1. CALL TO ORDER
5:00 p.m. Mr. Steven Chandlee, Parks and Recreation Director
Mr. Dave MacGlashan, Chief Property Manager
Closed Session
"Acquisition of Real Property"

5:15 p.m. Patrick Thompson, Esquire, County Attorney
Ms. Beverly A. Churchill, Department of Human Resources Director
Mr. Jonathan Seeman, Budget & Finance & IT Director
Closed Session
"Personnel"

5:30 p.m. Call to Order, Pledge of Allegiance, Moment of Silence, Approval of Agenda

Accept County Commissioners’ Minutes
- Regular Minutes – August 27, 2019
- Roads Minutes – August 13, 2019
- Sanitary Minutes – August 13, 2019

Press and Public Comments**

2. NEW BUSINESS
5:35 p.m. DEPARTMENT OF PUBLIC WORKS
Admin
1. Letter of Support to MDTA for All Electronic Tolling
Sanitary
2. Comprehensive Water and Sewerage Plan - Amendment 11-14 - Allocation Policy – Nonrefundable Deposit
3. Allocation Recapture & PWA’s with Mears Point Marina Apartments, Perry’s Retreat Subdivision, Chesterhaven Beach Subdivision, and The Enclave Subdivision

Mr. Todd R. Mohn, PE, County Administrator
"Presentation of Documents for Signatures and Weekly Correspondence”

Action
1. Letter to Mr. Platt - Notice of Appeal
2. Tax Increment Financing – Kent Narrows Development District
3. Sudlersville Coleman - Termination of Open Space Easement
4. FY2020 Department of Parks and Recreation Fireworks contract
5. Procurement Consideration Request – Opioid Abuse Campaigns
6. Community Partnerships for Children & Families Board appointment
7. Property Lien

Documents:
09.10.2019DPW.pdf
09.10.2019Action.pdf
09.10.2019Correspondence.pdf

3. PRESENTATIONS
Mr. Ramon Villatoro, Director
"Animal Welfare League Update”

Ms. Heather Guerieri, Executive Director
"Compass Regional Hospice Update”

Mr. Michael Bell, Supervisor of Instruction
"Every Student Succeeds Act (ESSA) Consolidated Plan”

Mr. Alan Girard, Eastern Shore Chesapeake Bay Foundation Director
Mr. Tom Leigh, Regional Watershed Services Provider
"Healthy Waters Working Group and Envision the Choptank Update”

4. LEGISLATION
Legislative Session
County Ordinance 19-15 - the Prohibition of the Use of Shipping Containers as Accessory Structures in Queen Anne’s County (to be introduced)

Press and Public Comments**

Commissioner’s Roundtable

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

** 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.
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"Personnel"

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Pledge of Allegiance,
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LEGISLATION
Legislative Session
County Ordinance 19 – the Prohibition of the Use of Shipping Containers as Accessory Structures in Queen Anne’s County (to be introduced)

Press and Public Comments**
Commissioner’s Roundtable

*** 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:
9/6 New Turf Field Ribbon Cutting at the Buccaneers Stadium
9/11 Council of Governments Meeting
9/13 New Turf Field Ribbon Cutting at the Lion’s Stadium
9/17 MDOT Pre-Tour
9/24 KNDF Meeting
9/25 EDC Meeting

Documents:
3.
4.
Date: September 10, 2019

To: County Commissioners

From: Steve Cohoon, Public Facilities Planner

RE: Letter of Support to MDTA for All Electronic Tolling

Attached is a letter to Secretary, Pete Rahn for your review and consideration. The letter is to make two main points related to MDTA proposed modernization of All Electronic Tolling (AET).

First, is to offer support for MDTA to move to All Electronic Tolling and to specifically request All Electronic Tolling be installed at the William Preston Lane, Jr. Memorial Bridge (Bay Bridge). AET at the Bay Bridge will improve safety and reduce congestion for eastbound traffic flow by removal of the toll plaza.

Second, to offer support for three changes proposed for toll modernization that provide new payment options and reduce select toll rates. These options apply to all MDTA facilities including the Bay Bridge. The proposed toll modernization options include

- Providing a new toll payment method (Pay-by-Plate)
- Reducing toll rates for new and expanded vehicle classifications
- Providing a discount on early payment of Video Tolls (Pay-by-Invoice)

The attached slides prepared by MDTA outline these proposed changes. MDTA is holding public hearings to accept public comment on the proposed changes. A public hearing will be held in Queen Anne’s County on Thursday, September 12, 2019 at Kent Island High School, 900 Love Point Road in Stevensville. The hearings will be held from 6:00 – 8:00 PM (6:00 – 6:30 PM open house; 6:30-8:00 PM public testimony).

Please review and contact me with any questions or comments.

Motion: I move that we sign the attached letter to Mr. Peter Rahn, Secretary of Maryland Department of Transportation
September 10, 2019

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

Re: All Electronic Tolling for William Preston Lane, Jr. Memorial Bridge

Dear Secretary Rahn:

The "safety and mobility for our citizens" is the driving factor towards the establishment of our local transportation priorities. The Chesapeake Bay Bridge Corridor is a primary transportation and freight corridor of regional significance and within that corridor delays and impacts disproportionate affect Queen Anne's County residents. Consequently, the County Commissioners appreciate and support all efforts by Maryland Department of Transportation to improve safety, reduce congestion and improve the flow of traffic through the Bay Bridge corridor.

All Electronic Tolling (AET) improves safety and reduces congestion related delay. We support the current effort to modernize and convert all MDTA facilities to AET. The implementation of AET improves safety, operations, and traffic flow while reducing delay and congestion. Specifically, eastbound travel on the William Preston Lane, Jr. Memorial Bridge (Bay Bridge) will benefit greatly from AET and the removal of the toll plaza. Currently, the three eastbound travel lanes expand to 11 toll and e-z pass lanes, only to merge back into 2-3 lanes to cross the bay. The installation of AET would greatly improve safety and decrease travel time delay, as the eastbound would not need to slow or stop and the merge condition would be minimized.

The Queen Anne's County Commissioners ask that the Bay Bridge be made a high priority for the installation of AET and that the necessary improvements be installed as soon as possible.

The Queen County Commissioners have also reviewed and support the proposed changes to modernize tolls by providing two new payment options (pay by plate, pay by invoice) and reducing tolls through new vehicle classifications. These steps will provide our residents options and savings as they travel across the bridge to work, shop, recreate and access necessary services. The Board of Queen Anne's County Commissioners appreciates the efforts of MDTA to provide these choices and reduce tolls.
The Board of Queen Anne’s County Commissioners appreciates your consideration of our comments and that they be included as part of the public record. We would look forward to MDOT and MDTA implementing AET at the Bay Bridge, as well as the proposed changes to payment options and tolls.

THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY

James J. Moran, President

Jack N. Wilson

Stephen Wilson

Philip L. Dumenil

Christopher M. Corchiarino

Cc: Jim Ports, MDTA Executive Director
MDTA Board Members
Modernization of Toll System

- MDTA’s new 3rd Generation Electronic Tolling Collection (3GETC) system improves the fairness of toll rates and addresses customer feedback that previously could not be addressed due to technology limitations.

- The proposed toll modernization includes:
  - Providing a new toll payment method (Pay-by-Plate)
  - Reducing toll rates for new and expanded vehicle classifications
  - Providing a discount on early payment of Video Tolls (Pay-by-Invoice)

- Toll modernization proposal does not change:
  - 2, 5 or 6-axle vehicle classifications
  - Discount plans, such as the Commuter, Hatem, and Bay Bridger Shopper
  - Commercial Post-Usage and Rebate Programs

- Changes under the toll modernization proposal do not increase toll rates.

[Images of new vehicle class savings, Video Toll discounts, and More payment options]
New Payment Method – Pay-by-Plate

- For infrequent customers or those who do not want an *E-ZPass*® account, a new payment method, Pay-by-Plate would be created.

- The Pay-by-Plate payment method allows you to:
  - Pay as you go by registering your license plate and credit card
  - Have another payment option at all-electronic (cashless) toll facilities
  - Not maintain a pre-paid balance or pay the 50% Video Toll Rate surcharge

- You would pay:
  - 25% higher than *E-ZPass*® rate on Intercounty Connector (ICC)/MD 200 and I-95 Express Toll Lanes (no cash rates established), at least 20% less than Pay-by-Invoice rate
  - Cash and non-Maryland *E-ZPass*® rates at other MDTA facilities

- Estimated timeframe: By June 2020
New and Expanded Vehicle Classifications

- Advancements in toll technology provide MDTA the ability to expand and create vehicle classifications and differentiate toll rates accordingly.

- The proposed new and expanded vehicle classifications would:
  - Align the toll rates to the associated wear and tear those vehicles have on MDTA's facilities.
  - Address customer feedback received by motorcyclists, small businesses, boaters and drivers of recreational vehicles.

- Toll rates would be reduced by 17% to 50% for these new and expanded vehicle classifications.

- Estimated timeframe: By September 2020.
New and Expanded Vehicle Classifications

2-AXLE (Current)

MOTORCYCLES & SMALL VEHICLES (Proposed)
2 and 3 wheeled vehicles
50% discount from current toll rate

2-AXLE (Proposed)
4 wheeled vehicles
Toll rate remains unchanged

3-AXLE (Current)

3A-AXLE LIGHT (Proposed)
2-axle passenger vehicles towing
1-axle trailers and campers
25% discount from current toll rate

3B-AXLE HEAVY (Proposed)
All 3-axle vehicles not included in 3A
Toll rate remains unchanged

4-AXLE (Current)

4A-AXLE LIGHT (Proposed)
2-axle passenger vehicles towing
2-axle trailers and campers
17% discount from current toll rate

4B-AXLE HEAVY (Proposed)
All 4-axle vehicles not included in 4A
Toll rate remains unchanged

5-AXLE (No change)

6+ AXLE (No change)
Video Toll (Pay-by-Invoice) Early Payment Discount

- If you use a toll facility without paying by cash or E-ZPass®, you will receive an invoice to pay the Video Toll.

- Video Toll rates are 1.5 times the cash/base rate to offset the higher cost of processing Video Tolls.

- With this new proposed discount, customers who pay their Video Toll within a pre-defined time period would receive a 15% discount.


Video Toll Process:

1. Customer passes through toll facility.
2. Video Tolling device captures plates for processing toll.
3. Customer receives discount for prompt payment prior to invoice mailing.
4. If proactive payment is not received, customer is mailed an invoice for full Video Toll amount.
# Bay Bridge (US 50/301)

<table>
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<tr>
<th></th>
<th>Cash Base &amp; E-ZPass®</th>
<th>E-ZPass® MD</th>
<th>Pay-by-Plate</th>
<th>Pay-by-Invoice (Video Toll)</th>
<th>Pay-by-Invoice (Early Payment)</th>
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<tr>
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<td>New Rate</td>
<td>Current Rate</td>
<td>New Rate</td>
<td>Now Rate</td>
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<td>$30.00</td>
</tr>
</tbody>
</table>

*Shows new or reduced rate*

*Note: At the William Preston Lane Jr. Memorial (Bay) Bridge, tolls are collected in the eastbound direction only*
MEMORANDUM

Date: September 10, 2019

To: Sanitary Commission

From: Alan Quimby

Re: Comprehensive Water and Sewerage Plan
   Amendment 11-14
   Allocation Policy – Nonrefundable Deposit

If you will recall, on July 23 we held a public hearing to modify the Allocation Policy to make the current 10% deposit nonrefundable. Only Joe Stevens, a local attorney that has represented numerous developers, spoke at the hearing and was in opposition. No other public testimony has since been received.

One of Mr. Steven’s objections was deemed to have some merit so staff reached out to him to further discuss. The current Allocation Policy places the need to have the Sanitary Commission make a commitment on the necessary allocation very early on in the development review process. This is due to the simple fact that if you have no allocation, you have no project, so it is senseless to proceed. Mr. Steven’s contention was that it was unfair to require the commitment to be secured with a nonrefundable deposit so early in the process when the developer has little to no idea if his project will even receive final approval. While it is rare that a project doesn’t make it through the design review process, the potential is there. Mr. Stevens suggested that the deposit be refundable for 12-months and then it either is refunded or becomes nonrefundable.

Attached is a ‘strike and delete’ version of the Policy for your review:

If agreeable, please make a motion similar to the following:

I move that we revise the Allocation Policy to allow the 10% deposit to only be refundable for 12 months from the date of the granting of the allocation after which time the deposit is either refunded or becomes nonrefundable.
APPENDIX I: WATER AND SEWERAGE ALLOCATION POLICY

1. Purpose

A. The Environment Article, Title 9, Subtitle 5, of the Annotated Code of Maryland, enables County Comprehensive Water and Sewerage Plans to provide for the orderly expansion of public water supply and sewer systems in a manner consistent with applicable County Comprehensive Plans. The statutory authority and regulatory requirements, as codified in the Code of Maryland Regulations 26.03.03, provide the basis for the establishment of allocation policies for water supply and sewerage services.

B. Further, the Queen Anne's County Sanitary Commission recognizes the value of such a policy and that this water and sewerage allocation policy is adopted in the best interest of the County. The Water and Sewerage Allocation Policy presented herein is designed to:

1. Provide for public knowledge and awareness regarding available capacity in public water and wastewater facilities;

2. Establish a procedure for equitable allocation of available capacity for public water and wastewater systems in such a manner as to protect the public health, safety, welfare, and water quality of the County;

3. Responsibly plan for the future growth of Queen Anne's County in accordance with the County's land use and growth management goals and objectives, as established in the Comprehensive Plan and associated ordinances;

4. Wisely manage Queen Anne's County's water supply and sewerage treatment resources and to prevent the depletion of underlying water-bearing aquifers or the over-commitment of available sewer treatment capacity;

5. To reserve 500,000 gallons per day of the recently constructed 1 million gallon wastewater capacity expansion to begin serving the communities with public health concerns as identified in the Comprehensive Water and Sewerage Plan; this reserve is not removable without a 4/5 vote of the Queen Anne's County Sanitary Commission;
6. To reserve 200,000 gallons per day of the recently constructed 1 million gallon wastewater capacity expansion to provide for sufficient sewer treatment capacity reservations for properties within the growth areas designated for commercial and economic growth of the county. This reserve is not removable without a 4/5 vote of the Queen Anne’s County Sanitary Commission;

7. The remaining new 300,000 gallons of capacity is designated for current commitments, and for growth off Kent Island. (Note this restriction of no new residential growth on Kent Island does not apply to minor subdivisions, commercial apartments, or redevelopment.) Existing commitments are those shown within the attached Schedule A.

