports/> (accessed November 2019).

The PWEAA Notice of Funding Opportunity (NOFO) emphasizes the importance of consulting with the appropriate regional EDA contacts.⁴⁵ Regional staff is available to review project proposals, assess proposed cost shares, and preview all application materials. Though optional, we believe that such consultation would ultimately be beneficial if the County were to consider applying.⁴⁶

6.5 The FCC's Rural Digital Opportunity Fund is an emerging opportunity

6.5.1 The Rural Digital Opportunity Fund is the latest iteration of a 20-year-old effort

The Rural Digital Opportunity Fund represents the latest iteration of the FCC's Universal Service Fund's (USF) high cost program. Since 1996, the FCC has used the high cost program to subsidize telecommunications services in rural and remote areas, where the return on investment would otherwise be too low to prompt companies to invest in telecommunications infrastructure.

While the program initially provided subsidized telephone service on an ongoing basis, in 2011 the FCC began reorganizing the high cost program, creating the Connect America Fund (CAF) with the goal of accelerating the buildout of broadband-capable infrastructure to unserved and underserved areas. Instead of providing an ongoing subsidy in exchange for serving eligible areas, the CAF program provides an annual subsidy for a fixed period of time to help cover the initial cost of building out broadband-capable infrastructure in rural and remote areas.

The CAF program uses a cost model to estimate the appropriate subsidy for each eligible census block, and first made these funds available to incumbent price-cap carriers in exchange for a commitment to serve every household and business with service with speeds of at least 10 Mbps download and 1 Mbps upload. For those areas where the price-cap carrier declined CAF support, the FCC made funds available to any qualifying service provider through a multi-round, reverse, descending clock auction, with added weight given to those bids that committed to offering faster and lower latency broadband services.

The CAF Phase II auction took place in 2018 and was widely viewed as a success. The auction awarded just under \$1.5 billion in support in exchange for a commitment to serve 713,176 homes and small businesses in 45 states, a total of 73 percent of eligible areas. Thanks to the weighting system that favored service providers willing to offer higher tiers of service, 99.75 percent of locations will have speeds of at least 25/3 Mbps, 53 percent will have at least 100/20 Mbps, and 19 percent will have 1 Gbps/500 Mbps. The 103 winning bidders will receive an annual sum each year for 10 years, provided they meet buildout requirements. Winners must offer service to 40 percent of homes and businesses by year 3 and continue to increase by 20 percent each year

⁴⁵ "Notice of Funding Opportunity – FY 2020 EDA Public Works and Economic Adjustment Assistance Programs," <https://www.grants.gov/web/grants/view-opportunity.html?oppld=321695> (accessed December 2019).

⁴⁶ EDA regional contacts available online at: <https://www.eda.gov/contact/> (accessed November 2019).

until year 6 when 100 percent of eligible homes and businesses must be served.⁴⁷ The total amount of support awarded was 70 percent less than the Connect America Cost Model (CAM) estimated would be needed.⁴⁸ Although the reverse auction process was complex, it secured higher-quality service for consumers at a significantly lower cost to the Universal Service Fund than previous methods of allocating subsidies.

