

AGENDA

WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863
 The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

April 19th, 2022

- | | Item # |
|--|--------------|
| 9:00 AM - Vote to Meet In Closed Session in Commissioners’ Meeting Room – Room 1101
Government Center, One West Market Street, Snow Hill, Maryland | |
| 9:01 - Closed Session: Discussion regarding a request to promote (2) Emergency Communications Supervisors and certain personnel matters with human resources, to consider the acquisition of real property for a public purpose and matters related to the acquisition, receiving legal advice from Counsel, and performing administrative functions | |
| 10:00 - Call to Order, Prayer (Pastor Mark Piedmont of Buckingham Presbyterian Church),
Pledge of Allegiance | |
| 10:01 - Report on Closed Session; Review and Approval of Minutes form March 22 nd , 29 th , and April 5 th , 2022 Meeting | |
| 10:02 - Commendation for Extraordinary Constituent Services during COVID, Pat Schrawder | 1 |
| 10:05 - Consent Agenda
(Deed Release for Forest Conservation Property, Request for Public Hearing for St. Martin’s by the Bay, Request for Public Hearing for Community Development Block Grant for Housing Rehabilitation, Request to schedule required Public Hearing for Rezoning Case #435, Request to schedule required Public Hearing for Sea Oaks Village LLC) | 2-6 |
| 10:10 - Chief Administrative Officer: Administrative Matters
(Queen Anne’s County Bay Bridge Presentation, Public Works Custodial Services requested rate increase, Upcoming Board Appointments) | 7-9 |
| <i>Legislative Session</i> | |
| 10:30 - (Introduction of draft Bill and Public Hearing request for zoning text amendment, Proposed Bond Project Ocean Pines Wastewater Treatment Plant Belt Filter Press, Proposed Bond Refunding Bills: 2013 Series, 2014 Series, 2015 Series, Proposed Bond Bill for Snow Hill Middle School and Cedar Chapel School Roofs, Proposed Bond Bill for Stephen Decatur Middle School Addition, Proposed Bond Bill for Jail Improvements Phase 2, Proposed Bond Bill for Public Safety Logistical Storage Facility) | 10-18 |
| 10:50 - Questions from the Press; County Commissioner’s Remarks | |
| 11:00 - Chief Administrative Officer: Administrative Matters (if necessary) | |
| Lunch | |
| 1:00 PM - Chief Administrative Officer: Administrative Matters (if necessary) | |
| <i>Public Hearing and Legislative Session at Stephen Decatur High School Auditorium</i> | |
| 6:00PM- Public Hearing and Vote for Worcester County Sports Complex Property Purchase
Public Hearing and Vote for Proposed Bond Bill for Worcester County Sports Complex | |

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available – see Joseph Parker, DCAO
 Please be thoughtful and considerate of others. ***Turn OFF all cell phones and notification during the meeting!***

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Minutes of the County Commissioners of Worcester County, Maryland

March 22, 2022

Work Session

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

The commissioners met at 9:00 a.m. with Chief Administrative Officer Weston Young, Budget Officer Candace Savage, and Finance Officer Phil Thompson to conduct a work session to review the Worcester County Departmental Operating Budget Requests for FY23, as presented to the commissioners during their March 15, 2022 meeting. The requested FY23 Operating Budget currently reflects estimated revenues of \$218,040,884, and requested general fund operating expenditures of \$229,285,111, which leaves a shortfall of \$11,244,227 that must be reconciled by either reductions in expenditures, additional revenues, or a combination of the two. Mr. Young announced that department heads have been informed of the need to reduce their budgets.

Commissioner Mitrecic called the meeting to order and announced the topics discussed during the March 3, 2022 afternoon closed session.

The commissioners met with Circuit Court Judge Brian D. Shockley and Court Administrator Ilene Muhlberg to review and discuss the proposed FY23 Operating Budget of \$1,439,592 for the Circuit Court, representing an increase of \$7,324 or 0.5%.

The commissioners met with Emergency Services Director Billy Birch to review and discuss the proposed FY23 Emergency Services Operating Budget of \$3,703,761, representing a decrease of (\$170,471) or -4.4%.

Public Works Director Dallas Baker reviewed the proposed FY23 Enterprise Fund Operating Budget of \$4,810,926 for the Solid Waste Division of Public Works, representing an increase of \$1,335,743 or 38.4%. Mr. Baker then reviewed the proposed FY23 General Fund Operating Budgets of \$793,992 for the Homeowner Convenience Centers, representing a decrease of (\$8,556) or -1.1%; \$942,809 for Recycling, representing an increase of \$66,295 or 7.6%; and \$13,787,289 for the Water and Wastewater Division of Public Works, representing an increase of \$856,342.

The commissioners met with Board of Elections Director Pattie Jackson to review and discuss the proposed FY23 Operating Budget of \$1,355,240 for the Board of Elections, representing an increase of \$130,084 or 10.6%.

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In a related matter, Commissioner Nordstrom expressed concern that the only early voting site is located in Ocean City rather than a central location that would increase the ease of access for all residents. Ms. Jackson advised that the Ocean City site meets all State requirements. She also advised that a secure voter drop box will be available at the Pocomoke Community Center roughly 30 days prior to the election.

The commissioners met with Finance Officer Phil Thompson and Assistant Finance Officer Jessica Wilson to review and discuss the proposed FY23 Treasurer's Office Budget of \$1,308,580, representing an increase of \$26,631 or 2.1%; Other General Government – MIS (Document Imaging) of \$175,500, representing an increase of \$6,310 or 3.7%; and Debt Service of \$14,486,078, representing an increase of \$798,147 or 5.8%.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review and discuss the proposed FY23 DRP Operating Budget of \$2,075,878, representing an increase of \$137,063 or 7.1%.

The commissioners met with Human Resources Director Stacey Norton to review and discuss the proposed FY23 Human Resources Operating Budget of \$519,825, representing an increase of \$40,099 or 8.4%.

The commissioners met with Environmental Programs Director Bob Mitchell to review and discuss the proposed FY23 Operating Budget of \$1,593,459 for Environmental Programs, representing an increase of \$57,214 or 2.4%.

The commissioners met with Information Technology Director Brian Jones to review and discuss the proposed FY23 Information Technology Budget of \$644,914, representing an increase of \$68,443 or 11.9%; and Other General Government – IT budget of \$934,742, representing an increase of \$29,140 or 3.2%.

The commissioners met with Mr. Young to review FY23 Operating Budget requests of \$36,400 for Orphan's Court, representing an increase of \$7,500 or 26%; and \$612,489 for Other Natural Resources, representing an increase of \$102,235 or 20.1%.

The commissioners adjourned for lunch.

The commissioners met with Library Director Jennifer Ranck to review and discuss the proposed FY23 Operating Budget of \$2,877,546 for the Library, representing an increase of \$16,829 or 0.6%.

The commissioners met with Warden Fulton Holland, Jr. and Assistant Warden Shytina Drummond to review and discuss the proposed FY23 County Jail Operating Budget of \$9,740,911, representing a decrease of (\$30,216) or -0.3%.

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The commissioners met with Health Officer Becky Jones to review and discuss the proposed FY23 Operating Budget of \$5,999,817 for the Health Department, representing an increase of \$322,842 or 5.7%.

Recreation and Parks Director Kelly Rados reviewed the proposed FY23 Operating Budget of \$1,850,067 for Recreation, representing a decrease of (\$494,269) or -21.1%; and Parks budget of \$1,625,297, representing an increase of \$499,564 or 44.4%; and Parks Superintendent Jacob Stephens reviewed the Boat Landings budget of \$381,250, representing a decrease of (\$5,905) or -1.5%.

The commissioners met with Commission on Aging (COA) Director John Dorrough to review and discuss the proposed FY23 COA Operating Budget of \$1,514,783, representing a decrease of (\$89,000) or -5.5%.

The Commissioners met with Sheriff Matt Crisafulli and Chief Deputy Doug Dods to review and discuss the proposed FY23 Sheriff's Office Operating Budget of \$10,203,690, representing an increase of \$753,326 or 8%.

The commissioners met in open session.

The commissioners met with Environmental Programs Director Bob Mitchell to discuss recent actions by the Maryland Department of the Environment to deny an amendment to the County's Comprehensive Plan for Water and Sewerage Systems that impact the Riverview Mobile Home Park. Mr. Mitchell advised that MDE's actions would severely impact the property owner and jeopardize a secure future for the 66 families that reside in this park. Mr. Young advised that the proposed wastewater treatment plant would remove 1,000 pounds of nitrogen from the Bishopville Prong, an impaired waterway, but was originally thought to add a trace amount of phosphorous, which caused MDE to deny the amendment. However, the developer has agreed to implement best management practices in the ditches, which should actually result in a net reduction of phosphorous. However, MDE staff has since denied the revised proposal too.

Following some discussion and upon a motion by Commissioner Bunting, the commissioners unanimously agreed to send a letter to Secretary Benjamin J. Grumbles seeking to meet with him and his staff to discuss options to approve the amendment.

The commissioners answered questions from the press.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to meet in closed session at 2:34 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included considering the acquisition of real property

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for a public purpose; to receive legal advice from counsel; and to perform administrative functions.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 3:16 p.m., after which they adjourned to meet again to conduct a budget work session on March 29, 2022.

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Minutes of the County Commissioners of Worcester County, Maryland

March 29, 2022

Budget Work Session

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

The commissioners met at 9:00 a.m. with Chief Administrative Officer Weston Young, Budget Officer Candace Savage, and Finance Officer Phil Thompson to conduct a second work session to review the Worcester County Departmental Operating Budget Requests for FY23, as presented to the commissioners during their March 15, 2022 meeting. The requested FY23 Operating Budget currently reflects estimated revenues of \$218,040,884, and requested general fund operating expenditures of \$229,285,111, which leaves a shortfall of \$11,244,227 that must be reconciled by either reductions in expenditures, additional revenues, or a combination of the two.

Commissioner Mitrecic announced the topics discussed during the March 22, 2022 afternoon closed session statement.

The commissioners met with Superintendent of Schools Lou Taylor and Chief Financial Officer Vince Tolbert to review and discuss the Board of Education's (BOE) proposed FY23 Operating Budget of \$100,983,605 (or 81.43% in County appropriations for the FY23 proposed budget of \$124,268,259). This reflects an increase of \$3,981,384 or 4.1% over the current year adopted budget. The requested BOE budget includes payroll increases of \$4,025,396 to provide for a Step and a 4% Cost of Living Adjustment (COLA) for certificated employees and a Step and a 4.5% COLA for support staff employees (0.5% of COLA not included in proposed FY23 increases to County – funded internally), and includes an increase of \$159,414 for five new positions, annual board member allowance increase to \$7,000 and president increase to \$7,500; an increase of \$247,876 for bus contractors to increase the hourly rate from \$22.58 to \$25 per hour, the mileage rate from \$1.60 to \$1.62, and the PVA rate for new buses from \$20,115 to \$20,920; State restricted expenditure transfers of \$833,333 for mental health coordinator, \$45,000 for disabled transportation, \$360,077 for special education, \$138,463 for summer school, \$32,909 for trauma and behavioral health, \$670,520 for student tutoring program, and \$165,478 for teacher salary incentive grant; capital expenditure increases of \$205,000, which includes \$125,000 for a Buckingham Elementary School feasibility study (the next major school construction project), and \$80,000 for roof replacement design fees for Snow Hill Middle School and Cedar Chapel Special School; and \$50,000 for the Pocomoke Middle School After School program grant.

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In response to concerns raised by Commissioner Elder, Mr. Tolbert advised that the BOE meets with the bus contractors and compares the rates they are paid with surrounding counties to remain competitive. In response to a question by Commissioner Mitrecic, Mr. Tolbert advised that the BOE reviews fuel costs every 30 days and contractors for the month of March are being reimbursed at a rate of \$1.74 per mile for \$8.07 per gallon.

Bus Contractor Lori Thompson, acting secretary for the School Bus Contractors Association (SBCA), who discussed fuel compensation, PVA, and retirement savings concerns.

The commissioners met with Public Works Director Dallas Baker to review and discuss the proposed FY23 Public Works Administration/Fleet Maintenance Operating Budget of \$995,511, representing an increase of \$473,478 or 90%. Mr. Baker then reviewed the requested FY23 Operating Budget of \$4,698,398 for the Roads Division of Public Works, representing an increase of \$1,112,405 or 30.9%; Maintenance Division budget of \$1,533,278, representing an increase of \$117,891 or 8.3%; and Mosquito Control budget of \$157,946, representing a decrease of (\$71,007) or -31%.

The commissioners recessed for 10 minutes.

The Commissioners met with State's Attorney Kris Heiser to review and discuss the proposed FY23 State's Attorney's Office Operating Budget of \$2,619,551, representing an increase of \$856,388 or 48.6%.

The commissioners met with Tourism and Economic Development Director Melanie Pursel to review and discuss the proposed FY23 Economic Development Operating Budget of \$443,150, representing an increase of \$76,198 or 20.8; and Tourism Operating Budget of \$1,359,429, representing an increase of \$51,784 or 4%.

The commissioners met with Incoming Fire Marshal Matt Owens to review and discuss the proposed FY23 Operating Budget of \$661,470 for the Fire Marshal's Office, representing an increase of \$73,785 or 12.6%; and the Fire Training Center budget request of \$119,148, representing an increase of \$82,044 or 221.1.

The commissioners met with Chief Administrative Officer Weston Young to review and discuss the proposed FY23 Operating Budget of \$1,152,345 for County Administration, representing an increase of \$103,788 or 9.9%; \$3,351,842 for Other General Government, representing an increase of \$39,333 or 1.2%; \$2,644,157 for Taxes Shared with Towns, representing an increase of \$1,800 or 0.1%; \$7,013,867 for Grants to Towns, representing an increase of \$739,776 or 11.8%; \$2,530,242 for Wor-Wic Community College, representing a flat budget; and \$24,790,008 for Benefits and Insurance, representing an increase of \$2,776,554 or 12.6%.

The Commissioners met with Ocean City Fire Chief Richard Bowers to review and discuss the proposed FY23 Volunteer Fire and Ambulance Funding Budget of \$9,609,321, representing an increase of \$267,527, representing an increase of 2.9%.

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The commissioners met with Mr. Young to review and discuss the proposed FY23 Operating Budget of \$838,368 for Other Social Services, representing an increase of \$43,290 or 5.4%, as outlined in the requests from the County nonprofit organizations; \$242,439 for Other Recreation and Culture, representing an increase of \$172,439 or 246.3%; and \$242,678 for University of Maryland Extension Agency, representing an increase of \$36,461 or 17.7%, representing certain staffing and salary increases.

The commissioners answered questions from the press, after which they adjourned to meet again on April 5, 2022.

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Minutes of the County Commissioners of Worcester County, Maryland

April 5, 2022

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

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: promoting Tara Armstrong from office assistant V to benefits specialist in Human Resources; hiring a communications supervisor and promoting a communications manager in Emergency Services, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:06 a.m.

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

The commissioners reviewed and approved the open and closed session minutes of their March 15, 2022 meeting as presented.

The commissioners presented a proclamation to Health Officer Becky Jones and several members of her staff recognizing April 4-10, 2022 as Public Health Week in Worcester County. Ms. Jones advised that the Health Department will host the Debbie Goeller in Excellence in Health Award and host the annual Tortoise and Hare Dare 5k walk/run at Shad Landing in the Pocomoke State Park on April 9.

The commissioners presented a proclamation to Housing Rehabilitation Program Coordinator Davida Washington recognizing April as Fair Housing Month and promoting the Worcester County Housing Rehabilitation Program, which plays a key role locally in furthering

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the principles of safe, stable housing by assisting 10 to 12 low to moderate income individuals and families obtain grants and loan funding for general rehabilitation, pesticide inspection and treatment, and lead abatement services.

The commissioners presented a proclamation to CRICKET Center Executive Director Lauren Cooper, Life Crisis Center (LCC) Director Jamie Manning, and Department of Social Services (DSS) Assistant Director Tammy Jones and others recognizing April as National Child Abuse Prevention Month in Worcester County and recognizing the local partnerships that help to prevent abuse from occurring and that support child victims of maltreatment.

The commissioners presented a proclamation to Ms. Manning recognizing April as Sexual Assault Awareness Month, noting that in 2021 the LCC provided sexual assault services – including counseling, medical and legal advocacy, victims’ rights assistance, and crisis hotline services – to 448 child and adult survivors of sexual violence and urging all in the community to partner with the LCC to prevent sexual abuse from occurring.

The commissioners presented a commendation recognizing the lifesaving efforts of Lisa Wilkens, a zoning inspector in Development Review and Permitting. While completing inspections in the Whaleyville area on January 31, 2021, Ms. Wilkens intervened to save the life of a woman in medical distress who had collapsed.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-11 and 13 as follows: a tipping fee waiver request from the Maryland Coastal Bays Program (MCBP) for community shoreline and bay trash cleanup days on May 15 and October 2, 2022; three sets of bid specifications for propane and petroleum delivery services and custodial services at various County facilities; eliminating the six-month waiting period before new employees are eligible to participate in vacation accrual, deferred compensation, flexible savings account, and dependent care account; a request to reschedule the previously approve use of the West Ocean City (WOC) commercial parking lot and boat ramp for the Ocean City Powerboat Grand Prix from May 13-15 to August 19-21; a special use permit for the Maryland Department of Natural Resources and MCBP to utilize the South Point Landing to launch wooden nesting platforms in the coastal bays at a location on the western shore of Assateague Island; a Small Project Agreement for the Pier 23 Restaurant water service extension project to provide fire protection via the Mystic Harbour Sanitary Service Area; the public hearing notice for the FY23 County Operating Budget; out-of-state-travel for one County staff member from County Administration to attend the Association of Government Accountants annual Professional Development Training Conference; and letter of support for Germantown School to be included in the Beach to Bay Heritage Area boundary.

The commissioners met with Chief Administrative Officer Weston Young to review and discuss projects included on the FY22 congressional spending requests, also known as earmarks, which if approved would allow Senators Ben Cardin and Chris Van Hollen to direct federal funding to support these local projects to enhance community projects, transportation, health care, education, job opportunities, and other important economic development projects. Mr. Young advised that the proposed projects are either included in the County’s Capital

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Improvement Plan or have been requested by the department heads. He further advised that federal funding is not guaranteed for any of the projects, and County matching funds could be required on approved projects. However, any federal funding that is granted for these projects will reduce the fiscal burden on the County.

Commissioner Bertino expressed concern that County staff did not advise the commissioners or justify the need to add a separate wing onto the Worcester County Recreation Center (WCRC) in Snow Hill prior to the inclusion of this project on the list being considered today. Parks Superintendent Jacob Stephens advised that a designated space is needed for the After School Zone, summer camps, and youth programming due to program growth and to eliminate the shared use of the bathrooms and shower rooms with adults in an unsupervised setting.

Following some discussion and upon a motion by Commissioner Elder, the commissioners voted 6-1, with Commissioner Bertino voting in opposition, to approve the amended list of proposed FY22 congressional spending requests to exclude the response and rescue vehicle.

James Bergey, CPA, of Bergey & Co., and Dan Bullock, president of Holtz Companies of Sevierville, Tennessee, presented a proposal to develop safe, affordable, seasonal workforce housing in West Ocean City (WOC). Mr. Bergey advised that they have identified two separate parcels in WOC that are in close proximity to public transportation, grocery stores, restaurants, shopping, and recreation areas. Each property consists of approximately 10 acres that could accommodate up to 10 buildings, with dormitory-style occupancy units to accommodate 2,500 to 3,000 beds. Each unit is to be shared between four residents and be equipped with air conditioning, a private bathroom with a shower, two sinks, counter space, and a microwave and refrigerator. Additionally, residents will have access to a common kitchen, gathering space, and laundry facilities within each building. Mr. Bullock advised that, from an operational standpoint, the focus will be on the overall experience and safety of the residents, with 24/7 staffing, live video monitoring in all common areas and grounds, and RFID technology for controlled access. Following the presentation, Mr. Bergey advised that the success of this project would require local, state, and federal partnerships to help reduce project expenses. These would include acquiring 350 equivalent dwelling units (EDU) of water and sewer service and public transportation from the Town of Ocean City, a property tax credit from the County, and a long-term, low-interest loan from the State.

In response to questions by Commissioner Bertino, Mr. Bergey stated that if state and local partnerships are secured and low-interest loan funding granted, construction could move forward and be completed in phases, with one to two buildings being completed in roughly 12-18 months. Commissioner Bertino questioned the impact of the project on infrastructure and public safety. While he concurred that there is a need for such a project, there are a number of unanswered questions regarding project impacts on the local community and the current proposal fails to correctly compensate County taxpayers who would not benefit from the gain on the improved property. Therefore, he could not support the project as presented at this time.

Commissioner Elder recognized the need for affordable housing, but noted that prices are based on supply and demand. He also questioned what assurances Holtz would provide that the company will keep rental costs low. Mr. Bergey confirmed that weekly rental costs of \$150 per week would be contingent upon securing local and state support for the project. He also

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confirmed that rental contracts would not be issued to individuals, but to area businesses to assure that those residing in the units are, in fact, seasonal workers who are employed by their businesses.

Commissioner Bunting expressed concern that the properties surrounding the two sites being considered consist of a mix of residential and commercial zoning, and the surrounding residents should be given the opportunity to weigh in on such a project in their back yards. He also confirmed with Mr. Bullock that the proposed project will generate revenues for Holtz. Commissioner Bunting stated that this project is going to cost County taxpayers and should not be a way for Holtz to get out of paying taxes.

Commissioner Mitrecic noted that the proposed project would generate revenue for the County, such as increased income tax. He also noted that the request today is for conceptual support only, as Holtz will have to overcome hurdles at multiple levels, including being granted a change in zoning from the County, to make this project a reality.

Commissioner Church stated that affordable seasonal workforce housing is needed, that the properties currently designated for such use are very expensive and most are unsafe. Therefore, he supports this project.

Following much discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to send a letter to Kenneth C. Holt, secretary of the Department of Housing and Community Development, supporting the request from the Holtz Companies for a long-term, low-interest loan from the State of Maryland for the proposed seasonal workforce housing project.

The commissioners conducted public hearings on bills providing bond authorization to finance public projects and agreed to vote on these bills at their next meeting on April 19, 2022. Also in attendance was Finance Officer Phil Thompson.

The Commissioners conducted a public hearing on Bill 22-1 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds therefor, at one time or from time to time, to refund in whole or in part in an amount not exceeding \$4,870,000 to provide financing for a portion of the cost of the Maryland Correctional Officers Retirement System Pension Contribution Refunding Bonds, 2013 Series (taxable).

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing to receive public comment regarding the estimated \$4.6 million cost of construction for the Ocean Pines Wastewater Treatment Plant (WWTP) belt filter press project in the Ocean Pines Sanitary Service Area (SSA). Mr. Thompson reviewed the project, which is to be funded by a Worcester County bond, with the loan to be repaid by a quarterly assessment of approximately \$7.51 per EDU for all customers in the Ocean Pines SSA.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-4 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit,

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and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$2,004,000 to replace the roofs at Snow Hill Middle School and Cedar Chapel Special School and related costs.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-5 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$10,024,184 for the Stephen Decatur Middle School addition project.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-6 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$10,955,670 for phase 2 of County Jail improvements.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-7 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$3,050,000 for the construction of a public safety logistical storage facility.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing to receive public comment on a request to transfer County property identified on Tax Map 301 as Parcel 0854 to the Town of Berlin. Chief Administrative Officer Weston Young reviewed the request to transfer the property to the town to serve as the site of a new community center. Commissioner Purnell supported the proposed use, noting the serious need for the new community center.

Commissioner Mitrecic opened the floor to receive public comment.

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

Upon a motion by Commissioner Elder, the commissioners unanimously agreed to transfer the property to the Town of Berlin.

The commissioners agreed to reschedule the broadband update for a future meeting when Talkie, Comcast, and Bayshore are available to attend to provide updates on the status of their efforts to extend broadband to the unserved and underserved areas of the County.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by

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Commissioner Nordstrom, the commissioners unanimously agreed to submit a letter of intent to Hertrich Fleet for the purchase of 10 police pursuit vehicle (PPV) Tahoes for use within the Sheriff's Office, as proposed in the FY23 budget. Mr. Baker advised that there is a very limited window to procure these vehicles; however, the letter of intent serves only to keep the County on the reservation list but does not commit the County to purchase the vehicles. In response to a question by Commissioner Nordstrom, Mr. Baker confirmed that the County vehicles that were ordered in FY22 have not yet been delivered.

Upon a motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to submit the requested letter of intent to purchase 10 PPV Tahoes for use within the Sheriff's Office.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to use Mystic Harbour SSA reserve funds of \$18,942.12 to cover the cost of two unbudgeted needs related to the Eagles Landing Golf Course irrigation system to control unwanted vegetation. Specifically, these include the purchase a pond aerator and pond maintenance contract. Mr. Baker explained that the 2014 Memorandum of Understanding between the County and Ocean City requires the County to maintain the irrigation system, which is used to spray treated effluent from the Mystic Harbour Wastewater Treatment Plant (WWTP).

In response to a question by Commissioner Elder, Mr. Baker advised that this project will include the use of beneficial bacteria to control the growth of algae and phragmites, a form of invasive plant. Environmental Programs Director Bob Mitchell confirmed that the algae is caused by birds and not treated effluent from the WWTP. In response to a question by Commissioner Mitrecic, Mr. Baker confirmed that there isn't enough capacity in the injection wells to operate the Mystic Harbour WWTP in the event that the County were to lose the ability to spray treated effluent on the golf course. He further advised that the aerator, coupled with beneficial bacteria, will help to control the algae.

Upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve the use of the Mystic Harbour SSA reserve funds as requested to cover project costs.

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Jennifer Keener and upon a motion by Commissioner Bunting, the commissioners unanimously adopted the Findings of Fact and Zoning Reclassification Resolution 22-01 for Rezoning Case No. 433 to rezone approximately 105.34 acres of land located on the southeasterly side of Dividing Creek Road and Cellar House Road, northeast of Whitesburg Road, and more specifically identified on Tax Map 69 as Parcel 76, from Resource Protection District to A-1 Agricultural District, as conceptually approved following the public hearing at their meeting of March 15, 2022.

In follow up to a public hearing on January 18, 2022 and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 22-3 modifying the land classification designation for a single property in the Atlantic Coastal Bays to correct a mapping error. MB motion to adopt.

Pursuant to a request by Mr. Mitchell and upon a motion by Commissioner Nordstrom,

DRAFT

the commissioners unanimously approved the Memorandum of Understanding (MOU) between the Maryland Department of the Environment and the County for restoration funding for Greys Creek, as part of the Assawoman Bay Watershed Restoration Plan.

Pursuant to the request of Budget Officer Candace Savage and upon a motion by Commissioner Elder, the commissioners unanimously approved the FY23 Budget Property Tax Constant Yield advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, to run in area newspapers during the week of April 21, 2022, prior to the public hearing on the FY23 County Operating Budget on May 3.

Ms. Savage advised that, in accordance with State law, the notice states that, for the tax year beginning July 1, 2023, the estimated real property assessable base will increase by 1.9%, from \$16,485,090,727 to \$16,796,158,998, and if the County maintains the current tax rate of \$0.845 per \$100 of assessment, real property tax revenues will increase by \$2,628,527. The notice states that, to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.8294 per \$100 of assessment, the Constant Yield Tax Rate (CYTR).

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Purnell, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to adopt Resolution No. 22-3, making a declaration of official intent to use proceeds from General Obligation Bonds and/or interim financing, each issued in an aggregate principal amount not exceeding \$40,782,684, to reimburse all or a portion of project expenses previously paid in connection with the following projects: County Jail, public safety logistical storage facility, sports complex, roof replacements at Snow Hill High School and Cedar Chapel Special School, and the Ocean Pines belt filter press.

In response to questions by Commissioner Bunting, Mr. Young provided an update on the status of the Black Eyed Susan riverboat purchased by the Town of Snow Hill utilizing a loan from the County. Mr. Young stated that the boat, which was purchased in year four of a five-year inspection period, was recently dry docked by the U.S. Coast Guard after failing inspection. He stated that costs range from \$300,000 to repair the riverboat for use as a docked restaurant to \$600,000 for use as a fully-functioning riverboat that can tour the river. He advised that, if the town defaults on the annual \$27,000 loan repayment schedule, the commissioners could reduce the annual grant to the town by that amount.

The commissioners answered questions from the press, after which they adjourned to meet again on 2022.

TEL: 410-632-1194
FAX: 410-632-3131
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

COMMENDATION

WESTON S. YOUNG, P.E.
CHIEF ADMINISTRATIVE OFFICER
JOSEPH E. PARKER, III
DEPUTY 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

WHEREAS, school and workplace closures caused by the worldwide COVID-19 pandemic created significant economic hardships for countless Eastern Shore residents. Many of these individuals lost their jobs and access to childcare, which left them struggling to provide for themselves and their families; and

WHEREAS, we recognize Pat Schrawder, the district representative for Senator Mary Beth Carozza, for her extraordinary efforts to assist over 2,100 residents of Somerset, Wicomico, and Worcester Counties by proving a listening ear, guidance to navigate state and federal assistance programs, and help to secure critically-needed unemployment benefits.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby extend our sincere thanks to **District Representative Pat Schrawder** for her role in providing help and hope to Eastern Shore residents during the COVID-19 pandemic.

Executed under the Seal of the County of Worcester, State of Maryland, this 19th day of April, in the Year of Our Lord Two Thousand Twenty-Two.



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



Worcester County Department of Environmental Programs
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Weston S. Young, P.E., Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS/RS
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "RJM", written over the name of the sender.

Subject: Deed of Release – Forest Conservation Plan
FCP #06-01, Tax Map 26, Parcels 450A and 450B

Date: 4/6/22

Attached is a letter from Hal Adkins, Director of Public Works for the Town of Ocean City, requesting a release for a forest conservation easement for property the Town has since acquired. The Town will not develop the parcels, and they are anxious to top a few of the trees for safety purposes within the airports navigable airspace. Jenelle Gerthoffer, Natural Resources Administrator, has prepared a Deed of Release that will enable the Town to prepare the site for selective clearing.

We would respectfully recommend that Commissioner Mitrecic sign the attached release so this matter can be concluded and the easement released.

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

Attachments

cc: David Bradford
Jenelle Gerthoffer



Worcester County
 Department of Environmental Programs
 Natural Resources Division

Memorandum

To: Robert Mitchell, Director, Environmental Programs

From: Jenelle Gerthoffer, Natural Resources Administrator JG

Subject: Deed of Release of FCP # 06-01

Date: March 30, 2022

This Division was notified about the interest in removing a platted Forest Conservation Easement located on Tax Map 26, Parcel 450, Lots A and B. The two lots are associated with Forest Conservation Plan #06-01. This easement was platted in 2007 due to a proposed site plan for the Deer Point Professional Center, which never came to fruition. The Department of Review and Permitting confirmed that the site plan proposal is no longer valid.

With this being said, the platted Forest Conservation easement can be removed from the property via a Deed of Release. In an August 2021 email with the Town of Ocean City, it was stated that a revised plat shall be recorded.

Per NR 1-403(b)(25), “the cutting or clearing of trees to comply with the requirements of 14 C.F.R. § 77.25, as from time to time amended, relating to objects affecting navigable airspace, provided that the Federal Aviation Administration has determined that the trees are a hazard to aviation.” Once the Deed of Release and plat are recorded, the Town of Ocean City can move forward with preparing the site for clearing.

Attachment: Deed of Release

cc: David Bradford, EP Deputy Director

RELEASE
WORCESTER COUNTY FOREST CONSERVATION LAW

THIS RELEASE made this _____ day of _____, 20____ by
COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND
hereinafter called "Commissioners", WITNESSETH:

WHEREAS, **Hagaman Properties, LLC** encumbered property described by a Forest Conservation Easement dated **June 28, 2007** and recorded among the Land Records in Worcester County, Maryland in Liber **4957**, folio **566 et. seq.**; and shown on a plat entitled "**Forest Conservation Easement Plat**" dated **June 14, 2007** and as recorded in the Lands Records of Worcester County, Maryland in Plat book **213**, folio **32**;

WHEREAS, satisfactory arrangements have been made pursuant to the Worcester County Forest Conservation Law Subtitle IV of Title I of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland to permit the release of the aforesaid easement.

NOW, THEREFORE, for good and valuable consideration, the **COUNTY COMMISSIONERS OF WORESTER COUNTY, MARYLAND** do hereby release unto **Mayor & City Council of Ocean City**, successors and assigns as their interests may appear all of that easement described in the Deed of Conservation Easement referred to above.

IN WITNESS HEREOF, this release has been executed by the County Commissioners of Worcester County for the purposes herein contained.

WITNESS: **COUNTY COMMISSIONERS
WORCESTER COUNTY, MARYLAND**

Weston S. Young, P.E.
Chief Administrative Officer

Joseph M. Mitrecic, President

STATE OF MARYLAND, WORCESTER COUNTY TO WITNESS

I HEREBY CERTIFY that on this _____ day of _____ 20____, before me, a Notary Public in and for the State and County aforesaid, personally appeared Joseph M. Mitrecic, President, known to me to be the person whose name is subscribed to the within instrument and acknowledged he executed the same for the purposes therein contained and in the capacity therein stated.

AS WITNESS my hand and seal.

Notary Public
My Commission Expires: _____



TOWN OF OCEAN CITY

The White Marlin Capital of the World

March 28, 2022

Department of Environmental Programs
Worcester County Government Building
1 W. Market Street, Room 1306
Snow Hill, Maryland 21863

Attn: Mr. Robert J. Mitchell, LEHS,REHS/RS
Director

Dear Mr. Mitchell:

Re: Tax Map 26, Parcels 450A and 450B
Lands of the Mayor and City Council of Ocean City
Deed of Release – Extinguishing the “Forest Conservation Easement Plat”
S.V.H Liber 219/Folio 32-33
S.V.H Liber 4957/Folio 566-571

As discussed with your staff a few months ago, the Mayor and City Council of Ocean City (a.k.a. the Town) intended to purchase the lands known as Parcels 450 A and 450B that reside along the east side of RT611 in the vicinity of Airport Road. That Settlement has now been completed.