8. Provide for sufficient sewer treatment capacity reservations for public service uses and affordable housing projects;

9. Minimize the use of private wells in designated growth areas that are served or planned to be served with a public water supply system;

10. Establish a method by which available capacity is calculated and allocated, and to assure that adequate capacity is available over designated time periods;

11. Ensure that sufficient revenue is available to make payment in a cost-efficient manner for bond indebtedness resulting from the construction of public water and sewerage systems; and

12. Provide for the administrative procedures and guidance for the allocation of water and sewer service in a reasonable, fair, and adequate manner.

II. Applicability

A. This policy applies to all water supply and sewerage collection systems within the Kent Narrows/Stevensville/Grasonville (KN/S/G) water and wastewater service area that are owned, operated, and maintained by the Queen Anne’s County Sanitary Commission.

B. The procedures of this policy are applicable to all applications for sewerage and/or water allocation, except for the following types of applications that will receive sewerage and/or water allocation administratively from the appropriate staff. Staff has the option to refer administrative allocation requests to the Sanitary Commission, if deemed to be in the best interest of the County.
1. Vacant single-family lots of record located within the S-1 or S-2 sewerage and/or W-1 or W-2 water service area.

2. Expansions of existing businesses within the S-1 sewerage and/or W-1 water service area; or new connections to businesses in a W-2 water service area, by an allocated flow of up to 1,000 gpd.

3. Residential subdivisions within the S-1 sewerage and/or W-1 water service area consisting of seven (7) or fewer dwellings.

4. Minor amendments to major residential subdivisions or other residential developments (minor being defined as 7 or fewer dwellings).

III. Allocation of Available Sewerage Capacity

A. An allocation may be made only if the necessary treatment and conveyance facilities are in-place, or under construction, or are programmed for construction and have an identified funding source, within the first two years of the six-year County Capital Improvement Plan.

B. The Sanitary Commission has determined that it is in the best interest of the citizens of Queen Anne's County that sewerage treatment allocations are targeted towards specific properties and uses over designated time periods consistent with the Comprehensive Water and Sewerage Plan. These allocation targets are beneficial to the County and assure that the County does not over-allocate its wastewater treatment resource. These allocation targets are established as part of this policy and contained in the attached Schedule A for the KN'S/G wastewater treatment plant.

C. On or about October 1 of each calendar year, the directors of the Queen Anne's County Departments of Public Works, Land Use, Growth Management, and Environment Planning and Zoning, and the Environmental Health Division of the County Health Department may submit a recommendation to the Sanitary Commission to amend the allocation targets as shown in Schedule A. The recommendations may also provide additional data concerning the available treatment capacity for the KN/S/G system. These recommendations should be made in conformance with existing County ordinances and regulations and provide for the continued health, safety, welfare, and comfort of the citizens of Queen Anne's County. Upon receipt of these recommendations, the Sanitary Commission may determine if an amendment to this Water and Sewerage Allocation Policy and/or the Comprehensive Water and Sewerage Plan is in the best interest of the citizens of Queen Anne's County. If an amendment is warranted, the County Commissioners will conduct a public hearing on the matter.
as part of the County’s regular Comprehensive Water and Sewerage Plan amendment cycle.

D. The allocation year shall be the calendar year. It has been decided to allocate the wastewater treatment capacity at a rate not greater than 50,000 gpd per year. The annual limitation proposed is intended to provide for wastewater treatment capacity for the next 20 years. Note: administrative allocations are not counted against the 50,000 gpd per year.

E. It is recognized that this policy will need to be modified to accommodate the serving of Public Health Concern areas. It is the intent to serve all the existing homes as soon as sewer service becomes available. However, it is also the intent to utilize this policy as one tool to moderate the rate of build-out of the vacant lots.

F. In instances where a non-residential new development connects to public sewer, the Sanitary District may finance the allocation fee, less any deposit that may have been required by the granting of the allocation, over a period not to exceed seven (7) years. An annual finance charge of seven percent (7%), payable quarterly, will be applied to the outstanding balance of the allocation charge over the life of the loan up to the seven-year maximum. Payments towards this debt will be included in the normal utility billing. A project with commercial apartments shall be considered non-residential.

G. Note in cases where a 10% deposit of the cost of the allocation is required, the amount of the deposit cannot be financed.

IV. Allocation of Available Water Capacity

A. An allocation shall be required if facilities are in-place and capacity is available. An allocation may be required, provided that additional adequate facilities are guaranteed for construction by means of an acceptable developer surety and a Public Works Agreement.

B. Existing vacant lots of record abutting a water main shall be allocated capacity and shall be required to connect to the public system when development occurs on the property, provided facilities are in-place and capacity is available.

C. Existing uses within the public water service area currently served with individual systems but abutting a water main are required to connect to the public system when the individual system fails, provided facilities are in-place and capacity is available.

D. In instances where a non-residential new developed property elects, or is required, to connect to public water, the Sanitary District may finance the allocation fee
over a period not to exceed seven (7) years. An annual finance charge of seven percent (7%), payable quarterly, will be applied to the outstanding balance of the allocation charge over the life of the loan up to the seven-year maximum. Payments towards this debt will be included in the normal utility billing.

In instances where an improved property of any nature elects, or is required, to connect to public water, the Sanitary District may finance the allocation fee, less any deposit that may have been required by the granting of the allocation, over a period not to exceed seven (7) years. An annual finance charge of seven percent (7%), payable quarterly, will be applied to the outstanding balance of the allocation charge over the life of the loan up to the seven-year maximum. Payments towards this debt will be included in the normal utility billing.
Note in cases where a 10% deposit of the cost of the allocation is required, the amount of the deposit cannot be financed.

V. Allocation Process

A. Properties within the S-6 sewerage, and/or W-6 water, service areas (No Planned Service).

1. No allocation will be granted to S-6 and W-6 service areas. Properties in these service areas must be upgraded via a Comprehensive Water and Sewerage Plan amendment. Refer to Chapter 5 of the Plan for more details.

B. Properties within the S-5 sewerage, and/or W-5 water, service areas

1. No allocation will be granted to S-5 and W-5 service areas. Properties in these service areas must be upgraded via a Comprehensive Water and Sewerage Plan amendment. Refer to Chapter 5 of the Plan for more details.

C. Properties within the S-4 sewerage, and/or W-4 water, service areas

1. No allocation will be granted to S-4 and W-4 service areas. Properties in these service areas must be upgraded via a Comprehensive Water and Sewerage Plan amendment. Refer to Chapter 5 of the Plan for more details.

D. Properties within the S-3 sewerage, and/or W-3 water, service areas

1. No allocation will be granted to S-3 and W-3 service areas. Properties in these service areas must be upgraded via a Comprehensive Water and Sewerage Plan amendment. Refer to Chapter 5 of the Plan for more details.

E. Properties within the S-1 and S-2 sewerage, and/or W-1 and W-2 water, service areas
1. An allocation shall be required for any residential, commercial, industrial, institutional, or public service project within a designated service area that requires either public water or public sewer service or both. Areas available for allocation shall be designated by a “W-1 or W-2” category for water service and an “S-1 or S-2” category for sewer service as shown in the Comprehensive Water and Sewerage Plan and its accompanying maps.

2. The applicant shall submit an application for allocation to the Sanitary District. When applicable, the allocation application shall be submitted prior to submission of preliminary site or subdivision plans to the Department of Land Use, Growth Management, and Environment Planning and Zoning. The standard “Water & Sewerage Allocation Application” form attached to this policy shall be used for all applications for allocation. Refer to the instructions at the end of this policy.

3. The Sanitary Commission, or their designee, is authorized and shall approve allocations for water supply and/or sewerage service in conformance with this policy, provided that all conditions subject to the applicant have been satisfied.

4. Upon approval of the allocation, the applicant shall make a ten percent (10%) deposit on the total cost of the allocation within thirty (30) calendar days or prior to submission of a preliminary plan to the Department of Land Use, Growth Management, and Environment Planning and Zoning for site plan or final subdivision review, whichever occurs first. Failure by the applicant to make the deposit within the specified timeframe will void the allocation request. For projects involving phases, the deposit amount will be based on the total demands of the entire build-out of the project. The submission of the deposit does not ‘lock-in’ the rate.

5. The balance of the allocation fees for the project, or for each phase thereof, will be due prior to unconditional site plan, or final subdivision approval, or concurrently with the execution of the Public Works Agreement, whichever occurs first (unless the financing option is available and is selected).
Rates to be paid for the allocation will be those in effect at the time of payment in full, or in the case of financing, the rate at the time of the execution of the Public Works Agreement.

6.

7. Refer to the allocation application instructions attached at the end of this policy for a more detailed procedure.

VI. Time Limit on Allocation and Deposit

A. For the first 12 months from the date of the granting of the allocation (the "refundable period"), the applicant will determine the viability of the project in respect to current Planning and Zoning criteria. At the end of the refundable period, the 10% deposit is either requested to be refunded by the applicant in writing, which shall terminate the allocation commitment, or the deposit becomes non-refundable and the applicant continues forward with the project's final approval. After a deposit for allocation is received by the Sanitary District, the applicant will have. The applicant will then have an additional twelve (12) twenty-four (24) months from that date to obtain conditional final site plan or subdivision approval.

B. The applicant then has three (3)six (6) months from the date of conditional final approval to execute a Public Works Agreement with final payment (if not financing) of the allocation necessary to support at least the first phase of the project.

C. The applicant then has eight (8) twelve (12) months to begin construction of the project.

D. Should the applicant be unable to meet the above timeframes, the allocation granted may commitment shall automatically be void and be recaptured according to the provisions of Item IX of this policy unless written requests for the extension of the allocation commitment is made to the Director of Public Works, or their designee, in writing at least prior to two weeks prior to the expiration of the allocation commitment. While the Sanitary Commission is under no obligation to extend the commitment, should the extension request be granted, as a consideration for any agreement to extend the allocation commitment, and in addition to any other conditions imposed, the Sanitary Commission shall require the applicant pay an additional 10% non-refundable deposit which will extend the allocation commitment for an additional 12 months.
In addition, failure to begin construction within three (3) years of a Plan amendment may place the amendment and its associated allocation at risk. Refer to section 5.16.3.2 of the Plan for more information.

E. The County Commissioners may extend a map amendment or project approval only on a showing by the applicant that the failure to begin construction within three (3) years from the date of amendment approval is not the result of the ineffect or delay by the applicant. Extensions of time may be granted for a period not exceeding eighteen (18) months. Refer to section 5.16.3.3 of the Plan for more information.

VII. Plan Consistency and Allocation

A. Final site plan or final subdivision approval shall be generally consistent with the approved concept—preliminary site or sketch plan or subdivision for the project and, when applicable, an Adequate Public Facilities Study. Allocation deviations may be denied if the Sanitary Commission or its designatedee determines that it is not consistent with the objectives of this policy or the Comprehensive Water and Sewerage Plan.

VIII. Alteration and Transfer of Allocation

A. A business allocation may be altered from a single 500-gpd allocation to two (2) 250-gpd—business allocations, or four (4) 125-gpd—business allocations, or any combination thereof. A letter requesting the revision must be sent to the Director of Public Works, or their designee, with reasons given for the necessity of the alteration. No additional allocation fees will be required. Such revisions will be administered by the Department of Public Works.

B. A business allocation may be reduced from a single 500-gpd allocation to a single business 250-gpd allocation or from a single 250-gpd—business allocation to a single 125-gpd—business allocation, or any combination thereof. A letter requesting the revision must be sent to the Director of Public Works, or their designee, with reasons given for the necessity of the alteration. No refund of returned allocation will be made; however, the user fee will be appropriately reduced at the next quarterly billing. Such revisions will be administered by the Department of Public Works.
C. A single dwelling allocation may be converted to a single 250-gpd business allocation (or two 125-gpd small business allocations), or vice-versa.

D. Other alterations of allocation, other than those listed here, may be made by the Director of Public Works or their designee, on a case-by-case basis.

E. Transfer of allocation is permitted within the same sewer collection area, provided the sewer mains are adequate and provided the properties are owned by the same party, and provided there is a minimum 250 gpd for each use or lot after the transfer is complete.

IX. Allocation Recapture Provisions

A. Allocation may be recaptured on a voluntary or involuntary basis.

1. Voluntary Relinquishment - If a Public Works Agreement was executed, but all or any part of the allocation was never utilized, a refund of the unused allocation fees paid—(other than the non-refundable deposit) shall be made returned upon request in writing to the Director of Public Works, or their designee. Note that any "refund" will be made at the rate when paid, not at the rate in effect at the time the refund is made. Also note if the granting of allocation was a condition of site plan or subdivision preliminary approval, a recapture may render that approval null and void.

2. Involuntary Relinquishment - The Queen Anne’s County Sanitary Commission, for any violation of an executed Public Works Agreement, or for any failure to meet construction or policy timetables, shall be empowered to recapture the allocation. The Sanitary Commission may evaluate individual written requests for extension of allocation commitment; however, if no request is made to the Director of Public Works, or their designee, in writing prior to two weeks of the expiration of the allocation commitment, the commitment shall be deemed void, and any deposits which have become non-refundable in accordance with VI.A. above shall be forfeited.
B. Allocation recaptures shall be processed administratively by the Department of Public Works:

1. When allocation is recaptured, the County shall not repay any deposit, user fees paid, or interest accrued on those fees, to the applicant.

