COUNTY COMMISSIONERS SCHEDULE
TUESDAY, MAY 28, 2019
LEGISLATIVE DAY

1. CALL TO ORDER
   5:15 p.m. Administrative Function
   ‘Boards/Commissions’

   5:30 p.m. Call To Order
   Pledge Of Allegiance,
   Moment Of Silence,
   Approval Of Agenda

   Accept County Commissioners’ Minutes
   - Regular Minutes – May 21, 2019
   - Closed Session – May 21, 2019

   Press And Public Comments**

2. NEW BUSINESS
   5:35 p.m. Mr. Todd R. Mohn, PE, County Administrator
   ‘Presentation of Documents for Signatures and Weekly Correspondence’
   Action
   2. QAC – Beach To Bridge Plan Letter
   3. MOU For Funding Assistance With A Broadband Feasibility Study
   4. FY19 Department Of Parks Vehicle Replacement
   5. NACo Voting Credentials – 2019 Annual Conference

   Documents:
   05.28.2019Action.pdf
   05.28.2019Correspondence.pdf

3. PRESENTATIONS
   5:45 p.m. Ms. Pennie Gill on behalf of Queen Anne’s County Council for Children and Youth and Community Partnership for Children and Families
   ‘Jackie Carter, Young People Who Care Award’

   Ms. Kelly Huber, Character Counts Coach Specialist
   Character Counts! ‘Faye Lister Teen Of Character Scholarship’

   Ms. Kelly Huber, Character Counts Coach Specialist
   Ms. Kasey Anne Ceggage and her 2nd grade class at Centreville Elementary school
   Character Counts! ‘Fairness’

   6:00 p.m. Public Hearing
   County Ordinance 19-06 – Holding Periods for Impounded Animals Under the Age of Three Months

   6:05 p.m. Public Hearing
   County Ordinance 19-07 – a Citizen Sponsored Text Amendment to Revise References to the 2002 Queen Anne’s County Comprehensive Plan in Chapter 18:1 of the Code of Public Local Laws of Queen Anne’s County

   Mr. Steven Chandlee, Director
   “Department Of Parks And Recreation Update”

   Legislative Session
   County Ordinance 19-10 - Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne’s County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map Number 56 (to be introduced)

   County Ordinance 19-11 - Establishment of a Tax Credit Against County Property Tax on Certain Real Property Owned by Volunteer Fire Department Members (to be introduced)

   Press And Public Comments**

   Documents:
   ORD 19-06.Pdf
   ORD 19-07.Pdf

4. REPORTS
   Commissioner’s Roundtable

   7:00 p.m. Adoption Of The FY2020 Operating And Capital Budgets

* Please note that Schedule times are subject to change, except for public hearings.
PUBLIC COMMENT SIGN-IN SHEET WILL BE AVAILABLE 1 HOUR PRIOR TO THE MEETING.

** Press and Public Comments at the beginning of the meeting will last 15 minutes. Additional time will be available at the end of the meeting for anyone wishing to speak. Comments are limited to 3 minutes in length. Comments longer than 3 minutes must be submitted in writing. PUBLIC COMMENT SIGN-IN SHEET WILL BE AVAILABLE 1 HOUR PRIOR TO THE MEETING.

*** Part of the meeting may be closed to the Public in accordance to the Open Meetings Act procedures.
COUNTY COMMISSIONERS SCHEDULE
TUESDAY, MAY 28, 2019
LEGISLATIVE DAY

CALL TO ORDER
5:15 p.m.

Administrative Function
"Boards/Commissions"
5:30 p.m.

Call To Order, Pledge Of Allegiance, Moment Of Silence, Approval Of Agenda

Accept County Commissioners’ Minutes
– Regular Minutes
– May 21, 2019
– Closed Session
– May 21, 2019

Press And Public Comments**

NEW BUSINESS
5:35 p.m.

Mr. Todd R. Mohn, PE, County Administrator

"Presentation of Documents for Signatures and Weekly Correspondence"

2. QAC – Beach To Bridge Plan Letter
3. MOU For Funding Assistance With A Broadband Feasibility Study
4. FY19 Department Of Parks Vehicle Replacement
5. NACo Voting Credentials – 2019 Annual Conference

05.28.2019Action.pdf
05.28.2019Coerespondence.pdf

PRESENTATIONS
5:45 p.m.

Ms. Pennie Gill on behalf of Queen Anne’s County Council for Children and Youth and Community Partnership for Children and Families

Jackie Carter, Young People Who Care Award

Ms. Kelly Huber, Character Counts Coach Specialist

Character Counts!

Faye Lister Teen Of Character Scholarship

Ms. Kelly Huber, Character Counts Coach Specialist

Ms. Karey Anne Coppage and her 2nd grade class at Centreville Elementary school

Character Counts!

– Fairness

6:00 p.m.

Public Hearing
County Ordinance 19-06 – Holding Periods for Impounded Animals Under the Age of Three Months

6:05 p.m.

Public Hearing
County Ordinance 19-07 – a Citizen Sponsored Text Amendment to Revise References to the 2002 Queen Anne’s County Comprehensive Plan in Chapter 18:1 of the Code of Public Local Laws of Queen Anne’s County

Mr. Steven Chandlee, Director
"Department Of Parks And Recreation Update"

Legislative Session
County Ordinance 19-10 – Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne’s County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map Number 56 (to be introduced)

County Ordinance 19-11 – Establishment of a Tax Credit Against County Property Tax on Certain Real Property Owned by Volunteer Fire Department Members (to be introduced)

Press And Public Comments**

ORD 19-06.Pdf
ORD 19-07.Pdf

REPORTS

Commissioner’s Roundtable
7:00 p.m.

Adoption Of The FY2020 Operating And Capital Budgets

* Please note that Schedule times are subject to change, except for public hearings.

PUBLIC COMMENT SIGN IN SHEET WILL BE AVAILABLE 1 HOUR PRIOR TO THE MEETING.

** Press and Public Comments at the beginning of the meeting will last 15 minutes. Additional time will be available at the end of the meeting for anyone wishing to speak. Comments are limited to 3 minutes in length. Comments longer than 3 minutes must be submitted in writing.

*** Part of the meeting may be closed to the Public in accordance to the Open Meetings Act procedures.

****Agendas will be posted by 4:30 pm the Friday prior to the meeting. The meeting attachments will be posted on the agenda by 4:30 pm the Monday prior to the meeting.

Three or more of the County Commissioners will be attending the following events in the next few weeks:

5/31 Kent Island High School Commencement
6/1 Sudlersville Community Laundromat Grand Opening
6/6 FEC Meeting
To: Board of County Commissioners
Date: 5/23/2019
From: Scott A. Haas, DES Director
Cc: Todd Mohn, County Administrator
Re: 2019 Queen Anne's County Multi-Jurisdictional Hazard Mitigation Plan

On May 21, 2019 the Queen Anne's County Department of Emergency Services and S&S Planning & Design LLC presented the final draft of the 2019 Queen Anne's County Multi-Jurisdictional Hazard Mitigation Plan to the County Commissioners. The plan draft has been approved by the Maryland Emergency Management Agency (MEMA) and the Federal Emergency Management Agency (FEMA) meeting all current requirements. To be compliant with the standards established in 44 CFR, Part 201, as authorized by the Disaster Mitigation Act of 2000 we are seeking the County Commissioners adoption of Resolution 19-04. Following the County adoption of the plan the Department of Emergency Services will be meeting with each County Municipality to ensure they adopt and understand the plan, which will make us fully compliant with all FEMA requirements for the next five years.

Recommended Motion: I move to adopt the 2019 Queen Anne's County Multi-Jurisdictional Hazard Mitigation Plan through Resolution 19-04.
2019 QUEEN ANNE’S COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS TO ADOPT THE QUEEN ANNE’S COUNTY, MARYLAND 2019 QUEEN ANNE’S COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, BASED ON THE STANDARDS CONTAINED IN 44CFR, PART 201, AS AUTHORIZED BY THE DISASTER MITIGATION ACT OF 2000 (DMA2K). THESE CRITERIA ADDRESS THE PLANNING PROCESS, HAZARD IDENTIFICATION AND RISK ASSESSMENT, MITIGATION STRATEGY AND PLAN MAINTENANCE REQUIREMENTS.

WHEREAS, the Board of County Commissioners has reviewed the Queen Anne’s County, Maryland Multi-Jurisdictional Hazard Mitigation Plan and support the adoption of this plan;

WHEREAS, the Board of County Commissioners understand that the Queen Anne’s County, Maryland Multi-Jurisdictional Hazards Mitigation Plan has received a satisfactory rating by FEMA for all required criteria;

WHEREAS, the Board of County Commissioners are dedicated to supporting the DMA2K and are committed to reducing future disaster losses and building community resiliency;

NOW, THEREFORE, BE IT RESOLVED, this 28th day of May 2019, by the Board of County Commissioners do hereby adopt the Queen Anne’s County, Maryland Multi-Jurisdictional Hazard Mitigation Plan, based on the standards contained in 44CFR, Part 201, as authorized by the Disaster Mitigation Act of 2000 (DMA2K).

THIS RESOLUTION, having been duly posted in accordance with the policy of the Board of County Commissioners for advertising for the adoption of resolutions, shall become effective upon the adoption of this Resolution.

READ, PASSED AND EFFECTIVE ON THIS 28th DAY OF MAY 2019.

ATTEST:

Margie A. Houck, Executive Assistant

APPROVED:

James J. Moran, President, County Commissioner
May 28, 2019

Mr. Pete K. Rahn, Secretary
Maryland Department of Transportation
Post Office Box 548
7201 Corporate Center Drive
Hanover, Maryland 21076-0548

Re: Queen Anne’s County - Beach to Bridge Plan

Dear Secretary Rahn:

Our staff met with various MDOT officials on May 16 to further discuss and vet additional initiatives to reduce and eliminate backups on our secondary roads during Sunday afternoons. As a follow-up to this meeting, we hereby formally request that SHA take immediate action to limit and/or eliminate the left turn movement onto MD 18 at Queenstown. Our local Volunteer Fire Service would like to continue using this crossover for emergencies access only. We look forward to working with your staff to establish acceptable restrictions at this location so we can keep our secondary road system open for local traffic and emergency services during peak traffic times.

Respectfully,

QUEEN ANNE’S COUNTY
BOARD OF COUNTY COMMISSIONERS

James J. Moran, President

Jack N. Wilson, Jr.

Christopher M. Corchiarino

cc: Gregory Slater, SHA Administrator
    C. Scott Pomento, PE Planning & Engineering Director
    Ken Fender, District 2 Engineer

Stephen Wilson

Philip L. Dumenil
MEMORANDUM

DATE: May 28, 2019

TO: County Commissioners

FROM: Todd R. Mohn, County Administrator
       Jonathan R. Seeman, Director, Budget, Finance and IT

CC: Broadband Advisory Committee (BAC)

RE: MOU for Funding Assistance with a Broadband Feasibility Study

At the February 26th meeting, the Board approved the recommendation of the Broadband Advisory Committee to request funding assistance for the development of a strategic plan for local Broadband service expansion.

The State Office of Rural Broadband has selected our Broadband Feasibility Study project for funding assistance. The attached MOU provides the terms for this grant for an amount up to $60,000 which is a 50-50 cost share arrangement.

Matching funds for this study are available in the IT-Fiber Infrastructure Capital project. The County Attorney has reviewed and approved the attached MOU for execution.

Recommended Action:

I move for Commission President Jim Moran to execute the Memorandum of Understanding for $60,000 with the State Department of Housing and Community Development for the procurement of a Broadband Feasibility Study.
MEMORANDUM OF UNDERSTANDING
REGARDING
ASSISTANCE FOR A BROADBAND FEASIBILITY STUDY

This Memorandum of Understanding Regarding Assistance For A Broadband Feasibility Study ("Agreement") is made by and between the Department of Housing and Community Development ("DHCD"), a principal department of the State of Maryland ("State"), and Queen Anne's County (the "County") a political subdivision of the State. DHCD and the County are each a "Party," and may be collectively referred to as the "Parties."

