

**MAYOR AND COUNCIL MEETING  
TUESDAY, JULY 12, 2016, 7:00 P.M.**

**AGENDA**

- 1. CALL TO ORDER, PLEDGE, AND ROLL CALL**
- 2. MAYOR'S REMARKS**
  - a. PLACE Presentation
  - b. New Hope Community Partnership Presentation
- 3. APPROVAL OF MINUTES**
  - a. Special Mayor & Council Meetings – May 18, 2016 & June 3, 2016
  - b. Public Hearing – June 14, 2016
  - c. Mayor & Council Meeting – June 14, 2016
- 4. CITIZENS' FORUM (PETITIONS, REMONSTRANCES, AND COMMUNICATIONS)**
- 5. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES**
- 6. REPORT OF OFFICERS - COUNCIL – COMMITTEES**
- 7. CONSENT AGENDA**
  - a. Public Works Purchase Approvals
    1. PO #PW-4448 – Bobcat of Frederick - Track Skid Loader with Snow Blower
    2. PO #PW-4449 – Bobcat of Frederick - Mini Excavator with Rock Spreader
    3. PO #PW-4451 – Hitch - Mini Paver
    4. PO #PW-4452 – Apple Ford Lincoln - ¾ Ton Pick-Up Truck
    5. PO #PW-4453 – McHenry – Zero Turn Mower
  - b. Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236) - Septic Tier Map
  - c. Water and Sewer Tap for 28 West H Street
  - d. Bike Registration Fee Waiver
- 8. UNFINISHED BUSINESS**
  - a. Sidewalk Improvement Program Payment Agreements
- 9. NEW BUSINESS**
  - a. Wenner Drive and H Street Easement
  - b. FY2017 Paving Project Change Order – vote anticipated
  - c. Dog Park Quotes – vote anticipated
  - d. 40-42 West Potomac Street Bond Acceptance – vote anticipated
  - e. Art in Public Places – Skate Park Graffiti Wall – vote anticipated
- 10. MISCELLANEOUS AND APPROPRIATIONS**
- 11. ADJOURNMENT**

7/7/2016 2:41 PM

**MAYOR AND COUNCIL MEETING**  
**July 12, 2016**

Suggested Motions

**Agenda item 3a – 3c – Approval of Minutes**

“I move to approve the Special Mayor and Council Meeting minutes from May 18 and June 3, 2016; the Public Hearing minutes from June 14, 2016; and the Mayor and Council Meeting minutes from June 14, 2016”

**Agenda item 7a – 7d – Consent Agenda**

“I move to approve the Consent Agenda items.”

**Agenda item 8a – Sidewalk Improvement Program**

“I move to approve the sidewalk improvement program payment plan agreements included in the agenda packet.”

“I move to make the approval process of applications for the sidewalk improvement program payment plan agreements an administrative process, whereby the Mayor, or designee, approves all applications subject to the budgeting of funds.”

**Agenda item 9b – FY2017 Paving Project Change Order**

“I move to approve the FY 2017 paving project being performed as a change order with extended pricing based on the bid process for the FY 2016 paving project.”

**Agenda item 9c – Dog Park Quotes**

“I move to award the dog park fence bid to Quality Fence and Deck Company in the amount of \$7,800.”

**Agenda item 9d – 40-42 West Potomac Street Bond Acceptance**

“I move to approve the Bond agreement for the purchase of 40-42 West Potomac Street.”

**Agenda item 9e – Art in Public Places – Skate Park Graffiti Wall**

“I move to approve the painting of the building at the skate park as a public art project.”

**City of Brunswick**  
**Mayor and Council Meeting Minutes**  
Wednesday, May 18, 2016, 5:30 P.M.

The May 18, 2016 City of Brunswick Mayor and Council meeting was called to order at 5:30 p.m. by Mayor Karin Tome at Brunswick City Hall. The following members and staff were present: Karin Tome, Mayor; Angel White, Mayor Pro Tem; Ellis Burruss, Carroll Jones, Harry Lashley, Jeff Snoots, and Walt Stull, Council Members; Bob McGrory, City Administrator; John Gerstner, Director of Public Works; Patrick Hoffmaster, Director of Utilities; and Kim Miller, Accountant.

Program Open Space Proposal

Mr. McGrory described the preliminary application for Program Open Space funding that the City submitted for consideration at the May 26, 2016 meeting of the Frederick County Municipalities. Mr. McGrory requested that the Council provide direction if it wished to withdraw the application prior to that meeting.

Fiscal Year 2017 Budget Discussion

Mr. McGrory described the improved reserves in the Water and Wastewater (Enterprise) Funds, and the proposed capital and operating budgets for each of those funds. Mr. Hoffmaster, followed by Mr. Gerstner, described some of the specific items proposed for the FY 2017 Water Fund Budget as well as the Wastewater Fund Budget. The Mayor and Council discussed specific budget items.

Mr. McGrory advised that Mr. Gerstner planned to use budgeted FY 2016 wastewater capital funds to purchase a used box truck for the sewer cameras to replace one that had been damaged in the roof collapse. He further advised that staff would submit to the County the proposed tax rate of \$0.44 per \$100 of assessed value.

Sidewalk Update

The Mayor and Council extensively discussed the sidewalk improvement program, in which a zero percent interest loan can cover the cost of installation or replacement of certain sidewalks.

Fiscal Year 2017 Budget Discussion (continued)

Mr. Gerstner described the proposed capital and operating budgets for the Public Works Department portion of the General Fund. The Mayor and Council discussed specific budget items. The Council agreed to increase the funding for Skate Park Improvements to \$12,000.

Ms. Miller described her analysis of the prior cost of living adjustments (COLA) and comparable benchmarks, which had been previously requested by the City Council. After discussion, Ms. White moved to approve a COLA of 1.5%. Mr. Snoots seconded the motion, which passed unanimously.

Ms. White mentioned the budget request provided by the City of Brunswick Economic Development Commission and requested the Council review the request.

Adjournment

Mr. Stull moved to adjourn the meeting. Ms. White seconded the motion, which passed by acclamation. The meeting adjourned at 8:16 p.m.

Submitted by: Bob McGrory

Approved By: \_\_\_\_\_ Witnessed By: \_\_\_\_\_  
Mayor Date City Administrator Date

**City of Brunswick**  
**Mayor and Council Meeting Minutes**  
Friday, June 3, 2016, 6:00 P.M.

The June 3, 2016 City of Brunswick Mayor and Council meeting was called to order at 6:00 p.m. by Mayor Karin Tome at Brunswick City Hall. The following members and staff were present: Karin Tome, Mayor; Angel White, Mayor Pro Tem; Ellis Burruss, Carroll Jones, Harry Lashley, Jeff Snoots, and Walt Stull, Council Members; Bob McGrory, City Administrator; Milt Frech, Chief of Police; and Kim Miller, Accountant.

Mayor Tome read the following announcement of a closed session. "The Brunswick City Council met in closed session on May 24, 2016 at 5:00 P.M. at City Hall to discuss personnel matters. The authority to close this meeting is found in Article 10-508 of the Annotated Code of Maryland. Mayor Tome, Mayor Pro Tem White, Council Members Burruss, Jones, Lashley, Snoots, and Stull, and Police Chief Frech were present. All members present voted to close the meeting. The Council discussed the following items:

- Personnel matters – discussed an employee disciplinary matter. The Council voted unanimously to concur with a disciplinary action recommended by the Mayor.

Fiscal Year 2017 Budget Discussion

Mr. McGrory reviewed the new budget report and the changes made thus far to the proposed Fiscal Year 2017 Budget, including changes to various line items. Ms. Allison Wilder, Chair of the City of Brunswick Economic Development Commission, described the Commission's recommendation for funding for Economic Development. Chief Frech described some of the specific items proposed for the FY 2017 Police Department Budget, including the proposed capital and operating portions. The Mayor and Council discussed specific budget items.

Mr. McGrory provided the updated pay scale with the COLA approved at the last meeting. Ms. Miller addressed Council inquiries about reserves, depreciation, and debt among the several funds. Council Members Lashley and Snoots updated the Council about the allocation of \$46,000 to Brunswick from Program Open Space Funds.

Adjournment

Mr. Stull moved to adjourn the meeting. Mr. Burruss seconded the motion, which passed by acclamation. The meeting was adjourned at 7:35 p.m.

Submitted by: Bob McGrory

Approved By: \_\_\_\_\_ Witnessed By: \_\_\_\_\_  
Mayor Date City Administrator Date

**City of Brunswick**  
**Mayor and Council Public Hearing Minutes**  
Tuesday, June 14, 2016, 7:00 P.M.

The June 14, 2016 City of Brunswick Public Hearing was convened at 7:00 P.M. by Mayor Karin Tome at Brunswick City Hall. The following members and staff were present: Karin Tome, Mayor; Angel White, Mayor Pro Tem; Ellis Burruss, Carroll Jones, Harry Lashley, Jeff Snoots, and Walt Stull, Council Members; Bob McGrory, City Administrator; Milt Frech, Chief of Police; John Gerstner, Public Works Superintendent; Carrie Myers, Office Manager; Kim Miller, Accountant; and Kimberly Drapeau, Project Coordinator.

Mr. McGrory gave background regarding Special Ordinance Number 521 – Fiscal Year 2017 Budget. No public comment was received.

Ms. White moved to adjourn the Public Hearing at 7:04 p.m. Mr. Lashley seconded, and the motion passed 6-0.

Submitted by: Carrie Myers

Approved By: \_\_\_\_\_ Witnessed By: \_\_\_\_\_  
Mayor Date City Administrator Date

**City of Brunswick**  
**Mayor and Council Meeting Minutes**  
Tuesday, June 14, 2016, 7:04 P.M.

The June 14, 2016 City of Brunswick Mayor and Council meeting was called to order at 7:04 p.m. by Mayor Karin Tome at Brunswick City Hall. The following members and staff were present: Karin Tome, Mayor; Angel White, Mayor Pro Tem; Ellis Burruss, Carroll Jones, Harry Lashley, Jeff Snoots, and Walt Stull, Council Members; Bob McGrory, City Administrator; Milt Frech, Chief of Police; John Gerstner, Public Works Superintendent; Carrie Myers, Office Manager; Kim Miller, Accountant; and Kimberly Drapeau, Project Coordinator.

Mayor's Remarks

- Mayor Tome discussed the upcoming Maryland Municipal League conference and the training opportunities available at the conference.
- Mayor Tome presented certificates of appreciation to the following individuals who were named state champions in track and field events: Erik Jones, Rosie Cicmanec, Vaughn Phillips, Alex Anukem, and Alosha Jeffers.
- Mayor Tome presented a certificate of appreciation to Grant Brown, who was a finalist in the "If I Were Mayor" contest sponsored by the Maryland Municipal League.
- Mayor Tome named Ruth Kline Staples as an Honorary History Commission Member. Vicki Dearing, History Commission, offered comments.
- Mayor Tome appointed Brent Hart to the Economic Development Commission. Ms. White made a motion to confirm the appointment. Mr. Snoots seconded the motion, which passed 6-0. Mayor Tome administered the Oath of Office to Mr. Hart.
- Jen Barbot read her speech from the 2016 Brunswick High School commencement.
- Mayor Tome introduced Costas Beauclair as a summer intern at City Hall and Kimberly Drapeau as the new Project Coordinator at City Hall.
- Harry George, Brunswick Main Street Board Member, narrated a presentation about the organization. Mayor Tome presented a certificate of appreciation and plant to Abbie Ricketts, past Chair of the Main Street Board of Directors.