2. When an allocation has been granted and paid, and utilized for any period of time, no refund of the allocation fee, interest, or user charges will be paid.

3. When an allocation has been granted (paid but was never utilized), the Department of Public Works will make payment to the applicant in an amount equal to the actual amount paid for the allocation, less the deposit.

4. The next quarterly user charge will reflect the requested reduction in allocation.
MEMORANDUM

Date: September 10, 2019

To: Sanitary Commission

From: Alan Quimby

Re: Allocation Recapture Issue
   PWA – Mears Point Marina Apartments
   PWA – Perry’s Retreat Subdivision
   PWA - Chesterhaven Beach Subdivision
   PWA – The Enclave Subdivision

If you will recall, in February we brought to your attention six projects that had paid their 10% allocation deposit but had never brought their projects to fruition. The Allocation Policy has milestones that need to be met in order to retain the allocation commitment. The six projects in question had failed to meet those milestones.

As such the Sanitary Commission passed the following motion:

I move that we advise all the project applicants of the Sanitary Commission’s intention to recapture the allocations granted due to the projects’ failure to achieve the timing milestones set out within the Water and Sewerage Allocation Policy. I further move that each project will be notified via Certified Mail of this impending action and given 60-days to pay the balance due on the allocation fees at current rates and notify them that Ready-to-Serve fees will be initiated following the fourth regularly scheduled quarterly billing following full payment of the allocation fees.
Of the six projects in question, one requested their deposit to be refunded, and a second complied with the motion and paid in full. The other four however requested other considerations which staff is now presenting to the Sanitary Commission for their consideration. While there are nuances to each PWA, each has the same fundamental provisions:

1. They each acknowledge the deposit previously placed is now nonrefundable.
2. They each have placed additional nonrefundable monies to bring the 10% deposit up to current rates. In so doing they would be granted an additional 12 months to initiate construction.
3. Should they be unable to initiate construction in 12 months, they have the option to either forfeit the 10% deposit, or place and additional nonrefundable 10% deposit which will grant them another 24 months to initiate construction.

If agreeable, please make a motion similar to the following:

**I move that we execute the four Public Works Agreements with Mears Point Marina Apartments, Perry’s Retreat Subdivision, Chesterhaven Beach Subdivision, and The Enclave Subdivision as presented which will allow each project to retain their allocation commitment in return for the provisions listed within the Public Works Agreement.**
PUBLIC WORKS AGREEMENT
MEARS POINT ASSOCIATES

THIS PUBLIC WORKS AGREEMENT, made and executed this ___ day of ________, 2019, by and between THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, a body politic of the State of Maryland, hereinafter called "COUNTY", party of the first part, and MEARS POINT ASSOCIATES, a Maryland limited partnership, their successors and assigns, hereinafter called "OWNER" or "DEVELOPER", party of the second part.

RECITALS

WHEREAS, by virtue of a deed dated October 20, 1981 and recorded among the Land Records of Queen Anne’s County, Maryland, in Liber 179, folio 519, Developer is the owner of all that part or parcel of land consisting of 42 acres, more or less, situated in the Fifth Election District of Queen Anne's County, (hereinafter referred to as "Property"); and

WHEREAS, the Property is currently improved with an approximately 500 slip marina, boat basin, marine services, offices, recreational facilities and restaurant. The Owner proposes to further improve the Property by constructing 211 apartments in four separate buildings, and creating additional public and private recreational space, boardwalks, and pathways, as well as to replace and relocate the restaurant (hereinafter referred to as “Development”) as set forth and shown most recently on the site plans (MASP # 05-16-08-0008C) entitled "Major Site Plan/Contract Drawings for Infrastructure Improvements, Proposed Mixed Use Development on the Lands of Mears Point Associates" dated August 2016, prepared by DMS & Associates, LLC registered engineers and surveyors.

WHEREAS, on February 9, 2016 the County Commissioners, sitting as the Sanitary Commission, granted 26,424 gallons per day (gpd) of water and sewer allocation for the redevelopment of Mears Point Marina complex and the creation of 211 apartments to be located at Kent Narrows. In accordance with the County’s Water and Sewerage Allocation Policy, the granting of the allocation had conditions attached, one of which was the submission of a 10% refundable deposit which was fulfilled. Other conditions within the policy were timing milestones that needed to be met in order to avoid the recapture of the allocation, which were not met, specifically the deadline to ‘begin construction’ which expired on January 26, 2019.

WHEREAS At their regularly scheduled meeting of February 12, 2019, the Sanitary Commission voted unanimously to invoke Item IX of the Water and Sewerage Allocation Policy with the following motion.

“I move that we advise all the project applicants of the Sanitary Commission’s intention to recapture the allocations granted due to the projects’ failure to achieve the
timing milestones set out within the Water and Sewerage Allocation Policy. I further move that each project will be notified via Certified Mail of this impending action and given 60 days to pay the balance due on the allocation fees at today’s rates as well as notifying them that Ready To Serve fees will be initiated following the fourth regularly scheduled quarterly billing following payment of the allocation fees.”

WHEREAS, upon the written request from Mears Point Associates, the Sanitary Commission has reconsidered its position on the issues as reflected below and agreed to extend the grants of allocation upon the terms and conditions set forth below.

AND WHEREAS, these recitals are not merely prefatory but form a part of this Public Works Agreement:

NOW, THEREFORE, THIS PUBLIC WORKS AGREEMENT WITNESSETH: that for and in consideration of the mutual covenants and agreements herein contained, and the payments to the County set forth, the parties hereto do agree as follows, to wit:

I. Existing Allocation Deposit

(a) The previously paid deposit of $134,601 is and shall be non-refundable.
(b) The cost at today’s rates for the 26,055 gpd of water and sewer allocation granted (the difference from the amount allocated in 2016 being refinements in the plan as they were more fully developed) is $1,421,897 of which a 10% deposit would be $142,189. Developer will submit the difference from the deposit placed in 2016, and the amount of the current rates, i.e. $7,588, which will also be non-refundable.
(c) Agreeing to these provisions, and submitting the additional non-refundable deposit, grants the Developer an additional 12 months from the date of execution of this Public Works Agreement, to initiate construction.

II. Future Deposits

(a) In the event the Developer fails to initiate construction within the 12 months provided above, the Developer has the option to place a second 10% non-refundable deposit at rates then in effect.
(b) Submission of the second non-fundable deposit grants the Developer an additional 24 months (a total of 36 months from the date of execution of this Public Works Agreement) to initiate construction.

III. Amendment

(a) In order to achieve unconditional final site plan approval, this Public Works Agreement will need to be amended or a new Public Works
Agreement executed to provide provisions associated with the project that are more typically included within a Public Works Agreement including final payment of allocation fees, timing of infrastructure improvements, inspection fees, sureties, and other provisions as typically found in a Public Works Agreement.

WITNESS the hands of the parties hereto:

WITNESS: Mears Point Associates, a Maryland limited partnership

_________________________(SEAL) Marc L. Meisel, General Partner
(Print) ______________________

ATTEST: COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

_________________________(SEAL) James J. Moran, President
(Print) ______________________

WITNESS:

_________________________(SEAL) Alan Quimby, Director
(Print) ______________________ Department of Public Works

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

This document was prepared by, or under the supervision of, the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

____________________________
Patrick E. Thompson
County Attorney

This instrument is being recorded by Queen Anne's County and is exempt from recording fees pursuant to Section 3-603 of the Real Property Article of the Annotated Code of
Maryland.
PUBLIC WORKS AGREEMENT
ELM STREET DEVELOPMENT, Inc. – PERRY’S RETREAT SUBDIVISION

THIS PUBLIC WORKS AGREEMENT, made and executed this ___ day of ______, 2019, by and between THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, a body politic of the State of Maryland, hereinafter called "COUNTY", party of the first part, and ELM STREET DEVELOPMENT, Inc., a Virginia corporation, their successors and assigns, hereinafter called “DEVELOPER”, party of the second part.

RECITALS

WHEREAS, Developer is the contract purchaser of three parcels of land currently owned by Walters Properties LLC consisting of Tax Map 58H Parcel 201, Tax Map 65 Parcel 45, and Tax Map 65 Parcel 46 by virtue of a deed dated June 28, 2000 and recorded among the Land Records of Queen Anne's County, Maryland, in Liber 742, Folio 249, consisting in total of 142 acres, more or less, situated in the Fifth Election District of Queen Anne's County, (hereinafter referred to as "Property"); and

WHEREAS, the Property is currently vacant but is proposed by Developer to be subdivided into as many as 156 single family lots (hereinafter referred to as “Development”) as set forth and shown most recently on the plats (MASP # 05-14-05-0006C) entitled "Perry’s Retreat Subdivision – Subdivision of Walter Properties LLC” dated May 2018, prepared by DMS & Associates, LLC registered engineers and surveyors.

WHEREAS, on February 10, 2015 the County Commissioners, sitting as the Sanitary Commission, granted 31,750 gallons per day (gpd) of sewer allocation for 127 lots (Parcel 201 already holding a single sewer allocation) for the creation of a 128-lot subdivision (with the intent at the time for Developer to upgrade the existing Grasonville water treatment plant to provide the necessary water capacity). In accordance with the County’s Water and Sewerage Allocation Policy, the granting of the allocation had conditions attached, one of which was the submission of a 10% refundable deposit which was fulfilled. Other conditions within the policy were timing milestones that needed to be met in order to avoid the recapture of the allocation, which were not met, specifically the deadline to ‘begin construction’ which expired on February 2, 2018.

WHEREAS At their regularly scheduled meeting of February 12, 2019, the Sanitary Commission voted unanimously to invoke Item IX of the Water and Sewerage Allocation Policy with the following motion.

“T I move that we advise all the project applicants of the Sanitary Commission’s intention to recapture the allocations granted due to the projects’ failure to achieve the
timing milestones set out within the Water and Sewerage Allocation Policy. I further move that each project will be notified via Certified Mail of this impending action and given 60 days to pay the balance due on the allocation fees at today’s rates as well as notifying them that Ready To Serve fees will be initiated following the fourth regularly scheduled quarterly billing following payment of the allocation fees.”

WHEREAS, upon the written appeal from Elm Street Development, Inc., the Sanitary Commission has reconsidered its position on the issues as reflected below and agreed to extend the grants of allocation upon the terms and conditions set forth below.

AND WHEREAS, these recitals are not merely prefatory but form a part of this Public Works Agreement:

NOW, THEREFORE, THIS PUBLIC WORKS AGREEMENT WITNESSETH: that for and in consideration of the mutual covenants and agreements herein contained, and the payments to the County set forth, the parties hereto do agree as follows, to wit:

I. Existing Allocation Deposit

(a) The previously paid deposit of $100,965 is and shall be non-refundable.
(b) The cost at today’s rates for the 31,750 gpd of sewer allocation granted is $1,111,250 of which a 10% deposit would be $111,125. Developer will submit the difference from the deposit placed in 2015, and the amount of the current rates, i.e. $10,160, which will also be non-refundable.
(c) Agreeing to these provisions, and submitting the additional non-refundable deposit, grants the Developer an additional 12 months from the date of execution of this Public Works Agreement and plat approval by the Queen Anne’s County Planning Commission to initiate construction.

II. Future Allocation and Deposit

(a) Developer, on June 12, 2018, requested an additional 28 sewer allocations (7000-gpd) and 156 water allocations (39,000-gpd) which were granted and which required a 10% deposit of $98,040 by July 12, 2018. Developer failed to make the deposit and the allocation was rescinded on November 13, 2018.
(b) Developer has reapplied for this additional allocation, the current cost of the additional allocation will be $1,001,600 of which a 10% deposit of $100,160 will be required contemporaneously with the execution of this Agreement and which will be non-refundable.
III. Future Deposits

(a) In the event the Developer fails to initiate construction within the 12 months from the date of the execution of this agreement and plat approval by the Queen Anne’s County Planning Commission, provided above, the Developer has the option to place a second 10% non-refundable deposit for both the ‘Existing’ allocation and the ‘Future’ allocation at rates then in effect.

(b) Submission of the second non-refundable deposit grants the Developer an additional 24 months (a total of 36 months from the date of execution of this Public Works Agreement) to initiate construction.

(c) Developer has designed the project as a phased development, which will consist of three (3) phases. Phase One will consist of approximately 46 lots, Phase Two, 47 lots and Phase Three, 63 lots. Planning Commission approval of Phase One and the payment of the full allocation for the Phase One lots (approximately 46) less the 10% deposit shall satisfy the time requirements of this agreement. Full allocation costs for Phase Two and Phase Three shall be payable prior to or contemporaneously with the Planning Commission approval and recordation of the respective Plats.

IV. Amendment

(a) In order to achieve unconditional final site plan approval, this Public Works Agreement will need to be amended or a new Public Works Agreement executed to provide provisions associated with the project that are more typically included within a Public Works Agreement including final payment of allocation fees, timing of infrastructure improvements, inspection fees, sureties, and other provisions as typically found in a Public Works Agreement.

WITNESS the hands of the parties hereto:

WITNESS: Elm Street Development, Inc.

____________________________________________________(SEAL)

Michael Burlbaugh, Vice President

(Print) _______________
ATTEST: COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

____________________________________________________ (SEAL)
James J. Moran, President

(Print)________________________________________________________

WITNESS:

____________________________________________________ (SEAL)
Alan Quimby, Director
Department of Public Works

(Print)________________________________________________________

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

This document was prepared by, or under the supervision of, the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

________________________________________________________
Patrick E. Thompson
County Attorney

This instrument is being recorded by Queen Anne's County and is exempt from recording fees pursuant to Section 3-603 of the Real Property Article of the Annotated Code of Maryland.
PUBLIC WORKS AGREEMENT
CHESTERHAVEN BEACH PARTNERSHIP

THIS PUBLIC WORKS AGREEMENT, made and executed this ___ day of __________, 2019, by and between THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, a body politic of the State of Maryland, hereinafter called "COUNTY", party of the first part, and CHESTERHAVEN BEACH PARTNERSHIP, a Maryland limited partnership, their successors and assigns, hereinafter called "OWNER" or "DEVELOPER", party of the second part.