WHEREAS, there is a deficit of broadband resources serving rural residents and businesses in the State; and

WHEREAS, DHCD supports the mission of the State and, in particular, the Governor's Office of Rural Broadband (the "Office"), to deliver broadband internet to rural communities in Maryland experiencing such a deficit; and

WHEREAS, it is the goal of DHCD, in support of the Office, to aid counties interested in understanding the costs of, and issues relating to, delivering broadband to unserved rural residents and businesses within their jurisdictions; and

WHEREAS, the State has allocated funding to DHCD for the purpose of supporting the development of broadband in presently-underserved rural areas; and

WHEREAS, the County is presently experiencing a deficit of broadband resources, and wishes to have the benefit of an award of financial assistance from DHCD in order to procure the technical services necessary for the preparation of a Broadband Feasibility Study ("Study"); and

WHEREAS, the Office has agreed to aid the County by providing technical assistance and oversight of the Study; and
WHEREAS, DHCD has agreed to aid the County by providing partial funding of up to fifty percent (50%) of the cost of a Study, not to exceed a total of Sixty Thousand Dollars ($60,000.00).

NOW, THEREFORE, in consideration of the mutual commitments made herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Recitals**

   The Recitals set forth above are hereby incorporated and made a part of this Agreement.

2. **Term**

   The term of this Agreement shall begin after all appropriate Party approvals have been obtained and the Agreement has been executed by all parties. The term of this Agreement will end on April 1, 2020, unless earlier terminated pursuant to Section 4 hereof.

3. **Obligations of Parties**

   3.1 **DHCD**

       3.1.1 **Funding.** DHCD commits to providing financial assistance funding to the County for 50% of the cost of the Study, not to exceed a total contribution of $60,000. Any commitments identified in this Section are subject to the County providing any required documentary support or other information requested by DHCD in order to properly evaluate the financial assistance funding request.

       3.1.1.1 The County shall submit invoices and supporting documentation to DHCD, with a courtesy copy to the Office, for funding / reimbursement of 50% of the cost of a Study, not to exceed $60,000 in total, within thirty (30) days after a final invoice is issued for such services. DHCD will provide its financial assistance.
funding within 30 days after both of the following have occurred: (a) DHCD has approved the invoice(s) and supporting documentation; and (b) the Vendor has concluded a Study meeting the minimum criteria required for funding assistance.

3.1.2 Discretion. DHCD, in its sole discretion, may approve or deny financial assistance funding requests made pursuant to Section 3.1.1. In reviewing, approving, and processing funding requests DHCD may consult with the Office.

3.1.2.1 In order to qualify for financial assistance funding, the Study must be secured through a third-party vendor. Costs incurred by the County for work performed by staff of the County are not reimbursable or eligible for funding by DHCD.

3.2 The County

3.2.1 Eligibility for Funding.

3.2.1.1 The County is a grantee of funds from DHCD and this agreement constitutes a grant agreement.

3.2.1.2 The County may receive the funding described under Sections 3.1.1 only if all of the following are met:

(a) The County enters into a contract with the third-party vendor performing the Study;

(b) The County submits a copy of the Study which meets the requirements to qualify for funding.

(c) The County submits a proper invoice with supporting documentation, to include the vendor contract, scope of work, and the Vendor's final invoice.
3.2.2 Criteria for Study Funding. In order to be eligible for funding pursuant to Section 3.1.1, a Study must meet the following criteria:

a. Be performed under contact by an outside vendor not affiliated with the County, and services must be procured in accordance with County and State requirements. The vendor must have experience in the preparation of such studies.

b. Identify existing broadband communications assets, products and services in the County and their locations.

c. Identify the current and future demand for broadband products and services in the County.

d. Provide a strategic guide for the planning of a broadband connectivity project specific to the County that can be implemented as cost-effectively and quickly as possible, for the purpose of enabling economic development and citizen connectivity.

e. Provide a preliminary plan outlining how to provide broadband to the areas without identified service, including suggested route(s) and recommendations on how to proceed.

f. Provide an assessment of potential construction and operational relationships with public, private, and membership-owned companies.

g. Provide an assessment of the telecommunications environment, detailing the location of facilities, types of services, availability and limitations.

h. Identify potential wired network routes and interconnection points, as well as potential tower site recommendations, to support and maximize consumer coverage.

i. Provide analysis of the current broadband environment and comparison with future needs. The analysis should include an evaluation of key issues presently limiting broadband expansion.

3.2.3 Study Ownership. The County will be the owner of the Study and will be responsible for overall funding and implementation of the Study.

4. Early Termination

4.1 If the County fails to fulfill any or all of its obligations under this Agreement properly and on time, or otherwise violates any provision of this Agreement, DHCD may terminate this Agreement by giving 30 days' prior written notice of such default to the County. DHCD shall allow 30 days for a defaulting County to cure said default. If the default is not
cured within the 30 day cure period, DHCD may terminate this Agreement without further notice. The 30 day notice shall specify the acts or omissions relied upon for termination.

4.2 DHCD may terminate this Agreement for convenience upon sixty (60) days’ notice to the County. In the event of an early termination under this Section, the County will be reimbursed all reasonable costs incurred under Section 3.1.1.1.

4.3 In the event that DHCD terminates this Agreement under Sections 4.1 or 4.2, for any reason, the County will return all funding provided by DHCD pursuant to this Agreement, except for the reasonable costs set forth in 4.2.

4.4 Notwithstanding Sections 6.1 and 6.2 of this Agreement, no Party shall be relieved of any liability to the other for damages sustained by another Party by virtue of any breach of the Agreement. In the event of a default, any Party may at any time proceed to protect and enforce all rights available to it under any relevant guidelines or regulations, at law or in equity, or by any other appropriate proceedings, which rights and remedies shall survive the termination of this Agreement. All representations, warranties, and indemnification provisions of this Agreement shall survive expiration or any termination of this Agreement.

4.5 Funding under this Agreement is subject to budget constraints and legislative approvals. If funds are not appropriated or made available to DHCD for the amounts identified in this Agreement, this Agreement shall be automatically terminated, without any action required.

5. Notices

All notices required under this Agreement shall be made in writing, delivered by first-class mail (with a courtesy copy by e-mail), and deemed received three (3) days after mailing. All notices shall be directed as follows:
If for DHCD, to:

Kenrick Gordon  
Director  
Governor’s Office of Rural Broadband  
7800 Harkins Road  
Lanham, MD 20706

With courtesy e-mail to: kenrick.gordon@maryland.gov

If for the County, to:

Megan DelGaudio  
IT Manager  
Queen Anne’s County Department of Budget, Finance and IT  
110 Vincit Street, Suite 100  
Centreville, MD 21617

With courtesy e-mail to: mdelgaudio@qac.org

6. Liability

6.1 Each Party assumes sole responsibility for the obligations to be performed by it under this Agreement.

6.2 To the extent permitted by law, the County shall defend, indemnify, and hold harmless DHCD, the Office, and the State, from and against any and all claims, demands, actions, suits, damages, liabilities, losses, settlements, judgments, costs, expenses, and proceedings of any kind whatsoever (including but not limited to reasonable attorney’s and expert’s fees and costs), whether or not involving a third-party claim, that are caused by, relate to, or arise from any breach of this Agreement or any direct or indirect, willful or negligent, act or omission by the County, its officials, employees, or agents, in connection with the subject of this Agreement, unless such claims arise from or are the sole result of intentional misconduct or gross negligence of the party seeking to enforce this right to indemnification. The County’s
obligation to defend, indemnify, and hold harmless DHCD, the Office, and the State, shall survive the termination of this Agreement.

6.3 Nothing provided in this Agreement shall be construed as a waiver of the Tort Claims Acts and related funding provisions or the defense of governmental immunity by the Parties as to any third party.

6.4 It is hereby stipulated and agreed between the Parties that with respect to any tort claim or action arising out of any services performed under or pursuant to this Agreement, each Party shall only be liable for payment of that portion of any and all liability, costs, expenses, demands, settlements, or judgments resulting from the negligence, actions or omissions of its own agents, officers and employees. In any action or claim arising out of any services performed under or pursuant to this Agreement, each Party shall assume the defense of itself, its own officers, agents or employees in accordance with the Maryland Tort Claims Act, Md. Code Ann., State Gov't Art., §12-101, et seq. and the Maryland Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-301, et seq., as the case may be.

6.5 Each Party shall immediately notify the other of any claim or suit made or filed against them or their subcontractors regarding any matter resulting from or relating to their obligations under this Agreement and will cooperate, assist, and consult with the other Party in the defense or investigation of any claim, suit, or action made or filed against any of the Parties relating to the obligations of such Party under this Agreement.

7. **Records**

The County will maintain accurate records of all documents relating to this Agreement, all expenses incurred under this Agreement, and all services provided to the County for which reimbursement is made under Section 3.1.1. The County shall make the records and its
administrative offices, personnel, consultants, or volunteers who are involved in the implementation of this Agreement and the Study available to DHCD and the Office upon request. All such records shall be maintained for a period of three (3) years after funding is provided by DHCD, or for the applicable period of limitations, whichever is longer. In cases where unresolved audit questions may require retention of some or all of said records for a longer period, the County will turn over all records that may be required to be retained beyond the 3 year period identified herein to DHCD.

8. **Compliance with Laws**

Each Party to this Agreement hereby represents and warrants that it shall comply with all federal, State and local laws, regulations, and ordinances applicable to its activities and obligations under this Agreement.

9. **Certifications**

9.1 The Parties agree to not discriminate in any manner against any employee or applicant for employment because of race, color, religion, creed, age, sex, familial status, marital status, national origin, ancestry, or physical or mental disability or any other characteristic forbidden as a basis for discrimination by applicable laws. The Parties agree to comply with other non-discrimination provisions of federal and State law.

9.2 The [IT Department] is an [agent, body, etc.] of the County and is authorized to act in connection with the matters described in this Agreement. This Agreement has been duly authorized, executed, and delivered in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of the [Queen Anne's County], subject to the approval of [the Queen Anne's County Commissioners].

9.3 The Parties warrant that they shall comply with the State's policy concerning drug
and alcohol free workplaces as set forth in COMAR 01.01.1989.18 and 21.11.08, and shall remain in compliance throughout the Term of this Agreement.

10. **Entire Agreement**

This Agreement, together with any exhibits attached hereto and incorporated by reference, represents the complete, total and final understanding of the Parties and no other understanding or representations oral or written, regarding the subject matter of this Agreement shall be deemed to exist or bind the Parties at the time of the execution.

11. **No Waiver**

The failure to insist in any one or more instances upon a Party’s strict performance of any of its obligations under this Agreement shall be limited to that particular instance, and shall not be deemed or construed as a waiver or relinquishment of the right to require and enforce the future performance of such obligations.

12. **Severability**

If any term, covenant, or condition of this Agreement is found by a court of competent jurisdiction to be void or unenforceable, then that provision shall be deemed to be deleted and the remaining provisions of this Agreement shall be construed without such provision, and shall, nevertheless, remain in full force and effect as long as the essential terms of this Agreement remain valid, legal, reasonable, and enforceable.

13. **Amendments**

This Agreement may not be changed, altered, or modified except by written agreement executed by the Parties. Except for any specific provision of this Agreement which is amended in accordance with this Section, this Agreement remains in full force and effect after any such amendment.
14. Miscellaneous

14.1 This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland.

14.2 This Agreement shall not be assignable or transferable without the prior written consent of the Parties.

14.3 Section headings and subheadings in this Agreement are used for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

14.4 This Agreement is for the exclusive benefit of the DHCD and the County. No other person or entity shall have rights under or be deemed a beneficiary of this Agreement.

14.5 This Agreement may be executed in counterparts; all such executed counterparts shall be deemed one agreement. Signatures of the Parties, transmitted by facsimile or by electronic mail printable in tangible form to the other Party, shall be as effective as an original signature delivered by the signing Party.

15. Exhibits

The following Exhibits attached hereto are an integral part of this Agreement and are incorporated herein by reference:

Exhibit A: Response to RFI

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed by their proper and duly authorized officers, on the dates identified below.
Department of Housing and Community Development

Date

BY: Kenneth C. Holt
Secretary

Approved as to form and legal sufficiency
this _____ day of __________, 2019:

Assistant Attorney General

Queen Anne’s County

Date

James J. Moran
President, Board of County Commissioners
MEMORANDUM

Date: May 21, 2019

To: County Commissioners

From: Mike Watson, Chief of Operations, Department of Parks & Recreation
Via: Steve Chandlee, Director, Department of Parks & Recreation

Subject: FY 2019 Department of Parks Vehicle Replacement

The Department of Parks is requesting to purchase a 2019 Dodge 3500 4X4 pickup, from Fred Frederick Dodge, Easton, MD, for $29,917.00. This vehicle purchases are part of the systematic replacement of Park Fleet Vehicles. We will be replacing a 1994 Ford F250 Pickup truck, which has been removed from service, due to blown motor and high mileage.

