COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2013 Legislative Session, Legislative Day No.: March 26, 2013

Resolution No.: 201

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN TO RECLASSIFY AND REMAP 56 EXISTING LOTS ALONG ALL OR PARTS OF THORNETON ROAD, CHANCE FARM ROAD, AND EDGE CREEK ROAD, NEAR THE VILLAGE OF ROYAL OAK, MARYLAND FROM THEIR CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO APPROVE A CAPITAL PROJECT TO EXTEND SANITARY SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT ("PLANT") TO SERVE 53 DEVELOPED LOTS, TO ACCEPT GRANT FUNDING OF $100,000 FROM THE MARYLAND BOARD OF PUBLIC WORKS, CHESAPEAKE BAY RESTORATION FUND FOR CONSTRUCTION OF A MAIN TRUNK SEWER COLLECTION LINE ("COLLECTOR") TO SERVE THESE 53 DEVELOPED LOTS, AND TO AUTHORIZE USE OF SUCH ADDITIONAL GRANT FUNDING AS MAY BE AWARDED UP TO $20,000 PER LOT TO DEFRAY THE COSTS TO CONNECT INDIVIDUAL PROPERTIES, SUBJECT TO GRANT CONDITIONS AND RESTRICTIONS THAT INCLUDE PROHIBITING CONNECTION OF ANY PROPERTY NOT HAVING AN EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLED ON OR BEFORE OCTOBER 1, 2008; TO REQUIRE PROPERTY OWNERS TO PAY CONNECTION AND SERVICE CHARGES AS ESTABLISHED, FROM TIME TO TIME, TO CONVEY PORTIONS OF THE EXISTING OR CONSTRUCTED SEPTIC SYSTEM TO THE COUNTY AND GRANT AN EASEMENT TO THE COUNTY FOR ACCESS, MAINTENANCE, AND REPAIR OF THE SYSTEM, AND TO EXECUTE A PUBLIC WORKS AGREEMENT AS CONDITIONS OF ELIGIBILITY FOR CONNECTION TO THE COLLECTOR *(Thorneton Road, Chance Farm Road and Edge Creek Road, Royal Oak, Maryland)*

By the Council: March 26, 2013

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, April 16, 2013, at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order, Susan W. Moran

Susan W. Moran, Secretary

1

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN TO RECLASSIFY AND REMAP 56 EXISTING LOTS ALONG ALL OR PARTS OF THORNETON ROAD, CHANCE FARM ROAD, AND EDGE CREEK ROAD, NEAR THE VILLAGE OF ROYAL OAK, MARYLAND FROM THEIR CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO APPROVE A CAPITAL PROJECT TO EXTEND SANITARY SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT ("PLANT") TO SERVE 53 DEVELOPED LOTS, TO ACCEPT GRANT FUNDING OF $100,000 FROM THE MARYLAND BOARD OF PUBLIC WORKS, CHESAPEAKE BAY RESTORATION FUND FOR CONSTRUCTION OF A MAIN TRUNK SEWER COLLECTION LINE ("COLLECTOR") TO SERVE THESE 53 DEVELOPED LOTS, AND TO AUTHORIZE USE OF SUCH ADDITIONAL GRANT FUNDING AS MAY BE AWARDED UP TO $20,000 PER LOT TO DEFRAY THE COSTS TO CONNECT INDIVIDUAL PROPERTIES, SUBJECT TO GRANT CONDITIONS AND RESTRICTIONS THAT INCLUDE PROHIBITING CONNECTION OF ANY ON-SITE DISPOSAL SYSTEM NOT IN EXISTENCE AS OF OCTOBER 1, 2008; TO REQUIRE PROPERTY OWNERS TO PAY CONNECTION AND SERVICE CHARGES AS ESTABLISHED, FROM TIME TO TIME, TO CONVEY PORTIONS OF THE EXISTING OR CONSTRUCTED SEPTIC SYSTEM TO THE COUNTY AND GRANT AN EASEMENT TO THE COUNTY FOR ACCESS, MAINTENANCE, AND REPAIR OF THE SYSTEM, AND TO EXECUTE A PUBLIC WORKS AGREEMENT AS CONDITIONS OF ELIGIBILITY FOR CONNECTION TO THE COLLECTOR *(Thorneton Road, Chance Farm Road and Edge Creek Road, Royal Oak, Maryland)*