As part of those discussions I had made it clear that it was the intention of the Town to purchase those Parcels to preserve them from being developed with structures and to position ourselves to remove aerial obstructions that are currently, and in the future, penetrating the Part 77 “Approach” and “Transitional” airspaces for the safe operation of aircraft using Runway 02/20.

In support of this historical conversation I have attached the email thread from August 20, 2021 in support of our goals.

With that said, and per this letter, the Town is formally asking you to proceed with the Deed of Release. Please let me know what additional steps will be necessary, on my part, and a projected timeline you foresee will be involved before this task can be completed.

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

MATTHEW M. JAMES
President

ANTHONY J. DELUCA
Secretary

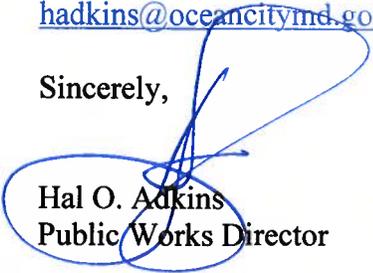
PETER S. BUAS
JOHN F. GEHRIG, JR.
J. FRANKLIN KNIGHT
LLOYD MARTIN
MARK L. PADDACK

CITY MANAGER
TERENCE J. MCGEAN, PE

CITY CLERK
DIANA L. CHAVIS, CMC

Should you have any questions I can be reached by calling 410-524-7715 or via email at hadkins@oceancitymd.gov.

Sincerely,



Hal O. Adkins
Public Works Director

cc: Terence McGean, P.E, City Manager
Jaime Giandomenico, Airport Manager
Jennifer Lutz, AECOM
Project File: 450A/B



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

DALLAS BAKER JR., P.E.
DIRECTOR

CHRIS CLASING, P.E.
DEPUTY DIRECTOR

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

DIVISIONS

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

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

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

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

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

MEMORANDUM

TO: Weston Young, P.E., Chief Administrative Officer

Joseph Parker, Deputy Chief Administrative Officer

FROM: Dallas Baker Jr., P.E., Public Works Director *Dallas Baker*

DATE: April 14, 2022

RE: Request for Public Hearing for St. Martin's by the Bay

Public Works is requesting a public hearing for the St. Martin's by the Bay Community Water Project. US Department of Agriculture (USDA) requires a public hearing as part of the funding application process. The project proposes to replace the community's private supply well and distribution system by connecting the community to the Ocean Pines water system. Fifty-Eight (58) residential EDU's will be served by extending an existing 8" water main along Beauchamp Road to St. Martin's Parkway and back into the community. There are no commercial connections planned as part of this project. The connection to Ocean Pines will alleviate concerns about salt water intrusion into the private well, provide fire flow protection (including new hydrants), and eliminate water shortage issues that have occurred since the system was installed in 1984.

Proposed water usage for the 58 homes is estimated at 250 gallons per day (gpd) for a total of 14,500 gpd. The Ocean Pines system is capable of producing 1.5 Million gpd (MGD) and is currently averaging 1.16 MGD, leaving 343,000 gpd of capacity which is enough to serve St. Martin's by the Bay.

The cost estimate for the project is \$1,545,991.50 for design and construction as of November 2021. Public Works recommends adding an additional 30% contingency based on recent material price increases, which raises the project cost to \$2.0 Million. USDA loans are awarded on 40-year terms and is currently offering 1.75% interest rates which put the quarterly payment at approximately \$17,408. Divided between the 58 homes served by this project gives a debt repayment \$300 per home per quarter plus another \$58 for the Domestic base fee and consumption fee, making an estimated quarterly water bill of \$358. Upfront EDU costs for this district are \$3,600 per EDU.

USDA requires notices for Public Hearings be advertised ten (10) days prior to the hearing. Copies of the notice advertisement and approved hearing minutes must be included as part of the funding application to USDA.

Please let me know if there are any questions.

Attachment



PUBLIC INFORMATION REQUIREMENTS WEP

7 CFR 1780.19 Public Information

- (a) **Public notice of intent to file an application with the Agency.** Within 60 days of filing an application with the Agency the applicant must publish a notice of intent to apply for a RUS loan or grant. The notice of intent must be published in a newspaper of general circulation in the proposed area to be served.
- (b) **General public meeting.** Applicants should inform the general public regarding the development of any proposed project. Any applicant not required to obtain authorization by vote of its membership or by public referendum, to incur the obligations of the proposed loan or grant, must hold at least one public information meeting. The public meeting must be held not later than loan or grant approval. The meeting must give the citizenry an opportunity to become acquainted with the proposed project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, or any other issue identified by Agency. To the extent possible, this meeting should cover items necessary to satisfy all public information meeting requirements for the proposed project. To minimize duplication of public notices and public involvement, the applicant shall, where possible, coordinate and integrate the public involvement activities of the environmental review process into this requirement. The applicant will be required, at least 10 days prior to the meeting, to publish a notice of the meeting in a newspaper of general circulation in the service area, to post a public notice at the applicant's principal office, and to notify the Agency. The applicant will provide the Agency a copy of the published notice and minutes of the public meeting. A public meeting is not normally required for subsequent loans or grants which are needed to complete the financing of a project.

[https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1780#p-1780.19\(a\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1780#p-1780.19(a))

SAMPLE NOTICE OF INTENT AND PUBLIC MEETING NOTICE

The Organization's Name will file/has filed an application with the USDA Rural Development for financial assistance to develop Identified Project. A public information meeting for comments will be held at Time on Date at Location, to discuss the proposed project and to provide the opportunity for public comment.



PUBLIC INFORMATION CONFIRMATION

1. Applicant required to obtain authorization by

by public referendum

Date of referendum

Attach documentation

2. Applicant not required to obtain authorization by vote of its membership or by public referendum, will hold at least one public information meeting.

a. The public meeting must be held not later than loan or grant approval.

b. The meeting must give the citizenry an opportunity to become acquainted with the proposed project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, or any other issue identified by Agency.

c. To the extent possible, this meeting should cover items necessary to satisfy all public information meeting requirements for the proposed project.

d. To minimize duplication of public notices and public involvement, the applicant shall, where possible, coordinate and integrate the public involvement activities of the environmental review process into this requirement.

e. The applicant will be required, at least 10 days prior to the meeting, to publish a notice of the meeting in a newspaper of general circulation in the service area, to post a public notice at the applicant's principal office, and to notify the Agency.

f. The applicant will provide the Agency a copy of the published notice and minutes of the public meeting.

g. A public meeting is not normally required for subsequent loans or grants which are needed to complete the financing of a project.

_____ Date of Meeting. Attach documentation



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: Weston S. Young, P.C., Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director, Development Review and Permitting *JKK*
DATE: April 11, 2022
RE: Request to Schedule Public Hearing – FY23 Housing Rehabilitation Grant Application

.....

The State of Maryland is currently accepting applications from local jurisdictions to its Community Development Block Grant (CDBG) Program. Worcester County’s current grant term is set to expire on July 31, 2022. Prior to the submission of a proposed application for the next grant cycle in FY23, the Worcester County Commissioners must hold a public hearing to receive comment from the community on the local housing needs. At this time, I am requesting that the required public hearing be scheduled for May 17, 2022. A copy of the draft advertisement is attached for your use.

Historically, Worcester County has requested and received \$300,000 for the rehabilitation of approximately 18 owner occupied homes over the typical two-year grant cycle. For FY23, we are requesting to increase this amount to \$500,000. Attached you will find a memorandum from Davida Washington, Housing Rehabilitation Program Coordinator, detailing the program description and evaluation of the need for the program.

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

cc: Gary Pusey, Deputy Director
Davida Washington, Housing Rehabilitation Program Coordinator

**NOTICE OF PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
WORCESTER COUNTY, MARYLAND**

The Worcester County Commissioners will conduct a public hearing to obtain the views of citizens on community, economic development, and housing needs to be considered for submission of an application to the Maryland Community Development Block Grant (CDBG) Program. Citizens will have the opportunity to discuss proposed projects and to provide input on other needs to be considered. A draft application will be available for the public to review beginning on May 24, 2022 until June 7, 2022, in the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863, Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays). The hearing will be held on:

**TUESDAY, _____
AT _____
IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

Citizens will be furnished with information including but not limited to:

- The amount of CDBG funds available for State Fiscal Year 2023;
- The range of activities that may be undertaken with CDBG funds; and
- The proposed projects under consideration by Worcester County.

The Maryland CDBG Program is a federally funded program designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. It is administered by the Department of Housing and Community Development (DHCD).

The Maryland CDBG Program reflects the State's economic and community development priorities and provides public funds for activities which meet one of the following national objectives, in accordance with the federal Housing Community Development Act of 1974, as amended, that:

1. Benefit to low- and moderate-income persons and households;
2. Aid in the prevention or elimination of slums or blight;
3. Meet other community development needs of an urgent nature, or that are an immediate threat to community health and welfare.

Efforts will be made to accommodate the disabled and non-English speaking residents with 5 days advance notice to Joseph E. Parker, III, Deputy Chief Administrative Officer at (410) 632-1194. Questions may be directed to Davida Washington, Housing Rehabilitation Program Coordinator, at (410) 632-1200, ext. 1171.

Joseph M. Mitrecic, President



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
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Jennifer Keener
CC: File
From: Davida Washington
Date: 4/11/2022
Re: Request for Public Hearing for FY2022 Housing Rehabilitation Grant Application

Worcester County currently has one open housing rehabilitation grant through the State CDBG Program. This grant was received in 2020 in the amount of \$300,000 for the rehabilitation of owner-occupied homes. The current grant term will end on July 31, 2022, at which point all funds shall be expended and 15 rehabilitations shall be completed as required. At this time, I am proposing that the Commissioners schedule a public hearing as the first step toward enabling me to submit a grant application on behalf of Worcester County in the amount of \$500,000 for the rehabilitation of an additional 18 or more owner-occupied homes County-wide. Attached please find a general program description and evaluation of need for the proposed project.

The requested funds would cover the construction costs, relocation costs and lead testing and clearance costs associated with the continuance of the Worcester County Housing Rehabilitation Program. 100% of the requested \$500,000 in grant funding will be utilized to meet the national objective of benefit to low and moderate income persons. The \$75,000 of required County matching funds will be met through in-kind expenditures associated with the administration of the program over the two year period. Qualifying expenditures include the Program Administrator and Inspector's fees, flood determination reports, credit reports, appraisals, advertising expenses, mailings and office supplies.

Upon Commissioners' approval, please authorize publication of the attached Notice of Public Hearing per CDBG Program requirements. This Notice must be published a minimum of 5 days prior to the date of the public hearing.

Project Description
Worcester County Housing Rehabilitation Program

Worcester County is seeking Community Development Block Grant funding to support the continuation of our county-wide housing rehabilitation program. Since the creation of this program in 1987, the County has not wavered in its dedication to providing the financial and administrative support necessary to ensure the betterment of living conditions for the residents of the County.

The requested CDBG monies will be leveraged with the State Special Loans Program, USDA Rural Development, Shore-Up!, Inc., and both the State and Federal Lead Hazard Grant and Loan Programs to achieve general rehabilitation and lead abatement of 18 owner-occupied homes. Additionally, a portion of the funding will be used for relocation of families unable to live in their homes during lead abatement, as well as to cover the expenses associated with lead clearance testing following completion of the affected rehabilitation projects.

The Worcester County Housing Rehabilitation Program gives priority consideration to the disabled, those over the age of 62, households of extremely low income, and dwelling conditions that present health or safety hazards. Upon notification of a grant award from the State, the Worcester County Housing Review Board will review all qualified applications based on the above parameters and approve 16 or more projects for grant and loan funding. Projects approved by the Board will be referred to the County Commissioners for review and bid solicitation. Successful bidders will then be approved by the Commissioners on the basis of the fairness of the bid price and expected construction timelines. Grantees will then sign a construction contract and grant agreement and/or promissory note outlining the terms of assistance being offered upon receipt of a successful project bid. Once these closing documents are signed, an Order to Proceed will be issued to the contractor authorizing construction start.

During the construction process, periodic inspections will be performed by the Program Inspector to ensure that all work conforms to code and is of good quality. Progress payments are made to the contractor based upon the inspector's review and approval of all completed work. Final payments are not issued until the inspector, homeowner and program administrator sign the final request. For projects that require lead abatement measures, a passing lead clearance test must be submitted along with the request for final payment.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

RECEIVED

APR 11 2022

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

To: Weston S. Young, P.E., Chief Administrative Officer
From: Jennifer K. Keener, AICP, Director *JKK*
Date: April 11, 2022
Re: Scheduling a Public Hearing - Rezoning Case No. 435 – Henry Robinson, applicant, Hugh Cropper IV, Esquire, attorney for the applicant

.....
I am requesting that the Worcester County Commissioners schedule the required public hearing associated with Rezoning Case No. 435. A draft public hearing notice is attached.

Mr. Cropper, on behalf of his client, has filed Rezoning Case No. 435, seeking to rezone an approximate 0.5 acre of land located southwest of, but not binding on, Patey Woods Road, southwest of Newark, from V-1 Village District to A-1 Agricultural District. The case was reviewed by the Planning Commission at its meeting on April 7, 2022 and was given a favorable recommendation. A copy of the Planning Commission's written Findings of Fact and Recommendation is also attached.

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.

cc: Gary Pusey, Deputy Director

**NOTICE
OF
PROPOSED CHANGE IN ZONING**

**SOUTHWEST OF PATEY WOODS ROAD AND NORTHWEST OF NEWARK ROAD
NORTHWEST OF NEWARK**

**FOURTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND**

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 435 has been filed by Hugh Cropper, IV on behalf of Henry Robinson, property owner, for an amendment to the Official Zoning Maps to change an approximate 0.5 acre of land located southwest of, but not binding on, Patey Woods Road, approximately 1,600 feet northwest of Newark Road, northwest of Newark in the Fourth Tax District of Worcester County, Maryland, from V-1 Village District to A-1 Agricultural District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

TUESDAY,

AT

**IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 435 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. 435 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as at www.co.worcester.md.us.

Joseph M. Mitrecic, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 435

APPLICANT:

**Henry Robinson
316 West Street
Berlin, MD 21811**

ATTORNEY FOR THE APPLICANT:

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

April 7, 2022

WORCESTER COUNTY PLANNING COMMISSION

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I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 435, filed on January 28, 2022.
- B. APPLICANT: Henry Robinson
316 West Street
Berlin, MD 21811

APPLICANT'S ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 40 – Parcel 38 - Tax District 4
- D. SIZE: The petitioned area is 0.5 acre in size.
- E. LOCATION: The petitioned area is located approximately 400 feet southwest of, but does not front on, Patey Woods Road. The subject property is located northwest of Newark, approximately 1,600 feet northwest of Newark Road.
- F. CURRENT USE OF PETITIONED AREA: The property is undeveloped and wooded.
- G. CURRENT ZONING CLASSIFICATION: V-1 Village District.
- H. REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification. The A-1 zoning remained in place during the 1978 and 1992 county-wide comprehensive rezonings. During the 2009 comprehensive rezoning, the property was zoned V-1 Village District.
- J. SURROUNDING ZONING: Adjoining properties to the southwest are zoned A-1 Agricultural District, and adjacent properties on the north, east and south are zoned V-1 Village District.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Village Land Use Category.
- L. WATER AND WASTEWATER: According to the response memo from Robert

J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property has a designation of a Sewer Service Category of S-6 (No Planned Service) in the Master Water and Sewerage Plan, as this property was not included in the Newark Sanitary Service Area.

- M. ROAD ACCESS: The petitioned area does not front on Patey Woods Road but has access to it from a 20-foot wide deeded right-of-way located on the property's easterly side. Patey Woods Road, a County-maintained road with a 30-foot wide ROW, is located approximately 400 feet north of the subject parcel's front property line.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, and Henry Robinson, applicant and property owner, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood. Mr. Cropper stated that the property is located on the periphery of the V-1 Village zoning west of Newark and he referenced the zoning map included in the staff report. He also distributed a plat of the property (copy attached) to each of the Planning Commission members and he pointed out that the property does not front on Patey Woods Road but instead is approximately 400 feet southwest of that road, but that access from Patey Woods Road is provided by a 20-foot wide right-of-way as shown on the plat. He then referenced the aerial photo in the staff report and pointed out that the subject property is not part of the village of Newark but instead is adjacent to agricultural and forested lands, and the subject property has the same agricultural character as the immediate surrounding lands. He read the purpose of the V-1 Village District that was summarized in the staff report, in particular noting that this district is intended to protect and preserve the unique mixed use character and historical charm of the crossroads villages of the County. He further noted that this district is intended to channel new development into service areas to permit the efficient provision of public services. He pointed out that the subject property is not served by public water or sewer, and he reiterated that the property is not within the developed area of Newark but instead is in an agricultural area, and its characteristics do not meet the purpose of the V-1 District. Based on the aerial photo that shows development in Newark farther to the east from the subject property, it is his contention that the County mistakenly included this property as part of the Village District during the 2009 comprehensive rezoning.

Mr. Cropper introduced Henry Robinson, the applicant and property owner as a witness, and Mr. Robinson stated he had been cleaning the property and clearing the 20-foot wide right-of-way from Patey Woods Road so that it can be accessed. Mr. Robinson confirmed that the property is approximately 400 feet from Patey

Woods Road and that properties to the rear are undeveloped. In response to a question from the Planning Commission, he stated that a church is located in front of the subject parcel along Patey Woods Road and the closest house is approximately 700 feet from his property.

In closing, Mr. Cropper stated that the petitioned area is more consistent with the A-1 Agricultural District than the V-1 District and it is his contention that during the 2009 comprehensive rezoning the County extended the V-1 zoning too far when it included the subject property. He stated the current zoning is a mistake and A-1 would be more compatible with existing development in the area. He pointed out that the property was always zoned Agricultural until 2009, and there has been no change in population in the area; there is no public water or sewer service available; and the road network is more conducive to uses allowed in the A-1 District than the V-1 District as the V-1 District allows a wide range of uses that would be inappropriate for this property. Mr. Cropper stated that the A-1 zoning would be in accordance with the narrative of the Comprehensive Plan as the Plan encourages the continuation of agriculture in recognition that agriculture is the dominant industry of the County. Mr. Cropper stated that the Land Use Plan should be considered general in nature and not interpreted to follow property lines, and although the property does appear to be designated for Village Use on the Land Use Plan, the proposed rezoning would be in accordance with the narrative of the Comprehensive Plan concerning the continuance of agriculture in the County's less developed regions. He concluded by stating that the A-1 zoning would be more desirable in terms of the objectives of the Plan than the current V-1 zoning.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in the existing zoning, a definition of the neighborhood was not applicable.
- B. Regarding population change: The Planning Commission concluded that there has been no significant change to the population of the vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.
- C. Regarding availability of public facilities: The Planning Commission found that there would be no impact on public facilities as it pertains to public sewer and water, as the property will be served by a private septic system and well. Environmental Programs' memo stated that the subject property is in the S-6 category (no planned service) of the Master Water and Sewerage Plan. Fire and ambulance service will be available from the Newark Volunteer Fire Company's

facility, located less than one-half mile from the subject property. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 10 miles away, and the Worcester County Sheriff's Department in Snow Hill, approximately nine miles away. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, and the site will be subject to the limitations of private water and wastewater.

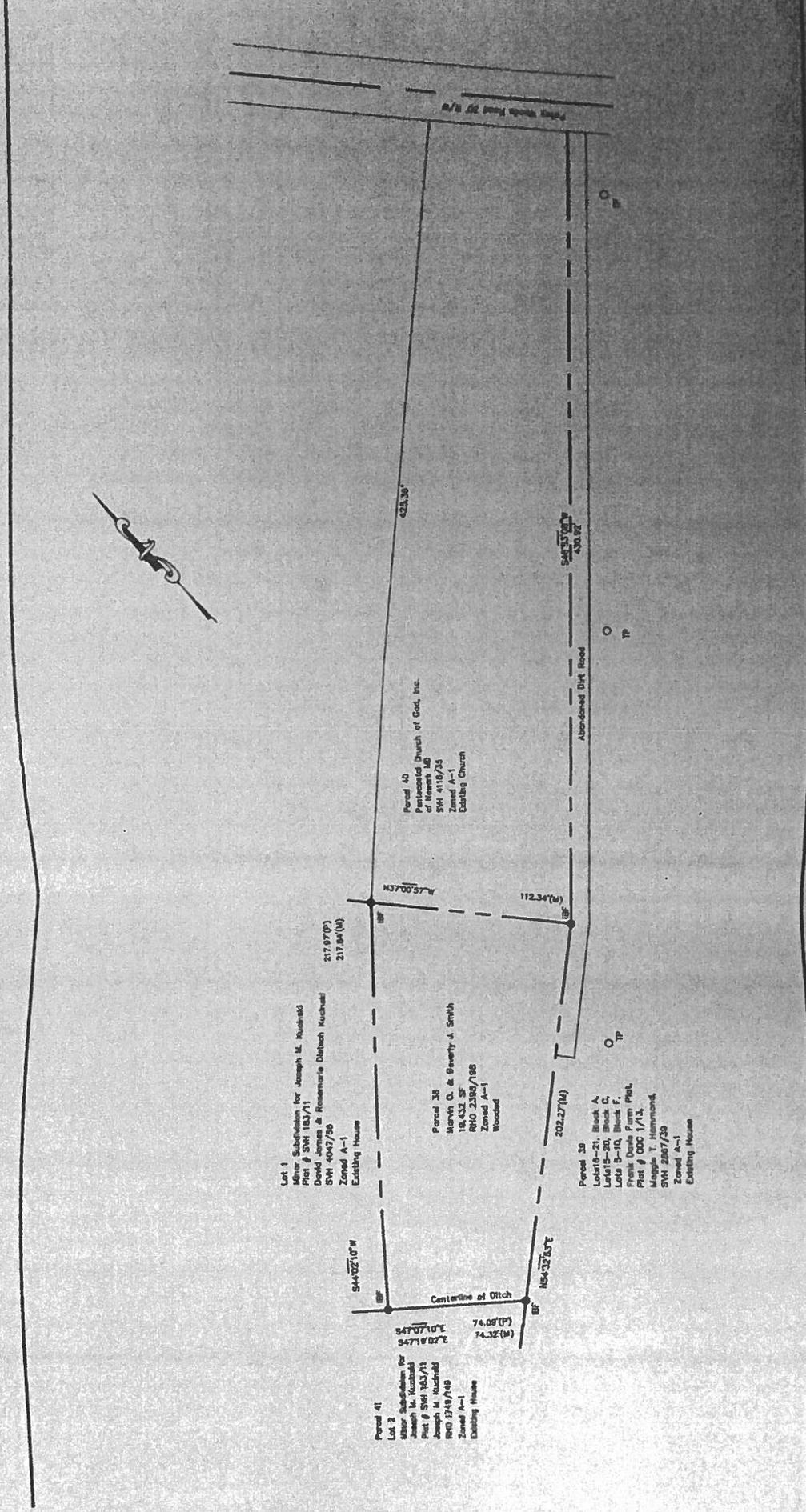
- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area does not have frontage along Patey Woods Road, but does have access to Patey Woods Road via a 20-foot wide right-of-way located along the subject property's easterly side. The Planning Commission agreed with testimony presented by the applicant that Patey Woods Road, a county-maintained road with a 30-foot wide right-of-way, is a rural road best suited to serve uses appropriate to agriculture and not to a village character. 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 to the A-1 Agricultural District.
- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that the petitioned area is currently undeveloped, and the surrounding land uses include limited residential development and agricultural uses. The Planning Commission also determined that the proposed rezoning to A-1 would allow uses that would be more compatible with the existing surrounding land uses than what could be allowed under the current V-1 Village District zoning. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from V-1 Village District to A-1 Agricultural District is compatible with existing and proposed development and existing environmental conditions in the area.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that the Land Use Plan map contained in the Comprehensive Plan appeared to place the petitioned area in the Village Use category, but the Commission agreed with the applicant's testimony that the Land Use Plan map is a general depiction and should not necessarily be viewed as following specific property lines. In addition, the Planning Commission agreed with the applicant's testimony that the narrative of the Comprehensive Plan emphasized the importance of agriculture to the County and that agriculture should be encouraged throughout the County. Based upon its review, the Planning Commission found that the

proposed rezoning to the A-1 Agricultural District is compatible with the Comprehensive Plan and in keeping with its goals and objectives, specifically as the Plan recommends the continuance of the dominance of agriculture throughout the County's less developed regions.

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 Commission found that until 2009 the subject property had always been zoned for agriculture, and given its location on the periphery of the V-1 Village zoning and because it adjoins agricultural lands, the Commission believes it was a mistake to have placed the petitioned area in the V-1 Village District during the 2009 comprehensive rezoning. Based upon its review, the Planning Commission concluded that the A-1 Agricultural zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 435, seeking a rezoning of the petitioned area from V-1 Village District to A-1 Agricultural District.

V. RELATED MATERIALS AND ATTACHMENTS



<p>LOEWER & ASSOCIATES Engineers & Surveyors 10144 Greenbush Drive Berwyn, Maryland 21811 410-343-4345</p>	<p>Job# 8385 Scale 1" = 50' Date: 5/27/05</p>	<p>Location Survey For Marvin Smith, Patey Woods Road, Tax Map 40, Parcel 40, Newark, Worcester County, Maryland. 21841</p>	<p>PLS10697 Douglas G. Loewer</p>
<p>Legend BF Iron/Bar Found TP Telephone Pole</p>		<p>Zoned A-1 Building Restriction Lines Front 35' Side 20' Rear 50'</p>	

STAFF REPORT

REZONING CASE NO. 435

PROPERTY OWNER: Henry Robinson
316 West Street
Berlin, MD 21811

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

TAX MAP/PARCEL INFO: Tax Map 40 – Parcel 38 - Tax District 4

SIZE: The petitioned area is approximately 0.5 acre in size.

LOCATION: The petitioned area is located south of, but does not front on, Patey Woods Road. A 20-foot wide deeded right-of-way provides access from the property to Patey Woods Road, as the road is located approximately 400 feet to the north of the property. The subject property is located on the west side of Newark, approximately 1,600 feet west of Newark Road.

CURRENT USE OF PETITIONED AREA: The property is undeveloped and wooded.

CURRENT ZONING CLASSIFICATION: V-1 Village District.

As defined in the Zoning Code, the intent of this district is to protect and preserve the unique mixed use character and historical charm of the existing crossroads villages of the County. New development within this district should be of an appropriate scale and use so as to be compatible with the existing pattern of development. In addition, new development is intended to be channeled into effective service areas to permit the efficient provision of public services.

REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

APPLICANT’S BASIS FOR REZONING: The application indicates the basis for the rezoning is a mistake in the existing V-1 zoning.

The application also states that the Applicant intends to place a “small” mobile (manufactured) home on the property, and the application states this use is not permitted in the V-1 District. To

clarify, a manufactured home is allowed as a Permitted Use in the V-1 District, provided the structure meets certain standards as listed in Section 1-314(b), which include a minimum gross floor area of 1,000 s.f.; a minimum depth of 20' for the manufactured home; a minimum roof pitch of 5/12; and a minimum 12" roof overhang, among other items. Double-wide manufactured homes can meet these standards, but single-wides typically cannot.

A comparison of the lot requirements for dwellings (single-family and manufactured homes) in the A-1 and V-1 Districts is shown below. The parcel meets the lot size and lot width requirements of the V-1 District. If the rezoning to A-1 is approved, the parcel will become nonconforming in terms of required lot size and width.

**LOT STANDARDS FOR DWELLINGS
IN THE A-1 AND V-1 DISTRICTS**

STANDARD	A-1	V-1	SUBJECT PROPERTY
Lot Size	40,000 s.f. (Min.)	10,000 s.f. (Min.)	21,978 s.f. (Deed)
Lot Width	200'	80'	111' (Deed)
Front Yard Setback	35'	25'	---
Side Yard Setback	20' Each	8' Each	---
Rear Yard Setback	50'	30'	---

ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification. The A-1 zoning remained in place during the 1978 and 1992 comprehensive rezonings. During the 2009 comprehensive rezoning, the property was zoned V-1 Village District.

SURROUNDING ZONING: Adjoining properties to the west are zoned A-1, and adjacent properties on the north, east and south are zoned V-1. Across Patey Woods Road to the east is I-1 Light Industrial zoning.

COMPREHENSIVE PLAN: The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that must be considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Village Use Category, as are adjoining properties on the west, north and east. However, adjoining properties to the south are in the Agriculture Land Use

Category. The Land Use Plan's recommended land uses correspond with the zoning of these properties. With regard to the Village Land Use Category, the Comprehensive Plan states the following:

"[The Village] category is a special case of an Existing Developed Area. It designates traditional villages that serve as rural centers. Their character should be retained, so they are planned for infill and only limited expansion. Villages are not growth areas. Such areas are not planned for sanitary services or average densities of greater than one unit per acre. Any additional development should be of very limited scope." (Page 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12, 13)

In Chapter 7 – Transportation, the Comprehensive Plan states that "the county's rural road system continues to have an excellent service record. Local car and truck traffic share this system with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan's growth areas will require improvements to handle the expected additional traffic." (Page 80)

In this same chapter, under the heading General Recommendations – Roadways, it states the following (pages 87, 88):

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.
2. Rural Roadways - Institute access controls for rural roads if their LOS drops below B for daily peak traffic.

13. Road Widening – Adequate right-of-way should be dedicated for roads anticipated for widening during the development review process.

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the property is not included within the Newark Sanitary Service Area and has a designation of a Sewer Service Category of S-6 (No Planned Service) in the Master Water and Sewerage Plan.

The soil type on the petitioned area according to the Worcester County Soil Survey is as follows:

Ot – Othello silt loam, severe limitations to on-site wastewater disposal

Soils on the property are hydric and are generally poorly drained.

EMERGENCY SERVICES: Fire and ambulance service are available from the Newark Volunteer Fire Company, located less than one-half mile away. The Fire Chief responded that they had no objections to the proposed rezoning. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 10 miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately nine miles away. The Sheriff's Office responded that they had no comments, and no comments were received from the Maryland State Police Barracks.

ROADWAYS AND TRANSPORTATION: The petitioned area has access to Patey Woods Road via a 20-foot wide right-of-way located along the property's easterly side. Patey Woods Road is a County maintained road with a 30-foot wide ROW. No comments were received from the State Highway Administration or the County Roads Department.

SCHOOLS: The petitioned area is within Zone 4 of the Worcester County Public School Zones and is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned area is not located within the Atlantic Coastal Bays Critical Area (ACBCA).

In addition, although located outside of the ACBCA, this property will also not be subject to the Forest Conservation Law (FCL) as the property is less than 40,000 s.f. in size.

FLOOD ZONE: The FEMA FIRM map (24047C0145H, effective July 16, 2015) indicates that this property is located in Zone X (Area of Minimal Flood Hazard).

PRIORITY FUNDING AREA (PFA): The petitioned area is within a PFA Comment Area.

INCORPORATED TOWNS: This site is not within one mile of any incorporated town. Both Berlin and Snow Hill are located approximately eight miles from the property.

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 435

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 1/28/2022

Date Reviewed by Planning Commission: 4/7/2022

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 40
- B. Parcel Number(s): 38
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 04

III. Physical Description of Property

- A. Located on the South side of Patey Woods Road.
- B. Consisting of a total of .5 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

A. Existing zoning classification(s): V-1, Village District
(Name and Zoning District)

B. Acreage of zoning classification(s) in "A" above: .5

C. Requested zoning classification(s): A-1 Agricultural District
(Name and Zoning District)

D. Acreage of zoning classification(s) in "C" above: .5

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

This rezoning is based upon a mistake. A more detailed summary is attached.

IV. Filing Information and Required Signatures

A. Every application shall contain the following information:

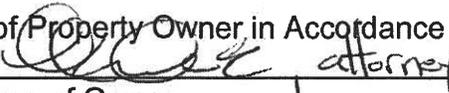
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

- 2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
- 3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
- 4. If the applicant is an individual, his/her name and mailing address.
- 5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner
 Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 Phone Number: 410-4213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: January 2022

C. Signature of Property Owner in Accordance with VI.A. above

Signature:  attorney
 Printed Name of Owner: Henry Robinson
 Mailing Address: 318 West Street, Berlin, MD 21811
 Phone Number: 443-754-5651
 E-Mail: 1930vlhd@gmail.com
 Date: January 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.**

ATTACHMENT IN SUPPORT OF REZONING APPLICATION

This application for a Rezoning Map Amendment is based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The subject property is 19,432 square feet, more or less, by virtue of a 2005 survey. It abuts property zoned A-1, Agricultural District, and V-1, Village District. It is located approximately 430 feet from Patey Woods Road, the nearest County Road.

The purpose and intent of the V-1 Village District is to protect and preserve the unique mixed use character and historical charm of the existing crossroads of the villages of the County. Unfortunately, during the November 3, 2009 Comprehensive Rezoning, the County Commissioners cast their net a little too far, and encompassed this agricultural property.

Because it is located over 400 feet from the road, it is really not part of the village of Newark. There are neither adjacent structures, nor adjacent conditions, that make this a village property. Instead, it is just like the hundreds of other agricultural properties in the County.

In the Village District, new development is intended to be channeled into effective "Service Areas" to permit the efficient provision of public services. The term "Service Areas" is not defined by the Zoning Code, but presumably this means areas providing public utilities, such as water and sewer. There is no provision of water or sewer to this property.

