AGENDA
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
Room 301, Government Office Building, Salisbury, Maryland

NOTICE REGARDING PUBLIC ATTENDANCE AND ACCESS

In response to COVID-19 health concerns, all persons entering the Government Office Building are required to complete a health screening, wear a face covering, and follow social distancing protocols of staying at least 6 feet apart. The Council meeting is open for the public to attend in person, but we encourage people to view the meeting in real time (live) on the local public access channel (PAC14), on the Internet at www.pac14.org or on YouTube. The video of the meeting will be replayed on PAC14, YouTube, and on the County’s website following the meeting. The meeting materials in the Council’s public briefing book will be available on the County’s website - https://www.wicomicocounty.org. Individuals who need special accommodations should contact the Council Office at 410-548-4696 or by email at lhurley@wicomicocounty.org.

April 20, 2021
10:00 a.m.

LEGISLATIVE SESSION 2021-08

10:00 a.m.

Larry W. Dodd, President
Call meeting to order
Opening Prayer and Pledge of Allegiance

Approval of Consent Agenda:
- Legislative Minutes from April 6, 2021
- Open Work Session Minutes from March 2, 2021 - Proposed Charter Provisions for Discussion with Charter Review Committee
- Open Work Session Minutes from March 2, 2021 - Letter of Support-House Bill 795/Senate Bill 715
- Open Work Session Minutes from March 2, 2021- Letter of Support for Grant Funding to Renovate the Whitehaven Church
- Open Work Session Minutes from March 2, 2021- Letter of Support for Senate Bill 620- Income Tax Subtraction Modification for Volunteer Fire, Rescue, or Emergency Medical Service Members
- Open Work Session Minutes from March 16, 2021 - Quarterly Work Session with the Board of Education

Laura Hurley, Council Administrator:
1. Submission of FY22 Operating and Capital Budget – Mr. John Psota, Acting County Executive and Mrs. Pam Oland, Director of Finance
2. Audit Presentation by PKS & Company, P.A.
3. Resolution No. 32-2021 - Authorizing the Acting County Executive to Accept Grant Funds in the amount of $17,268 from the Maryland Department of Commerce acting through the Maryland Tourism Development Board to be used to Market Maryland’s Small Businesses for Tourism – Mr. Steve Miller, Director of Recreation, Parks & Tourism
4. Resolution No. 33-2021 - Fee Increase to Certain Recreation Program Fees- Mr. Steve Miller, Director of Recreation, Parks & Tourism
5. Resolution No. 34-2021 - To Appoint the Board of Managers of Various Public Drainage Associations within Wicomico County - Mrs. Pam Oland, Director of Finance
6. Resolution No. 35-2021 - To Certify the Drainage Tax Roll to the
Adjourn out of Legislative Session and Convene as Urban Services Commission

Resolution No. 01-2021 - To Approve an Invoice and Payment for a Village Down River Sewerage System Repair Pursuant to the Amended and Restated Shared Facility Agreement between Wicomico County, Maryland, Wicomico County Urban Services Commission and Village Down River Condominium Association, Inc. - Mr. Mark Arbresch, President, Village Downriver Condominium Association

Adjourn as Urban Services Commission and Reconvene in Legislative Session

Levin Hitchens, Internal Auditor:
Resolution No. 36-2021 - Accepting the Internal Auditor's Report on the Workplace Culture Audit

Public Comments - Please limit all public comments to three minutes or less; any presented material may be submitted to Councilmembers - Please include 10 Copies. Derogatory remarks, personal attacks, obscene language, and disruptive behavior, such as shouting, stomping feet, and booing will not be permitted.

Council Comments

Council President's Comments

Adjourn

Open Work Sessions:
1. County Vehicle Leasing Program - Mr. Nick Rice, Purchasing Agent
2. Quarterly Report for Airport CARES Act Grant Funding - Mr. Tony Rudy, Airport Manager
3. West Metro Core Program Open Space Conversion to Connelly Mill Property - Mr. Steve Miller, Director of Recreation, Parks & Tourism
5. Process for Selecting Redistricting Commission

Lunch

Closed Work Sessions:
1. Personnel Matter - Director of Local Management Board
2. Potential Land Acquisition for Borrow Pit Material
3. To Consider a Matter that Concerns the Proposal for a Business to Locate, Expand, or Remain in the State

The County Council reserves the right to close a portion of this meeting as authorized by Section 3-305(1)(3)(4) and Section 3-104 of the General Provisions Article of the Annotated Code of Maryland.
Submission of FY22 Operating and Capital Budget
no supporting documentation
Audit Presentation by PKS & Company, P.A.
no supporting documentation
In the name of the Lord and the love of the father and the son, and the Holy Ghost, amen.

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2021 Legislative Session Legislative Day No. 08

Resolution No. 32-2021

Introduced by: The President of the Council at the request of the Acting County Executive

A RESOLUTION AUTHORIZING THE ACTING COUNTY EXECUTIVE TO ACCEPT A GRANT AWARD, IN THE AMOUNT OF $17,268 FROM THE MARYLAND DEPARTMENT OF COMMERCE, ACTING THROUGH THE MARYLAND TOURISM DEVELOPMENT BOARD.

WHEREAS, pursuant to the Maryland 2021 RELIEF Act, funds have been made available to the Maryland Tourism Development Board to be used to market Maryland’s small businesses for tourism; and

WHEREAS, the Maryland Tourism Development Board has approved a grant to Wicomico County, Maryland in the amount of $17,268 to advance the purposes of the program; and

WHEREAS, the grant funds will be used only to market Maryland’s small businesses for tourism in compliance with the guidelines attached as Exhibit A to the grant agreement; and

WHEREAS, the Council understands that the Acting County Executive has reviewed carefully the entire award document and has notified or will promptly notify all key staff about the award requirements; and

WHEREAS, Chapter 29, Article II (Grant Funds) of the Wicomico County Code prescribes in subsection 29-20.B the procedure by which the County Council may by resolution appropriate “unanticipated grant revenue” from grants not included in the Annual Budget and Appropriation Bill; and

WHEREAS, the grant award does not require an appropriation of local matching funds; and

WHEREAS, the Acting County Executive recommends acceptance of the grant award in the amount of $17,268 from the Maryland Tourism Development Board.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, that the Acting County Executive is hereby authorized to accept a grant in the amount of $17,268 from the Department of Commerce, Acting through the Maryland Tourism Development Board, for the purposes stated above.
NOW THEREFORE, BE IT FURTHER RESOLVED, by the County Council of Wicomico County, Maryland, as follows:

1. The County’s Department of Tourism shall administer the expenditure of the grant funds.

2. This resolution and the action taken by Council herein are subject to proper compliance with the conditions specified in Chapter 29, Article II, titled “Grant Funds” of the County Code, following the passage of this resolution.

3. The Acting County Executive is authorized to accept and appropriate the aforementioned grant from the Maryland Department of Commerce, acting through the Maryland Tourism Development Board.

4. This resolution does not establish or authorize any County employee position.

Done at Salisbury, Maryland, this 20th day of April, 2021.

ATTEST: ___________________________ COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND

Laura Hurley, Council Administrator ___________________________

By: ___________________________
Larry W. Dodd, Council President

CERTIFICATION

THIS RESOLUTION was Adopted ________, Adopted with Amendments ________, Failed ________.
Withdrawn ________ by the County Council on April 20, 2021.

Certified by ___________________________
Laura Hurley, Council Administrator
To: John Psota, Acting County Executive

Cc: Pam Oland, Finance Director

From: Steve Miller, Director of Recreation, Parks & Tourism

Date: March 30, 2021

Re: Acceptance of Tourism Small Business Advertising Grant from the State of Maryland

I am requesting to be on a future Council agenda to accept a Tourism Small Business Advertising grant award in the amount of $17,268 for the tourism division. Funds would be applied to tourism’s miscellaneous revenue line item (62070062-480004), and per the grant agreement, must be used before the end of FY21. This funding was made available through Governor Hogan’s Relief Act 2021, in which $1 Million was dedicated to the State’s Destination Marketing Organizations (DMO) to enable them to advertise local restaurants, shops and attractions in an effort to support hometown tourism. The grant does not require a cash match.

Please let me know if you would like additional information in the meantime and we will be happy to provide what is needed. Thank you.
March 26, 2021

Kristen Goller
Wicomico County Recreation, Parks & Tourism
Sent via email to: kgoller@wicomicocounty.org

Dear Ms. Goller,

The bipartisan Relief Act of 2021 was signed into law on February 15, 2021, and includes more than $1 billion in tax relief and economic stimulus for struggling families and small businesses who are suffering as a result of the COVID-19 pandemic.

In the Relief Act, there is a provision that states that the Maryland Tourism Development Board shall allot $1 million to market Maryland small businesses for Tourism via the Destination Marketing Organizations. As the grants are determined based on population, your county is eligible to receive $17,268.

Funding for this is being deployed in the form of a grant. The grant agreement accompanies this letter. When received, please sign and return the agreement in triplicate in the existing Word document format, along with the completed Request for Disbursement. A final executed copy will be emailed to you. Due to the timeline for disbursement, we anticipate the agreements to be signed and returned within one week of receipt, to the extent possible. Completed Grant agreements should be emailed to Peter Cento, peter.cento@maryland.gov.

If you have any questions, please reach out to Liz Fitzsimmons at elizabeth.fitzsimmons@maryland.gov.

Sincerely,

Kelly M. Schulz
Secretary
Maryland Department of Commerce
MARYLAND DEPARTMENT OF COMMERCE
MARYLAND TOURISM DEVELOPMENT BOARD
MARYLAND OFFICE OF TOURISM

FY 2021 DMO TOURISM SMALL BUSINESS ADVERTISING GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is effective as of April 1, 2021, by and between the Department of Commerce ("Commerce" or the "Department"), a principal department of the State of Maryland (the "State"), acting through the Maryland Tourism Development Board ("MTDB"), an agency of the Department, Wicomico County Maryland ("Grantee") whose Federal Identification Number is 52-6001054.

REQUITALS

1. Pursuant to subsections (f)(3) and (20) of Section 9, and Section 12, of Chapter 39 of the Acts of the Maryland General Assembly of 2021 (Senate Bill 496), known as the RELIEF Act, funds have been made available to the MDTP to be used to market Maryland small businesses for tourism, as further provided in this Agreement (the "Program").

2. MTDB has distributed the funds described in Section 1 of the Recitals among the State’s destination marketing organizations (DMOs) proportionally across the State according to the population of the jurisdiction represented by the DMO for each DMO to use for purposes of the Program.

3. MTDB has approved a grant to Grantee in the amount of $17,268 (the "Grant" or "Grant Funds") to advance the purposes of the Program, to be used as more fully described below.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this Agreement, the parties agree as follows:

1. **Grant.** MTDB agrees to provide Grantee with Grant Funds, subject to the availability of funds for such purpose, to use to advance the goals of the Program. Grant Funds do not replace or supplement existing MTDB grant programs or agreements. Existing MTDB programs’ deadlines and deliverables remain in effect without modification.

2. **Use of Grant Funds.**

   (a) Grantee may use Grant Funds only to market Maryland small businesses for tourism, in compliance with the Guidelines attached as Exhibit A to this Agreement.
(b) Grantee must expend Grant Funds for eligible costs under this Agreement by no later than June 30, 2021.

(c) Any Grant Funds not expended by Grantee by June 30, 2021, shall be promptly returned to MTDB.

3. Term of Agreement. This Agreement is effective as of the date first above written and shall terminate upon Grantee’s satisfaction of its obligations under the terms of this Agreement.

4. Disbursement. The Grant Funds will be disbursed after execution of this Agreement by both parties.

5. Reports. Grantee must submit a final report detailing its use of all Grant Funds to MTDB by no later than July 31, 2021.

6. Early Termination; Grantee’s Failure to Perform. Department and/or the State reserves the right to terminate the Agreement by written notice to Grantee if (a) the purpose of the Agreement can no longer be fulfilled or met, (b) Grantee materially fails to perform its obligations under the Agreement or otherwise violates the terms of the Agreement and/or any exhibits attached thereto, or (c) it’s in the best interest of the Department and/or the State to terminate. Unless such termination is due to Grantee’s failure to perform its obligations or Grantee’s violation of the Agreement, the Department shall disburse Grant Funds to cover the eligible expenses incurred by Grantee prior to termination. In the event the termination is due to Grantee’s failure to perform or Grantee’s violation of the Agreement, the Department may require Grantee to repay all disbursed Grant Funds. Nothing in this provision relieves the Grantee from liability for any damages caused by Grantee’s failure to perform or Grantee’s violation of this Agreement. Grantee shall indemnify and hold harmless the Department for any damages, costs, or expenses, including reasonable attorney’s fees and court costs, due to Grantee’s failure to perform and/or violations of this Agreement.

7. Notices. All notices, requests, and consents made pursuant to this Agreement must be in writing or via email. Any communication is effective when mailed, first-class postage prepaid, as follows:

Submit executed Grant Agreement to:

Liz Fitzsimmons, Executive Director
Maryland Tourism Development Board
Office of Tourism Development
401 E. Pratt Street, 14th Floor
Submit all other applicable correspondence, including but not limited to advertising creative approval requests, ad creative, invoices, Final Reports, and other required proof of performance to:

Ms. Marci Wolff Ross, Assistant Director for Tourism Development  
Maryland Office of Tourism Development  
401 East Pratt Street, 14th Floor  
Baltimore, MD 21202  
TEL: 410.767.6286  
EMAIL: marci.ross@maryland.gov

and to:

Mr. Peter Cento  
Maryland Office of Tourism Development  
401 East Pratt Street, 14th Floor  
Baltimore, MD 21202  
TEL: 410.767.6295  
EMAIL: peter.cento@maryland.gov

Communications to Grantee:
Kristen Goller  
Tourism Manager  
Wicomico County Recreation, Parks & Tourism  
8480 Ocean Highway  
Delmar, Md 21875  
410-548-4914  
kgoller@wicomicocounty.org

7. Amendment. This Agreement may be amended only by a written instrument executed by both parties.

8. Maryland Law. This Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland.


(a) Grantee shall not use any Grant Funds to make contributions: to any persons who hold, or are candidates for, elected office; to any political party,
organization, or action committee; or in connection with any political campaign or referendum.

(b) If in any fiscal year ending during the term of this Agreement Grantee derives more than 50% of its operating funds from State funding, it shall not contribute any money or thing of value: to any persons who hold, or are candidates for, elected office; to any political party, organization, or action committee; or in connection with any political campaign or referendum.

10. Entire Agreement. This Agreement, together with the Exhibits attached to this Agreement and incorporated by reference, represents the complete and final understanding of the parties. No other understanding or representations, oral or written, regarding the subject matter of this Agreement may be deemed to exist or to bind the parties at the time of execution.

11. Counterparts; Signatures. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one document. Signatures provided by facsimile or other electronic means, for example, and not by way of limitation, in Adobe .PDF sent by electronic mail, shall be deemed to be original signatures.

IN WITNESS WHEREOF, Grantee and MTDB have caused this Agreement to be executed, sealed and delivered as of the day and year first above written:

GRANTEE:

By: __________________________
   (signature)
Name: __________________________
Title: __________________________

MARYLAND TOURISM DEVELOPMENT BOARD:

By: __________________________
   (signature)
Name: __________________________
Title: __________________________
EXHIBIT A
FY 2021 DMO TOURISM SMALL BUSINESS ADVERTISING GRANT GUIDELINES

I. PURPOSE AND ELIGIBILITY

It is the purpose of these grant guidelines, provided in accordance with the policies adopted by the Maryland Tourism Development Board ("MTDB") on September 20, 1995, as amended and in concurrence with actions taken during a meeting on October 7, 1997, to govern the award of grants to Maryland political subdivisions to supplement local funds for tourism marketing and development.

These grant guidelines govern the FY 2021 DMO Tourism Small Business Advertising Grant program described in this Grant Agreement, which is administered by the Office of Tourism Development ("OTD") on behalf of MTDB, an agency of the Department of Commerce ("Commerce" or "the Department").

By authority granted to MTDB under the Economic Development Article in the Annotated Code of Maryland, Section 4-213 (10) and (11), MTDB is to "cooperate with other public units and private organizations to develop and promote the State's tourism and travel industries" and "encourage, assist, and coordinate the tourism activities of local and regional promotional organizations."

Each Maryland County, Ocean City and the City of Baltimore is eligible for a DMO Tourism Small Business Advertising Grant. MTDB will make the grants directly to the DMO that is recognized by the chief elected official of the aforementioned jurisdictions. No more than one DMO Tourism Small Business Advertising Grant shall be awarded to the aforementioned jurisdictions.

DMO Tourism Small Business Advertising Grant Funds shall be used to advertise small tourism businesses that generate tourism tax revenues as defined by the Tourism Promotion Act of 2008 and/or differentiate the DMO within the DMO's key drive markets. Eligible businesses are small businesses that have between 1 and 20 full-time equivalent employees.

II. GRANT AMOUNT AND CONDITIONS

FY 2021 DMO Tourism Small Business Advertising Grant Program funds are allocated based on the following criteria:

1. DMO Tourism Small Business Advertising Grant Program Grants are a quick infusion to DMOs to advertise eligible businesses in key drive markets. NOTE: Grantees are strongly encouraged to market their eligible businesses through
OTD platforms such as the Deals platform found on www.visitmaryland.org and prioritize small businesses entities within A&E districts, Main Streets and makers in the jurisdiction.

2. MTDB has distributed the funds to the State’s DMOs proportionally according to the population of the jurisdiction represented by the DMO.

B. Grant Funds shall be used with the following Requirements and Conditions:

1. All Grant Funds must be spent by June 30, 2021. Any unspent Grant Funds must be returned to MTDB by no later than October 1, 2021. Failure to comply may affect eligibility for future MTDB grants.

2. The report required under Section 5 of the Grant Agreement must be submitted by Grantee in the format stipulated by OTD. The format includes:
   a. Proof of expenditure performance through advertising invoices dated within the grant term;
   b. Advertising copy that verifies the advertisements meet the terms, conditions and requirements of the Program; and,
   c. If deemed necessary, qualitative and quantitative information applying to the execution and results of the Program.

3. Grantee shall allow any duly authorized representative of Commerce or the State to inspect and audit, at reasonable times, all records and documents of Grantee relating to the Grant, which records Grantee shall retain until three years after expiration of the grant period.

C. Indirect costs are eligible as follows:

1. If Grantee is a nonprofit under Section 501(c)(3), (4) or (6) of the Internal Revenue Code, Grant Funds may be applied to indirect costs in accordance with Section 2-208 of the State Finance and Procurement Article, Annotated Code of Maryland and Code of Federal Regulations Office of Management and Budget’s Uniform Guidance in 2 C.F.R. 200. Grantee must provide federal verification of its negotiated indirect cost rate in advance of reimbursement.

2. If Grantee is not a nonprofit under Section 501(c)(3), (4) or (6) of the Internal Revenue Code, Grantee may apply Grant Funds to indirect costs at a rate of 10% of costs that would be considered modified total direct costs under the US Office of Management and Budget (OMB) Uniform Guidance.

3. Grantee shall report any Grant Funds applied to indirect costs in the format stipulated by OTD.
III. APPLICATION AND CORRESPONDENCE SUBMISSION INSTRUCTIONS

A. Grantee must submit executed Grant Agreement to:

Ms. Liz Fitzsimmons, Executive Director
Maryland Tourism Development Board
Maryland Office of Tourism Development
401 East Pratt Street, 14th Floor
Baltimore, MD 21202
EMAIL: elizabeth.fitzimmons@maryland.gov

B. Submit all other applicable correspondence, including but not limited to advertising creative approval requests, to:

Ms. Marci Wolff Ross
Senior Assistant Director for Tourism Development Maryland Office of Tourism Development
401 East Pratt Street, 14th Floor Baltimore, MD 21202
TEL: 410.767.6286
EMAIL: marci.ross@maryland.gov

With a copy to:

Mr. Peter Cento
Tourism Development Management Associate Maryland Office of Tourism Development
401 East Pratt Street, 14th Floor Baltimore, MD 21202
TEL: 410.767.7693
EMAIL: peter.cento@maryland.gov

C. Submit Final Report and required proof of performance to Mr. Peter Cento in the format stipulated by OTD at the address noted above.

IV. ELIGIBLE EXPENDITURES

Any expenditure not explicitly identified in these guidelines is an ineligible cost. Grantees are encouraged to contact OTD via email in advance of their expenditure commitment to ensure that it qualifies under these guidelines. OTD shall have the right to review and reject any expenditure deemed in its sole discretion to be ineligible.

DIRECT & INDIRECT COSTS
A. **Direct costs-Advertising Placement** - means the actual time, space and/or other format purchased to communicate a message that inspires Maryland tourism.

1. Direct costs are limited to the purchase of the following media:
   
   a. Print space  
   b. Digital advertising includes online display, video placement, sponsored content, native ads, etc.  
   c. Television time  
   d. Radio time  
   e. Outdoor space such as billboard, transit mktg., etc.  
   f. Social Media – Facebook and Instagram only - all other social media outlets need prior approval by OTD before placement

2. Requirements and Conditions - All advertising paid for with Grant Funds must meet all of the following general conditions:
   
   a. Advertise and promote small businesses, such as restaurants, entertainment, attractions, shops and services in support of Maryland tourism.  
   b. Not include names of elected officials or organizations whose primary function does not generate tourism tax sales revenues;  
   c. Contain a “call-to-action” to Grantee’s website, social media outlet and/or toll-free number; and,  
   d. Contain one of the OTD-approved logo below at no less that ¾” in size for full execution:

   ![Logos](images/logos.png)

3. TV and Video - Ad copy must include one of the logos identified in A.2.a of these guidelines. Logos must appear for no less than three seconds and be clearly identifiable and readable.

4. Radio - Ad copy must include the following verbal tagline: “Maryland. Open.”

5. Outdoor space - Ad copy must include one of the logos identified in A.2.a of these guidelines. Logos must appear at a size that is applicable to the media and be clearly identifiable and readable.

6. Social Media – Facebook and Instagram
   
   a. Grantee must “friend” and/or “follow” OTD for ads to be eligible for
reimbursement.

b. Facebook postings must include the OTD tag: Be Open for it @TravelMD

c. Instagram postings must include the OTD tag: Be Open for it @VisitMaryland

NOTE: If you are using Grant Funds to purchase advertising that can't accommodate a logo, submit a logo exemption request via email to Julia Bouie at julia.bouie2@maryland.gov no less than 10 days in advance of the purchase.

B. Indirect Costs – means costs defined under the Code of Federal Regulations Office of Management and Budget’s Uniform Guidance in 2 C.F.R. 200. Indirect Costs may include but are not limited to advertising production and Search Engine Optimization/Search Engine Marketing.

VII. NON-ALLOWABLE EXPENSES FOR FY 2021

Grant Funds shall not be used to:

- Support the religious aspects of any event or promotional campaign;
- Offset, match, or subsidize any other state funds;
- Purchase travel, food and beverage expenses of any kind; and/or,
- Operate a DMO beyond what is specifically described in these guidelines.

VIII. COMPLIANCE WITH APPLICABLE LAW

Grantee must comply with all applicable federal, State, and local law.

IX. CONSERVATION

It is OTD’s policy to promote sound environmental practices. To that end, OTD favors the use of recyclable or recycled products. Applicants are encouraged to incorporate such practices.

X. FAIR PRACTICES CERTIFICATION

Grantee must prohibit discrimination on the basis of: (i) political or religious opinion or affiliation, marital status, race, color, creed, or national origin, (ii) sex or age, except when age or sex constitutes a bona fide occupational qualification, or (iii) the physical or mental disability of a qualified individual with a disability.

XI. DRUG AND ALCOHOL FREE WORKPLACE

Grantee must make a good faith effort to eliminate illegal drug use and drug and alcohol abuse from the workplace. Specifically, Grantee must:

A. Prohibit the unlawful manufacture, distribution, dispensation, possession, or use of drugs in its workplace.
B. Prohibit its employees from working under the influence of alcohol or drugs.

C. Not hire or assign to work on an activity funded in whole or part with State funds, anyone whom it knows, or in the exercise of due diligence should know, currently abuses alcohol or drugs and is not actively engaged in a bona fide rehabilitation program;

D. Promptly inform the appropriate law enforcement agency of every drug related crime that occurs in its workplace if it or its employee has observed the violation or otherwise has reliable information that a violation has occurred; and notify employees that drugs and alcohol abuse are banned in the workplace, impose sanctions on employees who abuse drugs and alcohol in the workplace, and institute steps to maintain a drug and alcohol free workplace.

XII. DEFAULT

A. A default consists of: (i) any use of Grant Funds for any purpose other than authorized; or (ii) any breach of any covenant, agreement, provision, representation or warranty of Grantee made in the Agreement.

B. Upon the occurrence of any default, Commerce may immediately suspend Grantee’s authority to receive any Grant funds.

C. If a default occurs, Grantee shall have 30 days from the date Commerce's notice of default was postmarked to cure the default. After the conclusion of this 30-day period, if Grantee has not cured the default to the satisfaction of Commerce, Commerce may terminate the Agreement. In the event of termination:

1. Grantee’s authority to request a disbursement ceases and Grantee has no right or interest to any of the undisbursed Grant Funds; and,
2. Commerce may immediately demand and receive repayment of all or a part of any Grant Funds which have been disbursed.
3. In addition to the remedies specified, if a default occurs, Commerce may at any time proceed to protect and enforce all rights available to it, by suit in equity, action at law, or by any other appropriate proceedings, which rights and remedies survive the termination of the Agreement.

XIII. INDEMNIFICATION

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

1. Grantee’s Name and Address:

Wicomico County, Maryland
8480 Ocean Highway
Delmar, MD 21875

2. Grant Amount: $17,268

3. Amount of Grant Funds Requested: $17,268

4. FEIN: 52-6001054
Legal Approval

To: Executive
From: Legal
Date: 3/30/2021
Document: FY 2021 DMO Tourism Small Business Advertising Grant Agreement
Requesting Department: Tourism (Kristen Goller)
Counter-Party, etc: State of Maryland-Department of Commerce
To be executed by: John D. Psota
Acting County Executive

The attached document is approved for form and legal sufficiency. I understand that this is a new grant and not in the current budget, so that it will need Council Approval. I will draft an appropriate Resolution.

Please:

1. Execute once the Council has approved the grant.
2. Forward to requesting department.
3. Provide Law Dept. with executed copy.

David B. Douse, Esquire
MEMORANDUM

To: Laura Hurley  
   Council Administrator

From: John D. Psota  
   Acting County Executive

Date: March 30, 2021

Subject: Proposed Agenda Item

Recreation, Parks & Tourism

The Wicomico County Department of Recreation, Parks & Tourism is requesting approval to accept a grant in the amount of $17,268 from the Maryland Department of Commerce acting through the Maryland Tourism Development Board to be used to market Maryland's small businesses for tourism.

The Acting County Executive has no objection to this request.
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2021 Legislative Session

RESOLUTION NO. 33-2021

Introduced by: The President of the Council at the request of the Acting County Executive

A RESOLUTION APPROVING THE DEPARTMENT OF RECREATION, PARKS AND TOURISM’S INCREASES TO PROGRAM FEES IN THE FY21 BUDGET.

WHEREAS, the County Council has previously authorized the Department of Recreation, Parks and Tourism to establish recreation program fees for the citizens of Wicomico County; and

WHEREAS, the Department of Recreation, Parks and Tourism has submitted increases for certain recreation programs in the FY21 Budget to the Acting County Executive; and

WHEREAS, the Acting County Executive has recommended that the FY21 increases for certain recreation programs be approved.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, that the Department of Recreation, Parks and Tourism’s FY21 Budget fee increases for certain recreation programs, as set forth in Exhibit A attached hereto, be approved.

DONE at Salisbury, Maryland this 20th day of April, 2021.

ATTEST:

Laura Hurley, Council Administrator

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

(SEAL)

Larry W. Dodd, Council President

CERTIFICATION

THIS RESOLUTION was Adopted __________, Adopted with Amendments __________, Failed ___________.
Withdrawn ____________ by the County Council on April 20, 2021.

Certified by __________________________
Laura Hurley, Council Administrator
<table>
<thead>
<tr>
<th>Program Area</th>
<th>FY21</th>
<th>FY22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Registration Surcharge</td>
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<tr>
<td>Jr. Girl's Pony Tails</td>
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<tr>
<td>Jr. Girl's Pre-Minor</td>
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<td>Jr. Girl's Major</td>
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<td>Girls' Fall Ball - Team Entry</td>
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<td>Youth Basketball Winter League (2-8 Division)</td>
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<td>Youth Karate (Age 7-12)</td>
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<td>Adult Programs</td>
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<tr>
<td>Men's Slow Pitch - Player</td>
<td>$43</td>
<td>$43</td>
</tr>
<tr>
<td>Men's Slow Pitch - League Fee</td>
<td>$470</td>
<td>$470</td>
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<tr>
<td>Men's Slow Pitch - Team Fee</td>
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<tr>
<td>Coed Slow Pitch - Player</td>
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<tr>
<td>Coed Slow Pitch - League Fee</td>
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<td>Fall Coed Slow Pitch - Team Fee</td>
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<tr>
<td>Coed Incrediball - Team Entry</td>
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<td>Men's Modified - League Fee</td>
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<td>Adult Kickball - Team Entry</td>
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<td>Fall Men's Slow Pitch - League Fee</td>
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<tr>
<td>Fall Coed Slow Pitch - Player</td>
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<tr>
<td>Fall Coed Slow Pitch - League Fee</td>
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<tr>
<td>Women's 6-Hit - Player</td>
<td>$33</td>
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*Increase due to Minimum Wage increase*
### Women's 6-Hit - League Fee
- **Coed Volleyball - Player**: $30
- **Coed Volleyball - League Fee**: $325
- **Happy Timers Membership**: $25

### Childcare Programs
- **Kids Klub Summer Escape (8 AM - 3 PM)**: $135
- **Kids Klub Summer Escape Before Care (7 AM - 8:00 AM)**: $20
- **Kids Klub Summer Escape After Care (3 - 5:30 PM)**: $20
- **Camp Pinehurst**: $400
- **PHP Nature Camp**: $150
- **PHP Nature Camp Before Care (7 AM - 8:00 AM)**: $15
- **PHP Nature Camp After Care (3 - 5:30 PM)**: $20
- **Kids Klub After School (Sept - June)**: $132-$142
- **Westside Community Center After School Care**: $225
- **Westside Community Center Summer Camp**: $130

### Facilities
- **Tournament Field Rental - Day 1 (Field prepared and lined)**: $210
- **Additional Field(s) - Day 1**: $160
- **Field Rental - Day 2+**: $115
- **Game Rental (Field prepared and lined) – up to 2 hours**: $75
- **Practice Rental (turf fields only) – up to 2 hours**: $75
- **Portable Mound (9 inch/10 inch) small mound**: $50
- **Portable Mound (full size baseball large mound)**: $75
- **Turf/ice**: $15
- **Lime**: $10
- **Portable Fence**: $75-$125

### Pemberton Park Rentals
- **Environmental Education Building**: $100
- **Visitors Center Classroom**: $50
- **Outdoor Amphitheater**: $75

### Pemberton Weddings
- **Ceremony/Reception Site within PHP**: $500
- **Overnight Storage**: $50/day
- **Pemberton Cottage**: $25/hour

### Boat Slips
- **Cedar Hill Boat Slips**:
  - 10 foot without water & electric: $723
  - 12 foot without water & electric: $801
  - 10 foot with water & electric: $874
<table>
<thead>
<tr>
<th>Boat Size</th>
<th>Nanticoke Boat Slips</th>
<th>Pavilion Rentals</th>
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<tbody>
<tr>
<td>12 foot with water &amp;</td>
<td>$990</td>
<td>$190</td>
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<tr>
<td>electric</td>
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<tr>
<td>13 foot with water &amp;</td>
<td>$1,091</td>
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<tr>
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<tr>
<td>14 foot with water &amp;</td>
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<tr>
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<tr>
<td>15 foot with water &amp;</td>
<td>$1,191</td>
<td>$190</td>
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<tr>
<td>electric</td>
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<td>20 foot</td>
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<tr>
<td>15 foot</td>
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<td>10 foot</td>
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<td>$190</td>
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<td>Pavilion Rentals</td>
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<td>Schumaker</td>
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<td>Billy Jackson</td>
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<td>Adkins Mill</td>
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<td>Emerson Holloway</td>
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<tr>
<td>Nick Meyer</td>
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<td>Tyaskin</td>
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</table>
To: John Psota, Acting County Executive

From: Steve Miller, Director of Recreation, Parks & Tourism

Date: March 11, 2021

Re: Recommended Price Increases for Recreation Programs, Camps

I would like to request inclusion on an upcoming County Council agenda to discuss proposed increases to certain recreation program fees for FY22. I have attached the current fee schedule with the proposed increases in red.