WHEREAS, Environment Article § 9-503, Md. Ann. Code, requires Talbot County (the **"County"**) to develop and maintain a Comprehensive Water and Sewerage Plan (the **"Plan"** or **"CWSP"**); and,

WHEREAS, the Maryland Board of Public Works has approved a $100,000 grant from the Chesapeake Bay Restoration Fund (**"BRF"**) to extend the Region II Sanitary Sewer System (**"Sewer System"**) by construction of a main trunk sewer collector (**"Collector"**) down all or a part or parts of Thorneton Road, Chance Farm Road, and Edge Creek Road, near the Village of Royal Oak, Maryland (the **"Capital Project"**); and,

WHEREAS, the Capital Project lies wholly within an existing Priority Funding Area (CWSP, Figure 25); and,

WHEREAS, the area to be served by the Capital Project has been mapped as Tier III B, namely, "Rural villages or existing communities or neighborhoods designated as water quality strategy areas, which have or are planned to have public sewerage systems to address water quality and that are planned for infill and limited peripheral development only." (Bill No. 1229, adopted December 11, 2012); and,

WHEREAS, the purpose of the Capital Project is to make sewer service available, subject to certain limitations and conditions, to fifty-three (53) existing developed lots, listed on the attached Exhibit A, and shown on the map attached hereto as Exhibit B, both of which are incorporated by reference herein (the **"Eligible Properties"**) subject to the terms and conditions set forth below, as the same may be approved, amended, or adopted by the County, and subject to all applicable legal requirements, conditions, and contingencies, including without limitation, grant funding conditions, contingencies, and approvals; and,

WHEREAS, three (3) existing undeveloped lots, namely Tax Map 40, Grid 11, Parcel 176; Tax Map 40, Grid 11, Parcel 94; and Tax Map 40, Grid 11, Parcel 165, Lot 8, abut the area proposed for the Collector. These lots are ineligible to participate in sanitary sewer extension or connection projects funded through BRF grant funding (the **"Ineligible Properties"**), and are therefore not included among the properties eligible to connect to the Collector pursuant to this Resolution; and,

WHEREAS, the County desires to amend the CWSP to reclassify and remap all 56 existing lots (including both Eligible Properties and Ineligible Properties) from their current classification of "Unprogrammed" to "S-1" Immediate Priority Status, so as to make sewer service available to the Eligible Properties immediately through approval, funding, and construction of the Capital Project, and to make future sewer service potentially available to the Ineligible Properties, subject to future consideration and possible approval of a separate project to extend sewer service; and,

WHEREAS, the County desires to amend the CWSP to incorporate the proposed Capital Project into the Capital Improvement Projects Table, as set forth herein, to authorize acceptance of the $100,000 grant funding for construction of the Collector, and to make sewer service available to the Eligible Properties upon the terms and conditions required by the grant funding, this Resolution, and all other applicable laws, ordinances, regulations, plans, and resolutions.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Talbot County, Maryland, as follows:

SECTION 1. The above recitals are incorporated by reference as a substantive part of this Resolution.

SECTION 2. Upon introduction of this Resolution, a public hearing will be scheduled and advertised in a newspaper of general circulation in the County advising the public of the date, time, place, and purpose of the public hearing for receipt and consideration of public comment on the proposed Resolution.

SECTION 3. Environment Article § 9-506(a)(1), Md. Ann. Code, requires that the proposed amendment to the CWSP be submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board within 30 days following introduction for review for consistency with planning programs for the County.

Before the County Council may adopt the Resolution, the Talbot County Planning Commission must first certify that the amendment to the Plan is consistent with the County Comprehensive Plan prepared under Ann. Md. Code, Land Use, §3-205.

SECTION 4. Upon conclusion of the public hearing(s), closing of the public record, receipt and consideration of certifications and recommendations from the Planning Commission and Public Works Advisory Board, the County Council will consider and act upon the proposed amendment.