Requested Action:

I move to authorize the Department of Parks & Recreation to purchase a 2019 Dodge 3500 4X4 pickup, from Fred Frederick Dodge, Easton, MD, for $29,917.00. Funding to come from the Department of Parks & Recreations FY 2019 Capital Equipment Budget.

cc: Jon Seeman
**PARKS AND RECREATION DEPARTMENT**  
**FY 2019 CAPITAL EQUIPMENT**

<table>
<thead>
<tr>
<th>Approved FY19 Capital Equipment</th>
<th>$229,400.00</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Two (2) 6' 10&quot; x 20&quot; Trailer</td>
<td>$8,030</td>
</tr>
<tr>
<td>2018 Dodge Ram 5500 Crew Cab with Landscaper Dump</td>
<td>$61,864</td>
</tr>
<tr>
<td>Creighton 8' x 20' Enclosed Trailer</td>
<td>$6,665</td>
</tr>
<tr>
<td>2019 Ford F350 Regular Cab 4 Wheel Drive Pickup</td>
<td>$31,951</td>
</tr>
<tr>
<td>2019 Ford F250 Crew Cab 4 Wheel Drive Pickup</td>
<td>$30,865</td>
</tr>
<tr>
<td><strong>Total FY19 Expenditures</strong></td>
<td><strong>$139,375</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current FY19 Capital Equipment Budget</th>
<th>$90,025.00</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Proposed Expenditures</th>
<th>Item</th>
<th>Actual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 Dodge 3500 Regular Cab 4X4 Regular Cab Pickup</td>
<td>$29,917</td>
<td></td>
</tr>
</tbody>
</table>

| FY19 Remaining Budget with Proposed Expenditure | $60,108.00 |
MEMORANDUM

ELECTION OF NACo OFFICERS AND VOTING ON POLICY

To: County Board Chairpersons, Parish Presidents, Borough Mayors,
County Judges, Elected County Executives and County Clerks

From: Greg Cox, NACo President
Date: May 16, 2019
Subject: Voting Credentials – 2019 Annual Conference

NACo is preparing for the 84th Annual Conference to be held July 12-16, 2019, in Clark County, Nev. It is important that your county participates in the association’s annual election of officers and voting on policy. In order to participate, a county must have paid its membership dues and have one paid registrant for the conference, according to NACo bylaws.

Please read the enclosed information carefully. Indicate on the credentials form the name of the county voting delegate and alternate authorized to pick up your county’s voting materials.

A checklist is enclosed to assist you in filling out the voting credentials form. Additionally, the chief elected official of your county must sign the form. A chief elected official may be a:

- board chair/president
- mayor
- county judge
- elected county executive

Please fill out this form in advance and scan and e-mail, mail or fax the enclosed form by Friday, June 28.

If no one from your county is planning to register for the conference, you do not have to turn in the credentials form.

Email: credentials@naco.org

Mail: Credentials Committee
Attn: Lauren Wilson
National Association of Counties
660 North Capitol St, NW
Suite 400
Washington, DC 20001

Fax: 866.370.9421

For questions, please contact Lauren Wilson, Credentials Committee Liaison, at credentials@naco.org or 888.407.NACo (6226), direct line: 202.661.8840. We look forward to seeing you in Clark County.
2019 Credentials Process Frequently Asked Questions

On what issues or for which candidates do counties/parishes/boroughs vote?
Counties vote on resolutions that set NACo legislative and association policy for the coming year. Delegates also elect NACo officers for the coming year. The second vice president is typically the only contested position.

How can my county vote?
A county must be a NACo member “in good standing” in order to vote. This means your county’s dues for 2019 must be paid before the voting occurs. Also, the county must have at least one paid registration for the annual conference and have proper credentials.

What are credentials?
Credentials attest to a county’s eligibility to vote. Credentials contain information on the number of votes a county is eligible to cast, as well as the identity of the delegate that is authorized to cast the county’s vote.

How is the credentials form distributed?
The form is mailed in May to the clerk and chief elected official of member counties so that the county can provide the name of the voting delegate to NACo. Conference registrants will receive an e-mail with a link to the credentials form as well. Only counties that have paid their 2019 NACo dues will receive a credentials form. Please return this form by Friday, June 28, 2019.

Why did I receive a credentials form?
You are receiving this form because you are the chief elected official at your county, your county’s clerk, or you registered for the 2019 NACo Annual Conference. If you wish to vote, please bring the credentials form to your chief elected official to fill out and return to NACo. Please see this packet for more instructions on the form.

My county has misplaced the credentials form. What should I do?
The credentials form is available in the Elections and Voting Credentials section of the NACo website (www.naco.org/credentials). After you download, print, and fill out the form correctly, you can return it to NACo. Please call Lauren Wilson at 202.661.8840 if you need assistance.

If my county is not registering for the Annual Conference, does my county have to send in the credentials form?
No. Only counties who register may vote. Please do not return the credentials form to the NACo office if your county does not plan to register for the Annual Conference.

What is a voting delegate?
A voting delegate is someone authorized by your county/parish/borough board to pick up a ballot and cast your county’s votes at the annual conference. The delegate must have a paid registration to the conference.
Who may be a voting delegate?
Any elected or appointed official or staff member from your county/parish/borough may be a voting
delegate. That decision is up to your county board.

What is an alternate?
An alternate is another elected or appointed official or staff member from the county delegated by the
county to pick up and cast its ballot. The alternate must have a paid registration to the conference. The
delegate or alternate listed on the credentials form may pick up your county’s ballot.

My county has only one person attending the conference. Does my county have to designate an
alternate?
No. It is not necessary to list an alternate if a delegate is named.

Whose ballots may the state associations of counties/parishes/boroughs receive?
Your state association of counties/parishes/boroughs is allowed to pick up any unclaimed ballots from
counties/parishes/boroughs that have registered delegates. The pick-up time for state associations is Sunday
afternoon (2 to 5 p.m.) during the conference. The state association may then cast those ballots in the
election.

My county does not want our state association to pick up our votes. How does my county go about
indicating this decision?
You must check the box that says “If my ballot is not picked up, I DO NOT AUTHORIZE my state
association to pick up or cast my county’s vote. I understand that my county’s votes will NOT be cast if I
select this option.” Please remember that your county’s votes will not be cast at all with this option if your
delegate does not pick up the ballot.

If I do not get my credentials form into the NACo office by June 28, may I become credentialed on
site at the conference?
Yes. You may bring the original credentials form signed by your chief elected official or fill out the on-site
ballot form. By signing the on-site ballot form you declare that you and the other conference attendees
from your county have agreed that you are the voting delegate for your county. You must be registered for
the conference to be able to vote.

What happens if multiple registered attendees from my county completes the on-site ballot form?
If there is uncertainty as to who the authorized delegate is, and more than one person claims to be your
county’s authorized delegate, officials from your county will need to resolve the dispute by 1 p.m. PDT on
Sunday July 14, 2019. Unless the dispute is resolved, your county’s votes will not be counted.
To resolve the dispute, all registrants who filled out the on-site ballot form are required to agree as to who
is the individual authorized to cast their county’s votes and communicate that to Lauren Wilson, Credentials
Committee Liaison, at the Credentials Desk by 1 p.m. PDT on July 14, 2019.
How do I get my ballot?
When you submit your credentials form NACo staff prints out a paper ballot to bring to the NACo Annual Business Meeting. In order to vote you will need to pick up this paper ballot at the NACo Credentials Desk. Your county has until 1 p.m. on Sunday, July 14 to come to the Credentials Desk and pick up your ballot. If you do not pick it up by 1 p.m. your state association can then pick up your vote until 5 p.m. unless you check the box on the form to not permit them. If you check that box and do not pick up your own ballot your county will not be permitted to vote.

What would happen if I have picked up my ballot, but need to leave before the election?
If you have picked up the ballot for your county but will not be present to cast it at the NACo Annual Business Meeting on Monday morning, you can give that ballot to a delegate from your same county, from another active member in your state, the head of your state delegation, or your state association president or president’s designee. To do this, you (transferer) and the person you are handing the ballot to (transferee) must sign the Record of Ballot Transfer form on the back of your ballot.

If county won’t be attending this year’s Annual Conference, can we still vote?
Yes. Your county can still have its votes counted without attending the conference, but one person from your county still needs to register. You must have at least one person registered by 12 PM PDT on July 9. If you register, do not plan to attend and wish to vote, you must designate your state association president as your delegate on the Credentials Form. Your state association president or his/her designee will pick up and cast your ballot.

How does NACo determine the number of votes each county receives?
The number of votes is determined by the amount of dues a county pays. Dues are based on population. All counties are entitled to at least one vote. Members with more than $1,199 in dues are entitled to one additional vote for each additional $1,200 in dues or fraction thereof paid in the year the meeting is held.

- Counties with dues of $450 to $1,199 receive one vote.
- Counties with dues of $1,200 to $2,399 receive two votes, and so on.
- The maximum number of votes a county can receive is 51.

My county has 10 votes. How can our 25 commissioners divide or share the votes?
That is up to your county. NACo has no rule as to how counties decide to allocate their votes. Counties may split their vote amongst the candidates running for second vice president if it is desired.

I’ve heard the term “unit vote” used. What is that?
Some states, by custom or policy, cast all of their votes as a block or “unit.” State associations typically have a meeting before the election to determine how they will handle the voting process.

- Check with your state association regarding the time, date and location of this meeting.
- NACo bylaws permit each county to cast its vote as it chooses. Your county does not have to vote with your state association should you so choose.
When does the voting take place?
This year’s election is on Monday, July 15, 2019 at 9:30 a.m. at the NACo Annual Business Meeting.

How does the voting occur?
Votes are cast by state, not by state association. Counties from a state sit together as a delegation. The reading clerk will call out states at random. A state appointed representative will approach the microphone and call out that state's vote. This will continue until one of the candidates has a majority of the total number of votes being cast. Voting may still continue after a majority has been reached.

What is a roll call?
Roll call is a way of voting for NACo resolutions to be passed. If a roll call is necessary, the names of the states will be read out in alphabetical order by the reading clerk. A state appointed representative will approach the microphone and call out that state's vote as “yes” or “no.” This will continue until all votes have been cast.

What happens if there is a dispute over the election process?
It is rare, but sometimes irregularities occur with how votes are cast or counted, or how the credentialing process is conducted. As a safeguard, elections may be challenged during the voting process at the NACo Annual Business Meeting. Challenges are allowed under two circumstances. A voting delegate may challenge the vote for his/her state, and his/her state only. A candidate running to become a NACo officer may challenge the vote of any state. If a challenge is made, the NACo Credentials Committee may audit the ballots of a state delegation to ensure that the number of votes the state is casting matches the number of ballots the state has. The committee may also audit the ballot transfer records on the back of each ballot and the State Voting Totals Form, which is a form states fill out showing the number of votes cast for each candidate.

For questions, please contact Lauren Wilson, Credentials Committee Liaison, at credentials@naco.org or 888.407.NACo (6226), direct line: 202.661.8840.
Credentials Checklist

Please use the following checklist before returning the credentials form.

**YES**  **NO**  Has my county/parish/borough paid its 2019 NACo dues?

If no, please contact NACo’s Membership department at 888.407.NACo (6226). 2019 dues must be paid before votes may be cast.

**YES**  **NO**  Has my county/parish/borough registered or at least one person from my county/parish/borough paid the registration fee to attend the annual conference?

If no, there is no need to fill out the form. The county must have at least one paid conference registrant to cast a ballot, according to NACo’s bylaws. If no one from your county is registered for the conference, your county may not vote in the election. If your county does not plan on registering for the conference, you do not need to turn in this form to the NACo office.

If you have answered “YES” to both of the above questions, please continue.

**YES**  **NO**  Has my county designated a voting delegate and alternate, if applicable?

Only one alternate may be designated per county. If more than one alternate is designated per form, only the first will be counted as the credentialed voting alternate.

**YES**  **NO**  Has the chief elected official of my county/parish/borough (board chair, mayor, parish president, elected county executive, etc.) signed the credentials form?