Please advise if anything further is needed at this time.
MEMORANDUM TO COUNCIL

To: Laura Hurley
   Council Administrator

From: John D. Psota
      Acting County Executive

Date: March 15, 2021

Subject: Proposed Agenda Item

Recreation, Parks & Tourism

The Department of Recreation, Parks and Tourism is requesting an Open Work Session to discuss proposed increases to certain recreation program fees for FY22.

The Acting County Executive has no objection to this request.
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

RESOLUTION NO. 34-2021

INTRODUCED BY: The President of the Council at the request of the Acting County Executive

A RESOLUTION TO APPOINT THE BOARD OF MANAGERS OF VARIOUS PUBLIC DRAINAGE ASSOCIATIONS WITHIN WICOMICO COUNTY.

WHEREAS, the Annotated Code of Maryland, Local Government Article, Section 26-301 titled "Establishment of drainage association," authorizes the formation of "Public Drainage Associations" as a political subdivision of the State and a body politic and corporate; and

WHEREAS, Section 26-303 of the aforesaid Article authorizes and directs the County Council to appoint a person or persons to the Board of Managers for the ensuing year when an annual meeting has not been called or when there is not a quorum present.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, as follows:

The following persons, submitted by the respective Managers of the designated Public Drainage Association are hereby appointed to the Board of Managers of their respective Associations:

<table>
<thead>
<tr>
<th>PDA Name</th>
<th>Manager Appt</th>
<th>Manager Appt</th>
<th>Manager Appt</th>
<th>Manager Appt</th>
<th>Manager Appt</th>
</tr>
</thead>
<tbody>
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<td>George A. Whitney</td>
<td>David Quick</td>
<td>Ellen G. Gray</td>
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<tr>
<td>Aydelotte</td>
<td>Sidney Richardson</td>
<td>Bruce Lewis</td>
<td>Justin Day</td>
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<tr>
<td>Beaverdam</td>
<td>Arden Hickman</td>
<td>Bruce G. Culver</td>
<td>Quinton Riley</td>
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</tr>
<tr>
<td>Dividing Creek</td>
<td>Jimmy Johnson</td>
<td>Tommy Johnson</td>
<td>Eric Culver</td>
<td>Roger Richardson</td>
<td></td>
</tr>
<tr>
<td>Givans</td>
<td>Bruce Kelly</td>
<td>Ben Brittingham</td>
<td>Gary Brittingham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenbranch</td>
<td>Edwin Hudson</td>
<td>Allan Richardson</td>
<td>Herman Davis</td>
<td></td>
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</tr>
<tr>
<td>Head of Creek</td>
<td>Elsie M. Wallace</td>
<td>Harland Jones</td>
<td>Vacant</td>
<td>Oren Perdue</td>
<td></td>
</tr>
<tr>
<td>Horsebridge</td>
<td>Larry Furst</td>
<td>Jim Miklosovich</td>
<td>Raymond Adkins</td>
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</tr>
<tr>
<td>Laws</td>
<td>Ben Brittingham</td>
<td>Joe Dorcak</td>
<td>Victor H. Laws III</td>
<td></td>
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</tr>
<tr>
<td>Mill Branch</td>
<td>Dona Insley</td>
<td>David Kenney</td>
<td>John Edwards</td>
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<tr>
<td>Nanticoke</td>
<td>Dean Geiger-Dupas</td>
<td>Vacant</td>
<td>Patrick Tobat</td>
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<td>Nebo</td>
<td>Clifton Lawrence</td>
<td>Tyrone L. Price</td>
<td>Clifton Lawrence, Jr.</td>
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<tr>
<td>Passerdyke</td>
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<td>Charles Fleming III</td>
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<td>Pine Branch</td>
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<tr>
<td>Texas Road</td>
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<td>Madeline Wigfall</td>
<td>Eslyn Mohabir</td>
<td></td>
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</tr>
</tbody>
</table>

DONE at Salisbury, Maryland this 20th day of April, 2021.
CERTIFICATION

THIS RESOLUTION was Adopted __________, Adopted with Amendments __________. Failed ___________, withdrew ____________ by the County Council on April 20, 2021.

Certified by _____________
Laura Hurley, Council Administrator
<table>
<thead>
<tr>
<th>PDA NAME</th>
<th>CROP (acre)</th>
<th>WOOD (acre)</th>
<th>MINIMUM</th>
<th>MANAGER APPOINTMENTS 1 yr</th>
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<td>Beaverdam</td>
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<td>Dividing Creek</td>
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<td>Tommy Johnson</td>
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<td>Allan Richardson</td>
<td>Herman Davis</td>
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<td>Horsebridge</td>
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<td>Raymond Adkins</td>
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<td>Dona Insley</td>
<td>David Kenney</td>
<td>John Edwards</td>
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<tr>
<td>Nanticoke</td>
<td>7.00</td>
<td>3.50</td>
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<td>Nebo</td>
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<td>Clifton Lawrence</td>
<td>Tyrone L. Price</td>
<td>Clifton Lawrence Jr.</td>
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<td>Passerdyke</td>
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<td>Bernard Nutter</td>
<td>Madeline Wigfall</td>
<td>Estyn Nutter</td>
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</tr>
</tbody>
</table>

MEMORANDUM TO COUNCIL

To: Laura Hurley
   Council Administrator

From: John D. Psota
      Acting County Executive

Date: April 06, 2021

Subject: Proposed Agenda Item

Public Drainage Associations

The Public Drainage Associations are requesting the appointment of persons to the Board of Managers for the ensuing year. The list is attached.

The Acting County Executive has no objection to this request.
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2021 Legislative Session

RESOLUTION NO. 35-2021

Introduced by: The President of the Council at the request of the Acting County Executive

A RESOLUTION TO CERTIFY THE DRAINAGE TAX ROLL TO THE DIRECTOR OF FINANCE AS REQUESTED BY THE BOARD OF MANAGERS OF THE PUBLIC DRAINAGE ASSOCIATIONS.

WHEREAS, the Annotated Code of Maryland, Local Government Article, Section 26-301 titled “Establishment of drainage association,” authorizes the formation of “Public Drainage Associations” as a political subdivision of the State and a body politic and corporate; and

WHEREAS, Section 26-701 of the aforesaid Article grants the Board of Managers powers and duties;

WHEREAS, Section 26-804 of the aforesaid Article provides that the Board of Managers may impose a special assessment to provide for the payment of drainage improvements maintenance.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, as follows:

The following Drainage Tax Rolls, submitted by the respective Managers of the designated Public Drainage Associations are hereby certified to the Director of Finance and shall be included as taxes in the bills for State and County taxes:

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<th>PDA Name</th>
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<th>Wood (Acre)</th>
<th>Minimum</th>
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<td>$20.00</td>
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<td>$0.00</td>
<td>$30.00</td>
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</table>
DONE at Salisbury, Maryland this 20th day of April, 2021.

ATTEST:                      COUNTY COUNCIL OF WICOMICO
                                      COUNTY, MARYLAND

Laura Hurley, Council Administrator    Larry W. Dodd, Council President

(SEAL)

CERTIFICATION

THIS RESOLUTION was Adopted __________, Adopted with Amendments __________. Failed _____________.
Withdrawn ____________ by the County Council on April 20, 2021.

Certified by ______________________
Laura Hurley, Council Administrator
<table>
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<tr>
<th>PDA NAME</th>
<th>CRP  (acre)</th>
<th>WOOD (acre)</th>
<th>MINIMUM</th>
<th>MANAGER APPOINTMENTS 1 yr</th>
<th>MANAGER APPOINTMENTS 2 yr</th>
<th>MANAGER APPOINTMENTS 3 yr</th>
<th>MANAGER APPOINTMENTS 4 yr</th>
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<tbody>
<tr>
<td>ALLEN</td>
<td>3.00</td>
<td>0.75</td>
<td>15.00</td>
<td>George Whitney</td>
<td>David Quick</td>
<td>Ellen G. Grey</td>
<td></td>
</tr>
<tr>
<td>AYDELOTTIE</td>
<td>3.00</td>
<td>1.50</td>
<td>20.00</td>
<td>Sidney Richardson</td>
<td>Bruce Lewis</td>
<td>Justin Day</td>
<td></td>
</tr>
<tr>
<td>BEAVERDAM</td>
<td>3.00</td>
<td>1.00</td>
<td>20.00</td>
<td>Arden Hickman</td>
<td>Bruce G. Culver</td>
<td>Quint Riley</td>
<td></td>
</tr>
<tr>
<td>DIVIDING CREEK</td>
<td>7.00</td>
<td>3.50</td>
<td>30.00</td>
<td>Jimmy Johnson</td>
<td>Tommy Johnson</td>
<td>Eric Culver</td>
<td>Roger Richardson</td>
</tr>
<tr>
<td>GRIVANS</td>
<td>0.75</td>
<td>0.75</td>
<td>15.00</td>
<td>Bruce Kelly</td>
<td>Ben Brittingham</td>
<td>Gary Brittingham</td>
<td></td>
</tr>
<tr>
<td>GREENBRANCH</td>
<td>2.70</td>
<td>0.90</td>
<td>20.00</td>
<td>Edwin Hudson</td>
<td>Allan Richardson</td>
<td>Herman Davis</td>
<td></td>
</tr>
<tr>
<td>HEAD OF CREEK</td>
<td>0.00</td>
<td>0.00</td>
<td>50.00</td>
<td>Elsie Wallace</td>
<td>Harland Jones</td>
<td>Vacant</td>
<td></td>
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<tr>
<td>HORSEBRIDGE</td>
<td>0.48</td>
<td>0.12</td>
<td>10.00</td>
<td>Larry Furst</td>
<td>Jim Miklosovich</td>
<td>Raymond Adkins</td>
<td>Oren Purdue</td>
</tr>
<tr>
<td>LAWS</td>
<td>1.00</td>
<td>1.00</td>
<td>25.00</td>
<td>Ben Brittingham</td>
<td>Joe Dorcak</td>
<td>Victor H. Laws III</td>
<td></td>
</tr>
<tr>
<td>MILL BRANCH</td>
<td>2.00</td>
<td>0.50</td>
<td>10.00</td>
<td>Dona Insley</td>
<td>David Kenney</td>
<td>John Edwards</td>
<td></td>
</tr>
<tr>
<td>NANTICOKE</td>
<td>7.00</td>
<td>3.50</td>
<td>25.00</td>
<td>Dean Geiger-Dupes</td>
<td>Vacant</td>
<td>Patrick Tobat</td>
<td></td>
</tr>
<tr>
<td>NEBO</td>
<td>6.00</td>
<td>0.00</td>
<td>30.00</td>
<td>Clifton Lawrence</td>
<td>Tyrone L. Price</td>
<td>Clifton Lawrence Jr.</td>
<td></td>
</tr>
<tr>
<td>PASSERDYKE</td>
<td>4.50</td>
<td>1.50</td>
<td>25.00</td>
<td>Gene Donalds</td>
<td>Charles Fleming III</td>
<td>Vacant</td>
<td></td>
</tr>
<tr>
<td>PINE BRANCH</td>
<td>3.00</td>
<td>1.00</td>
<td>15.00</td>
<td>Linda Truitt</td>
<td>Dave Williams</td>
<td>George White</td>
<td></td>
</tr>
<tr>
<td>TEXAS ROAD</td>
<td>0.00</td>
<td>0.00</td>
<td>30.00</td>
<td>Bernard Nutter</td>
<td>Madeline Wigfall</td>
<td>Easlyn Nutter</td>
<td></td>
</tr>
</tbody>
</table>

Allen PDA Annual Meeting
Friday, January 8, 2021 Friendship UMC Hall/Educational Center
3918 S. Upper Ferry Rd. Allen MD 21810

TIME: 6:00 pm

ATTENDANCE: Ellen Gray, David Quick, Gloria Quick, Amie Bailey, Donzella Bailey and Karen Hoy (PDA Coordinator)

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$9726.00</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$1,511.51</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$121.25</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($1280.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/2020)</td>
<td>$10,078.76</td>
</tr>
</tbody>
</table>

Maintenance for 2021:
- Mow entire system weather permitting and spray woody growth/phrag.
- Clean out where needed.
- Replace/install tiles as needed.
- The group agreed to pay $50.00 to Friendship UMC for the use of the hall for the meeting.
- Inspect ditch system scheduled for Friday, March 12, 2021 at 10 am.

The tax rates for FY22 were discussed. It was decided to leave the tax rates the same as last year.

<table>
<thead>
<tr>
<th>Tax Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$3.00/ac</td>
</tr>
<tr>
<td>Woodland</td>
<td>$0.75/ac</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

Ellen Gray’s term as manager was up for nomination. The group re-nominated and re-elected Ellen as manager for another three-year term.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Allen Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Allen PDA as follows:

Cropland.................... $3.00/acre
Woodland.................... $0.75/acre
Minimum Billing............ $15.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]
Manager
Manager
Manager
PDA / PWA Manager's Nomination Form

ANNUAL MEETING OF THE **Allen** PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the **Allen PDA** Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a **3 year term**: 

**Ellen G. Gray**

26710 Walnut Tree Road

Eden MD 21822

with the following people listed below continuing on from a previous appointment:

**2 Year**

**David Quick**

8713 Heather Ridge Court

Gaithersburg MD 20879

**1 Year**

**George Whitney**

3968 S Upper Ferry Road

Eden MD 21822

**Number of Taxables Present: 5**
Aydelotte PDA Annual Meeting
Wednesday, January 13, 2020 Pittsville VFD 7442 Gumboro Rd. Pittsville MD 21850
TIME: 6:00 pm
ATTENDANCE: Sid Richardson, Bruce Lewis, Justin Day, Allan Richardson, John Wilkins, Susan Channell, William Gordy, Floyd Azbell and Karen Hoy (PDA Coordinator)

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:
- Beginning Balance: $235,837.97
- Taxes Collected: $60,369.76
- Interest Earned: $2,046.63
- Adjustment: ($0.00)
- Expenses: ($155,689.75)
- Ending Balance (10/31/19): $235,837.97

Maintenance completed 2020:
- Mowed system.
- Aydelotte Main: Clean-out from Poplar Neck Rd. to Rt. 353 (Robert Rayne’s property). Clean-out 2nd prong west of Burnt Mill Rd.
- Sub 2/Prong 29: Remove fence and light pole from ROW. Sidney did get in touch with the landowners. Will need to remind them again prior to mowing. Owners will maintain their side.
- Prong 14: Clean-out from Main through Richardson St. to Rayne Rd.
- Prong 20: Clean-out Rt. 353 back to Main, Powell Farm. Remove trees, stumps and small tile.
- Prong 40: Clean-out west of Jones Hastings Rd. to Parsonsburg Rd. Clear back old fence line and woods behind Bill Jones.
- S1/Prong 34: Install 1 tile for access.
- Prong 40: Clean out

Maintenance to be addressed 2021:
- Continue to mow system weather permitting. Spray for woody growth/phrag where needed.
- Campbell Prong: Small trees need to be cut back at end of Jones Hastings Rd behind houses.

Clean Out/Wash Out Repair
- Aydelotte Main: Clean out between Maple St. and Poplar Neck Rd.
  - Along Burnt Mill Rd at the bridge.
- Campbell Prong: Clean out along West St. to corner where cement tiles are.
- S3/Pong 5: Clean out - Floyd (Butch) Azbell suggested it be cleaned out due to yard floods. Also commented how well the ditch has been mowed.
- Prong 9: Clean out Bethel Rd. to New Hope Rd.
- Prong 13: Clean out to Richland Rd. Remove trees for access.
- SublA/Prong 13: Remove trees and clean out.
- Prong 21: Clean out from Workman Rd. to woods.
- Prong 25: Clean out and repair wash out.
- Prong 29: Clean out from Cemetery Ave. to Pine St. Repair wash-outs/erosion at Susan Channell 33486 Main St.
- Prong 30: Clean out.
- Prong 30: Clean out from Purdue St. to Main.
Prong 36: Clean out on the end of prong next to the woods (Rounds RR/Campbell Prong).
Prong 38, S1/P38, S1/S1/P38: Clean out – Rounds RR in front of Day Farm’s heuses.
Prong 40A: Clean out.
Prong 42: Clean out Dagsboro Rd to Bob Smith Rd.

Tiles
Campbell Prong: Remove concrete tile located between Esham and Jones Hastings Rds.
Install tile on Maple St. Mr. Gordy suggested Town of Pittsville pay for the tile and the PDA install.
S1/Prong 23: John Wilkins @ 33804 Bob Smith Rd., Parsonsburg asked permission to install an 18" tile for access. The managers agreed and that it would be at his cost.
Prong 29: to be installed by County or Town of Pittsville.
Prong 30: Install 2 tiles for access. Cover needed on existing tiles.

Other
Prong 31: Wire on Railroad Ave. too low.
William Gordy (Town of Pittsville) acknowledged the good work that Bruce Lewis and Kirk Harrington were doing re mowing and other maintenance. He also noted the town replacing another tile going out of Willards past the cemetery.
Managers signed and submitted a letter to county commissioners re the need to clean out the Pocomoke River. It is an outlet to the Aydelotte PDA as well as other PDAs in the lower three counties. There are several fallen trees, branches and debris hindering flow. A copy of the letter is on file in the PDA office, Salisbury Regional Office, Nanticoke Rd.

The taxes for FY22 will remain the same:
Cropland $3.00/ac
Woodland $1.50/ac
Minimum Billing $20.00

Justin Day’s term as manager was up for nomination. The group re-nominated and re-elected Justin to serve as manager for another three-year term.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Aydelotte PDA File
Aydelotte PDA Managers
Rick Glasgow, Wicomico SCD
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Aydelotte Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Aydelotte PDA as follows:

- Cropland................... $3.00 /acre
- Woodland.................... $1.50 /acre
- Minimum Billing............ $30.00

Property transfers and corrections of record since previous billings should be reflected in the current years' billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager
Manager
Manager
Failing to have a majority of the taxables present at their annual meeting, the Aydelotte PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Justin Day
337722 Rounds Road
Parsonsburg MD 21849

with the following people listed below continuing on from a previous appointment:

2 Year
Bruce Lewis
36009 Woodyard Road
Willards MD 21874

1 Year
Sidney Richardson
7442 Richardson Road
Willards MD 21874

Number of Taxables Present: 2
Beaverdam PDA Annual Meeting

Thursday, January 14, 2021 Pittsville VFD 7442 Gumboro Road Pittsville MD 21850

TIME: 7:00 pm
ATTENDANCE: Arden Hickman, Quint Riley, Bruce G. Culver and Karen Hoy (PDA Coordinator)
Please be advised due to COVID-19 this meeting was closed to the public with only managers meeting in person. Therefore, managers and tax rates will stay in place from last year.

The minutes from last year’s meeting were read and accepted.
The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$25,163.24</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$9,406.33</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$178.92</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses (10/31/20)</td>
<td>($13,145.00)</td>
</tr>
<tr>
<td>Ending Balance</td>
<td>$21,603.49</td>
</tr>
</tbody>
</table>

Maintenance completed 2020:
- Mowed system.
- Clean Outs: Main north of bridge on Rt. 346 to Adkins Prong
  Holloway Prong – from Quint Riley’s farm to Aerial Crane
  John Adkins Prong – Parsonsburg Rd. to small strip woods near hanger
  Main - through Gary Trice’s property

Maintenance to be addressed 2021:
- Mow entire system weather permitting.
- Spray for woody growth/phrag/bamboo as needed – Quint Riley’s property.
- Replace/install tiles as needed.
- Clean out as needed.
- Main: Clear tile of debris (unplug) near gun club. South of gun club through woods to Hotton Prong to Morris Leonard Rd. very narrow -tiles in this area may need to be installed for crossings.
  Piles of spoil from previous clean out needs to be leveled in ROW south of Rt. 246 bridge.
- Hotton Prong: Remove tile.
- Holloway Prong: Clean out where needed to remove sandbars.

The taxes for FY22 will remain the same:
- Cropland $3.00/ac
- Woodland $1.00/ac
- Minimum Billing $20.00

Quint Riley’s will continue to serve for three more years. George Bradford requested to step down. Bruce Culver was elected to fill his position.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C. Beaverdam PDA File
Beaverdam PDA Manager
Rick Glasgow, Wicomico SCD
Wicomico County PDA/PWA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Beaverdam Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Beaverdam PDA as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$3.00/acre</td>
</tr>
<tr>
<td>Woodland</td>
<td>$1.00/acre</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$20.00</td>
</tr>
</tbody>
</table>

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]
Manager
Manager
Manager
Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance  
Wicomico County MD  
PO Box 4036  
Salisbury MD 21803-4036

**Attention: Ms. Jane McDonald**

Dear Ms. Oland:

The Board of Managers of the **Beaverdam** Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the **Beaverdam PDA** as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$2.35/acre</td>
</tr>
<tr>
<td>Woodland</td>
<td>$0.75/acre</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$20.00</td>
</tr>
</tbody>
</table>

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager

Manager

Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Beaverdam PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Beaverdam PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Quint Riley
33002 Dagsboro Road
Parsonsburg MD 21849

with the following people listed below continuing on from a previous appointment;

2 Year
Bruce G. Culver
9169 Jersey Road
Salisbury MD 21801

1 Year
Arden Hickman
32242 Old Ocean City Road
Parsonsburg MD 21849

Number of Taxables Present: 3
Dividing Creek PDA Annual Meeting

Tuesday, January 5, 2021 Olivet Christian Church Hall 1806 Honeywell Road Snow Hill MD 21863

TIME: 6:00 pm

ATTENDANCE: Jimmy Johnson, Roger Richardson, Eric Culver, Neal and Tony Widdowson, Danny Ruark (Contractor) Karen Hoy (PDA Coordinator).

Please be advised due to COVID-19 this meeting was closed to the public. Neal and Tony Widdowson left the meeting prior to it starting. All tax rates and managers will remain in place from last year.

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following per Worcester Year End Report:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$129,226.35</td>
</tr>
<tr>
<td>Matching Funds</td>
<td>$0.00</td>
</tr>
<tr>
<td>Somerset County Taxes</td>
<td>$8,000.00 (2020)</td>
</tr>
<tr>
<td>Wicomico County Taxes</td>
<td>$0.00</td>
</tr>
<tr>
<td>Worcester County Taxes</td>
<td>$26,021.43</td>
</tr>
<tr>
<td>Worcester Interest Earned</td>
<td>$68.68</td>
</tr>
<tr>
<td>Expenses</td>
<td>($35,282.50)</td>
</tr>
<tr>
<td>Ending Balance (11/24/20)</td>
<td>$128,033.96</td>
</tr>
</tbody>
</table>

Completed Maintenance from 2020:

- Mowing completed. Performed a long reach cut per request of Jimmy Johnson.
- Dividing Creek Lower Main: Removed two beaver dams and fallen trees.
- Dividing Creek Main: East side upstream from terminus to Jimmy Hitch Farm – used excavator to push back overgrowth, fallen trees and limbs from ROW.
- Cleaned out: Pusey Branch Main - East side from terminus upstream to Prong 10, Prong 7 and Pusey Branch Main from terminus upstream to Prong 6. Prong 20 beside Star Richardson’s property; minor clean out of sediment and cat tails.

Maintenance issues 2021:

- Mow entire system and spray woody growth where necessary weather permitting.
- Install/replace tiles as needed unless otherwise noted.
- Clean out as needed unless otherwise noted.
- Repair banks as needed.
- Remove trees from ROWs.
- Pusey Branch Main: Remove beaver dam and footbridge. Replace existing 18” tile in ROW. Contact county roads re replacing tile under St. Lukes Road.
- Prong 19: Replace existing tile with 18” or 24”. Clean out where needed, approx. 2795’.
- Pollitts Branch Main: Remove mattress from tile under Pete’s Hill Rd. Replace tile. A ditch was dug to Pollits Branch. Landowner unknown at time of meeting. Managers will address the maintenance should a tile be needed with the landowner.
- Prong 20: Stabilize and remove concrete blocks from tile on Bob & Star Richardson’s property (McGrath Rd.). Continue to clean out.
- Prong 20: Andy Cooper’s property McGrath Road @ bridged stoned driveway water is backing up, slow to drain.
- Main: remove trees behind Ben Pennwell.
- Prong 3: Fence on Hornsby’s property needs to be removed. Lawyer may need to be contacted due to last situation with the landowners.
- Prong 13: County needs to maintain ROW and roadside tiles.
Other Business:

Todd Widdowson’s property on Post Office Road in Somerset County still needs to be addressed. Property not draining. Had asked last year if he can tie into Prong 2. Nelson Brice from Worcester NRCS has been giving guidance since it is due to the WRP (wetland creation) on the Wells’ property next to Todd. The managers will reassess. Continued to be discussed at the meeting. Group decided it still needs to be addressed. Tommy suggested being present (at least one PDA manager) when projects like this are proposed within the PDA. The Soil Conservation Offices and NRCS should notify the PDA.

Tommy also brought up the Emerald Ash Borer: be on the lookout for more Ash trees dying in the ROWs due to the infestation of the Emerald Ash Borers.

The managers signed a letter to be submitted to lower three county commissioners/council re the lack of drainage the Pocomoke River is providing due to fallen trees, limbs and debris blocking flow. It is the outlet for Dividing Creek and other PDAs. A copy of the letter is on file in the PDA folder, MDA Salisbury Regional Office.

The group agreed to donate $150.00 to the church for use of hall for the meeting.

The tax rates for FY22 will remain the same:

- Cropland $7.00/ac
- Woodland $3.50/ac
- Minimum Billing $30.00

Roger Richardson will remain manager for four more years.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Dividing Creek PDA File
Dividing Creek Managers
Larry Fykes, Somerset SCD
Rick Glasgow, Wicomico SCD
Doug Jones, Worcester SCD
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Dividing Creek Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Dividing Creek PDA as follows:

- Cropland: $7.00/acre
- Woodland: $3.50/acre
- Minimum Billing: $30.00

Property transfers and corrections of record since previous billings should be reflected in the current year’s billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

Manager
Manager
Manager
Manager
Failing to have a majority of the taxables present at their annual meeting, the Dividing Creek PDA Managers recommend to the Wicomico County Council that the following persons be appointed to serve as a manager for a 4-year term:

Roger Richardson
1947 Old Furnace Road
Eden MD 21822

with the following people listed below continuing on from a previous appointment:

3 Year
Eric Culver
8080 Stevens Road
Salisbury MD 21804

2 Year
Tommy Johnson
3667 St. Lukes Road
Salisbury MD 21804

1 Year
Jimmy Johnson
7861 Stevens Road
Eden MD 21822

Number of Taxables Present: 4
Givans PDA Annual Meeting

Saturday, January 9, 2021 Powellville UMC Hall 35606 Mt. Hermon Road Powellville, MD 21850

TIME: 11:00 am

ATTENDANCE: Ben Brittingham, Gary Brittingham, Bruce Kelly and Karen Hoy (PDA Coordinator)
Please be advised this meeting was closed to the public due to COVID-19. Hence, all tax rates and managers will stay the same from the previous year.

The treasurer’s report was given and it reflected the following:

Beginning Balance (11/1/2019) $5131.67
Taxes Collected $ 2891.23
Interest Earned $ 76.29
Adjustment $ 0.00
Expenses ($ 25.00)
Ending Balance (as of 10/31/20) $8074.19

Maintenance issues from 2020 completed:
- Main & GB Brittingham Prong: Replaced tile back of Garmon’s.
- Powell Homestead Prong: Replaced existing tile.
- Mowed entire system.

Maintenance for 2021:
- Main: remove fallen trees. Replace tile on Scott Bowden’s property. Scott has asked to put up a gate across ROW on his property to keep out four wheelers.
- Timmons Prong: Gary Brittingham has tile to install once weather permits.
- Clean out system as needed. Replace tiles as needed as discovered throughout the year.
- Main: Remove fallen trees.
- Mow entire system weather permitting. Spray for woody growth/phrag as needed. Replace/install tiles as needed.
- Managers signed a letter to be submitted to County Council re lack of drainage caused by the current condition of the Pocomoke River which contains tree limbs, branches, and debris piling up. The managers of several PDAs that drain into the Pocomoke River are requesting the lower three counties consider having the river cleaned up where needed for more efficient drainage of the PDAs. A copy of the letter is on file in the PDA folder, MDA Salisbury Regional Office.
- Managers signed an invoice to pay Friendship UMC $50.00 for use of hall for both Laws and Givans annual meetings.