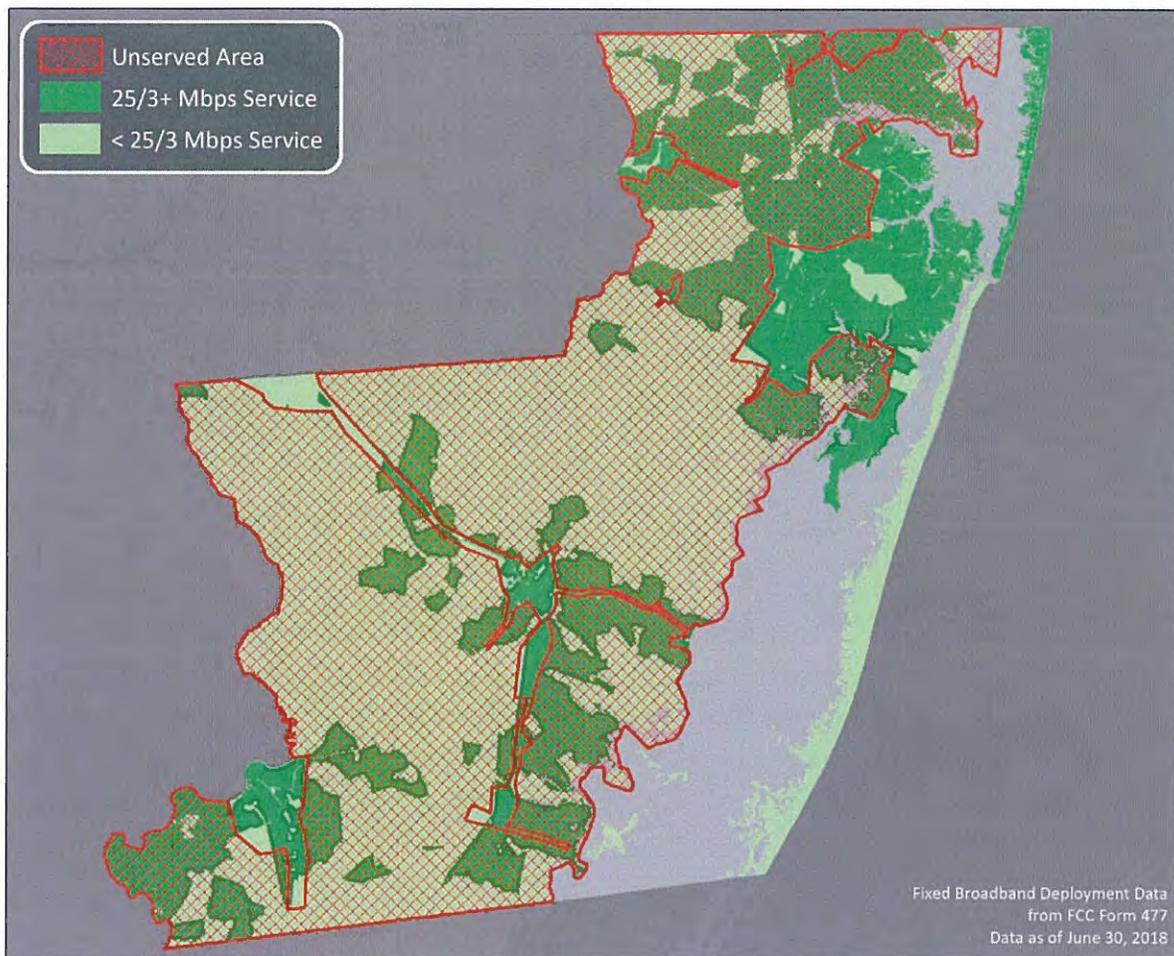
6.5.2 Worcester County's unserved areas are eligible for Rural Digital Opportunity Fund subsidies

The Rural Digital Opportunity Fund builds on the success of the CAF Phase II auction, with a proposal to allocate an additional \$20.4 billion over the next decade in order to support the buildout of high-speed broadband networks in unserved and underserved areas of the country. We anticipate, based on data released so far (which are only draft rules, and thus are preliminary), that the FCC will fund areas that lack 25/3 service—even those that have another subsidized competitor. Thus, with the exception of CAF II funded areas, the County's documented unserved areas will be eligible (Figure 32).

⁴⁷ "Connect America Fund Auction to Expand Broadband to Over 700,000 Rural Homes and Businesses," FCC, August 28, 2018, <https://docs.fcc.gov/public/attachments/DOC-353840A1.pdf> (accessed November 2019).

⁴⁸ Joseph Gillan, "Lessons from the CAF II Auction and the Implications for Rural Broadband Deployment and the IP Transition," *National Regulatory Research Institute*, <https://pubs.naruc.org/pub/9F958420-E885-F843-1AEC-4D290DC9A28E> (accessed November 2019).