Approval of Minutes

- Closed Meeting – May 10, 2016
- Closed Meeting – May 24, 2016
- Public Hearing – May 10, 2016
- Mayor & Council – May 10, 2016

Ms. White moved to approve the minutes. Mr. Stull seconded the motion, which passed 6-0.

Citizens' Forum (Petitions, Remonstrances, and Communications)

Comments were offered from Jerry Cayford, 6 First Avenue.

#### Introduction and Adoption of Resolutions and Ordinances

- Special Ordinance Number 521 – Fiscal Year 2017 Budget

Mr. Snoots read the special ordinance.

Mr. Burruss asked questions about debt service and requested that staff research the possibility of using reserve funds to pay down the City's debt. Several other Council Members agreed to direct staff to conduct such research.

Mr. Stull asked a question about street improvements and whether that line item could include center line striping on high profile City streets and was advised that it could.

Mr. Burruss began a dialog about funding for Brunswick Main Street. A lengthy conversation ensued and Mr. McGrory suggested that Brunswick Main Street could seek additional funding from the City at such time as the budgeted funds have been expended and additional funds are needed. Mr. McGrory further indicated that if there was a desire for a more extensive conversation about Main Street that could be added to a future agenda, as this agenda item relates to the budget ordinance.

Mr. Lashley moved to approve Special Ordinance 521, which adopted the Fiscal Year 2017 General, Enterprise, and Capital budgets. Mr. Stull seconded the motion, which passed 6-0.

#### Report of Officers – Council – Committees

Mr. McGrory gave a report including updates on the following projects: vacant property ordinance, bond bill for Museum purchase, Rivers Edge grant request, and City website preview.

Council Members provided updates on their Committee activities, including announcements related to the City of Brunswick Economic Development Commission, Brunswick Family Campground, Brunswick Senior Center, Fire Department, Ambulance Department, Greater Brunswick Area Chamber of Commerce, Brunswick Heritage Museum, Canal Towns, Brunswick Main Street, Park Heights Cemetery, and Sustainable Brunswick.

#### Consent Agenda

- Purchase Approval – Public Works – PO4438 – HD Supply
- Purchase Approval – Utilities – 01-17W – Hach
- Purchase Approval – Utilities – WW124 – Compressor Air Service
- Market Place at Brunswick Crossing - Public Works Agreement Package - Public Water
- Brunswick Crossing – Water & Sewer – Final Acceptance Sewer Outfall S-6
- Brunswick Crossing - Phase I Mass Grading – Guarantee Reduction
- Brunswick Crossing – Water & Sewer – Final Acceptance Phase IC
- Brunswick Crossing – Phase IIA Mass Grading – Guarantee Reduction
- Brunswick Crossing – Water & Sewer Final Acceptance – Phase IIA-1

- Brunswick Crossing – Water & Sewer Final Acceptance and Performance Bond Release – Phase IIA2-Part 1
- Brunswick Crossing – Section IIA-2 Part 2 – Public Works Agreement Package (Public Paving)
- Brunswick Crossing - Section IIA-2 Part 2 – Public Works Agreement Package (Public Storm Drain)
- Brunswick Crossing - Section IIA-2 Part 2 – Public Works Agreement Package (Public Water & Sewer)
- Brunswick Crossing – Section IIIA Part 1- Public Works Agreement Package (Public Paving)
- Brunswick Crossing – Section IIIA Part 1 – Public Works Agreement Package (Public Storm Drain)
- Brunswick Crossing – Section IIIA Part 1 – Public Works Agreement Package (Public Water & Sewer)
- Brunswick Crossing – Section IIIA Part 2 – Public Works Agreement Package (Public Paving)
- Brunswick Crossing – Section IIIA Part 2 – Public Works Agreement Package (Public Storm Drain)
- Brunswick Crossing – Section IIIA Part 2 – Public Works Agreement Package (Public Water & Sewer)

Mr. Burruss moved to approve the Consent Agenda. Mr. Snoots seconded the motion, which passed 6-0.

#### Unfinished Business

- Sidewalk Program

Mr. Burruss discussed a proposal for the City to fund sidewalk replacement through general fund reserves and grant funding. A lengthy discussion ensued and most Council Members agreed that a program for replacement and funding should be thoroughly vetted, whether it be funded by the City or property owners. Council Member Jones suggested having a Public Hearing on this topic.

#### New Business

- City Trash and Waste Collection and Removal Contract Renewal

Mr. Burruss mentioned he thought the City should consider bringing this task in-house. He discussed his desire to re-bid this contract and ask the City's Public Works Department to provide a bid. The general consensus of the other Council Members was to keep the contract with Key Sanitation.

Mr. Lashley moved to extend the contract with Key Sanitation by three more years. Mr. Snoots seconded the motion, which passed 5-1, with Mr. Burruss opposed.

Mr. Burruss brought up the proposal described by Jerry Cayford during Citizen's Forum. Mr.





# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## Department of Public Works Mayor & Council Monthly Report for June 2016

Water Line Repairs and Maintenance -- New service lines on N. Maple, Program new flow meters, P/U & deployed Patrollers.

Sewer Line Repairs -- Sewer Maintenance, Camera Sewer Lines

Water Valve Maintenance----N/A

Fire Hydrant Maintenance-----N/A

Street Repair and Maintenance----Hot Mix New water service lines

CIP Projects---N/A

Storm Drain Maintenance--- Unclogged Storm Drain, and cleaning of storm drain

Miscellaneous Tasks and Maintenance---Work on Skate Park, Graded Tow-Path, Marked Miss Utility Tickets, Side Walk inspections, Repaired Silt Fence at Sports Complex, Delivered Mulch, Work on Police Dept. Building, Clean out brush off of boat ramp.

Construction and Contractor Support----N/A

Water Meters

Safety

## JUNE 2016 WATER METER/ SAFETY REPORT

### Meters:

Settlements – 31  
Replacements – 6  
Repairs – 4  
High Bill Investigations – 6  
New Meter Installs – 10  
Meter Inspections – 8  
U&O Inspections – 6  
Cut-offs- 29

Completed the reading of all City water meters for the July 2016 billing.

Completed water service “cut-offs” for past due/ delinquent accounts.

Provided and coordinated a Pool Meter Program to aid water customers in tracking their water usage for filling pools.

Purchased new Trimble Handheld (meter reading device) to interface with new technology featured on our latest water meter installs.

### Safety:

Purchased new shock absorbing lanyard for Fall Protection and continued to update our Personal Protective Equipment (PPE) supply.

Completed the monthly fire extinguisher inspection.

## Brunswick WWTP Operations & Projects June 2016

- 1) Ran Belt Press twice weekly
- 2) Backflushed SBR's bi-weekly
- 3) Cleaned Pista Grit vacuum bowl weekly
- 4) Burns septic & staff pumped down and cleaned the Galyn Manor and Potomac Street pumping stations
- 5) Burns septic & staff pumped down and cleaned the equalization tank
- 6) Jesse Powers and Steven Welch started at the WWTP
- 7) Jesse Powers and Steven Welch were fit tested for SCBA
- 8) Staff performed new cleaning duties on outside asphalt areas as part of the storm water pollution prevention plan
- 9) Patrick and staff installed a new gritter discharge pipe to the dumpster
- 10) Staff worked on pulling weeds and cleaning outside areas around the WWTP
- 11) Patrick and Micro tech designs worked on some computer issues the WWTP SCADA system
- 12) Todd, Patrick and staff worked on running dual 480 volt electric feed lines for the new air compressor
- 13) New air compressor installed by capital compressor and staff

## **WATER PLANT PROJECTS & MAINTENANCE –June 2016**

- 1) Tested all chlorine gas detectors
- 2) Calibrated all chemical feeders
- 3) Received chemical deliveries of Caustic, Acid, Del-pac, Hypo-chlorite, Carbon and Potassium Permanganate
- 4) Drained and cleaned both sedimentation basins
- 5) Ken Dennis with Dennison chlorination did the annual service on all LMI feeders and Regal chlorine gas regulators
- 6) A New generator was installed at Yourtee Springs
- 7) After a strong thunderstorm the WTP staff addressed damages caused by lighting to electrical components at the 1 Million gallon elevated storage tank
- 8) Replaced the feed tube and oil in the Carbon feeders
- 9) Roberts electric motors removed the drive assembly to #2 Carbon feeder to repair it at their shop
- 10) Received Caustic, Acid, Delpac, Carbon and Permanganate deliveries from Univar
- 11) Divers from Costal Marine performed the annual intake screen cleaning and wet well cleaning
- 12) A hypo-chlorite leak was repaired at the 1 million gallon elevated storage tank. The Injection quill and assembly was also removed and cleaned
- 13) Staff trimmed and mowed at the WTP, Intake and springs
- 14) Burns septic pumped the settled solids out of the Decant well



# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## **June Planning/Code Staff Report** **Mayor and Council 7-12-2016**

### **Planning**

- Staff received final signatures on Section III A Brunswick Crossing.
- Staff met with Contractors on for Gum Springs Estates, B St. and D St.
- Staff worked with economic development coordinator on business development.
- Staff met with County Permitting to improve County/Municipal permit process.
- Staff attended County/Municipal planners meeting.
- Staff submitted Annual Planning Report to Planning Commission and State Department of Planning (MDP).
- Staff prepared report for not adopting septic tier map as part of our Comprehensive Plan to be sent to MDP.
- Staff recieved plat for 27&29 E. B Street.
- Staff met with Habitat on C Street project.
- 29 Zoning Certificates issued June
- 7 U&O's issued June
- No BoA meeting in June and no meeting is scheduled for July.
- Planning Commission met in June a meeting is scheduled for July 25, 2016.

**ZC Log 2016**

<b>ID</b>	<b>ZC #</b>	<b>Tax ID #</b>	<b>Date Approved</b>	<b>Parcel #</b>	<b>Name of Owner/Applicant</b>	<b>Street #</b>	<b>Street Address</b>	<b>Improvement/Use</b>
142	<u>16-142</u>		6-2-16		Bonnie Henry	500	Brunswick St	Event
143	<u>16-143</u>	25-487478	6-3-16	311	Kwame Boateng-Berhiako	3	Evan Ct	Fence
144	<u>16-144</u>	25-590997	6-3-16	33 NN	Tom Diggs/Frederick Fence	621	Potomac View Pkwy	Fence
145	<u>16-145</u>	25-480120	6-6-16	1791	Eric Moore Gen Cont	906	East C St.	Deck
146	<u>16-146</u>	25-591969	6-7-16	37 KK	Alfred & Renee Decker	1129	Long Farm Cir	Deck
147	<u>16-147</u>	25-591954	6-8-16	33D	Ryan Homes	1312	Village Green Way	TH
148	<u>16-148</u>	25-591953	6-8-16	32D	Ryan Homes	1310	Village Green Way	Townhouse
149	<u>16-149</u>	25-591952	6-8-16	31D	Ryan Homes	1308	Village Green Way	Townhouse
150	<u>16-150</u>	25-591951	6-8-16	30D	Ryan Homes	1306	Village Green Way	Townhouse
151	<u>16-151</u>	25-591950	6-8-16	29D	Ryan Homes	1304	Village Green Way	Townhouse
152	<u>16-152</u>	25-465237	6-10-16	1887	Stephen Simpson	710	E A St.	Repair Deck
153	<u>16-153</u>	25-466926	6-14-16	1745	Eric Moore Gen Contr.	906	E. E St	Demolition
154	<u>16-154</u>	25-478452	6-14-16	944	Beth Johnson	1	E Potomac St	Event
155	<u>16-155</u>	25-466659	6-15-16	1015	Blue Line Home Improv./Drew Peters	506	E A St	Renovations
156	<u>16-156</u>	25-479025	6-16-16	1363	Rite Aid/Farrell McGlynn Arch	92	Souder Rd	Renovations
157	<u>16-157</u>	25-466128	6-16-16	929	Eric Lindland/ Kurt Brown	17	W. Potomac St	Business License/Change of Business Owner
158	<u>16-158</u>	25-465741	6-20-16	622	Sam Edgin	12	N. Virginia Ave	Renovations
159	<u>16-159</u>	25-416709/478452`	6-20-16	0943/0944	City EDC	1	E. Potomac Street	City
160	<u>16-160</u>	25-473558	6-20-16	260	Wayne Denier	35	e. Orndorff	Deck
161	<u>16-161</u>	25-491963	6-23-16	29/6	Preston Parsard/Solar City	1305	Moore Spring Ct	Solar Panels
162	<u>16-162</u>	25-590950	6-23-16	41 KK	Ryan	1137	Long Farm Circle	SFD
163	<u>16-163</u>	25-591996	6-23-16	55 PP	Ryan	404	Potomac View Pkwy	SFD
164	<u>16-164</u>	25-589873	6-23-16	2 D	Ryan	1421	Village Green Way	SFD