Moreover, the Village District is inappropriate for this property because it actually provides for too many uses. For example, professional offices,

restaurants, and fuel sales are permitted by special exception. This is an agricultural property, and those uses should not be permitted, even by special exception.

The property owner is desirous of placing a small mobile home on the property, which is precluded by the V-1, Village District.

The property should be zoned A-1, Agricultural District.

Respectfully submitted,



Hugh Cropper IV
Attorney for Henry Robinson, Owner

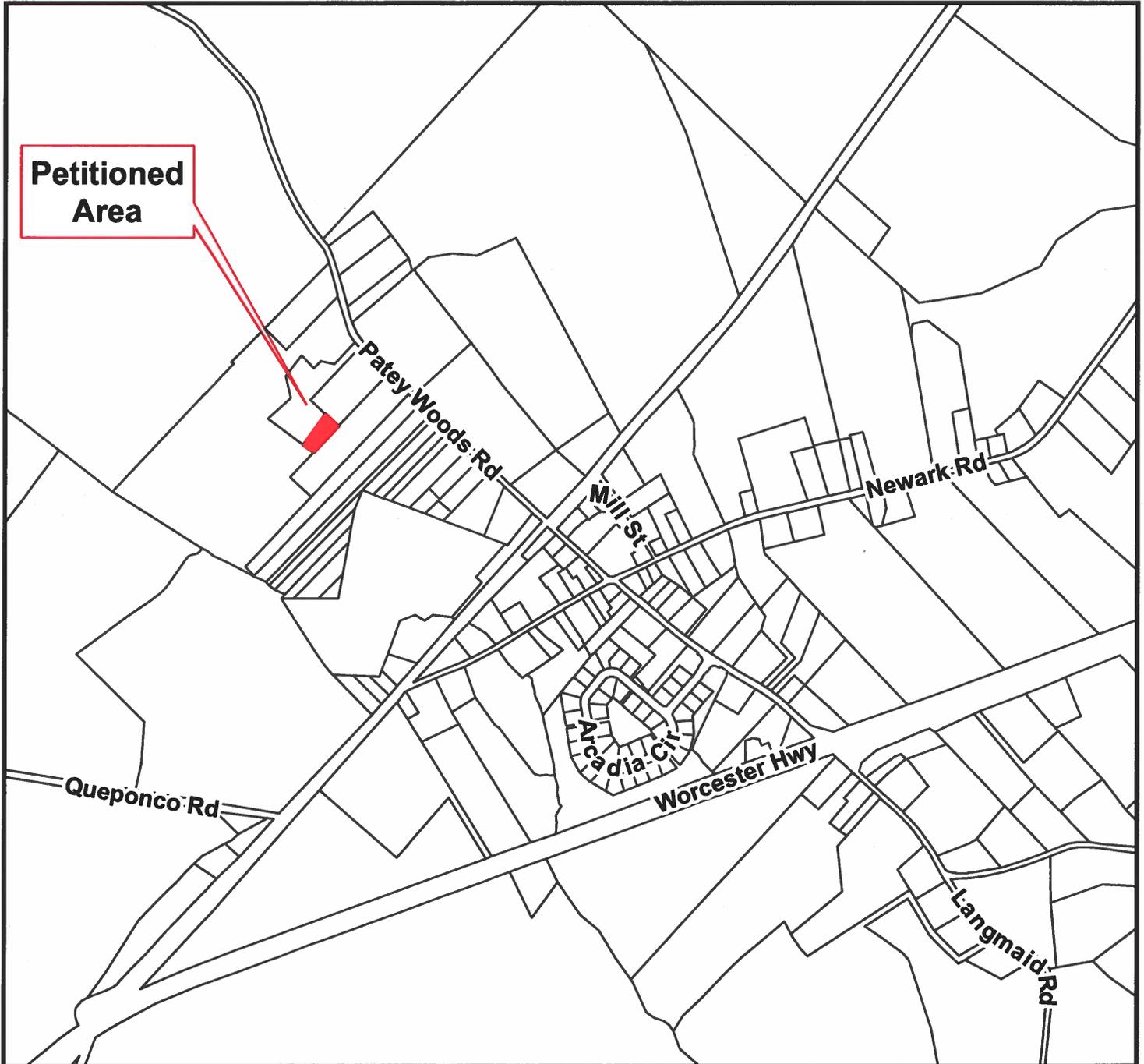


WORCESTER COUNTY, MARYLAND

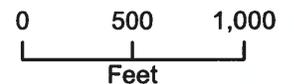


REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022



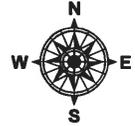
Source: Worcester County GIS Data Layers: 2019 Aerial Imagery
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



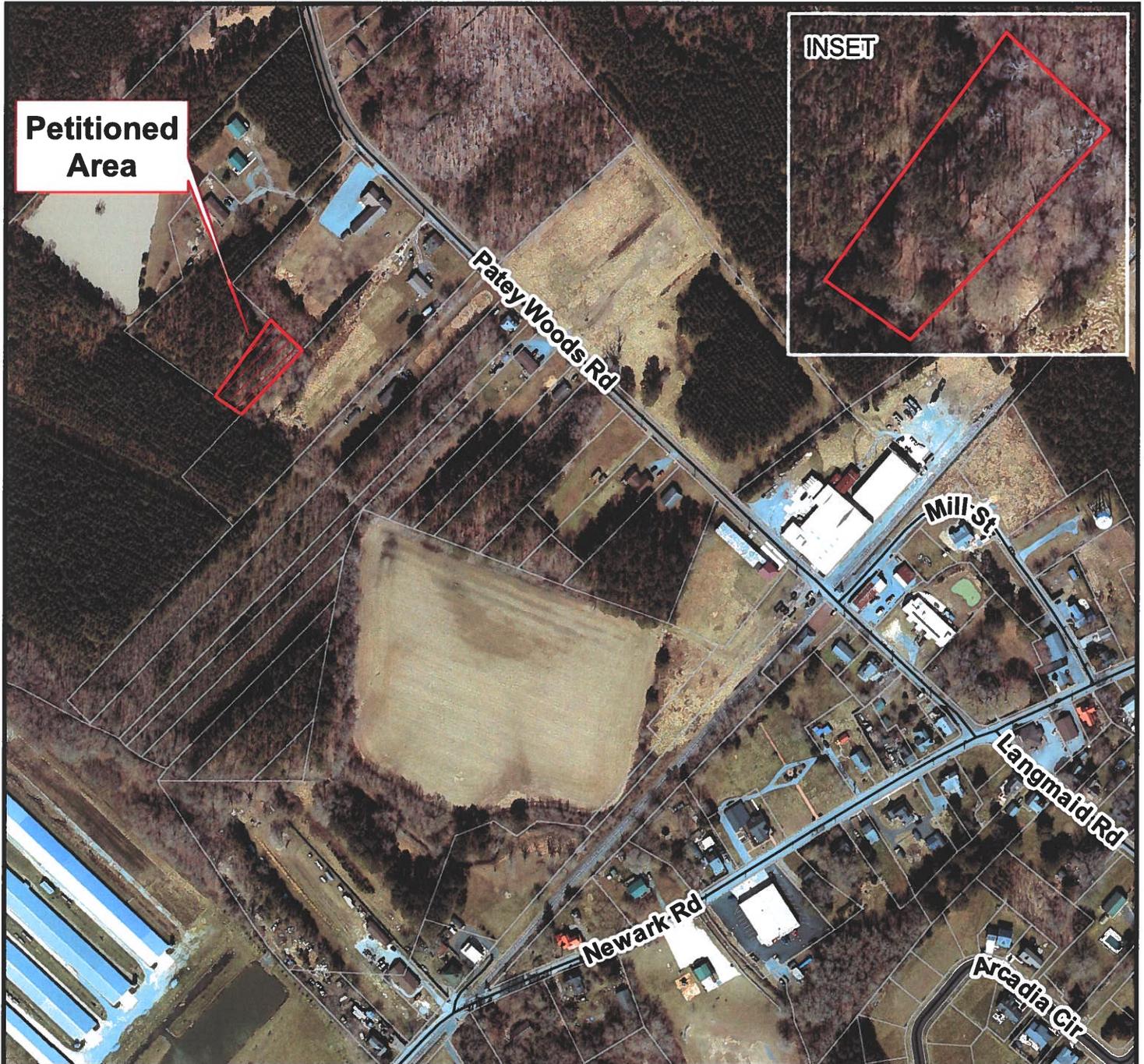
WORCESTER COUNTY, MARYLAND

ITEM 5

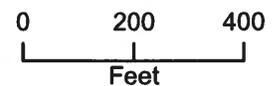


REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022



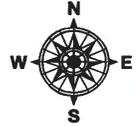
Source: Worcester County GIS Data Layers: 2019 Aerial Imagery

Drawn By: KLH Reviewed By: GP

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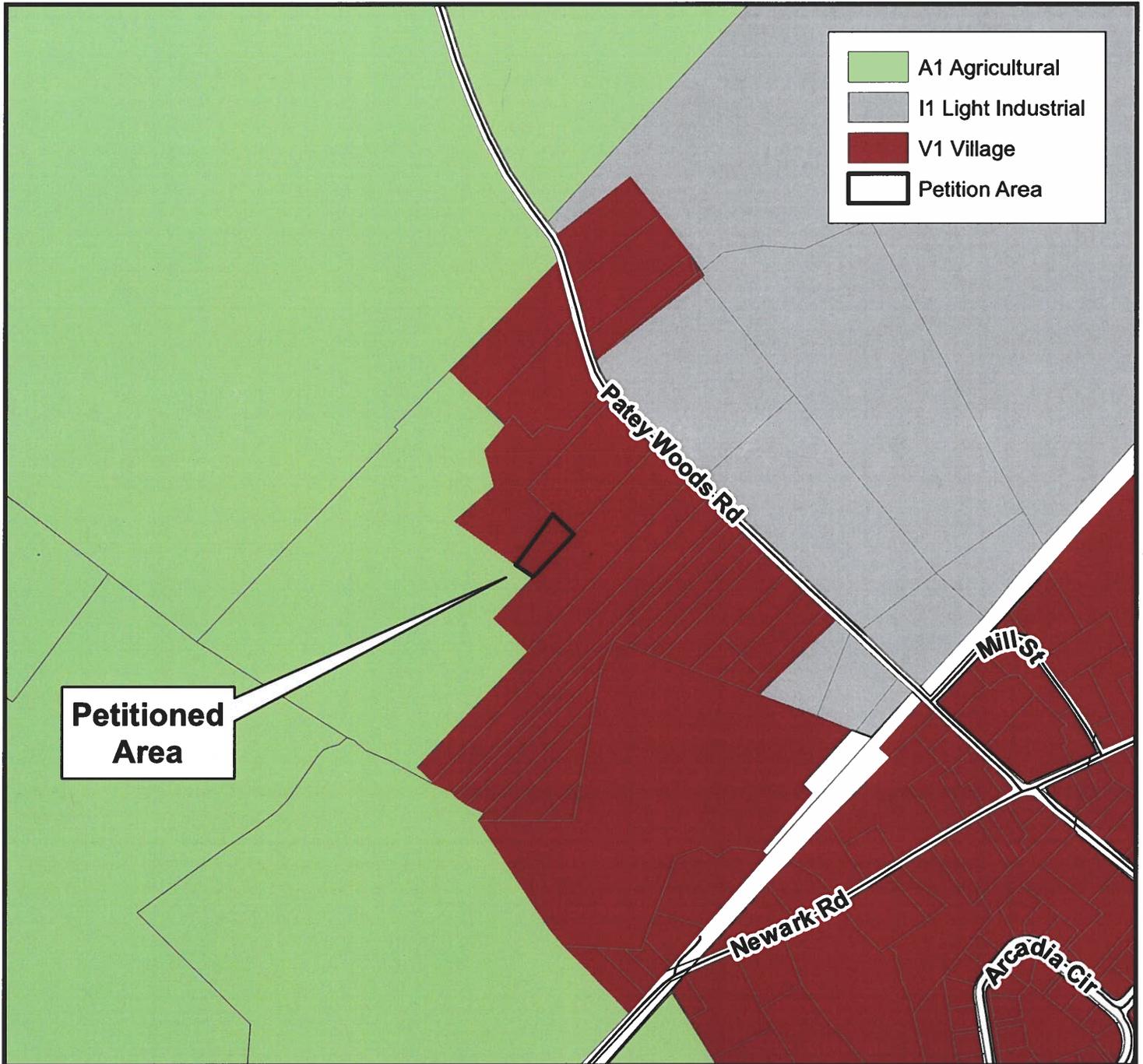


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

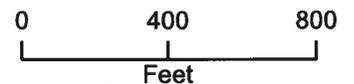
ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022

Source: 2009 Official Zoning District Map

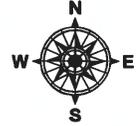
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.



Drawn By: KLH Reviewed By: GP

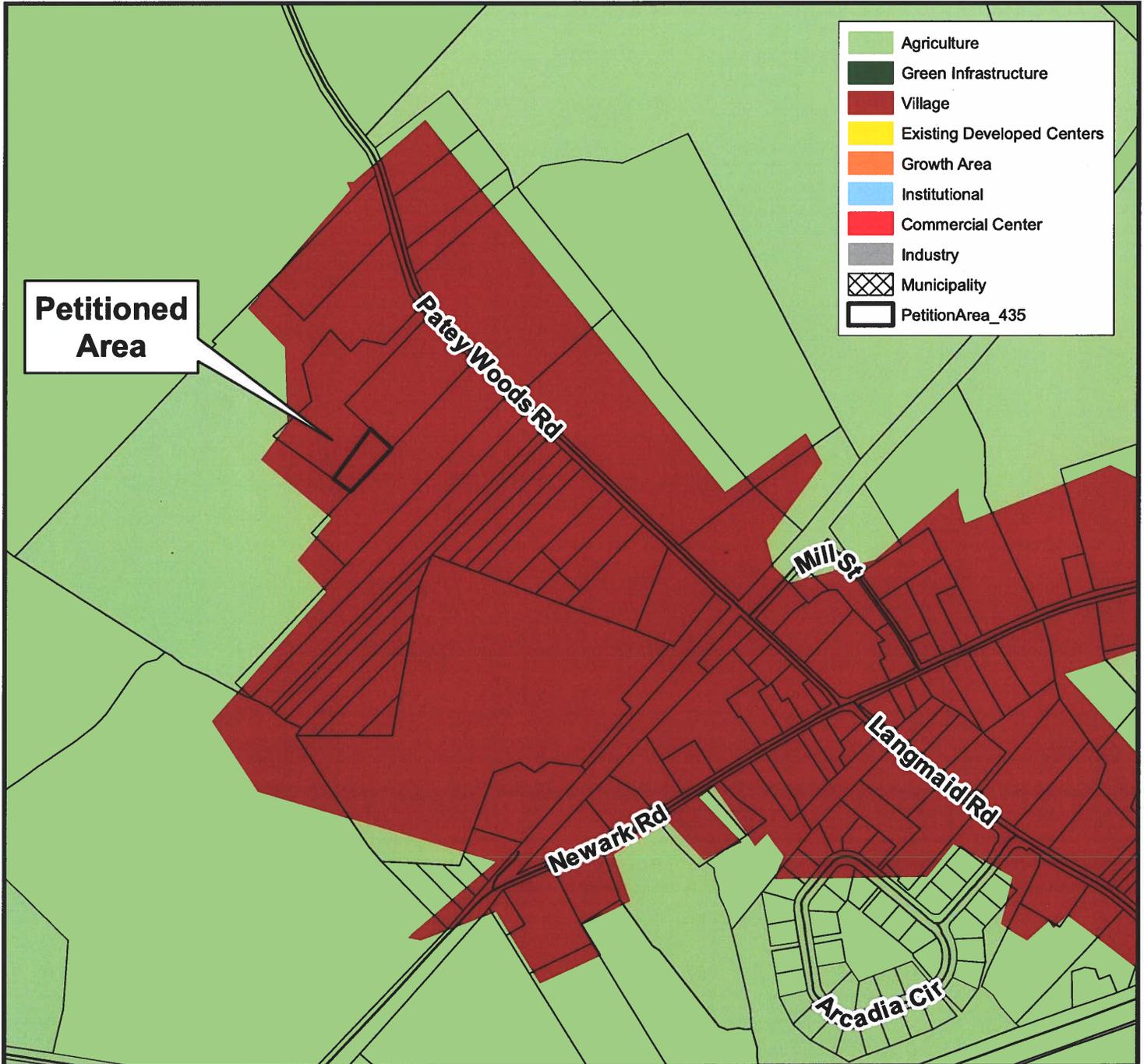


WORCESTER COUNTY, MARYLAND

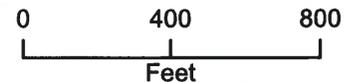


REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022



Source: 2006 Land Use Plan

Drawn By: KLH Reviewed By: GP

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

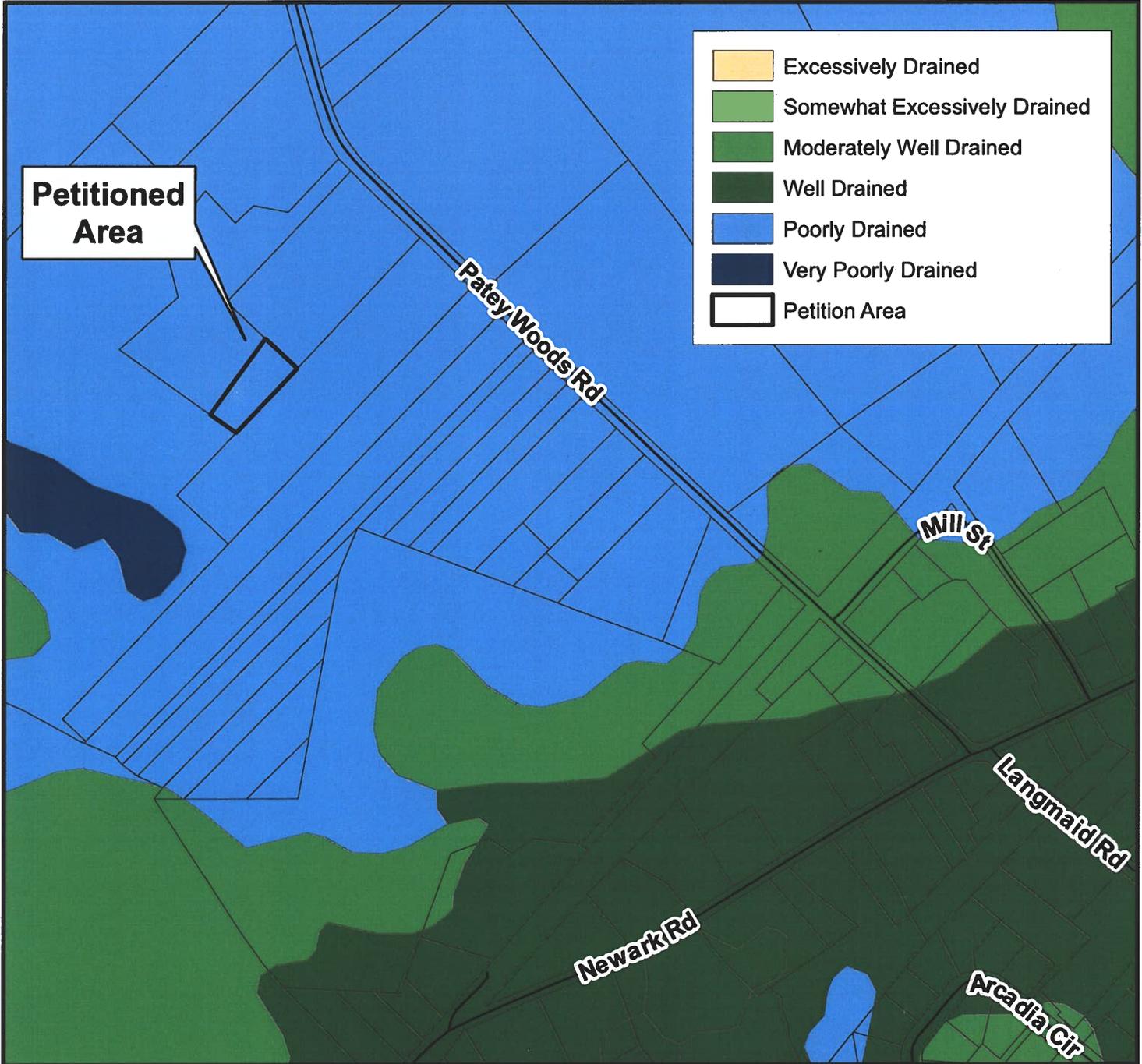


WORCESTER COUNTY, MARYLAND

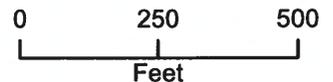


REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022



Source: 2007 Soil Survey

Drawn By: KLH Reviewed By: GP

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

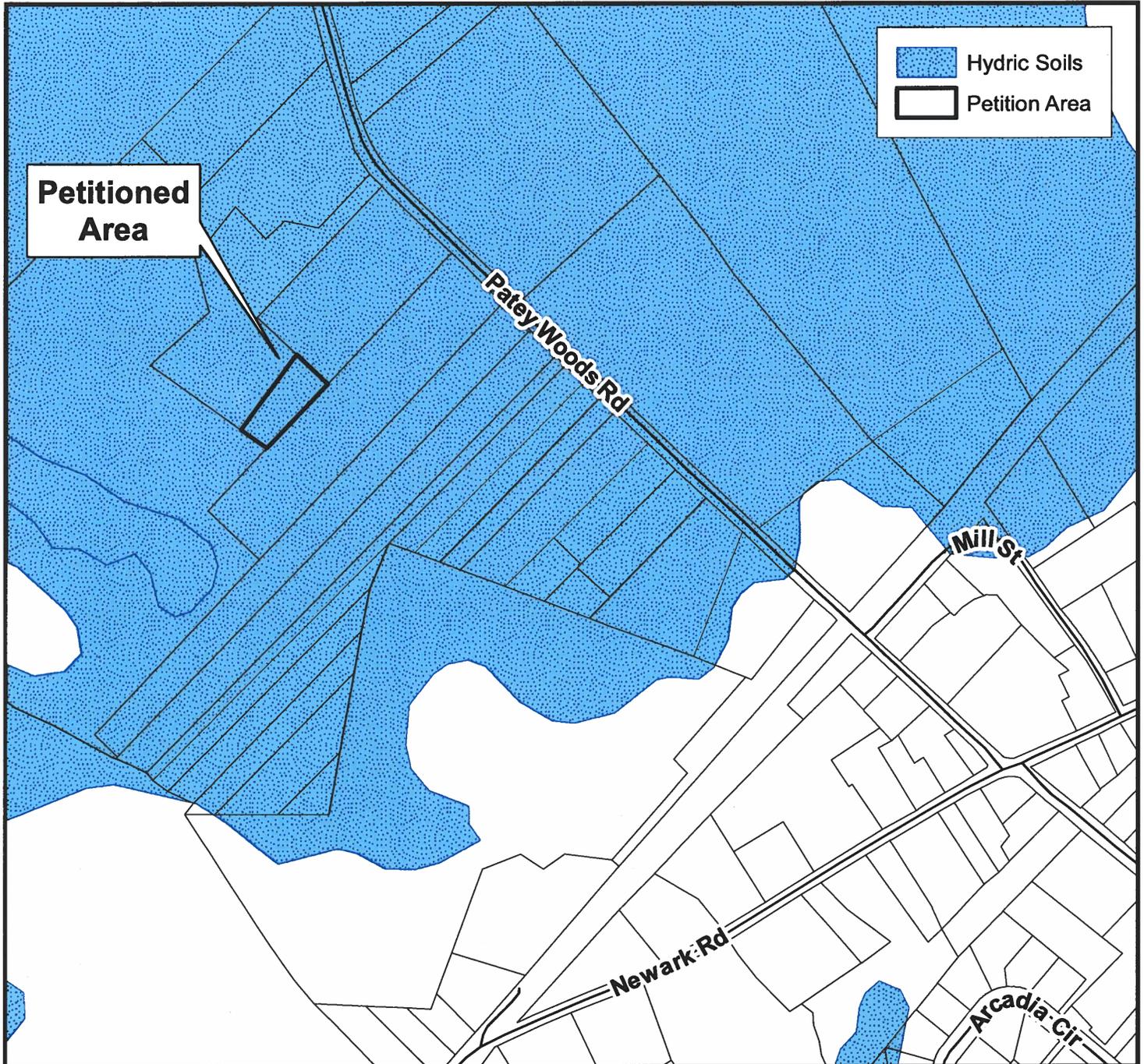


WORCESTER COUNTY, MARYLAND

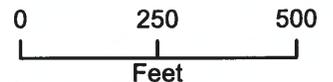


REZONING CASE NO. 435
V-1 Village District to A-1 Agricultural District
Tax Map: 40, Parcel 38

HYDRIC SOILS MAP



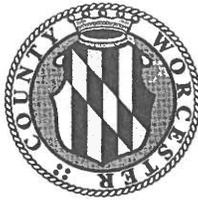
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 2022



Source: 2007 Soil Survey

Drawn By: KLH Reviewed By: GP

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



Worcester County
Department of Environmental Programs

Memorandum

To: Gary Pusey, Deputy Director, DDRP

From: Robert J. Mitchell, LEHS, REHS/RS
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 435**
Worcester County Tax Map 40, Parcel 38
0.5 Acres
V-1 Village District to A-1 Agricultural District

Date: 3/22/22

This response to your request for comments is prepared for the map amendment application associated with the above referenced properties. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues a mistake occurred in the November 3, 2009 Comprehensive Rezoning. 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*.

1. The subject property has a designation of Sewer Service Category S-6 (No planned service) in the *Master Water and Sewerage Plan*. The property was not included within the Newark Sanitary Service Area.
2. This proposed rezoning is proposed for a portions of the property located in an area outside the ACBCA. That area will be not be subject to the Forest Conservation Law (FCL) per NR 1-403(s) and the property is less than 40,000 square feet in size.

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



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Billy Birch, Director, Worcester County Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 Dallas Baker, P.E., Director, Worcester County Public Works Department
 Chris Classing, P.E., Deputy Director, Worcester County Public Works Department
 Kevin Lynch, Roads Superintendent, Worcester County Public Works Department
 Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office
 Melanie Pursel, Director of Tourism & 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
 Luke Marcek, Project Manager, Maryland Forest Service
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
 Steve Orth, Fire Chief, Newark Volunteer Fire Department

FROM: Gary Pusey, Deputy Director *GP*

DATE: February 10, 2022

RE: Rezoning Case No. 435- Henry Robinson, Property Owner and Hugh Cropper, IV, Attorney-
South Side of Patey Woods Road

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on April 7, 2022. This application seeks to rezone approximately .5 acres of land shown on Tax Map 40 as Parcel 38, from V-1 Village District to A-1 Agricultural District. Uses allowed in the District include, but are not limited to, Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers, etc.

The application indicates the property owner intends to place a single-wide manufactured home on the property, which is not permitted in the V-1 District.

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 **by MARCH 18, 2022**. Your response is requested even if you determine that the proposed rezoning **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. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

If you have any questions or require further information, please do not hesitate to call this office or email me at gpusey@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



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: Weston S. Young, P.C., Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director, Development Review and Permitting *JKK*
DATE: April 11, 2022
RE: Request to Schedule Public Hearing – Sea Oaks Village Residential Planned
Community (RPC)

.....

I am requesting that the Worcester County Commissioners schedule the required public hearing associated with an amendment to the Step I plan associated with the Sea Oaks Village Residential Planned Community (RPC) floating zone to add another 76 townhouse units to the development. The Planning Commission reviewed the project at its meeting on Thursday, April 7, 2022 and provided a favorable recommendation to the requested amendment. A draft public hearing notice is attached, and an electronic version has been forwarded to your office as well.

The RPC is currently approved for 59-townhouse units and two commercial buildings consisting of 24,570 square feet of mixed use. It is located on the westerly side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road.

Kristen Tremblay, AICP, Zoning Administrator, is preparing the written findings of fact and recommendation on the Planning Commission’s behalf and a copy will be forwarded to the County Commissioners’ Office as soon as it is complete.

If you have any questions, or need any further clarification, please do not hesitate to contact me. As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

**NOTICE OF PUBLIC HEARING
FOR
AN AMENDMENT TO A
RESIDENTIAL PLANNED COMMUNITY (RPC)**

**SEA OAKS VILLAGE RPC
WESTERLY SIDE OF MD ROUTE 611
NORTH OF SINEPUXENT ROAD**

**TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND**

Pursuant to Sections 1-114 and 1-315 of the Worcester County Zoning Ordinance, application has been filed with the Worcester County Commissioners by Sea Oaks Village, LLC to amend a Residential Planned Community (RPC) on property located on the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road. Located in the Tenth Tax District of Worcester County, Maryland, the property is designated on Tax Map 26 as Parcel 274, Lot 3A and Parcel 473. The Planning Commission reviewed the amended RPC application at its meeting on April 7, 2022 and has given a favorable recommendation.

Pursuant to Sections 1-114 and 1-315 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

**PUBLIC HEARING
ON
TUESDAY, _____
AT _____
COUNTY COMMISSIONERS' OFFICE
ROOM 1101 - GOVERNMENT CENTER
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

At the public hearing, the County Commissioners will consider the amended RPC and the recommendation of the Planning Commission, any proposed 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 developed and the advisability of reserving the power and authority to approve or disapprove the design of building, 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.

All applicable materials will be entered into record at the public hearing and are available for inspection at the Department of Development, Review and Permitting, Government Center Room 1201, One West Market Street, Snow Hill, Maryland 21863 between the hours of 8:00A.M. and 4:30 P.M., Monday through Friday (except holidays). Interested parties may also call (410) 632-1200.

Joseph M. Mitrecic, President

ITEM 7
COUNTY ADMINISTRATOR'S OFFICE

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

Telephone: (410) 758-4098
Fax: (410) 758-1170
TDD: (410) 758-2126
Email: tmohn@qac.org

County Administrator: Todd R. Mohn, PE



**Queen
Anne's
County**

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Stephen Wilson, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

April 12, 2022

The Honorable Joseph Mitrecic
President
Worcester County Commissioners
1 W. Market Street, Room 1103
Snow Hill, MD 21863

RE: Chesapeake Bay Bridge Replacement

Dear President Mitrecic,

On behalf of Queen Anne's County, I would like to thank you for scheduling us for the meeting on April 19, 2022 at 10:00 am. At Large County Commissioner Jim Moran and I will be attending the meeting.

Please see attached supporting documentation for our meeting. These items include:

- Request to Worcester County for topic to be placed on Commissioners Agenda
- Anne Arundel County - Resolution 49-21
- Caroline County - Support Letter
- Dorchester County - Support Letter
- Garrett County - Resolution
- Kent County - Resolution 2021-16
- Queen Anne's County - Resolution 21-17
- Somerset County - Letter of Support
- Wicomico County - Letter of Support
- Worcester County – Ocean City - Resolution 2022-03

We look forward to meeting with you regarding this priority issue.

Sincerely,


Todd R. Mohn, P.E.
County Administrator

COUNTY ADMINISTRATOR'S OFFICE

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

Telephone: (410) 758-4098
Fax: (410) 758-1170
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County Administrator: Todd R. Mohn, PE



*Queen
Anne's
County*

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Stephen Wilson, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

March 11, 2022

The Honorable Joseph Mitrecic
President
Worcester County Commissioners
1 W. Market Street, Room 1103
Snow Hill, Maryland 21863

Dear President Mitrecic,

On behalf of Queen Anne's County, I am respectfully requesting that the Worcester Board of County Commissioners reconsider their position and offer a letter of support for the construction of a new replacement Chesapeake Bay Bridge at its present location along the US 50/301 corridor.

As you may know, Anne Arundel County along with a number of other Eastern Shore Counties and Ocean City have passed Resolutions or provided letters in support to continue with planning for this project. We feel it is most important that our Eastern Shore Counties collaborate in a united fashion to endorse this effort as a top state transportation initiative.

The immediate priority to is to urge and support the State to appropriate funding in this year's budget to continue with the National Environmental Policy Act (NEPA) Tier 2 Environmental Impact Statement. This action will ensure that the project can continue to advance towards future construction. The Federal Tier 2 phase will consume several more years, so it is vital that we maintain forward progress.

I ask that this topic be placed on the agenda of a future Commissioner's meeting and that we be given the opportunity to appear in person to present our case and be available for any questions or discussions with the members of your Board. I have include a copy of the Resolution that we and other jurisdictions have passed for additional background of the need for this project.

Thank you very much in advance and we look forward to meeting with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd R. Mohn".

Todd R. Mohn, PE
County Administrator

cc Queen Anne's County Commissioners
Bruce Bereano

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 18

Resolution No. 49-21

Introduced by Ms. Fiedler

By the County Council, September 20, 2021

1 RESOLUTION in support of a replacement bridge at the current crossing of the
2 William Preston Lane Jr. Memorial Bridge otherwise known as the Chesapeake Bay Bridge

3
4 WHEREAS, the iconic Chesapeake Bay Bridge (the “Bay Bridge”) connects
5 Maryland’s Eastern Shore with its Western Shore, between Stevensville in Queen
6 Anne’s County and Annapolis in Anne Arundel County; and

7
8 WHEREAS, the original two-lane span opened in 1952 as the world’s longest
9 continuous over-water steel structure and a parallel span was added in 1973, and
10 these two spans are the Bay Bridge in place today; and

11
12 WHEREAS, the Bay Bridge is situated along a vital, heavily traveled link of the
13 US 50/301 corridor that extends from I-97 to MD 404, and it connects businesses,
14 healthcare, entertainment, and families of both Maryland shores and provides the
15 sole direct connection between recreational and ocean regions on Maryland’s
16 Eastern Shore with the metropolitan areas of Baltimore, Annapolis and
17 Washington, D.C.; and

18
19 WHEREAS, the Bay Bridge is owned, operated, and maintained by the Maryland
20 Transportation Authority (the “MDTA”) in its modern day construct as a dual 4.3-
21 mile span with a three-lane westbound span and a two-lane eastbound span; and

22
23 WHEREAS, the three-lane span can be adjusted to compensate for traffic demands
24 associated with periods of congestion using “contraflow” to reverse traffic flow
25 during peak travel periods and is one of the longest sections of contraflow used in
26 the country; and

27
28 WHEREAS, the five lanes of the Bay Bridge that currently cross the Chesapeake
29 Bay have not been adequate to effectively manage peak period traffic for many
30 years; and

31
32 WHEREAS, the approaching roadway segments along US 50/301 consist of six
33 lanes, which are geometrically incompatible with the five lanes crossing the Bay;
34 and

35
36 WHEREAS, contraflow is used daily in an attempt to correct this incompatibility,
37 but congestion and backups have now become routine in both directions; and

EXPLANATION: Underlining indicates matter added to resolution by amendment.
~~Strikeover~~ indicates matter removed from resolution by amendment.

