

Open Work Session
Quarterly Stormwater Management Discussion
July 2, 2019

Mr. Weston Young, Assistant Director of Administration, and Mr. Dallas Baker, Director of Public Works, came before Council. Mr. Baker said he will start by going through some of the projects. He said Council has seen a lot of them before, and he has updates on some of the new ones, but he will start with Pratt Road. He said, as Council knows, they applied for a MEMA/FEMA grant for phase 1 of the drainage improvements for that project, which was the stabilization of the ditch in West Nithsdale that runs adjacent to Royal Mile, but they heard back in June that the grant was not awarded. He said FEMA told them the project was found to be technically feasible, but not cost-effective, and, therefore, it is not recommended for further consideration. He said they were applying for construction funds for this project, which their engineer's estimate was about \$52,825, and the grant has a cap of \$100,000, so they thought it was a good selection. He explained, they made it through the first two rounds, but got cut in the third round. He said they gave him a link to another grant program managed through FEMA, which they will be applying for as well, but right now the plan moving forward is to include the construction of this project in a future year's CIP. He clarified, right now phase 1 of the project is under design, so they are still moving forward with the project. He said it is the same for phase 2, which is the enlargement of the Hunter's Mill stormwater pond, which is also under design, and they will be pursuing that for construction as an MS4 and WIP project. He said, by retrofitting the stormwater pond there with more modern stormwater practices, they can claim credit for the impervious areas that are draining to it, and also make enhancements to get many large storms before they pass on to Pratt Road.

Mr. Cannon asked, with the grant the County did not receive, what exactly were their numbers that varied so much from Mr. Baker's that they felt this project would be a total failure without the proper funding, to which Mr. Baker responded, they did not say it would be a total failure, but they just said it was not cost-effective. He explained, they gave a very long write-up of the project, and raised several questions throughout, but, in the second sentence after the line in their summary of the evaluation of the application, they said they made no contact with the applicant. He clarified, they had questions, but they never bothered to contact him, so he does not know whether, if they had done that, he would have been able to answer some of their questions, and that would have helped improve things. He said their bottom line is it is not cost-effective, but he is just not sure how they are looking at it. He said with something that is \$52,000 to start the work, and with the number of homes that are in this drainage shed, when they divide out the cost versus how many homes are there, to him it becomes almost pennies on the dollar at that point because the drainage shed for this was around 760 acres, so it was a huge drainage shed out there. He said he just does not follow their logic, but, again, they will be pursuing the other grants they mentioned. Mr. Cannon then asked, when they said it was not cost-effective, were they saying he was not serving enough homes for the cost because he thought they were saying they could not get the job done for that specific amount, to which Mr. Baker responded, he did not take it to mean that at all. He said he thinks, whatever the paradigm they were looking at for this project through was, again, they did not feel it was cost-effective. He said one item they mentioned was that the project after completed would be turned back over to the homeowner's association (HOA) because this area is a common area for West Nithsdale, and there may have been some questions about whether or not the HOA would have the ability to continue to maintain this area after the County went in and made the improvements, but he would not recommend pursuing a project and then taking on this area as a responsibility of the County. He clarified, the plan is still to make the improvements, and then turn it back over to the HOA. Mr. Dodd asked when they plan on starting construction on this, to

which Mr. Baker responded, they will have to program it into the CIP first, and then they will get money in the budget, so, the reality is, if they put it in the FY20-21 budget at this point, and it got approved in the CIP through the budget process, they would have to wait until July of next year before they could bid the project out, and a month to advertise it, so they would be looking probably at starting sometime in the fall of 2021 possibly. Mr. Young added, there may be other grants along the way, and they are not shy going for grants. He said, unfortunately, they did not get this one, but, if they see another that this project, or any of the Pratt Road projects apply to, they will go for it. Mr. Dodd asked if they think a professional grant writer for the County would have helped, to which Mr. Baker responded, it is interesting that Mr. Dodd brings that up. He said, for the other grant they mentioned, they are hiring the firm who did this report to write the grant for them, and they will certainly take all of the documentation they got from this first offer and apply it to the other project. He said the nice thing about this grant is that it is available every year, so the program does not just blink out of existence, and they will take what they learned and then reapply for other projects down the road. Mr. Cannon asked if it was an engineering firm that applied for this initial grant, to which Mr. Baker responded, no, they actually handled this in-house. Mr. Young added, to Mr. Dodd's point, he thinks having an in-house grant writer could be beneficial. He said the way he has seen it in previous municipalities he worked for is they ask they bring in four times their salary as a goal. He said the problem with it is a lot of these grants are very specific, so they will still need Mr. Baker, or some of the engineers who designed it, to fill out some of the information. He said, on the flipside, when managing the budgets and the reporting, sometimes it is monthly or quarterly reports the granting agencies would like, and that could be tough for somebody like Mr. Baker who knows the technical side to fill out, but to have that monthly requirement. He said there could be a benefit, and they would set some aggressive goals in terms of how much money they should be trying to bring in each year. Mr. Dodd said he has brought this up before, but the Board of Education has a full-time grant writer, and she brings in a lot of money for the Board.