The tax levies for FY22 was discussed. Rates are the same as last year:
Cropland $0.75/ac
Woodland $0.75/ac
Minimum Billing $15.00

Gary Brittingham will remain in position for a three-year term.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Givans Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Givans PDA as follows:

- Cropland..................... $0.75/acre
- Woodland..................... $0.75/acre
- Minimum Billing............. $15.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

Manager

Manager

Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Givans PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Givans PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Gary Brittingham
4165 Powellville Road
Pittsville, MD 21850

with the following people listed below continuing on from a previous appointment:

2 Year
Ben Brittingham
4570 Powell School Road
Parsonsburg, MD 21849

1 Year
Bruce Kelly
35019 Mt. Hermon Road
Pittsville, MD 21850

Number of Taxables Present: 3
Green Branch PDA Annual Meeting
Thursday, January 14, 2021 Pittsville VFD 7442 Gumboro Road Pittsville MD 21850

TIME: 6:00 pm
ATTENDANCE: Allan Richardson, Herman Davis and Karen Hoy (PDA Coordinator)
Please be advised this was closed to the public due to COVID-19. Therefore, the tax rates and managers will stay in place from the previous year.

The minutes from last year’s meeting were read and accepted.
The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$131,299.77</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$16,778.86</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$1,553.68</td>
</tr>
<tr>
<td>Adjustments</td>
<td>($36.72)</td>
</tr>
<tr>
<td>Expenses</td>
<td>($38,132.50)</td>
</tr>
<tr>
<td>Ending Balance</td>
<td>$111,463.09</td>
</tr>
</tbody>
</table>

Maintenance issues addressed 2020:
- Mow system weather permitting.
- Trib 2: Clean out approx. 14,882’. DONE
- Repair washout on Pete Richardson’s Farm LLC (b/w Davis & Stockley Rds.). DONE
- Glenn Parsons (35115 Tingle Rd.) mentioned water willows growing in the channel at the tile. This being a county road tile, Herman will contact the county. DONE

Maintenance Issues 2021:
- Mow entire system weather permitting. Spray for woody growth/phrag if needed.
- Replace/install tiles as needed.
- Repair wash outs as needed.
- Clean Outs: South Fork Main to Trib 2, Tribs 2A to Gumboro Rd., Trib 2B at Gumboro Rd. to Davis Rd.
- Trib 2C.
- Trib 2A: Add cover to tile.
- South Fork Main: Repair washout on Sherman Collins’ property. County needs to replace tile under Stockley Rd.
- Remove spoil from ROW on Trib 2 from last year’s clean out.
- A manure study box in the Green Branch Main ROW on Bethel Rd needs to be removed.
- The managers signed a letter to be submitted to the Wicomico County Council re the current condition of the Pocomoke River. They along with other PDAs that drain into the Pocomoke River in Somerset, Wicomico and Worcester are requesting the river cleaned out where there are branches, limbs and debris piling up blocking drainage. A copy of the letter is on file in the PDA Coordinator’s office, Salisbury MDA Regional Office.

The tax rates for FY22 will remain the same as last year:
- Cropland $2.70/ac
- Woodland $0.90/ac
- Minimum Billing $20.00

Herman Davis will remain in position as manager for three more years.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Green Branch PDA File
Green Branch PDA Managers
Rick Glasgow, Wicomico SCD
Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Green Branch Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Green Branch PDA as follows:

- Cropland: $3.70/acre
- Woodland: $0.90/acre
- Minimum Billing: $20.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

Allan Richardson
Manager

Debra Hudson
Manager

Edwin Hudson
Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Green Branch PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Green Branch PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Herman Davis
9118 Davis Road
Pittsville MD 21850

with the following people listed below continuing on from a previous appointment:

2 Year
Allan Richardson
34471 Tingle Road
Pittsville MD 21850

1 Year
Edwin Hudson
9401 Stockley Road
Pittsville MD 21850

Number of Taxables Present: 2
Head of Creek PDA Annual Meeting

Thursday, January 7, 2021  Chesapeake Nurseries 4105 Green Hill Church Rd. Salisbury, MD 21801

TIME: 6:00 pm

ATTENDANCE: Dale Massey, Elsie Wallace, Harland Jones, Katie Krauss and Karen Hoy (PDA Coordinator)

The minutes from the last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$17,990.57</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$ 1,848.00</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$ 253.93</td>
</tr>
<tr>
<td>Adjustments</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($ 0.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/20)</td>
<td>$20,092.50</td>
</tr>
</tbody>
</table>

Maintenance issues to be addressed for 2021:
- Mow entire system this year weather permitting. Restore ROW where trees are present. Spray for woody growth/phrag if necessary.
- Clean out the ditch where needed.
- Replace/install/repair tiles where needed.
- Dale Massey announced he would be stepping down as manager. He stated the conference room at the nursery would still be available to hold the annual meetings.
- Elsie suggested setting up a community clean-up day to address the trash that is often found in the tax ditch.
- Tile under Head of Creek Road needs addressing – possibly replaced by County Roads. Located in front of Parcel 82, Asbury property.

Taxes for FY22 were discussed. The group agreed to keep the tax rate the same as last year:
- Cropland: $ 0.00/ac
- Woodland: $ 0.00/ac
- Minimum Billing/Flat Fee: $ 50.00

Dale Massey’s term as manager was up for re-election. With Dale’s announcement of not wanting to be re-nominated, his position is now vacant. Harland and Elsie will find a replacement within the year.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Ms. Pamela B. Oland, Director of Finance  
Wicomico County MD  
PO Box 4036  
Salisbury MD  21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Head of Creek Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Head of Creek PDA as follows:

- Cropland ................ $0.00/acre
- Woodland ................ $0.00/acre
- Minimum Billing ........... $50.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager

Manager

Manager

VACANT
Failing to have a majority of the taxables present at their annual meeting, the Head of Creek PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3-year term:

Vacant

with the following people listed below continuing on from a previous appointment:

2 Year

Harland Jones
23881 Head of Creek Road
Quantico MD 21856

1 Year

Elsie Wallace
23672 Head of Creek Road
Quantico MD 21856

Number of Taxables Present: 4
Horsebridge PDA Annual Meeting
Saturday, January 9, 2021 6413 Hobbs Rd, Salisbury, MD 21804

TIME: 9:00 am

ATTENDANCE: Oren Purdue, Raymond Adkins, Jim Miklosovich, Larry Furst, James Adkins and Karen Hoy (PDA Coordinator).

Please be advised due to COVID-19 this meeting was closed to the public. Therefore, managers and tax rates will stay in place from last year.

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$47,860.39</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$4,689.56</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$510.78</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($10,310.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/20)</td>
<td>$42,750.73</td>
</tr>
</tbody>
</table>

Maintenance completed 2020:
- Scheduled to mow lower end this year weather permitting (Everything south of Mt. Hermon Road - part of Main and Trib 1, 1A, B and C).

Maintenance for 2021:
- Continuing mowing weather permitting.
- Replace/install tiles as needed.
- Clean-out where needed. Jim Miklosovich requested Trib 3 behind Kilbernie be cleaned out this year.
- Spray for woody growth and phragmites where needed.
- Remove fallen trees off the Main ROW. Larry Furst noted tree(s) down between his and Oren Purdue’s properties on the Main.
- Managers signed a letter to be submitted to the county council requesting the Pocomoke River be cleaned out in areas where needed. Several PDAs in the three lower counties drain into the Pocomoke River. A copy of the letter is on file in the Horsebridge PDA file in the Salisbury Regional Office, Salisbury.

The tax rates for FY22 will remain the same:
- Cropland ............ $0.48/ac
- Woodland ............ $0.12/ac
- Minimum Billing... $10.00

Oren Purdue will remain manager for four more years.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Horsebridge Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Horsebridge PDA as follows:

- Cropland................... $0.48/acre
- Woodland.................... $0.12/acre
- Minimum Billing............ $10.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

Manager
Manager
Manager
Manager
Failing to have a majority of the taxables present at their annual meeting, the Horsebridge PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 4 year term:

Oren Purdue
32429 Mt. Hermon Road
Salisbury MD 21804

with the following people listed below continuing on from a previous appointment:

3 Year
Raymond Adkins
32825 Mt. Hermon Road
Parsonsburg MD 21849

2 Year
Jim Miklosovich
31982 Buckhaven Court
Salisbury MD 21804

1 Year
Larry Furst
32353 Mt. Hermon Road
Salisbury MD 21804

Number of Taxables Present: 5
Laws PDA Annual Meeting
Saturday, January 9, 2021 Powellville UMC Hall 35506 Mt. Hermon Road Powellville, MD 21850

TIME: 10:30am

ATTENDANCE: Joe Dorcak, Victor Laws III, Ben Brittingham and Karen Hoy (PDA Coordinator)

Please be advised this meeting was closed to the public due to COVID-19. Hence, all tax rates and managers will stay the same from the previous year.

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/2019)</td>
<td>$2,765.92</td>
</tr>
<tr>
<td>Tax Collections</td>
<td>$1,086.06</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$37.66</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($25.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/20)</td>
<td>$2,826.41</td>
</tr>
</tbody>
</table>

Maintenance completed 2020:
- Main – Two 4’ squashed tiles replaced on Ben Brittingham’s property.
- Mowed entire system.

Maintenance to be addressed 2022:
- Mow entire system weather permitting. Spray for woody growth/phrag where needed.
- Repair/install tiles as needed.
- Clean out where needed.
- Main – Spoil on Ernie Adkins’ property still needs to be spread in field.
- It was mentioned there are two new house lots on Wango Road. Need to make sure they will be on the tax roll.
- A letter to the Wicomico County Council was signed by the managers to be submitted re lack of drainage caused by the current condition of the Pocomoke River which contains tree limbs, branches and debris piling up. The managers of several PDAs that drain into the Pocomoke River are requesting the lower three counties consider having the river cleaned up where needed for more efficient drainage of the PDAs. A copy of the letter is on file in the PDA folder, MDA Salisbury Regional Office.

The tax levy was discussed for FY22. Rates are the same as last year:
- Cropland $1.00/ac
- Woodland $1.00/ac
- Minimum Billing $25.00

Vic Laws, III will remain in position for three more years.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Laws PDA File
Lawa Managers
Rick Glasgow, Wicomico SCD
Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Laws Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Laws PDA as follows:

- Cropland: $1.00/acre
- Woodland: $1.00/acre
- Minimum Billing: $25.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager
Manager
Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Laws PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Laws PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3-year term:

Victor H. Laws III
209 East Main Street
Salisbury MD 21801

with the following people listed below continuing on from a previous appointment:

2 Year
Joe Dorcak
33824 Laws Road
Parsonsburg MD 21849

1 Year
Ben Brittingham
4570 Powell School Road
Parsonsburg MD 21849

Number of Taxables Present: 3
Mill Branch PDA Annual Meeting
Monday, January 11, 2021 The Hardware Store 25442 Ocean Gateway Mardela Springs MD 21837

TIME: 6:00 pm

ATTENDANCE: David Kenny, Dona Insley, Buddy Insley, John Edwards and Karen Hoy (PDA Coordinator)
Please be advised this meeting was closed to the public due to COVID-19. Therefore, all tax rates and managers will stay in the same position as last year.

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$22,799.35</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$1834.15</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$289.18</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($1600.00)</td>
</tr>
<tr>
<td>Ending Balance</td>
<td>$23,322.68</td>
</tr>
</tbody>
</table>

Maintenance issues 2021:
- Mow entire system weather permitting. Spray for woody growth/ phrag where needed.
- Clean-out where needed.
- Replace/install tiles as needed.
- Repair banks where needed.
- Prong 1: Tile under Riggin Road has a hole in the center and creating erosion around the tile. Should be replaced and erosion addressed by county roads.
- John Edwards inquired about tapping into the Main to help alleviate ponding on property. It would be at his own cost.

The tax rates will remain the same:
- Cropland $2.00/ac
- Woodland $0.50/ac
- Minimum Billing $10.00

John Edward will remain as manager for three more years.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Mill Branch PDA File
Mill Branch PDA Managers
Rick Glasgow, Wicomico SCD
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Mill Branch Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Mill Branch PDA as follows:

- Cropland $1.00/acre
- Woodland $0.50/acre
- Minimum Billing $10.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signature]
Manager

[Signature]
Manager

[Signature]
Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Mill Branch PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Mill Branch PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

John Edwards
8333 Riggin Road
Mardela Springs, MD 21837

with the following people listed below continuing on from a previous appointment;

2 Year
David Kenney
24790 Porter Mill Road
Mardela Springs, MD 21837

1 Year
Dona Insley
9209 Riggin Road
Mardela Springs, MD 21837

Number of Taxables Present: 4
Nanticoke PDA Annual Meeting
Saturday, January 30, 2021 2700 Elsey Road Nanticoke Rd., Nanticoke MD 21840

TIME: 11:30 am

ATTENDANCE: Dean Geiger-Dupas and Karen Hoy (PDA Coordinator)
Please be advised this meeting was closed to the public due to COVID-19. Therefore, the tax rates and managers will stay in place from the previous year.

The minutes from last year’s meeting were read and accepted.

The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$31,763.67</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$ 4,193.43</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$ 583.66</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($ 0.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/20)</td>
<td>$36,402.20</td>
</tr>
</tbody>
</table>

Maintenance issues 2021:
- Mow entire system weather permitting. Spray for woody growth/phrag where needed.
- Clean out system where needed.
- Replace/install tiles as needed.
- Repair banks as needed.
- No. 4: Remove trees from ROW and channel.

The tax rate for FY22 will remain the same from last year:
- Cropland: $ 7.00/ac
- Woodland: $ 3.50/ac
- Minimum Billing: $25.00

Pat Tobat will remain as manager for another three-year term. Also, with the passing of Ms. Mildred Wilson in 2020, her position is now vacant. Pat and Dean will secure a replacement within the year.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Nanticoke Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Nanticoke PDA as follows:

- Cropland .................. $7.00/acre
- Woodland .................. $3.50/acre
- Minimum Billing .......... $25.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signature]
Manager

[Signature]
Manager

Currently Vacant Manager
Failing to have a majority of the taxables present at their annual meeting, the Nanticoke PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Patrick Tobat
20572 Nanticoke Road
Nanticoke MD 21840

with the following people listed below continuing on from a previous appointment:

2 Year
VACANT

1 Year
Dean Geiger-Dupas
PO Box 52
Nanticoke MD 21840

Number of Taxables Present: 1
Nebo Road PWA Annual Meeting

Scheduled For: Saturday, January 30, 2021 11:00 am Mt. Zion UMC Hall 6101 Quantico Rd. Quantico MD 21856

Due to COVID-19 this meeting was closed to the public and the managers did not meet in person. Therefore, managers and tax rates will stay the same from last year.

The treasurer’s report:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$10,034.75</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$1,003.74</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$142.28</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($30.00)</td>
</tr>
<tr>
<td>Ending Balance (10/31/20)</td>
<td>$11,150.77</td>
</tr>
</tbody>
</table>

Maintenance to be addressed 2021:

- Mow entire system weather permitting.
- Clean out where needed.
- Repair banks as needed.
- Replace/install any tiles as needed.
- Spray for woody growth/phrag if needed.
- Prong 5A: Remove trees from ROW and channel.

The tax rates for FY22 will remain the same:

- Cropland $6.00/ac
- Woodland $0.00/ac
- Minimum Billing $30.00

Mr. Robert Mitchell has requested to resign as manager. Clifton Lawrence Jr. will fill Mr. Mitchell’s position for three years.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties

C: Nebo Road PWA File
Nebo Road PWA Managers
Rick Glasgow, Wicomico SCD
Wicomico County PDA/PWA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Nebo Road Public Watershed Association (PWA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Nebo Road PWA as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$6.00/acre</td>
</tr>
<tr>
<td>Woodland</td>
<td>$0.00/acre</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager
Manager
Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Nebo Road PWA 2021

Failing to have a majority of the taxables present at their annual meeting, the Nebo Road PWA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Clifton Lawrence Jr.
25207 Nanticoke Road
Quantico MD 21856

with the following people listed below continuing on from a previous appointment:

2 Year

Tyrone L. Price
5810 Nebo Road
Quantico MD 21856

1 Year

Clifton Lawrence
25207 Nanticoke Road
Quantico MD 21856

Number of Taxables Present: 0
Passerdyke PDA Annual Meeting

Scheduled: Thursday, January 21, 2021 6:00pm Allen VFD 3876 S Upper Ferry Rd Eden, MD 21822

Please be advised due to COVID-19 this meeting was closed to the public and the managers did not meet in person. Therefore, all tax rates and managers will remain in place from last year.

Treasurer's Report:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$39,959.67</td>
</tr>
<tr>
<td>Taxes Collected (Wicomico)</td>
<td>$13,371.46</td>
</tr>
<tr>
<td>Taxes Worcester &amp; Somerset Counties</td>
<td>$4,523.69</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$507.48</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>($20,686.76)</td>
</tr>
<tr>
<td>Ending Balance (as of 10/31/19)</td>
<td>$37,675.34</td>
</tr>
</tbody>
</table>

Maintenance completed 2020:

- Mowed System.

Maintenance for 2021:

- Mow entire system weather permitting. Spray for woody growth, phragmites, bamboo where needed. Install/replace tiles as needed. Clean out ditches where needed.
- Prong 2: Reinstall 18”CPP (John Fleming’s behind poultry houses).
- Main at Cathell Road and Backbone Road: Spray bamboo.
- Main at Meadow Bridge Road: Replace 18”CPP in ROW. Have camper, cars and dirt piled removed from ROW.
- Prong 7: Danny made managers aware of due to a double 48” tile under Stockyard Road a single 48” tile in the ditch may be an issue in the future. Keep an eye on it.
- Main: tile under lane @ Glenn Ains’ property in process of being replaced and erosion addressed.

Tax rates for FY22 will remain the same:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$4.50/ac</td>
</tr>
<tr>
<td>Woodland</td>
<td>$1.50/ac</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

With the passing of Bob Gannon, the position to serve three years is vacant. Gene and Chuck will secure someone to fill the vacancy within the year.

Respectfully Submitted,

Karen M. Hoy  
Public Drainage Coordinator  
Somerset, Wicomico & Worcester Counties

C Passerdyke PDA File  
Larry Fykes, Somerset SCD  
Rick Glasgow, Wicomico SCD  
Doug Jones, Worcester SCD
Ms. Pamela B. Oland, Director of Finance  
Wicomico County MD  
PO Box 4036  
Salisbury MD 21803-4036  

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the *Passerdyke* Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the *Passerdyke PDA* as follows:

- **Cropland**: $4.50/acre  
- **Woodland**: $1.50/acre  
- **Minimum Billing**: $25.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signature]

Manager

[Signature]

Manager

VACANT Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Passerdyke PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Passerdyke PDA Managers recommend to the Wicomico County Council that the following person be appointed to serve as a manager for a 3 year term:

Vacant

with the following people listed below continuing on from a previous appointment:

2 Year

Charles Fleming III
3700 Meadowbridge Road
Salisbury MD 21804

1 Year

Gene Donalds
PO Box 101
Allen MD 21810

Number of Taxables Present: 0
Pine Branch PDA Annual Meeting
Wednesday, January 13, 2021 Pittsville VFD 7442 Gurnboro Road Pittsville MD 21850

TIME: 7:00 pm

ATTENDANCE: George White, Linda Truitt and Karen Hoy (PDA Coordinator)
Please be advised due to COVID-19 this meeting was closed to the public and only the managers met in person. Therefore, all managers and tax rates will stay in place from last year.

The minutes from last year’s meeting were read and accepted.
The treasurer’s report was given and it reflected the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance (11/1/19)</td>
<td>$18,627.02</td>
</tr>
<tr>
<td>Taxes Collected</td>
<td>$2,999.77</td>
</tr>
<tr>
<td>Interest Earned</td>
<td>$199.02</td>
</tr>
<tr>
<td>Adjustment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses</td>
<td>-$7,225.00</td>
</tr>
<tr>
<td>Ending Balance (10/31/19)</td>
<td>$14,600.81</td>
</tr>
</tbody>
</table>

George showed a more recent balance with expenses not accounted for by the time the financial report was generated:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mowing/bank repair (12/12/20)</td>
<td>$3,175.00</td>
</tr>
<tr>
<td>Clean out (1/2/21)</td>
<td>$4,375.00</td>
</tr>
<tr>
<td>Balance (1/13/21)</td>
<td>$7,050.81</td>
</tr>
</tbody>
</table>

Maintenance completed 2020:
- Mowed system. Repaired banks.
- Pine Branch Main: Clean out up to Prong 2 from terminus. Approx. 6400’.
- Main & Prong 5: Have SHA clean out ditch – done by PDA in 2020.

Maintenance to Address 2020:
- Continue to mow entire system weather permitting.
- Prong 6 & 6A: Spray phragmites.
- Prong 6A: Clean out.
- Spray for “Japanese Grass”.
- Main: The French Drain off of Old OC Rd needs to be addressed (top of the Main). Considering opening it up as well as getting the concrete out of it. Sidney Richardson of Aydellotte is aware of it as well and will be helping out as the prong across the road is an Aydellotte tax ditch. Need to check as-built. Tabled for now at 2021 meeting.
- Clean out any other areas that may need it throughout the year.
- Repair banks as needed.
- Repair/install/replaced tiles as needed.
- Tax Roll was up to date per George White.
- The managers signed a letter submitted to county council regarding the condition of the Pocomoke River. It is in need of having trees and debris removed to improve the drainage. The river is the outlet for several PDAs in the lower three counties. A copy of the letter is on file in the PDA office, Salisbury Regional Office.

Tax levies for FY22 remained the same:
- Cropland $3.00/ac
- Woodland $1.00/ac
- Minimum Billing $15.00

George White will remain manager for three more years.

There being no further business to discuss, the meeting was adjourned.

Respectfully Submitted,
Karen M. Hoy
Eastern Shore PDA Coordinator
Somerset, Wicomico & Worcester Counties

C: Pine Branch PDA File
Pine Branch Managers
Nick Glasgow, Wicomico SCD
The Board of Managers of the Pine Branch Public Drainage Association (PDA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Pine Branch PDA as follows:

- Cropland.................. $ 3.00/acre
- Woodland.................. $ 1.00/acre
- Minimum Billing.......... $ 15.00

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

Manager
Manager
Manager
PDA / PWA Manager’s Nomination Form

ANNUAL MEETING OF THE Pine Branch PDA 2021

Failing to have a majority of the taxables present at their annual meeting, the Pine Branch PDA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

George White
6855 Friendship Road
Pittsville MD 21850

with the following people listed below continuing on from a previous appointment:

2 Year
Dave Williams
6436 Friendship Road
Pittsville MD 21850

1 Year
Linda Truitt
6821 Morris Road
Pittsville MD 21850

Number of Taxables Present: 3
Texas Road PWA Annual Meeting

Tuesday, January 12, 2021 3520 Texas Rd. Bladensburg, MD 21814

Time: 6:00 pm

Attendance: Madeline Wigfall, Eslyn M. Nutter, Bernard Nutter and Karen Hoy (PDA Coordinator)
Please be advised this meeting was closed to the public due to COVID-19. Therefore, all tax rates and managers will stay in place from the previous year.

The minutes from last year were read and accepted.
The financial report was given and it reflected the following:
- Beginning Balance (11/1/19) $ 272.65
- Taxes Collected $ 816.60
- Interest $ 9.68
- Adjustment $ 0.00
- Expenses ($ 0.00)
- Ending Balance (10/31/20) $1098.93

Maintenance issues to be addressed 2021:
- Mow entire system weather permitting.
- Spray for woody growth/phrag if needed.
- Install/replace/repair tiles as needed.
- Clean out if needed.
- Trees need to be removed from ROW on Madeline Wigfall’s property.

The tax rate for FY22 will remain the same:
- Cropland $ 0.00
- Woodland $ 0.00
- Minimum Billing/Flat Rate $30.00

Eslyn Nutter will remain as manager in a three-year term.

There being no further business to discuss, the meeting was adjourned.

Respectfully Submitted,

Karen M. Hoy
Public Drainage Coordinator
Somerset, Wicomico & Worcester Counties
Wicomico County PDA Annual Maintenance Tax Levy Form FY22

Ms. Pamela B. Oland, Director of Finance
Wicomico County MD
PO Box 4036
Salisbury MD 21803-4036

Attention: Ms. Jane McDonald

Dear Ms. Oland:

The Board of Managers of the Texas Road Public Watershed Association (PWA) requests that the Wicomico County Treasurer be authorized to levy the Drainage Tax Assessment for the Texas Road PWA as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>$0.00/acre</td>
</tr>
<tr>
<td>Woodland</td>
<td>$0.00/acre</td>
</tr>
<tr>
<td>Minimum Billing</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

Property transfers and corrections of record since previous billings should be reflected in the current year's billing.

We trust this request will meet with the approval of the Wicomico County Commissioners.

Sincerely,

[Signatures]

Manager
Manager
Manager
Failing to have a majority of the taxables present at their annual meeting, the Texas Road PWA Managers recommend to the Wicomico County Commissioners that the following person be appointed to serve as a manager for a 3 year term:

Eslyn Nutter
3520 Texas Road
Bivalve MD 21814

with the following people listed below continuing on from a previous appointment:

2 Year
Madeline Wigfall
3525 Texas Road
Bivalve MD 21814

1 Year
Bernard Nutter
3520 Texas Road
Bivalve MD 21814

Number of Taxables Present: 3
MEMORANDUM TO COUNCIL

To: Laura Hurley
   Council Administrator

From: John D. Psota
      Acting County Executive

Date: April 06, 2021

Subject: Proposed Agenda Item

Public Drainage Associations

The Public Drainage Associates Board of Managers certified the Drainage Tax Rolls to the Director of Finance to be included as taxes in the bills for the State and County taxes. The list is attached.

The Acting County Executive has no objection to this request.
WICOMICO COUNTY URBAN SERVICES COMMISSION

2021 Legislative Session

Resolution No. 01 - 2021

Introduced by: The Wicomico County Urban Services Commission

A RESOLUTION TO APPROVE AN INVOICE AND PAYMENT FOR A VILLAGE DOWN RIVER SEWERAGE SYSTEM REPAIR PURSUANT TO THE AMENDED AND RESTATED SHARED FACILITY AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND, WICOMICO COUNTY URBAN SERVICES COMMISSION AND VILLAGE DOWN RIVER CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Wicomico County Urban Services Commission, acting pursuant to Paragraph 6(D)(i) of the amended and restated shared facility agreement with the Village Down River Condominium Association, Inc. is charged with the review and approval of the repair invoices and payment for the sewerage system; and

WHEREAS, the Village Down River Condominium Association, Inc. has submitted a request to use $5,770.00 from the Sewer Replacement Fund to move the monitoring well and piezometer to a new location.

NOW, THEREFORE, BE IT RESOLVED, by the Wicomico County Urban Services Commission, that the Village Down River Condominium Association, Inc. request to move the monitoring well and piezometer to a new location, and to use $5,770.00 from the Sewer Replacement Fund to pay the cost thereof, is approved.

DONE at Salisbury, Maryland this 20th day of April, 2021.

ATTEST:

Laura Hurley, Secretary

WICOMICO COUNTY URBAN SERVICES COMMISSION

(SEAL)

Larry W. Dodd, Chairman

CERTIFICATION

THIS RESOLUTION was Adopted _________, Adopted with Amendments _________, Failed ____________, Withdrawn __________, by the County Council on April 20, 2021.

Certified by ____________________________

Laura Hurley, Council Administrator
The Village Down River Condominium Association
5179 Down River Drive
Salisbury, Maryland 21801

Wicomico County Urban Services Commission

March 29, 2021

Committee Members;

The Village Down River Condominium Association (VDRC) is requesting that the Wicomico County Urban Services Commission consider using funds from the Sewer Replacement Fund (SRF) that is controlled by the County to pay for the moving of the monitoring well and piezometer (P2) from its current location to the location that is shown on the original diagram when the drain fields were established. I have included an estimate from John D. Hynes & Associates, Inc. for two quotes: (1) $3195.00 + $1650.00 (option 1 – wire splicing) = $4845.00 and (2) $3195 + $2575.00 (option 2 – wire re-routing) = $5770.00.

Mr. Steve Pusey was made aware of the situation on April 13, 2015 via email by Pete Merkl of BioSystems Management (waste plant operator) and a quote from Philip K. Walker & Associates, Inc. for $2691.60 to fix the problem was included with the email. No action was taken.

The P2 piezometer in the drip dispersal field which monitors the water table level for zone 2 is not correctly located in the drip dispersal field thus shutting off zone 2 during rain events which reduces the amount of effluent that can be dispersed to the field. This needs to be corrected so that correct data can be collected for our reports to the State of Maryland as well as the County. The VDR maintains that correct placement of the P2 is essential for the proper operation of the waste plant and therefore should be funded by the SRF.

Thank you in advance for your consideration.

Mark Abresch, president of VDRC
410-546-3784
Email: mfabresch@comcast.net

Attached: diagram of drain field, email and original quote from Philip R. Walker & Associates, and current quote from John D. Hynes & Associates
Hello Mark,

This is the first documentation on the piezometer repairs needed that Steve Pusey was made aware of numerous times. These repairs were made. After the repairs were made is when the improper location of pz #2 was discovered. Piezometer #2 should be located at 11.0 ft elevation on the facility's as built drawings located in the treatment facility.

Steve Pusey was made aware of this condition.

Thanks Pete Merkl, Biosystems Management

--- Forwarded Message ---
From: Paul Vikestad <paul.vikestad@prwalker.com>
To: pete.merkl@yahoo.com
Cc: michael.mercer@prwalker.com
Sent: Monday, April 13, 2015, 02:00:52 PM EDT
Subject: Endress+Hauser Level Transducers

Good Afternoon Pete,

The quote we discussed is attached. Our technician, Michael Mercer, is available this Friday, 4/17/15. If this works for you, please let me know ASAP. He is not available again until at least 4/27/15.