If you have answered “YES” to all questions, please either fax, mail, scan or e-mail the credentials form by Friday, June 28, 2019 to:

credentials@naco.org

Or:

Credentials Committee  
Attn: Lauren Wilson  
National Association of Counties  
660 North Capitol St., NW  
Suite 400  
Washington, DC 20001

Or:

Fax: 866.370.9421

For questions, please contact Lauren Wilson, Credentials Committee Liaison, at credentials@naco.org or 888.407.NACo (6226), direct line: 202.661.8840.
Please complete and **RETURN FORM BY JUNE 28, 2019** to:

Credentials Committee / NACo  
Attn: Lauren Wilson  
660 North Capitol St, NW,  
Suite 400  
Washington, DC 20001

You may also scan and e-mail this form to credentials@naco.org, fax to 866.370.9421 or have the voting delegate(s) carry it with him/her to the NACo Annual Conference and present it at the Credentials Desk.

If you do not plan on registering for the 2019 Annual Conference, there is no need to fill out and return this form. Your county/parish/borough MUST have at least one paid conference registration to be able to vote.

---

**PLEASE TYPE OR PRINT IN BLOCK LETTERS.**

<table>
<thead>
<tr>
<th>County / Parish / Borough</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Name your county / parish / borough’s delegate(s)**

**Designated County Delegate**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Title / Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**County Alternate**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Title / Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

---

*Please note: This form must be signed by the CHIEF ELECTED OFFICIAL from your county. Submissions without an appropriate signature will not be accepted*

<table>
<thead>
<tr>
<th>Signature of Chief Elected Official</th>
<th>Date</th>
<th>Cell Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Print Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In the matter of the application of Bluegrass Solar, LLC for a Certificate of Public Convenience and Necessity to construct a 80.0 MW solar photovoltaic generating facility in Queen Anne’s County, Maryland

VIA FIRST-CLASS MAIL

The Honorable James J. Moran
President
Board of County Commissioners
107 North Liberty Street
Centreville, Maryland 21617

Re: Second Public Comment Hearing

Dear President Moran:

Pursuant to Sections 7-207 and 7-208 of the Public Utilities Article, a person must obtain a Certificate of Public Convenience and Necessity from the Public Service Commission before beginning construction of either a generating station or electric company overhead transmission line designed to carry voltage in excess of 69,000 volts (or exercising the right of condemnation in connection therewith), unless exempted by Section 7-207.1 for certain generating stations up to 70 megawatts ("MW").

Section 7-207, a copy of which is enclosed for your information, also provides for holding a public hearing in the jurisdiction where the facility is to be constructed (§ 7-207(d)). This public hearing is to be held by the Commission and the local governing bodies in the area unless the governing body or bodies choose not to participate.

Bluegrass Solar, LLC ("Bluegrass Solar") filed an application with this Commission for the construction of an 80.0 MW solar photovoltaic generating station and associated facilities, a copy of which was previously furnished to you. This application has been docketed as Case No. 9496. The enclosed Public Utility Law Judge’s Notice of Second Public
Comment Hearing schedules this matter for a public hearing on June 18, 2019, at 6:30 p.m., and Bluegrass Solar has arranged for the hearing to be held at Church Hill Elementary School, 631 Main Street, Church Hill, Maryland 21623.

I request that you advise me no later than June 14, 2019, whether you and/or any member of the Board of County Commissioners wish to sit jointly with me at the public hearing. If I do not hear from you on or before June 14, 2019, I will assume that neither you nor any Commissioner wish to sit jointly with me; however, either you or any Commissioner may, of course, attend the hearing and present whatever relevant statement you deem appropriate.

Very truly yours,

[Signature]
Ryan C. McLean
Chief Public Utility Law Judge

Enclosures

cc: All Parties of Record
§ 7-207. Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line

Currentness

Definitions

1. "Construction" means:

   1. any physical change at a site, including fabrication, erection, installation, or demolition; or
   2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

2. "Construction" does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

3. "Qualified generator lead line" means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

4. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

5. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

6. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

7. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

8. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

9. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

10. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

11. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

12. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

13. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

14. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

15. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

16. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

17. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

18. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

19. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

20. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

21. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

22. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

23. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

24. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

25. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

26. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

27. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

28. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

29. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

30. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

31. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

32. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.

33. "Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line" means an approval by the Commission that a person may begin construction of a generation station or qualified generator lead line.
1. At least 90 days before the filing of an application for a certificate of public convenience and necessity, the person had in good faith offered the electric company that owns that portion of the electric grid in Maryland to which the qualified generator lead line would interconnect a full and fair opportunity for the electric company to construct the qualified generator lead line; and

2. At any time at least 10 days before the filing of an application for a certificate of public convenience and necessity, the electric company:
   A. did not accept from the person a proposal or a negotiated version of the proposal under which the electric company would construct the qualified generator lead line; or
   B. stated in writing that the electric company did not intend to construct the qualified generator lead line.

(2) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a person may not exercise a right of condemnation in connection with the construction of a generating station.

(3)(i) Except as provided in paragraph (4) of this subsection, unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction of an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation with the construction.

(ii) For construction related to an existing overhead transmission line, the Commission may waive the requirement in subparagraph (i) of this paragraph for good cause.

(iii) Notwithstanding subparagraph (i) of this paragraph and subject to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public convenience and necessity for the construction of an overhead transmission line only if the applicant for the certificate of public convenience and necessity:
   1. is an electric company; or
   2. is or, on the start of commercial operation of the overhead transmission line, will be subject to regulation as a public utility by an officer or an agency of the United States.

(iv) The Commission may not issue a certificate of public convenience and necessity for the construction of an overhead transmission line in the electric distribution service territory of an electric company to an applicant other than an electric company if:
   1. the overhead transmission line is to be located solely within the electric distribution service territory of that electric company; and
   2. the cost of the overhead transmission line is to be paid solely by that electric company and its ratepayers.

(v) 1 This subparagraph applies to the construction of an overhead transmission line for which a certificate of public convenience and necessity is required under this section.

   2. On issuance of a certificate of public convenience and necessity for the construction of an overhead transmission line, a person may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property or right necessary for the construction or maintenance of the transmission line.

(4)(i) Except as provided in subparagraph (ii) of this paragraph, for construction related to an existing overhead transmission line designed to carry a voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate of public convenience and necessity if the Commission finds that the construction does not:
   1. require the person to obtain new real property or additional rights-of-way through eminent domain; or
   2. require larger or higher structures to accommodate:

A. increased voltage; or
B. larger conductors.

(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, a person may undertake the necessary construction.

2. Within 30 days after construction is completed under subparagraph (i) of this subparagraph, a person shall file a report with the Commission describing the work that was completed.

Notice to Interested persons

(c)(1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately of the application to:

(i) the Department of Planning;

(ii) the governing body, and if applicable the executive, of each county or municipal corporation in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(iii) the governing body, and if applicable the executive, of each county or municipal corporation within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line;

(iv) each member of the General Assembly representing any part of a county in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(v) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line; and

(vi) all other interested persons.

(2) The Commission, when sending the notice required under paragraph (1) of this subsection, shall forward a copy of the application to:

(i) each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area-wide, and local plans or programs; and

(ii) each member of the General Assembly included under paragraph (1)(iv) and (v) of this subsection who requests a copy of the application.

Public hearing required

(c)(1) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, an overhead transmission line designed to carry a voltage in excess of 89,000 volts, or a qualified generator lead line is proposed to be located.

(2) The Commission shall hold the public hearing jointly with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located, unless the governing body declines to participate in the hearing.

(3)(i) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity for public comment:

1. by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application;

2. on two types of social media; and

3. on the Commission's Web site.

https://www.weslaw.com/Documents/9C011F618B7C11E7B878CD742DF416CE/ViewFullText.html?originationContext=documenttoc&transitionType...
§ 7-207. Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line

(II) Before a public hearing, the Commission shall coordinate with the governing body of the county or municipal corporation in which any portion of the construction of the generation station, overhead transmission line, or qualified generator lead line is proposed to be located to identify additional options for providing, in an efficient and cost-effective manner, notice of the public hearing through other types of media that are familiar to the residents of the county or municipal corporation.

(4)(i) On the day of a public hearing, an informational sign shall be posted prominently or near each public entrance of the building in which the public hearing will be held.

(ii) The informational sign required under subparagraph (i) of this paragraph shall:

1. state the time, room number, and subject of the public hearing; and
2. be at least 17 by 22 inches in size.

(5)(i) The Commission shall ensure presentation and recommendations from each interested State unit, and shall allow representatives of each State unit to sit during hearing of all parties.

(ii) The Commission shall allow each State unit 15 days after the conclusion of the hearing to modify the State unit's initial recommendations.

Final action by Commission required

(e) The Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(1) the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located;

(2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:

(i) the stability and reliability of the electric system;
(ii) economics;
(iii) aesthetics;
(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; and

(3) 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.

Considerations before final action on application

(f) For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall:

(1) take final action on an application for a certificate of public convenience and necessity only after due consideration of the need to meet existing and future demand for electric service; and

(2) require as an ongoing condition of the certificate of public convenience and necessity that an applicant complies with:

in subsections (d)(2) and (e)(1), respectively, of this section, the requirement that the Commission hold a joint public hearing with, or consider the recommendations of, respectively, the governing body of the county or municipal corporation "in which any portion of the construction of the generating station or overhead transmission line is proposed to be located" is added for clarity.

In the introductory language of subsection (e) of this section, the requirement that the Commission take final action "on an application for a certificate of public convenience and necessity" is added for clarity.

In subsection (e)(3) of this section, the reference to "electric" service is added for clarity.

10/4/2017 § 7-207. Certificate of public convenience and necessity required before construction of generation station or qualified generator lead line | Statu

in subsection (e)(3) of this section, the reference to the effect of the generating station or overhead transmission line is added for clarity.

In subsection (e)(3)(vii) of this section, the former reference to any “local fuel or nonlocal fuel” generating station is deleted as surplusage.

Also in subsection (e)(3)(vii) of this section, the former reference to applications “received by the Commission after July 1, 1981” is deleted as obsolete.

In subsection (e)(1)(ii) of this section, the reference to the “Maryland Aviation Administration” is substituted for the former reference to the “State Aviation Administration” to reflect the current name of the unit.

Defined terms: “Commission” § 1-101

“Construction” § 7-207

“County” § 1-101

“Electric company” § 1-101

“Person” § 1-101

Notes of Decisions (11)

MD Code, Public Utilities, § 7-207, MD PUBLIC UTIL § 7-207
Current through all legislation from the 2017 Regular Session of the General Assembly

End of Document

IN THE MATTER OF THE APPLICATION
OF BLUEGRASS SOLAR, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO CONSTRUCT AN
80 MW SOLAR PHOTOVOLTAIC GENER- 
ATING FACILITY IN QUEEN ANNE'S 
COUNTY, MARYLAND

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9496

Issued: May 14, 2019

PUBLIC UTILITY LAW JUDGE'S NOTICE
OF SECOND PUBLIC COMMENT HEARING

On November 13, 2018, Bluegrass Solar, LLC ("the Applicant") filed an application for a Certificate of Public Convenience and Necessity for authority to construct an 80.0 megawatt solar photovoltaic generating facility in Queen Anne's County, Maryland ("the Project").¹ The Applicant proposes to construct the Project on an approximately 487-acre portion of approximately 539 acres of privately-owned land, identified as Tax Map 11, Parcel 24, and Tax Map 17, Parcels 4 and 24 in Election District 2, located north of Church Hill, east of State Route 213, north of State Route 300, and southeast of Chestertown, in Queen Anne's County.

The second evening hearing for the purpose of receiving comments from the public on the application has been scheduled as follows:

June 18, 2019
6:30 p.m.
Church Hill Elementary School
631 Main Street
Church Hill, Maryland 21623

¹ The application is available for public inspection or copying at the Queen Anne's County Office of Planning & Zoning, 110 Vincit Street, Centreville, Maryland 21617. Additionally, all pleadings in this matter may be viewed or downloaded from the electronic docket file (9496) available through the Commission's website, www.psc.state.md.us.
Written comments may be filed any time between now and June 19, 2019, and should be addressed to Terry J. Romine, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, Maryland 21202 and must reference "Case No. 9496."\(^2\)

The Applicant is hereby directed to:

- Once in each of the four successive weeks immediately before the evening hearing date:
  - Publish notice of the evening hearing, including the caption, case number, time, date, and location and the purpose of the hearing as a display advertisement in a newspaper of general circulation throughout Queen Anne's County; and
  - Post on at least two routinely used social media platforms, such as Facebook or Twitter, and use any other means of communication at its disposal to further notify Queen Anne's County residents of the date, time and location of the evening hearing and the date by which written public comments may be filed.\(^3\)

- At least four weeks prior to the date of the evening hearing until the day after the evening hearing, post on its home website page (if the Applicant has a website) a notice of the evening hearing in a manner so that an individual need not click the link to determine the date, time, location and purpose of the hearing and the date by which written public comments may be filed.