RECITALS

WHEREAS, by virtue of a deed dated October 27, 1985 and recorded among the Land Records of Queen Anne's County, Maryland, in Liber 242, folio 152, Developer is the owner of all that part or parcel of land consisting of 101 acres, more or less, situated in the Fourth Election District of Queen Anne's County, (hereinafter referred to as "Property"); and

WHEREAS, the Property, via a plat recorded in May 1959 (TSP 48/163), created a 186-lot residential subdivision of which 7 lots were administratively combined into one lot in December 2005 (SM 1497/744) and allocation was granted administratively for single family residence which was constructed on those combined lots, but the remaining 180 lots remained vacant.

WHEREAS in December 2010 sewer allocation was again granted administratively for two lots (Lots 1E and 8F), but which have remained vacant;

WHEREAS, on September 13, 2011 the County Commissioners, sitting as the Sanitary Commission, granted 44,500 gallons per day (gpd) of sewer allocation for 178 lots for the development of the existing subdivision. In accordance with the County’s Water and Sewerage Allocation Policy, the granting of the allocation had conditions attached, one of which was the submission of a 10% refundable deposit which was fulfilled. Another condition of the granting of the allocation was to execute a Public Works Agreement within 36 months of the granting of the allocation (i.e. September 13, 2014). This deadline was not met.

WHEREAS At their regularly scheduled meeting of February 12, 2019, the Sanitary Commission voted unanimously to invoke Item IX of the Water and Sewerage Allocation Policy with the following motion.

“I move that we advise all the project applicants of the Sanitary Commission’s intention to recapture the allocations granted due to the projects’ failure to achieve the timing milestones set out within the Water and Sewerage Allocation Policy. I further move that each project will be notified via Certified Mail of this impending action and given 60
days to pay the balance due on the allocation fees at today’s rates as well as notifying them
that Ready To Serve fees will be initiated following the fourth regularly scheduled
quarterly billing following payment of the allocation fees.”

WHEREAS, upon the written request from Chesterhaven Beach Partnership, the Sanitary
Commission has reconsidered its position on the issues as reflected below and agreed to extend
the grants of allocation upon the terms and conditions set forth below.

AND WHEREAS, these recitals are not merely prefatory but form a part of this Public
Works Agreement:

NOW, THEREFORE, THIS PUBLIC WORKS AGREEMENT WITNESSETH: that for
and in consideration of the mutual covenants and agreements herein contained, and the payments
to the County set forth, the parties hereto do agree as follows, to wit:

I. Existing Allocation Deposit

(a) The previously paid deposit of $124,600 is and shall be non-refundable.
(b) The cost at today’s rates for the 44,500 gpd of water and sewer allocation
granted is $1,557,500 of which a 10% deposit would be $155,750.
Developer will submit the difference from the deposit placed in 2011, and
the amount at the current rates, i.e. $31,150, which will also be non-
refundable.
(c) Agreeing to these provisions, and submitting the additional non-
refundable deposit, grants the Developer an additional 12 months from the
date of execution of this Public Works Agreement, to initiate construction.

II. Future Deposits

(a) In the event the Developer fails to initiate construction within the 12
months provided above, the Developer has the option to place a second
10% non-refundable deposit at rates then in effect.
(b) Submission of the second non-refundable deposit grants the Developer an
additional 24 months (a total of 36 months from the date of execution of
this Public Works Agreement) to initiate construction.

III. Other Conditions of Granting of Allocation

(a) The granting of the allocation in 2011 had other conditions reproduced
below:
   a. Reasonable attempts must be made to reconfigure the lot layout in
      order to move as many of the existing lots out of the Critical Area
      Buffer (the word “Buffer” was mistakenly left out of the 2011
conditions, thus has been added here).
b. Sewer service will be via a gravity sewer collection system utilizing a suction lift pump station and the design of the system is to be reviewed and accepted by the County and performance sureties are to be in place, normal inspection fees are to be submitted, and the balance of the allocation fees paid, prior to the execution of the Public Works Agreement.

IV. Amendment

(a) In order to achieve unconditional final subdivision plan approval for the revised subdivision layout as required above, this Public Works Agreement will need to be amended or a new Public Works Agreement executed to provide provisions associated with the project that are more typically included within a Public Works Agreement including final payment of allocation fees, timing of infrastructure improvements, inspection fees, sureties, and other provisions as typically found in a Public Works Agreement.

WITNESS the hands of the parties hereto:

WITNESS: Chesterhaven Beach Partnership, a Maryland limited partnership

________________________________________________________(SEAL)
Harold Brown, General Partner

(Print) ______________________________________

ATTEST: COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

______________________________________________________(SEAL)
James J. Moran, President

(Print) ______________________________________

WITNESS: Alan Quimby, Director

__________________________________________________(SEAL)

-3-
(Print) Department of Public Works

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

This document was prepared by, or under the supervision of, the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

__________________________
Patrick E. Thompson
County Attorney

This instrument is being recorded by Queen Anne's County and is exempt from recording fees pursuant to Section 3-603 of the Real Property Article of the Annotated Code of Maryland.
PUBLIC WORKS AGREEMENT
PROSPECT BAY WEST – THE ENCLAVE SUBDIVISION

THIS PUBLIC WORKS AGREEMENT, made and executed this _____ day of ________, 2019, by and between THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, a body politic of the State of Maryland, hereinafter called "COUNTY", party of the first part, and THE ENCLAVE LAND GROUP, LLC (contract purchaser), hereinafter called “DEVELOPER”, party of the second part, their successors and assigns;

RECITALS

WHEREAS, the Developer has proposed a 14-dwelling subdivision known as The Enclave which has completed the development review process but has yet to achieve unconditional final approval upon the lands currently owned by the Prospect Bay West Homeowners Association, Inc, by virtue of a deed dated April 12, 1982 and recorded among the Land Records of Queen Anne's County, Maryland, in Liber 184, folio 258, situated in the Fifth Election District of Queen Anne's County, (hereinafter referred to as "Property"); and

WHEREAS, on September 13, 2010 the County Commissioners, sitting as the Sanitary Commission, granted 3,500 gallons per day (gpd) of water and sewer allocation for 14 dwellings for the development of the subdivision. In accordance with the County's Water and Sewerage Allocation Policy, the granting of the allocation had conditions attached, one of which was the submission of a 10% refundable deposit which was fulfilled. Another condition of the granting of the allocation was to execute a Public Works Agreement within 36 months of the granting of the allocation (i.e. July 15, 2013). This deadline was not met.

WHEREAS At their regularly scheduled meeting of February 12, 2019, the Sanitary Commission voted unanimously to invoke Item IX of the Water and Sewerage Allocation Policy with the following motion.

"I move that we advise all the project applicants of the Sanitary Commission’s intention to recapture the allocations granted due to the projects' failure to achieve the timing milestones set out within the Water and Sewerage Allocation Policy. I further move that each project will be notified via Certified Mail of this impending action and given 60 days to pay the balance due on the allocation fees at today’s rates as well as notifying them that Ready To Serve fees will be initiated following the fourth regularly scheduled quarterly billing following payment of the allocation fees."

WHEREAS, the Sanitary Commission has reconsidered its position on the issues as reflected below and agreed to extend the grants of allocation upon the terms and conditions set forth below.

AND WHEREAS, these recitals are not merely prefatory but form a part of this Public Works Agreement:
NOW, THEREFORE, THIS PUBLIC WORKS AGREEMENT WITNESSETH: that for and in consideration of the mutual covenants and agreements herein contained, and the payments to the County set forth, the parties hereto do agree as follows, to wit:

I. Existing Allocation Deposit

(a) The previously paid deposit placed by Developer of $13,720 is and shall be non-refundable.

(b) The cost at today's rates for the 3,500 gpd of water and sewer allocation granted is $190,400 of which a 10% deposit would be $19,040. Developer will submit the difference from the deposit placed in 2010, and the amount at the current rates, i.e. $5,320, which will also be non-refundable.

(c) Agreeing to these provisions, and submitting the additional non-refundable deposit, grants the Developer an additional 12 months from the date of execution of this Public Works Agreement, to initiate construction.

II. Future Deposits

(a) In the event the Developer fails to initiate construction within the 12 months provided above, the Developer has the option to place a second 10% non-refundable deposit at rates then in effect.

(b) Submission of the second non-refundable deposit grants the Developer an additional 24 months (a total of 36 months from the date of execution of this Public Works Agreement) to initiate construction.

III. Amendment

(a) In order to achieve unconditional final subdivision plan approval for the revised subdivision layout as required above, this Public Works Agreement will need to be amended or a new Public Works Agreement executed to provide provisions associated with the project that are more typically included within a Public Works Agreement including final payment of allocation fees, timing of infrastructure improvements, inspection fees, sureties, and other provisions as typically found in a Public Works Agreement.

WITNESS the hands of the parties hereto:

WITNESS: THE ENCLAVE LAND GROUP, LLC

___________________________ (SEAL)

James V. Didonato, Managing Member
ATTEST: COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

______________________________________________________(SEAL)
James J. Moran, President
(Print) ____________________________________________
WITNESS:

_____________________________________________________(SEAL)
Alan Quimby, Director
(Print) ____________________________________________
Department of Public Works

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

This document was prepared by, or under the supervision of, the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

__________________________________________
Patrick E. Thompson
County Attorney

This instrument is being recorded by Queen Anne's County and is exempt from recording fees pursuant to Section 3-603 of the Real Property Article of the Annotated Code of Maryland.
September 3, 2019

Mr. Kenneth H. Platt, Sr.
112 Gander Way
Chestertown, Maryland 21620

Dear Mr. Platt:

We are in receipt of your letter of August 27, 2019 as well as a “Notice of Appeal” appealing the approval of Permit No. B15-0682.

The appeal must be filed with the Board of Appeals, not the County Commissioners. Please contact Cathy Maxwell at the Department of Planning and Zoning (410-758-1255) for information regarding the form, procedure and fees associated with an appeal to the Queen Anne’s County Board of Appeals.

In response to the “formal complaint” contained in your letter of August 27, 2019, you are directed to the Memorandum Opinion and Order of the Circuit Court for Queen Anne’s County in Case No. C-17-CV-17-000219. This action, brought by you, sought a writ of mandamus to compel the County to remove the structure in question. In dismissing your suit, Judge Ross held such action falls within the discretionary purview of the County and declined to issue a writ of mandamus.

As you know, the Department of Planning and Zoning has declined to require removal of the structure at this time. The Circuit Court has upheld that decision in the case referenced above. Your complaints regarding noise, floodlights and trash are being referred to the Department of Planning and Zoning for investigation and such action as they may deem appropriate.

QUEEN ANNE’S COUNTY
BOARD OF COUNTY COMMISSIONERS

James J. Moran, President

Jack N. Wilson, Jr.

Christopher M. Corchiarino

cc: Department of Planning and Zoning

Stephen Wilson

Philip L. Dumenil
August 27, 2019

Christopher M. Corchiarino
Philip L. Dumenil
James J. Moran
Jack N. Wilson, Jr.
Stephen Wilson
Queen Anne’s County Board of County Commissioners
107 N. Liberty Street
Centreville, MD 21617

Dear Sirs,

In 2015, Queen Anne’s County issued building permit #B-15-0682. This was an impermissably applied building permit issued to construct a structure (a large pole building) within the platted storm drainage easement in the subdivision “The Flyway” in Queen Anne’s County.

I have had but one reason for complaining/objecting to its construction - it was built outside of my bedroom. The structure contains floodlights that have been shining directly at my property for 4 years now. Queen Anne’s County has acknowledged that the permit was issued in error. The permit was issued to my ex sister-in-law, Cynthia Ropiak and her husband, Mark Miller, a Maryland State Police detective.

The B-15-08-0682 permit holders have been harassing me at the Lot 6 - Lot 7 property line since the structure was completed. The floodlight harassment is the complaint that is relevant to this issue. I have documented the floodlight situation for 4 years. At this point in time, overall the lights are on from dusk until dawn. I have been unable to determine anything that Queen Anne’s County government has done to alleviate this problem except to (1) issue a warning letter to the B-15-0682 permit holders years ago and (2) issue me a check for $10,000 for the construction of a “mitigation fence”.

The B-15-0682 permit holders have waged a campaign of harassment against me for 4 years. I have 4 years of documentation of their harassing behavior will gladly share it with Queen Anne’s County Planning and Zoning to have the floodlight issue resolved.

In the beginning of the floodlight ordeal, I sat with Jimmy Barton from Planning and Zoning and expressed my concerns, he told me to build a tall fence that was raised above the ground to allow water to flow unimpeded from any direction. I have done this; however, the harassment and floodlight ordeal has not stopped. You would need a team of engineers to design a fence that could stop the harassment that the B-15-0682 permit holders have administered since the structure was completed.
So my formal complaint is that B-15-0682 impermissably applied permit built in the platted storm drainage easement is allowed to remain in light of the following:

1. Noise violations coming from inside the building at all hours of the day/night (revving of motorcycle engines)
2. Floodlights mounted on the pole barn directed at my front yard, side yard and 2nd level of my home
3. Drainage easement clutter and trash dumped/placed by the B-15-0682 permit holders including a large tractor tire dumped on the farmer’s side of the easement on High Point Road
4. Multiple leyland cypress trees planted within the easement that will very soon make maintenance of the easement impossible
5. The latest is construction of a camera “shield” built with 15’ tall 4x4 poles mounted in concrete approximately 5’ over the B-15-0682 permit holders’ property ON Queen Anne’s County property.

Respectfully,

Kenneth H Platt Sr.