Thanks and regards,

Paul Vikestad
Philip R. Walker & Assoc., Inc.
410-666-2142 (office)
410-303-9548 (cell)
www.prwalker.com

• D1315PVBEH.pdf (36 KB)
• D1315PVBEH.pdf (36 KB)
April 13, 2015

To: Pete Merkl  
Village of Down River  
5179 Down River Drive  
Salisbury, MD 21801

Re: Endress+Hauser Level Transducers

Dear Pete:

We are pleased to quote as follows on subject:

<table>
<thead>
<tr>
<th>Item</th>
<th>QTY</th>
<th>Description</th>
<th>Unit Price in USD</th>
<th>Total Price in USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>Waterpilot FMX167 Model No: FMX167-D2AFC1G3</td>
<td>400.00</td>
<td>1,200.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level measurement, Hydrostatic.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level probe.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Process membrane: CERAPHIRE, dry, rugged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Output 4-20mA analog</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Typ. ref. accuracy +/-0.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Integrated overvoltage protection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approval: FM CI.I Div.1 Gr.A-D IS, zone 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Connection: Suspension clamp, 316L</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Probe Tube: 316L, d = 22mm/0.87in</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>FC Measuring Range: 0...15ftH2O</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Sensor Seal: FKM Viton</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Probe Cable: 30.00 ... ft, shortable, PE</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Additional Option: Terminal box IP66/67</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Time-based Commissioning Service</td>
<td>1,491.60</td>
<td>1,491.60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Technician to remove existing level transducers, install new level transducers, verify communication with panel meters, verify proper set-point operation for pump control. Price includes mileage and travel time, and is based on 4.5 hours travel and 5.5 hours labor. Actual time will be billed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Price Net: 2,691.60

Shipment: From stock  
Terms: Net 30 days  
Prices: Firm for 30 days

Thank you. We look forward, with pleasure, to serving you.

Thanks and regards,

Paul Vikestad
September 16, 2020

Mr. Mark Abresch
Village Down River Condo Association
5179 Down River Drive
Salisbury, Maryland 21801

Re: Proposal to Provide Monitoring Well Installation
and Abandonment Services
Village Down River
Salisbury, Maryland

Dear Mr. Abresch:

John D. Hynes & Associates, Inc. is pleased to present this proposal to provide monitoring well installation and well abandonment services for the Village Down River community located in Salisbury, Maryland. This proposal is presented in accordance with your request, and in accordance with our subsequent site meeting. The scope of work will include the construction of one monitoring well to replace an existing well. The existing monitoring well will be abandoned. We, also, include costs to relocate water level monitoring equipment from an existing well to the new well.

Hynes & Associates proposes to drill one soil boring and install one, 4 inch diameter monitoring well at a location sited by Village Down River. The well location, which is approximately 175 feet from the well to be abandoned, is truck accessible. The boring will be drilled to a depth of approximately 20 to 25 feet which is approximately 10 feet below groundwater. We note that the boring depth is estimated. Well records for the well to be replaced were not available. The replacement well will be drilled to a similar depth as the well to be abandoned. During drilling, Hynes & Associates will log soil samples. Soil samples will be collected at intervals of 2.5 to 10 feet then every 5 feet to termination depth. The soil cuttings will be spread on the ground near the boring location.

Upon completion of the soil boring, a monitoring well will be constructed in the boring. The monitoring well will be constructed of 4 inch diameter, Schedule 40 PVC threaded flush joint casing and 15 feet of 0.010 inch machine-slotted 4 inch diameter well screen. The well screen will be set at the boring termination depth. The monitoring well casing will extend to approximately 3 feet above the ground surface. A sand pack will be installed to a depth of 2 feet above the top of the well screen. A 2 foot thick seal consisting of hydrated bentonite chips will be installed above the filter pack. The remainder of the annular space will be sealed with 95/5 Portland/bentonite grout. The well cap from the old well will be used on the new well. Well construction will be completed in accordance with the specifications provided in the Groundwater Discharge Permit that was issued by the Maryland Department of the Environment (MDE).

After the monitoring well is installed, the well will be developed by surging and bailing to remove sediment from the well. We included one hour of well development in this proposal. Well development water will be discharged to the ground surface near the well.

After well development, the monitoring well will be completed with a concrete collar. To ensure that the required wiring for the well can be installed correctly, the well will not be protected inside a protective steel casing. We note that the existing monitoring well does not include protective steel bollards around the well. If you would like to
protect the new well using steel bollards, we have added a unit rate to install 3, 4-inch diameter bollards around the well.

As previously indicated, the existing well, identified as P-2, will be abandoned and sealed in accordance with State of Maryland regulations. Prior to well abandonment, the existing well cap, wiring harness, and water level pressure transducer will be removed from the well. We understand that the equipment associated with the monitoring system is proprietary. We ask that your equipment representative be onsite to assist in the removal and installation of the monitoring equipment. The removed equipment will be installed in the new well.

In addition to the well installation and well abandonment services, we have included costs to install the existing well cap, wiring harness, and water level pressure transducer from the abandoned well into the new well. We note that the new well will be located approximately 175 feet from the old well. The new well will be closer to the monitoring equipment control shed. It will be necessary to modify the existing wiring between the control shed and the new well.

We have included 2 options for the wiring modification. Wiring modifications will be completed by a licensed electrician. We propose to use Mast Electrical Service for this work. Your monitoring equipment representative should be consulted to assist you in deciding which option to select.

The first option involves extending the wiring from the existing well location to the new well location. A trench will be excavated between the two locations. New wiring will be installed in PVC conduit between the 2 locations. The existing wiring and the new wiring will be spliced at the location of the old well. A new junction box will be installed on a wood post at the new well location. The current wiring harness will be installed at the new well location.

The second option involves re-routing the existing wiring to the new well location. A sufficient length of the existing wiring will be uncovered, up to the point where the exposed wiring can be re-buried to reach the new well location. This option eliminates the need to splice wiring. As previously described, a new junction box will be installed on a wood post at the new well location. The current wiring harness will then be installed at the new well location.

Prior to drilling the boring and completing trenching operation, we will contact MISS Utility to mark public underground utilities. We ask that Village Down River mark or otherwise identify the location of private underground utilities at the monitoring well location, and at the locations selected for the new trenching. The new well and trenching is proposed to be located near an existing underground drip irrigation system. We will not drill or excavate at the locations of marked underground utilities. We will not be responsible for damage to unmarked utilities.

A State well permit is required for the monitoring well installation. Upon completion of monitoring well construction, we will file the necessary Well Completion Report(s) with the State. We include a well permit fee in our proposal.

After completing the work, we will prepare a soil boring log to document subsurface conditions at the site of the new well. The soil boring log, well permit/completion report and well abandonment report will be submitted to Village Down River under a letter of transmittal.
Hynes & Associates appreciates the opportunity to present this proposal to provide monitoring well installation and well abandonment services for the Village Down River community located in Salisbury, Maryland. A detailed schedule of proposed fees follows. If you have any questions regarding this proposal or if we may be of further assistance, please contact our office.

Respectfully,
JOHN D. HYNES & ASSOCIATES, INC.

[Signature]
Richard Rhoads
Project Geologist

RDR: JDH/kd

Attachments
**PROPOSED FEES**

Hynes & Associates proposes the following fees for providing monitoring well installation and well abandonment services for the Village Down River community located in Salisbury, Maryland:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>ESTIMATED QUANTITY</th>
<th>UNIT PRICE</th>
<th>ESTIMATED TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Monitoring well Construction and Abandonment Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Mobilization of Drill Rig and Crew</td>
<td>LS</td>
<td>$300</td>
<td>$300.00</td>
</tr>
<tr>
<td>B.</td>
<td>Drill Crew to Install one Monitoring well (4-inch Diameter, 25 feet deep with 15 feet of 0.010 slot screen) with continuous sampling</td>
<td>25 ft.</td>
<td>$41</td>
<td>$1,025.00</td>
</tr>
<tr>
<td>C.</td>
<td>Add/Subtract Monitoring well Footage</td>
<td>Open</td>
<td>$41/ft.</td>
<td>Open</td>
</tr>
<tr>
<td>D.</td>
<td>Optional Installation of steel bollards</td>
<td>Open</td>
<td>$500/LS</td>
<td>Open</td>
</tr>
<tr>
<td>E.</td>
<td>Drill Crew to Develop Well, and Install the Concrete Collar</td>
<td>LS</td>
<td>$300</td>
<td>$300.00</td>
</tr>
<tr>
<td>F.</td>
<td>Well Permit and Well Completion Report</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Driller to prepare permit application, submit permit fee and prepare well completion report</td>
<td>LS</td>
<td>$125</td>
<td>$125.00</td>
</tr>
<tr>
<td>2.</td>
<td>Well Permit Fee</td>
<td>1 ea.</td>
<td>$185</td>
<td>$185.00</td>
</tr>
<tr>
<td>G.</td>
<td>Driller to abandon/seal well in accordance with Maryland regulations (during same mobilization as well installation), and to prepare well abandonment report</td>
<td>1 ea.</td>
<td>$500</td>
<td>$500.00</td>
</tr>
<tr>
<td>II.</td>
<td>Control Wiring Modification – To be completed by a licensed electrician subcontracted by Hynes &amp; Associates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Option 1 – Wire Splicing</td>
<td>Open</td>
<td>$1,650/LS</td>
<td>Open</td>
</tr>
<tr>
<td>B.</td>
<td>Option 2 – Wire Re-routing</td>
<td>Open</td>
<td>$2,575/LS</td>
<td>Open</td>
</tr>
</tbody>
</table>
The total estimated base project cost for the proposed monitoring well construction and abandonments services is $3,195.00. If wiring modification Option 1 is selected (Item II.A.), the additional cost would be $1,650.00. If wiring modification Option B is selected (Item II.B.), the additional cost would be $2,575.00. We will not exceed these figures without your prior approval.

If the terms of this agreement are acceptable, please execute the agreement forms that follow and return one copy to our office for our records. Upon acceptance, our cover letter, the proposed fee schedule, and the attached agreement sheets will form our contract.
AMENDED AND RESTATED
SHARED FACILITY AGREEMENT

This Amended and Restated Shared Facility Agreement (the “Agreement”), made and entered into this 22nd day of March, 2018, by and between WICOMICO COUNTY, MARYLAND (the “County”), the WICOMICO COUNTY URBAN SERVICE COMMISSION (the “Commission”), and THE VILLAGE DOWNRIVER CONDOMINIUM ASSOCIATION, INC., a Maryland corporation (“Condominium Association”).

WHEREAS, Certain of the parties hereto made the Shared Facility Agreement dated July 31, 2008 (hereinafter the “Initial SFA”) that is recorded among the Land Records of Wicomico County, Maryland in Liber No. 2960, folio 492, and remains in force and operation, for the purpose of compliance with the laws and regulations of the State of Maryland applicable to the sewerage system for the condominium regime known as The Village DownRiver Condominium (hereinafter, the “Condominium”) that the Developer, Terra Firma, LLC, established by Condominium Declaration and By-Laws dated August 27, 2008, recorded in the aforesaid Land Records in Liber No. 2962, folio 335 and Condominium Plat made by Oceanbay Surveys dated September 24, 2007, and recorded in the aforesaid Land Records in Plat Cabinet 15, folio 706 (the “VDR Documents”); and

WHEREAS, As noted in subparagraph 2. (b) of the Condominium Declaration, the Condominium is subject and subordinate to the Initial SFA; and

WHEREAS, In making this Agreement and the Initial SFA, the Commission is, and was, then, acting as the controlling authority for shared facilities located in Wicomico County, Maryland pursuant to Chapter 97 of the Wicomico County Code, and, as such, the controlling authority required by the state regulatory governance mentioned above, under which the sewerage system for the Condominium has been approved by the Maryland Department of the Environment, which issued its permit number 7-25-1047 for construction of the system as a Class SA facility and its groundwater discharge permit number 13-DP-3519 (Expiration date: 12/31/2019) for the operation of that system; and

WHEREAS, The Condominium currently contains land of that the Developer submitted as “Phase One,” composed initially of 49 units, some of which have been consolidated or redelineated, and various common elements, including the sewerage system, which is referred to as the “wastewater treatment system” in subparagraph 4. (b) of the Condominium Declaration; and

WHEREAS, The Developer has turned over operative control of the Condominium to the Condominium Association, governed and controlled by the Council of Unit Owners of the Village DownRiver, and for that and other reasons the parties to the Initial SFA and the Condominium Association believe that document should be revised to make certain changes to

The Village DownRiver Condominium
Fruitland Election District
AMENDED AND RESTATED
SHARED FACILITY AGREEMENT

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Fruitland Election District
the agreement and clarify or augment it as provided in this document, which has the same general format as the Initial SFA, with the heading of portions that have otherwise been deleted remaining in the document;

NOW, THEREFORE, in consideration of the premises, the mutual benefits to be derived hereunder, and as required by the rules and regulations promulgated by the Maryland Department of the Environment and by Chapter 97 of the Wicomico County Code, the parties hereto, for themselves and their successors and assigns, do hereby covenant and agree as follows:

1. **Purpose.** The proper maintenance and operation of the sewerage system is essential to the health, safety and welfare of the general population living in the Village Down River condominium and also to those residents and guests on and about the Property.

2. **Permits.** The permits currently granted and issued by the Maryland Department of the Environment authorize the sewage system to discharge up to 15,000 gallons per day.

3. **Construction of Sewerage System.** Intentionally deleted.

4. **Maintenance and Operation of the Sewerage System.** The Condominium Association shall properly maintain and operate the sewerage system in accordance with all applicable rules, regulations, laws and standards of the Maryland Department of the Environment, the Commission and other appropriate agencies, and shall obtain and keep in effect the insurance required by the VDR Documents.

A. As part of this responsibility, the Condominium Association shall engage a systems operator, together with any required personnel, to perform the duties set forth in this paragraph. The systems operator shall be licensed and certified in the appropriate classification by the waste system operator.

B. It is also understood and agreed that the Commission, from time to time, may promulgate certain rules and regulations under and by which the aforesaid responsibility shall be performed, provided however that such rules and regulations shall not be unreasonable, burdensome, arbitrary or capricious.

C. The Commission will provide such supervision of the responsibilities undertaken by the Condominium Association pursuant to this Agreement, as the Commission determines to be reasonably necessary. Further the Commission may conduct periodic inspections to determine that competent and professional operation and maintenance of the sewerage system is being maintained, which inspections will be paid for or reimbursed by the Condominium Association. However, the Commission and the County do not (and shall not be deemed to) have any duty to assure or provide for the proper operation, repair or maintenance of the “sewerage system”.

*The Village Down River Condominium*
*Fruitland Election District*
D. The Condominium Association shall provide an annual sewage treatment plant report to the Commission, which report shall include the following items:

1.) Results from all lab testing required by MDE for permit compliance.
2.) Copy of current operator’s MDE license.
3.) Copies of any MDE violations.
4.) Chart showing the effluent flow from the plant for each day.
5.) Copies of all maintenance logs.
6.) Copies of all inspection reports (MDE, Health Dept., internal, etc.).
7.) List of all equipment replaced with associated replacement cost.
8.) Itemized operation costs.
9.) Account balances (emergency/replacement/operational), compare the current year to previous, indicate where the funds are being held and who has authorized access.

10.) Any other items required by the Commission.

The annual report shall be submitted to the Commission by March 15 of each year for the previous calendar year.

E. The Condominium Association shall be responsible for obtaining and the renewal/reissuance of the groundwater discharge permit for the system issued by the Maryland Department of Environment and any other permits for the system or its operation required by law or governmental regulation.

F. The Condominium Association shall maintain property insurance on the system, including its machinery and equipment, building and structural facilities, against all risks at full replacement cost with no coinsurance penalty provision and a deductible of not more than $1,000.00. Each policy shall be issued by an insurer authorized to do so in the State of Maryland with a current A. M. Best’s rating of no less than A:VIII, unless otherwise acceptable to the Commission. Promptly upon issuance of each policy or renewal thereof, the Condominium Association shall furnish to the Commission a copy of its declaration page or renewal certificate, as applicable.

5. **Right of Entry and Easement.** The Commission shall have the right to enter upon the property at all reasonable times for the purpose of inspecting the sewerage system and ascertaining compliance with the terms of this Agreement, and no such entry shall be deemed or taken as any manner or form of trespass. The entry upon the property by the Commission shall be deemed to include the Commission’s agents, servants and employees, contractors employed by it, and representatives of the Maryland Department of the Environment. In addition, the County and Commission shall have the rights and privileges granted and conferred upon the

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County by the Developer by the Deed of Shared Sewage Disposal Facility Easement dated June 30, 2008 and recorded among the Land Records in Liber 2960, Folio 513, to which the Condominium and the units therein are subject and the VDR documents are subordinate as required by Paragraph 12 of the initial SPA.

6. **Funding; Security to Commission.** In order to insure availability of financial resources to discharge the duties of the Condominium Association hereunder and to permit the Commission to discharge its duties as controlling authority as aforesaid, and to administer this Agreement, the Condominium Association shall deposit with the Commission, certain funds described below. The Commission shall hold such funds as escrow agent and distribute them only in accordance with the procedure set forth herein. All such funds held in escrow shall be invested in a manner mutually agreeable to the parties to this Agreement. The “Commencement Date” referred to in the initial SPA occurred on January 24, 2011, and the Developer has made all payments required to date under paragraph 6.C. thereof.

   A. **Emergency Fund** Intentionally deleted.

   B. **Operation and Maintenance Fund.** Intentionally deleted.

   C. **Sewerage System Replacement Fund.** Beginning in calendar year 2018, the Condominium Association shall deposit with the Commission an annual amount by quarterly payments of 25% thereof made by the end of each calendar quarter of the year. Such payment is a legal obligation and common expense of the Condominium Association, to be obtained by assessments against the unit owners pursuant to the Maryland Condominium Act and stated as a separate item in the annual budget of the Condominium Association. Such amounts are encumbered for use as described herein for the benefit of the Condominium Association and shall not be available for any other purpose. To the extent allowed by law, the amounts shall not be subject to garnishment by a creditor of the Condominium Association or a unit owner.

   (i) the amount to be deposited in each year is hereby initially established at $7,170.00 for 2018 and thereafter, based on the estimated amounts stated in Exhibit A (which are subject to change) until reestablished. For subsequent years, the amount must be reestablished at least 60 days before the start of the year, and once established shall apply in each successive year until it is again reestablished.

   (ii) the amount shall be reestablished from time to time to reach and thereafter maintain a balance on deposit with the Commission that is sufficient to pay for capital replacement of the sewerage system and any extraordinary repair and maintenance thereof that the Commission approves for payment. At present, such balance is deemed to be $56,250.00, subject to adjustment by the Commission in light of experience and evaluation of the condition and operation of the system.

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(iii) if on any date after January 1, 2022 the amount has not been reestablished for a period of three years, the Commission, upon written request by the Condominium Association, shall promptly consider whether the amount should be reestablished based upon the then current circumstances and such information as may be provided to the Commission or otherwise obtained by it. If the Commission shall at its initiative decide to reestablish the amount, before doing so it shall notify the Condominium Association and allow it at least 60 days after notice in which to submit information for the Commission to consider.

D. Disbursements of the Funds Held in Escrow. The then existing balance of the Sewerage System Replacement Fund may be dispersed in the following manner and for the following purposes:

   (i) Major repair and/or replacement of equipment or components of the sewerage system: Upon request by the Condominium Association and submission by it of such information and documentation as the Commission may request, funds may be dispersed either to the Condominium Association or to the vendors or contractors that provide work or materials to repair or replace items. If the Commission undertakes to perform such repair or replacement, it may disperse funds directly to such vendors or contractors. The parties shall cooperate in the selection of vendors and contractors, but the Commission shall have the power to approve them. Except in an emergency, the scope, cost and contracts for work and materials shall be reviewed and discussed by the parties prior to execution of the contract(s) and/or commencement of repair or replacement. If the cost of a single or related series of repair or replacement exceeds 25% of the then extant balance of the Sewerage System Replacement Fund, at the sole discretion of the Commission such cost may be apportioned for payment in shares by (a) disbursement of such balance and (b) by the Condominium Association for some or all of the cost in excess of 25% of such balance. If the Condominium Association does not have funds available to pay that share, it shall impose a special assessment upon the unit owners to obtain the necessary funds as promptly as possible. If repair, replacement or modification of the sewerage system is required by (or in order to comply with) applicable governmental regulations or permits, the cost thereof shall be paid in accordance with this subparagraph.

   (ii) System operation and maintenance where the Condominium Association is in default: In the event of a default under the terms of this Agreement the Commission may make disbursements from the Sewerage System Replacement Fund to pay for expenses reasonably required to operate and maintain the sewerage system. In the event of a default, if the Commission exercises its right to demand the transfer of legal ownership of the sewerage system to the Commission, and if the Commission elects after the transfer to operate the sewerage system without connection to a public sewerage system, then the Commission shall continue to hold all the funds then on deposit with the Commission pursuant to Paragraph Six (6) hereof and shall use such funds for the purposes described herein, and all rights of the Condominium Association in and to such funds shall cease at the time of transfer.

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(iii) Connection to public sewerage system in event of default. In the event of a default under the terms of this Agreement, if the Commission elects to connect the sewerage system to a public sewerage system, then all funds and/or bonds held in escrow by the Commission in accordance with Paragraph Six (6) shall be paid and distributed as follows: (a) The funds remaining in the Sewerage System Replacement Fund (after the expenses incurred in connecting to the public sewerage system) shall be refunded to the Village Down River Condominium Association and to the Developer in proportion to their respective contributions to the Sewerage System Replacement Fund from the date of this Agreement to the date of distribution. For this purpose all contributions made by the Condominium Association shall be deemed to have been made equally by the current members; previous customers such as former Village Down River Community Association members shall have no right to receive a refund. All disbursements from the Sewerage System Replacement Fund made at any time from the date of this Agreement to the date of distribution (except disbursements relating to income tax liability as provided below) shall be treated as reductions of the funds contributed by the respective contributors, i.e., Condominium Association members, and the Developer, on a first-in-first-out and dollar-for-dollar basis.

(iv) Income Taxes. If interest or other earnings produced on the Sewerage System Replacement Fund are taxable income, the tax thereon shall be the common expense of the Condominium Association.

E. Replacement of Equipment. When replacing equipment the Condominium Association shall consider the feasibility of incorporating improvements and technology which may be then available. The Commission may require the Condominium Association to incorporate improvements and technology even if it is not required by the standards of the initial design approved by the Maryland Department of the Environment or subsequent requirements by Maryland Department of the Environment so long as the new improvements and technology are “commercially reasonable” and do not place an unreasonable burden on the people living in the Village Down River development.

7. Annual Operating and Maintenance Costs. The Condominium Association shall assess the costs to operate the sewerage system, including but not limited to those specified in Exhibit B of this Agreement (which are subject to change in the amounts stated therein), in accordance with the Maryland Condominium Act, and costs shall be stated as a separate item in the annual budget of the Condominium Association.

A. The cost to operate the sewerage system shall be divided evenly between all of the residential unit owners in the Village Down River Condominium.

B. In addition to any fees for sewerage service, the unit owners in the Village Down River Condominium shall pay to the Condominium Association their pro rata share of the required annual payment to the Sewerage System Replacement Fund.
8. Default. In the event the Commission shall ever determine that the Condominium Association is in default of any of its obligations under this Agreement, the Commission shall have the following remedies:

A. The Commission shall first notify the Condominium Association in writing that it is in default of this Agreement which notice of default shall state the ground constituting the default and state that the Condominium Association shall have thirty (30) days after receipt of the notice within which to correct the default (or take substantive action to do so if the default is such that the problem cannot be corrected within thirty (30) days) or to challenge the Commission’s findings by filing with it a written notice of mediation.

B. If a notice of mediation is filed, the parties shall within fifteen (15) days thereafter jointly select a third party to act as mediator to resolve the matters in dispute. The mediator shall provide the parties with an opportunity for a hearing regarding the issues in dispute, following which the mediator shall issue a written order. The order shall be final and binding on all parties unless a complaint for declaratory judgment, as described below, is filed within thirty (30) days after the order. Costs of the mediator shall be borne equally by the parties.

C. If the parties are unable to agree on a mediator or if either party disputes the mediator’s order, the aggrieved party may file a complaint for declaratory judgment with the Circuit Court for Wicomico County.

D. Any of the following events shall constitute a default for purposes of Subparagraph (e) below:

(i) Failure of the Condominium Association to respond to the notice of default within thirty (30) days either by correcting the alleged default (or taking substantive action to do so if the default if such that it cannot be corrected in thirty (30) days) or filing a notice of mediation.

(ii) Failure of the Condominium Association to respond within thirty (30) days following a final order of the mediator finding that the Condominium Association is in default either by correcting the alleged default (or taking substantive action to do so if the default is such that the problem cannot be corrected in thirty (30) days) or by filing a complaint for declaratory judgment.

(iii) A final judicial order finding that the Condominium Association is in default.
B. In the event of a default described in Subparagraph (d), the Commission shall have the right to enter upon the property and to take such measures to correct the default (which could include the total replacement of the sewerage system or parts thereof), as are necessary to insure the adequate, proper and safe operation thereof, and shall use for such purpose funds deposited with the Commission under the provisions of Paragraph 6 above. If the Commission determines that the most cost effective and practicable corrective measure is to connect the sewerage system to a public sewerage system, such funds may also be used for that purpose. The Commission may, at any time after a default, demand that the Condominium Association grant, convey and transfer the sewerage system to the County if it determines, through the exercise of reasonable judgment, that the Condominium Association was not properly operating or maintaining the sewerage system. Such agreement to grant, convey and transfer the sewerage system to the County constitutes an irrevocable offer to convey without financial consideration that may not be withdrawn or rescinded except with the express written consent of the Commission.

F. Should disbursements be made from the funds deposited with the Commission pursuant to Paragraph Six (6), except for connection of the sewerage system to a public sewerage system or transfer of ownership to the Commission, then the Condominium Association shall, not later than thirty (30) days after any such disbursement has been made, restore and replenish such account to its pre-withdrawal amount.

G. Nothing herein, however, shall limit the liability of the Condominium Association to provide for the proper management, operation and continuous preventive and corrective maintenance of the sewerage system.

H. In the event of default as set forth herein above, neither Wicomico County, Maryland nor the Wicomico County Urban Services Commission can withhold or deny building permits to Developer or withhold or deny Certificates of Occupancy to Developer or a third party contractor seeking same if the sewer plant is in working order, in compliance with the applicable permits from the Maryland Department of Environment, and Developer is current in any of its obligations to the Condominium Association.

I. Default in Payment of Monetary Obligation. If any payment required to be made to the Commission by the Condominium Association is not made by the time required, the Commission may seek and obtain a judgment for such payment and other judicial action thereon without mediation or notification, which judgment shall include reasonable attorney’s fees and court costs, which shall be paid by the Condominium Association.

9. Emergency Authority of the Commission. Notwithstanding the provisions of the preceding paragraph, should the protection of the public health, safety and welfare make the giving of notice inappropriate, the Commission shall have the right, in such situations, without prior notice, to enter upon the property and correct any defect in the sewerage system.

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constituting an immediate threat to the public health, safety and welfare, using therefor the funds to be deposited with the Commission as hereinabove provided.

10. Service Area; Excess Capacity. The parties covenant and agree that the sewerage system is for the exclusive use of units in the Village Down River Condominium, and no party shall, without the prior written consent of all the parties to this Agreement, permit additions to or expansion of the area served by the sewerage system to include any property outside of the Village Down River Condominium.

The parties agree that the Village DownRiver sewerage system will have excess capacity which excess capacity can only be used in the discretion of the Commission. If the Commission allows for the excess capacity of the Village DownRiver sewerage system to be used not for a public health crisis or emergency but to serve a separate development project then the Developer shall be entitled to recoup a pro-rated portion of its cost for the construction of the sewerage system. All payments for sewer services from such separate development or lot owner therein shall be paid to the Condominium Association. This recoupment right remains with the Developer and does not pass to the Village DownRiver Condominium Association. The amount the Developer shall be entitled to recoup shall be established by determining the total capacity of the Village DownRiver sewerage system including the capacity already allocated to the Village DownRiver development (when that can be accurately determined), and then determining how many total units can be served by that capacity. The Developer's cost to construct the sewerage system is then divided by the total number of units capable of being served by that capacity minus any units that are using the sewerage system due to a public health crisis or emergency. This is the per unit amount that the Developer will be entitled to collect for each unit from a separate development that will be served by the Village DownRiver sewerage system. The Developer will not be entitled to any recoupment for a unit that is using the sewerage system because of a public health crisis, emergency, or a failing system as determined by the Commission in good faith and with a reasonable exercise of discretion.


12. Transfer to County. The County shall have the right, at its sole discretion, to assume the operation and ownership of the sewerage system and this right can be exercised at any time by the County. This assumption of operation and ownership shall be exercised by providing written notice to the Developer or its successors at least ninety (90) days prior to the takeover of operation and ownership by the County. In the event of transfer of operation and ownership to the County, the transfer shall be without cost to the County and shall be free and clear of all liens and encumbrances. After the County assumes ownership and operation of the sewerage system, the Commission shall have the authority, in the manner it deems appropriate, to collect the pro rata fees and assessments as are provided for herein and in the VDR Documents.

The Village DownRiver Condominium
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The County shall not be required to accept the transfer of the sewerage system until it is
determined to be in the best interest of the County and the Commission is reasonably satisfied
that the sewerage system has been constructed in full compliance with the aforementioned plans
and specifications and the aforementioned approvals and permits, and that it is functioning as
designed.

13. **No Liability and Indemnification.** Anything herein to the contrary
notwithstanding, should the Condominium Association fail to operate or maintain the sewerage
system in accordance with this Agreement, the County and the Commission shall have no
liability, duty or responsibility to the Condominium, owners or tenants of properties within the
Village DownRiver Condominium Association, or other persons, firms, corporations or other
legal entities whatsoever unless and until the County exercises its right to acquire legal title to
the sewerage system or acquires legal title to the sewerage system as a result of the default by the
Condominium Association as provided in this Agreement.

The Condominium Association covenants to indemnify and save the County harmless
from and against any and all claims, actions, damages, liability and expense of any nature,
including reasonable attorney's fees and the County's costs of defense, in connection with loss of
life, personal injury and/or damage to or loss of property that arises from the operation of the
Facility and all other work or activity of the Condominium Association, its agents, servants,
employees, contractors and subcontractors in, on or about, or impacting on, the easement
identified in Paragraph 5 of this Agreement.

14. **Termination of Agreement.** If the County should ever acquire legal title to the
sewerage system either by exercising its right to assume ownership or as a result of a default, this
Agreement shall automatically become null and void and of no further force or effect except as
may be specifically provided herein to the contrary.