1 WHEREAS, over the last 30 years Maryland and Delaware have invested over a
2 billion dollars completing numerous roadway improvement projects in the region,
3 including Reach-the-Beach, additional lanes along MD Route 2, the addition of I-
4 97, upgrades to MD Route 404, and the Middletown Delaware bypass; and

5
6 WHEREAS, all these corridors contribute to traffic crossing the same five lanes of
7 the Bay Bridge in place since 1973; and

8
9 WHEREAS, the existing bridges were designed for a 50-year life, and with the east
10 bound span now nearly 70 years old, and the west bound span now nearly 50 years
11 old, maintenance needs and functional traffic management have become more
12 challenging and expensive as the bridges age beyond the original design intent, and
13 future maintenance projects will have a significant, detrimental impact on available
14 bridge capacity and operations; and

15
16 WHEREAS, in 2015, the “US 50/301 William Preston Lane Jr. Memorial (Bay)
17 Bridge Life Cycle Cost Analysis”¹ identified maintenance and rehabilitation costs
18 for the existing bridges to be \$3.25 billion through 2065; and

19
20 WHEREAS, all travelers and commerce must go through this corridor to cross the
21 Chesapeake Bay in Maryland; and

22
23 WHEREAS, the lack of any alternative routes in this corridor result in backups on
24 both the mainline corridor and along all parallel community roads which
25 dramatically impacts the health, safety, livability, and economy of the communities
26 located near the passage and along the US 50/301 corridor on both sides of the
27 Chesapeake Bay; and

28
29 WHEREAS, the traffic impacts are significant and disruptive to community quality
30 of life and ability to access routine essential services, including, emergency
31 services, patient transport, fire response, schools, and both local and regional
32 economy; and

33
34 WHEREAS, the MDTA accurately predicted average Summer daily traffic volume
35 forecasts of 100,000 vehicles per day by 2020, that are now being realized, along
36 with future continuing trends of over 110,000 vehicles per day resulting in projected
37 7-mile backups and seven hours of delay time by 2030 if the capacity shortfall at
38 the Bay Bridge is not addressed promptly; and

39
40 WHEREAS, the only viable solution to eliminate the bottleneck caused by the Bay
41 Bridge capacity constriction is to expeditiously align previous transportation
42 investments in other route improvements with a new replacement bridge and
43 functional mainline approach roadways that are compatible and have adequate
44 capacity to safely move traffic on the US 50/301 corridor; and

¹ Report available at
https://mdta.maryland.gov/sites/default/files/Files/blogs/Bay_Bridge_LCCA_Report_12-2015.pdf.

1 WHEREAS, in recent years, Governor Lawrence L. Hogan has worked diligently
2 to identify a solution that will maximize congestion relief and minimize the
3 environmental impact; and
4

5 WHEREAS, Governor Hogan has dedicated countless resources and efforts to
6 provide traffic relief in Maryland for families, commuters, and businesses and has
7 directed improvements at the Bay Bridge to reduce current congestion and
8 minimize delays related to required maintenance including, expediting re-decking
9 on the westbound span, installing an electronic toll collection system, removing
10 physical toll booths, and providing free “E-ZPass” transponders to citizens while
11 keeping tolls at historically low levels; and
12

13 WHEREAS, on August 30, 2016, Governor Hogan announced \$5 million in
14 funding for the MDTA to conduct a Tier 1 Bay Crossing Study; and
15

16 WHEREAS, the Chesapeake Bay Crossing Study: Tier 1 NEPA (“Bay Crossing
17 Study”) is a National Environmental Policy Act (“NEPA”) study being conducted
18 with public and agency involvement to result in the identification of a preferred
19 corridor alternative to provide adequate capacity, dependable and reliable travel
20 times, and flexibility to maintenance and incident management in a safe manner at
21 the Bay Bridge with the evaluation of its financial feasibility, traffic alleviation and
22 environmental analyses; and
23

24 WHEREAS, in February of 2021, the MDTA, in cooperation with the Federal
25 Highway Administration (the “FHWA”), issued a Tier 1 Draft Environmental
26 Impact Statement for the Bay Crossing Study; and
27

28 WHEREAS, the FHWA and the MDTA have announced their intention to issue a
29 combined Tier 1 Final Environmental Impact Statement and Record of Decision
30 sometime in the Winter of 2021-2022; and
31

32 WHEREAS, following the completion of the Tier 1 study, a more extensive and
33 detailed Tier 2 study must be done to thoroughly assess the preferred corridor
34 alternative identified in the Tier 1 study as well as the potential environmental
35 impacts, and possibly advance a new replacement bridge and approach highway or
36 roads; and
37

38 WHEREAS, communities in both Anne Arundel and Queen Anne’s Counties will
39 continue to experience the impacts of increased traffic volume and delays during
40 the multi-year Tier 2 process, and as the current Bay Bridge remains in a constant
41 state of maintenance and rehabilitation; and
42

43 WHEREAS, by Resolution No. 32-21 the addition of a third span to the existing
44 Bay Bridge was opposed, that opposition still stands, and the construction of a new
45 replacement Bay Bridge is now supported; and
46

47 WHEREAS, it is imperative the Tier 2 Environmental Impact Statement be funded
48 and begin immediately, and all efforts be made to expedite the lengthy and
49 extensive Federal process; now, therefore, be it

1 *Resolved by the County Council of Anne Arundel County, Maryland, That it hereby*
2 *finds that the best solution to maintain forward progress, support the investments already*
3 *made along the US Route 50/301 corridor, specifically from I-97 to MD 404, and address*
4 *the existing and future traffic capacity shortfalls is to replace the current two spans of the*
5 *Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same*
6 *location, that includes a minimum of eight travel lanes to provide adequate capacity and*
7 *dependable and reliable travel times; and be it further*

8
9 *Resolved, That the County Council hereby requests that the Tier 1 Chesapeake Bay*
10 *Crossing Study be concluded, and that sufficient resources be allocated for the Tier 2*
11 *Chesapeake Bay Crossing Study; and be it further*

12
13 *Resolved, that this Resolution is contingent upon the Board of County Commissioners*
14 *of Queen Anne's County, Maryland adopting a resolution that is substantially the same as*
15 *this Resolution at their next meeting, and, if the Board of County Commissioners of Queen*
16 *Anne's County does not adopt a resolution that is substantially the same as this Resolution*
17 *at their next meeting, then this Resolution shall be considered null and void without further*
18 *action of the County Council; and be it further*

19
20 *Resolved, That a copy of this Resolution be sent to the Board of County Commissioners*
21 *of Queen Anne's County ~~for further action~~; County Executive Steuart Pittman; Governor*
22 *Larry Hogan; Gregory Slater, Maryland Secretary of Transportation; James Ports, Jr.,*
23 *Executive Director, MDTA; Heather Lowe, Project Manager, MDTA; State Delegates*
24 *Heather Bagnall and Sid Saab; State Senator Edward R. Reilly; U.S. Senators Chris Van*
25 *Hollen and Benjamin Cardin; U.S. Congressman Anthony Brown; Pete Buttigieg, U.S.*
26 *Secretary of Transportation; Jeanette Mar, Environmental Program Manager, FHWA*
27 *Maryland Division; Karen Kahl, Project Manager, RK&K; and Tim Ryan, Project*
28 *Manager, Traffic Analysis, AECOM.*

AMENDMENTS ADOPTED: October 4, 2021

READ AND PASSED this 4th day of October, 2021.

By Order:


Laura Corby
Administrative Officer

I HEREBY CERTIFY THAT RESOLUTION NO. 49-21 IS TRUE AND CORRECT AND DULY
ADOPTED BY THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.


Sarah F. Lacey
Chair

LARRY C. PORTER, PRESIDENT
 DANIEL J. FRANKLIN, VICE PRESIDENT
 WILBUR LEVENGOOD, JR., COMMISSIONER
 109 Market Street, Room 123
 Denton, Maryland 21629



CAROLINE COUNTY
you belong here
 CAROLINE COUNTY COMMISSIONERS OFFICE

February 24, 2022

The Honorable Larry Hogan
 Governor of Maryland
 100 State Circle
 Annapolis, MD 21401

James F. Ports, Jr.
 Secretary
 Maryland Department of Transportation
 7201 Corporate Center Drive
 Hanover, MD 21076

Re: William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge) Construction - Letter of Support

Dear Governor Hogan and Secretary Ports:

On behalf of the Caroline County Commissioners, I am writing to express the support of Queen Anne's County's Resolution No. 21-17 regarding a replacement bridge at the current crossing of the William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge) shared between Anne Arundel and Queen Anne's Counties.

The Chesapeake Bay Bridge is the "gateway" to the Eastern Shore and is the most efficient way to travel from each Shore of this great State. We believe that ensuring a safe option for commuters and the environment is in the best interest of the County and the State.

With the support of our fellow Counties, we request a replacement bridge, with a minimum of 8 lanes, to be placed in the current location of the two existing bridges (East & West Bound) that make up the Chesapeake Bay Bridge. Caroline County and our neighbors believe this measure will greatly help alleviate some of the major traffic congestion and backups that occur on and around the current Bay Bridge.

Thank you for making the Eastern Shore and our Counties a priority by considering this request.

Sincerely,

Larry Porter, President
 Caroline County Commissioners

OFFICE OF THE COUNTY COMMISSIONERS
 Jeremy Goldman, County Administrator | Kaleigh Leager, Executive Assistant | Stewart Barroll, County Attorney
 109 Market Street, Room 123 | Denton, Maryland 21629 | (410) 479-0660 | info@carolinemd.org

cc:

Ms. Heather Lowe, Project Manager-MDTA

U.S. Senators Benjamin Cardin and Chris Van Hollen

U.S. Congressman Andy Harris

Mr. Pete Buttigieg, U.S. Secretary of Transportation

Ms. Jeanette Mar, Environmental Program Manager-FHWA Maryland Division

Ms. Karen Kahl, Project Manager-RK&K

Mr. Tim Ryan, Project Manager-Traffic Analysis- AECOM

Board of County Commissioners

Edward C. Rothstein, President
C. Richard Weaver, Vice President
C. Eric Bouchat
Dennis E. Frazier
Stephen A. Wantz



Carroll County Government

225 North Center Street
Westminster, Maryland 21157
410-386-2043; 1-888-302-8978
fax 410-386-2485
MD Relay 711/800-735-2258

March 23, 2022

The Honorable Larry Hogan
Governor, State of Maryland
100 State Circle
Annapolis, Maryland 21401

RE: Letter of Support – Chesapeake Bay Bridge

Dear Governor Hogan,

COMMISSIONER'S OFFICE
MAR 28 '22 PM 1:48

The Carroll County Board of Commissioners writes this letter in support of constructing a replacement bridge at the current crossing of the William Preston Lane Jr. Memorial Bridge, known as the Chesapeake Bay Bridge.

The Chesapeake Bay Bridge is an essential regional and Maryland asset that promotes agriculture and industry on both the eastern and western shores of the bay. Improvements to the bridge, including the proposed new span will have significant economic impact to all of Maryland. Being part of the greater Baltimore region, Carroll County understands how the bridge project is an important effort affecting not only our residents and businesses that use the bridge, but also impacts the state's strategy to strengthen the economic viability of our counties, region and the state.

We are happy to submit our support for the Anne Arundel and Queen Anne counties' resolutions for the proposed replacement bridge. Please contact the Board of County Commissioners' Office at 410-386-2043 if you have any questions.

Thank you for your consideration.

Sincerely,

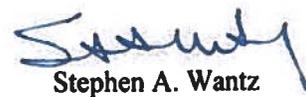
THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY


Edward C. Rothstein (COL, Ret.)
President


C. Richard Weaver
Vice President


C. Eric Bouchat


Dennis E. Frazier


Stephen A. Wantz

C: Steuart Pittman, County Executive, Anne Arundel County
Christopher M. Corchiarino, President, Board of County Commissioners, Queen Anne's County

COUNTY COUNCIL OF DORCHESTER COUNTY

ITEM 7

**COUNTY OFFICE BUILDING
P.O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE: (410) 228-1700
FAX: (410) 228-9641**

**JAY L. NEWCOMB, PRESIDENT
LIBBY HANDLEY NAGEL, VICE PRESIDENT
WILLIAM V. NICHOLS
GEORGE L. PFEFFER, JR.
RICKY C. TRAVERS**



**DONNA F. LANE
ACTING COUNTY MANAGER
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY**

February 1, 2022

James F. Ports, Jr., Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076

Dear Secretary Ports,

I am writing on behalf of Dorchester County Council regarding a replacement bridge for the William Preston Lane, Jr. Memorial Bridge, which is known as the Chesapeake Bay Bridge.

The Chesapeake Bay Bridge, the gateway to and from the Eastern Shore to the Western Shore, is a dual-span 4.3 mile bridge. Due to the numerous commuters who use this bridge and the lack of alternate routes, periods of congestion have resulted in major delays despite the re-routing of traffic. This is particularly troubling since it provides vital access for emergency services, patient transports and fire response as well as to medical care, residents' places of employment and the homes of their family and friends. Consequently, the County Council believes that replacing this bridge is essential to ensure the health and safety of residents, their continued quality of life and the ongoing growth of the economy. Therefore, the County Council respectfully requests that the NEPA Phase II evaluation for a replacement Chesapeake Bay Bridge with a minimum of 8 lanes be included in the Maryland Department of Transportation's Budget.

Thank you for your consideration. Please contact the Council's Office at (410) 228-1700 if you have any questions.

Sincerely,

DORCHESTER COUNTY COUNCIL

Jay L. Newcomb
President

jln/dl
cc: Todd R. Mohn, PE, Queen Anne's County Administrator

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street – Courthouse –Room 207, Oakland, Maryland 21550

www.garrettcounty.org • countycommissioners@garrettcounty.org

301-334-8970

301-895-3188

FAX 301-334-5000

Board of Commissioners

Paul C. Edwards
James C. Hinebaugh, Jr
S. Larry Tichnell

County Administrator

Kevin G. Null
County Attorney
Gorman E. Getty III

**CHESAPEAKE BAY BRIDGE REPLACEMENT
RESOLUTION**

RESOLUTION in support of a replacement bridge at the current crossing of the William Preston Lane Jr. Memorial Bridge otherwise known as the Chesapeake Bay Bridge,

WHEREAS, the iconic Chesapeake Bay Bridge (the “Bay Bridge”) connects Maryland’s Eastern Shore with its Western Shore, between Stevensville in Queen Anne’s County and Annapolis in Anne Arundel County; and

WHEREAS, the original two-lane span opened in 1952 as the world’s longest continuous over water steel structure and a parallel span was added in 1973, and these two spans are the Bay Bridge in place today; and

WHEREAS, the Bay Bridge is situated along a vital, heavily traveled link of the US 50/301 corridor that extends from I-97 to MD 404, and it connects businesses, healthcare, entertainment, and families of both Maryland shores and provides the sole direct connection between recreational and ocean regions on Maryland’s Eastern Shore with the metropolitan areas of Baltimore, Annapolis and Washington, D.C.; and

WHEREAS, the Bay Bridge is owned, operated, and maintained by the Maryland Transportation Authority (the “MDTA”) in its modern-day construct as a dual 4.3-mile span with a three-lane westbound span and a two-lane eastbound span; and

WHEREAS, the three-lane span can be adjusted to compensate for traffic demands associated with periods of congestion using “contraflow” to reverse traffic flow during peak travel periods and is one of the longest sections of contraflow used in the country; and

WHEREAS, the five lanes of the Bay Bridge that currently cross the Chesapeake Bay have not been adequate to effectively manage peak period traffic for many years; and

WHEREAS, the approaching roadway segments along US 50/301 consists of six lanes, which are geometrically incompatible with the five lanes crossing the Bay; and

WHEREAS, contraflow is used daily in an attempt to correct this incompatibility, but congestion and backups have now become routine in both directions; and

WHEREAS, over the last 30-years Maryland and Delaware have invested over a billion dollars completing numerous roadway improvement projects in the region including Reach-the-Beach, additional lanes along MD Route 2, the addition of I-97, upgrades to MD Route 404, and the Middletown Delaware bypass; and

WHEREAS, all these corridors contribute to traffic crossing the same five lanes of the Bay Bridge in place since 1973; and

WHEREAS, the existing bridges were designed for a 50-year life, and with the east bound span now nearly 70 years old, and the west bound span now nearly 50 years old, maintenance needs and functional traffic management have

become more challenging and expensive as the bridges age beyond the original design intent, and future maintenance projects will have a significant, detrimental impact on available bridge capacity and operations; and

WHEREAS, in 2015, the "US 50/301 William Preston Lane Jr. Memorial (Bay) Bridge Life Cycle Cost Analysis" identified maintenance and rehabilitation costs for the existing bridges to be \$3.25 billion through 2065; and

WHEREAS, all travelers and commerce must go through this corridor to cross the Chesapeake Bay in Maryland; and

WHEREAS, the lack of any alternative routes in this corridor result in backups on both the mainline corridor and along all parallel community roads which dramatically impacts the health, safety, livability, and economy of the communities located near the passage and along the US 50/301 corridor on both sides of the Chesapeake Bay; and

WHEREAS, the traffic impacts are significant and disruptive to community quality of life and ability to access routine essential services, including, emergency services, patient transport, fire response, schools, and both local and regional economy; and

WHEREAS, the MDTA accurately predicted average Summer daily traffic volume forecasts of 100,000 vehicles per day by 2020, that are now being realized, along with future continuing trends of over 110,000 vehicles per day resulting in projected 7-mile backups and seven hours of delay time by 2030 if the capacity shortfall at the Bay Bridge is not addressed promptly; and

WHEREAS, the only viable solution to eliminate the bottleneck caused by the Bay Bridge capacity constriction is to expeditiously align previous transportation investments in other route improvements with a new replacement bridge and functional mainline approach roadways that are compatible and have adequate capacity to safely move traffic on the US 50/301 corridor; and

WHEREAS, in recent years, Governor Lawrence L. Hogan has worked diligently to identify a solution that will maximize congestion relief and minimize the environmental impact; and

WHEREAS, Governor Hogan had dedicated countless resources and efforts to provide traffic relief in Maryland for families, commuters, and businesses and has directed improvements at the Bay Bridge to reduce current congestion and minimize delays related to required maintenance including, expediting re-decking on the westbound span, installing an electronic toll collection system, removing physical toll booths, and providing free "E-Z Pass" transponders to citizens while keeping tolls at historically low levels; and

WHEREAS, on August 30, 2016, Governor Hogan announced \$5 million in funding for the MDTA to conduct a Tier 1 Bay Crossing Study; and

WHEREAS, the Chesapeake Bay Crossing Study: Tier 1 NEPA ("Bay Crossing Study") is a National Environmental Policy Act ("NEPA") study being conducted with public and agency involvement to result in the identification of a preferred corridor alternative to provide adequate capacity, dependable and reliable travel times, and flexibility to maintenance and incident management in a safe manner at the Bay Bridge with the evaluation of its financial feasibility, traffic alleviation and environmental analyses; and

WHEREAS, in February of 2021, the MDTA, in cooperation with the Federal Highway Administration (the "FHWA"), issued a Tier 1 Draft Environmental Impact Statement for the Bay Crossing Study; and

WHEREAS, the FHWA and the MDTA have announced their intention to issue a combined Tier 1 Final Environmental Impact Statement and Record of Decision sometime in the Winter of 2021- 2022; and

WHEREAS, following the completion of the Tier 1 study, a more extensive and detailed Tier 2 study must be done to thoroughly assess the preferred corridor alternative identified in the Tier 1 study as well as the potential environmental impacts, and possibly advance a new replacement bridge and approach highway or roads; and

ITEM 7

WHEREAS, communities in both Anne Arundel and Queen Anne's Counties will continue to experience the impacts of increased traffic volume and delays during the multi-year Tier 2 process, and as the current Bay Bridge remains in a constant state of maintenance and rehabilitation; and

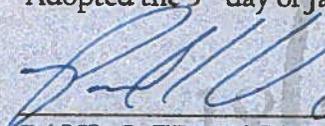
WHEREAS, it is imperative the Tier 2 Environmental Impact Statement be funded and begin immediately, and all efforts be made to expedite the lengthy and extensive Federal process; now, therefore, be it

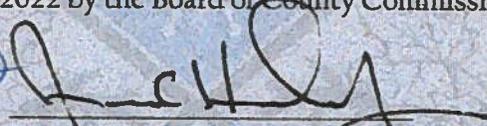
RESOLVED by the Board of County Commissioners of Garrett County, Maryland, That it hereby finds that the best solution to maintain forward progress, support the investments already made along the US Route 50/301 corridor, specifically from I-97 to MD 404, and address the existing and future traffic capacity shortfalls is to replace the current two spans of the Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same location, that includes a minimum of eight travel lanes to provide adequate capacity and dependable and reliable travel times; and be it further

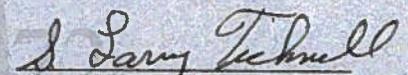
RESOLVED, That a copy of this Resolution be sent to the Board of County Commissioners of Queen Anne's County for further action.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS HEREBY SUPPORTS THE REPLACEMENT OF THE CHESAPEAKE BAY BRIDGE AND REQUESTS THAT THE TIER 1 CHESAPEAKE BAY CROSSING STUDY BE CONCLUDED, AND THAT SUFFICIENT RESOURCES BE ALLOCATED FOR THE TIER 2 CHESAPEAKE BAY CROSSING STUDY

Adopted the 3rd day of January 2022 by the Board of County Commissioners of Garrett County.


PAUL C. EDWARDS
Chairman


JAMES C. HINEBAUGH, JR.
Commissioner


S. LARRY TICHNELL
Commissioner

Witness:


KEVIN G. NULL
County Administrator

**RESOLUTION 2021-16
COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**

**SUPPORT OF A REPLACEMENT BRIDGE AT THE CURRENT CROSSING OF THE
WILLIAM PRESTON LANE JR. MEMORIAL BRIDGE OTHERWISE KNOWN AS THE
CHESAPEAKE BAY BRIDGE**

WHEREAS, the iconic Chesapeake Bay Bridge (the Bay Bridge) connects Maryland's Eastern Shore with its Western Shore, between Stevensville in Queen Anne's County and Annapolis in Anne Arundel County; and

WHEREAS, the original two-lane span opened in 1952 as the world's longest continuous overwater steel structure and a parallel span was added in 1973, and these two spans are the Bay Bridge in place today; and

WHEREAS, the Bay Bridge is situated along a vital, heavily traveled link of the US 50/301 corridor that extends from I-97 to MD 404, and it connects businesses, healthcare, entertainment, and families of both Maryland shores and provides the sole direct connection between recreational and ocean regions on Maryland's Eastern Shore with the metropolitan areas of Baltimore, Annapolis, and Washington, D.C.; and

WHEREAS, the Bay Bridge is owned, operated, and maintained by the Maryland Transportation Authority (MDTA) in its modern-day construct as a dual 4.3-mile span with a three-lane westbound span and a two-lane eastbound span; and

WHEREAS, the three-lane span can be adjusted to compensate for traffic demands associated with periods of congestion using "contraflow" to reverse traffic flow during peak travel periods and is one of the longest sections of contraflow used in the country; and

WHEREAS, the five lanes of the Bay Bridge that currently cross the Chesapeake Bay have not been adequate to effectively manage peak period traffic for many years; and

WHEREAS, the approaching roadway segments along US 50/301 consists of six lanes, which are geometrically incompatible with the five lanes crossing the Bay; and

WHEREAS, contraflow is used daily in an attempt to correct this incompatibility, but congestion and backups have now become routine in both directions; and

WHEREAS, over the last thirty years Maryland and Delaware have invested over a billion dollars completing numerous roadway improvement projects in the region including, Reach-the-Beach, additional lanes along MD Route 2, the addition of I-97, upgrades to MD Route 404, and the Middletown Delaware bypass; and

WHEREAS, all these corridors contribute to traffic crossing the same five lanes of the Bay Bridge in place since 1973; and

WHEREAS, the existing bridges were designed for a fifty-year life, and with the east bound span now nearly seventy years old, and the west bound span now nearly fifty years old, maintenance needs and functional traffic management have become more challenging and expensive as the bridges age beyond the original design intent, and future maintenance projects will have a significant, detrimental impact on available bridge capacity and operations; and

WHEREAS, in 2015, the "US 50/301 William Preston Lane Jr. Memorial (Bay) Bridge Life Cycle Cost Analysis" identified maintenance and rehabilitation costs for the existing bridges to be \$3.25 billion through 2065; and

WHEREAS, all travelers and commerce must go through this corridor to cross the Chesapeake Bay in Maryland; and

WHEREAS, the lack of any alternative routes in this corridor result in backups on both the mainline corridor and along all parallel community roads which dramatically impacts the health, safety, livability, and economy of the communities located near the passage and along the US 50/301 corridor on both sides of the Chesapeake Bay; and

WHEREAS, the traffic impacts are significant and disruptive to community quality of life and ability to access routine essential services, including, emergency services, patient transport, fire response, schools, and both local and regional economy; and

WHEREAS, the MDTA accurately predicted average Summer daily traffic volume forecasts of 100,000 vehicles per day by 2020, that are now being realized, along with future continuing trends of over 110,000 vehicles per day resulting in projected seven-mile backups and seven hours of delay time by 2030 if the capacity shortfall at the Bay Bridge is not addressed promptly; and

WHEREAS, the only viable solution to eliminate the bottleneck caused by the Bay Bridge capacity constriction is to expeditiously align previous transportation investments in other route improvements with a new replacement bridge and functional mainline approach roadways that are compatible and have adequate capacity to safely move traffic on the US 50/301 corridor; and

WHEREAS, in recent years, Governor Lawrence L. Hogan has worked diligently to identify a solution that will maximize congestion relief and minimize the environmental impact; and

WHEREAS, Governor Hogan had dedicated countless resources and efforts to provide traffic relief in Maryland for families, commuters, and businesses and has directed improvements at the Bay Bridge to reduce current congestion and minimize delays related to required maintenance including, expediting re-decking on the westbound span, installing an electronic toll collection system, removing physical toll booths, and providing free "E-Z Pass" transponders to citizens while keeping tolls at historically low levels; and

WHEREAS, on August 30, 2016, Governor Hogan announced \$5 million in funding for the MDTA to conduct a Tier 1 Bay Crossing Study; and

WHEREAS, the Chesapeake Bay Crossing Study: Tier 1 NEPA ("Bay Crossing Study") is a National Environmental Policy Act (NEPA) study being conducted with public and agency involvement to result in the identification of a preferred corridor alternative to provide adequate capacity, dependable and reliable travel times, and flexibility to maintenance and incident management in a safe manner at the Bay Bridge with the evaluation of its financial feasibility, traffic alleviation and environmental analyses; and

WHEREAS, in February of 2021, the MDTA, in cooperation with the Federal Highway Administration (FHWA), issued a Tier 1 Draft Environmental Impact Statement for the Bay Crossing Study; and

WHEREAS, the FHWA and the MDTA have announced their intention to issue a combined Tier 1 Final Environmental Impact Statement and Record of Decision sometime in the Winter of 2021-2022; and

WHEREAS, following the completion of the Tier 1 study, a more extensive and detailed Tier 2 study must be done to thoroughly assess the preferred corridor alternative identified in the Tier 1 study as well as the potential environmental impacts, and possibly advance a new replacement bridge and approach highway or roads; and

WHEREAS, communities in both Anne Arundel and Queen Anne’s Counties will continue to experience the impacts of increased traffic volume and delays during the multi-year will Tier 2 process, and as the current Bay Bridge remains in a constant state of maintenance and rehabilitation; and

WHEREAS, it is imperative the Tier 2 Environmental Impact Statement be funded and begin immediately, and all efforts be made to expedite the lengthy and extensive Federal process.

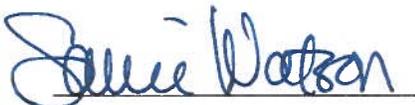
NOW, THEREFORE, BE IT RESOLVED, the County Commissioners of Kent County, Maryland, hereby find that the best solution to maintain forward progress, support the investments already made along the US Route 50/301 corridor, specifically from I-97 to MD 404, and address the existing and future traffic capacity shortfalls is to replace the current two spans of the Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same location, that includes a minimum of eight travel lanes to provide adequate capacity and dependable and reliable travel times.

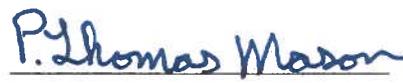
BE IT FURTHER RESOLVED, that the County Commissioners hereby requests that the Tier 1 Chesapeake Bay Crossing Study be concluded, and that sufficient resources be allocated for the Tier 2 Chesapeake Bay Crossing Study; and be it further

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the County Council of Anne Arundel in support of Resolution No. 49-21 and the County Commissioners of Queen Anne’s County in support of Resolution No. 21-17; and as evidence of our unified support in this matter.

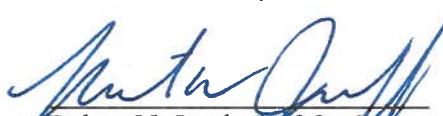
ATTEST:

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

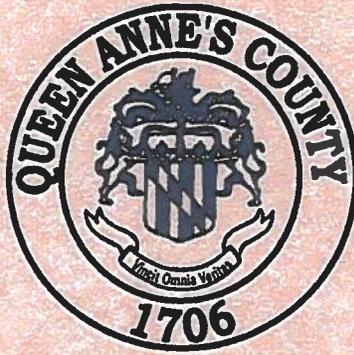

Sallie Watson, Deputy Clerk II


P. Thomas Mason, President


Ronald H. Fithian, Member


Robert N. Jacob, Jr., Member

ADOPTED: October 26, 2021



Resolution

COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND

Resolution No. 21-17

RESOLUTION in support of a replacement bridge at the current crossing of the William Preston Lane Jr. Memorial Bridge otherwise known as the Chesapeake Bay Bridge,

WHEREAS, the iconic Chesapeake Bay Bridge (the "Bay Bridge") connects Maryland's Eastern Shore with its Western Shore, between Stevensville in Queen Anne's County and Annapolis in Anne Arundel County; and

WHEREAS, the original two-lane span opened in 1952 as the world's longest continuous over-water steel structure and a parallel span was added in 1973, and these two spans are the Bay Bridge in place today; and

WHEREAS, the Bay Bridge is situated along a vital, heavily traveled link of the US 50/301 corridor that extends from I-97 to MD 404, and it connects businesses, healthcare, entertainment, and families of both Maryland shores and provides the sole direct connection between recreational and ocean regions on Maryland's Eastern Shore with the metropolitan areas of Baltimore, Annapolis and Washington, D.C.; and

WHEREAS, the Bay Bridge is owned, operated, and maintained by the Maryland Transportation Authority (the "MDTA") in its modern-day construct as a dual 4.3-mile span with a three-lane westbound span and a two-lane eastbound span; and

WHEREAS, the three-lane span can be adjusted to compensate for traffic demands associated with periods of congestion using "contraflow" to reverse traffic flow during peak travel periods and is one of the longest sections of contraflow used in the country; and

WHEREAS, the five lanes of the Bay Bridge that currently cross the Chesapeake Bay have not been adequate to effectively manage peak period traffic for many years; and

WHEREAS, the approaching roadway segments along US 50/301 consists of six lanes, which are geometrically incompatible with the five lanes crossing the Bay; and

WHEREAS, contraflow is used daily in an attempt to correct this incompatibility, but congestion and backups have now become routine in both directions; and

WHEREAS, over the last 30-years Maryland and Delaware have invested over a billion dollars completing numerous roadway improvement projects in the region including, Reach-the-Beach, additional lanes along MD Route 2, the addition of I-97, upgrades to MD Route 404, and the Middletown Delaware bypass; and

WHEREAS, all these corridors contribute to traffic crossing the same five lanes of the Bay Bridge in place since 1973; and

WHEREAS, the existing bridges were designed for a 50-year life, and with the east bound span now nearly 70 years old, and the west bound span now nearly 50 years old, maintenance needs and functional traffic management have become more challenging and expensive as the bridges age

beyond the original design intent, and future maintenance projects will have a significant, detrimental impact on available bridge capacity and operations; and

WHEREAS, in 2015, the “US 50/301 William Preston Lane Jr. Memorial (Bay) Bridge Life Cycle Cost Analysis”¹ identified maintenance and rehabilitation costs for the existing bridges to be \$3.25 billion through 2065; and

WHEREAS, all travelers and commerce must go through this corridor to cross the Chesapeake Bay in Maryland; and

WHEREAS, the lack of any alternative routes in this corridor result in backups on both the mainline corridor and along all parallel community roads which dramatically impacts the health, safety, livability, and economy of the communities located near the passage and along the US 50/301 corridor on both sides of the Chesapeake Bay; and

WHEREAS, the traffic impacts are significant and disruptive to community quality of life and ability to access routine essential services, including, emergency services, patient transport, fire response, schools, and both local and regional economy; and

WHEREAS, the MDTA accurately predicted average Summer daily traffic volume forecasts of 100,000 vehicles per day by 2020, that are now being realized, along with future continuing trends of over 110,000 vehicles per day resulting in projected 7-mile backups and seven hours of delay time by 2030 if the capacity shortfall at the Bay Bridge is not addressed promptly; and

WHEREAS, the only viable solution to eliminate the bottleneck caused by the Bay Bridge capacity constriction is to expeditiously align previous transportation investments in other route improvements with a new replacement bridge and functional mainline approach roadways that are compatible and have adequate capacity to safely move traffic on the US 50/301 corridor; and

WHEREAS, in recent years, Governor Lawrence L. Hogan has worked diligently to identify a solution that will maximize congestion relief and minimize the environmental impact; and

WHEREAS, Governor Hogan had dedicated countless resources and efforts to provide traffic relief in Maryland for families, commuters, and businesses and has directed improvements at the Bay Bridge to reduce current congestion and minimize delays related to required maintenance including, expediting re-decking on the westbound span, installing an electronic toll collection system, removing physical toll booths, and providing free “E-Z Pass” transponders to citizens while keeping tolls at historically low levels; and

WHEREAS, on August 30, 2016, Governor Hogan announced \$5 million in funding for the MDTA to conduct a Tier 1 Bay Crossing Study; and

WHEREAS, the Chesapeake Bay Crossing Study: Tier 1 NEPA (“Bay Crossing Study”) is a National Environmental Policy Act (“NEPA”) study being conducted with public and agency involvement to result in the identification of a preferred corridor alternative to provide adequate capacity, dependable and reliable travel times, and flexibility to maintenance and incident management in a safe manner at the Bay Bridge with the evaluation of its financial feasibility, traffic alleviation and environmental analyses; and

WHEREAS, in February of 2021, the MDTA, in cooperation with the Federal Highway Administration (the “FHWA”), issued a Tier 1 Draft Environmental Impact Statement for the Bay Crossing Study; and

WHEREAS, the FHWA and the MDTA have announced their intention to issue a combined Tier 1 Final Environmental Impact Statement and Record of Decision sometime in the Winter of 2021-2022; and

WHEREAS, following the completion of the Tier 1 study, a more extensive and detailed Tier 2 study must be done to thoroughly assess the preferred corridor alternative identified in the Tier 1 study as well as the potential environmental impacts, and possibly advance a new replacement bridge and approach highway or roads; and

WHEREAS, communities in both Anne Arundel and Queen Anne's Counties will continue to experience the impacts of increased traffic volume and delays during the multi-year Tier 2 process, and as the current Bay Bridge remains in a constant state of maintenance and rehabilitation; and

WHEREAS, it is imperative the Tier 2 Environmental Impact Statement be funded and begin immediately, and all efforts be made to expedite the lengthy and extensive Federal process; now, therefore, be it

Resolved by the County Commissioners of Queen Anne's County, Maryland, That it hereby finds that the best solution to maintain forward progress, support the investments already made along the US Route 50/301 corridor, specifically from I-97 to MD 404, and address the existing and future traffic capacity shortfalls is to replace the current two spans of the Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same location, that includes a minimum of eight travel lanes to provide adequate capacity and dependable and reliable travel times; and be it further

Resolved, That the County Commissioners hereby requests that the Tier 1 Chesapeake Bay Crossing Study be concluded, and that sufficient resources be allocated for the Tier 2 Chesapeake Bay Crossing Study; and be it further

Resolved, That a copy of this Resolution be sent to the County Council of Anne Arundel County for their consideration and mutual support.