CC Stuart Welch, Esq
NOTICE OF APPEAL

Kenneth H. Platt, Sr. (hereinafter "Mr. Platt") in appealing the approval of Permit No. B15-0682 by Queen Anne’s County (hereinafter “the County”) and the Queen Anne’s County Planning & Zoning (hereinafter “the Commission”) states:

1. Mr. Platt, pursuant to §18:1-115 of the Public Local Laws of Queen Anne’s County, brings this appeal to compel the Commission to perform its duties by enforcing its condition of removing the structure approved in Permit No. B15-0682 mentioned above.

2. Mr. Platt is a resident of Chestertown, Maryland. He is the owner of a tract of land and a home on 112 Gander Way, Chestertown, MD 21602 situated in a subdivision named “The Flyway.” The land was subdivided in accordance with a recorded plat and includes a 50-foot-wide storm drainage easement.

3. The Permit at issue is owned by Cynthia Ropiak, whose property neighbors and shares a drainage easement system with Mr. Platt’s property, regarding a pole building (hereinafter “the Structure”) constructed and installed on the easement.

4. In 1996, the County Commissioners established the “Public Local Laws of Queen Anne’s County.” Under § 18:1-115(1)(a) of the Public Local Laws, the Board of Appeals of Queen Anne’s County has “the power hear and decide appeals where it is alleged that: [t]here is error in any order, requirement, decision, or determination made by an
5. Title 23 of the Public Local Laws authorizes the County Commission to adopt the Roads Design & Construction Standards Manual, which, in fact, it did adopt in 2003. In 2002, the County Commissioners adopted the “Maryland Building Performance Standards and the International Residential Code for One- and Two- Family Dwellings.”

6. According to the Roads Design Manual, Page 29 Chapter VI, Paragraph (A), buildings, appurtenances, or other permanent structures may not be erected or placed on any easement area necessary for public utility, storm drainage, or similar purposes. For any proposed development, the developer shall submit a road plan to the Department for review and approval prepared and designed in accordance with the Roads Design Manual as adopted by the Board.

7. The Department shall review the plan to determine compliance with the Roads Design Manual prior to approval. 23-33. The developer must certify that all the drawings of the clearing, grading, drainage, construction, and development are in strict accordance with the road plan. If a road plan involves direction of some or all runoff off the site, it is the responsibility of the developer to obtain from adjacent property owners any easements property interests concerning discharge of stormwater. Approval of a road plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission. 23-34. Minimum information of a Developer’s report must include descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows and hydrologic computations, including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use. 23-34B. Developer's minimum construction drawings for a road plan must include, amongst other things, sufficient topography showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management and drainage outfall facilities, any proposed improvements, including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading, the location of existing structures and utilities and specifications pertaining to their relocation or removal as required, any easements and rights-of-way, structural and construction details for the roadway, proposed drainage system or systems, and stormwater management facilities. 23-34(C).

8. Under §24-12 of the Public Local Laws of Queen Anne’s County, a person who has a structure or obstruction in, on, over, under, or through any way which blocks or impedes the construction and establishment of the County’s water supply, sewerage, or drainage systems or other works, must shift, adjust, accommodate, or remove structures or obstructions to fully meet the exigencies that caused the action. Building permits may not be issued unless final erosion and sediment control and stormwater management plans have been approved. Where appropriate, a building permit may not be issued without recorded easements for the stormwater management facilities and easements to provide adequate access for inspection and maintenance from a public right-of-way, and recorded stormwater management maintenance and inspection agreement. §14:4-24. Building
permits issued may be suspended or revoked after written notice is given to the permittee for, amongst other conditions, any violation of the conditions of the stormwater management plan approval and construction that is not in accordance with the approved plan. §14:4-26.

9. Pursuant to Chapter 18:1-159 of the Public Local Laws, the Planning Commission “shall encourage designs that not only meet the minimum subdivision requirements but also result in the most beneficial use of land by providing…” for greater safety at less expense to the public agencies responsible for the maintenance of public facilities, such as roads, sewer and water facilities, and drainage facilities, drainage through maximum use of natural drainage patterns, whenever practical, a drainage system that is unlikely to develop erosion, washout or flooding problems, stormwater management facilities that are least costly to maintain and repair, the shortest or most compact road, and drainage, sewer or water system to reduce long-term public maintenance and operational costs. Public use areas must be identified with descriptive language, such as “utility easement” or “drainage easement.” 18:1-169(B)(4). Drainage and utility facilities in subdivisions are to be installed in easement areas. 18:1-172(B)(5).

10. On July 7, 2015, Mr. Platt’s neighbor, Cynthia Ropiak, filed an application with the Queen Anne’s County Planning and Zoning Commission for the construction and installation of a pole building. The building’s dimensions are approximately 47 ft. by 27 ft.


12. Upon further inspection, the Commission discovered that the structure is located on the subdivision’s drainage easement, which obstructs approximately half of the drainage facility thus hindering proper drainage and changing the plat’s purpose and character of the drainage. The Commission itself has stated that issuance of the permit was an error, partly based on Ropiak’s fault to provide sufficient information. Since the error was discovered after the structure’s construction, the Commission has put Ropiak on notice “that if the function or maintenance of the drainage facility required the removal of the garage,” Ropiak, as the structure’s and property’s owners, “would be required to bear the cost of removal and loss of structure.”

13. Mr. Platt lives adjacent to the drainage ditch. He has reported that water accumulation from heavy rains can reach up to 15 inches, with a few occasions of storms accumulating 18 inches of water resulting in damaging, river-like conditions.

14. Mr. Platt believes that Ropiak is harassing him through the structure, which includes extremely bright floodlights that shine into Mr. Platt’s bedroom and bathroom, causing him and his wife to lose sleep and incur unnecessary costs. The County has stated that
Ropiak was notified regarding the use of the floodlights on January 12, 2017 in a letter by the Zoning Administrator.

15. Mr. Platt has installed a fence to block the shining light from entering his home. However, Ropiak has extended and increased the amount of lights directed at Mr. Platt’s house, for which he installed an extension to the fence. The County reimbursed Mr. Platt for the original fence, but has denied payment requests for the extension of the fence. The County informed Mr. Platt that, although his fence was also in the same drainage easement as the structure and it did not recommend the fence’s installation, they would permit it to be built with removal conditions in the event it became a hindrance to the function or maintenance of the drainage facility.

16. Mr. Platt disputed the position of the Commission and Ropiak by inviting attention to the Commission’s error and Ropiak’s actions of blatant disregard to zoning laws and insufficient information. As adopted, the Roads Design Manual prohibits Ropiak from constructing any structure on the drainage easement, which the County admitted as the error of the permit’s issuance. Ropiak also failed to provide a road plan and descriptive, construction drawings in accordance with the Roads Design Manual. In terms of water runoff, Ropiak failed to obtain easement interest and permission from Mr. Platt, as adjacent property owner, concerning the discharge and direction of storm water, as mandated by the local laws.

17. The Commission sought to mitigate its error by informing Mr. Platt it will order removal of the structure, in the event it disrupts the drainage easement system from draining rainfall and causing water stagnation. Mr. Platt has subsequently provided proof to the Commission of water stagnation caused by the structure; however, the Commission continued to refuse providing remedy for Mr. Platt as they promised to do.

18. The Commission has a clear duty to review, consider, and grant building permits that strictly abide to the local laws. The Commission failed to adhere to the local laws by issuing the permit on a recorded easement, and further failing to uphold its reassurance to Mr. Platt of the structure’s removal when it disrupted the drainage easement system, failing to maintain or repair the drainage easement system, and continuing to allow water stagnation without proper drainage.

19. Mr. Platt has a plain and clear right to request removal of the structure, as its obstruction of the drainage easement system, has caused and continues to cause water stagnation on his property.

20. Mr. Platt now seeks remedy on the grounds that the Commission assured removal of the structure if it caused rainwater stagnation by disrupting the drainage easement system, which the structure clearly has done.

21. The filing of this appeal is timely, as prescribed § 18:1-119(B), considering Mr. Platt’s pursuit of judicial intervention and the Commission’s condition, and subsequent failure to uphold/enforce it, of removing the structure in the event it caused rainfall stagnation.
22. Mr. Platt has no adequate remedy to his right to enjoy his property with the health risks and property/environmental damage of rainfall stagnation caused by the structure due to the Commission’s refusal to remove the structure.

WHEREFORE, Mr. Platt demands the following:

1. That the Board orders revocation of Ropiak’s building permit and removal the pole building from the draining easement.

2. That the Queen Anne’s County Planning and Zoning Commission is ordered to compensate Mr. Platt for the fence extension made necessary by the Commission’s mistake.

I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information and belief.

Kenneth H. Platt, Sr.
Plaintiff
112 Gander Way
Chestertown, Maryland 21602
Phone: (443) 926-2801
KENNETH PLATT  
Plaintiff

vs.

QUEEN ANNE'S COUNTY  
BOARD OF COUNTY  
COMMISSIONERS

and

QUEEN ANNE'S COUNTY  
PLANNING & ZONING COMMISSION

Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of AUGUST, 2019, I served a copy of the foregoing Notice of Appeal by first class U.S. mail upon:

Queen Anne's County  
County Administrator's Office  
The Liberty Building  
107 North Liberty Street  
Centreville, MD 21617

Kenneth H. Platt, Sr.  
8/27/2019
MEMORANDUM

DATE: September 10, 2019

TO: County Commissioners

FROM: Jonathan R. Seeman, Director

CC: Todd Mohn, County Administrator

RE: Tax Increment Financing--Kent Narrows Development District

The attached Resolution establishes a Tax Increment Financing (TIF) District, the Kent Narrows Development District. The Resolution establishes the boundaries for the District and sets up a Special Fund to deposit the incremental property tax revenues.

The TIF District revenues would provide funds for the purpose of the development, redevelopment, revitalization and renovation of the Development District. The funds would be used to pay debt service on bonds issued for infrastructure improvements at Kent Narrows, including a pump station, a water connection main, and a water treatment plant upgrade. These improvements would enhance the value of properties within the District and support several development projects at Kent Narrows, including the Douglas Development, the Mears Point Marina expansion, and the Fisherman’s Village project. The County intends to issue bonds in an aggregate principal amount not to exceed $14,000,000.

Approval of the Resolution would establish a baseline for the Assessable Base within the District as of the year preceding the effective date of the Resolution (January 1, 2018, if the Resolution is adopted in 2019). Henceforth, any incremental property tax revenue within the District would be deposited into the Special Fund.

This Resolution essentially creates the mechanism for collecting the incremental tax revenue going forward. It does not commit the County or any developer to any further action. It simply provides a framework for future legislative authorizations regarding the issuance of tax increment revenue bonds, creation of a Special Tax, etc. In order to issue bonds for the TIF District, authorizing legislation would require approval by the County Commissioners.

Recommended Action:

Move approval of Resolution 19-33 to establish the Kent Narrows Tax Increment Financing Development District.
A RESOLUTION ENTITLED

19-33

A RESOLUTION concerning the creation of a tax increment development district to be designated as the "Kent Narrows Development District," the creation of a special tax increment fund and certain matters in connection with the issuance and payment of tax increment bonds.

FOR the purpose of designating a contiguous area within Queen Anne’s County, Maryland (the “County”) as a “development district” as that term is used in Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland (2018 Replacement Volume, as amended) (the “Act”), such development district to be bounded to the north by the Chester River, to the south by Prospect Bay, to the east by Route 50’s intersection with Route 835 (Kent Narrows Road) and to the west by the entrance to the Kent Narrows Bridge and to be known as the “Kent Narrows Development District”; providing for and determining various matters in connection with the establishment of the development district; creating a special tax increment fund with respect to the development district; allocating certain property taxes with respect to the development district to be paid over to such special fund as provided in the Act; making certain findings and determinations with respect to such special fund and the use of such special fund; providing that tax increment revenue bonds may be issued from time to time pursuant to an ordinance enacted in accordance with the Act; and generally providing for and determining various other matters in connection with the development district, such special fund and the issuance and payment of bonds issued under the Act.

RECITALS

The Tax Increment Financing Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland (2018 Replacement Volume, as amended) (the “Act”), authorizes Queen Anne’s County, Maryland (the “County”), to establish a “development district” (as defined in the Act) and a special tax increment fund into which a portion of the taxes on the “tax increment” (as defined in the Act) in the development district is deposited for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the development district, including the cost of buying, leasing, condemning or otherwise acquiring property, or an interest in property, in the development district or needed for a right-of-way or other easement to or from the development district; site removal; surveys and studies; relocation of businesses or residents; installation of utilities, construction of parks and playgrounds, and other needed improvements, including roads to, from, or within the development district, parking; lighting; construction or rehabilitation of buildings for a governmental purpose or use or purpose; reserves or capitalized interest; necessary costs to issue bonds; and payment of principal and interest on loans, advances or indebtedness incurred by the County for any of the foregoing purposes or any of the purposes set forth in the Act.
The Act further authorizes the County to issue bonds from time to time for the foregoing purposes, including (without limitation) the fulfillment of one or more purposes of the Act, payable from the special fund and any other funds made available by the County for such purpose. The payment of the principal of, and interest on, and premium, if any, on the bonds shall be secured by a pledge of the taxes representing the levy on the tax increment and other funds deposited in the special tax increment fund established with respect to the development district established under this Resolution and any other funds made available by the County for such purpose.

Prior to the issuance of bonds by the County under the Act, the Board of County Commissioners of the County must enact an ordinance specifying the proposed undertaking, the project to be funded from the proceeds of the bonds, the maximum principal amount of the bonds and making certain other findings and determinations with respect to the bonds.

SECTION 1. Be it resolved by the Board of County Commissioners of Queen Anne's County, Maryland (the "County Commissioners"), that, for the purposes of this Resolution, the following terms shall have the meanings set forth below:

(1) "Adjusted Assessable Base" means the fair market value of real property that qualifies for a farm or agricultural use under Section 8-209 of the Tax-Property Article of the Annotated Code of Maryland (2012 Replacement Volume and 2018 Supplement, as amended), without regard to its agricultural use assessment as of January 1 of the year preceding the effective date of this Resolution.