15. **Duty to Operate.** This Agreement may not be legally voided by the
Condominium Association and the sewerage system may not be made inoperative unless said
system is replaced by a system which will provide equal or better protection to the public, and
unless written authorization is obtained from the Commission and Maryland Department of the
Environment.

16. **Recordation.** This Agreement shall be recorded at the expense of the
Condominium Association.

17. **Assignment.** The Condominium Association may not assign its obligations
hereunder to any other person or entity without the prior written consent of the Commission,
except as permitted in Paragraph 12.

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*The Village DownRiver Condominium
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18. **Incorporation by Reference and Subordination of the VDR Documents.** The Condominium Association shall make a specific reference to this Agreement in the event of any amendments to the VDR Documents and all of the VDR Documents are subordinate to this Agreement.

19. **Preambles.** The preambles set forth above shall be incorporated by reference herein and made a part of this Agreement as though fully set forth herein.

20. **Applicable Law.** That the laws of the State of Maryland shall govern and control this Agreement.

21. **Notices.** Notices, instructions and other communications shall be sent in writing to the following addresses (or to any new address subsequently designated by any party by written notice to the other parties) by personal delivery and/or by certified mail properly addressed and prepaid. The date of giving of such notice shall be the date of depositing the same in the mail (which may be evidenced by the postmark) or date of personal delivery.

- **Wicomico County:**
  125 N. Division Street, Room 301
  Salisbury, MD 21801

- **Wicomico County Urban Service Commission:**
  125 N. Division Street, Room 302
  Salisbury, MD 21801

- **The Village DownRiver Condominium Association, Inc.**
  c/o Steve Pusey
  25485 Harcum Wharf Road
  Eden, MD 21822

22. **Severability.** If any provision of this contract of sale shall, to any extent, be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this contract of sale shall not be affected thereby, and every other term and provision of this contract of sale shall be valid and enforceable to the fullest extent permitted by law.

23. **Successors and Assigns.** The agreements, covenants and conditions herein contained shall apply to and bind the successors and assigns of the parties hereto.

*The Village DownRiver Condominium*
*Fruitland Election District*
AS WITNESS the hands and seals of the parties hereto as of the day year first herein written.

ATTEST: WICOMICO COUNTY, MARYLAND

[Signature]

By: [Signature] (SEAL)

ATTEST: WICOMICO COUNTY URBAN SERVICE COMMISSION

[Signature]

By: [Signature] (SEAL)

ATTEST: THE VILLAGE DOWNRIVER CONDOMINIUM ASSOCIATION, INC.

[Signature]

By: [Signature] (SEAL)

5/2/14

Sharon L. Long

Its President

MARK ABRESCH

The Village DownRiver Condominium Plantation Election District

Page 12 of 15
EXHIBIT "A"
REPLACEMENT COST ESTIMATE

The WWTS starts at the invert of the Flow Equalization Tank and ends at the emitters of the drip irrigation discharge system.

### 20 YEAR REPLACEMENT ITEMS:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>MATERIAL</th>
<th>LABOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. F. E. Tank Pump</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,500</td>
</tr>
<tr>
<td>2. SBR Pumps</td>
<td>$2,000</td>
<td>$1,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>3. Blowers (2)</td>
<td>$10,000</td>
<td>$1,000</td>
<td>$11,000</td>
</tr>
<tr>
<td>4. Dosing Pumps</td>
<td>$2,000</td>
<td>$500</td>
<td>$2,500</td>
</tr>
<tr>
<td>5. Storage Pond Liner</td>
<td>$35,000</td>
<td>$10,000</td>
<td>$45,000</td>
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**TOTAL**

<table>
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<tr>
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<tbody>
<tr>
<td>$50,000</td>
<td>$13,000</td>
<td>$63,000</td>
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### 50 YEAR REPLACEMENT ITEMS:

<table>
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<tr>
<th>ITEM</th>
<th>MATERIAL</th>
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<tbody>
<tr>
<td>1. F. E. Tank</td>
<td>$14,000</td>
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<td>$16,000</td>
</tr>
<tr>
<td>2. Sludge Hold. Tank</td>
<td>$5,000</td>
<td>$2,000</td>
<td>$7,000</td>
</tr>
<tr>
<td>3. F. E. Pump Tanks</td>
<td>$8,000</td>
<td>$2,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>4. Dosing Tank</td>
<td>$10,000</td>
<td>$2,000</td>
<td>$12,000</td>
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<tr>
<td>5. Dosing Pump Tank</td>
<td>$8,000</td>
<td>$2,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>6. S. B. R. #1 Tank</td>
<td>$30,000</td>
<td>$3,000</td>
<td>$33,000</td>
</tr>
<tr>
<td>7. S. B. R. #2 Tank</td>
<td>$30,000</td>
<td>$3,000</td>
<td>$33,000</td>
</tr>
<tr>
<td>8. Drip Irrigation:</td>
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<td></td>
<td></td>
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<tr>
<td>Valves</td>
<td>$15,000</td>
<td>$2,000</td>
<td>$17,000</td>
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<tr>
<td>Emitter Pipes</td>
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<tr>
<td>Supply/Return Pipe</td>
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<td>Filter Rack</td>
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<td>Controllers</td>
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**TOTAL**

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>$165,000</td>
<td>$36,000</td>
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</table>
TOTAL COST @ $201,000 = $7,170 (2) (annual contribution cost) per year
**EXHIBIT “B”**

**ANNUAL OPERATION & MAINTENANCE COSTS**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>1. Sewerage System Operator</td>
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</tr>
<tr>
<td>2. On Site Labor – (part of Caretaker services)</td>
<td>$2,000</td>
</tr>
<tr>
<td>3. Sludge Removal</td>
<td>$3,000</td>
</tr>
<tr>
<td>4. Utilities (consumption – electric, telephone)</td>
<td>$3,500</td>
</tr>
<tr>
<td>5. Off Site Monitoring (dedicated telephone lines)</td>
<td>$1,000</td>
</tr>
<tr>
<td>6. General Maintenance (grass cutting, cleaning, etc.)</td>
<td>$2,000</td>
</tr>
<tr>
<td>7. Supplies</td>
<td>$1,000</td>
</tr>
<tr>
<td>8. Replacement Parts (pumps, filters, valves)</td>
<td>$2,000</td>
</tr>
<tr>
<td>9. Contingencies</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

**TOTAL $46,500 (*)**

(*) Estimated annual costs for the operation and maintenance of the Waste Water Treatment System.
DOCUMENT VALIDATION

Mark S. Bowen, Clerk
Circuit Court for Wicomico County
101 North Division Street
PO Box 198
Salisbury, MD 21803-0198
(410) 543-6551

Received for Record APR 20 2018
and Recorded in the Land Records of Wicomico County, Maryland

Clerk
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2021 Legislative Session

Resolution No. 36-2021

Introduced by: The President of the Council

A RESOLUTION ACCEPTING THE INTERNAL AUDITOR’S REPORT ON THE WORKPLACE CULTURE AUDIT.

WHEREAS, under Section 305, titled "County Internal Auditor" of the Charter of Wicomico County, Maryland, the Internal Auditor is charged with the duty to report on internal accounting controls, administrative and operating practices and procedures, and other pertinent financial and compliance matters within Wicomico County; and

WHEREAS, the Internal Auditor has submitted an Audit Report on the Workplace Culture for the County Council’s consideration. The purpose of the audit was (1) to gain an understanding and quantify the workforce’s perception of various attributes that contribute to workplace culture, (2) analyze feedback from the workforce on measures that may improve workplace culture, and (3) make recommendations, if applicable.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland that the Internal Auditor Report on the Workplace Culture, attached as Exhibit A, is accepted.

Done at Salisbury, Maryland, this 20th day of April, 2021.

ATTEST:

Laura Hurley,
Council Administrator

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

Larry W. Dodd,
Council President

CERTIFICATION

This Resolution was Adopted ___, Adopted with Amendments ___, Failed ___, Withdrawn ___ by the County Council on April 20, 2021.

Certified by ____________________________
Laura Hurley, Council Administrator
Internal Auditor's Report

To the County Council and Acting County Executive of Wicomico County, Maryland:

Pursuant to Section 305(D) of the Wicomico County Code and Council Resolution No. 91-2020, the Office of the Internal Auditor (IA) has conducted a Workplace Culture Audit. A report is submitted herewith. The purpose of the audit was to understand and quantify the workforce’s perception of various attributes that contribute to the overall workplace culture in Wicomico County.

IA conducted the audit with due professional care, and IA planned and performed the audit to obtain reasonable assurance about how selected current practices, policies and procedures contribute to employee perception of workplace culture.

IA extends appreciation to Management and Staff across all departments that participated in the audit and for their candid assessment of the County’s Culture.

Respectfully submitted,

Levin Hitchens, CIA
Internal Auditor
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Audit Report

Overview
Culture in reference to an organization is commonly defined as "the way we do things around here." The way an organization does things may have different perceptions depending on the vantage point, whether one is speaking with a director, reading the personnel manual or it could vary by employee and department. This audit serves as an effort to quantify the overall perception of the workplace beyond anecdotal snippets or soft data. A countywide survey was implemented to measure perception of a number of areas: performance of management and non-management, relationships with colleagues, availability of policies and procedures, focus on safety and compliance, overall workplace satisfaction, success of product/service delivery, communication, achievement of mission and vision statements, and response to COVID pandemic.

The survey was completely anonymous using no identifying link, ability to participate from any device, and asked for no identifiable information. Most questions were in the form of the Likert Scale (strongly disagree to strongly agree) with six choices and no neutral. At the very least, participants had to slightly agree or disagree with most statements. A few multiple choice questions and an optional open ended text box rounded out the survey.

Two-hundred thirteen completed surveys were submitted during the three-week window. With a full-time employee population of roughly 585, the results provide a margin of error of +/- 5.4% with a 95% confidence level. IA analyzed the answers for the Likert Scale in a method that tallies the choices as either disagree or agree with no weight to the degree of agreement or disagreement. Further, an analysis of discrepancies between the perception of employees that are in supervisory roles compared to non-supervisors was performed.

Audit Objectives
The objectives of the audit were to:
1. Gain an understanding and quantify the workforce’s perception of various attributes that contribute to workplace culture
2. Analyze feedback from the workforce on measures that may improve workplace culture
3. Make recommendations (if applicable)

Scope of the Audit
IA examined pertinent County manuals, policies, and procedures. Additionally, IA surveyed and interviewed employees as appropriate. The audit period is fiscal year 2021.

General Statistics and Highlights

Supervisor/Management Compared to Non-Supervisory Respondents
Of those that completed the survey, one hundred thirty six (64%) were non-supervisors and seventy-seven (36%) were supervisors. Respondents that identified themselves as having supervisory duties generally answered questions more positively than those who are in non-supervisory roles. Looking at the questions as overall agree or disagree, supervisors' median answers skewed towards agreement eleven percent higher than non-supervisors did.

Wicomico County Strategic Plan
IA leveraged the 2019-2022 Strategic Plan for information on the County’s goals and to gauge whether employees feel that the County is meeting those. Parts of the survey applied to knowledge and accomplishment of the mission and vision statements. Other questions applied to “Goal F: To Have A Professional County Government Workforce.” Select portions of the Strategic Plan have been included in Appendix A.
Survey Category Summaries & Analysis
The survey questions related to eleven general categories. This section will provide a summary of each category and the answers given. There is no baseline score to compare Wicomico County’s performance. Therefore, one way to use the data is to look at the mean score for agreement across all questions, which is 67% and combine that with the margin of error to provide a starting place to identify strengths and opportunities.

Management Performance
Questions were posed on management’s modeling behavior, action on employee suggestions, having the right skillset, oversight and direction of department activity. The answers had an agreement range of 59-67% for this section. However, this question had an average discrepancy of 14% when comparing supervisors and non-supervisors, with supervisors answering higher in agreement. Two areas that had the lowest non-supervisor agreement, 53%, were management’s openness to employee suggestions to improve production and effective oversight of department activities. Those two areas would indicate nearly half of non-supervisors would like more management involvement.

Opinion of Non-Management Staff
This category focused on non-management performance and connection to coworkers. Contrary to the management category, answers were aligned closely regardless of supervisory status. 81% of respondents feel that non-management staff has the right skillset to perform their jobs and 78% feel connected to their coworkers.

Workplace Safety
Workplace safety can play an important role in an organization’s culture. The County hosts Risk Management Safety meetings quarterly. 78% of respondents believe workplace safety is important to the County.

Understanding of Policies & Procedures
IA surveyed employees understanding of job duties, workplace policies, and availability of information. Each question received a score of 90% or higher in this category.

Mission Statement
Using the Mission Statement from the 2019-2022 Strategic Plan, participants indicated whether they were familiar with the Mission Statement (65% yes, 35% no). Next they were asked if the County is succeeding in meeting each of the three points in the Mission Statement. The responses agreed as follows: maximizing resources (67%), responding to citizen concerns (77%), and investing in our future (58%).

Strategic Vision Statement
Very similar to the Mission Statement, participants were asked if they were familiar with the Vision Statement (34% yes, 66% no). Then they were asked about the five points of the Vision Statement and their agreement is reported as follows: transparency (57%), integrity (59%), collaboration (69%), financial stewardship (64%), and respect (55%).

Product/Service Delivery
Every department in the County is designed to serve the citizens of the County in one way or another. 85% of respondents feel their department delivers a quality product or service to the citizens it serves. 79% believe management is responsive to citizen feedback and suggestions.
Communication
Communication was measured on multiple facets. Participants were asked about their satisfaction with the frequency of communication as well as equality of information dissemination. The frequency and equality of workplace announcements had the largest discrepancy between supervisory and non-supervisory roles and is summarized in the following chart:

Further, multiple-choice questions asked participants to select the current mode of communication and then their preferred method. Staff meetings saw the largest increase from current to preferred while the word-of-mouth method got the largest decline.
Career Enrichment & Benefits
This category covered several questions that resulted in very different results. The chart below shows the percentage of answers that agreed with each statement.

Agreement with Career Enrichment & Benefits Questions

- Promotions and pay raises are available and awarded fairly: 33%
- The County offers a fair benefits package (insurance, time off, holidays, pension, etc): 80%
- The County supports my professional growth via learning and training opportunities or additional responsibilities: 56%
- Employees in my department feel appreciated through incentives, recognition, or activities: 35%

COVID-19 Response
The survey dedicated a page to asking employees how they feel the County has responded to the COVID-19 Pandemic specifically in regards as an employer. Four questions covered clear and concise expectations, feeling safe at work, flexibility to individual needs, and colleagues' respect of social distancing guidelines. The answers ranged in agreement from 67 to 79%.

Written Answer Analysis
There was one optional textbox toward the end of the survey which allowed participants to share any general comments or concerns regarding workplace culture. Sixty two (29%) participants responded to this question. As an attempt to quantify these responses while keeping participants' anonymity, each response was read and IA applied a keyword(s) to the comment to express its general sentiment. The most common themes were:

- Twenty-five responses had a message concerning low morale.
- Twenty-two responses shared concerns about lack of communication or mixed messaging. Mixed messaging mostly revolved around inconsistent behavior, standards, or policy implementation depending on manager or department.
- Twelve responses involved a positive outlook on new administration or solutions and ideas.

Conclusion
The survey found that employees viewed many topics positively overall. For topics that warrant some consideration for improvement, Wicomico County has many policies and procedures in place that may be utilized.
Schedule of Findings and Recommendations

1. Email Accounts/Communication
Sixty percent of non-supervisors believed announcements are not equally disseminated. Email provides several benefits, such as uniformity, evidence of message delivery, and allows employees to receive it at their convenience. However, there are many employees without County email because their positions do not require it and those employees do not have regular access to computers. IA would recommend the County explore means of communication that allow for equitable messaging. Implementation would help ensure everyone is aware of high importance messages such as open benefits enrollment.

2. Exit Interviews
Exit interviews provide a unique opportunity to gain candid insight into reasons why employees depart an organization. The County has a thorough exit interview questionnaire and management has recently taken steps to encourage departing employees to complete the questionnaire during the pandemic. Apart from increasing the participation rate, IA recommends aggregation of exit interview data that may allow for trend analysis or pattern recognition that may not reveal itself when viewing the questionnaires in an individual manner.

3. Employee Education & Training
Chapter 17 of the personnel manual is dedicated to “employee education, training and orientation” and a couple of the strategies in the Strategic Plan Goal F revolve around competency and skill building. Nearly half of employees did not agree with the statement “the County supports my professional growth via learning and training opportunities or additional responsibilities.” IA recommends Management take steps to ensure familiarity with the policies and parameters of education and training among employees and department leadership. This would build the County’s competency and promote retention.

4. Promotions & In-House Hiring
Sixty-seven percent of participants do not feel “promotions and pay raises are available and awarded fairly.” Like the recommendation above regarding education, the County has a chapter in the personnel manual dedicated to hiring practices. Chapter 6 of the personnel manual outline procedures for advertising vacancies in-house only when eligible as well as personnel transfers. IA recommends steps be taken to ensure that vacancies be filled by current employees when the opportunity is viable and within the parameters of the personnel manual.

5. Employee Recognition
Thirty-five percent of participants believe “employees in my department feel appreciated through incentives, recognition, or activities.” IA recommends the County begin conspicuous programs or activities that elicit feelings of appreciation among the workforce. The creation of both County-level and department-level initiatives is suggested to fully implement this recommendation. Approaches would have to vary depending on individual department needs to ensure maximum participation. Some challenges unique to departments may be twenty-four hour operations, large number of employees in a single department, and social distancing as examples.

6. Mission and Strategic Vision Statements
One method to nurture culture is to start with a high-level guide for everyone to follow. IA recommends Wicomico County use its Mission and Strategic Vision Statements that can work as broad guides for departments to use. As a first step, employees would be made aware of the statements. As a second step, departments would interpret the statements and operate in a way that best reflects objectives for their specific needs. For example, “investing in our future” might mean providing an educational path for someone to become an engineer in one department but may mean accelerating a heavy equipment replacement schedule in another.
Auditor's Closing Remark
The Wicomico County Office of the Internal Auditor would like to thank management and staff from the entire County for their input and cooperation with the Workplace Culture Audit.
Appendix A: Selected Excerpts from 2019-2022 Strategic Plan

From page 2 of the Strategic Plan:

MISSION STATEMENT
To provide the best possible government for the citizens of Wicomico County by maximizing resources, responding to citizen concerns, and investing in our future.

Strategic Vision
To provide outstanding government services that are responsive to the needs of our citizens.

FIVE CORE VALUES

- Transparency- Openness, accountability and honesty
- Integrity- Truthful, committed, acknowledging of mistakes, doing the right thing
- Collaboration- Our success is interdependent on one another, both inside County government and with the community, residents, municipalities and businesses at large
- Financial Stewardship- Responsibly managing the financial resources entrusted to us
- Respect- We respect the dignity, opinions and contributions of all citizens and county employees

(continued on next page)
Appendix A Continued: Select Excerpts from 2019-2022 Strategic Plan

From Page 8 of Strategic Plan:

**Goal F: To Have A Professional County Government Workforce**

Objective: To have a County Workforce that is competent, committed and customer satisfaction-oriented.

**Strategies:**

- Update Personnel Manual
- Promote and enforce high-ethical standards
- Develop training programs to build competencies and share knowledge throughout all county departments
- Minimize the number and length of position vacancies
- Build new competencies within departments, and develop critical skills for accomplishing the County's mission
- Promote Employee Accountability and Performance
- Apply and carry out personnel policies and regulations for recruiting, hiring, and career advancement
- Amend County Charter, Section 202-C, to allow for those employed by the County Board of Education to serve in the County’s Legislative Branch
MEMORANDUM

To: Laura Hurley  
Council Administrator

From: John D. Psota  
Acting County Executive

Date: January 11, 2021

Subject: Proposed Agenda Item

The Acting County Executive is requesting an open work session to discuss the County vehicle leasing program.
January 7, 2021

Dear Mr. Psota,

Please see below an update of our current vehicle lease program through Enterprise. I would be happy to discuss further with our County Council during a work session.

**CURRENT LEASES BY DEPARTMENT**
- General Fund – 38
- Airport – 5
- Recreation, Parks and Tourism – 16

**CURRENT LEASES BY FISCAL YEAR**
- FY19 – 25
- FY20 – 34

- Average fleet age in model years went from 2008 to 2015 in just two years.
- We now have 59 vehicles on lease and 132 total vehicles in your fleet.
- Average fleet odometer is now 43,636.
- When we partnered, we had 69 vehicles over 10 years old. This has been reduced to 21.
- In 2018, average maintenance was $141.78 per month. Over the past 12 months, the average is now $24.56/month including both leased and non-leased vehicles.
- If we fully implement the leasing program, we expect the monthly maintenance rate to hover around $40 to $50/month.
- 2018 estimated fuel cost was $211,200. This past year (11/2019 to 10/2020) for recorded fuel transactions we are at $103,111. Saving over 100k.

Sincerely,

Nicholas W. Rice, CPPB
Purchasing Agent
MEMORANDUM

To: Laura Hurley
   Council Administrator

From: John D. Psota
      Acting County Executive

Date: March 26, 2021

Subject: Proposed Agenda Item

Salisbury-Ocean City-Wicomico County Airport

The Airport is requesting an open work session to discuss the status of the airport’s CARES Act grant.
Since last reported to Wicomico County Council on December 1, 2020, the SBY Airport was given approval on March 19, 2021 by FAA to allow for CARES Act grant amendment in the amount of $1,860,000, out of the original grant amount of $18,120,304, to be used for the Taxiway A reconstruction project. The project was identified on Resolution 47-2020 as a planned and approved use of CARES Act funds.

Reimbursement request #2 was submitted to the FAA on March 18, 2021 in the amount of $806,372.62, for operating and maintenance expenses incurred from approximately May through August 2020. This submission also included payroll between February and June 2020. FAA responded and returned the submission requesting updated information as now required for submitting reimbursement requests. The new procedure requires submission of a detailed spreadsheet listing each and every item on each receipt and invoice, along with sufficient descriptions of the items and their specific use, details of work that was completed, invoice receipt and payment dates, and other miscellaneous information. The airport accountant continues working on gathering this information. Future reimbursement requests for operating and maintenance expenses will be submitted after reimbursement request #2 is finalized and resubmitted.

The Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) (Public Law 116-260), signed into law on December 27, 2020, includes nearly $2 billion in funds to be awarded as economic relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic. SBY Airport has applied to FAA for a grant of $1,023,818 funding for operational and maintenance expenses and a grant for $15,016 for concession relief. A grant offer has not been received to this date.

On March 19, the FAA announced the establishment of “Airport Rescue Grants” to distribute the $8 billion in funds that Congress approved as part of the American Rescue Plan Act (ARPA). ARPA was signed into law on March 11, 2021 and the FAA is now working to distribute the funding to eligible airports and concessionaires at those airports to assist the industry with preventing, preparing for, and responding to the ongoing public health emergency. Specific grant amounts are not known at this time.
MEMORANDUM

To: Laura Hurley  
   Council Administrator

From: John D. Psota  
   Acting County Executive

Date: March 30, 2021

Subject: Proposed Agenda Item

Recreation, Parks & Tourism

The Wicomico County Department of Recreation, Parks & Tourism is requesting an open work session to discuss a Program Open Space (POS) land conversion from the property known as the “West Metro Core” on Levin Dashiell Road to the recently acquired Connelly Mill property on Connelly Mill Road.

The Acting County Executive has no objection to this request.
I would like to request inclusion on an upcoming County Council agenda to discuss a Program Open Space (POS) land conversion from the property known as the “West Metro Core” on Levin Dashiell Rd to the recently acquired Connelly Mill property on Connelly Mill Rd.

The West Metro Core property was acquired in 2009 with State POS funding; therefore, the land is restricted for open space and recreational use. However, the property has remained undeveloped for the last 12 years and there are no current plans to develop.

The proposed land conversion would lift the POS restriction from the West Metro Core property and move it to a portion of the Connelly Mill property for future park development. This would allow the County to declare the West Metro property as surplus and utilize the sale price to develop the Connelly Mill property and/or use the funds as leverage to seek other grant funds. Due to its natural features and location adjacent to the Henry S. Parker Athletic Complex, the Connelly Mill property represents a much greater opportunity for public recreation.

A copy of the proposed land conversion application is attached, along with a map that outlines the proposed POS restricted area at Connelly Mill. The land conversion has been under review since April 2020 but was recently approved by the State of Maryland. Please advise if further information is needed at this time.
Legal Approval

To: Executive
From: Legal
Date: 4/17/2020
Document: Acquisition Application and Project Agreement
Requesting Department: Civic Center
Counter-Party, etc: Maryland Dept. of Natural Resources
To be executed by: County Executive

Please note that in Section 15, the authorized representative executing this application makes representations regarding reading the terms of various documents and familiarity with various regulations. Legal counsel has not reviewed these documents, but can do so if you wish. I am advised that Steve Miller would be familiar with these and can assist you with any questions you might have.

The attached document is approved for form and legal sufficiency.

Please:
1. Execute.
2. Forward to requesting department.
3. Provide Law Dept. with executed copy.

David B. Douse, Esquire

DNR Program Open Space Grant
Connelly Mill Land Conversion
Maryland Department of Natural Resources
Program Open Space Grant

Acquisition Application and Project Agreement

POS PROJECT #

(DNR Use Only)

1. PROJECT INFORMATION: Please fill out all sections of the form completely unless otherwise indicated.
PARK NAME Connelly Mill
PROJECT NAME Connelly Mill Land Conversion with West Metro Core Property

2. PROJECT LOCATION: Please identify all applicable parcels.
Street Address: Connelly Mill Road
City/Town Salisbury County Wicomico Zip Code 21801
County Tax Map 20
Grid Parcel 167,168,169
Lot 0020-0021-0167,0020-0021-0168, . . .
Tax Account ID (From SDAT) 0020 _ 0022-0169
Legislative District 38B
Deed Liber/Folio Deed to County 4419/1
Prior Deed 1388/361
Is this project located in a Priority Funding Area? Yes No x

3. PROJECT DESCRIPTION: Descriptions are written into the agenda item, which is presented to the Maryland Board of Public Works for approval. Please explain the proposed acquisition and be specific. Why is it being done (future recreation development, natural resource protection/conservation, etc.) and how does it relate to local recreation needs? Is it a new park or does it build upon an existing park area? Provide all of the information that you feel is necessary to explain and justify the project. Attach a separate sheet if necessary.

The Connelly Mill property was acquired by Wicomico County in 2019 and consists of 234.67 acres of land. Existing conditions are mostly wooded with a variety of elevations. The property is conveniently located adjacent to the north side of the Henry S. Parker Athletic Complex, a jewel in Wicomico County's system. In addition to potential hiking/biking/camping opportunities at the site, the property also has two large borrow pits that could be converted into water features to support other recreational activities on the water (such as kayaking, canoeing, fishing, etc.).

Due to its location and immense recreation potential, the County is seeking a land conversion from the West Metro Core property on Levin Dashiell Rd. to the Connelly Mill property.

The West Metro Core property has been owned by the County since 2009 but remains undeveloped as expected population surges in that area did not occur. The opportunity for different types of recreational activities at Connelly Mill exceed existing opportunities at the West Metro property and would better align with goals established in the County's Land Preservation, Parks and Recreation Plan (LPPRP).

4. PROJECT PERIOD: From: Date of Letter of Acknowledgement or Letter of Concurrence (DNR Use Only)
To: October 2020 Estimated Date of Completion (Must be filled in by Applicant)

5. DESCRIPTION OF LAND TO BE ACQUIRED:
This is a(n): New Park x Addition to an Existing Park __
Nearest town or community served: Salisbury, Maryland
Deed acres: 234.67 +/- Ac. Acres to be acquired with this acquisition: 179.67 +/- Ac.
Existing park acreage: 234.67 +/- Ac. Planned ultimate acreage: 234.67 +/- Ac.
How many acres are: Wooded 234.67 +/- Ac. Agricultural 0 Ac. Floodplain 0 Ac.
In the Critical Area 0 Ac. Non-Tidal Wetlands 0 Ac.
The topography is flat, steep, sloping or other (describe): Elevation range from 15'-48' sloping in various parts.
Acquisition Application and Project Agreement (Cont.)

Road Frontage: 1809.6 from road Ft. Paved 0 Unpaved 100%
This property is: Improved Unimproved x

If improved, list all current improvements – identify size, condition, and future use of each improvement:

5. DESCRIPTION OF LAND TO BE ACQUIRED (Cont.):

Explain Zoning: R-8A Residential. The zoning allows for agricultural and residential uses which is typical for the area.

Current Land Use: Vacant Land

Is the property currently being utilized at its highest and best use? Yes No x

Highest and Best Use: Recreational development Developable potential - # of lots: n/a

Subdivided? Yes No x If Yes, # of lots: Average size of lots

Utilities Available: Water Sewer Electric Gas Phone

Environmental Hazards: Yes No x If there are any hazards, list them and identify how they will be addressed:

Report of Phase I Environmental Site Assessment dated December 18, 2017, Report of Limited Environmental Subsurface Evaluation Services dated May 16, 2018, and the Report of Limited Environmental Subsurface Evaluation and Consulting Service dated December 18, 2017 were provided to The Land Restoration Program of the Maryland Department of the Environment. After review, the LRP concluded that the presence of metals identified in the soil samples do not represent a risk to public health and no additional action is necessary at this time.

6. PROJECT DETAILS:

a. Benefits derived from this acquisition:

The property is located adjacent to the north side of the Henry S. Parker Athletic Complex, a jewel in Wicomico County’s system. In addition to potential hiking/biking/camping opportunities at the site. The Connelly Mill property includes two large borrow pits (the remaining 55 acres) not subject to this application that could be converted into water features to support other recreational activities on the water (such as kayaking, canoeing, fishing, etc.) at a later date.

b. What, if anything, makes this project unique?:

The property contains wooded areas and a variety of elevations that would be developed into a regional park. The property is adjacent to the existing Henry Parker Athletic Complex so additional infrastructure would need to be developed to create connectivity between the 2 parks.

c. How is this project consistent with the County’s Land Preservation, Parks and Recreation Plan (LPPRP)?

RP-3: Develop recreational programming and leisure opportunities for citizens and tourists to enjoy low impact eco-tourism activities such as hiking, biking, equestrian and non-motorized water sports.

d. Infrastructure: Will the development planned for this site result in an increased demand on existing infrastructure (roads, utilities, etc.)?

Yes X No

If yes, please explain the impact on the infrastructure and how this will be addressed.

