

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2020 Legislative Session, Legislative Day No.: September 22, 2020

Resolution No.: 294

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

**A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER
AND SEWER PLAN TO APPROVE A CAPITAL PROJECT FOR THE
IMPROVEMENTS ASSOCIATED WITH TALBOT COUNTY RESOLUTION 235**

By the Council: September 22, 2020

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 27, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO APPROVE A CAPITAL PROJECT FOR THE IMPROVEMENTS ASSOCIATED WITH TALBOT COUNTY RESOLUTION 235

WHEREAS, Resolution 235 only identified the areas and the parcel information from the Maryland State Department of Assessments and Taxation; and,

WHEREAS, Resolution 235 and Resolution 282 proposed to extend sewer to 354 equivalent dwelling units with sixty (60) equivalent dwelling units (EDUs) just outside the Town of St. Michaels and not served by Royal Oak Pump Station No. 1, and 294 EDUs in and around the villages of Unionville, Tunis Mills and Copperville and the villages of Royal Oak, Newcomb and Bellevue; and,

WHEREAS, the sixty (60) EDUs that are associated with Resolution 235 and not served by Royal Oak Pump Station No. 1 are located on Deep Water Point Road, Long Haul Road, Maryland Route 33 north of St. Michaels, Yacht Club Road, Rolles Range Road, and Blueberry Acres Road (just south of St. Michaels); and,

WHEREAS, the Talbot County Sanitary District has constructed sewer force mains down Deep Water Point Road/Route 33, Yacht Club Road and Long Haul Road for the sixty (60) EDUs not served by Royal Oak Pump Station No. 1 and plans to connect forty-eight (48) EDUs to existing and future sewer infrastructure that does not flow to Royal Oak Pump Station No. 1; and,

WHEREAS, the number of existing users in the Unionville, Tunis Mills and Copperville Sewer Service Area that includes twenty (20) Resolution 235 lots has a total of 229.81 EDUs, and the number of existing users in the Royal Oak, Newcomb and Bellevue Sewer Service Area has 461.14 EDUs, and the remaining future users of Resolution 235 that will use the Royal Oak Pump Station No. 1 consists of 294.00 EDUs; and

WHEREAS, the total of existing and future EDUs associated with Resolution 235 that are and will be using Royal Oak Pump Station No. 1 will be 987.95 EDUs, and based on the measured wastewater flow of 114 gallons per day (gpd) per EDU, the Talbot County Sanitary District uses a projected wastewater flow of 125 gpd/EDU [Rauch, Inc. Wastewater Flow Analysis determined 114 gpd/EDU consisting of 84 gpd/EDU of wastewater and 30 gpd/EDU of Inflow and Infiltration]; and

WHEREAS, the Talbot County Department of Public Works is managing the preparation of a Preliminary Engineering Report being prepared by Wallace-Montgomery that has identified improvements to Royal Oak Pump Station No. 1, the extension of sewer from existing force mains into communities and to properties outlined in Resolution 235, and the utilization of Septic Tank Effluent Pump (STEP) Systems to pump wastewater from individual properties into the infrastructure of the Talbot County Sanitary District; and,

WHEREAS, Talbot County Department of Public Works is managing the engineering and designs prepared by Lane Engineering, LLC for the replacement of Royal Oak Pump Station No. 1, the extension of sewer from existing force mains into communities and to properties outlined in Resolution 235, and the utilization of Septic Tank Effluent Pump (STEP) Systems to pump

wastewater from individual properties into the infrastructure of the Talbot County Sanitary District; and,

WHEREAS, the Region II Wastewater Treatment Plant discharged an average of 354,363 gallons per day (gpd) for 2019 with 305,637 gpd of remaining capacity, and discharged an average of 377,456 gpd from 2017 through 2019, with the remaining capacity being 282,544 gpd; and,

WHEREAS, the Region II Wastewater Treatment Plant has sufficient capacity to serve an additional 2,445.096 EDUs based on the remaining wastewater capacity during calendar year 2019, or an additional 2,260.352 EDUs based on the three (3) year average of remaining wastewater capacity; and,

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1), Md. Ann. Code, the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area. Before the County Council may adopt the proposed amendment, the Talbot County Planning Commission must first certify that the amendment is consistent with the 2016 Talbot County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Talbot County Resolution 235 and the Talbot County Comprehensive Water and Sewer Plan shall be and are hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: The design and construction of the sewer extensions that are part of Resolution 235 have been classified as Phase I – Installation of Sewer Infrastructure from Existing Sewer Infrastructure to a New Curb Valve on the Property Line and Phase II - the Connection of the Improvements on the Lot to the New Curb Valve installed as part of Phase I.