Mr. Baker said the next project is Coty Cox Branch, and they have received the last of the permits they needed for this project. He said it is a stream cleanout basically starting at Morris Street and working their way south down to Rose. He said they already previously obtained the set of an erosion control permit and the MDE Wetland Waterways permit, and they got the Army Corp permit on June 24, 2019. He said they started that application process back in January, just to be clear, so it was a very long process to obtain. He said they will be bidding it out this month, and they are structuring the bid such that it will be broken down between the two blocks, meaning Morris to Booth Street, and then Booth to Rose, and, hopefully, they will get bids such that they can do the entire length, but, if not, then they will award one block or the other based on the funds they have available.

Mr. Baker said the next project is Kaywood Drive. He said, to go back in summary, they had a drainage study done that looked at the construction of the storm drain to intercept water off of the field to the east of South Kaywood Drive. He said the new system that was proposed would be able to handle the ten-year storm, and would include constructing additional inlets along Kaywood to intercept flow when the existing system is surcharged. He said the approximate cost for that system, and this was for the pipe network and not the swale in that farm field, was approximately \$423,000. He said they spoke to that farmer, and the answer was no, but no, for allowing them to either acquire an easement, or purchase a right-of-way. He said they asked the consultant who did the study to go back and develop a cost estimate for constructing the storm drain under the roadbed under Kaywood Drive, which is feasible, but what they are looking at now is a construction cost of about \$822,000, so the inability to access that field basically doubled the cost of the project. He said, moving forward, again, they will find a place to put this in the CIP to move it forward with the thought of putting it under the road, unless there is the will to proceed with eminent domain, which nobody likes to talk about. Mr. McCain asked what

the cost would be if they were able to do it on the adjacent property, to which Mr. Baker responded, that is the \$423,000. He said the pavement restoration out there is really what it comes down to, and the cost of significant interruption to the folks' lives. He said it is a deep storm drain out there, and they are talking about deep trenching. He said they are going to have excavators rolling through their community, their roads are going to be shut off, and it is going to be a challenging project. Mr. Dodd said the flooding is affecting their lives too, to which Mr. Baker responded, yes, and hopefully they will remember that at 8:00 a.m. when they start jackhammering open their roadbeds. Mr. Dodd said he and Mr. Baker met with State officials out there. He then asked if there is any possibility the State could help them with this project, to which Mr. Baker responded, not through State Highway because, again, this is a County road, and he has not seen them contribute to a local Government project that did not have a direct benefit to them. He said he knows years ago when he was working for the City, the State was looking for an opportunity to improve drainage on Route 13, so the State helped pay for the Waverly Drive storm drain, which eventually intercepted flow at Lloyd and Route 13, and that is the only place he has seen State Highway step in where there was some benefit to them. He said he does not believe there was any flooding out there that the State is really concerned about. Mr. Cannon asked, with the property owner who was not willing to cooperate, were there some compromising issues by giving the County the lean to the property, and would that compromise his property, to which Mr. Baker responded, no, not to his knowledge. Mr. Cannon clarified, he does not know what would be involved in that process, and whether it would be tearing up 10 acres of his land, or exactly how intrusive that process might be, to which Mr. Baker responded, it was roughly about 1.5 acres, and it was a narrow strip where they would bury the pipe. He said there would be several manholes along the property edge that the farmer would not be able to farm on, but, for the majority of the project, they could go in there in the fall when he is not planting to minimize crop disturbance. He said also, once the pipe is buried, he could plant on top of it, so they are only talking about not planting directly where the manholes would be, and they could certainly flag those with posts so he would be aware of those locations, and then also wherever there are a couple of inlets. He said he believes his resistance was due to a bad taste left in his mouth when State Highway built the Bypass, and he thinks he was promised some things that were never followed up on, so he was just unwilling. Mr. Holloway said they are talking about a \$400,000 difference. He then asked if Mr. Baker was asking for an easement with no payment to him, or did he make an offer, to which Mr. Baker responded, at first they asked for an easement, and he said he was not interested in that, so then he asked if he would be willing to sell them the property, and he said yes, for \$5 million dollars. Mr. McCain said, with eminent domain, they would have to pay him fair market value because it is for the public good, to which Mr. Baker responded, correct. He said, again, they were looking at about 1.5 acres of space that they would need for this, and there was roughly a 30-foot easement. Mr. Holloway asked if there has been a second attempt, or did he just drop it, to which Mr. Baker responded, there were actually multiple attempts before he called him. He explained, some of the engineers on their staff approached him at first, and they were told no. He said they reached out to the Farm Bureau through Sediment Erosion Control to have them approach him also, and initially they said it was a maybe, but to call and talk to him. He said that was when he called him and talked to him, and the answer was that he has told them no before, has been through this and heard it, and again it was a no. Mr. Dodd asked if Mr. Baker was able to meet with him face to face, to which Mr. Baker responded, no. He said he just called him up, and he would certainly be willing to go out and talk to him face to face, but it was clear he was not interested, so he just told him he clearly understands his position, and thanked him for his time. Mr. Holloway said he wonders if they could let him retain the land, but pay him for the easement. He said Mr. Baker was talking about just buying the land. He then asked if an offer was made of paying for an easement, to which Mr. Baker responded, it did not take him very long for the intention of no to come through on his end, and at that point he just respected his opinion. Mr. Holloway said he has dealt with things on the eastside where he had pretty firm no's to also, so he understands how that