Figure 31: Rural Digital Opportunity Fund Eligibility Based on Survey Findings and Form 477 Data



While it is still in the rule-making phase, the FCC has proposed using a reverse auction mechanism almost identical to the one used in the CAF Phase II auction, though this time incumbent price-cap carriers will not have the right of first refusal. We anticipate the auction opening in late 2020.

The FCC proposes awarding funds through two phases, the first focused on those areas wholly unserved by broadband at speeds of 25/3 Mbps, and the second on partially-served areas. As in the CAF Phase II auction, the FCC will use the CAM to establish the maximum subsidy available for each eligible area, and bidders compete for available subsidies with preference given to those bidders willing to commit to offering faster speeds and lower latency service. The bidder willing

to commit to providing an area with the best quality service at the lowest subsidy amount wins the available support.⁴⁹

The biggest change the FCC proposes is raising the service availability threshold to 25/3 Mbps, making even those areas where a provider received CAF funding for 10/1 Mbps service potentially eligible for support. The Commission is also considering a number of other minor adjustments, such as changing the minimum bidding areas from census blocks to census block tracts or counties, as well as adding a subscribership benchmark which would make some percentage of funds contingent on a winning bidder gaining sufficient market share.⁵⁰

While the Republican commissioners appear ready to move forward with the Rural Digital Opportunity Fund, the Democratic commissioners argue that the FCC first needs to fix issues with its mapping data in order to more accurately identify which areas are unserved and underserved.⁵¹ Although there are still many details to work out, some version of Rural Digital Opportunity Fund will become a reality in the near future thanks to the broad, bipartisan consensus in Washington that rural areas need better broadband. We note, too, that a Rural Digital Opportunity Fund application would not exclude applying to other federal and state programs. The County could have a partner applying for funding from multiple sources.

⁴⁹ Federal Communication Commission, "Rural Digital Opportunity Fund, Connect America Fund," 84 FR 43543, August 21, 2019, <https://www.federalregister.gov/documents/2019/08/21/2019-17783/rural-digital-opportunity-fund-connect-america-fund> (accessed November 2019).

⁵⁰ Federal Communication Commission, "Rural Digital Opportunity Fund, Connect America Fund."

⁵¹ Marguerite Reardon, "FCC Greenlights \$20 billion rural broadband subsidy auction," *CNET*, August 1, 2019, <https://www.cnet.com/news/fcc-greenlights-20-billion-rural-broadband-subsidy-auction/> (accessed November 2019).

7 The County Should Consider Pursuing Strategies for Leveraging State and Federal Funding Programs with Potential Partners

Given the alignment of state and federal funding opportunities—and the County’s multiple strong potential partners—we recommend the County take concrete steps to engage with and support partners in applying for grants. While we cannot predict what partnerships and funding opportunities might come to fruition, we note that many different scenarios could play out—ranging from one entity building infrastructure to all of the County’s unserved areas, to multiple entities each building in smaller parts of the unserved areas.

7.1 Develop a multi-year, strategic approach to the state and federal opportunities

As we described above, a number of extremely promising funding sources are available. The state program is particularly promising because it does not place restrictions on geographic areas, other than being unserved by 25/3. We recommend pursuing state funding immediately—encouraging Comcast, ThinkBig, and any other well-qualified entities to apply. (We were not able to identify other potential partners, but some may exist.) We anticipate multiple rounds of state funding.

Of the federal funding programs that look promising, the Rural Digital Opportunity Fund is the best starting point. We encourage the County to work with Choptank and also potentially ThinkBig (as well as alternative bidders) if Choptank does not bid.