- File a certificate(s) of publication and postings with the Commission on or before the date of the evening hearing.

---

\(^2\) Only one set of written comments must be filed. Additionally, the evidentiary hearing is currently scheduled for June 20, 2019.

\(^3\) Any party to the matter is also invited to post the Notice of Second Public Comment Hearing on any website or social media platform that it may have at its disposal to publicize the times, dates and locations of the evening hearing for public comment and the date by which written comments may be filed in the proceeding.
Prominently post on the day of the hearing, no later than noon (EST), an informational sign at or near the public entrance(s) of Church Hill Elementary School. Each sign shall be at least 17 inches by 22 inches in size and state the time, room number, and subject of the public hearing. The font size of the lettering shall be greater than 48 point size and as large as the sign allows. The Applicant shall submit an affidavit certifying that the necessary properly sized information sign(s) were posted, as directed, including the time the signs were posted and a photograph of the informational sign near or at the public entrance(s) of Church Hill Elementary School, 631 Main Street, Church Hill, Maryland 21623, which shall be filed with the Commission within two business days after the public hearing date(s).

[Signature]
Ryan C. McLean
Chief Public Utility Law Judge
Public Service Commission of Maryland
May 14, 2019

Steven Wilson, President  
Queen Anne’s County Commissioners  
107 North Liberty Street  
Centreville, MD 21617

Gregg A. Todd, County Administrator  
Queen Anne’s County  
107 North Liberty Street  
Centreville, MD 21617

RE: Request for Support of State Legislation for  
Single-Family Residential Fire Sprinkler Waiver Provision

Dear President Wilson, County Administrator Todd, and Commissioners:

Please be advised that the Worcester County Commissioners recently sent the attached letter and supporting documents to the members of the Eastern Shore Delegation requesting their introduction and support of State legislation to address our concerns regarding the requirement of the International Residential Building Code and the State of Maryland’s adoption thereof, which requires automatic fire sprinkler systems in all new single-family dwellings in the State. As you are aware, in a rural county such as Worcester County and throughout much of the Eastern Shore, Western Shore and Southern Maryland, where public water supplies are limited, this State mandate costs individuals building their home thousands of extra dollars in construction costs for the automatic fire sprinkler system, including the pipes, pumps, tanks and conditioned storage sheds required to install such systems on properties served by private water wells as opposed to public water infrastructure. Oftentimes this extra cost has prevented first-time home buyers and others from being able to afford to purchase a new home. Also here in Worcester County and other Eastern Shore counties which border the States of Virginia and Delaware which do not have an automatic fire sprinkler mandate, our local home builders are unable to compete with home builders in these adjacent states which has a significantly negative impact on our local economy. Therefore, we believe that the requirement for installing an automatic fire sprinkler system in single-family homes should not be mandatory, but rather that all new single-family home owners should have the right to choose for themselves whether or not they wish to install this additional safety feature in their new home.
Our request is to simply remove the mandatory requirement of automatic fire sprinkler systems in all new single-family dwellings in the State. We understand and support the requirement of automatic fire sprinkler systems in apartments, townhouses and two-family dwellings where multiple families live under the same roof, but we strongly believe that single-family property owners should be permitted to decide for themselves whether or not they prefer to install an automatic fire sprinkler system in their new home.

We are hereby asking for your support of this legislation once it is introduced during the next State legislative session and we encourage you to contact your local State delegation to sign on as co-sponsors and to support the passage of this bill. We thank you for your consideration in joining together with other Maryland counties who are similarly affected to encourage the introduction and passage of this proposed legislation.

Sincerely,

Diana Purnell
President
May 10, 2019

Senate Delegation for the Eastern Shore
11 Bladen Street
Annapolis, MD 21401

Honorable Senator Mary Beth Carozza
314 James Senate Office Building

Honorable Delegate Wayne A. Hartman
308 House Office Building

Honorable Delegate Sheree Sample-Hughes
427 House Office Building

Honorable Delegate Carl Anderton, Jr.
310 House Office Building

Honorable Delegate Jefferson L. Ghrist
430 House Office Building

House Delegation for the Eastern Shore
6 Bladen Street
Annapolis, MD 21401

Honorable Senator Stephen S. Hershey, Jr.
420 James Senate Office Building

Honorable Delegate Charles J. Otto
321 House Office Building

Honorable Delegate Christopher T. Adams
426 House Office Building

Honorable Delegate Johnny Mautz
424 House Office Building

Honorable Delegate Steven J. Arentz
308 House Office Building

Honorable Delegate Jay A. Jacobs
321 House Office Building

RE: Requested Legislation for Single-Family Residential Fire Sprinkler Waiver Provision

Dear Distinguished Senators and Delegates Representing the Eastern Shore:

Please be advised that the Worcester County Commissioners recently continued our discussion with respect to concerns regarding the requirement of the International Residential Building Code and the State of Maryland’s adoption thereof, which requires automatic fire sprinkler systems in all new single-family dwellings in the State. We are seeking your support for the introduction and passage of State legislation to address our concerns which we believe are
shared by many other rural counties throughout Maryland. While we understand that there is an argument that automatic fire sprinkler systems may save lives and/or reduce fire damage, it is our collective feeling that the decision whether or not to install such systems should be left to the single-family homeowner and not mandated by State law. In a rural county such as Worcester County and throughout much of the Eastern Shore, Western Shore and Southern Maryland, where public water supplies are limited, this State mandate costs individuals building their home thousands of extra dollars in construction costs for the automatic fire sprinkler system, including the pipes, pumps, tanks and conditioned storage sheds required to install such systems on properties served by private water wells as opposed to public water infrastructure. Oftentimes this extra cost has prevented first-time home buyers and others from being able to afford to purchase a new home. Also here in Worcester County and other Eastern Shore counties which border the States of Virginia and Delaware which do not have an automatic fire sprinkler mandate, our local home builders are unable to compete with home builders in these adjacent states which has a significantly negative impact on our local economy.

In order to address these concerns, we respectfully request that you introduce State legislation similar to that which was introduced as House Bill 19 by Delegates Adams, Otto, Ghrist, Arentz and Buckel on January 13, 2016 entitled “Public Safety - Building Performance Standards - Local Amendments to Fire Sprinkler Systems Provisions” (copy attached). The only significant difference we would suggest is that only single-family dwellings be removed from the mandated requirements for automatic sprinkler systems. We can understand why some legislators may take issue with removing this requirement for townhouses and two-family dwellings where multiple families live under the same roof, but we strongly believe that single-family property owners should be permitted to decide for themselves whether or not they prefer to install an automatic fire sprinkler system in their new home.

To that end, we had recently proposed to provide a check-off box on our building permit application for a residential sprinkler system waiver request and a Single-Family Home Residential Fire Sprinkler Waiver Form to be completed by the property owner, builder and applicant for a permit for a new single-family home (see attached). Please note that we have always planned to continue enforcing the fire sprinkler requirements for new two-family dwellings, townhouses and apartment complexes. Our new policy was to become effective July 1, 2019, however, we have since learned from the Maryland Attorney General’s Office that such a waiver program is not permitted under current State law (copy of letter attached). Specifically, the Public Safety Article of the Annotated Code of Maryland in Section PS 12-504(a)(1)(iii) allows a local jurisdiction such as Worcester County to adopt local amendments to the Building Performance Standards if the local standards do not “. . . weaken the automatic fire sprinkler systems provisions for townhouses and one- family, and two-family dwellings contained in the Standards.” We believe that simply by eliminating “and one-“ from the above subsection we would be able adopt a local amendment and implement our proposed waiver program for single-family homes as intended.

Thank you for your attention to this matter and for your consideration in joining together with other legislators throughout Maryland who represent similarly affected rural counties to
encourage them to sign on to your proposed legislation. In summary, we believe that the requirement for installing an automatic fire sprinkler system in single-family homes should not be mandatory, but rather that all new single-family home owners should have the right to choose for themselves whether or not they wish to install this additional safety feature in their new home. Thanks again for your consideration and support.

Sincerely,

Diana Purnell
President

cc: Maureen Howarth, County Attorney
    Ed Tudor, Director of Development Review & Permitting
    Bill Bradshaw, Building Administrator/County Engineer
    Jeff McMahon, Fire Marshal
May 10, 2019

Senate Delegation for the Eastern Shore
11 Bladen Street
Annapolis, MD  21401

Honorable Senator Mary Beth Carozza
314 James Senate Office Building

Honorable Senator Adelaide C. Eckardt
322 James Senate Office Building

Honorable Delegate Wayne A. Hartman
308 House Office Building

Honorable Delegate Sheree Sample-Hughes
427 House Office Building

RE:  Requested Legislation for Single-Family Residential Fire Sprinkler Waiver Provision

Dear Distinguished Senators and Delegates Representing the Eastern Shore:

Please be advised that the Worcester County Commissioners recently continued our discussion with respect to concerns regarding the requirement of the International Residential Building Code and the State of Maryland’s adoption thereof, which requires automatic fire sprinkler systems in all new single-family dwellings in the State. We are seeking your support for the introduction and passage of State legislation to address our concerns which we believe are
shared by many other rural counties throughout Maryland. While we understand that there is an argument that automatic fire sprinkler systems may save lives and/or reduce fire damage, it is our collective feeling that the decision whether or not to install such systems should be left to the single-family homeowner and not mandated by State law. In a rural county such as Worcester County and throughout much of the Eastern Shore, Western Shore and Southern Maryland, where public water supplies are limited, this State mandate costs individuals building their home thousands of extra dollars in construction costs for the automatic fire sprinkler system, including the pipes, pumps, tanks and conditioned storage sheds required to install such systems on properties served by private water wells as opposed to public water infrastructure. Oftentimes this extra cost has prevented first-time home buyers and others from being able to afford to purchase a new home. Also here in Worcester County and other Eastern Shore counties which border the States of Virginia and Delaware which do not have an automatic fire sprinkler mandate, our local home builders are unable to compete with home builders in these adjacent states which has a significantly negative impact on our local economy.

In order to address these concerns, we respectfully request that you introduce State legislation similar to that which was introduced as House Bill 19 by Delegates Adams, Otto, Ghrist, Arentz and Buckel on January 13, 2016 entitled “Public Safety - Building Performance Standards - Local Amendments to Fire Sprinkler Systems Provisions” (copy attached). The only significant difference we would suggest is that only single-family dwellings be removed from the mandated requirements for automatic sprinkler systems. We can understand why some legislators may take issue with removing this requirement for townhouses and two-family dwellings where multiple families live under the same roof, but we strongly believe that single-family property owners should be permitted to decide for themselves whether or not they prefer to install an automatic fire sprinkler system in their new home.

To that end, we had recently proposed to provide a check-off box on our building permit application for a residential sprinkler system waiver request and a Single-Family Home Residential Fire Sprinkler Waiver Form to be completed by the property owner, builder and applicant for a permit for a new single-family home (see attached). Please note that we have always planned to continue enforcing the fire sprinkler requirements for new two-family dwellings, townhouses and apartment complexes. Our new policy was to become effective July 1, 2019, however, we have since learned from the Maryland Attorney General’s Office that such a waiver program is not permitted under current State law (copy of letter attached). Specifically, the Public Safety Article of the Annotated Code of Maryland in Section PS 12-504(a)(1)(iii) allows a local jurisdiction such as Worcester County to adopt local amendments to the Building Performance Standards if the local standards do not “. . . weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards.” We believe that simply by eliminating “and one-“ from the above subsection we would be able adopt a local amendment and implement our proposed waiver program for single-family homes as intended.

Thank you for your attention to this matter and for your consideration in joining together with other legislators throughout Maryland who represent similarly affected rural counties to
encourage them to sign on to your proposed legislation. In summary, we believe that the requirement for installing an automatic fire sprinkler system in single-family homes should not be mandatory, but rather that all new single-family home owners should have the right to choose for themselves whether or not they wish to install this additional safety feature in their new home. Thanks again for your consideration and support.