SECTION 5. The proposed amendment is as follows:

A. The CWSP is amended to reclassify and re-map all fifty-six (56) existing lots (including both Eligible Properties and Ineligible Properties) from their current classification of "Unprogrammed" to "S-1" Immediate Priority Status, so as to make sewer service available to the Eligible Properties immediately through approval, funding, and construction of the Capital Project, and to make future sewer service potentially available to the Ineligible Properties, subject to future consideration and possible approval of a separate project to extend sewer service. The three existing undeveloped lots (identified as Tax Map 40, Grid 11, Parcel 176; Tax Map 40, Grid 11, Parcel 94; and Tax Map 40, Grid 11, Parcel 165, Lot 8) located in this area are ineligible for sewer service extension or connection using BRF grant funding and are therefore excluded from participation in the Capital Project authorized by this Resolution.[1]

B. The Capital Project includes extension of the Sewer System by construction of a Collector down some portion or all or any part of Thorneton Road, Chance Farm Road, and Edge Creek Road, near the Village of Royal Oak, Maryland to make sewer service available to fifty-three (53) existing developed lots, the Eligible Properties, listed on the attached Exhibit A. The Capital Project is hereby approved subject to the terms and conditions set forth below and which are incorporated by reference herein, as approved, adopted, or amended by the County from time to time.

C. Terms and conditions of approval include the following:

1. "Chesapeake Bay Restoration Fund" ("BRF") shall have the meaning set forth in Environment Article § 9-1601, Md. Ann. Code, as amended or recodified from time to time.

2. Maryland Board of Public Works grant funding. The capital cost to extend all or part of the Collector shall be paid by a $100,000 grant approved by the Maryland Board of Public Works from the BRF.

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[1]. Grant funding excludes any lot not having an existing on-site sewage disposal system as of October 1, 2008. To the extent any such lots may exist in the area reclassified "S-1" by this Resolution, any such lot is also excluded from connection to the Collector, in addition to the three (3) undeveloped lots.

3. No County financial liability for capital costs. Neither the County nor the Region II Sanitary Sewer District (the **"District"**) shall have any liability or financial obligation for any expense in connection with the Capital Project. All costs and expenses incurred to construct the Capital Project shall be paid using grant funds from BRF, other State or federal grant-funding sources, or shall be paid by property owners of Eligible Properties.

4. Conditions. Conditions for eligibility for BRF funds include:

   i. Post-October 1, 2008 exclusion. The County must adopt a policy to guarantee that no parcel with an on-site sewage disposal system (**"OSDS"**) originally constructed after October 1, 2008, will be permitted to connect to a sewerage system funded using BRF septic funds. The County hereby adopts this policy. All Eligible Properties proposed for connection to the Collector must have had an OSDS in existence as of October 1, 2008. Any OSDS initially installed after October 1, 2008, if any, are excluded from the Capital Project and any such property may not be connected to the Collector line. This exclusion does not apply to replacement systems, provided the system being replaced was installed prior to October 1, 2008.

   ii. Grant compliance. The owners of all Eligible Properties shall comply with all terms, conditions, and requirements of all approved or available grants and grant funding as a condition of this approval of the Capital Project.

5. Grant funding connection cost. The capital cost up to the maximum amount of $20,000 may be available for BRF grant funding through the Maryland Water Quality Financing Administration to connect an Eligible Property to the Collector line. The amount, if any, of grant funding available for each property to connect remains to be determined under applicable grant and other criteria, including without limitation, the cost to connect as to each Eligible Property and the property owners' individual household income.

6. No County liability to any property owner. The County shall have no obligation to any property owner other than to apply for and administer such grant or grants as have been or may be awarded, and no property owner shall have any recourse against the County or its officers or agents concerning the award or lack of any award of any grant, eligibility or lack of eligibility for complete or partial grant funding for any cost, including without limitation the cost to connect any Eligible Property to the Collector.

7. County ownership of laterals and tanks. As a condition of connecting to the Collector, each owner of any Eligible Property shall, at no cost to the County or to the District, grant and convey to the County for the use and benefit of the District, all septic tanks, pumps, lines, couplings, connections, appurtenances, fixtures, and structures (the **"Infrastructure"**) used or

required to provide sewer service to the Eligible Property in accordance with all requirements of applicable building or construction codes, rules, requirements, and regulations. The County Engineer shall evaluate the condition of the existing Infrastructure for suitability for use within the Septic Tank Effluent Pump Station. If the septic tank is not in satisfactory condition, the owner shall replace the tank at their cost as a condition of connecting to the Collector. The property owner shall abandon the drain field for any future use. Property owners shall continue to own, and to remain responsible for installation, repair, construction, and maintenance of all lines and equipment from the structure served by the connection to the septic tank, including the connection into the septic tank. The County shall own and maintain the Infrastructure from and including the existing or owner-replaced septic tank to the Collector.