(2) "Assessable Base" means the total assessable base, as determined by the Supervisor of Assessments, of all real property subject to taxation in the Development District.

(3) "Assessment Ratio" means a real property tax assessment ratio, however designated or calculated, that is used under applicable general law in determining the Assessable Base, including (without limitation) the assessment percentage specified under Section 8-103(c) of the Tax-Property Article of the Annotated Code of Maryland (2012 Replacement Volume and 2018 Supplement, as amended).

(4) "Bonds" means revenue bonds, notes or other similar instruments issued by the County pursuant to an ordinance enacted by the County Commissioners in accordance with the Act for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the Development District.

(5) "Development District" means the contiguous area in the County designated in Section 3 of this Resolution as a development district under the Act.

(6) "Original Base" means the Assessable Base as of the year preceding the effective date of this Resolution (being January 1, 2018 if this Resolution is adopted in 2019).
(7) "Original Full Cash Value" means the dollar amount which is determined by dividing the Original Base by the Assessment Ratio used to determine the Original Base.

(8) "Original Taxable Value" means, for any Tax Year, the dollar amount that is:

(a) the Adjusted Assessable Base if an Adjusted Assessable Base applies; or

(b) in all other cases, the lesser of:

(i) the product obtained by multiplying the Original Full Cash Value by the Assessment Ratio applicable to that Tax Year; and

(ii) the Original Base.

(9) "Special Fund" means the special tax increment fund established in accordance with Section 5 of this Resolution.

(10) "Tax Increment" means for any Tax Year, the amount by which the Assessable Base as of January 1 of the preceding Tax Year exceeds the Original Taxable Value divided by the Assessment Ratio used to determine the Original Taxable Value.

(11) "Tax Year" means the period from July 1 of a calendar year through June 30 of the next calendar year.

SECTION 2. And be it further resolved, that, acting pursuant to the Act, it is hereby found and determined that the establishment of the Development District, the creation of the Special Fund and the issuance of Bonds from time to time pursuant to the Act for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the Development District accomplishes the purposes of the Act and will promote the health, welfare and safety of the residents of the State of Maryland and of the County.

SECTION 3. And be it further resolved, that a contiguous area of the County consisting of the tax lots and other property set forth below is hereby designated as a "development district" to be known as the "Kent Narrows Development District" pursuant to Section 12-203 of the Act. The Development District shall consist of the property described in Exhibit 1 to this Resolution and all adjoining roads, highways, alleys, rights of way, parks and other similar property in order to form a contiguous area as shown on the maps submitted to the County Commissioners together with this Resolution and shown in Exhibit 2 to this Resolution.

SECTION 4. And be it further resolved, that this Resolution may be amended by a resolution of the County Commissioners, which resolution may, among other things, enlarge or reduce the Development District. No such resolution shall be effective to reduce the size of the Development District so long as there are any Bonds outstanding.
unless the ordinance authorizing such Bonds permits the County to reduce the area constituting the Development District or the holders of the Bonds or a representative on their behalf consents to any such resolution.

SECTION 5. And be it further resolved, that there is hereby established a "special fund" to be designated the "Kent Narrows Development District Tax Increment Fund" in accordance with Section 12-208 of the Act and the President of the County Commissioners, the County Administrator and the Director of Budget, Finance and Information Technology are hereby directed and authorized to deposit in such Special Fund all taxes received by the County for any Tax Year commencing after the effective date of this Resolution equal to that portion of the taxes payable to the County (but not including any taxes payable to the State of Maryland or to any other party) representing the levy on the Tax Increment that would normally be paid to the County. The President of the County Commissioners, the County Administrator and the Director of Budget, Finance and Information Technology and other officers and employees of the County, to the extent applicable, are hereby authorized to take all necessary steps in order to establish a separate fund to be held by the County.

SECTION 6. And be it further resolved, that Bonds may be issued from time to time pursuant to an ordinance enacted in accordance with the Act for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the Development District. The ordinance shall specify, in general detail, the proposed undertaking to be financed with the proceeds of the Bonds and shall otherwise conform to the requirements of the Act.

SECTION 7. And be it further resolved, that if no Bonds are outstanding, the County Commissioners may determine, by ordinance, that moneys in the Special Fund may be:

(1) used for any purpose specified in Section 12-207 of the Act;

(2) accumulated to pay debt service on Bonds to be issued after the effective date of this Resolution;

(3) used to pay or reimburse debt service or payments under an agreement described in Section 12-209(b) of the Act that the County is obliged under a general or limited obligation to pay, or has paid, on or related to bonds issued by the State of Maryland or a political subdivision if the proceeds were used for a purpose specified in Section 12-207 of the Act; or

(4) paid to the County for any other legal purpose.

Such ordinance may direct payment of the costs with respect to a specified project or projects relating to the Development District without designating the actual amount to be expended for such purposes, as the County Commissioners may determine in any such ordinance.
SECTION 8. And be it further resolved, that if any Bonds are outstanding, the Special Fund may be used as described in Section 7 above in any fiscal year only if (1) the balance in the Special Fund exceeds the unpaid debt service payable on the Bonds in such fiscal year and (2) the Special Fund is not restricted so as to prohibit that use.

SECTION 9. And be it further resolved, that the County hereby pledges that if any Bonds issued under the Act with respect to the Development District are outstanding, the property taxes on real property within the Development District shall be divided so that: (1) that portion of the taxes which would be produced by the rate at which taxes levied each year by the County upon the Original Taxable Value shall be allocated to and when collected paid into the funds of the County in the same manner as taxed by or for the County on all other property are paid; and (2) that portion of the taxes representing the levy on the Tax Increment that would normally be paid to the County (but not including any taxes payable to the State of Maryland or to any other party) shall be paid into the Special Fund established hereunder to be applied in accordance with the provisions of Section 12-208 of the Act. The County acknowledges that neither the rate at which taxes are levied on real property within Development District nor the manner of assessment of the value of real property within the Development District is to vary from the rate or manner of assessment that otherwise would have applied if the Development District were not designated and the Special Fund not created, except to the extend that a specific valuation adjustment is mandated by the Act for real property that qualifies for farm or agricultural use.

SECTION 10. And be it further resolved, that the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included herein and as if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SECTION 11. And be it further resolved, that, if during a time when no Bonds are outstanding, the Assessment Ratio mandated by State law is modified from that which applied in determining the Original Base, it is the intent and expectation of the County, to the extent permitted by law, that a supplemental resolution will be adopted for the purpose of assuring that additional funds are not deposited in the Special Fund as a result of the change in Assessment Ratio as compared to the amount of funds that would have been required to be deposited in the Special Fund if the Assessment Ratio had not been so modified.

SECTION 12. And be it further resolved, that, the County hereby declares its official intent to issue Bonds or other evidences of indebtedness in an aggregate principal amount not to exceed $14,000,000 for the purposes of financing all or part of the costs of the improvements described in Exhibit 3, such improvements to be located within the
“Kent Narrows Development District.” The foregoing expression of intent is made exclusively for the purposes of complying with the provisions of Section 1.150-2 of the Income Tax Regulations prescribed by the U.S. Treasury Department with regard to reimbursement of expenditures from the proceeds of the tax-exempt debt and shall not be a binding commitment of the County to issue Bonds or other evidences of indebtedness for the improvements.

SECTION 13. And be it further resolved, that this Resolution shall become effective on the date of its adoption.

COUNTY COMMISSIONERS OF
QUEEN ANNE’S COUNTY,
MARYLAND

_________________________
James J. Moran, Commissioner

_________________________
Jack N. Wilson, Jr., Commissioner

_________________________
Stephen K. Wilson, Commissioner

_________________________
Phillip L. Dumenil, Commissioner

_________________________
Christopher M. Corchiarino, Commissioner

Adopted on _________, 2019
Exhibit 1

KENT NARROWS DEVELOPMENT DISTRICT

[See Attached]
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Exhibit 2

KENT NARROWS DEVELOPMENT DISTRICT MAP

[See Attached]

TO THE EXTENT OF ANY INCONSISTENCY BETWEEN THE ATTACHED MAP AND THE PARCEL LISTING ON EXHIBIT 1, THE PARCEL LISTING ON EXHIBIT 1 SHALL CONTROL.
IMPROVEMENTS

The improvements include but are not limited to: (i) construction, improving, upgrading and equipping of water and sewer facilities serving the Development District, including (without limitation) water main lines; upgrades to water treatment plants to, among other things, increase capacity; new and upgraded pump stations; vacuum sewer and collection station improvements and upgrades; water tanks; and sewer lines; and (ii) development of trails within (and to and from) the Development District, including (without limitation) a trail to Chester, Maryland; and (iii) related improvements, including (without limitation) road improvements, and soft costs. The improvements may also include the costs of acquisition and development of property rights and the acquisition and installation of equipment, together with any related architectural, financial, fiscal, legal, design, planning and engineering expenses prior to the issuance of bonds or other debt obligations to reimburse such expenditures.
September 10, 2019

To: County Commissioners

From: Todd Mohn

Re: Termination of Open Space Easement
Lot 13 of the Coleman Farm, Town of Sudlersville

Attached is a formal instrument to Terminate the Open Space Easement that was originally created on a 96-acre property known as Lot 13 of the Coleman Farm in the Town of Sudlersville. The property is currently owned by Sudlersville Town Center LLC, Cal Grey III. The property has since been annexed into the Town which effectively releases the open space easement.

The included letter from the County Attorney, Pat Thompson, provides additional background and history on this property. Planning Commission Attorney, Chris Drummond, has also reviewed and approved this document for signature.

Suggested Motion:

I move to approve the Termination of Open Space Easement for the 96-acre property known as "Lot 13 of the Coleman Farm" in the Town of Sudlersville.
TERMINATION
OF
OPEN SPACE EASEMENT

THIS TERMINATION OF OPEN SPACE EASEMENT ("Termination of Easement"), made this ___ day of _____________, 2019, by and between SUDLERSVILLE TOWN CENTER, LLC, a Maryland limited liability company, hereinafter referred to as "Town Center", and THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, a municipal corporation, parties of the second part, hereinafter referred to as "County".

RECITALS

WHEREAS, Town Center is the owner of all that farm or tract of land situate, lying and being in the Town of Sudlersville, First Election District of Queen Anne's County, State of Maryland, containing 96.074 acres of land, more or less, which was conveyed to Grantors by deed from Coleman's Farm Partnership, a Maryland General Partnership, dated March 25, 2004, and recorded among the Land Records of said Queen Anne's County in Liber S.M. No. 1227, folio 713 (herein "Lot 13"). The property is more particularly described by metes and bounds and courses and distances by a set of plats, containing two (2) sheets, entitled "ADMINISTRATIVE SUBDIVISION OF THE LANDS OF COLEMAN'S FARM PARTNERSHIP & QUEEN ANNE'S COUNTY BD. OF EDUCATION", dated December, 1997, by McCrone, Inc., registered engineers and surveyors (herein the "Plats"); and

WHEREAS, the Town Center's predecessor in title previously subdivided a portion of the original tract into twelve (12) residential lots which are more particularly described in an Amended Deed of Open Space Easement, dated March 9, 1999, and recorded among the Land Records of Queen Anne's County in Liber S.M. No. 665, folio 549 (herein the "Amended Deed of Easement"); and

WHEREAS, the Amended Deed of Easement imposes land use restrictions on Lot 13 to support referenced twelve (12) lot subdivision as mandated by Chapter 18, Land Use and Development, Public Local Laws of Queen Anne's County, (hereinafter "Chapter 18"); and

WHEREAS, on or about February 20, 2004, Lot 13 was annexed into the corporate limits of the Town of Sudlersville; and

WHEREAS, Town Center and County agree that land use related matters related to Lot 13 should be exclusively governed by the Town of Sudlersville; and

WHEREAS, Article II, Section 4 of the Amended Deed of Easement provides:

4. Amendment. No provision of this Deed of Easement may be amended or changed in any manner without prior written approval of the Queen Anne's County Planning Commission or other agency or person duly authorized by the County Commissioners to approve such change or amendment. Furthermore, such change or
amendment shall not be effective until such time as a written document acknowledging such change or amendment shall have been executed by the County Commissioners of Queen Anne's County and recorded among the Land Records of Queen Anne's County.

NOW, THEREFORE, THIS TERMINATION OF OPEN SPACE EASEMENT, WITNESSETH, that the party of the first part, with the consent of the County Commissioners of Queen Anne's County, do hereby terminate, cancel and rescind the Amended Deed of Open Space Easement, dated March 9, 1999, and recorded among the Land Records of Queen Anne's County in Liber S.M. No. 665, folio 549, as if the same had never been executed and recorded.

WITNESS the hands and seals of the parties of the first part as of the day and year first above written.

WITNESS: SUDLERSVILLE TOWN CENTER, LLC

________________________ (SEAL)

W. Calvin Gray, III, Authorized Member

"TOWN CENTER"

STATE OF MARYLAND, QUEEN ANNE'S COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of __________, 2019, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared W. Calvin Gray, III, Member of Sudlersville Town Center, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who acknowledged that he as such Member, being authorized so to do, executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires:

Attorney
Queen Anne's County
Planning Commission

Date
The County Commissioners of Queen Anne's County hereby consent to the termination, cancellation and rescission of the Deed of Open Space Easement, dated March 9, 1999, and recorded among the Land Records of Queen Anne's County in Liber S.M. No. 665, Folio 549.

This Termination of Deed of Open Space Easement is approved this ___ day of ___________, 2019.

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

County Commissioner, _____ - President

I hereby certify that the within instrument was prepared by or under the supervision of an attorney licensed to practice law in the State of Maryland.

Jeffrey E. Thompson
Attorney at Law
Mr. Gene Ransom
County Commissioner of Queen
Anne's County
107 N Liberty Street
Centreville, Maryland 21617

Dear Commissioner Ransom:

You have asked that I provide my comments and opinion on the status of the open space easements on the property known as the Coleman farm located in Sudlersville.