Sincerely,

Diana Purnell
President

cc: Maureen Howarth, County Attorney
    Ed Tudor, Director of Development Review & Permitting
    Bill Bradshaw, Building Administrator/County Engineer
    Jeff McMahon, Fire Marshal
May 10, 2019

RE: Requested Legislation for Single-Family Residential Fire Sprinkler Waiver Provision

Dear Distinguished Senators and Delegates Representing the Eastern Shore:

Please be advised that the Worcester County Commissioners recently continued our discussion with respect to concerns regarding the requirement of the International Residential Building Code and the State of Maryland’s adoption thereof, which requires automatic fire sprinkler systems in all new single-family dwellings in the State. We are seeking your support for the introduction and passage of State legislation to address our concerns which we believe are
shared by many other rural counties throughout Maryland. While we understand that there is an argument that automatic fire sprinkler systems may save lives and/or reduce fire damage, it is our collective feeling that the decision whether or not to install such systems should be left to the single-family homeowner and not mandated by State law. In a rural county such as Worcester County and throughout much of the Eastern Shore, Western Shore and Southern Maryland, where public water supplies are limited, this State mandate costs individuals building their home thousands of extra dollars in construction costs for the automatic fire sprinkler system, including the pipes, pumps, tanks and conditioned storage sheds required to install such systems on properties served by private water wells as opposed to public water infrastructure. Oftentimes this extra cost has prevented first-time home buyers and others from being able to afford to purchase a new home. Also here in Worcester County and other Eastern Shore counties which border the States of Virginia and Delaware which do not have an automatic fire sprinkler mandate, our local home builders are unable to compete with home builders in these adjacent states which has a significantly negative impact on our local economy.

In order to address these concerns, we respectfully request that you introduce State legislation similar to that which was introduced as House Bill 19 by Delegates Adams, Otto, Ghrist, Arentz and Buckel on January 13, 2016 entitled “Public Safety - Building Performance Standards - Local Amendments to Fire Sprinkler Systems Provisions” (copy attached). The only significant difference we would suggest is that only single-family dwellings be removed from the mandated requirements for automatic sprinkler systems. We can understand why some legislators may take issue with removing this requirement for townhouses and two-family dwellings where multiple families live under the same roof, but we strongly believe that single-family property owners should be permitted to decide for themselves whether or not they prefer to install an automatic fire sprinkler system in their new home.

To that end, we had recently proposed to provide a check-off box on our building permit application for a residential sprinkler system waiver request and a Single-Family Home Residential Fire Sprinkler Waiver Form to be completed by the property owner, builder and applicant for a permit for a new single-family home (see attached). Please note that we have always planned to continue enforcing the fire sprinkler requirements for new two-family dwellings, townhouses and apartment complexes. Our new policy was to become effective July 1, 2019, however, we have since learned from the Maryland Attorney General’s Office that such a waiver program is not permitted under current State law (copy of letter attached). Specifically, the Public Safety Article of the Annotated Code of Maryland in Section PS 12-504(a)(1)(iii) allows a local jurisdiction such as Worcester County to adopt local amendments to the Building Performance Standards if the local standards do not “... weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards.” We believe that simply by eliminating “and one-“ from the above subsection we would be able adopt a local amendment and implement our proposed waiver program for single-family homes as intended.

Thank you for your attention to this matter and for your consideration in joining together with other legislators throughout Maryland who represent similarly affected rural counties to
encourage them to sign on to your proposed legislation. In summary, we believe that the
requirement for installing an automatic fire sprinkler system in single-family homes should not
be mandatory, but rather that all new single-family home owners should have the right to choose
for themselves whether or not they wish to install this additional safety feature in their new
home. Thanks again for your consideration and support.

Sincerely,

Diana Purnell
President

cc: Maureen Howarth, County Attorney
    Ed Tudor, Director of Development Review & Permitting
    Bill Bradshaw, Building Administrator/County Engineer
    Jeff McMahon, Fire Marshal
AN ACT concerning


FOR the purpose of repealing the prohibition on adoption by a local jurisdiction of certain local amendments to the Maryland Building Performance Standards regarding fire sprinkler systems in certain buildings; providing that if a local jurisdiction adopts a local amendment to the Maryland Building Performance Standards that weakens certain fire sprinkler systems provisions for certain dwellings, the local amendment shall require the builder of a new dwelling to provide certain information to a buyer at a certain time and to install a fire sprinkler system under certain circumstances; requiring the State Fire Marshal to prepare certain written materials; providing for the application of this Act; defining certain terms; making conforming changes; and generally relating to local amendments to the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Public Safety

Section 12–504.1
Annotated Code of Maryland
(2011 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(a) (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

(i) prohibit the minimum implementation and enforcement activities set forth in § 12–505 of this subtitle;

(ii) weaken energy conservation and efficiency provisions contained in the Standards; OR

(iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or

(iv) weaken wind design and wind–borne debris provisions contained in the Standards.

(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12–503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.

(ii) A local jurisdiction may make local amendments to the International Green Construction Code.

(3) Paragraph (1)(iii) of this subsection does not apply to:

(i) standards governing issuance of a building permit for a property not connected to an electrical utility; or

(ii) until January 1, 2016, standards governing issuance of a building permit for a new one- or two-family dwelling constructed on:

1. a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or

2. a lot served by an existing water service line from a water main to the property line that:

   A. is less than a nominal 1–inch size;

   B. is approved and owned by the public or private water system that owns the mains;

   C. was installed before March 1, 2011; and
D. is fully operational from the public or private main to a curb stop or meter pit located at the property line.

(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

(c) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

1. at least 15 days before the effective date of the amendment; or
2. within 5 days after the adoption of an emergency local amendment.

12–504.1.

(A) (1) In this section the following words have the meanings indicated.

(2) "Builder" means a person that contracts with a buyer for the construction of a new dwelling.

(3) "Buyer" means a person that purchases any estate or interest in a new dwelling.

(4) "New dwelling" means a new one- or two-family residential dwelling having three stories or fewer, not previously occupied, and constructed for residential use.

(B) (1) This section applies in a local jurisdiction that adopts a local amendment to the Standards that weakens the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards.

(2) Unless otherwise provided in the local amendment, this section applies to any new dwelling in the local jurisdiction for which a contract has been signed between the builder and the buyer on or after the effective date of the local amendment.
(C) The local amendment shall require that, at the time of or before agreeing on a final price for construction of a new dwelling, the builder of a new dwelling in the local jurisdiction shall provide the buyer with:

(1) A copy of the written material prepared by the State Fire Marshal under subsection (e) of this section; and

(2) Written documentation of the costs associated with the installation and maintenance of an automatic fire sprinkler system.

(D) The local amendment shall require that, on request of the buyer, the builder shall install an automatic fire sprinkler system or other requested fire suppression system at the buyer's expense.

(E) The State Fire Marshal shall prepare written material that details the benefits of an automatic fire sprinkler system.

Section 2. And be it further enacted, That this Act shall take effect July 1, 2016.
AMENDMENTS TO HOUSE BILL 19
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 4, after "repealing" insert "with respect to certain buildings"; and in line 6, strike "in certain buildings".

AMENDMENT NO. 2
On page 2, in line 8, strike "OR"; in lines 9 and 12, in each instance, strike the bracket; strike beginning with the first "and" in line 10 down through "dwellings" in line 11; in line 12, strike "(III)"; and in line 19, strike the bracket.

On page 3, in line 2, strike the bracket; and in line 26, strike "TOWNHOUSES AND".
February 19, 2019

Norman C. Wang, RA  
Director, Building Codes Administration  
Division of Labor and Industry  
Maryland Department of Labor, Licensing and Regulation  
1100 North Eutaw Street, Room 606  
Baltimore, Maryland 21201

RE: Single-Family Residential Fire Sprinklers in Worcester County

Dear Mr. Wang:

Please be advised that the Worcester County Commissioners recently discussed the requirement of the International Residential Building Code and the State of Maryland's adoption thereof, which requires automatic fire sprinkler systems in all new one- and two-family dwellings in the State. While we understand that there is an argument that such systems may save lives and/or reduce fire damage, it is our collective feeling that the decision whether or not to install such systems should be left to the homeowner and not mandated by State law. In a rural county such as ours, where public water supplies are limited, this State mandate costs individuals building their home thousands of extra dollars in construction costs. Oftentimes this extra cost can keep a first-time home buyer from purchasing a new home. Additionally, Worcester County borders both the States of Virginia and Delaware and therefore our local home builders must compete with home builders in those states that do not have a fire sprinkler mandate. This situation adversely affects our local economy.

Part of our recent discussion centered around our understanding that currently at least one Maryland County does not require these fire sprinkler systems in their jurisdiction. Worcester County plans to join this other county by not requiring residential fire sprinkler systems in new single-family homes. Effective July 1, 2019, Worcester County will let the property owner building a new home decide for themselves if they want to install such a system. We intend to
effectuate this change by having a check-off box on our building permit application for a residential sprinkler system waiver request and a Single-Family Home Residential Fire Sprinkler Waiver form to be completed by the property owner, builder and applicant for a permit for a new single-family home. Please note that we intend to continue enforcing the fire sprinkler requirements for new two-family dwellings.

If you wish to comment on our proposed action, please do so before May 1, 2019.

Respectfully,

Diana Purnell
President

cc:  James E. Rzepkowski, Acting Secretary, Maryland Department of Labor Licensing and Regulation
     The Honorable Senator Mary Beth Carozza
     The Honorable Delegate Wayne Hartman
     The Honorable Delegate Charles J. Otto
     Maureen Howarth, County Attorney
     Bill Bradshaw, Building Administrator/County Engineer
     Jeff McMahon, Fire Marshal
Single Family Home
Residential Fire Sprinkler
Waiver

WORCESTER COUNTY DEPARTMENT OF DEVELOPMENT
REVIEW AND PERMITTING
One West Market Street, Room 1201 Snow Hill,
Maryland 21863
Phone: 410-632-1200 Fax: 410-632-3008

Property Owner, Builder and Applicant, their personal representatives, assigns, heirs and next of
kin hereby releases, waives and discharges Worcester County, Maryland and all of their agents,
managers, directors, officers, employees and assigns, from any and all liability and
responsibilities for the single family home being built at _____________ (address, account
number and TM/P) not being equipped with a residential fire sprinkler. Said sprinkler is required
by State law. Property Owner, Builder and Applicant their personal representatives, assigns,
heirs and next of kin hereby releases, waives and discharges Worcester County, Maryland and all
of their agents, managers, directors, officers, employees and assigns, from any and all liability
and responsibilities for this violation of State law.

Property Owner, Builder and Applicant, their personal representatives, assigns, heirs and next of
kin further agrees to indemnify and hold Worcester County, Maryland their agents, managers,
directors, officers, employees and assigns harmless from any loss, liability, damage or cost they
may incur due to this failure to install a residential fire sprinkler in the single family home being
built at _____________ (address, account number, TM/P). Property Owner, Builder and
Applicant agree that this release is intended to be as broad and inclusive as is permitted by the
laws of the State of Maryland. Furthermore, Property Owner, Builder and Applicant covenant
not to sue Worcester County, Maryland their agents, managers, directors, officers, employees
and assigns.

The Property Owner, Builder and Applicant certifies under penalty of perjury as follows:
1) that they are the property owner, builder and applicant for this single family home; 2) that they
understand that residential fire sprinklers are required in single family homes by State law and
Property Owner, Builder AND Applicant will NOT comply with this law and will NOT install
said sprinklers in this single family home.
Property Owner - print
Address
Phone and Email
Signature

Builder - print
Address
Phone and Email
Signature

Applicant - print
Address
Phone and Email
Signature
The applicant hereby certifies under penalty of perjury as follows: 1) that he/she is authorized to make this application; 2) that all information provided by the applicant, whether on an original application or on an application for a revision, is true and correct, including all information on any attachments hereto; 3) that he/she will comply with all regulations of Worcester County which are applicable hereto; 4) that he/she will perform no work on the above property not specifically described in this application; 5) that any misrepresentation or misstatement of facts or any change without approval shall constitute grounds for denial and/or revocation of the permit; 6) that he/she grants County officials the right to enter onto the property for the purpose of inspecting the work permitted and posting notices; 7) that he/she assumes all responsibility to determine, request and obtain any and all required Federal, State or County permits necessary to implement this permit; and 8) that it shall be unlawful to occupy any building or structure or change the use of land until a zoning/occupancy certificate has been issued by the Department.