**ZC Log 2016**

ID	ZC #	Tax ID #	Date Approved	Parcel #	Name of Owner/Applicant	Street #	Street Address	Improvement/Use
165	<u>16-165</u>	25-491629	6-23-16	2 II	Ryan	1315	Yourtee Spring Dr.	SFD
166	<u>16-166</u>	25-470044	6-27-16	1300	Steven Petruzzello	28	W H St.	SFD
167	<u>16-167</u>	25-491572	6-27-16	12	Olufemi Aborisade	1408	Volunteer Dr	Solar Panels
168	<u>16-168</u>	25-472160	6-28-16	1322	Diane Ellis/ Frederick Fence	704	N. Maple Ave	Fence
169	<u>16-169</u>	25-492242	6-30-16	41 FF	Robert Morris/Brendan Casey	1202	Volunteer Drive	Deck
170	<u>16-170</u>	25-467051	6-30-16	844	Claude Darr	209	W B St	Shed

**U&O Log 2016**

Item #	U&O #	Receipt Date	Street #	Street Address	Zoning Certificate #	AP #	Issuance Date
37	16-37	6-8-16	1280	Drydock St	Ryan	137182	6-8-16
38	16-38	6-9-16	1210	Volunteer Dr	Ryan	140322	6-9-16
39	16-39	6-13-16	1142	Dargon Quarry Ln	Ryan	139364	6-13-16
40	16-40	6-13-16	1112	Dargon Quarry Ln	Ryan	139365	6-13-16
41	16-41	6-13-16	1278	Drydock St	Ryan	137181	6-13-16
42	16-42	6-13-16	1282	Drydock St	Ryan	137183	6-13-16
43	16-43	6-23-16	1125	Long Farm Cir	Ryan	140798	6-23-16

**MONTHLY CODE ENFORCEMENT REPORT**

<b>Violations</b>	<b>June 2016</b>	<b>YTD January-June 2016</b>	<b>Past January-June 2015</b>
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**WARNINGS**

Vehicles/ Vehicle repair	3/0	4/0	8/1
Property trash/ Unsec. prop.	6/0	27/0	28/0
Property Repair/Property Maint.	0/0	3/3	1/7
Overgrowth /Unsanitary Dwell.	24/0	53/1	34/2
Vac. prop.trash/ Unsec.vac prop.	0/1	7/4	4/4
S.walk repair/ S.Walk Trash	0/0	0/3	2/0
Littering	1	5	2
Vacant Overgrowth	3	15	20
Animal Waste / Snow and Ice	0/0	1/122	0/272
Livestock	0	0	3
Trash Cans /Signs	0/3	4/5	4/3
<b>Warning Totals</b>	<b>41</b>	<b>257</b>	<b>395</b>

**CITATIONS**

Vehicles/ Vehicle repair	0/0	0/0	0/0
Property trash/ Unsec. prop.	0/0	0/0	2/0
Property Repair/ Property Maint.	0/0	0/2	2/23
Overgrowth/ Unsanitary Dwell.	5/0	6/0	1/1
Vac. prop. trash,/ Unsec. vac.	0/0	2/0	3/6
S walk repair/ S walk trash	0/0	0/0	10/0
Littering	0	0	0
Vacant Overgrowth	1	3	4
Animal Waste/ Snow and Ice	1/0	2/3	0/4
Livestock	0	0	0
Trash Cans	0	0	0
Signs	0	0	2
<b>Citation Totals</b>	<b>7</b>	<b>18</b>	<b>58</b>
<b>Complaints</b>	<b>9</b>	<b>59</b>	<b>30</b>



## Brunswick Police Department Monthly Report

Reporting Month and Year: June 2016

### Traffic Enforcement Activity

	Month	YTD	PY Month	PY YTD
Maryland State Citations:	51	161	52	236
Maryland State SEROS:	20	61	4	27
Warning Citations:	99	392	98	441
Parking Citations:	17	115	43	142

### Parking Enforcement Revenue

	Month	YTD	PY Month	PY YTD
Fines Collected:	*	*	*	*
Meter Collections:	*	*	*	*

### Crime Report

	Month	YTD	PY Month	PY YTD
Calls for Service	769	4993	1103	7387
Homicide	0	0	0	0
Rape	0	1	1	1
Robbery	0	0	0	1
Assault	7	59	10	63
B&E	2	11	0	6
Theft	1	22	9	30
Auto Theft	0	0	0	0
Motor Vehicle Accidents	6	61	10	49



**Brunswick Police Department**  
**Call Type Counts Listing**  
**June 1, 2016 to June 30, 2016**

Call Type	Counts
NARCOTICS - FCPD SEND TWO CARS	1
NOISE COMPLAINT	4
NOTIFICATIONS	1
OPEN OR 911 HANG-UP	30
OVERDOSE - SEND AMBULANCE	3
PARKING VIOLATIONS	19
PATROL CHECK (BRUNSWICK)	211
PERSONAL INJURY ACCIDENT	2
POLICE INFORMATION	10
POLICE TRAINING / EDUCATION	5
PROPERTY DAMAGE ACCIDENT	6
RELAY OR 10-5	4
REPO / TOW AWAY	3
REQUEST OFFICER	87
RESIDENTIAL	2
RESIDENTIAL HOLD UP - ALERT TONE	1
ROADWAY HAZARD	2
SCHOOL	4
SELECTIVE ENFORCEMENT TRAFFIC OR SPEED	42
SEX OFFENSE	1
SPECIAL ASSIGNMENTS	5
SUICIDE - ATTEMPTED ALSO	2
SUSPICIOUS ACTIVITY / VEHICLE OR PERSON	4
SUSPICIOUS PERSON	4
SUSPICIOUS VEHICLE	6
TALKS / CRIME PREVENTION / COMMUNITY RELATIONS	6
TAMPERING WITH A VEHICLE	1
THEFT / STOLEN / SHOPLIFTING - EXCEPT VEHICLE	7
TOW-A-WAY BY TOW COMPANY	2
TRAFFIC COMPLAINT/ ALSO TRAFFIC DETAIL	2
TRESPASSING	1
VEHICLE STOP (BRUNSWICK)	81
VEHICLE THEFT / UNAUTHORIZED USE	2



**Brunswick Police Department**  
**Call Type Counts Listing**  
**June 1, 2016 to June 30, 2016**

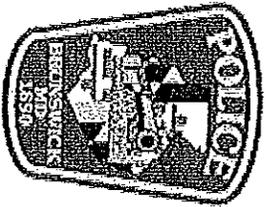
<b>Call Type</b>	<b>Counts</b>
ABANDONED / UNATTENDED VEHICLE	2
ANIMAL COMPLAINTS	4
ASSAULT - OCCURED EARLIER	1
ASSAULT IN PROGRESS - ALERT TONE	2
ASSAULT WITH INJURY	1
ASSIST FIRE DEPARTMENT	10
ASSIST OTHER AGENCY - SPECIFY	1
ASSIST OTHER PD (SHERIFF)	19
ATTEMPT TO LOCATE - ADD TO LOOKOUT FILE	2
BURGLAR ALARM	2
CHILD / JUVENILE ABUSE	1
COMMERCIAL	6
COURT - BPD	3
COURT PAPERWORK	1
DESTRUCTION OF PROPERTY / VANDALISM	6
DISABLED VEHICLE	2
DISORDERLY CONDUCT - INTOXICATED SUBJECT	2
DISTURBANCE - ALL GATHERINGS	10
DOMESTIC	6
DOMESTIC IN PROGRESS - ALERT TONE	6
EMERGENCY EVALUATION	2
FIREWORKS COMPLAINT	1
FOLLOW UP - ALL TYPES	45
FOUND PROPERTY	2
FRAUD	6
FUNERAL ESCORT	1
HARRASSMENT	3
HIT AND RUN PROPERTY DAMAGE	1
JUVENILE COMPLAINT	1
MENTAL PERSON	4
MISSING PERSON	3
MUNICIPAL INFRACTION	1



*Brunswick Police Department  
Call Type Counts Listing  
June 1, 2016 to June 30, 2016*

<i>Call Type</i>	<i>Counts</i>
VERBAL DISPUTE - NON DOMESTIC	2
WALKING PATROL	37
WARRANT SERVICE (BPD)	3
WEAPONS VIOLATIONS - FCPD SEND TWO CARS	1
WELFARE CHECKS	8

*Total Number of Calls: 769*



**Brunswick Police Department**  
**Listing of Arrests**  
**June 1, 2016 to June 30, 2016**

Case ID	Date	Time	Charge	Status	Reason Type	Officer	Disposition
2016003885	06/04/2016	19:49	ROGUE AND VAGABOND	CLOSED/CLEARED	ADULT	JAMES LEDWELL	CLEARED BY ARREST
2016004323	06/05/2016	01:05	COS. POSSESSION OF MARIJUANA	CLOSED/CLEARED	ADULT	JAMES LEDWELL	CLEARED BY ARREST
2016004325	06/05/2016	07:14	HARASSMENT-ANNOYING PHONE CALLS	CLOSED/CLEARED	ADULT	WILBUR JESSON	CLEARED BY ARREST
2016004423	06/09/2016	18:40	ASSAULT, 2ND DEGREE (SIMPLE ASSAULT)	CLOSED/CLEARED	ADULT	JAMES LEDWELL	CLEARED BY ARREST
2016004520	06/12/2016	22:35	FAIL TO REMAIN AT SCENE OF ACCIDENT	CLOSED/CLEARED	JUVENILE	WILBUR JESSON	CLEARED BY ARREST
2016004476	06/13/2016	22:37	RUNAWAY	CLOSED/CLEARED	JUVENILE	JAMES LEDWELL	CLEARED BY ARREST
2016003886	06/15/2016	22:00	ASSAULT, 2ND DEGREE (SIMPLE ASSAULT)	CLOSED/CLEARED	ADULT	BRANDON SMITH	CLEARED BY ARREST
2016004649	06/17/2016	17:41	DRIVING ON SUSPENDED LIC AND PRIV	CLOSED/CLEARED	ADULT	CHRISTOPHER HANDLER	CLEARED BY ARREST
2016004630	06/18/2016	10:05	THEFT, ALL OTHER \$1,000-\$100,000+	CLOSED/CLEARED	JUVENILE	JACQUELYN DRUKTENIS	CLEARED BY ARREST
2016004755	06/22/2016	21:58	DRIVING VEH. WHILE UNDER INFLUENCE OF ALCOHOL (DWI)	CLOSED/CLEARED	ADULT	JACQUELYN DRUKTENIS	CLEARED BY ARREST
2016004765	06/24/2016	21:33	OTHER AGENCY WARRANT/SUMMONS SERVICE	CLOSED/CLEARED	ADULT	KEVIN LINEHAN	CLEARED BY ARREST
2016004841	06/26/2016	00:40	DRIVING ON SUSPENDED LIC AND PRIV	CLOSED/CLEARED	ADULT	JAMES LEDWELL	CLEARED BY ARREST
2016004874	06/26/2016	21:55	FAIL TO RETURN/REMAIN AT PROPERTY DAMAGE ACCIDENT	CLOSED/CLEARED	ADULT	CHRISTOPHER HANDLER	CLEARED BY ARREST
2016004877	06/27/2016	04:00	DRIVER FAIL TO STOP AFTER UNATTENDED PD ACCIDENT	CLOSED/CLEARED	ADULT	CHRISTOPHER HANDLER	CLEARED BY ARREST
2016004885	06/27/2016	19:05	ASSAULT, 2ND DEGREE (SIMPLE ASSAULT)	CLOSED/CLEARED	ADULT	JACQUELYN DRUKTENIS	CLEARED BY ARREST
2016004932	06/29/2016	11:10	OTHER AGENCY WARRANT/SUMMONS SERVICE	CLOSED/CLEARED	ADULT	KEVIN LINEHAN	CLEARED BY ARREST