works. Mr. McCain said he knows in Sussex County, for example, they are doing a lot of these, and they are also doing a lot of sewer easements, and they try to work it out, but, in the end, if they cannot work it out, they invoke eminent domain because it is for the public good, and that is the purpose of it.

Mr. Baker said the next project is something where Mr. Kilmer had mentioned doing an engineering study on Levin Dashiell Road, and they got a draft of that this past week. He said they looked at the drainage area on Levin Dashiell from Nanticoke Road out to Rockawalkin Road, and it is a 3,700-acre drainage area with 2.46 miles of road. He said less than half a mile of that has an existing ditch system with no defined outlet, and the road overtops in a two-year storm. He said there are multiple discharge points, which are hard to see on his slide, but the way it works is that the few places where this road drains are basically agricultural ditches that run perpendicular off the road, so they did a drainage study out there to look for some solutions. He said some of the recommendations were to install new roadside swales, clear existing farm ditches of vegetation, inspect and repair existing culverts, and install a new infiltration facility at Nanticoke and Levin Dashiell. He said that particular intersection was picked out because, if they drive by there, they will see a ditch at that corner, but that ditch does not drain anywhere. He said that was put in by State Highway several years ago as a way to help get the water off the road at that intersection, but it does not tie into anything. He said he knows the State is doing a study to address the flooding on Nanticoke Road at Willow Creek, so, when that comes in, if they have not looked at tying in this intersection to their drainage improvements at Willow Creek, he will certainly ask them to do that, so there is another possibility there. He said, as Council can see in the lower left hand corner of his slide, the study included a proposed road cross action with either open ditches, or with a piped-in system. He said the picture in the middle of the slide is one of the agricultural ditches that runs off the side of the road, and, as Council can see, it is clogged up with vegetation. Mr. Dodd asked who maintains the agricultural ditches, to which Mr. Baker responded, the farmers. Mr. Dodd asked if they are required to, or if they are on their own, to which Mr. Baker responded, not in terms of road drainage. Mr. Young added, sometimes they struggle to maintain the ditches with the environmental regulations. He said he has heard several say that the EPA or MDE will come down on them if they dig them out too deep, so there is an issue there. Mr. Baker said, to move forward and try to improve the drainage, they are looking to address some of the flooding issues on Levin Dashiell and Crooked Oak by incorporating the findings of this study with the construction of the west side collector that has extensive drainage not working. He said they can provide a new pathway to get the water off the surrounding areas and into that branch where it naturally wants to go, but just needs a path to get there, so they will be pursuing that to make these improvements.