WITNESS the hands and seals of the County Commissioners of Queen Anne's County this 28 day of September, 2021.

ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY



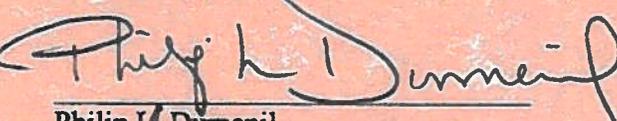
Christopher M. Corchiarino, President



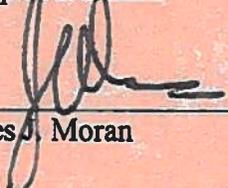
Jack N. Wilson, Jr.



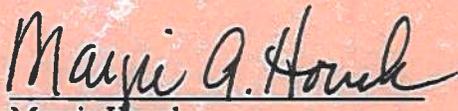
Stephen Wilson



Philip L. Dumenil



James J. Moran



Margie Houck
Executive Assistant

COMMISSIONERS FOR SOMERSET COUNTY

11916 SOMERSET AVENUE, ROOM 111
PRINCESS ANNE, MARYLAND 21853
TELEPHONE 410-651-0320, FAX 410-651-0366

COMMISSIONERS

CRAIG N. MATHIES, SR., PRESIDENT
CHARLES LAIRD, VICE-PRESIDENT
REX SIMPKINS
ELDON WILLING
RANDY LAIRD



COUNTY ADMINISTRATOR-CLERK
RALPH D. TAYLOR

COUNTY ATTORNEY
KIRK G. SIMPKINS

March 15, 2022

The Honorable Lawrence Hogan, Jr.
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

On behalf of the Board of Commissioners for Somerset County, I would like to express our support for the construction of a replacement bridge at the current crossing of the William Preston Jr. Memorial Bridge; otherwise known as the Chesapeake Bay Bridge.

As the main gateway to and from the Eastern Shore to the Western Shore, the five lanes (three lanes westbound and two lanes eastbound) of this 4.3 mile-long bridge are not adequate to effectively manage the numerous commuters obligated to this route due to lack of alternates. Periods of congestion and backups, that have now become routine in both directions, have resulted in major delays that is considerably troublesome since this bridge provides vital access for emergency services, patient transports, and fire response; not to mention medical care, necessary commute for employment, and the homes of family and friends.

With the average summer daily traffic volume forecasted to be 110,000 vehicles per day crossing the Chesapeake Bay Bridge by 2030 (according to the Maryland Transportation Authority), the current bridge will severely impact what is already a problematic situation as it would result in miles of backups and hours of time delays to residents and vacationers if the capacity shortfall is not addressed promptly.

Thank you for your consideration.

Sincerely,

Craig N. Mathies, Sr.
President

Cc: Senator Chris Van Hollen
Senator Benjamin Cardin
Congressman Andy Harris
Mr. James Ports MTA
Ms. Heather Lowe, Project Manager/MDTA
Mr. Todd Mohn, PE, Queen Anne's County Administrator



WICOMICO COUNTY, MARYLAND

P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
410-548-4696
FAX: 410-548-7872

WICOMICO COUNTY COUNCIL
John T. Cannon, President/At-Large
Ernest F. Davis, Vice-President/District #1
William R. McCain, At-Large
Nicole Acle, District #2

Laura Hurley, Council Administrator
Larry W. Dodd, District #3
Josh Hastings, District #4
Joe Holloway, District #5

February 15, 2022

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

This letter is in support of constructing a replacement bridge at the current crossing of the William Preston Lane Jr. Memorial Bridge, otherwise known as the Chesapeake Bay Bridge. The five lanes of the Chesapeake Bay Bridge (three lanes westbound and two lanes eastbound) are not adequate to effectively manage peak traffic periods as congestion and backups have now become routine in both directions.

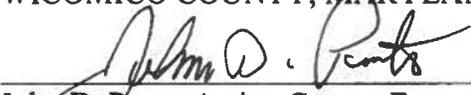
According to the Maryland Transportation Authority (MDTA), the average summer daily traffic volume is forecasted to be 110,000 vehicles per day crossing the Chesapeake Bay Bridge resulting in seven-mile backups and seven hours of delay time by 2030, if the capacity shortfall is not addressed promptly.

The Federal Highway Administration (FHWA) and the Maryland Transportation Authority (MDTA) issued a Tier I draft Environment Impact Statement for the Bay Crossing Study in February 2021 and have announced their intention to issue a combined Tier I Final Environment Impact Statement and Record of Decision in the Winter of 2021-2022. Following the Tier 1 study, a more extensive and detailed Tier 2 study must be done to thoroughly assess the preferred corridor alternative identified in the Tier 1 study, as well as the potential environmental impacts, and possibly advance a new replacement bridge and approach highway or roads. It is imperative that the Tier I study be concluded and the Tier 2 Environment Impact Statement be funded and begin immediately, and all efforts be made to expedite the Federal process.

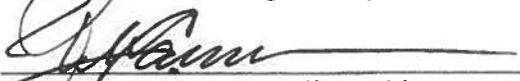
To reduce traffic congestion on the Chesapeake Bay Bridge with minimal environmental impacts, Wicomico County supports replacing the current two spans of the Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same location, that includes a minimum of eight travel lanes to provide adequate capacity and dependable and reliable travel times.

Sincerely,

WICOMICO COUNTY, MARYLAND



John D. Psota, Acting County Executive



John T. Cannon, Council President

cc:

Wicomico County Council

Wicomico County Delegation

Mr. James Ports, Jr., Maryland Secretary of Transportation

Ms. Heather Lowe, Project Manager-MDTA

U.S. Senators Chris Van Hollen and Benjamin Cardin

U.S. Congressman Andy Harris

Mr. Pete Buttigieg, U.S. Secretary of Transportation

Ms. Jeanette Mar, Environmental Program Manager-FHWA Maryland Division

Ms. Karen Kahl, Project Manager – RK&K

Mr. Tim Ryan, Project Manager- Traffic Analysis - AECOM

RESOLUTION NO. 2022-03

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY, MARYLAND, IN SUPPORT OF A REPLACEMENT BRIDGE AT THE CURRENT CROSSING OF THE WILLIAM PRESTON LANE JR. MEMORIAL BRIDGE OTHERWISE KNOWN AS THE CHESAPEAKE BAY BRIDGE

WHEREAS, the iconic Chesapeake Bay Bridge (the "Bay Bridge") connects Maryland's Eastern Shore with its Western Shore, between Stevensville in Queen Anne's County and Annapolis in Anne Arundel County; and

WHEREAS, the original two-lane span opened in 1952 as the world's longest continuous over-water steel structure. A parallel span was added in 1973 and these two spans are the Bay Bridge that is in place today; and

WHEREAS, the Bay Bridge is situated along a vital, heavily traveled link of the US 50/301 corridor that extends from I-97 to MD 404, and it connects businesses, healthcare, entertainment, and families of both Maryland shores, and provides the sole direct connection between recreational and ocean regions on Maryland's Eastern Shore with the metropolitan areas of Baltimore, Annapolis and Washington, D.C.; and

WHEREAS, the Bay Bridge is owned, operated, and maintained by the Maryland Transportation Authority (the "MDTA") in its modern-day construct as a dual 4.3-mile span, with a three-lane westbound span and a two-lane eastbound span; and

WHEREAS, the three-lane span can be adjusted to compensate for traffic demands associated with periods of congestion using "contraflow" to reverse traffic flow during peak travel periods and is one of the longest sections of contraflow used in the country; and

WHEREAS, the five lanes of the Bay Bridge that currently cross the Chesapeake Bay have not been adequate to effectively manage peak period traffic for many years; and

WHEREAS, the approaching roadway segments along US 50/301 consist of six lanes, which are geometrically incompatible with the five lanes crossing the Bay; and

WHEREAS, contraflow is used daily in an attempt to correct this incompatibility, but congestion and backups have now become routine in both directions; and

WHEREAS, over the last 30 years Maryland and Delaware have invested over a billion dollars completing numerous roadway improvement projects in the region, including Reach-the-Beach, additional lanes along MD Route 2, the addition of I-97, upgrades to MD Route 404, and the Middletown Delaware bypass; and

WHEREAS, all these corridors contribute to traffic crossing the same five lanes of the Bay Bridge in place since 1973; and

WHEREAS, the existing bridges were designed for a 50-year life, and with the east

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

bound span now nearly 70 years old, and the west bound span now nearly 50 years old, maintenance needs and functional traffic management have become more challenging and expensive as the bridges age beyond the original design intent, and future maintenance projects will have a significant, detrimental impact on available bridge capacity and operations; and

WHEREAS, in 2015, the "US 50/301 William Preston Lane Jr. Memorial (Bay) Bridge Life Cycle Cost Analysis" identified maintenance and rehabilitation costs for the existing bridges to be \$3.25 billion through 2065; and

WHEREAS, all travelers and commerce must go through this corridor to cross the Chesapeake Bay in Maryland; and

WHEREAS, the lack of any alternative routes in this corridor result in backups on both the mainline corridor and along all parallel community roads which dramatically impacts the health, safety, livability, and economy of the communities located near the passage and along the US 50/301 corridor on both sides of the Chesapeake Bay; and

WHEREAS, the traffic impacts are significant and disruptive to community quality of life and ability to access routine essential services, including, emergency services, patient transport, fire response, schools, and both local and regional economy; and

WHEREAS, the MDTA accurately predicted average Summer daily traffic volume forecasts of 100,000 vehicles per day by 2020, that are now being realized, along with future continuing trends of over 110,000 vehicles per day, resulting in projected 7-mile backups and seven hours of delay time by 2030 if the capacity shortfall at the Bay Bridge is not addressed promptly; and

WHEREAS, the only viable solution to eliminate the bottleneck caused by the Bay Bridge capacity constriction is to expeditiously align previous transportation investments in other route improvements with a new replacement bridge and functional mainline approach roadways that are compatible and have adequate capacity to safely move traffic on the US 50/301 corridor; and

WHEREAS, in recent years, Governor Lawrence L. Hogan has worked diligently to identify a solution that will maximize congestion relief and minimize the environmental impact; and

WHEREAS, Governor Hogan has dedicated countless resources and efforts to provide traffic relief in Maryland for families, commuters, and businesses, and has directed improvements at the Bay Bridge to reduce current congestion and minimize delays related to required maintenance, including expediting re-decking on the westbound span, installing an electronic toll collection system, removing physical toll booths, and providing free "E-Z Pass" transponders to citizens while keeping tolls at historically low levels; and

WHEREAS, on August 30, 2016, Governor Hogan announced \$5 million in funding

for the MDTA to conduct a Tier 1 Bay Crossing Study; and

WHEREAS, the Chesapeake Bay Crossing Study: Tier 1 NEPA ("Bay Crossing Study") is a National Environmental Policy Act ("NEPA") study being conducted with public and agency involvement to result in the identification of a preferred corridor alternative to provide adequate capacity, dependable and reliable travel times, and flexibility to maintenance and incident management in a safe manner at the Bay Bridge with the evaluation of its financial feasibility, traffic alleviation and environmental analyses; and

WHEREAS, in February of 2021, the MDTA, in cooperation with the Federal Highway Administration (the "FHWA"), issued a Tier 1 Draft Environmental Impact Statement for the Bay Crossing Study; and

WHEREAS, the FHWA and the MDTA have announced their intention to issue a combined Tier 1 Final Environmental Impact Statement and Record of Decision sometime in the Winter of 2021-2022; and

WHEREAS, following the completion of the Tier 1 study, a more extensive and detailed Tier 2 study must be done to thoroughly assess the preferred corridor alternative identified in the Tier 1 study, as well as the potential environmental impacts, and possibly advance a new replacement bridge and approach highway or roads; and

WHEREAS, communities in both Anne Arundel and Queen Anne's Counties will continue to experience the impacts of increased traffic volume and delays during the multi-year Tier 2 process, as the current Bay Bridge remains in a constant state of maintenance and rehabilitation; and

WHEREAS, it is imperative the Tier 2 Environmental Impact Statement be funded and begin immediately, and all efforts be made to expedite the lengthy and extensive Federal process.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Ocean City, Maryland, that it hereby finds that the best solution to maintain forward progress, support the investments already made along the US Route 50/301 corridor, specifically from I-97 to MD 404, and address the existing and future traffic capacity shortfalls is to replace the current two spans of the Chesapeake Bay Bridge with a single new replacement bridge, constructed at the same location, that includes a minimum of eight travel lanes to provide adequate capacity and dependable and reliable travel times; and

BE IT FURTHER RESOLVED, that the Mayor and City Council of Ocean City, Maryland hereby requests that the Tier 1 Chesapeake Bay Crossing Study be concluded, and that sufficient resources be allocated for the Tier 2 Chesapeake Bay Crossing Study; and

BE IT FURTHER RESOLVED, that this Resolution is in direct support of Resolution No. 49-21 of the County Council of Anne Arundel County and Resolution No. 21-17 of the County Commissioners of Queen Anne's County. A copy of this Resolution shall be sent to the County Council of Anne Arundel County and the County Commissioners of Queen

Anne's County as evidence of our unified support in this matter.

RESOLVED this 15 day of February, 2022.

ATTEST:



DIANA L. CHAVIS, Clerk

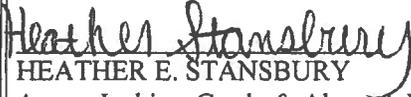


RICHARD W. MEEHAN, Mayor

Approved as to form:



MATTHEW M. JAMES, President



HEATHER E. STANSBURY
Ayres, Jenkins, Gordy & Almand, P.A.
Office of City Solicitor



ANTHONY J. DELUCA, Secretary



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

DALLAS BAKER JR., P.E.
DIRECTOR

CHRIS CLASING, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

**TO: Weston Young, Chief Administrative Officer
Joe Parker, Deputy Chief Administrative Officer**
FROM: Dallas Baker, Jr., P.E., Director *Dallas Baker*
DATE: March 28, 2022
SUBJECT: Requested Rate Increase for Continuation of Custodial 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

Attached for your review and consideration is a request to increase Custodial Service rates per the attached letter from Mr. Meticulous Cleaning Service Inc. The projected total requested as an over expenditure for FY23 is \$53,425.88

The last Custodial Services contract extension with Mr. Meticulous Cleaning Service expired on February 28, 2019. In an agreement with the owner, Nicholas Eskridge, it was extended on a month to month basis for an estimated 4 months while the services were competitively bid. Mr. Meticulous to this point has held pricing since 2014.

In 2019, Custodial Services was advertised with the bid opening on September 23, 2019. There were 3 bidders and after extensive research at the time it was determined that none were qualified. The service was never rebid and has been continued on a month to month basis since.

Mr. Meticulous has notified us that they can no longer hold pricing and continue servicing our facilities. Although we expect to advertise Custodial Services for bid and anticipate a new contract, we are requesting approval to increase their price per visit as noted in the attached documents.

We feel confident that we have a loyal contractor that is willing to continue meeting the needs of the County as required and support this request.

Should you have any questions, please contact me.

Attachments;

- Mr. Meticulous letter, March 1, 2022
- 2022 Rate Increase comparison
- Custodial Contract, Addendum 8, February 12, 2014

Cc: Chris Clasing Deputy Director
Michael Hutchinson Maintenance Superintendent

Mr.
METICULOUS
Cleaning Service, Inc.

P.O. Box 2441 Salisbury, MD 21802-2441 (410) 860-1400

1 March 2022

To: Dallas Baker – Director of DPW

Subject: Worcester County Custodial Contract Cost Increase

Dallas,

I would like to thank you for the opportunity to voice my concerns regarding the current Custodial Contract and the services that my company is currently providing to Worcester County. As I have expressed in the meeting with you and Mike, it has always been a privilege to work with Worcester County and all the staff and employees within the 26 County buildings that we have provided commercial cleaning services to for these past 20 years. I very much hope that we can continue to work with Worcester County long into the future as the County continues to grow and change.

As referenced, I initially agreed to HOLD my Fifth-Year pricing from our 2013 Custodial Contract, past its February 2018 end-date and that I would do so until the County reached an agreement on how to proceed with the Custodial Contract Bid Process. This price was held from February 2018 until and through the bid process in Fall of 2019. As the last contract iteration could not be awarded in its current configuration, I was forced to continue to HOLD my outdated pricing until a further decision could be made. Additionally, I continued to HOLD this same, grossly outdated pricing throughout the entirety of the COVID-19 Pandemic and did not pass along any of our many cost increases. Despite all of this, we have still managed to retain ALL of our staff and we did not miss a single scheduled service date in any County building during the COVID-19 Pandemic.

“taking pride in attention to detail”

M.
METICULOUS
Cleaning Service, Inc.

P.O. Box 2441 Salisbury, MD 21802-2441 (410) 860-1400

While my staff and I remain greatly appreciative for the opportunity to work with and for Worcester County, the contract has become largely unprofitable and has put us into a position where we can no longer provide service at these prices. While we have been fortunate both to be awarded the contract several times and hold the contract for a considerable length of time, every cost associated with doing business has since increased significantly. As the contract has been on HOLD, we have been forced to absorb all these increased costs for several years. At this point the contract continues to force us to work at a loss each day that we remain providing services at the current prices.

Currently, I find it very necessary to increase my Price Per Visit for each County building. These price increases allow for the continually rising cost of supplies, chemicals and materials, equipment, fuel, insurance and most importantly to the rising Minimum Wage rate. We have always paid our staff above minimum wage because we believe that Minimum Wage often equals Minimum Effort. Minimum wage has increased from \$7.25 to \$12.50 over the course of these last 9 years and which will continue to rise for the next 3 years to \$15.00/hour. Additionally, we provided the County with thousands of gallons of cleaning chemicals used for the normal, every-day cleaning processes as well as also providing hundreds of gallons of additional chemicals to each building to better mitigate and combat the spread of the coronavirus amidst the ongoing COVID-19 Pandemic. None of these costs were passed along to the County.

I have enclosed a chart detailing the Current PPV and Annual Amounts and the new rates that I believe are much more in line with today's costs and are fair to the County and my company.

Pricing Comparison by Contract Date/Proposal Date

NO.	BLDG.	LOCATION	VISITS per WK.	VISITS per YR.	CURRENT PPV	CURRENT ANNUAL	2019 BID PPV	2019 BID ANNUAL	OFFER PPV	OFFER ANNUAL	NEW PPV	NEW ANNUAL
1	Senior Center	Berlin	1	52	67.95	3,533.40	92.00	4,784.00	96.00	4,992.00	100.00	5,200.00
2	Library	Berlin	3	156	147.45	23,002.20	147.45	23,002.20	147.45	23,002.20	147.45	23,002.20
3	Health Dept	Berlin	3	156	119.91	18,705.96	172.50	26,910.00	180.00	28,080.00	200.00	31,200.00
4	Dental Clinic	Berlin	1	52	72.03	3,745.56	69.00	3,588.00	72.00	3,744.00	90.00	4,680.00
5	WWW	Ocean Pines	1	52	114.92	5,975.84	92.00	4,784.00	96.00	4,992.00	125.00	6,500.00
6	Library	Ocean Pines	3	156	134.91	21,045.96	138.00	21,528.00	144.00	22,464.00	150.00	23,400.00
					76,008.92			84,596.20		87,274.20		93,982.20

AREA #2 - BASE BID BUILDINGS			BASE BID YR. 1-3									
1	IOW SVC BLDG.	Bishopville	2	104	84.94	8,833.76	92.00	9,568.00	96.00	9,984.00	100.00	10,400.00
2	Senior Center	Ocean City	1	52	174.88	9,093.76	138.00	7,176.00	144.00	7,488.00	200.00	10,400.00
3	Library	Ocean City	3	156	144.90	22,804.40	158.00	24,648.00	144.00	22,464.00	125.00	19,500.00
4	Health Dept	Ocean City	2	104	35.02	3,642.08	70.00	7,280.00	96.00	9,984.00	96.00	9,984.00
					44,174.00			48,672.00		49,920.00		50,284.00

AREA #3 - BASE BID BUILDINGS			BASE BID YR. 1-3									
1	Welcome Center	Pocomoke	1	52	25.76	1,339.00	23.00	1,196.00	24.00	1,248.00	50.00	2,600.00
2	Library	Pocomoke	3	156	95.00	14,820.00	69.00	10,764.00	72.00	11,232.00	105.00	16,380.00
3	Service Building Health Dept.	Pocomoke	3	156	77.35	12,066.80	92.00	14,352.00	96.00	14,976.00	100.00	15,600.00
4	Service Building Senior Ctr.	Pocomoke	1	52	41.85	2,165.80	69.00	3,588.00	72.00	3,744.00	75.00	3,900.00
					30,391.40			29,900.00		31,200.00		38,480.00

AREA #4 - BASE BID BUILDINGS			BASE BID YR. 1-3									
1	Fire Training Center	Newark	1	52	43.28	2,249.52	69.00	3,588.00	72.00	3,744.00	75.00	3,900.00
2	Senior Center	Snow Hill	2	104	177.80	18,470.40	230.00	23,920.00	240.00	24,960.00	300.00	31,200.00
3	Health Dept	Snow Hill	3	156	255.49	39,856.44	391.00	60,996.00	408.00	63,648.00	500.00	78,000.00
4	Tourism	Snow Hill	1	52	74.16	3,856.32	69.00	3,588.00	72.00	3,744.00	75.00	3,900.00
5	Board of Elections	Snow Hill	1	52	78.25	4,069.00	92.00	4,784.00	96.00	4,992.00	100.00	5,200.00
6	State's Attorney	Snow Hill	2	104	91.75	9,542.00	115.00	11,960.00	120.00	12,480.00	125.00	13,000.00
7	Government Center	Snow Hill	3	156	495.66	77,322.96	529.00	82,524.00	552.00	86,112.00	600.00	93,600.00
					166,386.64			191,360.00		199,680.00		228,800.00

ON CALL BUILDINGS			BASE BID YR. 1-3									
1	Roads	Snow Hill	2	104	62.50	6,500.00	46.00	4,784.00	48.00	4,992.00	75.00	7,800.00
2	Animal Control	Snow Hill	1	52	55.00	2,860.00	69.00	3,588.00	72.00	3,744.00	75.00	3,900.00
3	Bank Street Extension Office	Snow Hill	1	52	55.00	2,860.00	46.00	2,392.00	49.00	2,548.00	60.00	3,120.00
4	County Dump	Snow Hill	2	104	62.50	6,500.00	62.50	6,500.00	62.50	6,500.00	75.00	7,800.00
5	Recycling	Snow Hill	2	104	62.50	6,500.00	62.50	6,500.00	62.50	6,500.00	75.00	7,800.00
6	DPW	Snow Hill	2	104	62.50	6,500.00	0.00	0.00	0.00	0.00	0.00	0.00
					31,720.00			23,764.00		24,284.00		30,420.00

(On Call Building pricing not included) - ANNUAL TOTAL 306,940.96 354,528.20 368,074.20 411,546.20
 (On Call Building pricing included) - ANNUAL TOTAL 337,660.96 378,292.20 392,358.20 441,966.20

Annual Difference:	40,631.24	14,066.00	49,608.00
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Mr.
METICULOUS
Cleaning Service, Inc.

P.O. Box 2441 Salisbury, MD 21802-2441 (410) 860-1400

I am only able to hold these enclosed prices until the end of 2022 or until a new Contract is awarded. This new pricing will begin on March 1st, 2022.

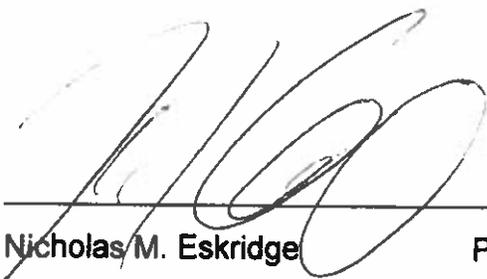
IF a contract cannot be or has not been awarded by this time, I will provide advanced pricing for the 2023 Calendar Year.

IF these price increases cannot happen, I am afraid I will need to begin pulling my staff and equipment from the County buildings so that I can remain focused on work that is profitable.

I greatly appreciate the opportunity to continue to provide service to Worcester County.

Thank you again for your time and consideration of this matter.

Sincerely,



Nicholas M. Eskridge President



Date

ITEM 8

CURRENT EXPENSE							REQUESTED INCREASE			FY22 Approved Budget	Increase for Remaining 18 weeks of FY22 Beginning 3/1	FY22 Projected Overage		
NO.	BLDG.	LOCATION	VISITS per WK.	WKS. per YR.	PPV	ANNUAL	PPV	ANNUAL	% INCREASE					
1	Senior Center	Ocean City	1	52	174.88	9,093.76	200.00	10,400.00	14.3641%	\$6,000.00	\$452.16	\$3,545.92		
2	Senior Center	Berlin	1	52	67.95	3,533.40	100.00	5,200.00	47.1670%	\$3,000.00	\$576.90	\$1,110.30		
3	Senior Center	Snow Hill	2	52	177.60	18,470.40	300.00	31,200.00	68.9189%	\$18,000.00	\$4,406.40	\$4,876.80		
4	Library	Ocean City	3	52	144.90	22,604.40	125.00	19,500.00	-13.7336%	\$22,000.00	-\$1,074.60	\$0.00		
5	Library	Ocean Pines	3	52	134.91	21,045.96	150.00	23,400.00	11.1852%	\$22,000.00	\$814.86	\$0.00		
6	Library	Berlin	3	52	147.75	23,049.00	147.45	23,002.20	-0.2030%	\$22,000.00	-\$16.20	\$1,032.80		
7	Health Department	Ocean City	2	52	35.02	3,642.08	96.00	9,984.00	174.1291%	\$3,400.00	\$2,195.28	\$2,437.36		
8	Health Department	Berlin	3	52	119.91	18,705.96	200.00	31,200.00	66.7918%	\$18,000.00	\$4,324.86	\$5,030.82		
9	Dental Clinic	Berlin	1	52	72.03	3,745.56	90.00	4,680.00	24.9479%	\$3,500.00	\$323.46	\$569.02		
10	Health Department	Snow Hill	3	52	255.49	39,856.44	500.00	78,000.00	95.7024%	\$32,000.00	\$13,203.54	\$21,059.98		
11	Isle of Wight Service Bldg.	Bishopville	2	52	84.94	8,833.76	100.00	10,400.00	17.7302%	\$8,500.00	\$542.16	\$875.92		
12	WWW	Ocean Pines	1	52	114.92	5,975.84	125.00	6,500.00	8.7713%	\$17,000.00	\$181.44	\$0.00		
13	Roads	Snow Hill	2	52	62.50	6,500.00	75.00	7,800.00	20.0000%	New	\$450.00	\$450.00		
14	Fire Training Center	Newark	1	52	43.26	2,249.52	75.00	3,900.00	73.3703%	\$2,200.00	\$571.32	\$620.84		
15	Tourism/Economic Develop	Snow Hill	1	52	74.16	3,856.32	75.00	3,900.00	1.1327%	\$3,930.00	\$15.12	\$0.00		
16	Welcome Center	Pocomoke	1	52	25.75	1,339.00	50.00	2,600.00	94.1748%	\$1,350.00	\$436.50	\$425.50		
17	Board of Elections	Snow Hill	1	52	78.25	4,069.00	100.00	5,200.00	27.7955%	\$4,069.00	\$391.50	\$391.50		
18	State's Attorney	Snow Hill	2	52	91.75	9,542.00	125.00	13,000.00	36.2398%	\$9,100.00	\$1,197.00	\$1,639.00		
19	Government Center	Snow Hill	3	52	495.66	77,322.96	600.00	93,600.00	21.0507%	\$77,500.00	\$5,634.36	\$5,457.32		
20	Library	Pocomoke	3	52	95.00	14,820.00	105.00	16,380.00	10.5263%	\$17,940.00	\$540.00	\$0.00		
21	Health Department	Pocomoke	3	52	77.35	12,066.60	100.00	15,600.00	29.2825%	\$11,370.00	\$1,223.10	\$1,919.70		
22	Senior Center	Pocomoke	1	52	41.65	2,165.80	75.00	3,900.00	80.0720%	\$1,800.00	\$600.30	\$966.10		
23	Animal Control	Snow Hill	1	52	60.00	3,120.00	75.00	3,900.00	25.0000%	New	\$270.00	\$27.00		
24	Solid Waste	Newark	2	52	62.50	6,500.00	75.00	7,800.00	20.0000%	New	\$450.00	\$450.00		
25	Recycle	Newark	2	52	62.50	6,500.00	75.00	7,800.00	20.0000%	New	\$450.00	\$450.00		
26	Bank Street Bldg.	Snow Hill	1	52	55.00	2,860.00	60.00	3,120.00	9.0909%	New	\$90.00	\$90.00		
						TOTAL	331,467.76	TOTAL	441,966.20	33.3361%			\$53,425.88	
TOTAL PROPOSED INCREASE:										\$110,498.44	33.3361%	FY22 TOTAL OVERAGE:		\$53,425.88

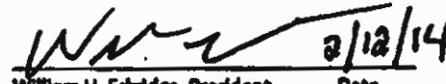
WORCESTER COUNTY - MR. METICULOUS
 CUSTODIAL SERVICES CONTRACT
 EXTENDED FOR 5-YEARS TO FEBRUARY 28, 2019
 EFFECTIVE MARCH 1, 2014

No.	Building Name	Location	Original Visits/Week	Revised Visits/Week	Payment Per Visit
1	Ocean City Senior Center	104 - 41st Street Ocean City	2	1	\$174.88
2	Northern Worcester Senior Center	10129 Old OC Boulevard Berlin	2	1	\$67.95
3	Charles & Martha Fulton Senior Center	4767 Snow Hill Road Snow Hill	3	2	\$177.60
4	Ocean City Library	10003 Coastal Highway Ocean City	5	3	\$144.90
5	Ocean Pines Library	11107 Cathell Road Berlin	5	3	\$134.91
6	Berlin Library	220 North Main Street Berlin	3	3	\$51.96
7	Ocean City Health Center	4 Caroline Street Ocean City	2	2	\$35.02
8	Berlin Health Department	9730 Healthway Drive Berlin	5	3	\$119.91
9	Worcester County Dental Center	107 Williams Street Berlin	1	1	\$72.09
10	Snow Hill Health Department	6040 Public Landing Road Snow Hill	5	3	\$255.49
11	Isle of Wight Service Building	13070 St Martins Neck Road Bishopville	2	2	\$84.94
12	Water & Wastewater	1000 Shore Lane Berlin	2/month	1	\$114.92
13	County Roads Building	5746 Worcester Highway Snow Hill	N/A	1	\$38.11
14	Fire Training Center	6743 Central Site Lane Newark	N/A	1	\$43.26
15	Tourism and Economic Development	100 Pearl Street Snow Hill	N/A	1	\$74.16
16	U.S. Route 13 Welcome Center	U.S. Route 13 & Marve Road Pocomoke	N/A	1	\$25.75
17	Board of Elections	100 Belt Street Snow Hill	N/A	1	\$51.50
18	State's Attorney's Office	106 Franklin Street Snow Hill	2	2	\$91.75
19	Worcester County Government Center	1 West Market Street Snow Hill	5	3	\$495.66
20	Pocomoke Library	301 Market Street Pocomoke	0	3	\$95.00
21	Pocomoke Library (Restrooms Only)	301 Market Street Pocomoke	0	2	\$30.00
22	Pocomoke Service Building - Health	400 Walnut Street Pocomoke	0	3	\$77.35
23	Pocomoke Service Building - Aging	400 Walnut Street Pocomoke	0	1	\$41.65
24	Dept of Liquor Control - Snow Hill	563 Snow Hill Road Snow Hill	0	Every 2 weeks	\$79.92
N/A	Floor Stripping & Refinishing	All Locations		Per Square Foot	\$0.37
N/A	Carpet Cleaning	All Locations		Per Square Foot	\$0.14

Effective March 1, 2014, the above schedule shall replace Attachment B of the Independent Contractor's Agreement dated March 3, 2009 between the County Commissioners of Worcester County, Maryland and Mr. Meticulous Cleaning Service, Inc. and shall be extended for an additional 5-year term through February 28, 2019. Contractor shall show actual cleaning dates on all invoices. When the scheduled visit falls on a County Holiday, no services will be provided and no payment will be rendered to Contractor unless an alternate date has been pre-approved in writing by County Contract Official.