Total Number of Arrests: 16

**Mayor & Council Meeting  
Consent Agenda Summary  
July 12, 2016**

The Council is being asked to consider the following items as the Consent Agenda:

- **Item #7a (1-5) – Public Works Purchase Approvals**

Purchase Order #PW-4448 is for Bobcat of Frederick in the amount of \$76,918, to purchase a track skid loader with a snow blower.

Purchase Order #PW-4449 is for Bobcat of Frederick in the amount of \$64,950, to purchase a mini excavator with a rock spreader.

Purchase Order #PW-4451 is for Hitch in the amount of \$51,126, to purchase a mini paver.

Purchase Order #PW-4452 is for Apple Ford Lincoln in the amount of \$23,778, to purchase a ¾ ton pick-up truck.

Purchase Order #PW-4453 is for McHenry in the amount of \$9,410, to purchase a zero turn mower.

- **Item #7b – Sustainable Growth and Agricultural Preservation Act of 2012 – Senate Bill 236 – Septic Tier Map**

The Planning Commission recommends to not add the Septic Tier map to the City Comprehensive Plan at this time and review, including the map, during the regular ten year cycle review. The Commission also recommends that a letter be forwarded to the Maryland Department of Planning stating the City's position.

- **Item #7c – Water and Sewer Tap for 28 West H Street**

Staff recommends allocation of one sanitary sewer tap and one water tap with noted conditions.

- **Item #7d – Bike Registration Fee Waiver**

Organizers of the August First Friday would like to conduct bike registration during this event. Chief Frech recommends the City suspend the \$.50 fee associated with each registration.

CITY OF BRUNSWICK, MD  
1 WEST POTOMAC ST.  
BRUNSWICK, MD 21716

**PURCHASE ORDER**

VENDOR: *Bobcat of Frederick*

DATE: *7-5-2016*

P.O. NO.: *PW-4448*

SHIP TO: *PW*

INVOICE TO: City Administrator  
City Hall  
1 West Potomac St.  
Brunswick, MD 21716

*30-530-12-8003*

1. Direct all payment inquiries to 301-834-7500.
2. Avoid partial invoices. Do not combine different purchase orders on one invoice.
3. Price to include F.O.B. delivery to building, applicable taxes and insurance, unless specifically stated otherwise.
4. Prepay all freight shipments.
5. Seller agrees to be bound by the terms and conditions on this order. No modifications or additions shall be binding upon purchaser unless agreed to in writing. Please place purchase order number on packing slips and invoices.

QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
<i>1</i>	<i>T770 T4 Bobcat Compact Track loader with attachments</i>			
<i>1</i>	<i>SB 240 snowblower 84" width See Attached Papers</i>			

SHIPPING *N/A*

TOTAL *\*76,918.<sup>00</sup>*

Approved by: *John Genter*



# Bobcat®

## Product Quotation

Quotation Number: 22975D023162

Date: 2016-03-17 14:45:50

Ship to	Bobcat Dealer	Bill To
CITY OF BRUNSWICK 1 WEST POTAMAC ST. BRUNSWICK, MD 21716	Bobcat of Frederick, Frederick, MD 7649 HAYWARD ROAD FREDERICK MD 21702 Phone: (301) 378-0491 Fax: (301) 378-0537  ----- Contact: Alex Gardner Phone: 301-378-0491 Fax: 301-378-0537 Cellular: 240-405-0306 E Mail: agardner@bobcatoffrederick.com	CITY OF BRUNSWICK 1 WEST POTAMAC ST. BRUNSWICK, MD 21716

Description	Part No	Qty	Price Ea.	Total
<b>T770 T4 Bobcat Compact Track Loader</b>	M0285	1	\$74,337.00	\$74,337.00
92 HP Turbo Tier 4 Diesel Engine	Lift Arm Support			
Air Intake Heater (Automatically Activated)	Lift Path: Vertical			
Auxiliary Hydraulics: Variable Flow	Lights, Front & Rear			
Backup Alarm	Operator Cab			
Bob-Tach	Includes: Adjustable Suspension Seat, Top & Rear			
Bobcat Interlock Control System (BICS)	Windows, Seat Bar, Seat Belt			
Controls: Bobcat Standard	Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471			
Engine/Hydraulic Systems Shutdown	Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)			
Horn	Parking Brake: Spring Applied, Pressure Released (SAPR)			
Instrumentation: Engine Temp & Fuel Gauges, Hourmeter, RPM and Warning Lights	Tracks: Rubber, 17.7" wide			
	Warranty: 12 Months, Unlimited Hours			
<b>A91 Option Package</b>	M0285-P01-A91	1	\$10,137.00	\$10,137.00
Cab Enclosure with Heat and AC	Engine Block Heater			
High Flow Hydraulics	Attachment Control Kit			
Sound Reduction	Cab Accessories Package			
Hydraulic Bucket Positioning	Two Speed Travel			
Power Bob-Tach	3-Point Seat Belt			
Deluxe Instrument Panel				
Keyless Start				
Selectable Joystick Controls (SJC)	M0285-R01-C04	1	\$1,765.00	\$1,765.00
80" C/I Heavy Duty Bucket	6726344	1	\$1,535.00	\$1,535.00
SB240 Snowblower - 84" Width	M7006	1	\$6,250.00	\$6,250.00
--- 8.0 Hyd Motor Package (21 - 26 gpm)	M7006-R01-C03	1	\$1,125.00	\$1,125.00
<b>Total of Items Quoted</b>				<b>\$95,149.00</b>
Dealer P.D.I.				<b>\$350.00</b>
Freight Charges				<b>\$1,176.00</b>
Dealer Assembly Charges				<b>\$43.00</b>
Discount DISCOUNT				<b>(\$19,800.00)</b>
<b>Quote Total - US dollars</b>				<b>\$76,918.00</b>

Notes:

CITY OF BRUNSWICK, MD  
1 WEST POTOMAC ST.  
BRUNSWICK, MD 21716

PURCHASE ORDER

VENDOR: Bobcat of Frederick

DATE: 7-5-2016

P.O. NO.: PW-4449

SHIP TO: PW

INVOICE TO: City Administrator  
City Hall  
1 West Potomac St.  
Brunswick, MD 21716

20-532-23-8003

1. Direct all payment inquiries to 301-834-7500.
2. Avoid partial invoices. Do not combine different purchase orders on one invoice.
3. Price to include F.O.B. delivery to building, applicable taxes and insurance, unless specifically stated otherwise.
4. Prepay all freight shipments.
5. Seller agrees to be bound by the terms and conditions on this order. No modifications or additions shall be binding upon purchaser unless agreed to in writing. Please place purchase order number on packing slips and invoices.

QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
1	E50 T4 Bobcat Compact Excavator			
1	HB 980 Hydraulic Breaker with mail Point			
	See attached Paper			

SHIPPING N/A

TOTAL \$64,950.00

Approved by:

*John Bertha*



# Bobcat®

## Product Quotation

Quotation Number: 22975D023193

Date: 2016-05-31 16:20:49

Ship to	Bobcat Dealer	Bill To
CITY OF BRUNSWICK 1 WEST POTAMAC ST. BRUNSWICK, MD 21716	Bobcat of Frederick, Frederick, MD 7649 HAYWARD ROAD FREDERICK MD 21702 Phone: (301) 378-0491 Fax: (301) 378-0537  ----- Contact: Alex Gardner Phone: 301-378-0491 Fax: 301-378-0537 Cellular: 240-405-0306 E Mail: agardner@bobcatoffrederick.com	CITY OF BRUNSWICK 1 WEST POTAMAC ST. BRUNSWICK, MD 21716

Description	Part No	Qty	Price Ea.	Total
<b>E50 T4 Bobcat Compact Excavator</b>	M3219	1	\$66,672.00	\$66,672.00
49.8 HP Tier 4	Engine/Hydraulic Monitor with Shutdown			
Auto Idle	Fingertip Auxiliary Hydraulic Control			
Auto-Shift	Fingertip Boom Swing Control			
Auxiliary Hydraulics, Selectable Flow with Boom Mounted	Horn			
Flush Face Quick Couplers	Hydraulic Joystick Controls			
Cab Forward Standard Display	Rubber Track			
Canopy	Two-Speed Travel (with Auto-Shift)			
Includes: Cup Holder, Retractable Seat Belt, Suspension Seat with High Back	Vandalism Protection			
Roll Over Protective Structure (ROPS)- Meets Requirements of ISO 12117-2: 2008	Warranty: 12 Months, Unlimited Hours			
Tip Over Protective Structure (TOPS) - Meets Requirements of ISO 12117: 2000	Work Lights			
Control Console Locks	X-Change (Attachment Mounting System)			
Control Pattern Selector Valve (ISO/STD)				
Dozer Blade with Float				
A51 Option Package	M3219-P01-A51	1	\$7,681.00	\$7,681.00
Cab Enclosure with Heat and Air Conditioning	Hydraulic X-Change			
Deluxe Cloth Suspension Seat				
Long Arm w/ Enlarged Counterweight	M3219-R03-C02	1	\$2,033.00	\$2,033.00
24" Base Class 4	M7022	1	\$0.00	\$0.00
--- 24" X-Change Severe Duty Trenching Bucket, Class 4	M7022-R01-C02	1	\$1,245.00	\$1,245.00
HB980 Hydraulic Breaker with Nail Point	7113421	1	\$7,860.00	\$7,860.00
--- X-Change Mounting Cap - HB880/HB980 and PCF64 plate compactor	7113657	1	\$475.00	\$475.00
--- Hose Kit - HB980/HB1180 (Long Arm)	6728967	1	\$195.00	\$195.00
<b>Total of Items Quoted</b>				<b>\$86,161.00</b>
Dealer P.D.I.				<b>\$250.00</b>
Freight Charges				<b>\$1,503.00</b>
Dealer Assembly Charges				<b>\$0.00</b>
Discount DISCOUNT				<b>(\$22,964.00)</b>
<b>Quote Total - US dollars</b>				<b>\$64,950.00</b>

Notes:

CITY OF BRUNSWICK, MD  
1 WEST POTOMAC ST.  
BRUNSWICK, MD 21716

PURCHASE ORDER

VENDOR: *Hitch*

DATE: *7-5-2016*

SHIP TO: *PW*

P.O. NO.: *PW-4451*

INVOICE TO: City Administrator  
City Hall  
1 West Potomac St.  
Brunswick, MD 21716

*30-530-12-8003*

1. Direct all payment inquiries to 301-834-7500.
2. Avoid partial invoices. Do not combine different purchase orders on one invoice.
3. Price to include F.O.B. delivery to building, applicable taxes and insurance, unless specifically stated otherwise.
4. Prepay all freight shipments.
5. Seller agrees to be bound by the terms and conditions on this order. No modifications or additions shall be binding upon purchaser unless agreed to in writing. Please place purchase order number on packing slips and invoices.

QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
<i>1</i>	<i>MG-7 Pavymat Mini Paver</i>			<i>\$44,800.00</i>
	<i>Training</i>			<i>\$2500.00</i>
	<i>Secondary Automatic Grade/Pitch Control</i>			<i>2826.00</i>
	<i>Ⓚ</i>			

SHIPPING *\$1000.00*

TOTAL *\$51,126.00*

Approved by: *Am Genter*



# Malavasi Pavijet Mini Pavers

Proposal for City of Brunswick, MD December 28, 2015

## Pricing

### Features Included

- One Pavijet Mini Paver Model MG7 with the following features:
- Connects to a skid/wheel loader or similar machine
  - Direction of movement: Forward
  - Paving width from 7.87" to 74.8" (0.20 to 1.90m)
  - Paving thickness from 1.96" to 9.84" (5 to 25cm)
  - Hopper capacity 1.83 cubic yards (1.4 cubic meters) / 3.75 tons asphalt
  - No. 1 cable control 78.74" (2m)
  - No. 1 radio remote control
  - No. 1 battery pack 20 Ah
  - No. 1 gas bottle 11 lbs. (5 kg) for screed heating + No. 1 pressure reducer
  - No. 1 hand pump for washing
  - All controls are hydraulic
  - Possibility of material loading directly from the truck to the front of hopper
  - Overall dimensions (closed): Height 63" (1.60m) Length 39.37" (1.00m) Width 74.8" (1.90m)
  - Weight 1,568 lbs (711 kg)
  - Vibrating screed 60 Hz / 12 Volt
  - Automatic self leveling depth system
  - Automatic system to stop the flow of material
  - Requires a 10 lb. propane tank (customer must supply)

Total Equipment Price:	\$	44,800
Options: Training Fee	\$	2,500
<i>(If customer does not have Hitek provide training, the warranty is void.)</i>		
Spare Parts (see attached list)	\$	6,352
Secondary Automatic Grade/Pitch Control	\$	2,826
ESTIMATED Freight:	\$	1,000

\*All prices are subject to change, depending on the exchange rate at the time of order. Quote is valid for 30 days. Prices are FOB Kenosha, WI and do not include any taxes, if applicable.

Warranty 1 Year excluding electrical parts (refer to Statement of Warranty)

Payment Terms 50% with order  
50% upon shipment

CITY OF BRUNSWICK, MD  
1 WEST POTOMAC ST.  
BRUNSWICK, MD 21716

PURCHASE ORDER

VENDOR: *Apple Ford Lincoln*

DATE: *7-5-2016*

P.O. NO.: *PW-4452*

SHIP TO: *PW*

INVOICE TO: City Administrator  
City Hall  
1 West Potomac St.  
Brunswick, MD 21716

*30-530-12-8004*

1. Direct all payment inquiries to 301-834-7500.
2. Avoid partial invoices. Do not combine different purchase orders on one invoice.
3. Price to include F.O.B. delivery to building, applicable taxes and insurance, unless specifically stated otherwise.
4. Prepay all freight shipments.
5. Seller agrees to be bound by the terms and conditions on this order. No modifications or additions shall be binding upon purchaser unless agreed to in writing. Please place purchase order number on packing slips and invoices.

QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
<i>1</i>	<i>F-250 4x4 regular cab pick up truck</i>			

SHIPPING *N/A*

TOTAL *\$23,778.<sup>00</sup>*

Approved by: *John Kestner*



CITY OF BRUNSWICK, MD  
1 WEST POTOMAC ST.  
BRUNSWICK, MD 21716

**PURCHASE ORDER**

VENDOR: *McHenry*

DATE: *7-5-2016*

P.O. NO.: *PW-4453*

SHIP TO: *PW*

INVOICE TO: City Administrator  
City Hall  
1 West Potomac St.  
Brunswick, MD 21716

*30-530-12-8003*

1. Direct all payment inquiries to 301-834-7500.
2. Avoid partial invoices. Do not combine different purchase orders on one invoice.
3. Price to include F.O.B. delivery to building, applicable taxes and insurance, unless specifically stated otherwise.
4. Prepay all freight shipments.
5. Seller agrees to be bound by the terms and conditions on this order. No modifications or additions shall be binding upon purchaser unless agreed to in writing. Please place purchase order number on packing slips and invoices.

QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
<i>1</i>	<i>TM074926</i> <i>Zero turn mower</i> <i>26 horse power</i>			<i>9410.<sup>10</sup></i>

SHIPPING *N/A*

TOTAL *\$ 9410.<sup>10</sup>*

Approved by: *JM Herstner*



P.O. BOX 683  
270 INTERSTATE CT  
FREDERICK, MD 21704



SMALL ENGINE

1-800 1-800-433-9964 FAX: 877-695-3309



(301) 834-7500

1185

SHIP TO:  
CITY OF BRUNSWICK  
ATTN ACCOUNTS PAYABLE  
1 WEST POTOMAC ST  
BRUNSWICK MD 21716

971

TERMINAL:

3 THE COMPLETE LINE OF  
AS WELL.

SHIPPED VIA: CUST PICKUP  
10:29:02 PAGE: 1 OF

SALESMAN	STORE	P/O NUMBER	SPECIAL INFORMATION		
B 012/005		1			
NUMBER	DESCRIPTION	LIST	NET	AMOUNT	
000114	ZMASTER6000 26.5EFI6 TY EXPIRATION... 5-20-21	1.	9410.10	9410.1	
			SUB TOTAL ---->	9410.1	
			MISC. ----->	0.0	
			FREIGHT ----->	0.0	
			TAX 6.000 --->	0.0	
			INVOICE TOTAL->	9410.1	

IMPORTANT NOTICE

shown hereon for the goods shall be paid on or before the 10th day of the month following the month of purchase. Any portion of the sale  
HIGHEST PREVAILING RATE. All claims and returned goods MUST be accompanied by this invoice. There will be no refund or exchange  
as with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either expressed or implied, including  
use and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/



# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## **City of Brunswick Mayor & Council** **The Sustainable Growth and** **Agricultural Preservation Act of 2012** **Senate Bill 236 – Septic Tier Map** **July 12, 2016**

### **BACKGROUND:**

In accordance with MDP guidance document “Managing Maryland’s Growth – Transitioning to the Comprehensive Plan 10 –Year Review Cycle” Staff has reviewed SB 236 and the Comprehensive Plan. The recommendation from MDP is to adopt a septic tier map to the Comprehensive Plan that was prepared and adopted by Frederick County in February 2013. At the June 27, 2016 Planning Commission meeting, the Planning Commission approved a recommendation to the City of Brunswick Mayor and Council that the Septic tier map adopted by Frederick County in February 2013 not be include as part of the 2010 Master Plan at this time.

### **ANALYSIS:**

After reviewing the goals and recommendations of the Plan, it has been determined that SB 236 has no adverse affects to the City of Brunswick development potential as the City is classified as a Tier 1 which means served by public water and sewer. Staff recommends reviewing inclusion of the map during the next update to the Plan in conjunction with the 2020 Census. Per Table 3 in MDP’s publication “Managing Maryland’s Growth – Transitioning to the Comprehensive Plan 10-Year Review Cycle,” the Brunswick Comprehensive Plan will be updated in the 2022-2024 time frame as recommended by MDP. There is no intention to include the Septic Tier map into the City’s Comprehensive Plan until that time frame due to the fact that there would be no consequence for not including it at this time. So while MDP has recommended in the guidance document referenced above to incorporate such a map in 2016, the City will not be going through the process at this time. According to Frederick County’s Septic Tier map adopted February 26, 2013, the entire City of Brunswick is shown as being in Tier 1 as all properties within the town are to be served by public sewer. The map also shows the properties outside of the town boundaries but within the County’s Community Growth Area as being in Tier II, which are planned to be served by public sewer systems.

### **RECOMMENDATION:**

The Planning Commission recommended to the Mayor and Council to not add the Septic Tier map to the City Comprehensive Plan at this time and review, including the map, during our regular 10 year cycle review and further recommended that a letter be forwarded to the Maryland Department of Planning stating the City’s position.

Managing Maryland's Growth — Transitioning to the Comprehensive Plan 10-Year Review Cycle

**TABLE 3**

Target Comprehensive Plan Report and Review Schedule 2015-2035 – Municipalities (Planning Commissions or Boards may update their Comprehensive Plan at any time)

Jurisdiction	Comprehensive Plan Adoption Date	Local Jurisdiction Annual Report	APFO Bi-Annual Report	6-Year Growth Tier Incorporation	5-Year Mid Cycle Report	10-Year 1 <sup>st</sup> Cycle Review	5-Year Mid Cycle Report	10-Year 2 <sup>nd</sup> Cycle Review
Municipalities		July 1	July 1		July 1		July 1	
Aberdeen	2011	Annually	Every even year	2017	2016-2017	2022-2024	2027-2028	2032-2034
Accident	2009	Annually	—	—	2016-2017	2022-2024	2027-2028	2032-2034
Annapolis	2009	Annually	Every even year	2016	2016	2022-2024	2027-2028	2032-2034
Baltimore City	2009	Annually	—	2016	2016	2022-2024	2027-2028	2032-2034
Barclay	2009	Annually	—	—	2016-2017	2022-2024	2027-2028	2032-2034
Barnesville	2010	Annually	—	2016	2016-2017	2022-2024	2027-2028	2032-2034
Bel Air (updating)	(2009)	Annually	Every even year	2016	2020	2025	2030	2035
Berlin	2010	Annually	—	2016	2016-2017	2022-2024	2027-2028	2032-2034
Betterton	2009	Annually	—	2016	2016-2017	2022-2024	2027-2028	2032-2034
Boonesboro	2009	Annually	Every even year	2016	2016-2017	2022-2024	2027-2028	2032-2034
Brookeville	2010	Annually	—	—	2016-2017	2022-2024	2027-2028	2032-2034
Brunswick	2011	Annually	Every even year	—	2016-2017	2022-2024	2027-2028	2032-2034
Burkittsville	1996	Annually	—	—	2016-2017	2022-2024	2027-2028	2032-2034
Cambridge	2011	Annually	—	2017	2016-2017	2022-2024	2027-2028	2032-2034

Implementation Guidance  
for  
**The Sustainable Growth and  
Agricultural Preservation Act of 2012**  
Senate Bill 236