Mr. Baker said the next item is field work and an engineering study that was a drainage investigation. He said there has been significant flooding on Arabian Drive in Steeplechase, and they are looking at a couple of different options to try to get some of that water off of Arabian Drive. He said one thing they found is that the stormwater pond seen in the slide discharges on Crooked Oak, heads south to the red line on the slide, and then goes over to the creek. He said, working with the City of Salisbury, they brought their camera crew out, and they ran a TV inspection camera through and found a pipe restriction. He clarified, that is not to say it is the only one, but this is as far as the camera could get when they found this obstruction, which they can see in the picture. He said they looked into it, and at first they thought it might be a County pipe, but it turns out it is actually the responsibility of the Cross Creek HOA. He said they did research on the deeds, the covenants, and restrictions, and it is very clearly called out that it is the HOA's responsibility to maintain. He said, if they do not maintain it, the County has the right to come in and do the work, and then bill the residents of that community for it. He said it is very similar to what they would see in an Urban Service District except the language is called out there already. He said they got an estimate from a local contractor to do the repair work for the selection of

pipe, and it is a little over \$7,000. He said, if they split that between the 73 property owners, they are looking at about an extra \$100 on their tax bill, one-time only, after this work is done. He said, once it is repaired, they will run the camera down further to see if there is any further obstruction, but it is their hope that this is the only collapse. He said that letter will be going out probably this month to the residents, but they just wanted to make everybody aware. Mr. Dodd asked if the residents are aware of it now, to which Mr. Baker responded, no. He clarified, this letter will tell them what was found, why they did what they did, and the backup documentation as to why they are approaching the residents, and where it is called out in their covenants and restrictions. He said it will include their phone number to give them a call if they have any questions. Mr. Dodd said, if they are watching PAC 14, they are just now finding out as well, to which Mr. Baker responded, they are just now finding out. He said they wanted to try to begin the educational process. He said Council probably will get calls from constituents out there, and now they are aware of why they are doing this, and what is going on. Mr. Dodd asked if the problem is that the culvert collapsed, to which Mr. Baker responded, yes, the storm drain pipe has collapsed. He said, in fact, if they go out there, they can see where there is a bit of a pit, and there is some junk and stuff. Mr. Young clarified, the photo to the right on the slide shows the pipe that should be round, and is collapsed there. Mr. Baker said, again, that is as far as they could get the camera down. Mr. Dodd asked if Mr. Baker thinks there may be more, to which Mr. Baker responded, they do not know, and that is just the challenge. He said, as Council can see on the slide, the circle is where they found the collapse at, and they only got about a third of the way down the pipe, so, knock on wood, there is nothing else collapsed. Mr. Dodd asked, once they open that, will they be able to put the camera in to look further, to which Mr. Baker responded, yes, there are other manholes down there. Mr. Hastings asked if Mr. Baker understands how it collapsed. He said it looks like a farm property next to it, to which Mr. Baker responded, that is a good question. He said someone must have run something over it at the time, but it is not as if it is heavily traveled, so he just does not know.

Mr. Baker said his next slide shows where the Public Works Roads Division has been making drainage improvements within the County, but he does not have pictures of every location. He said, just to show Council, Riggin Road and Parsonsburg Road are examples of where they are digging new ditches, but they are constructing or updating swales all over the County, and he thinks every single District is represented where they have been working and trying to keep the water flowing.

Mr. Young said, in terms of future outreach on drainage projects, as Council can see, Public Works has been doing work all over the County, so they want to announce to Council, as well as the folks watching, that next week on July 11 they will have a kickoff of what will be a series of monthly Executive Town Hall meetings. He said drainage issues per the region will be discussed, as well as many other topics, so the public is invited and encouraged to attend. He said Mr. Baker will be there, or one of his engineers or Roads folks, and they are looking forward to these. Mr. Cannon asked Mr. Young to give Council a list of the meetings because he knows they were attended by Councilmembers before, and they were very informative, and he would like to attend. Mr. Young said Mr. Baker's drainage meetings and the community forums on the opioid epidemic, which they had about a year ago, were really popular, so they hope to use these Town Hall meetings to discuss regional issues, whether it is drainage issues, or, in the Mardela region, they can talk about the middle and high school. Mr. Cannon asked how they are promoting this, to which Mr. Young responded, they are going to have a press release out tomorrow, and then at the kickoff meeting they will have the dates. He said they are still securing the locations, but they plan to do it monthly, and have the rest of 2019 laid out by the meeting on July 11. Mr. McCain said he is glad to see this. He said he thinks it is great, and definitely needed. He said there are a lot of people who come to the Council meetings and speak during Public Comments because Council meets regularly and has a Public Comments section, so they are sort of the avenue, but a lot of those topics are not

really Legislative issues, so this gives people the opportunity to have that communication, and he thinks this is great, to which Mr. Young responded, they are trying to remedy that.