SEEN AND AGREED


 James C. Church, President Date 2/18/14
 Worcester County Commissioners


 William H. Eskridge, President Date 2/12/14
 Mr. Meticulous Cleaning Service, Inc.

Effective March 1, 2014



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

WESTON S. YOUNG, P.E.
CHIEF ADMINISTRATIVE OFFICER
JOSEPH E. PARKER, III
DEPUTY CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

April 8, 2022

TO: Worcester County Commissioners
FROM: Karen Hammer, Administrative Assistant V
SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2021

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (8), which have current or upcoming vacancies (13). The annual report for each board is also included. I have circled the members whose terms have expired or will expire on each of these boards.

President Mitrecic - You have assigned all positions

Commissioner Bunting - You have Two (2) position needed:

- David Deutsch - Term Ending - Dec. 21- Ethics Board
- Gregory Sauter - Resigned - Dec. 21 - Water and Sewer Advisory Council Ocean Pines

Commissioner Nordstrom - You have assigned all positions

Commissioner Church - You have Five (5) positions open:

- Martin Kwesko - Term Ending - Dec. 21-Water & Sewer Advisory Council, Mystic Harbour
- Richard Jendrek- passed- Water & Sewer Advisory Council, Mystic Harbour
- Bruce Bums -passed- Water & Sewer Advisory Council, Mystic Harbour
- Keith Swanton -Term Ending-Dec. 21- Water & Sewer Advisory Council, West Ocean City
- Elizabeth Rodier -Term Ending-Dec. 21- Commission for Women- Not a Reappointment

Commissioner Purnell - You have assigned all positions

Commissioner Elder - You have assigned all positions

Commissioner Bertino - You have assigned all positions



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 JAMES C. CHURCH
 JOSHUA C. NORDSTROM
 DIANA PURNELL

All Commissioners:

- **(1)-Adult Public Guardianship Board-** (1) Vacancy/Resignation- Dr. Kenneth Widra - Psychiatrist - The Health Department is researching for a suitable candidate for this position.
- **(1) -Drug and Alcohol Abuse Council - 1 Position** - (Passing of Dr. Cragway, Jr., also Knowledgeable of Substance Abuse Treatment), Mr. Orris hopes to have recommendations for The Commissioners later this year, **however**, if the Commissioners have someone they'd like to appoint, please advise.
- **(4) - At Large position on Local Development Council For the Ocean Downs Casino-4 yr.** Mark Wittmyer (Business-Ocean Pines) Terms Ending-Dec. 21 for (3)- Gee Williams (Church), Bob Gilmore (Bertino), David Massey (At-Large-Business O.P.)
- **(1) - Water and Sewer Advisory Council-Ocean Pines (D-6-Bunting)-** (1) Term Ending and Resignation Dec. 21.- Gregory Sauter
- **(3) - Water and Sewer Advisory Council - Mystic Harbour** (Passing of Richard Jendrek and Bruce Burns) (1)-Term Ending-Dec. 21- Martin Kwesko
- **(1)- Water and Sewer Advisory Council- West Ocean City-**(1) Term Endings-Dec. 21 - Keith Swanton
- **(1) - Commission for Women-Elizabeth Rodier**, (Church) does not choose to be reappointed.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom Thank you! All of your positions are assigned.

District 2 - Purnell

Thank you! All of your positions are assigned.

District 3 - Church

- p. 10 - Water & Sewer - Mystic Harbour - Martin Kwesko
- p. 10 - Water & Sewer - Mystic Harbour - Richard Jendrek
- p. 10 - Water & Sewer - Mystic Harbour - Bruce Burns
- p. 12 - Water and Sewer Advisory Board -West Ocean City - Keith Swanton
- p. 13 - Commission for Women - Elizabeth Rodier

District 4 - Elder

Thank you! All of your positions are assigned.

District 5 - Bertino

Thank you! All of your positions are assigned.

District 6 - Bunting

- p. 9 - Ethics Board - David Deutsch
- p. 11 - Water and Sewer Advisory Council Ocean Pines - Gregory Sauter - resigned

District 7 - Mitrecic

Thank you! All of your positions are assigned.

All Commissioners

p. 4 (1) - Adult Public Guardianship Board- (1) Vacancy - Psychiatrist

p. 6 (1) -Drug and Alcohol Abuse Council - 1 Position - (Passing of Dr. Cragway, Jr., also Knowledgeable of Substance Abuse Treatment), Mr. Orris hopes to have recommendations for The Commissioners later this year, however, if the Commissioners have someone they'd like to appoint, please advise.

p. 8 (4) - At Large position on Local Development Council For the Ocean Downs Casino-4 yr. Mark Wittmyer (Business - Ocean Pines) Terms Ending - Dec. 21 for (3) - Gee Williams (Church), Bob Gilmore (Bertino), David Massey (At-Large- Business O.P.)

p. 10 (3) - Water and Sewer Advisory Council - Mystic Harbour (Passing of Richard Jendrek and Bruce Burns) (1) - Term Ending-Dec. 21- Martin Kwesko

p. 11 (1) - Water and Sewer Advisory Council, Ocean Pines - (1) Term Ending - Gregory Sauter

p. 12 (1) - Water and Sewer Advisory Council- West Ocean City - (1) Term Endings - Dec. 21 - Keith Swanton

p. 13 (1) - Commission for Women - Elizabeth Rodier (Church) does not choose to be reappointed.

ADULT PUBLIC GUARDIANSHIP BOARD

Reference: PGL Family Law 14-402, Annotated Code of Maryland
 Appointed by: County Commissioners
 Function: Advisory
 Perform 6-month reviews of all guardianships held by a public agency.
 Recommend that the guardianship be continued, modified or terminated.

Number/Term: 1 1/3 year terms
 Terms expire December 31st

Compensation: None, travel expenses (under Standard State Travel Regulations)

Meetings: Semi-annually

Special Provisions: 1 member must be a professional representative of the local department
 1 member must be a physician
 1 member must be a psychiatrist from the local department of health
 1 member must be a representative of a local commission on aging
 1 member must be a representative of a local nonprofit social services organization
 1 member must be a lawyer
 2 members must be lay individuals
 1 member must be a public health nurse
 1 member must be a professional in the field of disabilities
 1 member must be a person with a physical disability

Staff Contact: Department of Social Services - Roberta Baldwin (410-677-6872)

Current Members:

<u>Member's Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>	
Dr. Kenneth Widra	Psychiatrist	18-21	<i>Resigned</i>
Dr. William Greer	Physician	07-10-13-16-19, 19-22	
Richard Collins	Lawyer	95-98-01-04-07-10-13-16-19-22	
Nancy Howard	Lay Person	*17-19, 19-22	
Connie Wessels	Lay Person	*15-16-19, 19-22	
Brandy Trader	Non-profit Soc. Service Rep.	*15-17, 17-20, 20-23	
LuAnn Siler	Commission on Aging Rep.	17-20, 20-23	
Jack Ferry	Professional in field of disabilities	*14-14-17-20, 20-23	
Thomas Donoway	Person with physical disability	17-20, 20-23	
Roberta Baldwin	Local Dept. Rep. - Social Services	03-06-09-12-15-18-21-24	
Melissa Banks	Public Health Nurse	*02-03-06-09-12-15-18-21-24	

* = Appointed to fill an unexpired term

ADULT PUBLIC GUARDIANSHIP BOARD
(Continued)

Prior Members:

Since 1972

Dr. Donald Harting
 Maude Love
 Thomas Wall
 Dr. Dorothy Holzworth
 B. Randall Coates
 Kevin Douglas
 Sheldon Chandler
 Martha Duncan
 Dr. Francis Townsend
 Luther Schultz
 Mark Bainum
 Thomas Mulligan
 Dr. Paul FloryBarbara Duerr
 Craig Horseman
 Faye Thornes
 Mary Leister
 Joyce Bell
 Rannolph Barr
 Elsie Briddell
 John Sauer
 Dr. Timothy Bainum
 Ernestine Bailey
 Terri Selby (92-95)
 Pauline Robbins (92-95)
 Darryl Hagey
 Dr. Ritchie Shoemaker (92-95)
 Barry Johansson (93-96)
 Albert Straw (91-97)
 Nate Pearson (95-98)
 Dr. William Greer, III (95-98)
 Rev. Arthur L. George (95-99)
 Irvin Greene (96-99)
 Mary Leister (93-99)
 Otho Aydelotte, Jr. (93-99)
 Shirley D'Aprix (98-00)
 Theresa Bruner (91-02)
 Tony Devereaux (93-02)
 Dr. William Krone (98-02)
 David Hatfield (99-03)
 Dr. Kimberly Richardson (02-03)
 Ina Hiller (91-03)
 Dr. David Pytlewski (91-06)
 Jerry Halter (99-06)
 Dr. Glenn Arzadon (04-07)
 Madeline Waters (99-08)
 Mimi Peuser (03-08)
 Dr. Gergana Dimitrova (07-08)
 Carolyn Cordial (08-13)
 June Walker (02-13)
 Bruce Broman (00-14)
 Lori Carson (13-14)
 Pattie Tingle (15-16)
 The Rev. Guy H. Butler (99-17)
 Debbie Ritter (07-17)

Dean Perdue (08-17)
 Dr. Dia Arpon *(10-18)

* = Appointed to fill an unexpired term

DRUG AND ALCOHOL ABUSE COUNCIL

ITEM 9

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

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

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

Compensation: None

Meetings: As Necessary

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

Staff Contact: Regina Mason, Council Secretary, Health Department (410-632-1100)
 Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
<u>At-Large Members</u>		
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18, 18-22
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14-18, 18-22
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (adv)-14-18-22
Jaclyn Sturgis	Knowledgeable on Substance Abuse Issues	*22-23
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19, 19-23
Mimi Dean	Substance Abuse Prevention Provider	*18-19, 19-23
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12-16-20, 20-24
<u>Dr. Roy W. Cragway, Jr.</u>	Knowledgeable on Substance Abuse Issues	*17-20, 20-24 <i>Resigned</i>
Rev. James Jones	Knowledge of Substance Abuse Issues	*21-25
Tina Simmons	Knowledge of Substance Abuse Treatment	21-25

<u>Ex-Officio Members</u>		
Rebecca Jones	Health Officer	Ex-Officio, Indefinite
Roberta Baldwin	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Kris Heiser	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Matt Crisafulli	County Sheriff	Ex-Officio, Indefinite
William Gordy (Eloise Henry Gordy)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Brian Shockley (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Donna Bounds	Warden, Worcester County Jail	Ex-Officio, Indefinite

* Appointed to a partial term for proper staggering, or to fill a vacant term

Advisory Members

Lt. Earl W. Starner	Maryland State Police	Since 2004
Charles "Buddy" Jenkins	Business Community - Jolly Roger Amusements	
Chief Ross Buzzuro (Lt. Rick Moreck)	Ocean City Police Dept.	
Leslie Brown	Hudson Health Services, Inc.	
James Mcquire, P.D.	Health Care Professional - Pharmacist	Since 2018
Shane Ferguson	Wor-Wic Community College Rep.	Since 2018
Jessica Sexauer, Director	Local Behavioral Health Authority	Since 2018

Prior Members:

Since 2004

Vince Gisriel	Peter Buesgens
Michael McDermott	Aaron Dale
Marion Butler, Jr.	Garry Mumford
Judge Richard Bloxom	Sharon Smith
Paula Erdie	Jennifer Standish
Tom Cetola	Karen Johnson (14-17)
Gary James (04-08)	Rev. Bill Sterling (13-17)
Vickie Wrenn	Kat Gunby (16-18)
Deborah Winder	William McDermott
Garry Mumford	Sheriff Reggie Mason
Judge Theodore Eschenburg	Colleen Wareing (*06-19)
Andrea Hamilton	Rev. Matthew D'Amario(*18-21)
Fannie Birckhead	Donna Nordstron *(19-21)
Sharon DeMar Reilly	Jennifer LaMade (*12-22)
Lisa Gebhardt	
Jenna Miller	
Dick Stegmaier	
Paul Ford	
Megan Griffiths	
Ed Barber	
Eloise Henry-Gordy	
Lt. Lee Brumley	
Ptl. Noal Waters	
Ptl. Vicki Fisher	
Chief John Groncki	
Chief Arnold Downing	
Frank Pappas	
Captain William Harden	
Linda Busick (06-10)	
Sheriff Chuck Martin	
Joel Todd	
Diane Anderson (07-10)	
Joyce Baum (04-10)	
James Yost (08-10)	
Ira "Buck" Shockley (04-13)	
Teresa Fields (08-13)	
Frederick Grant (04-13)	
Doris Moxley (04-14)	
Commissioner Merrill Lockfaw	
Kelly Green (08-14)	
Sheila Warner - Juvenile Services	
Chief Bernadette DiPino - OCPD	
Chief Kirk Daugherty -SHPD	
Mike Shamburek - Hudson Health	
Shirleen Church - BOE	
Tracy Tilghman (14-15)	
Marty Pusey (04-15)	
Debbie Goeller	

* Appointed to a partial term for proper staggering, or to fill a vacant term

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

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

Appointed by: County Commissioners

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

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

Compensation: None

Meetings: At least semi-annually

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

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Roscoe Leslie, County Attorney, 410-632-1194

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-Indefinite
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22
Mary Beth Carozza		Maryland Senator	14-18, 18-22
Wayne A. Hartman		Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20, 20-24
Gary Weber	Dist. 4 - Elder	Resident - Snow Hill	*19-20, 20-24
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16-20-24

Terms Ended

Prior Members:

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

Since 2009

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

Charlie Dorman (12-19)

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

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: \$100 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Roscoe Leslie, County Attorney (410-632-1194)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
David Deutsch	D-6, Bunting	Ocean Pines	17-21
Faith Mumford	D-2, Purnell	Snow Hill	14-18, 18-22
Mickey Ashby	D-1, Nordstrom	Pocomoke	14-18, 18-22
Frank Knight	D-7, Mitreic	Ocean City	*14-19, 19-23
Judy Giffin	D-5, Bertino	Ocean Pines	*21-24
Joseph Stigler	D-4, Elder	Berlin	16-20, 20-24
Bruce Spangler	D-3, Church	Berlin	*02-05-09-13-17-21-25

Term Ended

Prior Members: (Since 1972)

- | | |
|-----------------------------|-------------------------------|
| J.D. Quillin, III | William Kuhn (90-09) |
| Charles Nelson | Walter Kissel (05-09) |
| Garbriel Purnell | Marion Chambers (07-11) |
| Barbara Derrickson | Jay Knerr (11-14) |
| Henry P. Walters | Robert I. Givens, Jr. (98-14) |
| William Long | Diana Purnell (09-14) |
| L. Richard Phillips (93-98) | Kevin Douglas (08-16) |
| Marigold Henry (94-98) | Lee W. Baker (08-16) |
| Louis Granados (94-99) | Richard Passwater (09-17) |
| Kathy Philips (90-00) | Jeff Knepper (16-21) |
| Mary Yenney (98-05) | |
| Bill Ochse (99-07) | |
| Randall Mariner (00-08) | |
| Wallace D. Stein (02-08) | |

* = Appointed to fill an unexpired term

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

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

Appointed by: County Commissioners

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

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

Compensation: \$100.00/meeting

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>	
Martin Kwesko	Mystic Harbour	13-17, 17-21	
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22	Term Ending renewed
Matthew Kraeuter	Ocean Reef	19-22	
Joseph Weitzell ^C	Mystic Harbour	05-11-15-19, 19-23	
Bruce Burns	Deer Point	19-23	Deceased
David Dypsky	Teal Marsh Center	*10-12-16, 16-20, 20-24	
Stan Cygam	Whispering Woods	*18-20, 20-24	

Prior Members: (Since 2005)

- | | |
|---|-------------------------|
| John Pinnero ^C (05-06) | Carol Ann Beres (14-18) |
| Brandon Phillips ^C (05-06) | Bob Hunt (*06-19) |
| 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) | |

^C = Charter member - Initial Terms Staggered in 2005
* = Appointed to fill an unexpired term

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

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

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

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

Compensation: \$100.00/ Meeting

Meetings: Monthly

Special Provisions: Must be residents of Ocean Pines Service Area

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

Current Members:

<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Gregory R. Sauter, P.E.	Ocean Pines	17-21
James Spicknall	Ocean Pines	07-10-14-18, 18-22
Frederick Stiehl	Ocean Pines	*06-08-12-16-20, 20-24
John F. (Jack) Collins, Jr.	Ocean Pines	*18-21, 21-25
William Gabeler	Ocean Pines	22 - 26

Resigned

Prior Members: (Since 1993)

- Andrew Bosco (93-95)
- Richard Brady (96-96, 03-04)
- Michael Robbins (93-99)
- Alfred Lotz (93-03)
- Ernest Armstrong (93-04)
- Jack Reed (93-06)
- Fred Henderson (04-06)
- E. A. "Bud" Rogner (96-07)
- David Walter (06-07)
- Darwin "Dart" Way, Jr. (99-08)
- Aris Spengos (04-14)
- Gail Blazer (07-17)
- Mike Hegarty (08-17)
- Michael Reilly (14-18)
- Bob Poremski (17-20)

* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
WEST OCEAN CITY SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

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

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

Compensation: \$100.00/Meeting

Meetings: Monthly

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

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

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Keith Swanton	West Ocean City	13-17, 17-21
Deborah Maphis	West Ocean City	95-99-03-07-11-15-19, 19-23
Gail Fowler	West Ocean City	99-03-07-11-15-19,19-23
Blake Haley	West Ocean City	*19-20, 20-24
Todd Ferrante	West Ocean City	13-17-21-25

Prior Members: (Since 1993)

- Eleanor Kelly^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: Tamara White and Coleen Colson, Co-Chair
 Worcester County Commission for Women - P.O. Box 1712, Berlin, MD 21811

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Elizabeth Rodier	D-3, Church	Bishopville	18-21
Mary E. (Liz) Mumford	At-Large	W. 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
Tamara White	D-1, Nordstrom	Pocomoke City	17-20, 20-23
Kris Heiser	Public Safety – State Attorney Office		21-24
Susan Childs	D-6, Bunting	Berlin	21-24
Terri Shockley	At-Large	Snow Hill	17-20, 20-23
Laura Morrison	At-Large	Pocomoke	*19-20, 20-23
Kelly O'Keane	Health Department		17-20, 20-23
Vanessa Alban	D-5, Bertino	Ocean Pines	17-20, 20-23
Dr. Darlene Jackson- Bowen	D-2, Purnell	Pocomoke	*19-21, 21-24
Kimberly List	D-7, Mitrecic	Ocean City	18- 21, 21-24
Gwendolyn Lehman	At-Large	OP, Berlin	*19-21, 21-24

resigned

Prior Members: Since 1995

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

* = Appointed to fill an unexpired term

^c = Charter member

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)	Michelle Bankert *(14-18)
Dee Shorts (04-07)	Nancy Fortney (12-18)
Ellen Payne (01-07)	Cristi Graham (17-18)
Mary Beth Quillen (05-08)	Alice Jean Ennis (14-17)
Marge SeBour (06-08)	Lauren Mathias Williams *(16-18)
Meg Gerety (04-07)	Teola Brittingham *(16-18)
Linda Dearing (02-08)	Jeannine Jerscheid *(18-19)
Angela Hayes (08)	Shannon Chapman *(17-19)
Susan Swarten (04-08)	Julie Phillips (13-19)
Marilyn James (06-08)	Bess Cropper (15-19)
Merilee Horvat (06-09)	Kelly Riwniak *(19-20)
Jody Falter (06-09)	
Kathy Muncy (08-09)	
Germaine Smith Garner (03-09)	
Nancy Howard (09-10)	
Barbara Witherow (07-10)	
Doris Moxley (04-10)	
Evelyne Tyndall (07-10)	
Sharone Grant (03-10)	
Lorraine Fasciocco (07-10)	
Kay Cardinale (08-10)	
Rita Lawson (05-11)	
Cindi McQuay (10-11)	
Linda Skidmore (05-11)	
Kutresa Lankford-Purnell (10-11)	
Monna Van Ess (08-11)	
Barbara Passwater (09-12)	
Cassandra Rox (11-12)	
Diane McGraw (08-12)	
Dawn Jones (09-12)	
Cheryl K. Jacobs (11)	
Doris Moxley (10-13)	
Kutresa Lankford-Purnell (10-12)	
Terry Edwards (10-13)	
Dr. Donna Main (10-13)	
Beverly Thomas (10-13)	
Caroline Bloxom (14)	
Tracy Tilghman (11-14)	
Joan Gentile (12-14)	
Carolyn Dorman (13-16)	
Arlene Page (12-15)	
Shirley Dale (12-16)	
Dawn Cordrey Hodge (13-16)	
Carol Rose (14-16)	
Mary Beth Quillen (13-16)	
Debbie Farlow (13-17)	
Corporal Lisa Maurer (13-17)	
Laura McDermott (11-16)	
Charlotte Cathell (09-17)	
Eloise Henry-Gordy (08-17)	

* = Appointed to fill an unexpired term

^c = Charter member



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 SERVICE DIVISION

MEMORANDUM

To: Weston S. Young, P.E., Chief Administrative Officer
From: Jennifer K. Keener, AICP, Director *JKK*
Date: April 11, 2022
Re: Request for Introduction and Scheduling of a Public Hearing - Text Amendment Application – § ZS 1-343(b)(2)B.1 – Reduced Separation Distance Requirement for Antennas, Towers and Telecommunication Uses

I am requesting that the Worcester County Commissioners consider the introduction of a proposed text amendment to § ZS 1-343(b)(2)B.1 at their upcoming meeting. If introduced, a draft notice for the required public hearing is attached for your use.

The Department has received and processed the text amendment application submitted by Arcola Towers LLC and its attorney Sean P. Hughes, on behalf of its client, Joshua Kurtz. The amendment sought to reduce the 1,000' separation distance between a tower and an existing or permitted residential structure on an adjacent lot in the A-1 and A-2 zoning districts by Special Exception from the Board of Zoning Appeals. The initial request based the reduction on both properties being under family ownership, but the application was amended to instead base the reduction on the protection of natural features of a site such as prime agricultural soils and existing wooded areas.

The proposed text amendment was reviewed by the Planning Commission at its meeting on April 7, 2022. Following discussion, the Planning Commission gave a favorable recommendation to the text amendment application as amended by the applicant. Attached herewith you will find a copy of the entire text amendment file, which includes the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

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

Attachments

cc: Gary Pusey, Deputy Director

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Antennas, Towers and Telecommunication Uses

For the purpose of amending the Zoning and Subdivision Control Article to allow a separation distance of less than 1,000’ between a telecommunications tower and an existing or permitted residential structure on an adjacent parcel.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § ZS 1-343(b)(2)(B)(1)(iii) be enacted to read as follows:

- (iii) In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2022.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr., Commissioner

Madison J. Bunting, Jr., Commissioner

James C. Church, Commissioner

Joshua C. Nordstrom, Commissioner

Diana Purnell, Commissioner



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ZONING DIVISION
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DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director
From: Gary Pusey, Deputy Director GP
Date: April 11, 2022
Re: Planning Commission Recommendation - Text Amendment Application to Revise the Separation Requirement –Antennas, Towers and Telecommunication Uses

The purpose of this memo is to forward the Planning Commission’s comments and recommendation regarding a text amendment application submitted by Arcola Towers LLC and its attorney Sean P. Hughes on behalf of County resident Joshua Kurtz. The proposed amendment would allow the 1,000’ separation distance between a tower and an existing or permitted residential structure on an adjacent lot to be reduced to no less than 500’ under certain conditions. The Planning Commission reviewed this request at its meeting on April 7, 2022.

The applicant initially requested that the reduction be allowed if the tower property and the adjacent residential property were both under family ownership. Staff’s review of the request identified concerns with the family ownership aspect, and after reviewing the staff report, the applicant revised the application so that it aligned with Staff’s recommendation. Instead of a family relationship, the possibility of a reduction to the 1,000’ separation distance would be based on the protection of specific natural features of a property, after approval of a special exception by the Board of Zoning Appeals.

The amendment would add a new “(iii)” to §ZS 1-343(b)(2)B1 that would read as follows:

- (iii) In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.

The complete wording of §ZS 1-343(b)(2)B1 with the proposed amendment is attached.

If approved by the County Commissioners, this would add a third scenario under which the 1,000' separation distance between a tower and a permitted or existing residential structure on an adjoining parcel could be reduced, with the other two being (1) along a high demand transportation corridor; and (2) on a property that has an existing nonconforming telecommunication facility.

In the report to the Planning Commission, the staff noted that reducing the separation distance could be warranted in certain situations, especially in the rural areas of the county where improved service is needed. However, staff recommended that this reduction be based on specific unique natural features of a property instead of a family relationship. Suggested features included the protection of prime agricultural soils, land actively utilized for a bona fide agricultural purpose, existing mature tree growth, and other natural features identified in the telecommunications section of the code such as steep slopes, wetlands, stream corridors, and habitats of threatened or endangered species. The applicant was in agreement with this recommendation.

The Planning Commission reviewed the proposed text amendment at its meeting on April 7, 2022. After discussion, and clarifying that a Special Exception from the Board of Zoning Appeals would also be required which would allow the public an opportunity to provide input on a specific location, the Planning Commission gave a favorable recommendation to the text amendment application as recommended by staff and agreed to by the applicant.

A copy of the staff report including the application is attached, as is a draft bill.

Should you have questions or require additional information, please let me know. Thanks!

Attachments

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses
(Amendment Proposed by Staff is in B1(iii) and is Underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
 - (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
 - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
 - (iii) In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.



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ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Gary Pusey, Deputy Director *GP*
Date: March 28, 2022
Re: Text Amendment Application – §ZS 1-343 Antennas, Towers and Telecommunications Uses to add a new §ZS 1-343(b)(2)B1(iii) to allow a separation distance of less than 1,000’ between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

On behalf of Joshua Kurtz, a county resident and property owner, Arcola Towers LLC and its attorney Sean P. Hughes have submitted a text amendment application to reduce the required 1,000’ separation distance between a cell tower and an existing or permitted residence on an adjacent property, provided both properties are owned by family members, and subject to other conditions. (See the attached application.)

Currently, the Code allows the 1,000’ separation distance to be reduced to 500’ in two other situations (one for an existing nonconforming tower and the second for a tower along a high demand transportation corridor), and this proposed amendment would add family ownership of an existing or permitted residence on an adjacent parcel as a third situation, provided certain conditions are met.

Following our customary practice, once the text amendment application was received, it was reviewed by Jennifer Keener, Director; Kristen Tremblay, Zoning Administrator; Roscoe Leslie, County Attorney and Planning Commission Attorney; and myself for comment. Staff comments relative to this request are attached and are summarized in the “Discussion” section below.

As is the case with all text amendment applications, the Planning Commission reviews the request and makes a recommendation to the County Commissioners. If at least one member of the County Commissioners is willing to introduce the amendment as a bill, then a Public Hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

DISCUSSION

Specific development standards for telecommunication (cell) towers are contained in Section 1-343 of the Zoning Ordinance. Included in the standards are setback requirements from property lines and minimum "separation distances" that are in addition to the setbacks. These separation distances are between a tower and specific uses, and are as follows:

1. 1,000' from an existing or permitted residential structure on an adjacent parcel;
2. 2,000' from existing or permitted schools, day-care centers, nursing homes and long-term care facilities;
3. 5,000' from any property designated on the National Historic Register; and
4. A distance based on the setback requirements to any easement line of any overhead utility.

The separation distances listed above do not apply if a tower is less than 200' in height and is camouflaged.

The Code allows the 1,000' separation distance from an existing or permitted residential structure to be reduced to 500' in two instances:

1. By Special Exception from the Board of Zoning Appeals (BZA) within a high-demand transportation corridor, defined as a state highway with an annual average daily traffic volume of at least 10,000 trips per day; and
2. By Special Exception from the BZA on a property with an existing nonconforming telecommunication facility.

The amendment proposed by this application would add a third situation that addresses family ownership in the Agricultural Districts, under the following conditions:

1. A Special Exception from the BZA must be obtained;
2. The separation distance can be no less than 500';
3. The properties must be in either the A-1 or A-2 District;
4. Owners of the properties must be "immediate family" as defined in the Code (see definition of "family or housekeeping unit" from the Code, which defines who qualifies as "immediate family"); and
5. The property owner with the existing or permitted residence must sign an affidavit agreeing to the reduced separation distance.

The Code restricts "immediate family" to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children.

As noted in the attached application, the reasons put forth by the Applicant for requesting this text change are as follows:

1. Rural and agricultural areas are often underserved by robust broadband and wireless services so tower development in these areas should be encouraged where possible.
2. Small parcels of farmland are often divided from a larger family farm and given to family members, which means family residences are close to the family farm.
3. To maintain usable farmland without impacting operations, the most logical and least disruptive tower location will often be near the edge of a large farm, close enough to meet tower setbacks from property lines.
4. This placement can put the tower within the 1,000' separation distance to residential structures, even though those structures may be owned by the same family, or even the same person, as the farmland hosting the tower. However, it still provides the 1,000' separation distance requirement to all non-family-owned adjacent residences.
5. The ability for family members who own the adjacent residences to acknowledge and waive the separation distance to less than 1,000' (but not less than 500') allows the farming family to determine which location least impacts their farming operations while allowing wireless services to be brought into the area.
6. This also provides an additional revenue stream resource for farming families in agricultural areas.

Staff's review indicated concerns with this application as proposed. The Director notes that the Code currently provides significant relief to both the setbacks and the separation distances for towers less than 200' in height if they are concealed, without needing to obtain a special exception or a variance. This indicates that these Code requirements, and the separation distance requirement in particular, also serve an aesthetic purpose and concealment is a method to achieve this goal.

The Director also notes concerns that the proposed amendment does not address if a tower can comply with the Code's separation distances as written, whether the tower can be concealed, or whether there is a unique condition that exists on the property that would justify a reduction in the separation distance. Instead, the proposed amendment creates a new standard based upon the discretionary decision of a family member who owns a residence on an adjoining parcel, and the Director points out that this type of approval does not currently exist anywhere in the zoning ordinance and if allowed in this case could create a precedent for future text amendment requests.

Finally, the Director points out that the proposed amendment could be applied to a structure of any design (i.e., a monopole or a guyed tower) or height, and could be located anywhere in the County zoned A-1 or A-2 provided a Special Exception is obtained, but the primary standard would be based on the opinion of the adjoining property owner/family member.

The Zoning Administrator expressed similar concerns, and as an alternative stated that the need for additional tower locations may be accomplished without requiring the approval of an adjacent property owner, suggesting that environmentally or historically sensitive areas, or preservation of productive farmland be considered instead.

The Director agreed, noting that there have been instances in the past when a reduction in the separation distance was warranted in order to provide needed services, and this was recognized most recently in 2017 when the provision to address high demand transportation corridors was added to the Code. The Director stated that factors that could result in another modification to the 1,000' separation distance could be based on the unique characteristics of a property, such as the protection or preservation of prime agricultural lands under production, avoidance of wetlands and existing forested areas, the availability of existing landscape screening or other similar, quantifiable features. The Director noted that because a special exception would be required, the Board of Zoning Appeals will be tasked with evaluating the tradeoff between the impact of the separation distance on the adjacent residential dwelling versus the impact such a structure could have on the natural resources of the site.

SUMMARY

As a result of Staff review, Staff believes that a reduction to the 1,000' separation distance from an adjoining residence may be warranted in certain cases, in order to provide improved service in the more rural areas of the County. Limiting this reduction to the A-1 and A-2 Districts, requiring a Special Exception from the BZA, and ensuring that the reduction is based on a specific natural feature present on a site, such as preserving prime agricultural soils, avoiding wetlands and existing forested areas, or locating the tower along an existing forested area that provides screening would be appropriate. Staff suggests the following wording for a new §ZS 1-343(b)(2)B1(iii):

In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.

The proposed amendment above refers to "natural features as identified in 1-343(b)(1)D", which is listed below – the "natural features" referenced in Staff's proposed amendment are underlined:

- D. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.