A Deed of Easement was originally placed on the land to support a 12 lot subdivision approved in 1991 (M.W.M. 385/575). In the late 1990's the County began negotiations with the Colemans to acquire additional land for the Sudlersville Elementary School as well as land for construction of a senior center. A contract was executed on February 9, 1999 for the purchase of 12+ acres next to the school. As part of this purchase, the County approved an Amended Deed of Easement releasing the 12 acres being purchased by the County and agreeing that the Colemans could reduce the amount of open space and the use restrictions imposed by the easement to the extent the Zoning Ordinance permits additional subdivision "or the 'open space' is annexed into the Town of Sudlersville".

My recollection is that the Colemans were clear and open with the County about their desire to pursue annexation and the County Commissioners at that time were agreeable to the provisions of the Amended Deed of Open Space.

Sometime after the above transaction the County adopted provisions now codified in §18:1-205 which permit the release of open space covenants "in the sole and exclusive discretion of the County Commissioners."
May 10, 2007

In my opinion the open space restrictions contained in the Amended Deed of Easement of March 9, 1999 provided, by the terms of the instrument, for release upon annexation and the County contractually agreed to this provision as part of the purchase of the 12 acre parcel mentioned above.

You have also asked whether the lot owners in the Norwood Subdivision would have any rights respecting the open space originally created in the 1991 subdivision. The original Deed of Easement provides:

"The provisions of this Deed of Easement are designed to satisfy [requirements of the Queen Anne's County Zoning Ordinance] and are not to be construed as covenants or conditions which confer any substantive rights and/or responsibilities on the lot owners".

Since the open space covenants themselves confer no substantive right on the lot owners and since all open space lands are subject to reduction or elimination, it is my opinion that a Court would not find that the purchaser of a lot in Norwood had any right to object to the elimination or modification of the open space created in 1991. This, of course, if only my opinion and is provided solely to you in your capacity as a County Commissioner. The owners of property in the Norwood subdivision should seek their own counsel if they have any questions about, or disagree with, the opinions expressed herein.

Very truly yours,

Patrick E. Thompson

PET/kjr
MEMORANDUM

Date: September 4, 2019

To: County Commissioners

From: Stephen Chandlee, Director, Department of Parks and Recreation
      Joan Brook, Recreation Manager

Subject: FY 2020 Department of Parks and Recreation Fireworks Contract

For the past two years the Department of Parks and Recreation has coordinated the Fireworks Celebration at the Exploration Center at Kent Narrows. Typically, the fireworks vendor is contracted in December and paid half of the fees to lock in the date for the following year. This year we have a new vendor to display the fireworks. The vendor is Zambelli, Inc. from Warrendale, Pa. they have agreed to a date of Wednesday, July 1, 2020 and the rain date of Thursday, July 2nd.

Requested Action:
I move to authorize the Department of Parks and Recreation to execute the fireworks contract with Zambelli, Inc. for the July 2020 Fireworks Celebration to be held on Wednesday July 1, 2020, with a rain date of Thursday July 2, 2020

cc: Jon Seeman
MEMORANDUM

TO: The Honorable James J. Moran, President
   The Honorable Jack N. Wilson, Jr.
   The Honorable Stephen Wilson
   The Honorable Philip L. Dumenil
   The Honorable Christopher M. Corchiarino

FROM: Joseph A. Ciotola, Jr., M.D.
       Health Officer

DATE: August 23, 2019

SUBJECT: Procurement Consideration Request

The Queen Anne’s County Department of Health seeks approval to provide funds to the Mid Shore Community Foundation (MSCF). The MSCF is a local 501c3 Non-Profit that wishes to be engaged with the health department to raise awareness and educate the public on opioid abuse. The health department seeks an exemption from the normal procurement policy since the Mid Shore Community Foundation has been working closely with our local partners in promotion of two upcoming outreach projects.

Funds have been awarded to the health department through the State of Maryland’s Opioid Operational Command Center for this purpose. Our intent is to provide Mid Shore Community Foundation with funds totaling $26,959 to be used for the Queen Anne’s County Goes Purple and for the Haunted Trap House. The MSCF will purchase outreach materials, educational materials, and advertising and will cover other expenses to support these two campaigns. These initiatives have the support of the state and local government, as well as the support of the community.

As the kickoff event dated for September 5th is quickly approaching, I believe it would be in the county’s best interest to support the funding to our local non-profit.

We seek your approval and thank you in advance for your support.
The Honorable Board of County Commissioners  
Queen Anne’s County  
107 North Liberty Street  
Centreville, Maryland 21617

Dear Commissioners:

The Board members of the Queen Anne’s County Community Partnerships for Children and Families, our Local Management Board, respectfully submits the following candidate for nomination to the Board. If approved by the Commission, he will carry out the remaining term of Board Member, Reverend Anna Fox, who regretfully can no longer complete her term through June 30, 2022.

- Reverend Elmer Davis

Regretfully, the following Board member cannot complete her term through June 30, 2022.

- Reverend Anna Fox

I respectfully request that you make and approve the following motion:

- I move to accept the resignation of Reverend Anna Fox and appoint Reverend Elmer Davis to the Board of the Queen Anne’s County Community Partnerships for Children and Families to serve the remainder of her term ending on June 30, 2022.

We appreciate the Commission’s ongoing support and enthusiasm for what we do for children and families in this Community.

Sincerely,

Mary Ann Thompson  
Board President

Interoffice Mail  
CC: Todd Mohn, County Administrator  
Margie Houck, Executive Assistant to the Commission  
Board Members
To: County Commissioners

From: Vivian Swinson, III, Zoning Administrator

Subject: Property Lien’s

Date: September 10, 2019

Map 9, Grid 6, Parcel 148, 245 Duke of Kent Street, Chestertown ($300.00)

An independent contractor hired by the Zoning Office to cut grass at the above referenced addresses after the property owner ignored repeated attempts by the Zoning Inspector to get the site to comply with Queen Anne’s County Code Chapter 19 Article II §19-2 L. (2) which states: A person may not allow any vegetation to grow higher than 12 inches on any lot or parcel that is: (a) Less than three acres in size; and (b) located in an approved or recorded residential subdivision or any part of which is within 200 feet of a neighboring residence.

Recommended Action:

I move to approve Resolutions 19-02 to place a lien on each of the properties listed in the County Zoning Administrator’s memorandum dated September 10, 2019 for nuisance violations.
RESOLUTION 19-02

WHEREAS, The County Commissioners of Queen Anne's County are authorized under Section 1-104(p) of the Code of Public Laws of Queen Anne's County (Article 18 of the Code of Public Local Laws of Maryland) "to provide that any valid charges or assessments made against real property within the County shall be liens upon such property to be collected in the same manner as County taxes are collected."

AND WHEREAS, Queen Anne's County Ordinance No. 94-04 ("The Nuisance Ordinance") provides, inter alia, that "The County Commissioners of Queen Anne's County shall have the full power and authority to abate any nuisance as set forth herein by an appropriate means and to assess the property owner for the costs thereof. Any damage or assessments made hereunder shall be a lien against the real property benefitted and may be collected in the same manner as County real estate taxes.

AND WHEREAS, pursuant to the authority set forth above, The County Commissioners have abated to have caused to be abated a nuisance on the property described below and have determined that the costs thereof are fair and reasonable and are valid charges and assessments.

NOW THEREFORE IT IS RESOLVED, by The County Commissioners of Queen Anne's County that the amount shown below be assessed as a lien against the property described below and that the same be collected in the same manner as County real estate taxes.

PROPERTY: 245 Duke of Kent Street
Chestertown, MD 21620

TAX MAP: 9, GRID: 6, PARCEL: 148, LOT: 56    TAX ID#: 1802020602

OWNER: Andrew W. MacSorley

AMOUNT OF ASSESSMENT: $200.00
ADMINISTRATIVE FEE: $100.00

WITNESS, the hands and seals of the County Commissioners of Queen Anne's County this 10th day of September, 2018.

ATTEST:

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

______________________________

______________________________

______________________________

______________________________
To: County Commissioners  
From: Vivian Swinson  
Zoning Administrator  

September 4, 2019  

RE: Map 9, Parcel 148, Lot 56 (245 Duke of Kent Street, Chestertown MD 21620)  

On August 8, 2019, an independent contractor hired by the Zoning Office cut the grass at the above referenced address after the property owner ignored repeated attempts by the Zoning Inspector to get the site to comply with Queen Anne's County Code Chapter 19 Article II §19-2.1.(2) which states: A person may not allow any vegetation to grow higher than 12 inches on any lot or parcel that is: (a) Less than three acres in size; and (b) located in an approved or recorded residential subdivision or any part of which is within 200 feet of a neighboring residence.  

Attached is the Resolution to place a lien on the subject property so the County can be reimbursed for the cost of the grass cutting.  

Recommended Action:  

I move that we approve the Resolution to place a lien on the property located at 245 Duke of Kent Street, Chestertown MD 21620 in the amount of $ 300.00
B & K Plant Farm & Landscaping, LLC
520 John Powell Road
Church Hill, MD 21623
410-778-4445

Bill To
Queen Anne's Co
110 Vincit St.
Suite 104
Centreville, MD 21617

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<td>8/08 Mowed &amp; trimmed @ 245 Duke of Kent St. Chestertown</td>
<td>200.00</td>
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Thank you for your business. Payment due 10 days from billing date.

Total $200.00
Can you put this letter and the emails in the book for the next meeting 9-10-19 please...

From: Somerset Co. Commissioners <commissioners@somersetmd.us>
Sent: Friday, August 23, 2019 4:21 PM
To: Donna Lane <dlane@docogonet.com>; 'info@carolinemd.org' <info@carolinemd.org>; 'jmassey@ccgov.org' <jmassey@ccgov.org>; 'kentcounty@kentgov.org' <kentcounty@kentgov.org>; DG_Commissioners and Administrator <qccommissionersandadministrator@qac.org>; Somerset Co. Commissioners <commissioners@somersetmd.us>; 'smoran@talbotcountymd.gov' <smoran@talbotcountymd.gov>; 'Laura Hurley' <lhurley@wicomicocounty.org>; 'commissioners@co.worcester.md.us' <commissioners@co.worcester.md.us>; Sara B. Visintainer (svisintainer@carolinemd.org) <svisintainer@carolinemd.org>; Shelley Heller (sheller@kentgov.org) (sheller@kentgov.org) <sheller@kentgov.org>; 'Harold Higgins' <hhiggins@co.worcester.md.us>; Wayne Strausburg <strausburg@wicomicocounty.org>
Cc: Danny Thompson <dthompson@somersetmd.us>; Carozza, Mary Beth Senator (MaryBeth.Carozza@senate.state.md.us) <MaryBeth.Carozza@senate.state.md.us>
'Delegate.C.Otto@house.state.md.us' <Delegate.C.Otto@house.state.md.us>; Gregory Padgham (gpadgham@tcclesmd.org) <gpadgham@tcclesmd.org>; swarner@midshore.org
Subject: [EXTERNAL] RE: From the Dorchester County Council

***Attention:*** This email originated from an external source. DO NOT CLICK any links or attachments unless you recognize the sender and know the content is safe.

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ATTENTION-URGENT

Dear Colleagues,

Somerset County strongly recommends that each county refrain from supporting the below opinion. Somerset County has been working on attaining natural gas for decades and without "anchors" such as UMES and ECI the project may not be viable. As you well know Somerset County is extremely economically disadvantaged and we ask that you respect our vision on how to move our county forward.

Regards,

Doug

Ralph D. Taylor
County Administrator/Clerk
From: Donna Lane [mailto:dlane@docogonet.com]  
Sent: Thursday, August 22, 2019 3:15 PM  
To: 'info@carolinemd.org'; 'jmassey@ccgov.org'; 'kentcounty@kentgov.org';  
'qaccommissionersandadministrator@qac.org'; Somerset Co. Commissioners; 'smoran@talbotcountymd.gov'; 'Laura Hurley'; 'commissioners@co.worcester.md.us'  
Subject: From the Dorchester County Council

**ATTENTION:** THIS EMAIL ORIGINATED FROM AN OUTSIDE SOURCE. EXERCISE CAUTION WHEN OPENING LINKS AND ATTACHMENTS FROM UNKNOWN SENDERS!

Will you please provide the County Council members/Commissioners the following email and the attached letter from the Dorchester County Council? Thank you.

Dear Colleagues –

Please find attached a statement from the Dorchester County Council about the Hogan Administration's decision to convert the Eastern Correctional Institution (EC) from woody biomass to natural gas. This decision, in our opinion after having talked with the forest industry, is measurably detrimental to our Shore-wide resource-based economy. We are not opposed to gas for the Lower Shore for needed economic development purposes — indeed, we support that decision — but, the conversion of Maryland’s only publicly-owned renewable biomass-fueled to a fossil fueled facility makes no sense to us and we hope you agree. If so, please consider sending a similar to the Governor. A decision by the Administration, so we’ve been told, is imminent".
August 22, 2019

The Honorable Larry Hogan
Governor, State of Maryland
State House
Annapolis, Maryland 21401

RE: URGENT REQUEST – STOP THE CONVERSION OF ECI'S ENERGY SOURCE FROM WOODY BIOMASS TO GAS

Dear Governor Hogan:

We learned from a forestry tour in Dorchester County on August 14, 2019, that a decision by your Administration to approve the conversion of ECI’s energy source from woody biomass to gas is imminent and the forest products industry has been “blindsided” in this process.

The Dorchester County Council urgently requests that you prevent this conversion from happening because it will further cripple, among other things, a struggling forest products industry which is a major employer in Dorchester County and throughout the Eastern Shore. It simply makes no sense Governor. And we will share this statement with our colleagues in the other Shore counties in the hopes they will promptly convey the same to you.