Expiration: If the work described in this permit has not had a substantial start (approved foundation inspection) within 12 months from the date of issuance, such permit shall expire. If the work described has not been substantially completed (approved framing inspection) within 24 months of date of issuance, such permit shall expire. The Department may grant a single 12 month extension upon written request by the applicant, if such request is found to be reasonable and necessary for the orderly completion of the project. Expired permits shall become null and void.
March 25, 2019

Ms. Diana Purnell
President
Office of the County Commissioners
Worcester County
One West Market Street, Room 1103
Snow Hill, Maryland 21863-1195

Dear President Purnell:

Your recent letter of February 19, 2019 to Norman Wang of the Building Codes Administration has been forwarded to me for response. As I understand it, Worcester County is proposing to amend its building permit application to provide for a “check-off” box on your building permit application “for a residential sprinkler system waiver request and a Single-Family Home Residential Fire Sprinkler Waiver form to be completed by the property owner, builder and applicant for a permit for a new single family dwelling.”

As you may be aware, Subtitle 5. Maryland Building Performance Standards was created by the General Assembly under the Public Safety Article. Within that subtitle are nine separate sections governing (1) the adoption and enforcement of statewide building codes, (2) the duties and powers of the Department of Labor, Licensing, and Regulation¹ (DLLR), and (3) the duties and powers of local jurisdictions.

DLLR is required to adopt by regulation, as the Maryland Building Performance Standards, the International Building Code (IBC), including the International Energy Conservation Code (IECC), subject to modification by DLLR, see Public Safety Article, §12-503, Annotated Code of Maryland. These regulations are referred to as the “Standards”.

Each local jurisdiction is required to implement and enforce the most current version of the Standards and any local amendments. The specific requirements related to local jurisdiction adoption, amendment, implementation, and enforcement of the Standards are contained,

¹ Effective July 1, 2018, administration of the Standards was transferred from the Department of Housing and Community Development (DHCD) to DLLR.
independent of the sections related to DLLR, in §§12-504 and 12-505 of the Public Safety Article. Specifically §12-504 addresses automatic fire sprinkler systems.

While §12-502(c) of the Public Safety article clarifies the authority of Subtitle 5 and, among other provisions, states “This subtitle does not allow or encourage the State to initiate or assume an independent role in the administration and enforcement of the Standards for a building or structure that is not owned or operated by the State.”, the requirement that local jurisdictions provide DLLR a copy of local amendments to the Standards exists in §12-504 and §12-506. DLLR is required under §12-506 to maintain a central automated database of, among other things, the Standards and any local amendments. DLLR may also include any information provided by a local jurisdiction on the implementation and interpretation of the Standards and interim amendments. As such, Worcester County is required to notify and provide a copy to DLLR of any local amendments to the Standards within 15 days after the effective date of the amendment. This information will be maintained in the database and may include additional information that DLLR has received, including information regarding the proposal regarding the waiver form as described in your letter.

Please note, as of March 15, 2019 the amendments to update the adopted Standards became final, see Md Register volume 46, issue 6, pages 345-346. Notification to all counties will go out under separate cover.

Sincerely,

[Signature]

Matthew Helminiak
Commissioner of Labor and Industry

cc: James E. Rzepkowski, Acting Secretary
February 19, 2019

The Honorable Dana Stein
Maryland House of Delegates
251 House Office Building
Annapolis, Maryland 21401

Dear Delegate Stein:

You have inquired about the authority of a county to opt out of Maryland Building Performance Standards ("Standards") that include International Building Code ("IBC") standards requiring newly constructed residential buildings in the State to be equipped with sprinkler systems. Except under limited circumstances, a local jurisdiction may not adopt local amendments to the Standards that weaken the automatic fire sprinkler systems provisions of the Standards for townhouses and one- or two-family dwellings in the local jurisdiction. Subject to other specific limitations, a county may adopt a local amendment to the Standards relating to the use of sprinklers in other types of residential buildings, including a less restrictive standard, which would apply only in that county. As to other residential dwelling buildings however, there are additional fire prevention sprinkler system requirements under State law for which certain exceptions may be granted by the State Fire Marshall or a local authority with jurisdiction over fire or building codes.

Under § 12-503 of the Public Safety Article ("PS"), the Department of Labor, Licensing, and Regulation ("DLLR") is required to adopt by regulation, as the statewide Standards, the IBC, subject to modification by DLLR.¹ Except for certain agricultural buildings, the Standards apply to all buildings and structures within the State for which a building permit application is received by a local jurisdiction. COMAR 05.02.07.06A.²

COMAR 05.02.07.05 authorizes a local jurisdiction (a county or municipal corporation) to modify the provisions of the Standards by local amendment "to address conditions peculiar to the

¹ Pursuant to Chapter 673 of the 2018 Laws of Maryland, effective July 1, 2018, administration of the Standards was transferred from the Department of Housing and Community Development ("DHCD") to DLLR.

² Section 5 of Ch. 673 of the 2018 Laws of Maryland maintained existing regulations relating to the Standards adopted by DHCD in COMAR 05.02.07, and required that those regulations continue in effect under administration by DLLR until replaced. DLLR has issued a Notice of Proposed Action to recodify existing COMAR 05.02.07 to be newly proposed COMAR 09.12.31. *Md. Register*, Vol. 46, Issue 1 (1/4/19), p. 16.
local jurisdiction’s community[.]” A local jurisdiction may adopt a local amendment to the Standards that applies to the local jurisdiction if the local amendment does not: (1) prohibit the minimum implementation and enforcement activities set forth in PS § 12-505; (2) weaken energy conservation and efficiency provisions contained in the Standards (including weakening the requirements of Chapter 13 of the IBC, as provided in COMAR 05.02.07.05); (3) except under certain circumstances, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or (4) weaken wind design and wind-borne debris provisions contained in the Standards. PS § 12-504(a). The minimum implementation and enforcement activities under PS § 12-505 that a local jurisdiction remains required to carry out include the: (1) review and acceptance of appropriate plans; (2) issuance of building permits; (3) inspection of the work authorized by the building permits; and (4) issuance of appropriate use and occupancy certificates. PS § 12-505(a)(2). Local jurisdictions are prohibited from amending statewide regulations that apply to “industrialized buildings” under PS § 12-301 et seq. See COMAR 05.02.01.01 et seq. and COMAR 05.02.04.01 et seq.

Each local jurisdiction is required to implement and enforce the most current version of the Standards and any local amendments to the Standards. Any modification of the Standards adopted by the State after December 31, 2009, is required to be implemented and enforced by a local jurisdiction within 12 months after being adopted by the State. PS § 12-505(a)(1). A local jurisdiction that adopts a local amendment to the Standards is required to ensure that the local amendment is adopted in accordance with applicable local law, and must provide a copy of the local amendment to DLLR at least 15 days before the effective date of the amendment or within 5 days after the adoption of an emergency local amendment. PS § 12-504(b), (d), and (e). If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction. PS § 12-505(c).

With specific regard to sprinkler system requirements under the Standards, a local government is authorized to adopt local amendments to the Standards addressing sprinkler systems if the local amendments do not, except as provided below, “weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards.” PS § 12-504(a)(1)(iii). A local government may deviate from the Standards' sprinkler requirements for those structures described above through local standards that: (1) govern the “issuance of a building permit for a property not connected to an electrical utility;” or (2) until January 1, 2016, govern the “issuance of a building permit for a new one- or two-family dwelling constructed on:” (a) “a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011;” or (b) “a lot served by an existing water service line from a water main to the property line” that: (i) “is less than a nominal 1-inch size;” (ii) “is approved and owned by the public or private water system that owns the mains;” (iii) “was installed before March 1, 2011;” and (iv) “is fully operational from the public or private main to a curb stop or meter pit located at the property line.” PS § 12-504(a)(3).
Accordingly, except under limited circumstances, a local jurisdiction may not adopt local amendments to the Standards that weaken or opt out of the automatic sprinkler requirements of the Standards for townhouses and one- and two-family dwellings in the local jurisdiction. Subject to other specific limitations, a county may adopt a local amendment to the Standards relating to the use of sprinklers in other types of residential buildings, including a less restrictive standard. However, please note there are additional fire prevention sprinkler requirements under State law that may prevent a local jurisdiction from opting out of those specific State-required sprinkler standards.

Under PS § 9-204, in a local jurisdiction in which building permits are issued, a sprinkler system that meets the requirements of the National Fire Protection Association standards that are approved by the State Fire Marshall or local authority, is required to be installed in: (1) “each newly constructed dormitory, hotel, lodging or rooming house, or multifamily residential dwelling for which the initial building permit is issued on or after July 1, 1990;” and (2) “each newly constructed town house for which the initial building permit is issued on or after July 1, 1992.” In a local jurisdiction in which building permits are not issued, a sprinkler system is required to be installed in: (1) “each dormitory, hotel, lodging or rooming house, or multifamily residential dwelling on which construction begins on or after July 1, 1990;” and (2) “each town house on which construction begins on or after July 1, 1992.” PS § 9-204(b). These requirements do not apply, however, to a dwelling unit that is not serviced by a public water system. PS § 9-204(c). The State Fire Marshall or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to the sprinkler system requirement under certain circumstances. PS § 9-205.

Similarly, under PS § 9-403, subject to certain exceptions, a high-rise building constructed after July 1, 1974 is required to have a “complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction.” Subject to allowable exceptions, there does not appear to be any express authority for a local jurisdiction to simply opt out of the fire prevention sprinkler requirements for certain dwellings under PS § 9-204 and § 9-403. See also PS § 9-503 (certain dwellings with 50 or more occupants with physical or mental limitations who are unable to evacuate without assistance is required to have a system to “detect and extinguish a fire automatically while sounding an alarm”).
If you have any questions or need any additional information, please feel free to contact me.

Sincerely,

[Signature]

Jeremy M. McCoy
Assistant Attorney General
April 25, 2019

The Honorable Brian E. Frosh
Attorney General of Maryland
200 Saint Paul Street
Baltimore MD 21202

RE: Failure of Allegany County and Worcester County to Enforce and Uphold the Lawfully
Adopted Requirements for Automatic Fire Sprinkler Protection in Newly Constructed
One- and Two-Family Homes

Dear Attorney General Frosh:

On March 15, 2019, the State of Maryland through the Department of Labor, Licensing, and
Regulation adopted the 2018 edition of the International Residential Code with an effective date of March
25, 2019. This Code requires that every newly constructed one- and two-family home be provided with
automatic fire sprinkler protection. This requirement affords improved fire protection not only to the
home’s occupants but also to fire service personnel. In short, it saves lives and prevents the needless
destruction of property caused by fires in one- and two-family homes.

The enclosed "January through December 2017 Fire Deaths in Maryland Report" compiled by the
Office of the Maryland State Fire Marshal (the most current annual statistics available) reflects that
residential fires accounted for 84% of all fire deaths in Maryland and of those, 73% occurred in one- and
two-family dwellings (see page 9).

The Maryland State Fire Prevention Commission has learned that Allegany County government
officials are not requiring the installation of automatic sprinkler protection in new one- and two-family
homes. Allegany County is currently enforcing the 2006 edition of the International Residential Code
which does not contain this fire sprinkler requirement. The Commission has also recently learned that
beginning on July 1, 2019, the Office of the County Commissioners of Worcester County will permit single
family homeowners to choose to opt out of the automatic fire sprinkler system required by the Code.

The Maryland State Fire Marshal, while fully supportive of the residential automatic fire sprinkler
requirement, has assured this Commission that his office lacks the authority to enforce this particular fire
sprinkler requirement because it is not a requirement of the State Fire Prevention Code. Furthermore, §
6-305(a)(1) of the Public Safety Article prohibits the State Fire Marshal from enforcing laws and
regulations in “buildings that are used solely as dwelling houses for no more than two families.”
The Maryland Department of Labor, Licensing and Regulation has also taken the position that it lacks the authority to enforce this particular fire sprinkler requirement. It should be noted, however, that § 12-504 (a)(iii) of the Public Safety Article prohibits local amendments that “weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings,” with very limited exceptions. Section 12-505, meanwhile, requires local jurisdictions to enforce the most current version of the Maryland Building Performance Standards no later than twelve months after the Standards are adopted by the State.

During its regularly scheduled meeting on April 18, 2019, the Fire Prevention Commission thoroughly discussed the positions of both Allegany and Worcester Counties and found them to be contrary to adequate protection from unwanted fire. The Commission also unanimously voted both to draw your attention to the seriousness of Allegany and Worcester Counties' non-compliance and to ask you, in your capacity as the State's senior law enforcement officer, to initiate prompt corrective action to enforce the counties' compliance with the Code.

The Commission firmly believes that a failure to secure that compliance will result in additional jurisdictions taking similar non-compliant positions, and that the end result will be increased loss of life and property throughout the State.

The Commission looks forward to a positive reply from your office.