Table of Contents

1. Executive Summary ..... 1

    1.1 Bill Highlights..... 2

    1.2 Overview of the guidance document..... 4

    1.3 Overview of SB236 Process and Key Milestones ..... 4

2. Develop and Adopt Tiers ..... 5

    2.1 Wastewater Disposal and Subdivision Restrictions under SB236 ..... 6

    2.2 Developing the Growth Tiers ..... 7

        2.2.1 Information Needed to Develop the Growth Tiers ..... 7

        2.2.2 Growth Tier Criteria ..... 8

            Intent of Tiers I and II..... 8

            Intent of Tier III ..... 9

            Intent of Tier IV..... 10

            Tier Mapping Decision Framework..... 10

            What is “Dominated by Agricultural or Forest Land”? ..... 11

                Size and Location Criteria..... 11

                Consideration of Zoning Districts..... 12

                Significance of Resource Values ..... 12

                Data Supporting Determinations..... 12

        2.2.3 Resolving Conflicting Growth Tier Designations Among Local Jurisdictions ..... 12

        2.2.4 Adopting the Growth Tiers ..... 13

        2.2.5 After Adoption of the Growth Tiers, Submittal Requirements to the Maryland Department of Planning, and Turn Around Time for Comments..... 13

        2.2.6 Public Hearing Requirement to Consider Comments from the Maryland Department of Planning on Tier Mapping..... 14

        2.2.7 Tier IV Exemption Provision for Residential Major Subdivisions on Septic ..... 14

3. Grandfathering Provisions: Tracking Residential Subdivisions to Determine Applicability of SB236 and Ensuring Applicable Wastewater Disposal Methods are Used..... 15

4. Confirm or Adjust/Create Definitions of Major and Minor Subdivisions..... 17

5. Controlling Authority Requirement for Shared Facilities or Community Sewerage Systems ..... 18

6. Implementing Restrictions Related to Resubdivision and Further Subdivision for New Residential Minor Subdivisions within Tier II, III and IV Areas..... 18

7. Planning Board Review and Recommendation for Approval of New Residential Major Subdivisions within Tier III Areas..... 19

8. Submittal of Documentation to MDE Designated Approving Authority for New Residential Major Subdivisions within Tier III and Exempted Tier IV Areas .....	20
9. Make Changes to the Growth Tiers Over Time.....	20
10. The Relationships between the PlanMaryland Planning Areas and the Growth Tiers .....	20
11. Option to Enact Provisions or Ordinances for Transfer of Development Rights to Subdivide Properties Used for Agricultural Activities.....	23
12. Reporting to the General Assembly on SB236 Implementation.....	24
Appendix A. SB236: description and references to the guidance document.....	25
Appendix B. Sustainable Growth and Agricultural Preservation Act FAQs.....	29
General Questions .....	29
Administrative/Implementation.....	30
Appendix C. Applicable Sections of SB236.....	33

## 1. Executive Summary

The purpose of this document is to provide guidance and technical assistance for implementing the Sustainable Growth and Agricultural Preservation Act (the Act) of 2012, or Senate Bill 236. The key intended audience is local government, but the document also will be useful to property owners, developers, citizens and others.

Senate Bill 236 was introduced by Governor O'Malley and passed by the Maryland General Assembly in its 2012 Session. The enrolled version of the bill is available online at <http://mlis.state.md.us/2012rs/billfile/sb0236.htm>. SB236 was the result of a two-year effort on the part of the O'Malley Administration, elected and appointed officials, homebuilders, environmentalists, farmers, planners, and others. The goal of the law is to limit the disproportionate impacts of large subdivisions on septic systems on our farm and forest land, streams, rivers and Chesapeake and Coastal Bays. The Act provides a moderate and reasonable approach for planned development on on-site sewage disposal systems.

Mapping the Tiers is intended to be a straight-forward exercise based on existing local government plans and goals for growth and land preservation. Therefore most of the Tier mapping will be a reflection of existing zoning, comprehensive plans and sewer service. Local jurisdictions should start considering how they will map their Tiers. In addition, they should decide how to adjust their development review process to implement the Act, including the tracking of subdivisions. The Maryland Department of Planning (MDP) is working with the Department of the Environment (MDE) on additional guidance on how to tweak the local development review process.

Figure 1. Overview of SB236 Process and Key Milestones

Date	Local Actions			State Actions
Now	Begin identifying and locating Tiers	Begin tracking subdivisions to identify those that will and will not be grandfathered		Provide guidance document and mapping guidance for Tiers
July 1, 2012	Effective date of SB236			
by October 1, 2012	Recommended date by which to have Tiers adopted			Make comments on Adopted Tiers
by December 31, 2012	Deadline to adopt Tiers, otherwise major subdivisions are not permitted outside of Tier I	If Tiers adopted, major subdivisions are not permitted in Tier IV	If Tiers adopted, major subdivisions using OSDS are permitted in Tier III	Provide technical assistance on Tier mapping
	Adopt new or revised subdivision definition	Restrictions on resubdivision and further subdivision go into effect for minor subdivisions within Tier II, III and IV areas		Make comments on Adopted Tiers
before or after December 31, 2012	Provide Tier maps to MDP after local adoption	Hold local public hearing on Tier mapping if MDP makes comments	Based on MDP comments, change Tiers or leave Tiers unchanged	Make comments on Adopted Tiers
	Submit info to MDP to be exempt from Tier IV restriction	Hold public hearing for each Tier III subdivision		Resolve conflicting Tier designations among jurisdictions

### 1.1 Bill Highlights

SB236 applies to all counties and municipalities (local jurisdictions) in Maryland. The law applies only to residential subdivisions, not to commercial, industrial, or other non-residential subdivisions.

- **Growth Tier Criteria (see page 10)**
  - Four Tiers of land use categories are created to identify where major and minor residential subdivisions may be located in a jurisdiction and what type of sewerage system will serve them.

- Tier I areas are currently served by sewerage systems
  - Tier II areas are planned to be served by sewerage systems
  - Tier III areas are planned for future growth on septic systems
  - Tier IV areas are planned for preservation and conservation and prohibit residential major subdivisions on septic systems
- Local jurisdictions should map Tiers by December 31, 2012. Identification and mapping of the Tiers is voluntary; however, jurisdictions that do not map Tiers will not be able to approve major subdivisions outside of areas currently served by public sewerage systems.
- Municipalities and counties are strongly encouraged to work together to identify Tiers along boundary areas.
- MDP can provide assistance in the identification of Tiers.
- If two or more jurisdictions cannot agree on the designation of a Tier, MDP will recommend to MDE on the Tier designation.
- **Wastewater Disposal and Subdivision Restrictions (see page 8)**
  - Major subdivisions on individual on-site septic systems are only permitted in a Tier III area
  - In a Tier IV area, only minor subdivisions are permitted. Some counties may be able to permit major subdivisions in a Tier IV area if they can meet strong land protection requirements (see page 20).
- **Definitions of Major and Minor Subdivisions (see page 23)**
  - The number of lots permitted in a major or minor subdivision is as defined by the local jurisdiction.
  - If a local jurisdiction wants to modify its definition of major/minor subdivisions for the purposes of this Act, it can do so by December 31, 2012.
  - If a local jurisdiction provides a new definition of a minor subdivision, the number of lots which constitutes a minor subdivision, for the purposes of this Act, may not exceed seven (7).
  - If a local jurisdiction does not define a major or minor subdivision by December 31, 2012, then a major subdivision, for the purposes of this Act, will be considered five or more new lots.
- **Grandfathering Provisions (see page 21)**
  - The Act includes fair and reasonable grandfathering provisions.
  - Local jurisdictions are encouraged to maintain a record of all subdivisions going through the review/approval process to determine their applicability to this law.
- **Adopting the Tiers (see page 18)**
  - Tiers may be initially adopted administratively but must be incorporated into the local comprehensive plan during the next 6-year review.
  - Administrative adoption of the Tiers by December 31, 2012, can be by letter from the jurisdiction's planning director, or chief appointed or elected official.

- If the Tiers are not incorporated into the comprehensive plan or an element of the plan when the local jurisdiction conducts the 6-year review of the plan, then the Tiers are not considered adopted (and major subdivisions will be restricted to public sewerage service areas only).
- **Review of Major Subdivisions in Tier III Areas (see page 25)**
  - Major subdivisions in Tier III areas must be reviewed and recommended for approval by the local jurisdiction's planning board.
  - The planning board's review of a major subdivision in a Tier III area shall include the cost of providing local government services to the subdivision and the potential environmental issues or natural resources affected by the subdivision. The planning board shall conduct at least one public hearing.

## 1.2 Overview of the guidance document

This guidance document explains what SB236 requires of local jurisdictions, local environmental health directors (or other MDE designated approving authorities), the Maryland Department of Planning (MDP) and the Maryland Department of Environment (MDE). It explains how to complete required as well as optional provisions of SB236. It also provides additional suggestions for local jurisdictions and local MDE designated approving authorities to ensure the legislative intent of SB236 is achieved. SB236 applies to all local governments in Maryland.

## 1.3 Overview of SB236 Process and Key Milestones

The following timeline provides an overview of the SB236 process and key dates to keep in mind for the implementation of SB236:

- **Now**
  - Local jurisdictions should already be working to identify and locate the Tier areas. Criteria for the Tiers are described in Section 2 (see page 7).
  - Local jurisdictions (whether or not they adopt the Tiers) should begin tracking residential subdivisions to identify those that will and will not be grandfathered under SB236. Key dates for grandfathering provisions are described in Section 3.
- **July 1, 2012**
  - SB236 takes effect
- **October 1, 2012**
  - Recommended date for adopting Tiers to ensure no disruption in land development. Local adoption of Tiers by October 1, 2012 provides three months for MDP comments on Tiers, a local public hearing on MDP's comments, and possible local changes to the Tiers before the development and sewerage restrictions begin on December 31, 2012.
- **December 31, 2012**
  - Deadline for adopting Tiers.
  - If the Tiers are not adopted, no residential major subdivisions are allowed outside of existing sewerage areas.
  - If the Tiers are adopted:
    - within Tier I, residential major and residential minor subdivisions will be served by public sewerage systems.
    - within Tier II, residential major subdivisions will be served by public sewerage systems. On-site sewage disposal systems are allowed for residential minor

- subdivisions but shall be viewed as interim systems until public sewerage systems are made available.
    - within Tier III, on-site sewage disposal systems are allowed for residential major subdivisions.
    - within Tier IV, no residential major subdivisions are allowed.
  - If desired, the deadline for creating/revising definitions or descriptions of “major subdivision” and “minor subdivision” applicable solely to Section 9-206 of the Environment Article
    - In addition, by this date, local jurisdictions must submit any definition or description of a major or minor subdivision in the jurisdiction’s local ordinance or regulation to the Maryland Department of Planning
    - Following submission by the local jurisdictions, MDP must prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the websites of the Department of Planning and the Department of the Environment
  - Restrictions go into effect for new residential minor subdivisions within Tier II, III and IV areas with regard to resubdivision and further subdivision, as well as subdivision plat requirements related to this restriction
- **February 1, 2013**
  - By this date, the Department of Planning, in consultation with the Department of the Environment, shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:
    - the adoption of the Tiers by each local jurisdiction, including mapped areas of the Tiers;
    - jurisdictions that have adopted or altered a local ordinance or regulation to implement the provisions of SB236, including a description of the adopted or altered local ordinance or regulation
    - jurisdictions that the Department of Planning provided comments to on any of the Tiers or an area within one of the tiers

## 2. Develop and Adopt Tiers

Local jurisdictions are encouraged to work with MDP and MDE as they implement the Act, including developing their Tiers. MDP would like to work with local jurisdictions in the process of developing the Tiers before adoption. Please contact the following staff for assistance:

- Jason Dubow – Director, MDP’s Environmental Planning Division – at (410) 767-4500 to request policy and/or technical assistance
- Jay Prager – Deputy Program Manager, MDE’s Wastewater Permits Program – at (410) 537-3780 to request assistance with MDE-related issues

## 2.1 Wastewater Disposal and Subdivision Restrictions under SB236

Table 1 provides a side-by-side comparison of the wastewater disposal and subdivision restrictions, under the Act, that apply to residential subdivisions.