8. Easement. As a condition of connecting to the Collector, each owner of any Eligible Property shall, at no cost to the County or to the District, grant and convey a perpetual easement to the County authorizing the County, its agents and employees, to enter on, over, under, and through the Eligible Property for purposes of installing and repairing the Infrastructure connecting the Eligible Property to the Collector line, in form and content acceptable to the County, substantially as set forth on the attached Exhibit B, which is incorporated by reference herein. The easement shall be recorded among the County land records as a condition precedent to connecting an Eligible Property to the Collector.

9. No County obligation to construct. In the absence of sufficient grant or other funding, the County shall have no obligation to construct the Collector, or any part of it, nor any obligation to construct any connection to any Eligible Property. Under no circumstances shall the County or the District contribute any funding for any part of this Capital Project or any funding to connect any Eligible Property to the Collector.

D. Connections. Each Eligible Property shall be entitled to a single sewer connection. No property other than an Eligible Property shall be entitled to connect to the Sewer System.

1. Connection required. All Eligible Properties shall connect to the Sewer System not later than the earlier of: any expansion, addition, or reconstruction of the existing residential dwelling, or failure of the existing OSDS.

2. Connection charges. Property owners shall be responsible for payment to the District of all sewer service connection charges, periodic charges, and tariffs as established by the District from time to time. Unpaid sewer service charges or tariffs shall be a lien on the real property collectible in the same manner and to the same extent as unpaid real property taxes.

E. Capacity and average daily flow. Resolution 148, as amended, adopted February 26, 2008, established gallons per day per equivalent dwelling unit (GPD/EDU) for the Royal Oak, Newcomb, Bellevue Sewer Service Area (RONB SSA) of between 250 GPD/EDU for gravity systems and 185 GPD/EDU for low-pressure systems. Those figures are hereby amended to allocate 125 GPD/EDU from the remaining capacity at the Region II Wastewater Treatment Plant to RONB SSA for each connection to the sewer system from the Capital Project.

F. Other laws and requirements. Adoption of this Resolution shall not excuse, modify, or supersede requirements for current and ongoing compliance with all applicable federal, State, and local statutes, ordinances, or regulations including the issuance of all required permits and approvals for connection of the Eligible Property to the Plant.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption; and,

BE IT FURTHER RESOLVED, that the title is determined to be a fair summary of this Resolution; and further, that the title is not a substantive part of this Resolution. If the Resolution is amended, the title may be administratively revised if required to conform the title to the content of the Resolution as finally enacted; and,

BE IT FURTHER RESOLVED, that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Resolution which can be given effect without the invalid provision or application, and for this purpose the provisions of this Resolution are declared severable; and,

BE IT FURTHER RESOLVED, the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. _____ having been published, a public hearing was held on _____, _____, 2013 at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

ADOPTED By the Council, _____

Certified _____, Secretary

By Order_____
Susan W. Moran, Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -

EXHIBIT "A"