Once developed, the park will create an increased demand on existing infrastructure (such as the existing access road) due to an anticipated increase in daily visitations. The County will explore the possibility of widening and/or reinforcing the access road to accommodate increased traffic.

e. Potential Conflicts: Are there any potential conflicting uses or possible non-compatible uses being planned (e.g., road widening, utility easements, etc.) which might require a Land-Use Conversion?

Yes No x

If yes, please explain the potential conflicting use and how this will be addressed.

f. Interim Use: Will there be an interim use on the property prior to park development, including rental, lease, and/or other management techniques?

Yes No x
If yes, please describe the interim use in detail. (Note that any interim use must have prior approval by DNR.)

Please describe the public access that will be available on the property and note any restrictions or limitations, both prior and subsequent to park development:
Road access to the park location is already established through an existing easement held by the County through privately owned farmland. Additional infrastructure would be required including parking lot, utilities and storm water management. The property contains wooded areas and a variety of elevations that would be developed into a regional park. The property is adjacent to the existing Henry Parker Athletic Complex so additional infrastructure would need to be developed to create connectivity between the two parks (i.e. a walking bridge to connect the parks).

7. SELLER'S NAME: Connelly Mill LTD Partnership

8. TITLE WILL BE HELD BY: Wicomico County

9. APPRAISAL VALUES:

<table>
<thead>
<tr>
<th>Name of Appraiser</th>
<th>Conversion Replacement Property</th>
<th>West Metro Core</th>
</tr>
</thead>
<tbody>
<tr>
<td>W.R. McCain</td>
<td>$790,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Acre</td>
<td>$4,396.95 10/14/2019</td>
<td>$7,000 1/31/2020</td>
</tr>
</tbody>
</table>

10. APPRAISAL EVALUATION:

a. Spread between appraisals: 13 %

b. Average of appraisals: $

11. PROJECT COSTS:

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Cost</th>
<th>POS Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND COST (Conversion Replacement Property)</td>
<td>$790,000</td>
<td>N/A County Owned</td>
</tr>
<tr>
<td>COST OF IMPROVEMENTS (if not included in land costs)</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>INCIDENTAL COSTS (total from itemized list below)</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>
d. TOTAL PROJECT COST: $0

e. TOTAL POS AMOUNT: $1,800

12. PROJECT FUNDING:
   POS FUNDS REQUESTED: $1,800 100%
   PRIOR POS FUNDS APPROVED: $%
   LOCAL FUNDS: $%
   OTHER FUNDS: $% (Specify Source/Type)
   TOTAL PROJECT COST: $1,800 100%
13. APPLICANT INFORMATION: Note that the Applicant is also the County or Municipality that will be receiving the funding at reimbursement.

APPLICANT: Wicomico County

APPLICANT'S FEDERAL ID #: 52-600-1054

14. LOCAL PROJECT COORDINATOR:

Steve Miller
Director
Recreation, Parks & Tourism
Wicomico County

500 Glen Avenue
Salisbury, MD 21804

410-548-4900
443-944-6085
smiller@wicomico.org

15. LOCAL GOVERNMENT AUTHORIZATION:
As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and General Conditions" of the Local Program Open Space (POS) Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, all applicable Local, State and Federal statutes and regulations, and with the attachments included herewith and made a part thereof.

(Signature)
(Wicomico County)

PROGRAM ADMINISTRATIVE REVIEW: (DNR Use Only)

ON-SITE INSPECTION: DATE ___ BY ___

DEPARTMENT OF NATURAL RESOURCES — PROGRAM OPEN SPACE APPROVAL:

(Signature) (BPW Approval Date) (BPW Agenda Item Number)
### Legal Service Request Form

- **Date**: 4.14.20
- **Contact Name**: Linda Lyons
- **County Department**: Civic Center
- **Telephone No.**: 410-548-4900 x115

#### Legal Service Requested:
- **Document Review**
- **Document Preparation**
- **Legal Opinion**
- **PIA Request**

#### Other Party:

#### Requisition/Purchase Order #:

#### Request details:

1. Please provide a brief summary (one or two sentences) for this request, the issues involved and the desired outcome.
   - Request review and executive signature for Program Open Space Land Conversion West Metro Core to Connelly Mill Land.
2. Please attach all supporting documentation to this request form.

---

**This section is to be completed by the Department of Law.**

- **Date Logged**: ____________
- **File No. Assigned**: ____________
- **Attorney/Assistant Assigned**: ____________
- **Notes**: ____________

---

**Council Action**: Public Hearing □  Resolution □  Title Work Ordered: □

**Status**:

- **Pending Revisions**: ____________
- **Signatures Requested**: ____________
- **Follow-up**: ____________
- **Completed**: ____________

**LSR with notes scanned**: □
Program Open Space Restriction Proposal

Borrow Pit Total: 55,004 acres
POS Restriction Total: 185,023 acres

P-0169
Borrow Pit Exclusion - 39.55 acres
Total Parcel - 83 acres

P-0167
Borrow Pit Exclusion - 14.53 acres
Total Parcel - 25.632 acres

P-0168
Borrow Pit Exclusion - 0.924 acres
Total Parcel - 131.395 acres

Area to be Excluded from Program Open Space Restriction
IN THE MATTER OF THE APPLICATION OF KUMQUAT & CITRON CLEANTECH, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 7.20°MW SOLAR PHOTOVOLTAIC GENERATING FACILITY IN WICOMICO COUNTY, MARYLAND

BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND

CASE NO. 9656

February 9, 2021

PUBLIC UTILITY LAW JUDGE'S NOTICE OF PROCEDURAL SCHEDULE

On February 9, 2021, a pre-hearing conference was held virtually in the above-referenced matter to discuss any preliminary matters and to set a procedural schedule. Appearing at the pre-hearing conference were the following persons: David W. Beugelmans, Esquire, on behalf of Kumquat & Citron Cleantech, LLC, ("the Applicant"); Steven M. Talson, Esquire, on behalf of the Department of Natural Resources, Power Plant Research Program ("PPRP"); Patrick E. O’Laughlin, Esquire, on behalf of the Maryland Office of People’s Counsel ("OPC"); and James M. Gregor, Esquire, on behalf of the Staff ("Staff") of the Public Service Commission of Maryland ("the Commission"). The Certificate of Publication of the Pre-Hearing Conference was entered into the administrative record.¹

A procedural schedule, as proposed by the parties at the hearing, was adopted as follows:

- The first evening Public Comment Hearing will be held on Tuesday, April 6, 2021;

¹ Certificate of Publication, previously filed on February 4, 2021, under Maillog No. 233652, was entered into the administrative record as Applicant Ex. 1.
• The Applicant shall file its direct testimony by April 13, 2021;

• All other parties shall file direct testimony and recommended licensing conditions, if any, by July 23, 2021;

• A second evening Public Comment Hearing will be held on Tuesday, July 27, 2021;

• An update as to the status of any settlement between the parties shall be provided to the Public Utility Law Judge on August 6, 2021;²

• An evidentiary hearing shall be held on Tuesday, August 17, 2021, at 10:00 a.m. (if there are no contested issues).

/s/ Jennifer J. Grace
Jennifer J. Grace
Public Utility Law Judge
Maryland Public Service Commission

Reasonable accommodations will be made at Public Service Commission proceedings for qualified persons with disabilities, if requested 5 days in advance of the proceeding. (Dial 410-767-8000 or 1-800-492-0474 or access the prior numbers through the Maryland Relay Service at 1-800-201-7165.)

²The procedural schedule will be modified in the event there are matters in dispute.
In the matter of the application of Kumquat & Citron Cleantech, LLC for a Certificate of Public Convenience and Necessity to construct a 7.20 MW Solar Photovoltaic generating facility in Wicomico County, Maryland.

To All Parties of Record:

Enclosed is a copy of the "Public Utility Law Judge's Notice of Procedural Schedule" issued today in the above-entitled matter.

Very truly yours,

/s/ Leatrice Williams

Leatrice Williams
Administrative Aide

lw
Enclosure
BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND

IN THE MATTER OF THE APPLICATION OF
KUMQUAT & CITRON CLEANTECH, LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 7.20 MW SOLAR PHOTOVOLTAIC GENERATING FACILITY IN WICOMICO COUNTY, MARYLAND

APPLICATION OF KUMQUAT & CITRON CLEANTECH, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Kumquat & Citron Cleantech, LLC (the “Applicant”), by its undersigned counsel, hereby submits this Application to the Maryland Public Service Commission (the “Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a 7.20 megawatt (“MW”) alternating current (“AC”) generating capacity solar photovoltaic facility (“PV”) in Wicomico County, Maryland (“Citron Solar Project” or “Project”) pursuant to Md. Public Utilities Article (“PUA”) § 7-207.

The Application is comprised of this petition together with the attached Environmental Review Document (“ERD”) and associated appendices. Section I of this petition provides an overview of the Project; Section II justifies the Commission’s approval of the application; and Section III summarizes the information required by PUA § 7-207 and COMAR 20.79.01.04.1

---

1 PUA § 7-208(c) requires an applicant to provide notice two years prior to construction of a generating station and an associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts unless the Commission waives the two-year notice requirement. The two-year notice requirement does not apply to the Application because the Project’s interconnection facilities are not designed to carry in excess of 69,000 volts.
I. PROJECT INTRODUCTION

The Citron Solar Project is a 7.20 MW AC solar PV project involving a limit of construction of approximately 24.57 acres consisting of three components: (1) a solar PV array within (a) Tax Map 0020, Grid 0010, Parcel 0051, (b) Tax Map 0020, Grid 0016, Parcel 0316, and (c) a portion of Tax Map 0020, Grid 0016, Parcel 317 (collectively, the “Site”); (2) an interconnection tie line to behind the Delmarva Power and Light 69/12kV transformer at Choptank Electric Cooperative’s Edgewood substation; and (3) a 3 MW/6 MWh energy storage component located on the Site. The Site is located within an area zoned Heavy Industrial (I-2), where solar facilities are allowed by-right under the Wicomico County Zoning Ordinance.

The Project will involve a capital investment of approximately $15 million and create approximately 30 to 50 temporary design, management, and construction jobs working remotely or on the site at the height of construction. Construction is expected to occur during the period from May to July 2021, subject to permitting restrictions. Because of the nature of solar installations, environmental and land use impacts from the Project will be minimal and the long-term benefits significant.

Maryland has established one of the most aggressive renewable portfolio standard requirements in the country, requiring 50% of its power to be covered by renewable energy credits by 2030, including 14.5% from solar connected to the electric system serving Maryland by 2028. In order to meet these goals Maryland needs not only small rooftop installations, but medium sized utility-scale facilities like the Project.

In summary, there are compelling economic, environmental, and legal reasons for the State and the Commission to expeditiously approve this CPCN application, with no countervailing harm. Accordingly, we respectfully request that the Commission expeditiously approve the Project.
II. CPCN STANDARD

When the Commission considers whether to grant a CPCN, it must take into account "the effect of the generating station ... on:

(i) the stability and reliability of the electric system;
(ii) economics;
(iii) esthetics;
(iv) historic sites;
(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;
(vi) when applicable, air and water pollution; and
(vii) the availability of means for the required timely disposal of wastes produced by any generating station."

PUA § 7-207(e)(2). Additionally, the Commission must also consider "for a generating station:

(i) the consistency of the application with the comprehensive plan and zoning of each county or municipal corporation where any portion of the generating station is proposed to be located; and
(ii) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station is proposed to be located."

PUA § 7-207(e)(3). The attached ERD provides significant detail as to all applicable factors, but in summary each such factor weighs heavily in favor of granting the Applicant’s requested CPCN.

The Project is consistent with Wicomico County’s zoning and comprehensive plan. The Project is proposed be located on land zoned Heavy Industrial (I-2), which the Wicomico County Zoning Administrator has confirmed allows the Project by-right.² Allowing a use by right (i.e., as a permitted use) is absolute and establish consistency with the jurisdiction’s comprehensive plan: "[a]n expressly permitted use by zoning designation is tantamount to a legislative finding that the use [is] in harmony with the general zoning plan."³ In addition, Wicomico County’s 2017 Comprehensive Plan supports “balanced growth between agricultural, residential, commercial, industrial, and public use areas.” The Project is proposed in an area zoned industrial, in which

² See ERD at Appendix 3.
solar facilities are a permitted use by right. Accordingly, the Project is consistent with the 2017 Comprehensive Plan’s vision of supporting industrial development in areas zoned for such use, while discouraging development in areas zoned agricultural.4

The esthetic impact to the Property and surrounding area will be minimal. The proposed array layout will maintain a seventy-five foot (75’) setback from centerline of named roads which includes a twenty-foot (20’) landscape buffer. The Project will also maintain a twenty-five foot (25’) setback from the neighboring parcel and side road and include a ten foot (10’) landscape buffer.5 The Project also coordinated with the Maryland Historical Trust ("MHT") to address any impacts to the historic built environment and/or archeological resources as determined appropriate by MHT. See ERD at § 6.A.2.b-c. MHT determined that the Project will have no impact on historic or archeological resources. Id.

With respect to the stability and reliability of the electric distribution system, the Applicant initiated a process to interconnect with the Potomac Edison ("PE") electric grid serving Maryland by filing an Interconnection Request with PJM and DPL. See ERD at § 4.B.1. The Project will interconnect to the electric distribution grid serving Maryland through an interconnection tie line to behind the Delmarva Power and Light 69/12kV transformer at Choptank Electric Cooperative’s Edgewood substation. Id.

Pursuant to Federal Energy Regulatory Commission ("FERC") rules, PJM and DPL undertake a multi-year, three-part interconnection study process to determine any upgrades that may be necessary to allow a proposed generator to interconnect without causing negative impacts to the stability or reliability of the electric power system. The solar array portion of the Project has been assigned Queue Position AF2-248 and the energy storage portion of the Project has been

4 ERD at § 4.E.1.
5 ERD at § 5.A.
assigned Queue Position AF2-249. As a result of the studies, it is expected that the Project will not negatively impact the system’s stability or reliability after installation of the required upgrades. PJM’s FERC-jurisdictional interconnection review process and operational safety measures will ensure the Project will not have a negative impact on the stability or reliability of DPL’s system.

Due to the nature of solar power, the Project will have no impact on aviation. Unlike traditional fossil generation, there is no stack that may pose a hazard to air aviation. There is no air or water pollution (there are no emissions or discharges) associated with the Project. There is also no wastewater or cooling water for which disposal is required. Per the Maryland Department of the Environment (“MDE”) Tier II High Quality Waters Map, the Project is not close to any Tier II streams. See ERD at 5.A. Waste associated with decommissioning of the Project will be handled appropriately pursuant to a Decommissioning Plan the Applicant will submit to the Commission and Power Plant Research Program for approval prior to the start of construction. See ERD at § 6.E.

Finally, the Project will include significant economic benefits to the State by making more solar power and solar renewable energy credits available and by creating approximately 30 to 50 temporary design, management, and construction jobs. See ERD at § 2.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)

A. The Applicant is Kumquat & Citron Cleantech, LLC.
B. The Applicant’s address is: 220 Davidson Ave, Suite 124, Somerset, New Jersey, 08873.
C. The following persons are authorized to receive notices and communications with respect to this Application:

Mr. Eyup Taymur
Kumquat & Citron Cleantech, LLC
220 Davidson Ave, Suite 124
Somerset, New Jersey 08873
Phone (732) 647.8685
etaymur@temopower.com

Margaret M. Witherup
David W. Beugelmans
Gordon Feinblatt LLC
233 East Redwood Street
Baltimore, Maryland 21202
Phone (410) 576-4104
mwitherup@gfrlaw.com
dbeugelmans@gfrlaw.com

D. Copies of this application are being made available for public inspection and copying at:

Wicomico County
Department of Planning, Zoning and Community Development
125 N Division St # 203
Salisbury, MD 21801

E. A list of each local, state, and federal government agency having authority to approve or disapprove the construction or operation of the Project is set forth in Table 1 in the ERD.

F. The Project will interconnect to the electric grid serving Maryland through an interconnection tie line to behind the Delmarva Power and Light 69/12kV transformer at Choptank Electric Cooperative’s Edgewood substation.

G. A general description of the generating station under COMAR 20.79.03.01 is provided in Section 5 of the ERD.
H. Implementation schedule: The Applicant expects to receive all necessary local and state approvals and engineering documents by April 2021. Construction is anticipated to be initiated shortly thereafter, with operational startup anticipated prior to September 2021.\(^6\)

I. The Applicant has provided the environmental information for the generating station in Section 6 of the ERD.

IV. CONCLUSION

The Applicant respectfully requests that the Commission expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the Project in Wicomico County, Maryland.

Respectfully submitted,

\( /s/ \)

Margaret M. Witherup  
David W. Beugelmans  
Gordon Feinblatt LLC  
233 East Redwood Street  
Baltimore, Maryland 21202  
(410) 576-4104  
Counsel for Kumquat & Citron Cleantech, LLC

---

\(^6\) Dates are subject to change depending on delays, including those associated with permitting, equipment availability and construction.
VERIFICATION

Before me, the subscriber, a Notary Public, in and for Fairfax, Virginia this day personally appeared Kumquat & Citron Cleantech, LLC and made oath and due form of law that he is an Owner & CEO at Kumquat & Citron Cleantech, LLC and the matters and facts set forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the Citron Solar Project are true and correct to the best of his/her information, knowledge, and belief.

WITNESS my hand and Notarial Seal this 16 day of November 2020.

Eyup Taymur
Owner & CEO
Kumquat & Citron Cleantech, LLC

My Commission Expires: 4/30/2024

Scanned with CamScanner
ENVIRONMENTAL REVIEW DOCUMENT
PROJECT NO. 19012.00
NOVEMBER 30, 2020

CITRON SOLAR
7.20 MWAC SOLAR PV
3MW/6MWH ENERGY STORAGE PROJECT
WICOMICO COUNTY, MARYLAND

PREPARED FOR:
KUMQUAT & CITRON CLEANTECH, LLC
220 Davidson Ave, Suite 124
Somerset, NJ 08873

PREPARED BY:
H&B SOLUTIONS, LLC
37534 Oliver Dr.
Selbyville, DE 19975
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SECTION 1 – PROJECT OVERVIEW

As currently proposed by Kumquat & Citron Cleantech, LLC (the "Applicant") and as reflected in the PJM Attachment N Form of Generation Interconnection Feasibility Study Agreement, the Citron Solar Project (the "Project") will be located within Tax Map 0020, Grid 0010, Parcel 0051, owned by the Flonium Power, LLC (5.76 acres), Tax Map 0020, Grid 0016, Parcel 0316, owned by the Flonium Power, LLC (11.98 acres); and on a portion of Tax Map 0020, Grid 0016, Parcel 317, owned by the Flonium Power, LLC (approximately 20.52 acres). Based on site limitations, environmental constraints, and a ground mounted fixed-tilt solar monocrystalline photovoltaic (PV) design, the Project Limit of Construction (LOC) includes approximately twenty-four (24.57) acres producing slightly more than nine and one half (9.65) megawatts (MW) direct current (DC), approximately seven (7.20) MW alternating current (AC) (see Figure 1 and Figure 2) and will include a six (6) megawatt hour (MWh) energy storage project co-located within Tax Map 0020, Grid 0016, Parcel 317. The remainder of Tax Map 0020, Grid 0016, Parcel 317 (approximately 8 acres) has been designated for an electrically independent 1.95 MW AC aggregate net metering solar project, as further described below (the “Non-Jurisdictional Project”)

The Project has contracted to lease the underlying parcel (see Figure 3), from the current property owner. The Site primarily consists of agricultural fields and wooded areas within a Heavy Industrial (I-2) zone where solar facilities are allowed “by-right” as a permitted use. The agricultural field has been farmed for conventional agricultural crops in previous years.

The Project area is located in the Leonard Pond Run watershed which flow through the Johnson Pond Impoundment before discharging to the Wicomico River. The Wicomico River is a twenty-four (24.4) mile-long tributary of the Chesapeake Bay on the eastern shore of Maryland. It drains an area of low marshlands and farming country in the middle Delmarva Peninsula. It rises in northern Wicomico County, close to the Delaware state line, and flows generally southwest, through Salisbury. It’s head of navigation is Monie Bay on the eastern edge of the Chesapeake Bay, between Mt. Vernon and Waterview approximately fifteen (15) miles southwest of Salisbury. The lower twenty (20) miles of the river form a tidal estuary.

Specifically, the proposed Project area is within the Wicomico River (021303040567) watershed which flows into the Chesapeake Bay. All Maryland stream segments are categorized by sub-basin and are given a “designated use” in the Code of Maryland Regulations 26.08.02.08. The North Prong of the Wicomico River is protected as a Class I Use (Use I: Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life). The basin is located solely within the Coastal Plain physiographic province. The Project is not located in the Critical Area. Other than the forest clearing and grubbing which will be needed prior to project construction in order to meet Project generation capacity requirements, there is no other activity proposed on the Site which would in any way contribute to the impairment of these waterways and receiving streams. Unlike

1 The Non-Jurisdictional Project is not subject to the Commission’s CPCN review authority as it is not a “generating station” pursuant to COMAR 20.79.01.02B(11)(b) because it is less than 2 MW in size.

Kumquat & Citron Cleantech, LLC
Project No: 19012.00
the portion of the watershed which flows through the developed area of Salisbury which is subject to urban runoff, this area is more rural and any impairments to Leonard Pond Run would be more associated with existing farm activities in the area. Converting the farmed lands to a solar generation facility would result in less runoff.

Per the Maryland Department of the Environment (MDE) Tier II High Quality Waters Map (2016) shown in Figure 7 below, the Project is not located near any Tier II streams or within any catchment areas. Therefore, stormwater runoff from the Project will not impact any Tier II streams.

According to the Natural Resource Conservation Service (NRCS) soils maps, the majority of the soils within the LOC consist of the Rosedale series and Pepperbox-Rockawalkin series. Overall the soils on the site are most suitable to support a solar generation facility.

The full soils report and prime farmland classification can be found in Appendix 1. As confirmed in the geotechnical report (Appendix 2), these soils are suitable to support solar modules, inverters, switch gear, grass covered aisle ways, access roads, and associated drainage and stormwater management. The majority of slopes/grades within the proposed LOC fall within the range of zero percent (0%) to two percent (2%). The soils are moderately to very well-draining. For slopes within the LOC that are less than five percent (5%), non-rooftop disconnection credits are the preferred practice and no stormwater structures will be needed. A phasing plan will be prepared and submitted as part of the local Soil Conservation District (SCD) review. This plan will identify proposed work areas, acreage that can be open at one time, and stabilization requirements. Fifty percent (50%) of cleared areas will need to be stabilized before additional acreage can be cleared.

The Property is located in the Heavy Industrial (1-2) zone. Wicomico County’s Zoning Code allows Utility-Scale Solar Generation Facilities in the 1-2 zone as a permitted use. Appendix 3 includes written documentation from the Zoning Administrator regarding same.

Total generating capacity for the Project is anticipated to be seven (7.20) MWAC output. The Project will consist of approximately 24,440 Talesun solar modules (or similar) as shown in the Solar Array Layout (see Figure 4). The array will be installed using a ground screw post-supported racking system utilizing galvanized steel posts with galvanized steel or aluminum structures for mounting the modules. A typical Solar Panel Racking Detail depicts the array with portrait racking with one row of modules positioned vertically on each rack (see Figure 5). The space between rows will be equal to or greater than the panels width in order to meet MDE SWM Guideline requirements; final spacing will be determined during final design. There will be one (1) power station co-located on a portion of Tax Map 0020, Grid 0016, Parcel 317. This power station will direct current from the arrays where it will be converted to alternating current as transmitted by the electric grid. There will be forty-eight (48) solar inverters for this Project where the direct current from the arrays will be converted to alternating current as transmitted by the electric grid. The equipment pad will include two (2) switchboards and two (2) FR3 mineral oil filled AC transformers. The power station will make up one hundred percent (100%) of the array.
AC capacity or approximately seven (7.20) MWAC. The nameplate capacity of the facility will be slightly more than nine and one half (9.65) MWDC. The solar arrays will be designed to withstand snow load of twenty (20) pounds per square foot (psf) and a minimum wind speed of one hundred five (105) miles per hour (mph) (risk category I per IBC 2014 for Wicomico County).

The Applicant initiated the PJM process in January, 2020. They have performed the PJM Generation Interconnection Feasibility Study for the Project and shared storage facility. A copy of these studies are included in Appendix 4. Both projects will interconnect with the Delmarva Power & Light (DPL) transmission system behind the 69/12 kV transformer at Choptank Electric Cooperative’s (CEC) Edgewood substation. The solar project has been assigned Queue Position AF2-248 and the energy storage has been assigned Queue Position AF2-249.

The Project will be fully fenced with access proposed through the Non-Jurisdictional Project from the eastern most boundary of the Project crossing the DPL right-of-way. Access permits from Wicomico County will be obtained, if required. There is no planned need for water and sewer for the Project since there will be no operations and/or maintenance facilities and no full-time personnel located at this Site. The Project will be screened with a thirty foot (30’) buffer of indigenous shrubs, trees, and grass plantings; including pollinators, consistent with the local Code and Certificate of Public Convenience and Necessity (CPCN) conditions. The Project will include a vegetative buffer along Foskey Lane and Connelly Mill Rd.

In addition to the CPCN, the Project will require National Pollutant Discharge Elimination System (NPDES) stormwater permit coverage and other State Regulatory Approvals including conformance with stormwater management, sediment and erosion control, and consistency with Critical Areas. In addition to satisfying local site plan review and approval requirements, the site plan will be subject to review as part of the CPCN process.
Figure 1 – Regional Context Map

Figure 2 – Local Context Map
Figure 3 – Project Site Location Map
Figure 4 - Design Concept and Solar Array Layout
NOTES:

1. SYSTEM SPECIFICATIONS:
   TOTAL SYSTEM:
   - 9.65 MWP
   - 7.20 MWAC
   DC/AC RATION: 1.34

2. FIXED TILT: 0.49 GCR

3. FENCE LAYOUT - 6' HIGH CHAIN LINK FENCE
   (24,440 TALESUN MODULES, 26 MODULES PER STRING, 932 STRINGS)
   (APPROX. 4076 GROUND SCREWS (TYPICAL 4 POSTS PER 24 PANEL TABLE))
   (48 - SOLECTRIA XGI 1500-150/166 INVERTERS WITH NAMEPLATE 150KW/166KVA CAPACITY EACH)
   (1 SWITCHBOARD AND TRANSFORMER PAD)
SECTION 2 – STATEMENT OF NEED AND PURPOSE

The State of Maryland has enacted aggressive legal and policy standards in pursuit of more renewable energy generation within its borders. The State’s goal and commitment is clear and widely considered to be among the most aggressive in the United States. Maryland’s Renewable Portfolio Standard (RPS) mandates that fifty percent (50%) of Maryland’s electricity be generated from renewable energy sources by 2030, which must include at least fourteen and one-half percent (14.5%) solar energy. The Applicant proposes to construct, own, and operate this seven (7.20) MW AC solar generation facility, which will increase the State’s current solar electricity output. There will be significant economic benefits resulting from the Project to include a capital cost of approximately up to $15M and approximately thirty to fifty (30-50) design, management, and construction personnel working remotely or on the Site at the height of construction during the period from May, 2021 to July, 2021.

The construction schedule is estimated to be three (3) to five (5) months and is expected to be completed prior to September, 2021. Significant local resources are being employed as part of the design, entitlement, construction, and startup process. The tax revenue yield for a project of this size and type will also be beneficial. This Project will contribute to the local economy as well as the State’s commitment to more instate renewable energy generation. It has been reported that Maryland imports approximately of forty-one percent (41%) of its required energy generation. This Project will help to reduce this reliance upon power generated out of state. Given the nature of solar power generation, it will also lead to reduced and more certain costs of electricity produced. Furthermore, this Project will contribute to the stated goals and objectives of Maryland Public Utilities Article § 7-702.

The public benefit of solar facilities like the Project has been clearly established by law. At the same time, the State’s requirements and commitments in this area are some of the most aggressive in the United States. The Applicant, through this proposal, seeks to assist the State in its effort to meet these objectives and to create more renewable energy generation in Maryland. The Project will deliver all of its output to the PJM wholesale electricity market via the CEC electric distribution system serving Maryland.

The Applicant is currently in discussions with multiple power purchasers for the output of the Project. However, as of the date of this submittal, an offtake agreement has not been executed.
CITRON SOLAR PROJECT
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SECTION 3 – APPLICANT INFORMATION

A. NAME AND ADDRESS OF APPLICANT
Kumquat & Citron Cleantech, LLC
c/o Margaret M. Witherup
233 East Redwood Street
Baltimore, MD 21202

B. PERSON AUTHORIZED TO RECEIVE NOTICES AND COMMUNICATIONS
Mr. Eyup Taymur
Kumquat & Citron Cleantech, LLC
220 Davidson Ave, Suite 124
Somerset, NJ 08873
Phone 732.647.8685
etaymur@temopower.com

Mr. Margaret M. Witherup
Mr. David W. Beugelmans
Gordon Feinblatt LLC
233 East Redwood Street
Baltimore, MD 21202
mwitherup@gfrlaw.com
dbeugelmans@gfrlaw.com

C. LOCATION AT WHICH A COPY OF THE APPLICATION MAY BE INSPECTED BY THE PUBLIC
Wicomico County
Department of Planning, Zoning and Community Development
125 N Division St # 203
Salisbury, MD 21801
SECTION 4 – STATE AND LOCAL PERMITS AND APPROvals

(A Matrix of Permits and Approvals required for the Project follows as Table 1.)

A. MARYLAND PUBLIC SERVICE COMMISSION (PSC)

1. Certificate of Public Convenience and Necessity (CPCN)

This document accompanies the petition to the Commission requesting the grant of a CPCN for the Project.

B. INDEPENDENT SYSTEM OPERATOR

1. Interconnection

The Applicant initiated the PJM process in January, 2020. They have performed the PJM Generation Interconnection Feasibility Study for the Project and shared storage facility. A copy of these studies are included in Appendix 4. Both projects will interconnect with the DPL transmission system behind the 69/12 kV transformer at CEC Edgewood substation. The solar project has been assigned Queue Position AF2-248 and the energy storage has been assigned Queue Position AF2-249.

The interconnection route from the array to the substation will be entirely underground. All easements/permits will be obtained by Choptank. Choptank is still in the process of determining if the trench route will be along the north or south side of the road.