SECTION THREE: Of the sixty (60) EDUs not connected to Royal Oak Pump Station No.1, twelve (12) EDUs have been connected along Yacht Club Road, Long Haul Road and Deep Water Point Road (the force main along Deep Water Point Road is associated with the Martingham Infrastructure connecting this community to the Region II Wastewater System) as listed in Table 1 with the costs of Phase I Improvements, the total number of EDUs and the remaining EDUs to be connected.

| Table 1 – Phase I Sewer Extension Work Completed with some Lots to be Connected | | | | |
|--|-------------------|------------------------------------|----------------------------------|------------------------|
| Sewer Service Area – With Service | Total EDUs | EDUs Not Connected to Sewer | Infrastructure in Roadway | Cost of Phase I |
| Yacht Club Road | 15 | 8 | Completed | \$94,025.00 |
| Long Haul Road | 10 | 6 | Completed | \$62,750.00 |
| Deep Water Point Road/Rt. 33 | 10 | 9 | Completed | \$45,000.00 |
| Totals From Areas with Sewer Service | 35 | 23 | | \$201,775.00 |

SECTION FOUR: The Forty-eight (48) EDUs associated with the sixty (60) EDUs not served by Royal Oak Pump Station No. 1 are located along Maryland Route 33 just north of St. Michaels, a lane off of Deep Water Point Road, Rolles Range Road and Blueberry Acres Road. The number of EDUs to be connected to the Region II Wastewater System and the estimated cost for the Phase I infrastructure is listed in Table 2 and the estimates could increase during construction.

| Sewer Service Area – With No Service | Total EDUs | EDUs Not Connected to Sewer | Infrastructure in Roadway | Eng. Estimate of Phase I |
|---|-------------------|------------------------------------|----------------------------------|---------------------------------|
| Blueberry Acres Road | 9 | 9 | Not Completed | \$56,018.00 |
| Rolles Range Rd | 13 | 13 | Not Completed | \$76,923.00 |
| Rolles Range Rd – Resolution 282 | 3 | 3 | Not Completed | \$0.00 |
| Totals Cost for Phase I | 25 | 25 | | \$132,941.00 |

SECTION FIVE: Royal Oak Pump Station No. 1 has experienced severe concrete erosion due to the presence of hydrogen sulfide gas that has reduced the concrete wall thickness by 50% or greater, with exposed re-enforcement steel, a structural component of the concrete wall being found in sections of the wall.

SECTION SIX: Royal Oak Pump Station No. 1 needs to be replaced before the walls of the station collapse and present the Talbot County Sanitary District with severe environmental and financially crippling issues.

SECTION SEVEN: The existing Royal Oak Pump Station No. 1 has a design flow of 456 gallons per minute (gpm) which totals 656,640 gpd, the peak flow of the Pump Station.

SECTION EIGHT: The designed daily average flow based off the peak flow (4X the daily average flow) is 164,160 gpd, and, using the project wastewater flow rate of 125 gpd/EDU, the Royal Oak Pump Station No. 1 can accommodate 1,313.28 EDUs [At the measured flow rate of 114 gpd/EDU, 1,440 EDUs can be served by Royal Oak Pump Station No. 1, thus providing a safety factor of 126.72 EDUs.].

SECTION NINE: With Royal Oak Pump Station No. 1 accommodating 1,313.28 EDUs and subtracting out the existing users that total 690.95 EDUs, Royal Oak Pump Station No. 1 has capacity for 622.33 EDUs. Table 3 shows the remaining capacity based on EDUs after accounting for Resolution 235, Resolution 268 – Milesview Village Condominiums and Resolution 283 – McMiles Subdivision.

| Description | Number of EDUs | Comments |
|--------------------|-----------------------|------------------------------|
| Design Capacity | 1,313.28 EDUs | Safety Factor: 1,440.00 EDUs |
| Existing Users | 690.95 EDUs | 690.95 EDUs |

| | | |
|--------------------|-------------|------------------------------------|
| Remaining Capacity | 622.33 EDUs | Safety Factor: 749.05 EDUs |
| Resolution 235 | 291.00 EDUs | EDUs Currently not served by Sewer |
| Resolution 268 | 8.00 EDUs | Milesview Village Condominiums |
| Resolution 283 | 3.00 EDUs | McMiles Subdivision |
| Remaining Capacity | 320.33 EDUs | Safety Factor: 428.72 EDUs |

SECTION TEN: The engineering estimate for the purchase of land and to construct a new pump station to serve as Royal Oak Pump Station No. 1 is estimated to cost \$1.0 million to \$2.0 million.

SECTION ELEVEN: Over the past 2 years, the County completed the installation of sewer infrastructure to the residential areas of Rest Circle, Yacht Club Road, Long Haul Road and Teal Point Road, with the sewer infrastructure costs that would be considered Phase I identified in Table 4, with only Rest Circle and Teal Point Road being served by Royal Oak Pump Station No. 1.

| Sewer Service Area – With Service | Total EDUs | EDUs Not Connected to Sewer | Infrastructure in Roadway | Cost of Phase I |
|---|-------------------|------------------------------------|----------------------------------|------------------------|
| Rest Circle | 39 | 16 | Completed | \$180,685.00 |
| Yacht Club Road | 15 | 8 | Completed | \$94,025.00 |
| Long Haul Road | 10 | 6 | Completed | \$62,750.00 |
| Deep Water Point Road/Rt.33 | 10 | 9 | Completed | \$45,000.00 |
| Teal Point Road | 10 | 5 | Completed | \$56,965.00 |
| Totals From Areas with Sewer Service | 84 | 44 | | \$439,425.00 |