Please know Governor we understand the importance of natural gas to the Lower Shore for economic development purposes. And, our position should not be construed as being opposed to natural gas for the Lower Shore; but, it makes absolutely no sense to us that ECI should be converted when other “anchors” like UMES, local businesses and homes exist within the served area. Moreover, the actual costs of using gas compared to wood at ECI will be significantly higher, more burden to taxpayers?

ECI is Maryland’s only woody biomass fueled publicly-owned facility and its conversion runs contrary not only to Maryland’s statutory “green” renewable energy goals; but threatens the viability of the Shore’s struggling forest industry – and forest landowners who depend upon the industry for market value — whose sustainable management of the forests is a critical underpinning of Maryland’s multi-billion dollar Chesapeake Bay restoration effort (aka, Sustainable Forestry Act of 2009).
In closing Governor, we urgently request that you stop this conversion for reasons stated herein. On the Shore, our resource-based industries—like forestry—are our economic backbone. This conversion will be measurably detrimental and its timing could not be worse.

Sincerely,

William V. Nichols
President

cc: Stephen Schatz, Deputy-Chief-of-Staff
The Honorable Jeannie Haddaway-Riccio, DNR Secretary
The Honorable Kelly Schulz, Commerce Secretary
The Honorable Ben Grumbles, Environment Secretary
The Honorable Adelaide Eckardt, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Johnny Mautz, Delegate
August 21, 2019

Dear [Name]

Attached is a letter to attorney Charles D. "Chip" MacLeod, of MacLeod Law Group in Chestertown.

This letter was prompted by a suggestion from Ms. Shelley Heller, Kent County Administrator, that we seek financial information about the “Clean Chesapeake Coalition” not from her, but from Mr. MacLeod (see Ms. Heller’s email).

You are copied because your county (as well as Kent County) is listed as a member of this Coalition. Your county—as well as Kent—has been allocating taxpayer funds annually to the Coalition since 2013, collectively in excess of $1,000,000.

Because these are public funds from taxpayers, we are seeking transparency on how the money has been—and is being—spent.

If you have questions or concerns, please contact me.

Thank you, and yours truly,

[Signature]

Grenville B. Whitman
August 21, 2019

Charles D. MacLeod, Esq.
MacLeod Law Group LLC
120 Speer Road
Chestertown MD 21620

REGISTERED MAIL

Re: Seeking Financial Transparency for Clean Chesapeake Coalition

Dear Mr. MacLeod:

This letter has been recommended by Kent County Administrator Shelley Heller: “These questions may be better answered by MacLeod Law Group.” (See Ms. Heller’s email attached.)

By way of background, for the past eight years, Kent County’s taxpayers have been tapped by our commissioners for a total of $176,000 on behalf of the Clean Chesapeake Coalition, with this public money apparently channeled through your law firm, MacLeod Law Group LLC (*).

During the same period, Caroline, Carroll, Cecil, Dorchester, Kent, and Queen Anne’s counties appear to have collectively directed more than $1 million in public funds to the Coalition, likewise channeled through MacLeod Law Group.

These considerable allocations of public funds prompt these questions:

1. Item No. 6 (“Coalition Evolution to Incorporated Entity”) in the Coalition’s “Scope of Work for FY2020” states its intent to “evolve” into an “incorporated entity.” Is the Coalition not a legal entity at this time?
2. If the Coalition is not a legal entity, does MacLeod Law Group control the administration and allocation of funds allocated by the six counties to the Coalition?
3. Who makes financial decisions as to the distribution of the public funds allocated by Kent County and the other five counties to the Coalition?
4. How are these financial decisions made?
5. Does the Coalition have a separate bank account(s), or are its public grant monies commingled with those of MacLeod Law Group?
6. Have there been any documented assurances from MacLeod Law Group to its six member counties that the entire amounts of public monies designated for the Coalition have been received and spent by the Coalition?

7. Has one or more of the Coalition’s six member counties requested a full financial audit of the Coalition or, on its own volition, has MacLeod Law Group paid for an independent financial audit of the Coalition and shared its findings with its members?

8. If a financial audit of the Coalition for any year(s) has not been conducted, has MacLeod Law Group offered an independent financial report for any year to Kent County and/or to the other five member counties?

9. Has MacLeod Law Group submitted an annual financial report to each of the six counties detailing which entities received payments, in what amounts, and for what purposes?

10. On behalf of the Coalition, can MacLeod Law Group provide any financial accountability documentation with respect to the Coalition’s claims of “actions and accomplishments” for any year?

11. Is there any sort of financial audit or financial report of the Coalition available for review by a member of the public?

Thank you for your time. We look forward to hearing from you.

Yours truly,

Grenville B. Whitman
Rock Hall

William J. Herb
Chestertown

Nicholas A. DiPasquale
Chestertown

Attachment: July 30 email from Ms. Heller

(*) At its inception, Coalition was based in Funk & Bolton’s Chestertown office. When that law office was closed, MacLeod Law Group replaced it.

E-Copy: Kent County Commissioners Mason, Jacob, Fithian; County Administrator Heller; County Attorney Yeager; Financial Officer Merritt; Senator Hershey; Delegate Jacobs

Hard Copy by Mail: Jeremy Goldman, Hon. Larry Porter (Caroline); Roberta Winham, Hon. Stephen Wantz (Carroll); Hon. Alan McCarthy, Hon. Bob Messley (Cecil); Keith Adkins, Hon. William Nichols (Dorchester); Todd Mohn, Hon. James Moran (Queen Anne’s); David Funk (Funk & Bolton PA, Baltimore)
Good afternoon Gren.
In response to your questions, I offer the following:

I do not believe that the Clean Chesapeake Coalition (CCC) has become an incorporated entity. I am unsure how MacLeod Law Group administers the funds that are pledged by member counties. I do not know if there are separate bank accounts or accounting structures that delineate funding. However, these questions may be better answered by MacLeod Law Group.

The member counties treat this effort similar to a firm, fixed-price contract. There is a fee, it is paid, and for that fee the contributing counties receive a service.

As such, I personally have never asked for, nor received, an accounting of the CCC funds. To my knowledge, none of the member counties have requested nor received a copy of such a document.

Regards,
Shelley

Shelley L. Heller
County Administrator, Kent County
400 High Street
Chestertown, Maryland 21620
410.778.4600
sheller@kentgov.org

-----Original Message-----
From: Gren Whitman <grenwhitman1@gmail.com>
Sent: Thursday, July 11, 2019 11:13 AM
To: Shelley Heller <sheller@kentgov.org>
Cc: Tom Mason <tmason@kentgov.org>; Bob Jacob <bjacob@kentgov.org>; Ron Fithian <rfithian@kentgov.org>; Thomas Yeager <tnyesq@baybroadband.net>; Pat Merritt <pmerritt@kentgov.org>
Subject: Financial Transparency Questions

Shelley Heller
County Administrator

Ms. Heller:

Attached is a memo seeking financial accountability for the County’s grants over the past eight years to Clean Chesapeake Coalition.

Thank you.

Gren Whitman
QUEEN ANNE'S COUNTY PLUMBING & HVAC BOARD
July 25, 2019

PRESENT: Mike Sipes, James (Zeke) Warner, Scott (Rocky) Jones, John Nickerson, Tim Wilson, Robby Pardoe

ABSENT: Dorsey Patchett, Mike Bozek

GUEST: Lawrence Gannon

The meeting was called to order at 9:10 a.m.

A motion was made by Rocky Jones to approve the June minutes as sent; this was seconded by Zeke Warner and approved by all.

SANITARY DISTRICT: SKI Project- They have 106 houses connected to the new step system (4 of which are new houses). Out of a total of 775 tanks, 470 have been set. Plans to run a new water line form Schulz's Boatel to Shamrock Rd and tie it into the existing system. Four Season getting ready to move into phase two.

HEALTH DEPARTMENT: Nothing new to report.

CLERK: Nothing new to report.

CONDENSATE LINES: Mike Sipes brought to the attention of the Board that "air conditioning condensate lines" are addressed in the plumbing code. Specifically: 9.4.3

c. Discharge of air conditioning condensate shall not be permitted to create a nuisance such as by flowing across the ground or paved surfaces. Unless expressly prohibited by the Authority Having Jurisdiction, the point of indirect discharge for air conditioning condensate shall be one of the following:
   1. The building sanitary drainage system.
   2. The building storm drainage system.
   3. A sump pump.
   4. A subsurface absorption pit or trench.
   5. Within dwellings, a tub waste and overflow or lavatory tailpiece within the same dwelling.

Being no further business the meeting adjourned at 9:45 a.m.

Checks to be requested: John Nickerson $25 Scott Jones $25
                           Mike Sipes   $25 Tim Wilson  $25
                           James Warner $25 Robby Pardoe $25

Michael Sipes, President

Cindy Gadow, Clerk
### Jobs per District

<table>
<thead>
<tr>
<th>District</th>
<th>Jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>First District</td>
<td>3</td>
</tr>
<tr>
<td>Second District</td>
<td>10</td>
</tr>
<tr>
<td>Third District</td>
<td>10</td>
</tr>
<tr>
<td>Fourth District</td>
<td>96</td>
</tr>
<tr>
<td>Fifth District</td>
<td>14</td>
</tr>
<tr>
<td>Sixth District</td>
<td>4</td>
</tr>
<tr>
<td>Seventh District</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>143</td>
</tr>
</tbody>
</table>

### Type of Construction

- **New Homes**: 21
- **Addition**: 5
- **Renovation/Alteration**: 5
- **Gas**: 20
- **Modular/Double-Wide**: 1
- **Trailer**: 0
- **HVAC**: 46
- **Backflow**: 37
- **Commercial**: 7
- **Farm Building**: 1
- **Replacement**: 0

### Administrative Fee

- 106 @ $ 10.00 = $ 1,060.00

### Public Sewer Connection Permit

- 0 @ $ 50.00 = $ 0.00

### Public Water Connection Permit

- 0 @ $ 50.00 = $ 0.00

### Mechanical Permit

- 46 @ $ 75.00 = $ 3,350.00

### Plumbing Permit

- 39 @ $ 125.00 = $ 4,815.00

### Gas Permit

- 20 @ $ 50.00 = $ 1,000.00

### Re-Inspection Fees

- 0 @ $ 0.00 = $ 0.00

### Fees From Permits

- $ 10,225.00

### Backflow Test and Maintenance Forms

- 32 @ $ 25.00 = $ 800.00
- 5 @ $ 0.00 = $ 0.00

### Fees From Backflow

- $ 800.00

### Fees From Licenses

- $ 2,970.00

### No Refunds were issued during this period.

### Total Revenue

- Administrative Fees (this month): $ 1,060.00
- Middle Dept. Permits (75% this month): $ 6,873.75
- Q.A. County Permits (25% this month): $ 2,291.25
- Refunds (this month): $ 0.00
- Administrative Fee Revenue (07/01/2019 - 07/31/2019): $ 1,060.00
- Q.A. County License Revenue (07/01/2019 - 07/31/2019): $ 2,970.00
- MDIA Permit Revenue (07/01/2019 - 07/31/2019): $ 6,873.75
- Q.A. County Permit Revenue (07/01/2019 - 07/31/2019): $ 2,291.25
- Q.A. County Backflow Forms (07/01/2019 - 07/31/2019): $ 800.00
- Refunds (07/01/2019 - 07/31/2019): $ 0.00
- **Total Revenue (07/01/2019 - 07/31/2019)**: **$ 13,995.00**
The Department of Community Services’ Housing Division would like to take this opportunity to thank you for supporting the increase in income requirements for the Critical Workforce Program. Your action on this matter is beginning to have a positive impact on the lives of Queen Anne’s County’s young professionals.

Last year you agreed to increase the income requirements for the program from 80% of the median income to 100% of the median income. Just recently we had our first Critical Workforce applicant purchase a house who fits under the new increased income guidelines. The applicant has worked as a teacher for the Queen Anne’s County Board of Education for several years and would not have been able to qualify under the previous levels. Now she owns her own home in Queen Anne’s County.

We appreciate your continued support of our Critical Workforce. Without this program, many Queen Anne’s citizens who work in the Critical Workforce would not be able to live here.

Sincerely,

Catherine R. Willis, LMSW
Director

Michael R. Clark
Chief of Housing and Family Services

Anne Van Benschoten
Housing Administrator
August 14, 2019

Queen Anne’s County Commissioners
107 N. Liberty Street
Centreville, Maryland 21617

Dear County Commissioners:

Thank you for the more than generous funding awarded in the amount of $10,000 to the Local Management Board’s Safety Net Committee. We appreciate all of the hard work of our volunteers of Challenge Day, and especially Mr. Bob Friday who submitted this request. We are ecstatic to use these funds towards Challenge Day this upcoming 2019-2020 school year.

The award will help us reach our goal to facilitate Challenge Day for all 7th graders in Queen Anne’s County Public School. Challenge Day is an intensive day-long program where students from different backgrounds and social groups are brought together and mindsets are changed. Students realize they are not so different from their peers. Community volunteers, teachers and school staff help to facilitate the program along with the Challenge Day facilitators. We invite you to attend the event as a volunteer and to attend our Safety Net Committee meetings to learn more about what this great organization is accomplishing in our schools and community.

Again, thank you for this generous award and your continued support of children and families in Queen Anne’s County.

Sincerely,

Matt Evans
Co-Chair

Linda Austin
Co-Chair

Leslie Follum
Co-Chair

Cc: Mr. Bob Friday
August 23, 2019

The County Commissioners of Queen Anne’s County
107 North Liberty Street
Centreville, MD 21617

Thank you for your gift of $13,000.00 (check # 363532) to the QAC Goes Purple Fund, a component fund of the Mid-Shore Community Foundation, which we received on August 14, 2019. It is this kind of generosity and understanding of the impact of local giving that enables us to support and facilitate philanthropy in our community. The County Commissioners of Queen Anne’s County’s support of the Mid-Shore Community Foundation and its various causes is greatly appreciated.

Sincerely,

W.W. “Buck” Duncan
President