Two excerpts of Section 1-343 of the Code are attached that show the wording as proposed by the Applicant and an alternate as proposed by Staff. A draft bill, using the language proposed by the Applicant, is also attached for the Commission's review.

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

Attachments

**cc: Jennifer Keener, AICP, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator
Sean P. Hughes, Attorney for the Applicant**

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses
(Amendment Proposed by Applicant is in B1(iii) and is Underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
 - (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
 - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
 - (iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses
(Amendment Proposed by Staff is in B1(iii) and is Underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
 - (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
 - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
 - (iii) In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.



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ZONING DIVISION
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CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Gary Pusey, Deputy Director
From: Jennifer Keener, AICP, Director *JKK*
Date: March 17, 2022
Re: Text Amendment Application – Revision to § ZS 1-343 to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

This memorandum is in response to your request for comments on the text amendment submitted by Mr. Sean Hughes on behalf of his client, Mr. Joshua Kurtz. The language proposes to include an additional situation in which an applicant could obtain a modification to the 1,000' separation distance to an existing or permitted residential structure on an adjacent parcel (reduced to no less than 500').

There is no doubt that there is high demand for fast and reliable cellular service. In consideration of this fact, the existing zoning code provides significant relief to the setbacks AND separation distances associated with a telecommunications facility 199' in height or less and which are concealed - without variance or special exception requirements. This suggests that the setbacks and separation distances provided in the code for telecommunication facilities also serve an aesthetic purpose, and establishes a provision for concealment as a method to achieve this goal.

I appreciate that the applicant has been willing to further refine their initial draft amendment with staff input to craft language that is more consistent with the local zoning regulations and more palatable with respect to the limits placed on such a request. However, I am still concerned that the amendment as proposed has no bearing on whether or not a tower can actually be situated on a particular parcel in compliance with the separation regulations, whether it can be concealed, nor whether there is even a unique condition on the subject property that would justify a reduction in the separation distance. Rather, the primary standard is based upon the discretionary decision of the immediate family that owns the adjoining parcel or lot. Nowhere in the code does a third-party agreement with an adjoining property owner, albeit immediate family members, dictate the primary standard for which a variance or special exception should be granted. I fear that if permitted here, it will be a slippery slope of precedence that could be requested for other uses and structures, taking the decision-making authority away from the boards and commissions responsible for promoting the health, safety and welfare of the general public through the implementation of the zoning code.

When the initial draft was presented to staff, I felt strongly that any such request should include a special exception component. As part of the Board of Zoning Appeals hearing process, one of the considerations the Board must consider in § ZS 1-116(c)(3)A is that the proposed telecommunication

facility “[w]ill be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures...” This is important, because while the revised amendment narrows the proposed location to only the A-1 or A-2 zoning district, it does not limit the developer to a specific design or height of a structure. Therefore, it could apply equally to a 150’ monopole or to a 350’ guyed tower that is required to be lighted. Each have their own design components and level of obtrusiveness to the surrounding environment. The environment in question could be a rural farm field in the southern end of the county, or agriculturally zoned lands that are within proximity to a much denser population center in the northern end of the county. What may be context appropriate in one area may not be in another. However, even with this level of consideration, we still must acknowledge that under the proposed amendment, the primary standard for the granting of the special exception resides with the opinion of the adjoining property owner and immediate family member.

There are instances when a reduction to the separation distance may be needed in order to provide services. Such was the case in 2017 when a text amendment was approved to include a similar reduction to the separation distance to a residential dwelling where the telecommunication site was located in a high-demand transportation corridor. When reflecting on potential standards that could inform another modification to a separation distance, the uniqueness of the parcel or lot where the telecommunications facility is being proposed would be an appropriate consideration. Such standards could include the protection or preservation of prime agricultural lands under production, avoidance of wetlands and existing forested areas, the availability of existing landscape screening or other similar, quantifiable features. This standard would task the board with evaluating the tradeoff between the impact of the separation distance on the adjacent residential dwelling versus the impact such a structure could have on the natural resources of the site, consistent with one of the primary purposes of the zoning code.

As always, should you have any additional questions or need additional information, please let me know. I will be available to discuss this matter with the Planning Commission at their upcoming meeting.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director
Gary R. Pusey, Deputy Director
From: Kristen M. Tremblay, AICP, Zoning Administrator
Date: March 18, 2022
Re: Zoning Ordinance Proposed Text Amendment - § ZS 1-343(v)(2)B1(iii) to allow a separation distance of less than 1,000 feet between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel.

.....
Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Arcola Towers LLC.

The proposed text amendment seeks to allow a reduction in the required separation distance for residential structures from 1,000 feet to 500 feet provided that adjacent property owner agrees and is a member of the immediate family with additional conditions. In this instance, Arcola Towers is requesting that the separation distance be waived provided that the adjacent property owner is a member of the immediate family and that a special exception is sought.

Currently, the zoning ordinance sets a number of restrictions for antennas and telecommunications towers/monopoles, principally on setbacks, siting (location), heights, and visual impacts. Several text amendments to this provision in the past have allowed for the reduction in separation distances from residential structures where the parcel is located near a 'high-demand' transportation corridor, or if proposed to be placed on a property with an existing telecommunication facility. These two (2) provisions have guided the locations of *where* the separation distance may be applied. The request by Arcola Towers would increase the number of locations where a separation distance may be reduced to those properties located within the Agricultural zoning districts (A-1 and A-2, respectively), yet still restrict those whom would seek to request a reduction in other zoning districts unless they can meet the requirements of the other provisions.

As new technologies arise every day, it is difficult to predict the ultimate path that these technologies will affect our everyday lives. For example, in Ocean City cellular antennas may be found along the boardwalk and may not even be discernable by most who pass by. I raise this point as we will need to be able to accommodate these growing manifestations of technological progress. While an emerging trend for cellular services seems to have a much smaller visual presence than the cell towers we typically associate with our viewsheds, there does still seem to be a continued market and a need to provide these services on tall structures to reach more users. Furthermore, as I understand the current

situation, the existing tower network within the County has or is reaching capacity to hold more antennas from the various cellular providers. I anticipate more pressure to develop new locations and towers/monopoles in the near future.

All this being said, while I can appreciate that Arcola Towers has proposed a solution, I do believe that with the known emerging technologies perhaps a text amendment that can accommodate their request and those of other cellular providers more readily can be provided for consideration by the County Commissioners without involving the recommendation or approval of an adjacent property owner.

A potential solution could be that the separation distance may be reduced to no less than 500 feet provided that a special exception is sought and that the applicant can prove to the Board of Zoning Appeals that the reduction is warranted under more general scenarios. This would provide the applicants the flexibility to reduce the separation distance for *good site-based cause*, as well as ensure that appropriate review has been conducted on a site-by-site basis under the Board of Zoning Appeal's watchful eye.

I propose the following language for consideration:

(iii) On lands zoned Industrial (I-1 or I-2) or Agricultural (A-1 or A-2) when requested in order to avoid environmentally or historically sensitive areas or productive farm lands in general accordance with the Comprehensive Plan. The applicant must provide evidence to the Board of Zoning Appeals that the proposed siting of the tower or monopole requires a reduction in the separation distance.

Please let me know if you have any other questions regarding this proposed text amendment.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer Keener, AICP, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
From: Gary Pusey, Deputy Director GP
Date: March 9, 2022
Re: Text Amendment Application – Revise the text of §ZS 1-343 Antennas, Towers and Telecommunications Uses to add a new §ZS 1-343(b)(2)B1(iii) to allow a separation distance of less than 1,000’ between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

Arcola Towers LLC has submitted the attached text amendment application to reduce the 1,000’ separation distance between a cell tower and an existing or permitted residence on an adjacent property provided both properties are owned by family members, and subject to other conditions.

Currently, the Code allows the 1,000’ separation distance to be reduced to 500’ in two other situations, and this proposed amendment would add family ownership as a third situation.

As proposed, the amendment would require the following conditions to be met:

1. A Special Exception from the BZA must be obtained;
2. The separation distance can be no less than 500’;
3. The properties must be in either the A-1 or A-2 District;
4. Owners of the properties must be “immediate family” as defined in the Code (see definition on the next page); and
5. The property owner with the existing or permitted residence must sign an affidavit agreeing to the reduced separation distance.

The existing text of §ZS 1-343(b)(2)B1 is shown on the next page, along with the proposed new text in “iii” that is underlined.

This request is scheduled to be presented to the Planning Commission at its April 7, 2022 meeting. Please provide any comments you may have by Friday, March 18, 2022.

If you have questions or need additional information, please let me know. Thanks!

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses
(Proposed Amendment is in B1(iii) and is underlined)**

B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.

1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:

(i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.

(ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.

(iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

Definition from §ZS 1-103

FAMILY or HOUSEKEEPING UNIT - An individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit. Immediate family shall be restricted to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children.



Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

**PETITION FOR AMENDMENT TO THE OFFICAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 3/8/2022

Date Reviewed by the Planning Commission _____

I. Application: Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

- a. Resident of Worcester County: X
- b. Taxpayer of Worcester County: _____
- c. Governmental Agency: _____
(Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article

- a. Section Number: ZS 1-343(b)(2)(B)(1)
- b. Page Number: p. 3 of Sec. 1-343
- c. Proposed revised text, addition or deletion:

Addition of:

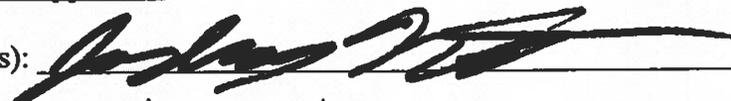
(iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this

section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof. (SEE also attached Redline of Section 1-343).

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:
- Rural and agricultural areas are often underserved by robust broadband and wireless services so tower development in these areas should be encouraged where possible.
 - Small parcels of farmland are often divided from a larger family farm and given to family members, which means family residences are close to the family farm.
 - To maintain usable farmland without impacting operations, the most logical and least disruptive tower location will often be near the edge of a large farm, close enough to meet tower setbacks from property lines.
 - This placement can put the tower within the 1,000 separations distance to residential structures, even though those structures may be owned by the same family, or even the same person, as the farmland hosting the tower. However, it still provides the 1,000 ft. separation distance requirement to all non-family-owned adjacent residences.
 - The ability for family members who own the adjacent residences to acknowledge and waive the separation to less than 1000 (but not less than 500) allows the farming family to determine which location least impacts their farming operations while allowing wireless services to be brought into the area.
 - This also provides an additional revenue stream resource for farming families in the AG zones.

IV. Signature of Applicants

Signature(s): 

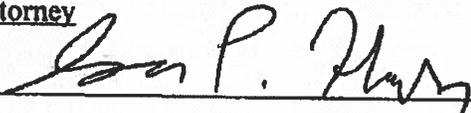
Printed Name(s): JOSHUA KURTZ

Mailing Address: 7614 SCOTLAND RD, SPOWITON MD

Phone Number: (410) 598-2528

Email: bushjeanie04@gmail.com

Date: 3/8/22

V. Signature of AttorneySignature: Printed Name: Sean P. HughesMailing Address: 200-B Monroe Street, Rockville, MD 20850Phone Number: (301) 762-5212Email: sphughes@mmcanby.comDate: 3/7/22VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

§ ZS 1-343 Antennas, towers and telecommunications uses.

(a) Purpose and intent. The purpose and intent of this section is to provide for the effective management, control and review of telecommunications uses, including towers, antennas, and related wireless equipment and structures.

(b) Provisions in addition to other district provisions. In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all telecommunications uses.

(1) Applications for the addition of telecommunications equipment to existing structures or for new monopoles, freestanding towers, and guyed towers shall include the following:

A. A winds load analysis conducted by a qualified engineer.

B. A certificate by a qualified engineer attesting to the structural integrity of the existing structure and the projected effects resulting from the addition of the proposed equipment.

C. A certificate of compliance attesting to the fact that the proposed equipment meets or exceeds Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards on radiation emissions.

D. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.

E. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on any area of local, regional or national historic or cultural significance.

F. Explanation of the necessity to place the facility in that particular location.

G. Supporting evidence regarding the proposed equipment's effects upon adjacent and adjoining property values.

H. A detailed description, assessing the impact that the proposed equipment will have upon aviation and overall visibility, including the following:

1. A copy of all information required by, or submitted to, the Federal Communications Commission and Federal Aviation Administration (FAA) concerning the proposed use and the impact that it will have upon aviation or overall visibility.

2. A copy of all plans and specifications required as a condition of approval by the FCC or FAA and an analysis of the impact that compliance with FCC or FAA mandates will have upon adjacent and adjoining land uses.

3. Proof of compliance with all FAA requirements relating to lighting, siting, height, and visibility shall be required prior to final permitting.

I. For additions to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, documentation that establishes that the applicant performed a diligent search for a suitable site that did not have the effect of increasing the height of existing structures.

J. For new monopoles, freestanding towers, and guyed towers, documentation that establishes that the applicant performed a diligent search for a suitable existing structure.

K. For new monopoles, freestanding towers and guyed towers, documentation that demonstrates that "approved County-owned sites" as designated by the County Commissioners by resolution, which may be amended from time to time, are unsuitable. Such documentation shall be subject to review and concurrence by the Department.

L. The provisions of Subsections (b)(1)H through (b)(1)K hereof shall not apply where additions to existing structures do not increase the overall height.

(2) Standards. Monopoles, freestanding towers and guyed towers approved after the adoption of this section shall comply with the following:

A. Minimum lot requirements. Lot area and lot dimensions shall be a function of the minimum setback required and are established as follows:

1. For all monopoles and freestanding towers of one hundred ninety-nine feet in height or less which are concealed or camouflaged, the minimum structure setback shall be: front yard setback, fifty feet; and side and rear setbacks, twenty feet.

2. For all non-concealed or -camouflaged monopoles of any height and any monopole of two hundred feet or greater in height, the minimum structure setback shall be equal to the height of the monopole plus fifty feet.

3. For all towers up to one hundred ninety-nine feet in height, the minimum structure setback shall be one and one-quarter (1.25) times the height.

4. For all towers two hundred feet in height or greater, the minimum setback shall be one foot of setback for every one foot of tower height up to two hundred feet plus one and one-half feet of setback for every one foot of tower height exceeding two hundred feet.

B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated

tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.

1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:

[Amended 2-21-2017 by Bill No. 17-1]

(i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.

(ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.

(iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

C. Lighting requirements. No lighting shall be required or permitted, except what is specifically required by the FCC, FAA or another relevant state or federal agency; additionally, in instances where the FCC or FAA require daytime high-intensity strobe lighting, a set of red marker lights shall be installed for nighttime use. All strobe lights shall be turned off at twilight.

D. Lighting conversion. Except as otherwise required by the FCC, FAA or other relevant state or federal agency, existing towers equipped with nighttime high-intensity strobe lighting shall be converted to red marker lights or alternating daytime strobe and nighttime red marker lights as described in Subsection (b)(2)C hereof not later than January 1, 2004.

E. Screening and security requirements. A fence with a minimum height of twelve feet shall be installed around the perimeter of the tower base. All equipment shall be located within this fenced area. The fence shall have an access gate which shall be kept in a locked condition at all times, except when servicing is required. The fence shall be equipped with additional entrance prevention devices as necessary to prevent compound access by unauthorized personnel. Except for monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, there shall be an additional screening requirement consisting of a buffer at least twenty-five feet in width planted with native species trees capable of reaching not less than sixty feet in height when mature. For monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, screening-type landscaping in accordance with § ZS 1-322 hereof shall be provided around the exterior perimeter of the fence.

F. Visibility. All telecommunications facilities and accessory structures shall be sighted in such a way as to have the least possible adverse effect on the visual environment. All non-concealed or -camouflaged facilities shall be of a galvanized finish or painted light gray or pale blue above any surrounding tree line while any portion below the tree line shall be painted gray, green, black or similar color and designed to blend into the natural environment or surrounding structures, unless otherwise required by the FAA. Furthermore, they shall be designed and sighted so as to avoid, wherever possible, application of FAA lighting and painting requirements. When located in any zoning district other than the I-1 or I-2 Districts, structures and facilities accessory to a monopole or tower shall use architecture, materials, colors and textures

designed to blend with the natural environment and other structures in the general area. The concealment or camouflaging of monopoles, towers and other telecommunication facilities, using industry standard techniques and structures such as artificial trees, architectural features on buildings, flag poles and grain silos, among others, is highly recommended and should be used wherever possible.

G. Additional provisions. All obsolete or unused towers and equipment shall be removed at the owner's expense within twelve months of the cessation of use.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Antennas, Towers and Telecommunication Uses

For the purpose of amending the Zoning and Subdivision Control Article to allow a separation distance of less than 1,000’ between a telecommunication tower and an existing or permitted residential structure on an adjacent family-owned parcel.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § ZS 1-343(b)(2)(B)(1)(iii) be enacted to read as follows:

- (iii) Where the proposed telecommunication site is located within the A-1 or A-2 District, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of “Family or Housekeeping Unit” per § ZS 1-103(b) hereof.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2022.

ATTEST:

**COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Public Works Bond Project Ocean Pines Wastewater Plant

A Public Hearing was completed for the Ocean Pines Wastewater Plant Belt Filter Press Replacment on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this important project.

APPROVED

WSY 2/15/22



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

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRIS CLASING, P.E.
 DEPUTY DIRECTOR

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

MEMORANDUM

TO: Weston Young, Chief Administrative Officer
 Joe Parker, Deputy Chief Administrative Officer
FROM: Dallas Baker, Jr., P.E., Director *Dallas Baker*
DATE: February 10, 2022
SUBJECT: Ocean Pines Bond Projects

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

Public Works is requesting the Ocean Pines Waste Water Treatment Plant Belt Filter Press project be advertised for a public hearing in order to include the project in the upcoming bond. The preliminary engineering study estimates the cost of the project at \$4.6 Million dollars including design and construction administration. The estimated impact to sewer debt service (EDUs) will increase the rate by \$7.51 per EDU per quarter. A draft public notice is attached.

The belt press at the Ocean Pines WWTP has been in continuous service since 1996. Due to its age, repairs and parts replacement have become more frequent. In 2016, a one of the high-pressure rollers had to be rebuilt and the press was out of service for 7 months. This led to a difficult solids handling situation at the plant as we relied on drying beds for those 10 months, drying beds that were designed to handle solids from the plant in the 1980s. This was not sufficient and led to years of solids overloading. A similar situation today would take even longer to remedy and recover from. The lesson learned was the plant cannot be without reliable solids removal and dewatering. Parts are still available for the press itself, but at some point this model will no longer be supported by the manufacturer, as they no longer produce sludge dewatering equipment. The press conveyor is also the same age and was manufactured by a company that no longer exists. In March of last year, a roller for the conveyor had to be fabricated by a machine shop, and this will be the case for any future repairs to the conveyor, without which the truck cannot be loaded, making the press useless.

In addition to the age of the equipment, new technologies provide much more efficient dewatering which will be needed as plant flow increases. An almost 30-year-old piece of equipment and technology will not meet the needs of the plant in the future.

cc: Phil Thompson
 Candace Savage
 Chris Clasing
 Gary Serman



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

February 9, 2022

TO: *The Daily Times Group and The Ocean City Today Group*
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
SUBJECT: Worcester County Public Hearing Notice of Proposed Change in Zoning

.....
Please print the attached Public Hearing Notice in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on March 3, 2022 and March 10, 2022. Thank you.

**NOTICE
OF**

**PROPOSED PUBLIC WORKS PROJECT
OCEAN PINES WASTEWATER TREATMENT PLANT BELT FILTER PRESS

FIFTH AND SIXTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND**

In accordance with the provisions of Section PW 5-307(b) of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, the Worcester County Commissioners will hold a public hearing regarding the estimated cost of construction for the Ocean Pines Wastewater Treatment Plant Belt Filter Press project in the Ocean Pines Sanitary Service Area (the Project). The existing belt press at the Ocean Pines Wastewater Treatment Plant was installed in 1996. Despite several major repairs, it is no longer reliable. Newer technologies are available, and this project needs to be completed as an important part of ongoing, long term upgrades to the 50-year old Ocean Pines Water and Wastewater Systems. Total estimated Project cost is \$4.6 million and will be funded by Worcester County Bond. The loan will be funded by a quarterly assessment of approximately \$7.51 per equivalent dwelling unit (EDU) for all customers in the Ocean Pines Sanitary Service Area. For additional information, please contact Director of Public Works Dallas Baker at 410-632-5623. The County Commissioners will hold a

PUBLIC HEARING
on
Tuesday, March 15, 2022
at **10:45 A.M.**
in the
County Commissioners Meeting Room
Room 1101 - Government Center
One West Market Street
Snow Hill, Maryland 21863

Preliminary engineering specifications and projections which will be entered into record at the public hearing, are on file and available to view electronically by contacting the

Worcester County Department of Public Works, 6113 Timmons Road, Snow Hill, Maryland 21863 Monday through Friday from 7:30 A.M. to 4:00 P.M. (except holidays), at (410) 632-5623 as well as at www.co.worcester.md.us

THE WORCESTER COUNTY COMMISSIONERS



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

March 14, 2022

TO: The Daily Times Group and The Ocean City Today Group
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
SUBJECT: Public Hearing Worcester County Public Works Ocean Pines Wastewater Treatment Plant

Please print the attached Public Hearing Notice in The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today on March 24, 2022 and March 31, 2022. Thank you.

NOTICE OF PROPOSED PUBLIC WORKS PROJECT
OCEAN PINES WASTEWATER TREATMENT PLANT BELT FILTER PRESS
FIFTH AND SIXTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

In accordance with the provisions of Section PW 5-307(b) of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, the Worcester County Commissioners will hold a public hearing regarding the estimated cost of construction for the Ocean Pines Wastewater Treatment Plant Belt Filter Press project in the Ocean Pines Sanitary Service Area (the Project). The existing belt press at the Ocean Pines Wastewater Treatment Plant was installed in 1996. Despite several major repairs, it is no longer reliable. Newer technologies are available, and this project needs to be completed as an important part of ongoing, long term upgrades to the 50-year old Ocean Pines Water and Wastewater Systems. Total estimated Project cost is \$4.6 million and will be funded by Worcester County Bond. The loan will be funded by a quarterly assessment of approximately \$7.51 per equivalent dwelling unit (EDU) for all customers in the Ocean Pines Sanitary Service Area. For additional information, please contact Director of Public Works Dallas Baker at 410-632-5623. The County Commissioners will hold a

PUBLIC HEARING

on
Tuesday, April 5, 2022
at 10:35 A.M.

in the
County Commissioners Meeting Room
Room 1101 - Government Center
One West Market Street Snow
Hill, Maryland 21863

Preliminary engineering specifications and projections which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Worcester County Department of Public Works, 6113 Timmons Road, Snow Hill, Maryland 21863 Monday through Friday from 7:30 A.M. to 4:00 P.M. (except holidays), at (410) 632-5623 as well as at www.co.worcester.md.us



Worcester County Government

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MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Refund 2013 series Bill 22-1

A Public Hearing was completed for the attached, draft proposed Bond Refund 2013 series Bill 22-1 on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this important project.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL ITS GENERAL OBLIGATION REFUNDING BONDS THEREFOR, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$4,870,000, TO PROVIDE FINANCING TO REFUND IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CORRECTIONAL OFFICERS RETIREMENT SYSTEM PENSION CONTRIBUTION REFUNDING BONDS, 2013 SERIES (TAXABLE), INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH REFUNDING BONDS.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of its general obligation refunding bonds in order to refund in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Correctional Officers Retirement System Pension Contribution Refunding Bonds, 2013 Series (Taxable).

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix VV to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “VV”

BOND AUTHORIZATION FOR REFUNDING IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CORRECTIONAL OFFICERS RETIREMENT SYSTEM PENSION CONTRIBUTION REFUNDING BONDS, 2013 SERIES (TAXABLE)

§ 1. Financing a portion of the cost of refunding in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Correctional Officers Retirement System Pension Contribution Refunding Bonds, 2013 Series (Taxable).

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(3) Pursuant to the Act, the Refunding Act, Appendix HH (Bill No. 12-5) of the Code of Public Local Laws of Worcester County, Maryland, a Resolution adopted by the Board of County Commissioners of Worcester County (the “Board”) on January 2, 2013, as supplemented by a Supplemental Resolution adopted by the Board on January 15, 2013, the County, on January 31, 2013, issued its County Commissioners of Worcester County, Maryland Correctional Officers Retirement System Pension Contribution Refunding Bonds, 2013 Series (Taxable) in the aggregate principal amount of \$4,595,000 (the “2013 Taxable Bonds”).

(4) The Board has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$4,870,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Bonds to finance the cost of refunding in whole or in part the then-outstanding 2013 Taxable Bonds, including payment of related costs and costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law. References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing.”

(b) The Board, acting pursuant to the Act and the Refunding Act, hereby determines and declares that:

(1) The Board recognizes that between now and the date of final maturity of the 2013 Taxable Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding 2013 Taxable Bonds and to thereby achieve one or more purposes of the Refunding Act.

(2) As of the date of introduction of this Local Law, the 2013 Taxable Bonds are outstanding in the approximate aggregate principal amount of \$4,868,500. The Board has determined to authorize the issuance of the Bonds in an aggregate principal amount not exceeding 130% of the currently outstanding aggregate principal amount of the 2013 Taxable Bonds, rounded up to the nearest \$5,000, in order to provide funds (together with other available funds, if applicable) sufficient to refund in whole or in part the then-outstanding 2013 Taxable Bonds, including the payment of related costs and of costs of issuance of the Bonds.

(3) The funds proposed to be borrowed to finance the cost of refunding in whole or in part the then-outstanding 2013 Taxable Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.

- (4) Use of the proceeds of the Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding 2013 Taxable Bonds is a proper public purpose that may be financed by the issuance of the Bonds pursuant to the Act and the Refunding Act. All references in this Local Law to the use of proceeds of the Bonds to refund in whole or in part the then-outstanding 2013 Taxable Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded 2013 Taxable Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded 2013 Taxable Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$4,870,000 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$4,870,000, subject to the provisions and conditions of this Local Law.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding 2013 Taxable Bonds, including payment of related costs and costs of the issuance of the Bonds. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.
- (e) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (f) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the public purpose for which the proceeds of the Bonds are to be spent, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, including the purpose or purposes of the Refunding Act to be achieved by the issuance of the Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking

fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (g) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (h) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (i) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (j) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds, in order to provide for the escrowing of proceeds of the Bonds, and for the purpose of securing any tender option that may be granted to holders of the Bonds.
- (k) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (l) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County and/or such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds.
- (m) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are

available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

- (n) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (o) The County shall seek funds for repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (p) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



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MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Refund 2014 series Bill 22-2

A Public Hearing was completed for the attached, draft proposed Bond Refund 2014 series Bill 22-2 on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this important project.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL ITS GENERAL OBLIGATION REFUNDING BONDS THEREFOR, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$33,590,000, TO PROVIDE FINANCING TO REFUND IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CONSOLIDATED PUBLIC IMPROVEMENT BONDS, 2014 SERIES, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH REFUNDING BONDS.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of its general obligation refunding bonds in order to refund in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix WW to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “WW”

BOND AUTHORIZATION FOR REFUNDING IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CONSOLIDATED PUBLIC IMPROVEMENT BONDS, 2014 SERIES

§ 1. Financing a portion of the cost of refunding in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(3) Pursuant to the Act, the Refunding Act, Section 11-401 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Sections 9-601 to 9-699, inclusive, of the Environment Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Section PW-5-204 of the Code of Public Local Laws of Worcester County, Maryland, Appendix II (Bill No. 13-4) of the Code of Public Local Laws of Worcester County, Maryland, a Resolution adopted by the Board of County Commissioners of Worcester County (the “Board”) on March 4, 2014, as supplemented by Supplemental Resolutions adopted by the Board on March 11, 2014 and March 18, 2014, the County, on April 3, 2014, issued its County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series in the aggregate principal amount of \$48,300,000 (the “2014 Bonds”).

(4) The Board has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$33,590,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Bonds to finance the cost of refunding in whole or in part the then-outstanding 2014 Bonds, including payment of related costs and costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law. References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing.”

(b) The Board, acting pursuant to the Act, the Refunding Act and any other applicable law, hereby determines and declares that:

(1) The Board recognizes that between now and the date of final maturity of the 2014 Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding 2014 Bonds and to thereby achieve one or more purposes of the Refunding Act.

(2) As of the date of introduction of this Local Law, the 2014 Bonds are outstanding in the approximate aggregate principal amount of \$25,835,000. The Board has determined to authorize the issuance of the Bonds in an aggregate principal amount not exceeding 130% of the currently outstanding aggregate principal amount of the 2014 Bonds, rounded up to the nearest \$5,000, in order to provide funds (together with other available funds, if applicable) sufficient to refund in whole or in part the then-outstanding 2014 Bonds, including the payment of related costs and of costs of issuance of the Bonds.

(3) The funds proposed to be borrowed to finance the cost of refunding in whole or in part the then-outstanding 2014 Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.

(4) Use of the proceeds of the Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding 2014 Bonds is a proper public purpose that may be financed by the issuance of the Bonds pursuant to the Act and the Refunding Act. All references in this Local Law to the use of proceeds of the Bonds to refund in whole or in part the then-outstanding 2014 Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded 2014 Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded 2014 Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence.

- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$33,590,000 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$33,590,000, subject to the provisions and conditions of this Local Law.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding 2014 Bonds, including payment of related costs and costs of the issuance of the Bonds. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.
- (e) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (f) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the public purpose for which the proceeds of the Bonds are to be spent, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, including the purpose or purposes of the Refunding Act to be achieved by the issuance of the Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for

the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (g) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (h) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (i) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (j) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds, in order to provide for the escrowing of proceeds of the Bonds, and for the purpose of securing any tender option that may be granted to holders of the Bonds.
- (k) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (l) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County and/or such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds.

- (m) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (n) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (o) The County shall seek funds for repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (p) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

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MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Refund 2015 series Bill 22-3

A Public Hearing was completed for the attached, draft proposed Bond Refund 2015 series Bill 22-3 on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this important project.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL ITS GENERAL OBLIGATION REFUNDING BONDS THEREFOR, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,115,000, TO PROVIDE FINANCING TO REFUND IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CONSOLIDATED PUBLIC IMPROVEMENT BONDS, 2015 SERIES A, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH REFUNDING BONDS.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of its general obligation refunding bonds in order to refund in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2015 Series A.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix XX to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “XX”

BOND AUTHORIZATION FOR REFUNDING IN WHOLE OR IN PART THE THEN-OUTSTANDING COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND CONSOLIDATED PUBLIC IMPROVEMENT BONDS, 2015 SERIES A

§ 1. Financing a portion of the cost of refunding in whole or in part the then-outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2015 Series A.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(3) Pursuant to the Act, the Refunding Act, Section 11-401 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Sections 9-601 to 9-699, inclusive, of the Environment Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, Section PW-5-204 of the Code of Public Local Laws of Worcester County, Maryland (the “Code of Public Local Laws”), Appendix KK (Bill No. 15-3) of the Code of Public Local Laws, Appendix LL (Bill No. 15-4) of the Code of Public Local Laws, Appendix MM (Bill No. 15-5) of the Code of Public Local Laws, a Resolution adopted by the Board of County Commissioners of Worcester County (the “Board”) on June 2, 2015, as supplemented by a Supplemental Resolution adopted by the Board on June 16, 2015, the County, on June 30, 2015, issued its County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2015 Series A in the aggregate principal amount of \$12,015,000 (the “2015 A Bonds”).

(4) The Board has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$11,115,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Bonds to finance the cost of refunding in whole or in part the then-outstanding 2015 A Bonds, including payment of related costs and costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law. References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing.”

(b) The Board, acting pursuant to the Act, the Refunding Act and any other applicable law, hereby determines and declares that:

(1) The Board recognizes that between now and the date of final maturity of the 2015 A Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding 2015 A Bonds and to thereby achieve one or more purposes of the Refunding Act.

(2) As of the date of introduction of this Local Law, the 2015 A Bonds are outstanding in the approximate aggregate principal amount of \$8,550,000. The Board has determined to authorize the issuance of the Bonds in an aggregate principal amount not exceeding 130% of the currently outstanding aggregate principal amount of the 2015 A Bonds, in order to provide funds (together with other available funds, if applicable) sufficient to refund in whole or in part the then-outstanding 2015 A Bonds, including the payment of related costs and of costs of issuance of the Bonds.

(3) The funds proposed to be borrowed to finance the cost of refunding in whole or in part the then-outstanding 2015 A Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.

(4) Use of the proceeds of the Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding 2015 A Bonds is a proper public purpose that may be financed by the issuance of the Bonds pursuant to the Act and the Refunding Act. All references in this Local Law to the use of proceeds of the Bonds to refund in whole or in part the then-outstanding 2015 A Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded 2015 A Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded 2015 A Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence.

- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$11,115,000 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$11,115,000, subject to the provisions and conditions of this Local Law.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding 2015 A Bonds, including payment of related costs and costs of the issuance of the Bonds. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.
- (e) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (f) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the public purpose for which the proceeds of the Bonds are to be spent, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, including the purpose or purposes of the Refunding Act to be achieved by the issuance of the Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles

of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (g) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (h) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (i) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (j) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds, in order to provide for the escrowing of proceeds of the Bonds, and for the purpose of securing any tender option that may be granted to holders of the Bonds.
- (k) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.