Table 1.

<i>If Growth Tiers* <b>Are Not</b> Adopted by December 31, 2012</i>	<i>If Growth Tiers <b>Are</b> Adopted by December 31, 2012</i>
<b>Tier I.</b> Public sewerage for residential major subdivisions. Public sewerage for residential minor subdivisions.	<b>Tier I.</b> Public sewerage for residential major subdivisions. Public sewerage for residential minor subdivisions.
<b>Tier II.</b> Residential major subdivisions are not permitted. On-site sewage disposal systems are permitted for residential minor subdivisions.	<b>Tier II.</b> Public sewerage for residential major subdivisions. Public sewerage or on-site sewage disposal systems for residential minor subdivisions. On-site sewage disposal systems are permitted in Tier II but shall be viewed as interim systems until public sewerage systems are made available.
<b>Tier III.</b> Residential major subdivisions are not permitted. On-site sewage disposal systems are permitted for residential minor subdivisions.	<b>Tier III.</b> On-site sewage disposal systems are permitted for residential major subdivisions. Residential minor subdivisions can be served by individual on-site sewage disposal systems.
<b>Tier IV.</b> Residential major subdivisions are not permitted. On-site sewage disposal systems are permitted for residential minor subdivisions.	<b>Tier IV.</b> Residential major subdivisions are not permitted without an exemption (see page 20). Residential minor subdivisions can be served by individual on-site sewage disposal systems.
* Note: the Tiers are listed in the column "If Growth Tiers Are Not Adopted" to facilitate comparison.	

The definitions for each wastewater disposal method described in Table 1 are listed in Appendix C; however, they can be simplified as follows:

- Public sewerage is any type of sewerage system, except for an individual on-site sewage disposal system, that is owned and operated by a government entity, and discharges effluent above or below the soil surface or directly to surface waters.
- On-site sewage disposal systems include any type of on-site sewage disposal system, including individual systems, shared facilities and community sewerage systems. On-site sewage disposal systems only discharge effluent beneath the soil surface.
- An individual on-site sewage disposal system is an on-site sewage disposal system that discharges effluent beneath the soil surface and serves one user on one parcel.

## 2.2 Developing the Growth Tiers

This section discusses the steps necessary for local jurisdictions to develop the growth tiers, including:

- Information Needed to Develop the Growth Tiers
- Growth Tier Criteria
- Resolving Conflicting Growth Tier Designations Among Local Jurisdictions
- Submittal Requirements to the Maryland Department of Planning, After Adopting the Growth Tiers
- Public Hearing Requirement to Consider Comments from the Maryland Department of Planning

In addition, since extensive interaction with the Maryland Department of Planning will occur during the development of the Tiers, this section also discusses the Tier IV area exemption provision, which requires verification of the actual overall yield by the Maryland Department of Planning.

### 2.2.1 Information Needed to Develop the Growth Tiers

There are several different geographic data layers that the local jurisdiction should gather and analyze (most of which is existing information) to develop the Tiers. Some of the data are available on Maryland's Internet Map website at <http://www.imap.maryland.gov/Portal>. Examples are listed in Table 2.

Table 2. Information Needed to Develop Tiers

Information	Description
Sewerage Service Areas	As designated in the county water and sewerage plan or as mapped by the municipality but not yet included in the county water and sewerage plan. This includes areas with existing and planned service as well as those areas not designated to receive service (not planned)
Locally Designated Growth Areas	Areas that have been designated as future growth areas for counties (as mapped in the Land Use Element) or municipalities (as mapped in the Municipal Growth Element)
Existing and Proposed Land Use	County and municipal Land Use Element maps from the local comprehensive plan and associated information
Zoning Districts	County and municipal zoning maps and associated information
Municipal Boundaries	Up-to-date boundaries including all annexations to date
Priority Funding Areas, including Rural Village Boundaries	Rural Villages are as described in § 5-7B-03(F) of the State Finance and Procurement Article
Rural Legacy Area Boundaries	Areas that have been approved by the Rural Legacy Board. A map depicting these areas can be found here: <a href="http://www.dnr.state.md.us/land/rurallegacy/pdfs/State_RLAFY11.pdf">http://www.dnr.state.md.us/land/rurallegacy/pdfs/State_RLAFY11.pdf</a>
Priority Preservation Area (PPA) Boundaries	PPAs certified under the State Agricultural Certification Program by MDP and Maryland Agricultural Land Preservation Foundation (MALPF)

State and Local Protected Lands (Ownership and Easement)	Preserved parcels under easement or ownership by a state agency or local jurisdiction preservation program or initiative
Land Use/Land Cover	MDP's maps or alternative local maps

MDP or other State agencies maintain this information statewide and can provide technical assistance if requested for mapping the Tiers. MDP will use the above information when reviewing and commenting on local jurisdictions' Tier maps. MDP will work with local jurisdictions to ensure the latest and best available data are used when assisting local jurisdictions in mapping the Tiers.

With the geographic data layers, the local jurisdiction should develop the Tiers using the criteria listed in SB236 for the Tiers. More information on the development of the Tiers is discussed below.

### 2.2.2 Growth Tier Criteria

This section describes the intent of each Tier, the types of areas covered by each Tier, and suggested methods for developing the Tiers. Language in text boxes is from Article 66B, Section 1.05(H). *(Note: after October 1, 2012, see Land Use Article, Title 1, Subtitle 5).* The establishment of Tiers furthers the State's growth policy as envisioned first in the 1992 Economic Growth, Resource Protection, and Planning Act and recently updated in the 2009 Smart, Green and Growing legislation. The State's growth policy focuses on concentrating development in suitable areas, protecting sensitive areas, and protecting our quality of life.

- (1) TIER I AREAS ARE AREAS THAT ARE:
- (I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; **OR**
  - (II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;
- (2) TIER II AREAS ARE AREAS THAT ARE:
- (I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; **OR**  
2. MAPPED LOCALLY DESIGNATED GROWTH AREAS; AND
  - (II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

#### Intent of Tiers I and II

Development within Tier I areas will be served by public sewerage systems, which is the best method for supporting long-term, planned development. Correspondingly, the intent in mapping

Tier I areas is to identify areas for which public sewerage service is currently available. Also, public systems serving Tier I areas should be able to accommodate existing and planned future growth.

Within Tier II areas, community, shared and individual on-site sewage disposal systems are permitted for residential minor subdivisions. However, these systems shall be considered interim systems until public sewerage service is made available. Correspondingly, the intent in mapping Tier II areas is to identify growth areas that are planned for public sewerage service.

**(3) TIER III AREAS ARE AREAS THAT ARE:**

**(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND;**

**(II) NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND**

**(III) ONE OF THE FOLLOWING:**

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;
2. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;
3. MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR
4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT

**LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA**

**Intent of Tier III**

In Tier III, community, shared and individual on-site sewage disposal systems are permitted for residential major subdivisions. On-site sewage disposal systems are best suited for large lot development or for communities that are too small to financially support larger public sewerage systems. Correspondingly, the intent in mapping Tier III areas is to identify areas that are planned for large lot development, or are existing Rural Villages and towns without public sewerage systems. A local jurisdiction should strive to avoid creating a Tier III area that is bounded on all sides by land in a Tier IV area.

**(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:**

**(I) AREAS PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;**

**(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR**

**(III) RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.**

### Intent of Tier IV

Within Tier IV, residential major subdivisions are prohibited. Correspondingly, the intent in mapping Tier IV areas is to identify areas where large lot development would conflict with the goals of the local jurisdiction for agricultural and natural resource land protection and with other areas of high rural resource value. Tier IV areas will likely consist of critical agricultural or other resource landscapes that meet one or more of the following criteria:

- 1) Have been targeted by state and local preservation/conservation programs,
- 2) Have a primary public intent articulated in local comprehensive plans and/or zoning ordinances for protection, preservation, or conservation of agricultural, forestry, natural and/or cultural resources.
- 3) Are areas of significant contiguous agricultural and forest land
- 4) Have been preserved by state and/or local preservation programs

### Tier Mapping Decision Framework

The following “Tier Mapping Decision Framework” should be used to help the local jurisdiction identify the appropriate Tier for each area. Local jurisdictions also should keep the following issues in mind when mapping the Tiers:

- To protect the contiguity of Tier IV areas, jurisdictions should strive to avoid creating a Tier III area that is bounded on all sides by land in a Tier IV area (*Article 66B, Section 1.05(G)*).
- Local jurisdictions should review the methodology described in the MDP Models & Guidelines 25, *Writing the Municipal Growth Element to the Comprehensive Plan*, pages 7 through 11, to determine whether a potential Tier II area is “needed to satisfy demand for development at densities consistent with the long-term development policy after consideration of the capacity of the land areas available for development, including in-fill and redevelopment, within the local jurisdiction”.

#### **1. Tier Mapping Decision Framework**

##### **a. Municipalities**

##### **i. Existing development areas: Identify the **portions of the municipal corporation that are designated as PFA****

1. For each area, is the area “served by public sewerage systems”?
  - a. If “yes”, then classify as Tier I
  - b. If the area is planned for sewerage service, it should be classified as Tier II and should be “needed to satisfy demand for development at densities consistent with the long-term development policy after consideration of the capacity of the land areas available for development, including in-fill and redevelopment, within the local jurisdiction”

##### **ii. Growth areas: identify areas that are **planned to be served by public sewerage systems and in the Municipal Growth Element****

1. These areas should be classified as Tier II and should be “needed to satisfy demand for development at densities consistent with the long-term development policy after consideration of the capacity of the land areas available for development, including in-fill and redevelopment, within the local jurisdiction”

##### **b. Counties**

##### **i. Identify “**mapped locally designated growth areas**”**

1. These are areas that must be mapped and identified for growth in the County comprehensive plan
  - a. For each area, is the area “served by public sewerage systems”?
    - i. If “yes”, then classify as Tier I
    - ii. If the area is planned for sewerage service, it should be classified as Tier II and should be “needed to satisfy demand for development at densities consistent with the long-term development policy after consideration of the capacity of the land areas available for development, including in-fill and redevelopment, within the local jurisdiction”
    - iii. If the area is not planned for sewerage service, then go to “Identify areas not planned for sewerage service” below
  - ii. Identify **areas that are not “mapped locally designated growth areas” within the County comprehensive plan but are “served by public sewerage systems”, for example, areas previously with failing septic systems.**
    1. These might be in a variety of Tiers. Local jurisdictions should annotate these areas to identify them separately.
  - iii. Identify **areas not planned for sewerage service**
    1. Is the area a “Rural Legacy area, Priority Preservation Area, or area subject to covenants, restrictions, conditions, or conservation easements for the benefit of, or held by a State agency, as defined in § 9-206 of the Environment Article, or a local jurisdiction for the purpose of conserving natural resources or agricultural land”?
      - a. If “yes”, then classify as Tier IV
      - b. If “no”, proceed to question 2
    2. Is the area “dominated by agricultural or forest land”?
      - a. See “What is Dominated by Agricultural or Forest Land?” section below
      - b. If “yes”, classify as Tier IV
      - c. If “no”, is the area “planned or zoned for land, agricultural, or resource protection, preservation or conservation”?
        - i. If “yes”, classify as Tier IV
        - ii. If “no”, is the area one of the following?
          1. A “municipal corporation not served by a public sewerage system”?
          2. A “Rural Village as described in § 5-7B-03(F) of the State Finance and Procurement Article”?
          3. A “mapped locally designated growth area”?
          4. An “area planned and zoned for large lot and rural development”?
            - a. These areas are classified as Tier III

### What is “Dominated by Agricultural or Forest Land”?

There are a number of reasonable approaches to delineating areas that should be included in Tier IV because they are dominated by agricultural and forest lands or other natural areas. MDP recommends the use of its 2010 Land Use/Land Cover layer and other spatial criteria to identify areas to consider for inclusion in Tier IV, followed by explicit evaluation of the resource values on the land so identified, as further explained below.