Sincerely,

C. Daniel Davis, Jr.
Chairman
State Fire Prevention Commission

cc: Brian Geraci, Maryland State Fire Marshal
    Matthew Helminiak, Commissioner of Labor and Industry
    Diana Purnell, President Worcester County Commissioners
    Jacob Shade, President Allegany County Commissioners
    Richard Blair, President Maryland State Firemen's Association

Enclosure
April 12, 2019

Joyce Horney
200 Terrapin Grove Apt. 303
Sudlersville, MD 21668

Dear Ms. Horney,

You are being issued the following lease violations:

Violation:

Resident shall not alter, repair or otherwise change the premises or equipment therein.
(House Rules and Regulations Attachment 2 #10 on your lease)

You painted the back door of the building.

Respectfully,
Management, The Housing Authority of Queen Anne’s County
The Housing Authority of Queen Anna’s County
P.O. Box 280
Centreville, Md. 21617

21666-372299

Jayne Norrey
Ardent Terrapin Shores
Apartment 303
Stevensville, Md. 21666
<table>
<thead>
<tr>
<th>Apt#</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>308</td>
<td>Juan Childress</td>
</tr>
<tr>
<td>1158</td>
<td>Lynda Brady</td>
</tr>
<tr>
<td>310</td>
<td>Bob McE.</td>
</tr>
<tr>
<td>109</td>
<td>John Leeland</td>
</tr>
<tr>
<td>307</td>
<td>Jack K.</td>
</tr>
<tr>
<td>314</td>
<td>Rosa Calvert</td>
</tr>
<tr>
<td>204</td>
<td>Joe Howell</td>
</tr>
<tr>
<td>300/14</td>
<td>Jerry Horst</td>
</tr>
<tr>
<td>323</td>
<td>Linda A. &amp; David A. Wagner</td>
</tr>
<tr>
<td>111</td>
<td>Kaye Crawford</td>
</tr>
<tr>
<td>3010</td>
<td>Tim Best</td>
</tr>
<tr>
<td>112</td>
<td>Nancy Z.</td>
</tr>
<tr>
<td>329</td>
<td>Bert Wilmer</td>
</tr>
<tr>
<td>309</td>
<td>Luis Frueharty</td>
</tr>
<tr>
<td>301</td>
<td>Martin C. Porter</td>
</tr>
<tr>
<td>303</td>
<td>Phil Hornsey</td>
</tr>
</tbody>
</table>
May 13, 2019

Housing Authority of Queen Annes’ County
206 East Water Street, P O Box 280
Centreville, MD 21617

Attn: Management

Jeremy White, Executive Director

We, the undersigned, wish to express our concern about the letter sent to Joyce Horney, Apt# 303 at Terrapin Grove. It is dated April 12, 2019, but was not mailed until May 7th, causing the letter to arrive on May 9th.

This is referencing the painting of the rear entrance door to the apartment building at Terrapin Grove. Numerous requests to have maintenance to this door was reported, either in writing or verbally, by different tenants, over a two to three year period. These requests obviously fell on deaf ears, because nothing was done. The door was filthy and showed signs of mold – disgraceful – certainly not what we would expect to be representative of the condition of the entrance to our home where we live.

With spring upon us and Easter only a few days away, we thought it quite appropriate that this action be taken – scrub, wash down, and paint. We cite Tenant Participation Plan, B. Required Activities of Participation, Project Beautification, 2a and b – Tenants will participate in flower planting and common areas cleanup maintenance program in areas designated by the HA.

General area cleanup will be scheduled seasonally and all tenants will be encouraged to participate. Neither of these two have been performed by the HA, so the tenants decided that this door should be maintained by scrubbing, washing down and painting to benefit all and present a much nicer appearance for our building.

Instead of a letter of lease violation, we think it should have been one of thanks. We request that another letter be sent to Ms. Horney rescinding the Lease Violation stating that this incident will be removed from her file.

Respectfully,
Cc:
James L. Hynson
James W. Holley
Tonya D. Brown
JoAnne N. Brice
Richard D. Cira
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District, 4
Todd R. Mohn, PE, County Administrator
<table>
<thead>
<tr>
<th>Apt#</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>308</td>
<td>Susan Childress</td>
</tr>
<tr>
<td>1158</td>
<td>Synda Brady</td>
</tr>
<tr>
<td>310</td>
<td>Tim Monroe</td>
</tr>
<tr>
<td>109</td>
<td>John Gondar</td>
</tr>
<tr>
<td>307</td>
<td>Joe Blanchard</td>
</tr>
<tr>
<td>304</td>
<td>Rose Calvert</td>
</tr>
<tr>
<td>204</td>
<td>Joe Howell</td>
</tr>
<tr>
<td>301/14</td>
<td>Janet Harmon</td>
</tr>
<tr>
<td>323</td>
<td>Paula A. &amp; David A. Wagner</td>
</tr>
<tr>
<td>11</td>
<td>David A. Wagner</td>
</tr>
<tr>
<td>311</td>
<td>Kaye Crawford</td>
</tr>
<tr>
<td>3010</td>
<td>Tom Brent</td>
</tr>
<tr>
<td>112</td>
<td>Nancy Fox</td>
</tr>
<tr>
<td>389</td>
<td>Scott Wimer</td>
</tr>
<tr>
<td>309</td>
<td>Lois Fleckarty</td>
</tr>
<tr>
<td>301</td>
<td>Mark C. Porter</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: County Commissioners
   Todd Mohn, County Administrator

CC: Planning Commission
    Economic Development Commission

FROM: E. Michael Wisnosky, AICP, Director

DATE: May 28, 2019

SUBJECT: Monthly Department Report – April 2019

The following information is compiled by the staff of the Department of Planning and Zoning. The information provided is current as of April 30, 2019

Planning:

- Development Review/Site Plans/Subdivision Plats/Growth Allocations/Adequate Public Facilities:
  - Administrative Subdivision plat reviews
    - SUB-19-01-0087 Devore Farm LLC - Recorded
  - Minor Subdivision plat reviews
    - SUB-19-01-0086 Devore Farm LLC - Recorded
  - Major Subdivision plat reviews
    - NO MAJOR SUBDIVISION APPLICATIONS RECEIVED
  - Concept plan reviews
    - SP-19-04-0023 - Morris Solar - 88.89 acre Solar Array
  - Minor Site plan review
    - SP-18-03-0010 - Fox Point Properties-4,085 sq. ft. Building with 2nd floor apartments
    - SP-18-08-0006 - Ten Eyck Brewery, Commercial Brewery
  - Major Site plan review
    - NO MAJOR SUBDIVISION APPLICATIONS RECEIVED
  - STAC meetings
    - One meeting held on April 10, 2019
      - SP-19-0017-C, Grasonville Station - 7-Eleven
Planning Commission meeting, April 11, 2019
- Minor Site Plan - SP18-09-0012
  Wye River Marina, Piney Creek Road, Chester - Construct a two story building with office and 5 service bays.
- Major Site Plan - SP-19-01-0018
  Queenstown Assisted Living, to Construct a 73 bedroom, 49,998 sq. ft. assisted living facility.

Zoning:
- Building Permit Information (Source: Energov & Sungard):

![Graph showing permit applications and permits issued by year and type]

<table>
<thead>
<tr>
<th>Building Permit Tracking 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Applications Submitted</td>
</tr>
<tr>
<td>132</td>
</tr>
<tr>
<td>Permits Issued</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Construction Value</td>
</tr>
</tbody>
</table>

- Highlights of Commercial Permits Issued in April:
  - Use Permits:
• 137 Log Canoe Circle, Stevensville, KRM BCR LLC. Use permit for “We Care Clinic”, 1 employee, 450 sq. ft.
• 515 Amberly Farm Lane, Queenstown, Washington Hunters Oak C, Hunters Oak Pub 40 seat restaurant for members of golf course.

○ New Commercial:
  - 310 Bateau Dr, Stevensville, County Commissioners of Queen Anne’s County. Install a 11’8”x 60’ Office trailer with steps to grade and accessible ramp. 708 sq. ft.

○ Commercial Renovations:
  - 800 Abruzzi Dr, Chester, Maryland General Land Co, Tennant fit-out for “Tastebuds Kitchen” Training facility to include studio, backroom, bathroom open office area, private office and storage room. 1647 sq. ft.
  - 302 Love Point Rd, Stevensville, Claude & Dominic Digiovine. Convert existing 7’ x 24’ porch to office and reception area, relocate front door and add cable to front center of roof, 168 sq. ft.
  - St Claire Place, Stevensville, St. Clair Suites, LLC, construct interior partition walls to create equipment/storage room.

• Inspection and Enforcement Activity for April:
  o Citations Issued: 2 YTD Issued: 9
  o Total fines issued: $1000.00 (YTD Issued: $4500.00; YTD Paid: $4000.00)
  o Nuisance Complaints/Code Violation Inspections Conducted: 102 (43 of which in Critical Area) (YTD: 182/52)
  o Zoning Inspections Conducted: 470 (145 of which within Critical Area) (YTD: 1149/426 )
  o Liquor Law Compliance Inspections: 63 (YTD: 267)

Zoning Boards:

• Board of Appeals
  • Meeting Date: NO HEARINGS OR MEETINGS IN APRIL, 2019

• License Commission (Liquor Board):
  • Meeting Date – April 2, 2019
  • Temporary licenses issued to:
    Disable American Veterans (DAV) – Date of event – April 6
    Ruthsburg Community Center – Date of event – April 25
    Talisman Therapeutic Riding, Inc. - Date of event – May 4
    League of Woman Voters QAC – Date of event – May 7
    KI Estates Community Assoc. – Date of event – April 12, May 4, May 17
    Chesapeake Bay Environmental Center - Date of event - July 13
  • Hearing held for transfer of a Class D” beer, wine & liquor license from Robert Wilson to Robert W. Gordon, for the benefit of Doc Bar LLC, trading as Red Eyes Dock Bar 2.0, 428 Kent Narrows Way North, Grasonville, MD - Approved
  • Review application for advertising the transfer of a Class “A” beer & wine license from Sheikh Asadullah to Tanveer Malik, for the benefit of Bayside Oil, LLC, trading as Piney Creek Xtra Mart, 2120 Piney Creek Rd., Chester, MD 21619.

EMW:mes
COUNTY ORDINANCE NO. 19-06

A BILL ENTITLED

AN ACT CONCERNING Holding Periods for Impounded Animals Under the Age of Three Months;

FOR THE PURPOSE of eliminating the holding period under the Queen Anne's County Animal Control Ordinance (Chapter 9 of the Code of Public Local Laws) for animals under the age of three (3) months.

BY AMENDING Section 9-23 B.(1) the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 9-23 B. (1) of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

§9-23. Impoundment, redemption and seizure.

... 

B. Impoundment.

(1) Subject to Subsection B(2) of this section, an impounded domestic animal shall be kept for not fewer than seven days, unless an owner or custodian redeems the impounded domestic animal, pursuant to §9-23D of this chapter, within seven days. The holding period does not apply to animals under the age of three (3) months.

...
SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Dumenil

DATE: April 23, 2019

PUBLIC HEARING HELD: May 28, 2019 @ 6:00 pm

VOTE: ___________ Yea ____________ Nay

DATE OF ADOPTION: ______________________

EFFECTIVE DATE: ______________________
COUNTY ORDINANCE NO. 19-07

A BILL ENTITLED

AN ACT CONCERNING a Citizen Sponsored Text Amendment to Revise References to the 2002 Queen Anne’s County Comprehensive Plan in Chapter 18:1 of the Code of Public Local Laws of Queen Anne’s County;

FOR THE PURPOSE of revising the reference to the 2002 Queen Anne’s County Comprehensive Plan contained in Section 18:1-4-A.(1) of the Code of Public Local Laws of Queen Anne’s County.


SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that Section 18:1-4.A.(1) of the Code of Public Local Laws of Queen Anne’s County be and is hereby AMENDED to read as follows:


A. Purpose.

(1) The purpose of this Chapter 18:1 is to implement the 2010 Queen Anne’s County Comprehensive Plan and subsequent additions and promote the health, safety and general welfare of the present and future inhabitants in the County by:

... .

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its enactment.
INTRODUCED BY: Commissioner Corchiarino

DATE: April 23, 2019

PUBLIC HEARING HELD: May 28, 2019 @ 6:05 pm

VOTE: ___________ Yea ____________ Nay

DATE OF ADOPTION: ______________________

EFFECTIVE DATE: _______________________