C. MARYLAND DEPARTMENT OF THE ENVIRONMENT

1. National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activity

A NPDES General Permit is required for planned construction activities with a planned total disturbance of one (1) acre or greater. Coverage under the General Permit is obtained by filing a completed Notice of Intent (NOI) form with the MDE, Water Management Administration (MDE/WMA).

The completed NOI form is considered a formal application for coverage and intent to comply with the terms of the General Permit. An NOI will be submitted to MDE during the construction drawing plan review phase.
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CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
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2. Construction Dewatering Permit

As part of construction associated with underground electric, and based on the geotechnical report, groundwater will not be encountered; therefore, a Groundwater Appropriation permit and Coverage under the MDE General Permit for Dewatering will not need to be obtained from the MDE, Water Management Administration (MDE/WMA).

D. MARYLAND DEPARTMENT OF NATURAL RESOURCES FOREST SERVICE

1. Forest Conservation Act

While generation facilities subject to a CPCN may be exempt from compliance with the Forest Conservation Act ("FCA"), the Project will voluntarily comply with the County's Forest Conservation Ordinance. Accordingly, the Project will be reviewed by Wicomico County.

ECS Mid-Atlantic has completed the Forest Stand Delineation (FSD) which is included in Appendix 5. As currently proposed, the Applicant plans to clear Stand A which is approximately fifteen (15) acres and includes six (6) specimen trees. While ECS has identified that this Stand meets the criteria for a Priority I Forest Retention Area, this is an isolated forested area within an Industrial Zone and adjacent to an existing industrial use. Additionally, the forested area does not include the presence of any Tier II stream, any wetlands or rare, threatened, or endangered species.

It should be noted that Wicomico County has identified Industrial Zones as a permitted use for solar projects. There are very few such zonings in the County that are proximate to a viable POI. Per Wicomico County Code § 126-23 Variances, the Applicant intends to request a variance to remove the specimen trees from the Board of Appeals as they proceed through the local site plan process.

The Applicant is currently reviewing options associated with Forest Conservation planting requirements. Mitigation will be achieved either through an offsite Forest Conservation Easement on land located within the same watershed, or through paying into a County Fund. The Applicant is working through the details for both of these options.

E. WICOMICO COUNTY PLAN REVIEW AND PERMITTING

1. Zoning and Comprehensive Plan Consistency

The Project is consistent with Wicomico County zoning requirements. The site is located in the I-2 (Heavy Industrial) zone. Wicomico County’s zoning ordinance permits a
“privately owned and operated utility” as a permitted use “by right” in the I-2 District. The Applicant has received a letter from Mr. Clark Meadows, Zoning Administrator for Wicomico County, which indicates that the Project falls within this zoning designation and is a permitted use. This letter is included as Appendix 3. The Applicant is providing this letter to demonstrate that the Project is consistent with Wicomico County zoning requirements.

In Maryland, allowing a use by right (i.e., as a permitted use) is absolute and demonstrates consistency with the jurisdiction’s comprehensive plan: “[a]n expressly permitted use by zoning designation is tantamount to a legislative finding that the use [is] in harmony with the general zoning plan.” The Project is therefore consistent with the Wicomico County’s 2017 Comprehensive Plan because it is permitted by right in the industrial zoning district in which it is proposed.

In addition to the above, the Project is consistent with the County’s economic development objectives as contained in its 2017 Comprehensive Plan as it would develop and grow the local renewable energy industry and support the creation of clean energy jobs in Wicomico County. The 2017 Comprehensive Plan supports “balanced growth between agricultural, residential, commercial, industrial, and public use areas.” The Project is proposed in an area zoned industrial, in which solar facilities are a permitted use by right. Accordingly, the Project complies with the 2017 Comprehensive Plan’s vision of supporting industrial development in areas zoned for such use, while discouraging development in areas zone agricultural.

Furthermore, the 2017 Comprehensive Plan does not recommend changing current county zoning requirements to remove solar facilities as a permitted use by right in the I-2 District.

2. Grading and Building Permits

A Grading Permit, Electrical Permit, and Building Permit will be obtained after site plan approval as part of the construction document review and approval process. The construction documents will provide the detailed engineering and specifications required

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2 S.E.W. Friel v. Triangle Oil Co., 76 Md. App. 96, (1988) (internal citations omitted). See also, Schultz v. Pritts, 291 Md. 1 at 20-21 (“In determining which uses should be designated as permitted .... in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the uses upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district.”).

to implement the approved site plan leading to necessary Grading, Electrical, and Building Permits.
## F. SUMMARY OF PERMITS/APPROVALS

### Table 1 – Matrix of State/Local Permits and Approvals

<table>
<thead>
<tr>
<th>Agency</th>
<th>Permit/Approval</th>
<th>Regulatory Citation(s)</th>
<th>Required For</th>
<th>Status</th>
<th>Waiver, Variance, or Exemption</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>State of Maryland</td>
<td>Certificate of Public Convenience and Necessity (CPCN)</td>
<td>COMAR 20.79</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>This document partially satisfies the CPCN Application.</td>
</tr>
<tr>
<td>PJM Interconnection, LLC</td>
<td>National Pollution Discharge Elimination System (NPDES)</td>
<td>COMAR 26.08, Clean Water Act (CWA) Section 401, 40 CFR 122</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Application to be submitted at the time Construction Documents have been completed.</td>
</tr>
<tr>
<td>Department of the Environment (MDE)</td>
<td>General Permit for Construction Activity</td>
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<td></td>
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</tr>
<tr>
<td>Maryland Department of Natural Resources</td>
<td>Forest Conservation Act (FCA)</td>
<td>Natural Resources Article 5-1602(b)(5)</td>
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<td></td>
<td>✓</td>
<td>FCA requirements will be satisfied through the local process.</td>
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<tr>
<td>Forest Service</td>
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</thead>
<tbody>
<tr>
<td>Wicomico County</td>
<td>Environmental Site Design</td>
<td>Applicability varies according to Local and State Requirements</td>
<td>√</td>
<td>√</td>
<td>Yes</td>
<td>It is expected that the County will participate in the CPCN process and provide input regarding the site plan, stormwater management, and sediment and erosion control. Grading, Electrical, and Building Permits will be applied for after construction drawings are approved.</td>
</tr>
</tbody>
</table>

| Wicomico County     | Erosion Sediment Control |                                                                 |              |        |                               |                                                                                                                                          |
| Wicomico County     | Construction Drawings    |                                                                 |              |        |                               |                                                                                                                                          |

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A. Location

The Project is located within Delmar, Wicomico County. The Project as proposed is slightly more than nine and one half (9.65) MWDC, seven (7.20) MWAC solar PV and 3 MW/6MWh Energy Storage project proposed by the Applicant (see Figure 1 and Figure 2). It is anticipated that the Project would include a LOC of approximately twenty-four (24.57) acres once buffers and setbacks have been established in addition to avoidance from environmental constraints.

As shown in Figure 3, the proposed Project will be located within Tax Map 0020, Grid 0010, Parcel 0051, owned by the Flonium Power, LLC (5.76 acres), Tax Map 0020, Grid 0016, Parcel 0316, owned by Flonium Power, LLC (11.98 acres); and on a portion of Tax Map 0020, Grid 0016, Parcel 317, owned by Flonium Power, LLC (approximately 20.52 acres). The remainder of Tax Map 0020, Grid 0016, Parcel 317 (approximately 8 acres) has been designated for the Non-Jurisdictional Project.

The Non-Jurisdictional Project is a smaller solar facility of two (1.95) MW AC within Tax Map 0020, Grid 0016, Parcel 317. The Non-Jurisdictional Project will participate in aggregate net metering and has applied for interconnection under non-PJM procedures. Construction of the proposed shared energy storage facility will occur as part of the Citron Project. These two (2) projects will share an entrance, perimeter fence, and the proposed storage facilities. They will have a single POI on the CEC distribution line with separate meters behind the POI. The Non-Jurisdictional Project is not subject to the Commission's CPCN review authority as it is not a "generating station" pursuant to COMAR 20.79.01.02B(11)(b). The Non-Jurisdictional Project will be constructed prior to the Project.

The Applicant initiated the PJM process in January, 2020. They have performed the PJM Generation Interconnection Feasibility Study for the Project and shared storage facility. A copy of these studies are included in Appendix 4. Both projects will interconnect with the DPL transmission system behind the 69/12 kV transformer at CEC's Edgewood substation. The solar project has been assigned Queue Position AF2-248 and the energy storage has been assigned Queue Position AF2-249. The interconnection route from the array to the substation will be entirely underground. All easements/permits will be obtained by Choptank.

The proposed array layout will maintain a seventy-five foot (75') setback from centerline of named roads which includes a twenty-foot (20') landscape buffer. The Project will also maintain a twenty-five foot (25') setback from the neighboring parcel and side road and include a ten foot (10') landscape buffer (see Figure 4). Although the Project is not within the Critical Area and subject to Critical Area buffers and setbacks (see Figure 6), the Project will be located more than one hundred feet (100') from designated streams. Within this setback appropriate buffering/screening will be provided to augment the natural screening associated
The landscape buffer plans will be prepared by a licensed landscape architect from Davis, Bowen & Friedel, Inc. (DBF) which will be reviewed and approved by Wicomico County. The Wicomico County Soil Conservation District Office will review and approve other planting plans within the fence associated with site stabilization, drainage, and stormwater management. A six foot (6') high chain-link fence with barbed wire is proposed along the perimeter of the Project as shown in Figure 4.

The electricity produced by the Project's solar modules and inverters will be delivered into the PJM System, the largest centrally dispatched control area in North America consisting of all or part of the States of Maryland, Pennsylvania, New Jersey, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia.

The Project area is located in the Leonard Pond Run watershed which flow through the Johnson Pond Impoundment before discharging to the Wicomico River. The Wicomico River is a twenty-four (24.4) mile-long tributary of the Chesapeake Bay on the eastern shore of Maryland. It drains an area of low marshlands and farming country in the middle Delmarva Peninsula. It rises in northern Wicomico County, close to the Delaware state line, and flows generally southwest, through Salisbury. It's head of navigation is Monie Bay on the eastern edge of the Chesapeake Bay, between Mt. Vernon and Waterview approximately fifteen (15) miles southwest of Salisbury. The lower twenty (20) miles of the river form a tidal estuary.

Specifically, the proposed Project area is within the Wicomico River (021303040567) watershed which flows into the Chesapeake Bay. All Maryland stream segments are categorized by sub-basin and are given a "designated use" in the Code of Maryland Regulations 26.08.02.08. The headwaters of the Wicomico River is protected as a Class I Use (Use I: Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life). The basin is located solely within the Coastal Plain physiographic province. The Project is not located in the Critical Area. Other than the forest clearing and grubbing which will be needed prior to project construction in order to meet Project generation capacity requirements, there is no other activity proposed on the Site which would in any way contribute to the impairment of these waterways and receiving streams. Unlike the portion of the watershed which flows through the developed area of Salisbury which is subject to urban runoff, this area is more rural and any impairments to Leonard Pond Run would be more associated with existing farm activities in the area. Converting the farmed lands to a solar generation facility would result in less runoff.

Per the Maryland Department of the Environment (MDE) Tier II High Quality Waters Map (2016) shown in Figure 7 below, the Project is not located near any Tier II streams or within any catchment areas. Therefore, stormwater runoff from the Project will not impact any Tier II streams.

Kumquat & Citron Cleantech, LLC
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Figure 6 – Wicomico County Critical Area Map
B. DESIGN FEATURES

Total generating capacity for the Project is anticipated to be seven (7.20) MWAC solar output and three (3) MW energy storage output. The Project will consist of approximately 24,440 Talesun solar modules (or similar) as shown in the Solar Array Layout (see Figure 4). The array will be installed using a ground screw post-supported racking system utilizing galvanized steel posts with galvanized steel or aluminum structures for mounting the modules. A typical Solar Panel Racking Detail depicts the array with portrait racking with one row of modules positioned vertically on each rack (see Figure 5). The space between rows will be equal to or greater than the panels width in order to meet MDE SWM Guideline requirements; final spacing will be determined during final design.

There will be forty-eight (48) solar inverters where the direct current from the arrays will be converted to alternating current as transmitted by the electric grid. The equipment pad will include two (2) switchboards and two (2) FR3 mineral oil AC transformers. The power station will make up one hundred percent (100%) of the array AC capacity or approximately seven (7.20) MWAC. The nameplate capacity of the facility will be slightly more than nine and one half (9.65) MWDC. The solar arrays will be designed to withstand snow load of twenty (20) pounds per square foot (psf) and a minimum wind speed of one hundred five (105) miles per hour (mph) (risk category I per IBC 2014 for Wicomico County).

As noted above, the Applicant is also proposing a six (6) megawatt hour (MWh) energy storage project co-located within Tax Map 0020, Grid 0016, Parcel 317 which has been assigned...
Queue Position AF2-249. The proposed technology associated with the energy storage project will be lithium battery. According to Attachment 3 of the IA agreement signed with Choptank Electric Coop:

- Extended three phase, four wire, 7.2/12.47 KV service approximately 800 feet from the Edgewood substation is going to be installed. The point of interconnection will be a direct connection to the Edgewood substation.
- Transmission line overvoltage relay protections are going to be installed in compliance with the DPL's applicable standards.
- The interconnection route from the array to the substation will be entirely underground. All easements/permits will be obtained by Choptank. Choptank is still in the process of determining if the trench route will be along the north or south side of the road.

A six-foot (6') high chain link fence with barbed wire will be installed around the perimeter of the Project with access proposed through the Non-Jurisdictional Project from eastern most boundary of the Project crossing the DPL right-of-way as reflected in Figure 4 above. There is limited need for water and no need for sewer at the Project site because there will be no operations and/or maintenance facilities as part of this Project and no full-time personnel located at this Site. If needed, water may be used to cleanse the panels, but typically panels do not need to be cleansed in the mid-Atlantic region due to adequate rainfall. Typically, this cleansing utilizes only water sprayed at relatively high speeds to remove dirt and dust from the panels.

1. Environmental Site Design (ESD)

   a. ESD Components

   i. Land Use and Cover
      The Site primarily consists of a mix of open fields associated with farming practices as well as forested areas. The northern portion of the Project has existing forested areas which will be cleared. Wicomico County FCA requirements will be met. The Site contains no existing structures or residential buildings; although there are several residential dwellings adjacent to the Project. As noted elsewhere in this Report, the Property is not within the Critical Area, no impact is expected from the Special Zone X FEMA designation.

   ii. Soils and Steep Slopes
      The Project Site is located within the Coastal Plain area of Maryland, which is characterized by having high sand content, are moderately to well-draining, and compact easily. These types of soils will support access roads, drive aisles, and stormwater management structures that may be required. No mass grading is proposed; however, isolated rough grading will be needed in the forested areas to

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be cleared. Based on results from the geotechnical report, an MDE Dewatering Permit will not be needed during construction.

The Site is outside the Critical Area and contains soils which are predominately moderately to well-drained. According to the NRCS soils maps, the majority of the soil types, on this site contain slopes of between zero percent (0%) to five percent (5%) in the areas proposed for solar construction. No BMPs will be required and stormwater management ESD requirements will be met through non-rooftop disconnection credits.

The full soils report and prime farmland classification can be found in *Appendix 1*. As noted in the Prime Farmland report, the land is not classified as prime farmland if it cannot be irrigated.

The soils onsite fall within the Rosedale loamy sand, Perpperbox-Rockawalkin complex, or Runclint sand categories. The slopes within these soil classifications fall between zero percent (0%) and five percent (5%). All of the soils are deep and moderate to well-draining.

As confirmed in the geotechnical report (*Appendix 2*), these soils are suitable to support solar modules, inverters, switch gear, grass covered aisle ways, access roads, and associated drainage and stormwater management.

As has been the case on all Coastal Plain solar projects, these soils are considered soft and the ground screws may have to be installed to greater depths than would otherwise be required in different geographic provinces in the State.

As mentioned earlier, the impervious area created by the Project will exceed one (1) acre; therefore, an NOI will need to be submitted to MDE. Impervious areas will be associated with racking roundation screws for the solar panel brackets. The impervious area calculations associated with the perimeter fence, project entrance, select all-weather road locations, power stations, and other associated improvements will be accounted for within the Non-Jurisdictional Project.

There will be less than one half percent (0.5%) of impervious surface added (approximately 19,975 SF). *See Table 2 – Impervious Area Tabulation below.*
Table 2 – Impervious Area Tabulation

<table>
<thead>
<tr>
<th>Impervious Description</th>
<th>Area Description</th>
<th>Length (FT)</th>
<th>Width (FT)</th>
<th>Area (SF)</th>
<th>Quantity</th>
<th>Total Area (SF)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invert/Equipment Pads</td>
<td>(Concrete)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Inverters are mounted on panel supports</td>
</tr>
<tr>
<td>Racking Screws</td>
<td>Foundation</td>
<td>-</td>
<td>-</td>
<td>0.049</td>
<td>4,076</td>
<td>200</td>
<td>Array Ground Screws 3” Diameter</td>
</tr>
<tr>
<td>Array Field Access Ways</td>
<td>Grass Aisles</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Grass Only, No Improvements</td>
</tr>
<tr>
<td>Proposed Improvements</td>
<td>Entrance</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>13,000</td>
<td>Conceptual Approximate /</td>
</tr>
<tr>
<td>On-Site Energy Equipment Storage Containers (Private)</td>
<td>Energy</td>
<td>40</td>
<td>12</td>
<td>480</td>
<td>10</td>
<td>4,800</td>
<td>Steel Containers</td>
</tr>
<tr>
<td>On-Site Equipment Substation Pad/Area (Private)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1,975</td>
<td>Equipment Pad</td>
<td></td>
</tr>
</tbody>
</table>

The internal aisle ways and the perimeter drive aisle for emergency vehicles will be unpaved grass roads. Any improvement to the site entrances from the access roads will be constructed as part of the Non-Jurisdictional Project which will be construction before this Project is built.

As part of construction, other than tree clearing, there will be little disturbance to the Site since the construction method includes installation of the solar modules on a ground screw system with minimal contact to the ground.

A phasing plan will be prepared and submitted as part of the Sediment and Erosion Control plan set submitted to the local SCD for review. These plan sheets will identify proposed work areas, acreage that can be open at one time, and stabilization requirements.

Because of the onsite soil characteristics and lack of steep slopes, the Site qualifies for non-rooftop disconnection credits consistent with MDE’s SWM Guidelines for

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Solar Projects. The SWM report and calculations will consider sheet flow stormwater loadings associated with the recorded stormwater easement (see Appendix 6).

The entire Site will be planted and maintained in low cover grass vegetation in accordance with site plans approved by the Wicomico County Soil Conservation District Office and included as part of the CPCN submittal process. (The landscape buffer plans prepared by a licensed landscape architect will be submitted to the County for review and approval.) In addition to the mixture of grass seed, and pursuant to recommendations from the PPRP, the Applicant is also proposing to incorporate white clover seed mixed with the selected grasses in order to promote the health of honeybees and other pollinators. The purpose of this project design feature would be to improve the quality and quantity of overall acreage for pollinators. Solar energy generation facilities are ideal opportunities to increase healthy habitats for pollinators.

The proposed ESD practices, screening, and other vegetative cover are expected to effectively control sediment and erosion.

iii. Stream Buffers and Floodplains
The Project is located on FEMA FIRM Map Number 24045C0112E, Panel 112 of 375, Revised August 17, 2015. According to FEMA FIRM Map the property is located in Flood Zone X, which is classified as "Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood". Per FEMA Flood Zone definitions, this zone is a moderate to minimal risk area. The FEMA FIRM is included in Appendix 7.

As noted above, the Project area is located in the Leonard Pond Run watershed which flows through the Johnson Pond Impoundment before discharging to the Wicomico River. The Wicomico River is a twenty-four (24.4) mile-long tributary of the Chesapeake Bay on the eastern shore of Maryland. It drains an area of low marshlands and farming country in the middle Delmarva Peninsula. It rises in northern Wicomico County, close to the Delaware state line, and flows generally southwest, through Salisbury. It's head of navigation is Monie Bay on the eastern edge of the Chesapeake Bay, between Mt. Vernon and Waterview approximately fifteen (15) miles southwest of Salisbury. The lower twenty (20) miles of the river form a tidal estuary.

Specifically, the proposed Project area is within the Wicomico River (021303040567) watershed which flow into the Chesapeake Bay. All Maryland stream segments are categorized by sub-basin and are given a “designated use” in the Code of Maryland Regulations 26.08.02.08. The headwaters of the Wicomico
River is protected as a Class I Use (Use I: Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life). The basin is located solely within the Coastal Plain physiographic province. The Project is not located in the Critical Area. Other than the forest clearing and grubbing which will be needed prior to project construction in order to meet Project generation capacity requirements, there is no other activity proposed on the Site which would in any way contribute to the impairment of these waterways and receiving streams. Unlike the portion of the watershed which flows through the developed area of Salisbury which is subject to urban runoff, this area is more rural and any impairments to Leonard Pond Run would be more associated with existing farm activities in the area. Converting the farmed lands to a solar generation facility would result in less runoff.

Per the MOE Tier II High Quality Waters Map (2016) shown in Figure 7 above, the Project is not located near any Tier II streams or within any catchment areas. Therefore, stormwater runoff from the Project will not impact any Tier II streams.

As mentioned above, the Site is outside the Critical Area (see Figure 6) and contains soils which are moderately to well-draining. These types of soils/grades qualify for non-rooftop disconnection credits.

MDE's Ace Adkins of the Nontidal Wetlands Program conducted a preliminary site visit with H&B on December 11, 2019. Following submittal of ECS's Wetland Field Assessment Report (see Appendix 8) Mr. Adkins conducted another site visit to confirm the details of ECS's report of findings. In reviewing the proposed array layout Mr. Adkins suggested that a Letter of Authorization (LOA) may be most appropriate since this area in question is an isolated farmed wetland of only 1,873.97 square feet. A copy of the MDE LOA issued on June 18, 2020 is included in Appendix 9.

b. Impacts to Stormwater During Construction

COMAR 26.17.02.01-1B(1) requires that stormwater quality and quantity controls be implemented for the Project. Guidelines for Water Quality and Quantity through ESD techniques and BMPs are included in the 2000 Maryland Stormwater Design Manual, Volumes I and II (2000) with Supplement No. 1. The specific ESD practice to be employed on the Site, as referenced above, will be the use of non-rooftop disconnection credits. The non-rooftop disconnection credits will be the preferred practice per the MDE ESD Guidelines for slopes within the LOC that are less than five percent (5%) and using designs where the disconnection length is the same as the distance between rows and is greater than the width between rows.
c. Impacts to Stormwater During Operations
COMAR 26.17.02.01-1B(1) requires that stormwater quality and quantity controls be implemented for the Project. Guidelines for Water Quality and Quantity through ESD techniques and BMPs are included in the 2000 Maryland Stormwater Design Manual, Volumes I and II (2000) with Supplement No. 1. The specific ESD techniques to be employed on the Site as referenced above in more detail will consist of non-rooftop disconnection credits for slopes between zero percent (0%) and five percent (5%).

For the ESD Storm Event, the Site will mimic a forested site in good condition under the post-development scenario. This will ensure pre and post conditions remain the same for water quality leaving the Site. The installation of the solar array will incorporate the use of racking foundation screws with platforms erected above the ground surface, thereby minimizing any need to treat or capture stormwater that is resulting from the construction operations. As a result of the proposed design and elevated panel system, vegetation will grow under the solar modules and essentially the entire field will continue to be pervious vegetative cover. Grasses that grow to a minimum height and can be easily maintained will be selected.

2. Noise and Vibration

a. Impacts of Noise During Construction
Maryland noise pollution standards as referenced in COMAR 26.02.03 provide certain exceptions for noise sources and noise generating activities. During construction of this facility, all noise shall be maintained below the average daily ninety decibel (90 dB) rating at the property lines. Table 3 lists the maximum allowable noise levels during project operation as specified in the State regulations.

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Industrial</th>
<th>Commercial</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>75</td>
<td>67</td>
<td>65</td>
</tr>
<tr>
<td>Night</td>
<td>75</td>
<td>62</td>
<td>55</td>
</tr>
</tbody>
</table>

Source: COMAR 26.02.03

Note: Day refers to the hours between 7 AM and 10 PM.
Night refers to the hours between 10 PM and 7 AM.

b. Impacts of Noise During Operation
The Project, once constructed, will have no moving parts. The only noise generated will be from the Non-Jurisdictional Project components and co-located energy storage facility.
As utility scale solar generating power facilities become more common, more studies have been done demonstrating the low impact of noise during operation. Typical transformers used for a solar facility have a 50dB rating at one hundred feet (100'). The Project anticipates a low-level noise of interior to the perimeter fence. Noise reduction occurs at 6dB for every one hundred feet (100') of added distance. The closest residential dwelling from the southern electrical pad is seven hundred ninety-five feet (795') away and eight hundred fifty-nine feet (859') from the northern electrical pad near the storage area. The dB levels at this location will be well below the sixty-five/fifty-five (65/55) dB levels identified above.

3. Lighting

Although there are no lighting requirements for the Project, the Applicant may consider minimal lighting for security considerations, or as required through the CPCN review process.

4. Glare Analysis

The Applicant utilized the ForgeSolar PV Planning and Glare Analysis tool, including the FAA 2013 Policy Adherence component, to conduct a desktop analysis of the proposed solar generation facility. Based on the results included in Appendix 10 there will be no glare effects to any nearby airports. The Project is not in close proximity to any major airports.

5. Fencing and Buffering

The panel arrays will be enclosed and protected using a six foot (6') high chain link fence with barbed wire as well as an access gate located along the eastern most boundary of the Non-Jurisdictional Project. A buffer/landscape plan, compatible with Wicomico County landscaping requirements, will be provided along Foskey Lane and Connelly Mill Road to augment the natural screening onsite as appropriate. At this time, the proposed array layout will maintain a seventy-five foot (75') setback from centerline of named roads and will include a twenty-foot (20') landscape buffer. The Project will also maintain a twenty-five foot (25') setback from the neighboring parcel and side road and include a ten foot (10') landscape buffer (see Figure 4). This plan will be reviewed/approved by the Wicomico County Department of Planning, Zoning and Community Development.

6. Vegetative Stabilization

The Project will employ turf style grasses that are conducive to growing in partial shade, so that vegetation can be maintained beneath and around the arrays, will be indigenous to the area and those typically recommended for use by Wicomico County SCD Office. This will also include a type and seed mix that provides low growth and low maintenance.
As noted above, the Applicant is also proposing to plant wildflowers such as white clover that will promote the health of honeybees and other pollinators. Solar energy generation facilities present excellent opportunities to increase healthy habitats for pollinators. Appropriate planting plans and plant maintenance plans will be submitted to local jurisdictions for review and approval.

7. Transportation

a. Transportation During Construction
Major material and equipment will be delivered by tractor-trailers and offloaded by construction vehicles (lulls, tracked vehicles, and front-loading equipment). Appropriately sized laydown areas will be utilized for unloading of equipment and materials. Daily construction traffic will include cars, pickup trucks, and other personnel vehicles. Excavation and other equipment will be utilized during construction of the Project, which may include dump trucks, trenching equipment, concrete trucks, front loaders, backhoes, ground screw installation equipment, excavators, and other equipment. To the extent possible, construction traffic will minimize land disturbance within the LOC.

b. Transportation During Operation
There will be limited traffic to and from the solar array during operation. Traffic will mostly be limited to maintenance crews for mowing and vegetation control. Quarterly to yearly maintenance of the solar array components will be necessary, along with site visits for any operational issues that may arise during normal operation.

C. Operational Features

The operational features will be controlled through a Project Operations & Maintenance Agreement to track performance and monitor the health and safety of the solar field. Typical duties and features of this plan are:

- Local and remote control over key features of the Solar Fields Electrical System to assure compliance with the Interconnect Agreement and safety of the plant.
- Scheduling, control, and reporting of all onsite maintenance activities.
- Operations Center with remote monitoring of performance data and physical systems 365 days a year.
- Immediate dispatch of fire, police, or contractors in the event of emergency or force outage.
D. SCHEDULE FOR ENGINEERING, CONSTRUCTION, AND OPERATION

Engineering documents are being prepared and programmed for submittal as part of the CPCN joint review process with Wicomico County representatives. The engineering and construction documents will include pertinent information regarding the solar modules, inverter pads, construction methods, electrical requirements, ingress and egress, stormwater management, sediment and erosion control, electrical connection to the grid/substation, fencing within the setback, landscaping and screening, and grading. Following CPCN approval, construction is anticipated to be initiated in April, 2021 with completion and operational startup prior to September, 2021.

E. SITE SELECTION AND DESIGN

1. Project Design

See description in Section 5.B.1 above.

The design and associated energy output at the Project Site was modeled using PVSYST v6.86 shown in Table 4 below. PVSYST is a photovoltaic solar project modeling software that is widely used in the solar power industry to stimulate energy output. The energy output simulated by PVSYST is based on the meteorological data at the project site, models of the system equipment such as the inverter and the solar modules, and project design specifications such as the number of solar modules in series (string sizing), system DC size, array type (fixed tilt or tracking), rack orientation, including azimuth and tilt, DC and AC wiring length, transformer losses, etc. PVSYST v6.86 was used to simulate the predicted energy output from the Project at approximately 14,027 MWhr in the first full year of project operation.

Table 4 – PVSyst Inputs

<table>
<thead>
<tr>
<th>Location:</th>
<th>Delmar, MD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time Zone:</td>
<td>UT-5</td>
</tr>
<tr>
<td>Nominal DC Rating (STC):</td>
<td>9,654,000 kW DC</td>
</tr>
<tr>
<td>Nominal AC Rating:</td>
<td>7,200.0 kW AC</td>
</tr>
<tr>
<td>Operating Power (50° C):</td>
<td>7,200 kW AC</td>
</tr>
<tr>
<td>Array Tilt:</td>
<td>25°</td>
</tr>
<tr>
<td>Array Azimuth:</td>
<td>0°</td>
</tr>
<tr>
<td>Inverters:</td>
<td>48 Solectria XGI 1500-150</td>
</tr>
<tr>
<td>Modules:</td>
<td>24,440 Talesun TP6H72M-395-L</td>
</tr>
<tr>
<td>Stringing:</td>
<td>26 modules in series</td>
</tr>
</tbody>
</table>
2. Solar Resource Data

A key input in simulating the power output from the project is the local solar resource data or insolation. Solar resource data is typically obtained from third party resources that provide long-term average meteorological data.

The weather file used in the production analysis was from Solar Anywhere, version 3.2. This is a tool created by Clean Power Research to provide information for solar projects within the continental United States. The data is satellite based and includes the following variables: Global Horizontal Irradiance (GHI), Direct Normal Irradiance (DNI), Diffuse Irradiance, Ambient Temperature, and Wind Speed.

The Solar Anywhere data was chosen over other common resources, such as NREL’s TMY3 Class I sites, given the site specific nature of satellite data and distance to other data sources. The site is on a peninsula of Maryland while the closest TMY3 class I sites are across the Chesapeake Bay on the mainland. Washington DC would be the closest one (over 100 miles away), followed by Baltimore (nearly 120 miles away). Proximity to large bodies of water can have noticeable effects on weather data sets. There are two NREL TMY3 Class II data sets from locations on the same peninsula, however Class II data sets are considered less accurate. Since Solar Anywhere is satellite based, it is not restricted to information from a limited number of ground measurement equipment locations.

3. Modeling

PVSYST v6.86 uses manufacturer-provided models for the panel, inverter, and other components to simulate the output of the plant given racking orientation, row spacing, and other design variables. This output simulation degrades over the lifetime of the plant due to degradation in panel performance. The main design variables and related settings are described in Table 5 and Table 6.
Table 5 - PVsyst Modeling Assumptions

<table>
<thead>
<tr>
<th>Meteo Data:</th>
<th>Solar Anywhere V3.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thermal Loss Factor (Uc):</td>
<td>29.0 W/m²K</td>
</tr>
<tr>
<td>Thermal Loss Factor (Uv):</td>
<td>0 W/m²K</td>
</tr>
<tr>
<td>Wiring Ohmic Loss (DC):</td>
<td>1.5%</td>
</tr>
<tr>
<td>Array Soiling Loss:</td>
<td>2.1%</td>
</tr>
<tr>
<td>Module Quality Loss:</td>
<td>0.0%</td>
</tr>
<tr>
<td>Module Mismatch Loss:</td>
<td>1.0% at MPP</td>
</tr>
<tr>
<td>Light Induced Degradation:</td>
<td>2.0%</td>
</tr>
<tr>
<td>Incidence effect, ASHRAE parameterization</td>
<td>See Table 6 below.</td>
</tr>
<tr>
<td>AC loss, wires:</td>
<td>2.0%</td>
</tr>
<tr>
<td>External transformer iron loss:</td>
<td>0.1%</td>
</tr>
<tr>
<td>Resistive/Inductive losses</td>
<td>1.0%</td>
</tr>
<tr>
<td>Collector Width:</td>
<td>4.09 meters</td>
</tr>
<tr>
<td>Collector Pitch:</td>
<td>8.35 meters</td>
</tr>
</tbody>
</table>

Table 6 - Incidence Effect Profile

<table>
<thead>
<tr>
<th>Angle (°)</th>
<th>0°</th>
<th>30°</th>
<th>50°</th>
<th>60°</th>
<th>70°</th>
<th>75°</th>
<th>80°</th>
<th>85°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.000</td>
<td>0.999</td>
<td>0.987</td>
<td>0.962</td>
<td>0.892</td>
<td>0.816</td>
<td>0.681</td>
<td>0.440</td>
<td>0.000</td>
</tr>
</tbody>
</table>

a. Soiling and Albedo Losses

Dust, snow, and other particles that settle on the array can attenuate the radiation that arrives at the panel and are referred to as soiling. Rainfall of greater than one half (0.5) inch per month is generally accepted as adequate to remove dust from the array and to prevent significant losses due to soiling. Given temperature ranges and anticipated rain on the site, we do not expect the continued dirt/dust soiling of the panels to be very heavy and have maintained a constant one percent (1%) assumption for months with no snow. For winter months, we have estimated the monthly soiling loss based on historical snowfall amounts, frequency, and ambient temperature. In the event that the plant does not receive rainfall over an extended period, the panels may be washed to ensure that soiling is not exacerbated.

b. Shading

If any structure blocks the sunlight falling on the panels in the array, output from the shaded panel can be significantly attenuated due to the electrical characteristics and design of the panels. Blockage may arise from objects such as hills or undulating terrain in the distance, transmission structures, trees, and buildings. The array can also create mutual shading between the rows of panels, particularly when the sun is low in the sky, i.e., in the morning or evening.
Given site constraints, array design can minimize the impact of mutual shading. However, location-specific factors will result in near and horizon shading from other objects. PVSYST includes built-in, sophisticated modeling of mutual shading between rows given the size of the panels and spacing between rows. For locations in which near and horizon shading are unavoidable, the impact of this shading should be accounted for, but in the case of this Project located on the Eastern Shore of Maryland, this is assumed to be minimal.

4. Production Estimate Results

PVsyst Energy production results with estimated solar irradiation are included in Tables 7a and 7b below. Table 7a summarizes total plant production for Year 1. Table 7b summarizes the detailed production statistics for the first year of operations.

Table 7a – Total Plant Production Estimate Results in Year 1

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Preliminary Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Generation</td>
<td>14,027 MWh</td>
</tr>
<tr>
<td>Specific Yield</td>
<td>1,453 kWh/kWp</td>
</tr>
<tr>
<td>AC Capacity Factor</td>
<td>16.6%</td>
</tr>
</tbody>
</table>
Table 7b- Detailed Production Statistics for a Full System in Year 1

<table>
<thead>
<tr>
<th>PVSYST 7.0.17</th>
<th>SGC Power (United States)</th>
<th>20/11/20</th>
<th>Page 4/6</th>
</tr>
</thead>
</table>

**Grid-Connected System: Main results**

**Project:** HNB008-Temo Solar  
**Simulation variant:** HNB008 - TEMO - Citron - 9.65MW

**Main system parameters**
- Near Shadings: Linear shadings
- PV Field Orientation: Ull 25° azimuth 0°
- PV modules: Model TP672M(H)-395-L
- PV Array: Nb. of modules 2440
- Inverter: Model XGI 1000-10-16-20
- Inverter pack: Nb. of units 48.0
- User’s needs: Unlimited load (grid)

**Main simulation results**
- Produced Energy: 14027 MWh/year
- Specific prod.: 1453 kWh/kWp/year
- Performance Ratio PR: 81.93%

**Normalized productions (per installed kWp): Normalized power MWh kWp**

<table>
<thead>
<tr>
<th>Month</th>
<th>GWattHor</th>
<th>Diffuse</th>
<th>T_Amb</th>
<th>GWattInc</th>
<th>Diffuse</th>
<th>T_Amb</th>
<th>GWattEff</th>
<th>Diffuse</th>
<th>T_Amb</th>
<th>EArray</th>
<th>Diffuse</th>
<th>T_Amb</th>
<th>E_Grid</th>
<th>Diffuse</th>
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Legend:  
- GlobHor: Global horizontal irradiation  
- Diffuse: Diffuse horizontal irradiation  
- T_Amb: Ambient temperature  
- GlobInc: Global incident on coll. plane  
- GlobEff: Effective Global, conv. for IAM and shadings  
- EArray: Effective energy at the output of the array  
- E_Grid: Energy injected into grid  
- PR: Performance Ratio
F. IMPACTS ON THE ECONOMICS OF THE STATE

There will be significant economic benefits resulting from the Project to include a capital cost of approximately up to $15M and approximately thirty to fifty (30-50) design, management, and construction personnel working remotely or on the Site at the height of construction during the period from May, 2021 to July, 2021.

The construction schedule is estimated to be three (3) to five (5) months and is expected to be completed prior to September, 2021. Significant local resources are being employed as part of the design, entitlement, construction, and startup process. The tax revenue yield for a project of this size and type will also be beneficial. This Project will contribute to the local economy as well as the State’s commitment to more instate renewable energy generation. It has been reported that Maryland imports approximately forty-one percent (41%) of its required energy generation. This Project will help to reduce this reliance upon power generated out of state. Given the nature of solar power generation, it will also lead to reduced and more certain costs of electricity produced. Furthermore, this Project will contribute to the stated goals and objectives of Maryland Public Utilities Article § 7-702.

G. IMPACT ON THE STABILITY AND RELIABILITY OF THE ELECTRIC SYSTEM

The Applicant initiated the PJM process in January, 2020. They have performed the PJM Generation Interconnection Feasibility Study for the Project and shared storage facility. A copy of these studies are included in Appendix 4. Both projects will interconnect with the DPL transmission system behind the 69/12 kV transformer at CEC’s Edgewood substation. The solar project has been assigned Queue Position AF2-248 and the energy storage has been assigned Queue Position AF2-249.

H. LOCATION AND MAJOR DESIGN FEATURES OF ELECTRIC SYSTEM UPGRADE

The Applicant initiated the PJM process in January, 2020. They have performed the PJM Generation Interconnection Feasibility Study for the Project and shared storage facility. A copy of these studies are included in Appendix 4. Both projects will interconnect with the DPL transmission system behind the 69/12 kV transformer at CEC’s Edgewood substation. The solar project has been assigned Queue Position AF2-248 and the energy storage has been assigned Queue Position AF2-249.

The interconnection route from the array to the substation will be entirely underground. All easements/permits will be obtained by Choptank. Choptank is still in the process of determining if the trench route will be along the north or south side of the road.
I. IMPLEMENTATION SCHEDULE FOR THE PROJECT

The Project schedule includes the following approximate milestones:

- Engineering and Permitting: November, 2019 through March, 2021
- Start of Construction: April, 2021
- Start of Commercial Operation: September, 2021
CITRON SOLAR PROJECT  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
ENVIRONMENTAL REVIEW DOCUMENT

SECTION 6 – COMAR 20.79.03.02 ENVIRONMENTAL INFORMATION

A. GENERAL INFORMATION

1. General Description of the Site and Adjacent Areas

As currently proposed by the Applicant and as reflected in the PJM Feasibility Study, the Project will be located within Tax Map 0020, Grid 0010, Parcel 0051, owned by Flonium Power, LLC (5.76 acres), Tax Map 0020, Grid 0016, Parcel 0316, owned by Flonium Power, LLC (11.98 acres); and on a portion of Tax Map 0020, Grid 0016, Parcel 317, owned by Flonium Power, LLC (20.52 acres). The remainder of Tax Map 0020, Grid 0016, Parcel 317 (approximately 8 acres) has been designated for a Level 2 (2 MW or less) Maryland Interconnection solar project via the CEC Aggregate Net Metering Program as further described below. Based on site limitations and environmental constraints, the Project LOC includes approximately twenty four (24.57) acres producing slightly more than nine and one half (9.65) MWDC, seven (7.20) MWAC (see Figure 1 and Figure 2).

The Project has contracted to lease the underlying parcel (see Figure 3), from the current property owner. The Site primarily consists of agricultural fields and wooded areas within a Heavy Industrial (1-2) zone where solar facilities are allowed by-right. The agricultural field has been farmed for conventional agricultural crops in previous years.

Site information contained in this report has been discussed and reviewed with various regulatory agencies including the MOE, Maryland Department of Natural Resources (DNR), and Maryland Historic Trust (MHT). This review process confirmed the information that was found online and reflected on various resource maps.

As discussed elsewhere in this Report, the property is not located within a Chesapeake Bay Critical Area and per County documentation, the Project is “located outside of all sensitive areas and their buffers.” As mentioned above, MOE has issued a LOA associated with the 1,873.97 square foot area of isolated farmed wetlands (see Appendix 9).

a. Geology/Soils

As noted above, according to the County Critical Area Map, the Sites are outside the Critical Area.

According to the NRCS soils maps, the majority of the soil types, on this site contain slopes of between zero percent (0%) to five percent (5%) in the areas proposed for solar construction. No BMPs will be required and stormwater management ESD requirements will be met through non-rooftop disconnection credits.
The full soils report and prime farmland classification can be found in Appendix 1. It should be noted that the Prime Farmland report classifies the land as prime farmland only if it can be irrigated.

As confirmed in the geotechnical report (Appendix 2), these soils are suitable to support solar modules, inverters, switch gear, grass covered aisle ways, access roads, and associated drainage and stormwater management. The majority of slopes/grades within the proposed LOC fall within the range of zero percent (0%) to two percent (2%). For slopes within the LOC that are five percent (5%) and less non-rooftop disconnection credits are the preferred practice and no stormwater structures will be needed. A phasing plan will be prepared and submitted as part of the local SCD review. This plan will identify proposed work areas, acreage that can be open at one time, and stabilization requirements. Fifty percent (50%) of cleared areas will need to be stabilized before additional acreage can be cleared.

These Coastal Plain soils are considered soft and the ground screws may have to be installed to greater depths than would otherwise be required in different geographic provinces in the State.

b. Land Use and Cover
As noted above, the Site primarily consists of agricultural fields and wooded areas within a Heavy Industrial (I-2) zone where solar facilities are allowed “by-right”. The agricultural field has been farmed for conventional agricultural crops in previous years. The Project will comply with FCA. As noted elsewhere in this Report, the Property is not within the Critical Area, not impacted by FEMA Flood Plains, and all properties are currently zoned I-2.

There are no other unique land uses which would create any type of conflict or impairment for the proposed Project. The recorded stormwater easement (see Appendix 6) will be addressed as part of the Project’s stormwater management plan, report, and calculations without negatively impacting the Project.

c. Stream Buffers and Floodplains
As noted above, the Project area is located in the Leonard Pond Run watershed which flow through the Johnson Pond Impoundment before discharging to the Wicomico River. The Wicomico River is a twenty-four (24.4) mile-long tributary of the Chesapeake Bay on the eastern shore of Maryland. It drains an area of low marshlands and farming country in the middle Delmarva Peninsula. It rises in northern Wicomico County, close to the Delaware state line, and flows generally southwest, through Salisbury. It’s head of navigation is Monie Bay on the eastern edge of the Chesapeake Bay, between Mt. Vernon and Waterview approximately fifteen (15) miles southwest of Salisbury. The lower twenty (20) miles of the river form a tidal estuary.
Specifically, the proposed Project area is within the Wicomico River (021303040567) watershed which flows into the Chesapeake Bay. All Maryland stream segments are categorized by sub-basin and are given a "designated use" in the Code of Maryland Regulations 26.08.02.08. The headwaters of the Wicomico River is protected as a Class I Use (Use I: Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life). The basin is located solely within the Coastal Plain physiographic province. The Project is not located in the Critical Area. Other than the forest clearing and grubbing which will be needed prior to project construction in order to meet Project generation capacity requirements, there is no other activity proposed on the Site which would in any way contribute to the impairment of these waterways and receiving streams. Unlike the portion of the watershed which flows through the developed area of Salisbury which is subject to urban runoff, this area is more rural and any impairments to Leonard Pond Run would be more associated with existing farm activities in the area. Converting the farmed lands to a solar generation facility would result in less runoff.

d. Flora Resources

As discussed elsewhere in this Report, a portion of the property has historically been used for agricultural purposes located in an industrial zone adjacent to a rural section of Wicomico County. The farm is primarily used to grow conventional crops. There is an isolated forested area which will be cleared for the Project that is not connected with any other forested areas or green corridors.

The number and variety of habitats are limited on the parcel used for agricultural purposes. The Site contains flora that is common to the area. As noted in the DNR response letter, there are no known federal or state rare, threatened or endangered species at the Site. The Project is not anticipated to impact critical habitats.

The FCP will address both afforestation and reforestation mitigation requirements. Afforestation is associated with taking farmland out of active production. Reforestation is associated with cutting existing trees.

e. Fauna Resources

Currently a portion of the property has historically been used for agricultural purposes to grow conventional crops. These fields routinely undergo rigorous planting schedules that include a cover crop, full season crop, and/or a late season crop. The ongoing mowing, plowing, planting, application of fertilizers and pesticides, and harvesting are all performed in accordance with typical agricultural practices recommended by the local Farm Bureau and the Maryland Department of Agriculture.

Due to these rigorous and continuous agricultural activities and the isolated forest area, wildlife habitat at the site is extremely limited and associated mostly with common reptiles, birds, small mammals, amphibians, and arthropods.
Regarding the forested area to be cleared, as indicated in Appendix 11, DNR has confirmed there are no rare, threatened, or endanger species of concern.

f. Other Sensitive Areas
As noted in Appendix 11, the Department of Natural Resources determined there are no official State or Federal records for listed plant or animal species within the Project site. Further, the site has an isolated forested area within an industrial zone and adjacent to an existing industrial use. The forested area does not include the presence of any wetlands or rare, threatened, or endangered species. There are also no Tier II streams and/or catchment areas which may be impacted by the clearing of trees.

2. Summary of Environmental and Socioeconomic Effects

Pursuant to a response from MHT, a Phase I archeological investigation and/or Determination of Eligibility (DOE) forms were not required. MHT's response (see Appendix 12) indicates there are no historic properties within the area of potential effect.

a. Environment Resources
The Project is extremely environmentally friendly. It is not located in the Critical Area, not within 1,000 feet of any Tier II streams, and not within any Tier II catchment areas. The Project has been reviewed by the MDE and as mentioned above, a LOA has been issued associated with the 1,873.97 square foot area of isolated farmed wetlands (see Appendix 9).

According to the Department of Natural Resources (DNR) there are no rare, threatened, or endangered species that will be impacted by the Project. DNR’s letter is included in Appendix 11.

According to the FEMA FIRM Map Number 24045C0112E, Panel 112 of 375, Revised August 17, 2015, there are no mapped flood plains in the area of the proposed Project. The Project’s construction activities which would lead to additional impervious area will be minimal since the structures are built on pilings.

b. Cultural Resources
The Applicant has communicated with MHT and received a response indicating the Project will not require a Phase I or DOE forms. MHT’s response (see Appendix 12) indicates there are no historic properties within the area of potential effect.

c. Historic Building Environment
As noted above, DOE forms were not required by MHT. Appendix 12 includes MHT’s formal response which indicates there are no historic properties within the area of potential effect.
d. Archeological
   See items b and c above.

e. Consultation with Consulting and Interested Parties
   The Applicant has consulted with various State Agencies including MHT, DNR, and MDE.

3. Environmental Studies

a. Routine Wetlands Study
   A review of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Maps indicates there are not wetland features on the various project parcels. Figure 8 below identifies the location of the NWI data for the Site. Based on the proposed array layout a LOA application was submitted to MDE and a LOA has been issued associated with the 1,873.97 square foot area of isolated farmed wetlands (see Appendix 9).

Figure 8 – National Wetlands Inventory Data
MD E's Ace Adkins of the Nontidal Wetlands Program conducted a preliminary site visit with H&B on December 11, 2019. Following submittal of ECS's *ECS Mid-Atlantic Wetland Field Assessment Report* (see Appendix 8), Mr. Adkins conducted another site visit to confirm the details of ECS's report of findings. In reviewing the proposed array layout Mr. Adkins suggested that a LOA may be most appropriate since this area in question is an isolated farmed wetland of only 1,873.97 square feet. The LOA is included in Appendix 9.

### b. Natural Resources Inventory Plan

A summary of the Environmental findings follows:

- The property is zoned Heavy Industrial (I-2) which is a permitted use within Wicomico County.
- The property is not within the Critical Area.
- Based on the USFWS NWI Maps, there are no wetlands on the property.
- According to FEMA FIRM Map the property is not within a flood plain.
- According to the NRCS soils maps, the majority of the soils within the LOC consist of the Rosedale series and Pepperbox-Rockawalkin series. Overall the soils onsite are suitable to support a solar generation facility and storage.

All of the other environmental/regulatory considerations including habitat, flora/fauna, site plan, stormwater management, sediment and erosion control, etc. can be successfully addressed with careful consideration for the site constraints identified in this report.

In addition to the CPCN, the Project will require NPDES Permit coverage and other State Regulatory Approvals including conformance with stormwater management and sediment and erosion control requirements. In the 2017 Maryland Legislative Session, the CPCN Law was amended to require solar projects obtain consistency determinations with local zoning.

### c. Environmental Review Request

A preliminary desktop review for threatened and endangered species in Wicomico County was conducted using the USFWS Environmental Conservation Online System. The results are identified in *Table 8* below.
Table 8 – Threatened and Endangered Species

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<td><em>(Sciurus Niger Cinereus)</em></td>
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As indicated above, DNR’s Natural Heritage program has reviewed the project site and their response is included in Appendix 11.

d. Cultural Resources Due Diligence Resources Investigation

According to the Maryland Inventory of Historic Properties and National Register of Historic Properties via the MERLIN GIS Website, there are no Maryland Inventory of Historic Properties identified within approximately one (1) mile of the various Project sites.

As indicated above, MHT has reviewed the project site and their response is included in Appendix 12.

e. Geotechnical Investigations

ECS Mid-Atlantic performed a preliminary geotechnical analysis to demonstrate the site is suitable to support the proposed solar generation facility. The Preliminary Geotechnical Assessment is included in Appendix 2. ECS performed fifteen (15) soil test borings drilled to depths of up to twenty feet (20’) below existing ground surface across the site. The borings encountered a surficial layer of topsoil ranging from three inches (3”) to fourteen inches (14”) thick. The groundwater depths measured at the time of drilling ranged from thirteen feet (13.5’) to nineteen feet (19’) below existing ground surface.

The findings indicate the soils onsite can support the proposed solar generation facility including the use of ground screws, pads to support inverters and switchgear, internal grass covered drive aisles, select all-weather roads, and related sediment and erosion controls. The seismic analysis will be performed as part of the construction document preparation.

4. Ability to Conform to Applicable Environmental Standards

The Project’s design and construction will require review by state and local authorities through the CPCN process. The Project will also comply with various federal and state environmental regulatory requirements as applicable. Based on preliminary analysis the Project has avoided identified environmental constraints and it is expected that the final design will meet applicable federal, state, and local regulations. This will include preparing
a phasing plan which identifies proposed work areas, acreage that can be open at one time, and stabilization requirements.

B. AIR QUALITY

1. Compliance with Federal or State Air Quality Standards

As a solar generation facility, the Project will emit no pollutants, and the below listed standards, provisions, and requirements will not be applicable.

a. Air Quality During Construction

The primary air-quality issue during construction will be dust from non-point sources such as earthwork and construction traffic on unpaved roads. This type of dust is described as fugitive dust. Fugitive dust is expected to be less than a normal construction project since this Project will not require excessive earthwork activities. Other potential sources of pollutants during construction are mobile internal combustion engines from earthwork equipment and an increase in vehicle traffic by workers. Emissions from these sources should have little impact.

b. Air Quality During Operation

The Project, like all solar generation facilities, will generate no air pollution emissions during its operation.

2. Impact on Deterioration Areas and Nonattainment Areas

The Project will have no impact on any attainment or nonattainment areas of the State.

3. Requirements Under COMAR 26.11

Generally, the provisions of COMAR 26.11 will not be applicable to the Project as the facility will not emit pollutants.

C. WATER QUALITY AND APPROPRIATION

1. Availability of Surface Water and Groundwater

As a stand-alone, unmanned facility, the Project will be monitored remotely. There will be limited water and no sewer requirements for the Project. The Project will not require surface or groundwater appropriation for construction or operation. If needed, water may be used to cleanse the panels, but typically panels do not need to be cleanse in the mid-Atlantic region due to adequate rainfall. Typically, this cleansing utilizes only water.
sprayed at relatively high speeds to remove dirt and dust from the panels. Water tanker trucks may be used to manage dust during construction if required.

2. Affected Streams and Aquifers

The Site is located in the Wicomico River watershed which discharges to the Chesapeake Bay. No impacts to streams or aquifers are anticipated as a result of the Project. As mentioned above, a LOA has been issued associated with the 1,873.97 square foot area of isolated farmed wetlands (see Appendix 9).

3. Impact on Other Water Users

No impact to other water users is anticipated as a result of the Project.

a. Impacts to Other Water Users During Construction

It is assumed that there will not be a need to use water during construction. If water is needed to control dust, a water tanker truck will be provided.

b. Impacts to Other Water Users During Operation

Stormwater facility approvals, sediment and erosion control permits, grading permits, and NOI coverage under the NPDES Program will all be obtained as controls on the water quality leaving the Site. As an unmanned facility, there will be no ongoing water consumption requirement. Any other interim water consumption required will be fairly intermittent and provided as identified above.

4. Mitigation and Minimization Techniques Evaluated

No impacts to water quality or appropriation are anticipated. As a result, mitigation and minimization techniques are not warranted.

5. Requirements Under COMAR 26.17.06.07 and 26.17.07

It is assumed that there is no reason for permits to be issued under COMAR 26.17.06.07 and 26.17.07 since no water use or appropriation is needed for the Project.

D. DESCRIPTION OF EFFECT ON STATE OR PRIVATE WETLANDS

1. Public Health and Welfare

The Project’s operation will not produce, emit, or discharge any significant noise, air pollutants, or water pollutants, which may have an effect on public health or welfare.
Additionally, the Project will not generate, transport, store, treat, and/or dispose of hazardous waste.

2. Marine Fisheries

The Project will not impact marine fisheries.

3. Shell Fisheries

The Project will not impact shell fisheries.

4. Wildlife

The Project is not anticipated to significantly affect any wildlife habitat. As indicated above, DNR’s Natural Heritage program has reviewed the project site and their response is included in Appendix 12.

For these reasons, the Project is not anticipated to impact critical habitats.

5. Protection of Life and Property from Flood, Hurricane, or other Natural Disaster

This Project is unique in that, during a natural disaster, there would only be destruction to the panel array itself. Total destruction of the panel array and associated Project components would not release harmful gases or liquids and would have no adverse effects on surrounding property or life. All components of the Project will be designed per the local and state building codes.

6. Mitigation and Minimization or Replacement Land Acquisition

Mitigation and minimization or replacement land acquisition is not applicable to the Project.

7. License for use of State Tidal or Nontidal Wetlands

The information and forms required by the MDE regulations relating to a license for use of State tidal wetlands under COMAR 26.23 is not required for this Project. As mentioned above, the Project obtained a LOA for 1,873.97 square feet of minor nontidal wetlands impacts (see Appendix 9).
E. Waste Handling

1. Waste Handling During Construction

During construction, the contractor will collect any waste material and remove it from the Site to an approved waste handling facility. Large amounts of waste during construction are not anticipated. Waste material will mainly consist of packaging materials from the framing and electrical equipment that will be delivered to the Site.

2. Waste Handling During Operation

During operation, there will be little or no waste material generated at the Site. Any waste that is generated from maintenance and/or repair operations will be removed from the Site and disposed of at an approved waste handling facility. There will be no sanitary sewer waste generated at the Site.

3. Waste Handling During Decommissioning

Waste associated with decommissioning and deconstruction of the Project will be handled appropriately pursuant to a Decommissioning Plan approved by the Commission pursuant to the Power Plant Research Program’s standard decommissioning licensing condition. Once the life of the Project is complete, the land will revert back to its original condition.
SUBMITTED BY COUNCILMAN JOSH HASTINGS FOR DISCUSSION

Wicomico Independent Redistricting Commission (Draft)

About:
Following Governor Hogan's lead and call for independent redistricting committees, Wicomico should develop an independent county councilmanic commission and a process that is public, transparent, fair, and balanced. This process could be made to be more independent with:
• an odd # of Commission members;
• an equal # of Republicans, Democrats, and non-major party/independent members; and
• ranked-choice voting by the County Council members as to who would be on the Commission.

Design:
After receiving public letters of interest and resumes from interested Redistricting Commission candidates (who are Wicomico residents), Council members would each, through ranked-choice voting, choose 3 Democrats, 3 Republicans, and 3 non-major party/unaffiliated/independent members to be a part of a 9-member Redistricting Commission.

Having received all names, letters of interest and resumes in advance, in closed session, each Councilmember would simultaneously vote for the top 3 candidates of each party affiliation (the 3 best Republicans, Democrats, and 3rd Party) and the Commission members would be the individuals that received the most points. This allows for a less partisan process where less extreme and less qualified members would theoretically receive few points and have less of a chance of being appointed to the Commission. See below for a simple ballot that each Councilmember would use to score the applicants.

Choice for Wicomico Independent Redistricting Commission

<table>
<thead>
<tr>
<th>Name of Best Candidate (3 points)</th>
<th>Republican</th>
<th>Democrat</th>
<th>3rd Party/Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Second Best Candidate (2 points)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of Third Best Candidate (1 point)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Candidates (0 points)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If for some reason there is a tie in points among candidates, there would be a revote (only on the candidates where there was a tie) by all council members and the points would be greater to prevent a second tie. See below for a possible example.

Choice for Wicomico Independent Redistricting Commission (IF A TIE IS PRESENT)

<table>
<thead>
<tr>
<th>Name of Best Candidate (9 points)</th>
<th>Republican</th>
<th>Democrat</th>
<th>3rd Party or Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Second Best Candidate (3 points)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of Third Best Candidate (1 point)</td>
<td></td>
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</tr>
</tbody>
</table>
**Process:**
Step 1: The Council develops a Redistricting Commission Request for Applicants with an updated job description and final date to submit a letter of interest and resume;
Step 2: Wicomico residents submit a letter of interest and resume, directly to Laura Hurley, by email or mail, before a certain predetermined date;
Step 3: Laura Hurley and the Council Office compiles all submitted Commission member candidates/applicants and sends to Council members a week before simultaneously voting;
Step 4: Council votes simultaneously, in closed session, on the candidates that they prefer and votes are immediately tallied to determine the candidates with the most points (e.g., who is to be on the Commission);
Step 5: Council office alerts Commission members that they have been chosen and confirms their ability to serve over the timeframe; and
Step 6: Commission members meet and collectively design a map to send to Council for approval

**Other Thoughts & Concerns:**
In order to make this as collaborative a process as possible – with the most collectively acceptable results -- Council may want to set a goal of a super-majority vote (7 of 9 Commission members) for approving a single map that will be sent to the Council. If the Redistricting Commission is unable to secure a super majority vote in favor of a preferred new map, by a certain date, the Office of Planning, Zoning, and Community Development shall work with the Commission to submit (3) draft redistricted maps to the Council and Council shall host a public hearing on the 3 maps before voting to approve and adopt a particular map.

**Desired Result:**
To the best extent possible, the Commission should be active members of the community, reflect the population of the general Wicomico public, and be comprised of members that have an understanding and/or background in data analysis, cartography, political science, or community building and design. The meetings should be public and run independently of the County Council – with a potential “rotating Chairperson” or at a minimum, Commission-chosen Chairperson.

Hopefully, through this process, the Commission will submit a single – super-majority approved – redistricting map for Council to consider. If the Commission fails to approve a super-majority approved map, it will submit 3 individual maps and the public will have greater opportunity to provide further comment before the County Council approves a particular Councilmanic map prior to the February 22, 2022 state candidate filing deadline.