Mr. Dodd asked for a quick update on the Morris Mill project, to which Mr. Baker responded, he will give a little bit of history first. He said they had plans designed and approved for the dam project, and it went to MDE and got approved, and they went to start construction. He said they dug a couple of scoops out of the side slopes of the dams and found water coming through, which they should never have water coming through the soil matrix of a dam. He said they put the soil back and called MDE and talked with the engineer, and, basically, they have had to redesign the project from scratch with the site being open. He said what was going to be just a downstream armoring embankment putting hydro turf on the downstream side so if it ever overtopped the soil would stay in place has now turned into, basically, a traditional type sheet pile dam. He said, if they go out there, they can see the sheet piling along the edge of the dam, and the contractor has been doing that. He said MDE has been very meticulous with their reviews and some of the items they want to see addressed, so they are having a bit of a challenge. He said, with the process MDE has dictated, the contractor will start building something and encounter a challenge, and then has to take that issue and submit it to the engineer of record, who then develops designs, which are then submitted to MDE who then reviews it and returns back their comments. He said that process is a slow process, and it is slower than it needs to be or should be. He said they are going to be meeting on site with MDE tomorrow to go over some of these issues and try to point out some of the challenges they have been facing. He said they are waiting on an approval for the end wall right now from MDE, who gave them comments last Thursday, and the engineer is developing the revisions to the plans that MDE wants to see, so they will submit them again, and, hopefully, get that approved, and then the contractor can get rolling again. Mr. Dodd said it sounds like things have changed since the last update Mr. Baker gave Council. He then asked if Mr. Baker has a projected date that it will open, to which Mr. Baker responded, at this point, the best he can say is they are shooting for the fall. He said originally he was saying September, but that is just not possible right now. He said he is still hopeful they can get into the fall, but it is just the process of getting this thing approved because it is a high hazard dam, and because MDE is looking at this with a microscope. He said it is cumbersome, and they have been fielding calls all week long from folks who are just not happy with the progress. He said, if they go out there now, they will tell them the contractor has not been on site since last Tuesday, and, again, they are at a standstill until they can get this revision approved. Mr. Dodd said he is hearing a lot from District 3 and District 4 constituents, and it really affects Emergency Services too, to which Mr. Baker responded, he will tell them that it is his Department's number one priority to get this dam moving and open, and get this just wrapped up because, at this point, it is just frustrating everybody, himself included. Mr. Cannon asked if they have developed any signage for the closing of that road yet, to which Mr. Baker responded, yes. He said there is a detour plan up and in place, and has been in place since September of last year when they started. Mr. Cannon said he approached it from South Division, but there was no signage telling him what to do, and before he knew it he was on the south side of Walmart on St. Luke's Road. He said he went at least a mile to even get where he needed to be, but, if there are signs up now, that is great.

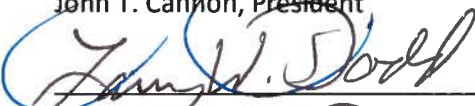
Mr. Holloway asked what is happening with Barren Creek, to which Mr. Baker responded, they have also submitted that to MDE and the Army Corp, and they are waiting on their response. He said the plans are, basically, 95 percent complete, and they just need to see what requirements they are going to come back with. He said there was some discussion about making accommodations for fish passage because it has been a stream for so long, and they are swimming back and forth, but they are waiting to see what they are going to require. He said they met with MDE on site last month, and he showed them the site, and is waiting to hear back. He explained, the way he understands the process, MDE will get a copy of

the plans, and they submit them to the Department of Natural Resources (DNR) who then reviews it and gives comments back to MDE. He said MDE has the option to require fish passage, or they can choose to not do it. He said the impression he got from MDE was that originally they were not going to require it, and they got some pushback from DNR, so DNR took the project and went to US Fish and Wildlife for some support, and now MDE is looking at requiring fish passage out there.


Mr. Cannon said Council appreciates Mr. Baker and Mr. Young being at the meeting. He said this is very extensive, very comprehensive, and he really appreciates the work Mr. Baker has done, and he appreciates him taking the time. There was no further discussion.




John T. Cannon, President




Larry W. Dodd, Vice President, District 3




Ernest F. Davis, District 1



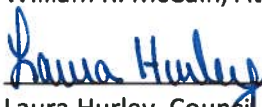
Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator