

Open Work Session Minutes

January 17, 2023

Enabling Legislation to Establish a Wicomico County Sanitary District Commission

County Executive Julie Giordano, Director of Administration Bunky Luffman, and Ms. Amanda Pollack, Water Resources Engineer with the Center for Watershed Protection, came before Council.

Mr. Cannon thanked Ms. Amanda Pollack, Mr. Mike Dunn with the Greater Salisbury Committee, and Mr. Colin Zimmerman for their work on the Water and Sewer Master Plan and said it is a lot of people working together to make this happen. He said Council is anxious to see what they have as far as this idea for a Sanitary District Commission.

Mr. Luffman said the County has been talking about getting into water and sewer for a long time. He said the date of the folder on his desk is January 18, 1977 that contains a Water and Sewerage Plan for Wicomico County and it replaced the one from 1969. He said they have been attempting to do this for a long time, and they have done reports, but have not followed-up because it is very expensive, very time consuming, and very technical. He said this Bill is enabling legislation that adds Wicomico County to stand up a Sanitary District. He said Ms. Pollack sent him the part of the code and he was shocked at how simple the Bill was, so he asked Mr. Wilber if it was legitimate whether this will get this done, and Mr. Wilber responded yes.

Ms. Pollack said she is a water resources engineer with the Center for Watershed Protection and is a resident of Wicomico County. She said this Bill enables the County to create a Sanitary District Commission, but that is not the whole story. She said this is the first step in a very long, thoughtful, and intentional process to bring sewer to failing septic areas. She explained, there are many facets to this, such as a planning component, engineering component, and financial component, and the State legislature piece. She said this is truly very simple enabling legislation to let the County then decide how to craft this system. She said the Greater Salisbury Committee has a taskforce that has been working on this based off of the master plan that the Council heard a year or so ago that George, Miles, and Buhr (GMB) prepared, so this is taking that to the next step and figuring out some actual steps to enable this.

Mr. Luffman said, as an overview, one way the County Council could go is, if they built out a system from a municipality, then that municipality would send the Sanitary District a bill for that service, the Sanitary District would then send the end user, the resident, a Bill with that fee plus their fee. He said the Sanitary District is going to have to have someone who can run the Sanitary District and they are going to have to have someone with a collections license for the pipes and the lift stations that the County will likely need. He said that is the fastest way to get into the wastewater business because, if you are building a plant, you are talking about millions of dollars and years of design work, so that is the fastest way. He said this is sort of what it will look like in the beginning assuming that is the model they take.

Mr. Holloway asked how the Sanitary Commission is different from the Urban Services Commission, and was the Urban Services Commission created by legislation, to which Ms. Pollack responded, she does not know if the Urban Services Commission was done by state legislation as she is not well versed on that. She said the difference is, once you have a Sanitary District Commission, that will have full time employees who will help run the commission and the Council is the Urban Services Commission. Mr. Holloway said the Council is not looking for another job. Ms. Pollack said she thinks this is going to be much more time intensive than how the Urban Services Commission meets now. She said this was something they discussed at the Greater Salisbury Committee as a stop gap measure, so the process

could be that it starts under the Urban Services Commission, but ultimately, long-term, it would be better served with people who are dedicated to this. She said that is something the County will have to talk about, such as how many commissioners, do they come from each district, and what the makeup and background of those people is. She said what Mr. Luffman was alluding to is very similar to what Dorchester County does, and all the neighboring counties have models they can look at and talk about. She said they are all slightly different, and some will work for Wicomico County and some will not. She said there would still be a need for an Urban Service District because there are still Urban Services.

Mr. Holloway said Mr. Luffman talked about hooking-up to municipalities. He then asked how they would get there with Salisbury saying they want to annex anything they hook up, to which Ms. Pollack responded, she spent the last 10 years as a City of Salisbury employee so she knows their code very well, but she does not work for them anymore, so there needs to be discussions. She said part of it is the health need and failing septic systems because Salisbury's Code does differentiate in serving areas with a health need versus serving areas that just want to be annexed. She said there needs to be a conversation with Salisbury's Council to really understand their policies and then a big part of it is just what Mr. Luffman was talking about, who will own that infrastructure. She said, if Wicomico County is saying they are going to own and operate this sewer collection system and all someone is asking for is hook-up into their wastewater treatment plant and the County sends them a bill, that is a different story than the line that went to the Airport where Salisbury operates and owns that line to the Airport, even though Wicomico County took on the project and the debt to put that line in. She again emphasized that those conversations need to happen. She said, as part of the Greater Salisbury Committee Task Force, they started some preliminary conversations with municipalities just to test their temperatures and to see where they are because the master plan done by GMB referenced the County has approximately 18,000 septic systems. She said, if she recalls correctly, they had estimated about 10,000 of those could be served by a neighboring municipality, and that is a lot going to the existing treatment plants. She said, what they have heard from municipalities so far is that all of them do not have the capacity as they are struggling, and they all have different levels of struggles, so it is really going to be very individual. She said it is case-by-case and each town has different policies for annexation, but she thinks a conversation needs to be had, and she just does not think that has happened before.

Mr. Luffman said, to give some backstory, there are eight incorporated municipalities, and seven of them have wastewater plants. He said Mardela is the only one that does not have water or wastewater.

Mr. Mitchell said Fruitland's Urban Service Agreement with the County also requires annexation if contiguous and the City requests it. Ms. Shields said that costs money, to which Mr. Mitchell responded, they become a citizen of the City.

Mr. Winn said one of the concerns is that some residents in the County do not necessarily want to be on sewer or water, as they are happy with their water and septic system. He said he understands, as he lives out in the country, and he does not want to be hooked-up to the grid himself. He said he likes the independence, he likes that about where he lives, and he knows not everyone agrees with that position, which is fine, but he thinks they need to keep in mind that there are residents in the county who specifically live in the county because they do not want sewer and water, and that is his concern.

Ms. Giordano said they had a meeting with Les Knapp with the Maryland Department of Environment (MDE), and some of these people will not have a choice. She explained, they have a failing septic and they do not realize that their septic is failing because it is not backing up into the bathtub or whatever, and then when they go to sell their house, their house is potentially worthless. She said they are seeing

that situation in certain areas, and she does not promote herself as a huge environmentalist, but this is really a health concern. She said for some areas they do not have the ability to get a new septic as they do not have land to put it on, and one area in particular is Old Ocean City Road where they do not have space on their land to get a new drain field or anything like that, so they are kind of handcuffed in a way when it comes to that situation. She said they do not want sewage in any yards, and they do not want sewage in the streets and things like that.

Mr. Winn said that is more or less what he is talking about, the people who live in those rural areas. He said he understands places like Parsonsburg where the houses are really close together and there are a lot of houses that cannot get septic systems because they are too close together. He said his concern is if it is going to impact all of the fields around, and are they going to be pressured to develop the entire County. He said his concern is that the County is going to turn into Lewes, Delaware, where you cannot even get up the road, so those are just his concerns. Mr. Cannon said these are issues they are going to be discussing when they work on the water and sewer master plan, and they are good questions.

Mr. Cannon said he wants to get back to the issue of the Sanitary District Commission. He said the reason for the work session is to decide whether or not to create the Sanitary District Commission. He then asked, if they send the letter of recommendation requesting to create the Sanitary District Commission, what happens to the Urban Service District because the Urban Services Commission, which is this Council, is the Commission that actually approved Village Down River and other projects, including street lighting projects. He said he would really like to know what happens with the Urban Services Commission. He said, if it went away, he would say great as he really does not like that responsibility as he does not think the Elected Officials on the County Council are the most qualified to make decisions on a wastewater treatment plant and he thinks they need experts in that field. He then asked, when creating a Sanitary District Commission, will this be other Elected Officials, or would this be specifically engineers and people who understand the business, to which Ms. Pollack responded, that is part of how the County will decide to create it. She said they may want it to be appointed positions that come before Council for review, or maybe they are elected. She said it may be better control of appointed positions where Council sets qualifications for those members, and she thinks the Urban Services Commission exists until they turn it over to a Sanitary District Commission. Mr. Cannon said Council needs to know whether or not they have to do that, to which Ms. Pollack responded, she thinks that would be a decision at the local level. She said she and Mr. Wilber have looked at the 1960's document that started some of that, so they can look back and determine that for sure, but she thinks this Bill enables it through the State and then they still have to create the Sanitary District. She said then Council can probably turn the responsibility of the Urban Services Commission over to the Sanitary District Commission, if that is what Council desires.

Mr. Luffman said, to answer Mr. Winn's question, he thinks no one will be compelled to hook up to a wastewater plant unless they have a failing septic that they cannot account for on their own property with a new drain field. Ms. Pollack said that is correct and, to that point, what Mr. Luffman is saying is exactly the State Department of Planning's concern - they do not want to put sewer in an area and then encourage that growth that otherwise was not an intended growth area. She said comprehensive planning, zoning, and everything will still be in effect, and certainly the State does not want to see that happen either.

Mr. Cannon asked if Council is comfortable sending a letter of support to enable the County to have a Sanitary Commission, to which there was a consensus among Council to send the letter of support.

There was no further discussion.



John T. Cannon, President, At-Large



Shane Baker, Vice President, District 3



James Winn, At-Large



Shanie P. Shields, District 1



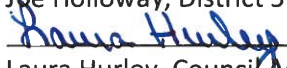
Jeff Merritt, District 2



Josh Hastings, District 4



Joe Holloway, District 5



Laura Hurley, Council Administrator