SECTION TWELVE: The remaining properties of Resolution 235 to be connected to the Existing Infrastructure owned by the Talbot County Sanitary District are listed in Table 5 along with the costs of the Engineering (Eng.) Estimate but which could increase after being bid out for construction.

| Sewer Service Area – With No Service | Total EDUs | EDUs Not Connected to Sewer | Infrastructure in Roadway | Eng. Estimate of Phase I |
|---|-------------------|------------------------------------|----------------------------------|---------------------------------|
| Royal Oak Road | 13 | 13 | Not Completed | \$132,132.00 |
| Arcadia Shores | 46 | 46 | Not Completed | \$284,477.00 |
| Aveley Farm Road | 41 | 41 | Not Completed | \$278,702.00 |
| Doncaster Road | 57 | 57 | Not Completed | \$351,120.00 |
| North Bend Circle | 36 | 36 | Not Completed | \$206,745.00 |
| Glebe Road | 13 | 13 | Not Completed | \$73,920.00 |

| | | | | |
|--|------------|------------|---------------|----------------|
| Thanksgiving, Sawyer & Pendleton Rds. | 13 | 13 | Not Completed | \$153,808.00 |
| Rest Circle | 39 | 16 | Completed | |
| Teal Point Road | 10 | 5 | Completed | |
| Kemp/Nursery Road | 10 | 10 | Not Completed | \$75,000.00 |
| Total Remaining Lots and EDUs | 16 | 16 | Not Completed | \$160,000.00 |
| Totals From Areas with No Service | 294 | 266 | | |
| Total Lots to be connected from Table 1 | 35 | 23 | | \$0 |
| Totals From Table 2 | 25 | 25 | | \$132,941.00 |
| Totals From Table 1 and 2 Areas with No Service | 60 | 48 | | |
| Totals from both Areas | 354 | 314 | | \$1,848,845.00 |

SECTION THIRTEEN: In addition to the work identified above, the Talbot County Sanitary District will be working with the Maryland Department of the Environment to secure \$20,000.00 per property in grant funding through the Bay Restoration Fund, for property owners earning less than \$300,000.00 per year. Using \$20,000.00 per lot as an estimate to connect the remaining 311 lots, the Phase II estimate totals \$6,220,000, plus up to \$280,000.00 in contingency for unforeseen EDUs that could include the Chesapeake Center, a non-profit organization that was included in Resolution 235.

SECTION FOURTEEN: For each EDU allocated, above:

A. The connection to public sewer and allocation of treatment capacity as described in this Resolution shall be limited to serving approved residential uses on each lot.

B. In accordance with the requirements of the Talbot County Code § 139(1)(D), all costs incurred by the County in the development of the project, including administrative costs, legal fees, and financing costs, shall be reimbursed to the County in accordance with the pro rata distribution proposed in the petition by the property owners proposing or comprising the sanitary sewer construction district. All costs incurred by the property owners in the development of the project, including feasibility studies and design costs, shall be borne directly by the property owners but may be included in the overall project financing if the sanitary construction district is approved. The County may establish a predevelopment improvement fund, wherein benefit assessments are charged and funds accrued before incurring costs, or create a post-development benefit assessment of lump sum or amortized costs, at such rate and term as authorized by the County Council.

C. Owner shall pay all duly assessed charges, taxes, assessments, costs, and fees chargeable by the County or Sanitary District related to connecting the Buildable Lots to public sewer and allocating wastewater treatment capacity.

D. Owner shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the Buildable Lots to the public sewer system. The design shall be consistent with reasonable designed standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his deputy may reasonably require.

E. All of the improved Eligible Properties shall connect to the proposed sewer line at the earlier of the following: (1) at the Owner's request; (2) the issuance of a certificate of completion or occupancy for any expansion, addition, or reconstruction of the existing residential dwelling unit for which a building permit is required whose cost exceeds 50% of the structure's present assessed value for property tax purposes, as determined by the Talbot County Planning Officer; (3) failure of the existing on-site sewage disposal system as determined by the Talbot County Office of Environmental Health; or, (4) upon transfer of the property as part of an arms-length sale. For unimproved Eligible Properties, connection to the sewer system shall occur when the owner makes any improvement requiring sewage disposal.

F. Upon connection to public sewer, Owner shall permanently cease or refrain utilizing any on-site sewage disposal systems existing on the Property or which have been approved for use on the Property. Owner, at Owner's sole cost and expense, shall be responsible for decommissioning any such systems to the extent deemed necessary and appropriate by the County Engineer and Talbot County Office of Environmental Health.

G. No sewer service shall be available to any area beyond the Buildable Lots to be served. No other property, lot, or parcel shall be entitled to service or capacity without further amendment to the Plan duly approved by the County Council.

SECTION FIFTEEN: The sewer connections and wastewater capacity approved pursuant to this Resolution are expressly conditioned upon and subject to approval of the Major Revision Plat by the Talbot County Department of Planning and Zoning and all other reviewing agencies, which approval results in no more than five (5) residential Buildable Lots on the Property.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its passage.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Pack -
Divilio -
Callahan -
Price -
Leshner -

Effective Date: _____