ITEM 14

- (l) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County and/or such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds.
- (m) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (n) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (o) The County shall seek funds for repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (p) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



Worcester County Government

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MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Bill 22-4 Snow Hill Middle and Cedar Chapel School Roof Projects

A Public Hearing was completed for the proposed bond Bill 22-4 for Snow Hill Middle School and Cedar Chapel School Roof projects on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this bill.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$2,004,000, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF REPLACING THE ROOFS AT SNOW HILL MIDDLE SCHOOL AND CEDAR CHAPEL SPECIAL SCHOOL, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$2,610,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix UU to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “UU”

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF REPLACING THE ROOFS AT SNOW HILL MIDDLE SCHOOL AND CEDAR CHAPEL SPECIAL SCHOOL, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. Financing a portion of the cost of replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$2,004,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$2,610,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School.
 - (2) The estimated cost for replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School, including activities and related work not funded from proceeds of the Bonds, is approximately \$3,929,000.
 - (3) The funds proposed to be borrowed for replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$2,004,000 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$2,004,000, subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.
- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include

provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$2,004,000 without the adoption of any other local law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.

- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$2,610,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$2,610,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of

the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

ITEM 15

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for replacing the roofs at Snow Hill Middle School and Cedar Chapel Special School or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Bill 22-5 Stephen Decatur Middle School Addition

A Public Hearing was completed for the proposed bond Bill 22-5 for the Stephen Decatur Middle School Addition project on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this bill.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$10,024,184, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR AN ADDITION TO STEPHEN DECATUR MIDDLE SCHOOL, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$13,035,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix TT to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX "TT"

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR AN ADDITION TO STEPHEN DECATUR MIDDLE SCHOOL, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. Financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$10,024,184 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$13,035,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School.
 - (2) The estimated cost for engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School, including activities not funded from proceeds of the Bonds, is approximately \$15,252,239.
 - (3) The funds proposed to be borrowed for engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$10,024,184 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$10,024,184, subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.

- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$10,024,184 without the adoption of any other local law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.
- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$13,035,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$13,035,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such

Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the

issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for engineering, designing, constructing, equipping, furnishing and undertaking site work for an addition to Stephen Decatur Middle School or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

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MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Bill 22-6 Jail Improvements Phase 2

A Public Hearing was completed for the proposed bond Bill 22-6 for Jail Improvements Phase 2 on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this bill.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$10,955,670, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING AND EQUIPPING OF PHASE 2 IMPROVEMENTS TO THE WORCESTER COUNTY JAIL, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,245,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix QQ to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “QQ”

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING AND EQUIPPING OF PHASE 2 IMPROVEMENTS TO THE WORCESTER COUNTY JAIL, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. Financing a portion of the cost of engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$10,955,670 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$14,245,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail.
 - (2) The estimated cost for engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail, including activities not funded from proceeds of the Bonds, is approximately \$11,955,670.
 - (3) The funds proposed to be borrowed for engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$10,955,670 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$10,955,670, subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.
- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in

this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$10,955,670 without the adoption of any other Public Local Law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.

- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$14,245,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$14,245,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such

Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for engineering, designing, constructing and equipping of Phase 2 improvements to the Worcester County Jail or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
DATE: April 12, 2022
RE: Proposed Bond Bill 22-7 Public Safety Logistical Storage Facility

A Public Hearing was completed for the proposed bond Bill 22-7 for the Public Safety Logistical Storage Facility on April 5th, 2022. The Worcester County Commissioners are respectfully requested to vote on this bill.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Bertino, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$3,050,000, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE NEW PUBLIC SAFETY LOGISTICAL STORAGE FACILITY, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$3,965,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix RR to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX "RR"

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE NEW PUBLIC SAFETY LOGISTICAL STORAGE FACILITY, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. **Financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.**

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$3,050,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$3,965,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility.
 - (2) The estimated cost for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility, including activities not funded from proceeds of the Bonds, is approximately \$3,250,000.
 - (3) The funds proposed to be borrowed for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$3,050,000 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$3,050,000, subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Bonds to the purposes described in the preceding sentence. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.

- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$3,050,000 without the adoption of any other local law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.
- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$3,965,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$3,965,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such

Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the

issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**

Weston S. Young
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



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

March 29, 2022

TO: The Daily Times Group and The Ocean City Today Group
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
SUBJECT: Worcester County Public Hearing Notice of Proposed Purchase of Parcel 89 on Tax Map 25

Please print the attached Public Hearing Notice in The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today on April 7, 2022 and April 14, 2022. Thank you.

NOTICE OF PROPOSED PURCHASE OF PROPERTY
OF PARCEL 89 ON TAX MAP 25 FOR WORCESTER COUNTY SPORTS COMPLEX
WORCESTER COUNTY, MARYLAND

The Worcester County Commissioners will host a public hearing on a proposal to purchase 95.521 acres of property in the Berlin/West Ocean City area and identified on Tax Map 25 as Parcel 89 to develop a sports complex, using a portion of the proceeds from general obligation bond funds of \$11,198,830 in FY23 to fund acquisition, design, and development costs. The main purpose for the sports complex, which is included in the FY23-FY27 Capital Improvement Plan (CIP), is to provide county residents and guests with more recreational programming and event opportunities by providing additional field space. Conceptual plans for this project include multi-purpose fields, with restrooms, parking, and concessions for recreation and travel sports. Additional park amenities would include walking trails, ponds, and a playground. The County Commissioners will hold a

A Public Hearing
will be held on the proposed purchase of
Parcel 89 Tax Map 25 for the
Worcester County Sports Complex
Tuesday, April 19, 2022
at 6:00 P.M.
in the
Stephen Decatur High School Auditorium
9913 Seahawk Road
Berlin, Maryland 21811

For additional information, please contact the County Administration Office at (410) 632-1194 or visit the County website at: online at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

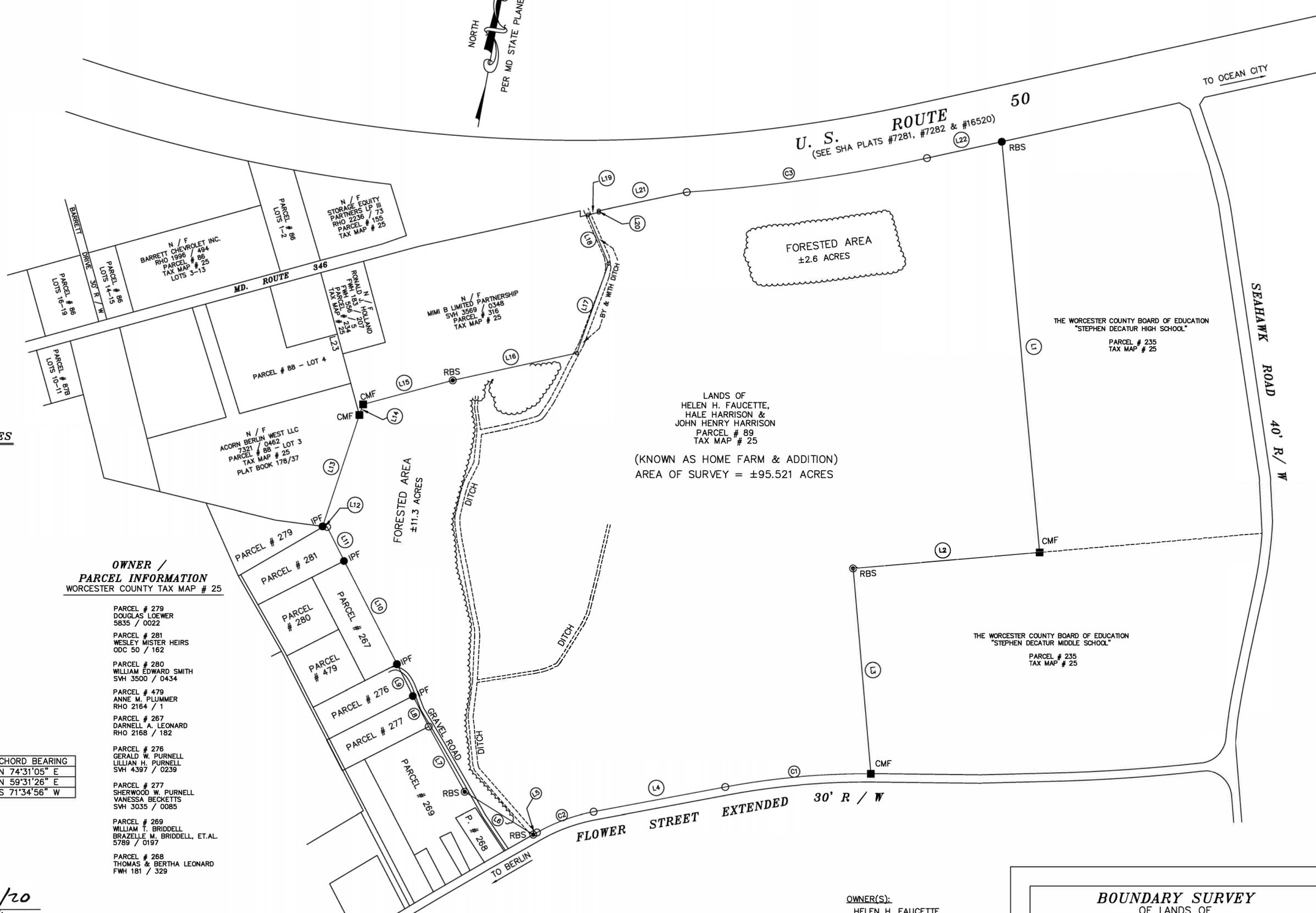


TABLE OF BEARINGS & DISTANCES

LINE	BEARING	DISTANCE
L1	N 15°36'03" W	1493.00'
L2	N 74°43'57" E	676.35'
L3	N 15°16'03" W	745.83'
L4	N 69°00'25" E	483.79'
L5	N 50°02'26" E	15.38'
L6	S 68°21'32" E	291.72'
L7	S 39°09'24" E	269.66'
L8	S 37°27'44" E	124.29'
L9	S 37°05'22" E	127.97'
L10	S 37°24'51" E	419.75'
L11	S 36°52'02" E	137.66'
L12	N 87°11'39" E	16.09'
L13	S 07°54'49" W	397.82'
L14	S 09°07'32" W	40.80'
L15	S 64°38'16" W	335.06'
L16	S 67°13'00" W	458.80'
L17	S 09°08'00" W	343.60'
L18	S 33°08'00" E	191.18'
L19	S 66°18'17" W	40.06'
L20	S 10°58'45" E	5.50'
L21	S 67°42'15" W	324.58'
L22	S 67°15'47" W	277.01'

CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2752.04'	529.42'	528.61'	N 74°31'05" E
C2	660.83'	218.75'	217.76'	N 59°31'26" E
C3	5829.58'	876.86'	876.03'	S 71°34'56" W

**OWNER /
PARCEL INFORMATION**
WORCESTER COUNTY TAX MAP # 25

- PARCEL # 279
DOUGLAS LOEWER
5635 / 0022
- PARCEL # 281
WESLEY MISTER HEIRS
ODC 50 / 162
- PARCEL # 280
WILLIAM EDWARD SMITH
SVH 3500 / 0434
- PARCEL # 479
ANNE M. PLUMMER
RHO 2164 / 1
- PARCEL # 267
DARNELL A. LEONARD
RHO 2168 / 182
- PARCEL # 276
GERALD W. PURNELL
LILLIAN H. PURNELL
SVH 4397 / 0239
- PARCEL # 277
SHERWOOD W. PURNELL
VANESSA BECKETTS
SVH 3035 / 0085
- PARCEL # 269
WILLIAM T. BRIDDELL
BRAZELLE M. BRIDDELL, ET.AL.
5789 / 0197
- PARCEL # 268
THOMAS & BERTHA LEONARD
FWH 181 / 329



L. E. BUNTING SURVEYS, INC.
MARYLAND & VIRGINIA
LAND SURVEYING
24 BROAD STREET
BERLIN, MARYLAND 21811
(410) 641-3313

- LEGEND:**
- DENOTES CONCRETE MONUMENT, FOUND
 - DENOTES REBAR W/LEB CAP, SET
 - DENOTES IRON PIPE, FOUND

NOTES:

THIS PROPERTY IS SITUATED WITHIN FLOOD HAZARD ZONE X AS SHOWN ON FIRM MAP # 24047C0154H, DATED 7-16-2015.

THIS PROPERTY IS ZONED C-2 (GENERAL COMMERCIAL DISTRICT)

PROPERTY IS CURRENTLY VACANT AND USED AGRICULTURALLY

OWNER(S):
HELEN H. FAUCETTE
HALE HARRISON
JOHN HENRY HARRISON

DEED REFERENCE:
LIBER 5688 / 0472
PARCEL # 89
TAX MAP # 25
ACCT.# 03-015807

BOUNDARY SURVEY
OF LANDS OF
**HELEN H. FAUCETTE,
HALE HARRISON &
JOHN HENRY HARRISON**
TAX MAP 25, PARCEL 89
THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

SCALE: 1" = 250' DATE: 02/12/2020
JOB#: TM25_P89 REV. 02/19/2020

L. E. Bunting, Jr. 2/19/20
L. E. BUNTING, JR. DATE:
MD PROP. LINE LIC.: #142 EXPIRES 04/16/2020



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

March 29, 2022

TO: The Daily Times Group and The Ocean City Today Group
FROM: Joseph E. Parker III, Deputy Chief Administrative Officer
SUBJECT: Notice of Introduction Bill 22-8, Worcester County Sports Complex

Please print the attached Notice of Introduction of Bill 22-8 in The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today on April 7, 2022 and April 14, 2022. Thank you.

Notice of Introduction of Bill 22-8
Worcester County Commissioners

Take Notice that Bill 22-8 entitled TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,198,830, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE WORCESTER COUNTY SPORTS COMPLEX, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,560,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE was introduced by Commissioners Church, Mitrecic, Nordstrom, and Purnell on February 15th, 2022.

A fair summary of the bill is as follows:

APPENDIX "SS"

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE WORCESTER COUNTY SPORTS COMPLEX, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. Financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Act"), County Commissioners



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of Worcester County, Maryland (the "County") may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the "Board") on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex.

(3) The Board has determined to borrow up to \$11,198,830 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the "Bonds") pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Refunding Act"), the County may borrow money to refund its outstanding bonds.

(5) The Board has determined to authorize the County to borrow up to \$14,560,000 by the issuance of refunding bonds pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds.

(6) References in this Local Law to "finance" shall be construed to mean "finance, refinance and/or reimburse," as applicable, and references in this Local Law to "financing" shall be construed to mean "financing, refinancing and/or reimbursing," as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

(1) There is a public need for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex.

(2) The estimated cost for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex, including activities not funded from proceeds of the Bonds, is approximately \$15,584,381.

(3) The funds proposed to be borrowed for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.

(4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Worcester County Sports Complex is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.

(5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any



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series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.

(6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.

- (c) Authorizes the County to borrow up to \$11,198,830 by issuance of bonds.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021.
- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$11,198,830 without the adoption of any other local law or other action by the legislative body of the County.
- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$14,560,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$14,560,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds.
- (h) Provides that the County shall levy annual property taxes sufficient to pay the principal and interest on the bonds due each year.
- (i) Provides that prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act.
- (j) Provides that the bonds shall constitute a pledge of the full faith and credit of the county.
- (k) Provides the bonds may be sold in one or more series and either at private sale or at public sale as determined by the County Commissioners.
- (l) Provides the bonds and shall be exempt from certain provisions of Sections 19-205 and 19-206 of the



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Local Government Article of the Annotated Code of Maryland.

- (m) Provides the County may enter into agreements to enhance the marketability of the bonds.
- (n) Provides the signature of any officer whose signature appears on any Bond is still valid even if that officer ceases to be such officer before delivery.
- (o) Provides that upon deliver of the bonds to the purchaser, payment shall be made to the Finance Officer of the County
- (p) Authorizes the issuance of interim certificates or temporary bonds
- (q) Provides that the authorities set forth in this law are supplemental to existing authorities.
- (r) The County shall seek funds for engineering, designing, constructing, equipping, furnishing and undertaking site work for the new Public Safety Logistical Storage Facility or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) Provides severability provisions.

**A Public Hearing
will be held on Bill 22-8
Tuesday, April 19, 2022
at 6:00 P.M.**

in the
Stephen Decatur High School Auditorium
9913 Seahawk Road
Berlin, Maryland 21811

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center. A full copy of the bill is also available on the County Website at www.co.worcester.md.us

THE WORCESTER COUNTY COMMISSIONERS

Worcester County, MD Series 2022 General Obligation Bonds

Financing Calendar

3/10/2022

March 2022

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2022

Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30

May 2022

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22	23	24	25	26	27	28
29	30	31				

June 2022

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July 2022

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24	25	26	27	28	29	30
31						

Working Group

Role	Entity	Abbreviation
Issuer	Worcester County, MD	Cty
Financial Advisor	Davenport & Company LLC	Dav
Bond Counsel	Funk & Bolton	FB

Date	Task	Responsibility
Wednesday, March 30	County sends POS information to Davenport	Cty
Tuesday, April 5	Public Hearing and Adoption of Public Local Laws (Excluding Sports Complex)	Cty, FB
Wednesday, April 6	Davenport to distribute draft POS for comment County to distribute draft Credit Presentation for comment	Dav Cty
Tuesday, April 19	Public Hearing and Adoption of Public Local Law (Sports Complex)	Cty, FB
Wednesday, April 20	Follow-up Planning Meeting for Rating Visits/Tour	Cty, Dav
Monday, April 25	Comments on draft POS due to Davenport Comments on draft Credit Presentation due to County	All All
Monday, May 2	Davenport to distribute draft POS for comment County to distribute draft Credit Presentation for comment	Dav Cty
Monday, May 16	Comments on draft POS due to Davenport Comments on draft Credit Presentation due to County	All All
Friday, May 20	Effective Date of Public Local Laws (Excluding Sports Complex)	Cty, FB
Monday, May 23	Davenport to distribute draft POS for comment County to distribute draft Credit Presentation for comment	Dav Cty
Wednesday, June 1	Meeting to Walk-Through Credit Presentation	Cty, Dav
Friday, June 3	Effective Date of Public Local Laws (Sports Complex)	Cty, FB
Tuesday, June 7	Introduction and Passage of Bond Resolution Comments on POS due to Davenport Final comments on credit presentation due County	Cty, FB All All

Worcester County, MD

Series 2022 General Obligation Bonds

Financing Calendar

3/10/2022

March 2022

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
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April 2022

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May 2022

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June 2022

Su	Mo	Tu	We	Th	Fr	Sa
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July 2022

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Date	Task	Responsibility
Wednesday, June 8	Distribute POS and Credit Presentation to rating agencies and working group	Dav
Monday, June 13 - Wednesday, June 15	Rating Agency Visits to Worcester County	Cty, Dav
Wednesday, June 22	Publish first ad in local paper	Cty, FB
Friday, June 24	Release of Ratings	Cty, Dav
Monday, June 27	Final Comments on POS due to Davenport	All
Tuesday, June 28	Signoff on POS Post POS and Apply for CUSIPs	All Dav
Wednesday, June 29	Publish second ad in local paper	Cty, FB
Tuesday, July 12	Bond Sale in Snow Hill	All
Wednesday, July 13	Davenport distributes draft OS for comment	Dav
Monday, July 18	Signoff on bond documents and OS	All
Tuesday, July 19	Delivery of OS to underwriter	Dav
Monday, July 25	Pre-Closing	All
Tuesday, July 26	Closing	All

APPROVED

WSY 2/15/22



OFFICE OF THE TREASURER

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1105

P.O. Box 248

SNOW HILL, MARYLAND

21863

PHILLIP G. THOMPSON, CPA
FINANCE OFFICERJESSICA R. WILSON, CPA
ASSISTANT FINANCE OFFICERTEL: 410-632-0686
FAX: 410-632-3003

TO: Weston S. Young, Chief Administrative Officer
FROM: Phillip G. Thompson, Finance Officer
DATE: February 7, 2022
SUBJECT: Proposed Bond Bills and Official Intent Resolution

As you are aware, there are numerous projects in the Capital Improvement Plan (CIP) that are scheduled to be completed in the near term and we are proposing to finance through General Obligation Bonds. These projects include the following:

- Stephen Decatur Middle School – Addition - \$10,024,184
- Roof Replacement, Snow Hill Middle School and Cedar Chapel School - \$2,004,000
- Sports Complex - \$11,198,830
- Public Safety Logistical Storage Facility - \$3,050,000
- Jail Improvements, Phase 2 - \$10,955,670
- Water and Wastewater Project in the Ocean Pines Service Area - \$3,550,000

Also attached is the financing schedule provided by our Financial Advisor, Joe Mason with Davenport and Company, LLC, which proposed introduction of the bond bills on February 15, 2022 on the first five projects with a public hearing at your next Legislative Session on Tuesday March 15, 2022. Included with each of the draft bond bills, I have attached an excerpt from the CIP which provides further detail for each project. The 6th project on the list, water and wastewater improvements in the Ocean Pines Service Area, does not require a bond bill, but will require a hearing to explain the projects estimated cost and to solicit public comments as to whether the project should be constructed.

In addition to the bond bills on the first five projects, our Bond Counsel, Lindsey Rader with Funk and Bolton, has advised that we should adopt an "Official Intent Resolution" which will enable us to use the bond proceeds to reimburse expenses incurred for each of these projects prior to the issuance of the bonds. I have therefore attached the draft Official Intent Resolution for your review and approval.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners _____ Church, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,198,830, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE WORCESTER COUNTY SPORTS COMPLEX, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,560,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix SS to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX "SS"

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF
ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND
UNDERTAKING SITE WORK FOR THE
WORCESTER COUNTY SPORTS COMPLEX, AND
BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. Financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$11,198,830 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$14,560,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex.
 - (2) The estimated cost for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, including activities and related work not funded from proceeds of the Bonds, is approximately \$15,584,381.
 - (3) The funds proposed to be borrowed for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$11,198,830 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$11,198,830 subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.

- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$11,198,830 without the adoption of any other local law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.
- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$14,560,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$14,560,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such

Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the

issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**

Weston S. Young
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

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-__

BY: Commissioners Church, Mitrecic, Nordstrom and Purnell
INTRODUCED: February 15, 2022

A BILL ENTITLED

AN ACT

TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND TO BORROW ON ITS FULL FAITH AND CREDIT, AND TO ISSUE AND SELL (1) ITS GENERAL OBLIGATION BONDS AND ITS BOND ANTICIPATION NOTES THEREFOR, AT ONE TIME OR FROM TIME TO TIME WITHIN FOUR YEARS FROM THE DATE THIS BILL BECOMES EFFECTIVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,198,830, TO PROVIDE FINANCING FOR A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE WORCESTER COUNTY SPORTS COMPLEX, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE OF SUCH BONDS, AND (2) ITS GENERAL OBLIGATION REFUNDING BONDS, AT ONE TIME OR FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,560,000, TO PROVIDE FINANCING FOR THE COST OF REFUNDING IN WHOLE OR IN PART ANY OF THE BONDS ISSUED PURSUANT TO THIS LOCAL LAW, INCLUDING PAYMENT OF RELATED COSTS AND COSTS OF ISSUANCE.

For the purpose of authorizing the issuance and sale by County Commissioners of Worcester County, Maryland of (1) its general obligation bonds and its bond anticipation notes to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, and (2) its general obligation refunding bonds to finance the cost of refunding in whole or in part any of the bonds issued pursuant to this Local Law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Appendix SS to the Code of Public Local Laws of Worcester County, Maryland be created to read as follows:

APPENDIX “SS”

BOND AUTHORIZATION FOR FINANCING A PORTION OF THE COST OF ENGINEERING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND UNDERTAKING SITE WORK FOR THE WORCESTER COUNTY SPORTS COMPLEX, AND BOND AUTHORIZATION FOR REFUNDING BONDS

§ 1. **Financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, and financing the cost of refunding in whole or in part any of the bonds issued for such purpose.**

(a) Recitals

(1) Pursuant to Sections 19-501 to 19-510, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Act”), County Commissioners of Worcester County, Maryland (the “County”) may borrow money for any public purpose and may evidence the borrowing by the issuance and sale of its general obligation bonds.

(2) By and through Resolution No. 21-26, adopted by the Board of County Commissioners of Worcester County (the “Board”) on December 7, 2021, the County has approved and adopted the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 which includes engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex.

(3) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to borrow money in an aggregate principal amount of not more than \$11,198,830 and to evidence such borrowing by the issuance, sale and delivery of its general obligation bonds (the “Bonds”) pursuant to the provisions of the Act, and to apply the proceeds of the Bonds to finance costs of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, including (without limitation) payment of related costs and the costs of issuance of the Bonds, all subject to the terms and conditions of this Local Law.

(4) Pursuant to Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), the County may borrow money to refund its outstanding bonds. Section 19-207(f)(1) of the Refunding Act provides that the total principal amount of the refunding bonds may exceed the total principal amount of the bonds that are being refunded. Section 19-207(g) of the Refunding Act provides that a governmental entity shall issue refunding bonds in accordance with the procedures that applied to issuance of the bonds that are being refunded; provided that, if, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under the Refunding Act at a private sale, without soliciting bids.

(5) The Board, based upon the findings and determinations and subject to the conditions set forth below, has determined to authorize the County to borrow money in an aggregate principal amount of not more than \$14,560,000 and to evidence such borrowing by the issuance, sale and delivery of its general obligation refunding bonds (the “Refunding Bonds”) pursuant to the provisions of the Act and the Refunding Act, and to apply the proceeds of the Refunding Bonds to finance the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds, all subject to the terms and conditions of this Local Law.

(6) References in this Local Law to “finance” shall be construed to mean “finance, refinance and/or reimburse,” as applicable, and references in this Local Law to “financing” shall be construed to mean “financing, refinancing and/or reimbursing,” as applicable.

(b) The Board, acting pursuant to the Act and the Refunding Act, as applicable, hereby determines and declares that:

- (1) There is a public need for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex.
 - (2) The estimated cost for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex, including activities and related work not funded from proceeds of the Bonds, is approximately \$15,584,381.
 - (3) The funds proposed to be borrowed for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation bonds by the County.
 - (4) Use of the proceeds of the Bonds by the County to finance a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex is a proper public purpose which may be financed by the issuance of the Bonds pursuant to the Act.
 - (5) Between the date of issuance of the first series of the Bonds and the date of final maturity of any series of the Bonds, the County may have an opportunity or a need to refund in whole or in part the then-outstanding Bonds and to thereby achieve one or more purposes of the Refunding Act. The funds authorized to be borrowed for the purpose of refunding in whole or in part the then-outstanding Bonds can be provided at the lowest annual interest cost and costs of issuance by the issuance of general obligation refunding bonds by the County.
 - (6) Use of the proceeds of the Refunding Bonds by the County to finance the cost of refunding in whole or in part the then-outstanding Bonds is a proper public purpose that may be financed by the issuance of the Refunding Bonds pursuant to the Act and the Refunding Act.
- (c) Pursuant to the Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$11,198,830 and to evidence such borrowing by issuing, selling and delivering its Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$11,198,830 subject to the provisions and conditions of this Local Law. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective.
- (d) The proceeds from the sale of the Bonds shall be applied for the public purpose of financing a portion of the cost of engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex as identified in the Worcester County 5 Year Capital Improvement Plan - FY 2023 to FY 2027 by and through Resolution No. 21-26, adopted by the Board on December 7, 2021, including payment of related costs and costs of the issuance of the Bonds. No series of the Bonds authorized by this Local Law shall be issued more than four years after the date this Local Law becomes effective. The County expressly reserves the right to amend this Local Law without notice to or the consent of the holders of the Bonds in order to authorize use of the proceeds of the Bonds, including any excess proceeds after application for the purposes described in this Paragraph, to such other public purpose or purposes as the County may approve by enactment of an amendment to this Local Law in accordance with, and pursuant to, the Act.

- (e) As permitted by Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, the provisions set forth in this Local Law for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes in one or more series from time to time in an aggregate principal amount not exceeding \$11,198,830 without the adoption of any other local law or other action by the legislative body of the County. Accordingly, the words “bonds” and “Bonds”, as used in this Local Law, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. The County will agree to pay any bond anticipation notes issued pursuant to this Local Law and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists.
- (f) Pursuant to the Act and the Refunding Act, the County is hereby authorized to borrow upon its full faith and credit an aggregate principal amount not to exceed \$14,560,000 and to evidence such borrowing by issuing, selling and delivering its Refunding Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$14,560,000, subject to the provisions and conditions of this Local Law.
- (g) The proceeds from the sale of any Refunding Bonds shall be applied for the public purpose of financing the cost of refunding in whole or in part the then-outstanding Bonds, including payment of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall be construed to allow such proceeds to be applied to (i) pay all or a portion of the principal of the refunded Bonds to their respective dates of maturity or prior redemption, (ii) pay all or a portion of accrued interest on the refunded Bonds to their respective dates of maturity or redemption, (iii) pay funded interest on the Refunding Bonds, and/or (iv) pay all or a portion of related costs and costs of issuance of the Refunding Bonds. All references in this Local Law to the use of proceeds of the Refunding Bonds to refund in whole or in part the then-outstanding Bonds shall not be construed to refer to refunding any bond anticipation notes referenced in Paragraph (d) above. Nothing in this Local Law shall be construed as prohibiting the County from applying funds other than the proceeds of the Refunding Bonds to the purposes described in the preceding sentence. The words “bonds” and “Bonds” as used in this Local Law shall include the Refunding Bonds, unless the context clearly requires a contrary meaning; provided that, the limitation provided for in Paragraph (c) above as to the latest date by which any Bonds shall be issued shall not apply to the issuance of any Refunding Bonds, which may be issued at any time as long as any of the Bonds are then-outstanding.
- (h) In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all assessable real and tangible personal property within the geographical boundaries of the County, in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all of the Bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency; provided, however, that the County may apply to the payment of the principal of and interest on any Bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, subject to any applicable limitations of federal, state or local law.
- (i) Prior to the issuance and sale of any of the Bonds, the County shall adopt one or more resolutions in accordance with Section 19-504 of the Act, which resolution shall describe in part, the following: (i) the amount of Bonds which shall be issued and the amount of the proceeds of such

Bonds allocated to each project specified in such resolution or resolutions, or, with respect to any Refunding Bonds, the Bonds authorized to be refunded in whole or in part from proceeds of such Refunding Bonds, (ii) the statement of the public purpose or purposes for which the proceeds of the Bonds are to be expended, and, with respect to any Refunding Bonds, the purpose or purposes of the Refunding Act to be achieved by the issuance of such Refunding Bonds, (iii) the form of the Bonds, which shall include the place and time of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of the rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted on the Bonds, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on the Bonds will be payable, (iv) the designation, form, tenor, denomination or denominations and maturities (not exceeding forty years), and optional and mandatory sinking fund redemption provisions, if any, of the Bonds, (v) the method of sale of such Bonds, (vi) provisions for the notice soliciting bids for the purchase of the Bonds, if the Bonds are sold at public sale, (vii) specific provisions for the appropriation and disposal of the proceeds of the sale of the Bonds and specific provisions for the payment of the principal and interest thereon, which provisions shall specify the source or sources of payment and shall constitute a covenant binding the County to provide the funds from the source or sources as and when principal and interest are due and payable, (viii) if any of the proceeds of the Bonds are to be loaned by the County, the terms of such loan and of any loan agreement executed in connection with such loan, and (ix) any and all other matters deemed necessary in connection with the proposed borrowing, the issuance, sale and delivery of the Bonds and the appropriation of the proceeds thereof, including (without limitation), (A) whether any premium paid to the County in connection with the sale of the Bonds shall be applied to the costs for which the Bonds are authorized to be issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, and (B) whether interest or investment earnings on proceeds of the Bonds shall be applied to the purposes for which such Bonds are issued, to the payment of debt service on the Bonds, or for some other purpose authorized by applicable law, unless any such determinations must be made by Public Local Law in accordance with applicable law. Additionally, such resolution or resolutions may provide that the issuance of Bonds authorized pursuant to this Local Law may be consolidated with one or more other issues authorized by this Local Law or any other Public Local Law, all as provided in Section 19-101 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended, and any successor provision of law.

- (j) The Bonds evidencing the borrowing authorized by this Local Law shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest and premium (if any) on the Bonds as and when they become due and payable.
- (k) The Bonds may be sold in one or more series, and the Bonds of any series shall be sold either (a) at private (negotiated) sale and at or above par, or (b) at public sale, by competitive bid, at or above par, as determined by the Board to be in the best interest of the County; in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Board deems to be in the best interests of the County.
- (l) The Bonds and their issuance and sale shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (m) The County may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, and security for, the Bonds and for the purpose of securing any tender option that may be granted to holders of the Bonds. With respect to the

issuance of any Refunding Bonds, the County may enter into agreements in order to provide for the escrowing of proceeds of such Refunding Bonds.

- (n) In case any officer whose signature appears on any Bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery.
- (o) Upon delivery of any Bonds to the purchaser or purchasers, payment shall be made to the Finance Officer of the County or such other official of the County as may be designated to receive payment in a resolution passed by the Board prior to delivery of the Bonds. Proceeds of any Refunding Bonds may be paid to such escrow agent as may be designated to receive payment in a resolution passed by the Board prior to delivery of such Refunding Bonds.
- (p) The County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The County may, by appropriate resolution, provide for the replacement of any Bonds issued under this Act which may have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.
- (q) The authority to borrow money and to issue bonds conferred on the County by this Local Law shall be deemed to provide additional, alternative and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Local Law, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed and approved. This Local Law, being necessary for the welfare of the inhabitants of Worcester County, shall be liberally construed to effect its purposes. All Public Local Laws previously enacted, and parts of Public Local Laws previously enacted, which are inconsistent with the provisions of this Local Law, are hereby repealed to the extent of any inconsistency.
- (r) The County shall seek funds for engineering, designing, constructing, equipping, furnishing and undertaking site work for the Worcester County Sports Complex or repayment of the Bonds through such grant sources as the Board may, from time to time, deem desirable and appropriate.
- (s) The provisions of this Local Law are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Local Law or any part hereof are inapplicable had been specifically exempted therefrom.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

[CONTINUED ON FOLLOWING PAGE]

PASSED this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
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