The ReConnect opportunity will be more challenging. As we describe above, Congress excluded protected borrower areas such as Bloosurf’s purported service area in Worcester from ReConnect eligibility. While there is limited public data available about the duration of the protected status, we believe it may expire in 2021—at which point those areas of the County would be eligible for subsequent rounds of ReConnect funding.⁵²

Alternatively, the County could undertake an effort now to contest the protected areas status, because anecdotal and other data, including the County’s own experience, suggest that there is not adequate service in these areas. While we think such a challenge may be difficult because the USDA will be conservative in its evaluation of competing data and claims, it may be worth the County’s effort to perform the necessary mapping, planning, and engineering to enable strategic decisions to be made. Otherwise, the County could be left in the limbo of not having a performing private entity, and not being able to find another solution with federal funds. Additionally, a ReConnect challenge may bring attention to the fact that the federal government has given

⁵² “USDA to Make \$550 Million in Funding Available in 2020 to Deploy High-Speed Broadband Internet Infrastructure in Rural America,” U.S. Department of Agriculture, News Release, Dec. 12, 2019, <https://www.usda.gov/media/press-releases/2019/12/12/usda-make-550-million-funding-available-2020-deploy-high-speed> (accessed December 13, 2019).

money to an entity that does not appear to be delivering on its promised broadband service—while the federal government is simultaneously saying that the County is not eligible for new funding. (We are hopeful that the significant flaws of the ReConnect program that were written into the legislation by Congress will not also present themselves in the Rural Digital Opportunity Fund once final rules are released.) The Department of Commerce economic development grant opportunities may be an attractive option to explore for portions of the County, if only because they do not require proof of lack of service in order to apply. However, the County must have in place an economic development plan that includes the need for broadband as a discussion point—and any proposed project must demonstrate eligibility around creating or saving jobs in the project area. Additionally, as noted above, the program has not historically approved grants for broadband projects and the proposal process is arduous step; so there should be good preparation and discussion of the possible project with the department’s regional representative prior to submitting a proposal.

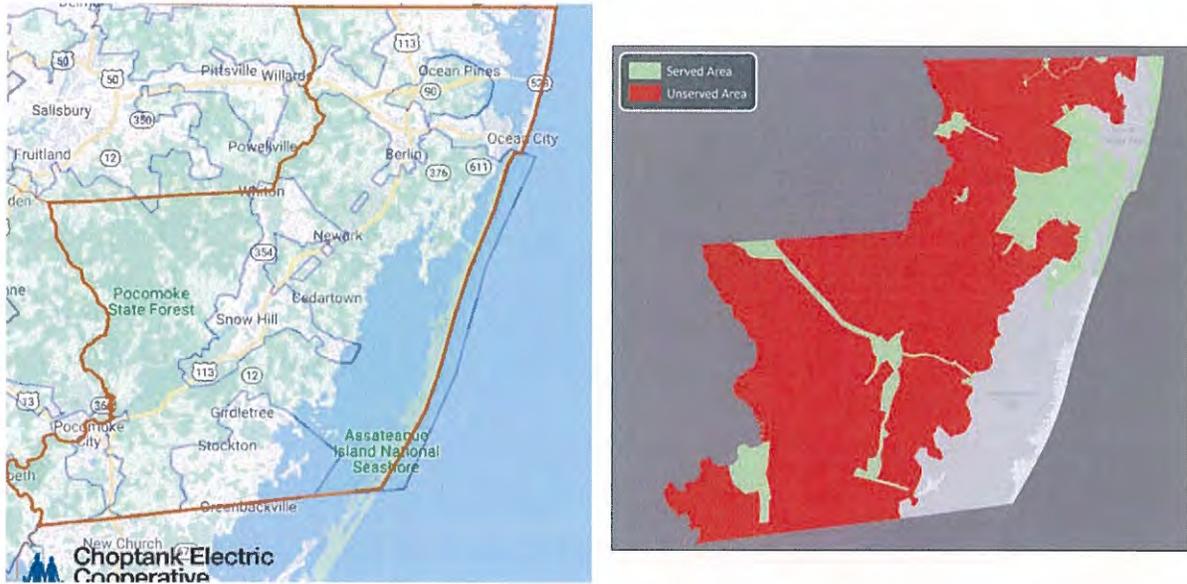
Within that framework, and based on the ongoing dialogue CTC and the County have established with some service providers, we recommend the following approaches. We note, too, that the County should not see the USDA or state grant applications as a one-time opportunity; we anticipate that there will be state and federal broadband funding in 2021 as well as 2020. In contrast, however, the Rural Digital Opportunity Fund does represent a unique opportunity for which time is of the essence, as we expect the reverse auction will be held in 2020 for a decade’s worth of funding.

7.2 Engage with Choptank Electric Cooperative on these issues

Choptank is an obvious choice for a partner in the County’s broadband deployment efforts. Because it is member-owned, for example, Choptank presumably would not cherry-pick only certain unserved areas; it is responsible to all members within its service footprint in the County, not just to business opportunity in the way a for-profit ISP would be. Choptank also owns utility poles—the core structural asset needed for broadband deployment—throughout the County’s unserved areas; those poles would be able to support fiber attachments and would dramatically lower Choptank’s fiber construction costs. In addition, Choptank has the technical capability to construct aerial fiber and a proven ability to manage customer relationships.

While Choptank’s current publicly published service area does not encompass all unserved areas of the County, there is substantial overlap that would enable Choptank to reach many of the unserved areas. The figures below show Choptank’s self-reported electric coverage map, side by side with the County’s unserved broadband areas.

Figure 32: Choptank’s Self-Reported Electric Service Area Compared to Unserved Portions of the County⁵³



We expect electric cooperatives such as Choptank to benefit from the FCC’s Rural Digital Opportunity Fund, in particular, because of its ownership of poles in unserved areas. Choptank would have the lowest cost to build of any entity other than Verizon, which would be a competitive advantage if it were to bid on the FCC’s planned reverse auction (in which the lowest bidder wins). Indeed, Choptank and electric cooperatives throughout the state have positioned themselves for this opportunity by asking the Maryland legislature to give them the authority to enter the broadband market.

What’s more, Choptank could also apply for state and ReConnect grants, in addition to Rural Digital Opportunity Fund funding. If Choptank were to miss the Rural Digital Opportunity Fund application window, it would still be eligible to apply for later rounds of ReConnect and state of Maryland funding—but the optimal situation would be for Choptank to secure funding from all of those sources.

7.3 Partner with ThinkBig on a state broadband grant application and potentially support a ReConnect grant application

ThinkBig is a network which has built extensively in Kent County and is currently building in areas of Baltimore. It reported strong interest in partnering with the County but did not offer specific

⁵³ Areas shaded darker are service areas for Choptank. Source: <https://choptank.maps.sienatech.com/> accessed 12/15/2019.

details. It reported strong internal and investor support for expansions in rural areas of Maryland. ThinkBig Networks could be a strong partner for state and federal grant applications to construct fiber to serve the County's unserved areas.

ThinkBig will not have the low cost to build that Choptank would have, because it does not own the utility poles. But it would potentially be competitive for state grant funding (in partnership with the County) or federal ReConnect funding. And if Choptank does not bid on the Rural Digital Opportunity Fund, ThinkBig might be a competitor in the reverse auction; if ThinkBig can successfully secure a state grant, ReConnect funding, or support from the County, it could bid lower for Rural Digital Opportunity Fund funding and potentially position itself to win.

ThinkBig, based in Chestertown, offers fiber-to-the-premises gigabit connectivity in southern portions of Baltimore City (with plans to expand into the central city) as a competitive alternative to Comcast. In addition, ThinkBig has been working with Kent County to expand access to unserved and underserved rural areas supported by state grants. The company continues to explore new opportunities to leverage future state and federal grant opportunities.

We recommend that the County partner with ThinkBig on a state broadband grant application, with the condition that if it receives funding, the company will apply for a federal ReConnect grant using the state funds as part of its required matching contribution.

Given the pending deadlines for both state applications and ReConnect (the application window opens in January and closes March 16, 2020),⁵⁴ we recommend the County and ThinkBig develop their plans as soon as possible. If ThinkBig were awarded state broadband funding, it could use those funds (and any County contribution to that program's match requirements) as its match for the federal application.

In terms of its capabilities, ThinkBig reports having constructed more than 40 miles of fiber in Maryland in the last couple of years. The gigabit service uses high-grade GPON technology for the physical connection, but pairs it with their own software-defined network routing in a box. This allows them to pair high-quality, resilient physical infrastructure with off-the-shelf, unlicensed electronics for cost-effective operations. They describe their construction process as highly mobile, using smaller excavating equipment and their own experienced, dedicated construction staff. Working with backbone partners such as the Maryland Broadband Cooperative additionally allows them to keep costs manageable on the construction and

⁵⁴ "USDA to Make \$550 Million in Funding Available in 2020 to Deploy High-Speed Broadband Internet Infrastructure in Rural America," U.S. Department of Agriculture, News Release, Dec. 12, 2019, <https://www.usda.gov/media/press-releases/2019/12/12/usda-make-550-million-funding-available-2020-deploy-high-speed> (accessed December 13, 2019).

operations side; given the presence of Maryland Broadband Cooperative fiber in many of Worcester's unserved areas (Figure 34), this presents a strong case for the partnership.

Figure 33: Maryland Broadband Coop Fiber Routes



ThinkBig's service offering is \$85 to \$99 per month for gigabit service, and \$70 for symmetrical 200 Mbps service. In addition, they offer \$20 unlimited long-distance telephone service, and work with individual customers to select television streaming packages, with a typical price point around \$40.

7.4 Encourage Comcast to apply for a state broadband grant

As a cable provider with a presence in the denser areas of the County (and plans to expand in Ocean Pines),⁵⁵ Comcast has infrastructure in the County that could enable it to expand into unserved areas with relatively lower costs per passings than other wireline providers. (See Section 3.6 for our sample cost estimate.)

⁵⁵ Greg Ellison, "Comcast brings service competition to Ocean Pines," Bayside Gazette, Sept. 12, 2019, <https://baysideoc.com/comcast-brings-service-competition-to-ocean-pines/> (accessed December 2019).

Like ThinkBig, Comcast does not own utility poles so it would not be the most competitive Rural Digital Opportunity Fund bidder—but if Choptank does not bid, Comcast could be competitive. That said, we are unable to analyze the Comcast opportunity in much detail because the company has not given us any concrete sense of their plans with regard to the Rural Digital Opportunity Fund. Representatives have told us that the company does not plan to submit applications for ReConnect anywhere in the country; this may also be the case for the Rural Digital Opportunity Fund, but the company’s intent is unclear.

CTC and the County approached Comcast to explore the potential to build to unserved areas under the terms of the state’s grant program. As of this writing, we have not received concrete feedback from Comcast that would enable us to determine what areas it is interested in or what grant levels would provide sufficient incentives for Comcast to work with the County and state.

7.5 Explore opportunities to support fixed wireless providers

Given our analysis of capital and operating costs (see Section 4 and Section 5), fixed wireless deployment would not be our first recommendation for filling the County’s service gaps. That said, the technology is feasible and, if the County were to identify a suitable partner, using fixed wireless might be a suitable option for serving some homes and businesses.

In light of some of the operational and technical challenges with fixed wireless deployments, it would be in the County’s interest to ensure there will be an ongoing process for validating service coverage, bandwidth, and customer support expectations. Writing such a process into the partnership agreement would enable both parties to independently test actual performance and work together on addressing service and coverage issues. It would also build-in documentation that could be used for challenging the provider’s exclusivity on the service area with an alternative provider in future grant applications, if the fixed wireless provider is unable to address the coverage and bandwidth issues in accordance with the original terms for providing service in the unserved area.