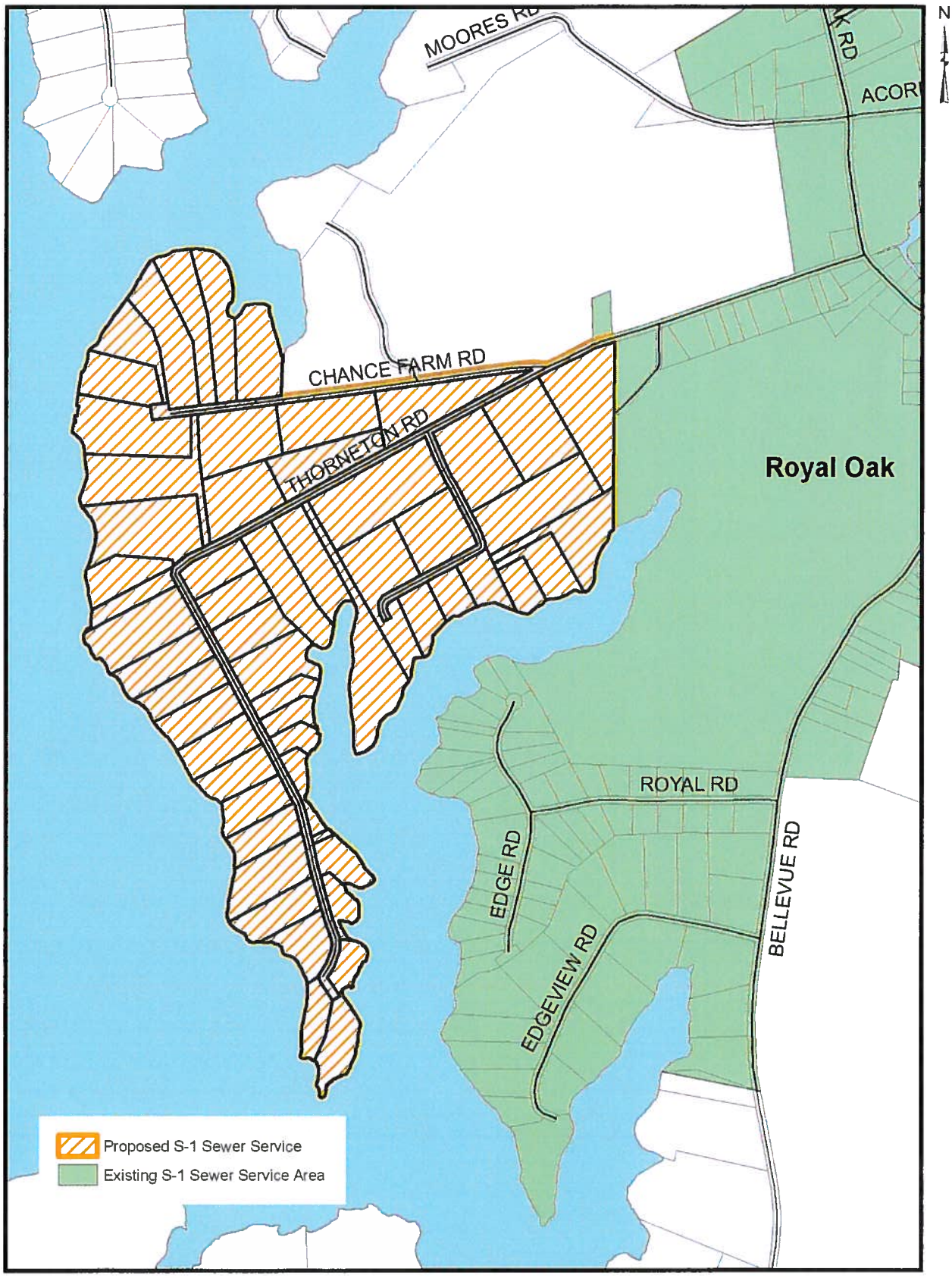
Royal Oak Sewer Extension

Sewer Tap #	ADDRESS	LOT	MAP	GRID	PARCEL	ACRES	DESCBLDG
1	6606 THORNETON ROAD		0040	0017	0033	2.93	DWEL Standard Unit
2	6607 THORNETON ROAD		0040	0017	0032	2.23	DWEL Standard Unit
3	6629 THORNETON ROAD		0040	0017	0031	1.38	DWEL Standard Unit
4	6650 THORNETON ROAD		0040	0017	0030	2.23	DWEL Standard Unit
5	6672 THORNETON ROAD		0040	0017	0028	2.56	DWEL Standard Unit
6	6669 THORNETON ROAD		0040	0017	0029	1.24	DWEL Standard Unit
7	6697 THORNETON ROAD		0040	0017	0027	1.50	DWEL Standard Unit
8	6692 THORNETON ROAD		0040	0017	0026	3.23	DWEL Standard Unit
9	6706 THORNETON ROAD		0040	0017	0024	2.21	DWEL Standard Unit
10	6734 THORNETON ROAD		0040	0017	0023	1.90	DWEL Standard Unit
11	6731 THORNETON ROAD		0040	0017	0025	1.51	DWEL Standard Unit
12	6756 THORNETON ROAD		0040	0017	0021	2.05	DWEL Standard Unit
13	6761 THORNETON ROAD		0040	0017	0056	0.92	DWEL Standard Unit
14	6760 THORNETON ROAD		0040	0017	0085	2.41	DWEL Standard Unit
15	6763 THORNETON ROAD		0040	0017	0078	1.08	DWEL Standard Unit
16	6798 THORNETON ROAD		0040	0017	0020	2.34	DWEL Standard Unit
17	6783 THORNETON ROAD		0040	0017	0022	1.34	DWEL Standard Unit
18	6800 THORNETON ROAD		0040	0017	0083	2.64	DWEL Standard Unit
19	6787 THORNETON ROAD	4	0040	0011	0166	3.05	DWEL Standard Unit
20	6820 THORNETON ROAD		0040	0011	0014	2.85	DWEL Standard Unit
21	6815 THORNETON ROAD	3	0040	0011	0166	2.50	DWEL Standard Unit
22	6840 THORNETON ROAD		0040	0011	0013	4.64	DWEL Standard Unit
23	6857 EDGE CREEK ROAD		0040	0012	0016	1.52	DWEL Standard Unit
24	6835 THORNETON ROAD	2	0040	0011	0166	2.00	DWEL Standard Unit
25	6861 EDGE CREEK ROAD		0040	0012	0017	1.52	DWEL Standard Unit
26	6873 EDGE CREEK ROAD		0040	0012	0043	1.49	DWEL Standard Unit
27	6868 THORNETON ROAD		0040	0011	0051	2.08	DWEL Standard Unit
28	6871 EDGE CREEK ROAD		0040	0012	0018	1.57	DWEL Standard Unit
29	6873 THORNETON ROAD	1	0040	0011	0166	2.00	DWEL Standard Unit
30	6875 EDGE CREEK ROAD		0040	0012	0044	2.01	DWEL Standard Unit
31	6885 THORNETON ROAD		0040	0011	0131	3.60	DWEL Standard Unit
32	6851 EDGE CREEK ROAD		0040	0011	0047	5.26	DWEL Standard Unit
33	6909 THORNETON ROAD		0040	0011	0015	5.11	DWEL Standard Unit
34	6874 THORNETON ROAD	3	0040	0011	0165	5.56	DWEL Standard Unit
35	6877 EDGE CREEK ROAD		0040	0012	0045	2.65	DWEL Standard Unit
36	6898 EDGE CREEK ROAD		0040	0012	0122	3.41	DWEL Standard Unit
37	6887 EDGE CREEK ROAD		0040	0012	0041	4.82	DWEL Standard Unit
38	6930 EDGE CREEK ROAD		0040	0011	0097	6.53	DWEL Standard Unit
39	6922 THORNETON ROAD	7	0040	0011	0165	3.66	DWEL Standard Unit
40	25496 CHANCE FARM ROAD	2	0040	0011	0165	5.00	DWEL Standard Unit
41	6929 EDGE CREEK ROAD		0040	0012	0065	4.82	DWEL Standard Unit
42	25495 CHANCE FARM ROAD	4	0040	0011	0165	3.80	DWEL Standard Unit
43	25448 CHANCE FARM ROAD	1	0040	0011	0165	4.93	DWEL Standard Unit

44	25545 CHANCE FARM ROAD	5	0040	0011	0165	3.67	DWEL Standard Unit
45	6981 THORNETON ROAD		0040	0012	0068	4.82	DWEL Standard Unit
46	6960 THORNETON ROAD	6	0040	0011	0165	4.04	DWEL Standard Unit
47	25450 CHANCE FARM ROAD		0040	0011	0009	7.12	DWEL Standard Unit
48	7001 THORNETON ROAD		0040	0012	0048	4.82	DWEL Standard Unit
49	25500 CHANCE FARM ROAD	1	0040	0011	0167	3.50	DWEL Standard Unit
50	25452 CHANCE FARM ROAD		0040	0011	0149	2.46	DWEL Standard Unit
51	25460 CHANCE FARM ROAD	4	0040	0011	0167	3.52	DWEL Standard Unit
52	25474 CHANCE FARM ROAD	3	0040	0011	0167	3.39	DWEL Standard Unit
53	25482 CHANCE FARM ROAD	2	0040	0011	0167	3.50	DWEL Standard Unit

EXHIBIT "B"

Proposed S-1 Sewer Service; Thorneton Road, Royal Oak



0 500 1,000 Feet

Talbot County Public Works
March 21, 2013