#### *Size and Location Criteria*

For this approach, MDP recommends that areas initially be mapped to include:

- Agricultural and Forest lands that adjoin or are contiguous to other Tier IV areas. Other Tier IV areas include zoning districts planned and zoned for preservation/conservation, PPAs, and Rural Legacy Areas.
- Isolated areas 100 acres or larger of contiguous combined agricultural, forest, and other natural land covers.
- Isolated areas of contiguous combined agricultural, forest, and other natural land covers that are smaller than 100 acres in size that have stand-alone resource value identified by the State, local government or the private sector (often individual landowners). Such areas will generally be surrounded by non-agricultural, non-forest land uses such as residential subdivisions or other Tier I, II, or III lands.

Once these areas are mapped, their resource values for agriculture, forestry and natural resources can be further assessed to determine if they merit inclusion in Tier IV (see Consideration of Zoning Districts and Significance of Resource Values sections below).

#### *Consideration of Zoning Districts*

Another approach is to determine if entire zoning districts that are not planned and zoned for preservation and/or conservation are dominated by agricultural, forest and other natural cover types with significant resource values.

#### *Significance of Resource Values*

Considerations made to evaluate significance of resource values of land in these cover types should include presence of agricultural, forestry and natural resources, and the spatial configurations of these land areas, particularly how contiguous or fragmented they are, and how they conform to relevant features like stream networks and corridors, or green infrastructure hubs and corridors. DNR's Expanded GreenPrint data, available on-line at <http://greenprint.maryland.gov>, will be particularly valuable for information on forestry and natural resources.

#### *Data Supporting Determinations*

Jurisdictions are encouraged to use a variety of sources to determine land areas dominated by agricultural and forest lands including, but not limited to the following:

- MDP's Land Use/Land Cover 2010 - <http://planning.maryland.gov/ourwork/landuse.shtml>
- Aerial imagery
- DNR's Expanded GreenPrint data or better local data
- A variety of relevant locally derived information/data

### *2.2.3 Resolving Conflicting Growth Tier Designations Among Local Jurisdictions*

The Act recognizes that in rare instances local jurisdictions might disagree on what Tier an area should be. One example is when a county and municipality disagree on the boundaries of a municipal growth area: the municipality may want the area to be designated as one Tier while the county might want the area to be designated as a different Tier. The State encourages local jurisdictions to coordinate with each other to identify such conflicts as early in the process as possible.

The Act provides for the following to resolve such conflicts:

- MDE and MDP confer with the local jurisdictions to seek resolution of the conflicting designations.

- If the conflict in Tier designations is not resolved, MDP recommends Tier designations to MDE based on the comprehensive plan, growth projections and development capacity, and availability of infrastructure.
- MDE may approve the preferred Tier designations as recommended by MDP.

#### *2.2.4 Adopting the Growth Tiers*

The local jurisdiction should determine as soon as possible who within the local jurisdiction should adopt the Tiers administratively by December 31, 2012. Under SB236, an administrative officer within the jurisdiction can adopt the Tiers; however, many local jurisdictions might choose for their elected or appointed officials to adopt the Tiers. The decision will impact public hearing and public notice requirements, which in turn will impact the overall schedule the local jurisdiction must follow for adopting the Tiers by December 31, 2012. Administrative adoption of the Tiers can be by letter from the jurisdiction's planning director or chief appointed or elected official.

Subsequent to adopting the Tiers by December 31, 2012, the Tiers are considered adopted, but when the next 6-year review of the comprehensive plan occurs under §§ 1.04(D) and 3.05(B) of Article 66B, local jurisdictions must incorporate the Tiers into the comprehensive plan or an element of the plan, otherwise the Tiers are no longer considered adopted. If not incorporated into the comprehensive plan at this stage, the wastewater disposal and subdivision restrictions associated with SB236 when the Tiers are not considered to be adopted are applied into the future until the Tiers are incorporated into the comprehensive plan or an element of the plan. MDP will send out a written reminder to local jurisdictions in advance of the next 6-year review.

#### *2.2.5 After Adoption of the Growth Tiers, Submittal Requirements to the Maryland Department of Planning, and Turn Around Time for Comments*

After adoption of the Tiers, local jurisdictions are required to provide to MDP all information necessary to demonstrate the precise location of the Tiers, including, as appropriate, a map of the area showing planning and zoning characteristics of each Tier; and existing and planned water and sewerage services (*Article 66B, Section 1.05(D)*). Overall, local jurisdictions should submit their Tier maps along with documentation used to determine the location of the Tiers. This will allow for a comprehensive review by MDP.

MDP would prefer to receive GIS shapefiles or other geographic formats for the Tier map submittals (jurisdictions without GIS capabilities should contact MDP for technical assistance). In order to provide statewide consistency, local jurisdictions should provide the following metadata with the submittal:

- Geographic/map projection information
- Data sources
- Description of the database structure

MDP requests that the Tier shapefile contain a simple table structure that identifies each Tier through a "Tier" field as well as a simple descriptive field that depicts the reason that an area is located in a particular Tier, named "Description". For example, if an area is designated as Tier I because it is designated as "S1", or existing sewerage service area, the "Description" field could say "S1". If an area is Tier IV because it is "dominated by agriculture and forest areas", the description field could say "agforest".

Along with the submittal of the Tier maps, MDP requests documentation and maps used to determine the location of the Tiers. This should include all of the data listed in Table 2 (see page 9)

and any other relevant information used to define the Tiers in the jurisdiction. Such documentation may be based on data and maps maintained at the local and/or State level.

As with the Tier map shapefiles, MDP would prefer to receive GIS shapefiles or other geographic formats for submittals of documentation and maps used to determine the location of the tiers. Please include the following metadata with the submittal:

- Geographic projection information
- Data sources
- Description of the database structure

MDP recognizes that many jurisdictions already work with MDP staff to ensure that the data layers that MDP uses in analysis activities are up-to-date. However, the information submitted by the local jurisdiction should be completely up-to-date for the formal MDP review that SB236 requires.

MDP has established an ftp site that can be used for data submittal. MDP will accept CDs and GIS data received by email but this is not preferable. MDP will be available for technical assistance throughout this process. After a complete package of information is submitted, MDP will complete its review in approximately 30 days.

To assist MDE in long-term planning, local jurisdictions should map their adopted Tiers over local water and sewerage plan maps and submit them to MDE.

#### *2.2.6 Public Hearing Requirement to Consider Comments from the Maryland Department of Planning on Tier Mapping*

If the Maryland Department of Planning comments on any of the Tiers adopted by a local jurisdiction (*provided for under Article 66B, Section 1.05(E)*), or any area within an adopted Tier, the local legislative body or the planning board shall hold at least one public hearing on the comments.

A “planning board” means a planning board established under Article 66B or a planning commission or board established under Article 25A or Article 28 of the Code (*Article 66B, Section 1.05(A)*).

SB236 outlines the following steps with regard to public hearings to consider comments from the MDP on the adopted Tiers:

- The local legislative body or the planning board must:
  - hold at least one public hearing on comments received from MDP on the adopted Tiers.
  - review the adopted Tiers in light of MDP’s comments.
- After the public hearing and consideration of MDP’s comments, the planning board must recommend to the local jurisdiction that either the Tiers or an area within the Tiers be changed or that the adopted Tiers remain unchanged.
  - If the planning board recommends a change in the adopted Tiers, the planning board must provide the recommended mapped Tier changes to the local jurisdiction.

#### *2.2.7 Tier IV Exemption Provision for Residential Major Subdivisions on Septic*

As noted in Table 1 (see page 8), local jurisdictions that adopt the Tiers have the option to seek an exemption from the subdivision restrictions within Tier IV.

The Act sets a high standard for local jurisdictions to meet in order to obtain this exemption. Specifically, counties must have subdivision and zoning requirements in their Tier IV area that result in a protection level of not more than 1 dwelling unit per 20 acres. The purpose of the

exemption is to recognize that certain local jurisdictions have requirements in place within their Tier IV areas that greatly limit the amount of new residential subdivisions on septic systems.

The request for the Tier IV exemption must be made in writing to MDP. To verify the actual overall yield, MDP will begin by reviewing the jurisdiction's zoning code and subdivision regulations. If the base allowable density in the zoning code applicable to the majority of the Tier IV land is one dwelling unit or fewer per 20 acres, MDP will complete a more detailed analysis of the potential for a jurisdiction's Tier IV to be exempted from the minor subdivision limitation. The analysis will include consideration of relevant subdivision, development and environmental regulations or rules, to help determine the potential overall development yield. Overall, MDP will focus on the developable land and how zoning and other tools apply to it.

MDP also will consider subdivision and development activity within the Tier IV area, to compare empirically with potential yields indicated by the zoning code and development regulations. MDP will request that local jurisdictions provide data for this purpose, and also will use its own parcel data for this analysis.

Local governments are encouraged to submit materials to MDP that would assist in verifying the density yield for Tier IV lands. Such information includes:

- Excerpts from the zoning ordinance.
- Excerpts from subdivision regulations or any other regulations that influence development yields in the Tier IV area.
- Databases (preferably in a GIS format) that provide an inventory of subdivision and parcel development activity in the Tier IV area for the most recent 10-year period available.
- Mapped data (preferably GIS) that indicate development constraints limiting or prohibiting development activity in the Tier IV area (wetlands, steep slopes, stream buffer areas, etc.) according to local land use ordinance or regulation.
- Data that estimates development capacity (potential for new subdivision and additional parcel development) for the area.
- Protected lands data (preferably GIS) for lands within Tier IV.
- Any other pertinent information that would assist MDP's determination of actual overall yield in Tier IV.

MDP will confer with the local government during the evaluation as often as necessary to acquire needed information, ensure understanding of information supplied, and corroborate interpretations and preliminary findings.

MDP is tasked with verifying that these areas achieve this yield in consultation with the Maryland Sustainable Growth Commission. MDP will present its initial determination to the Maryland Sustainable Growth Commission for review. The Commission meets every two months; this will be a standing agenda item on the Commission's meetings through December 2012. After consultation with the Commission, MDP will communicate its final determination, in writing, to the local jurisdiction within 90 days of receipt of the initial verification request.

### **3. Grandfathering Provisions: Tracking Residential Subdivisions to Determine Applicability of SB236 and Ensuring Applicable Wastewater Disposal Methods are Used**

If subdivisions are not grandfathered then the SB236 wastewater disposal and subdivision restrictions apply (although the restrictions differ depending whether the Tiers are adopted) along with the other applicable provisions of SB236. As a result, all local jurisdictions—whether or not

the local jurisdiction adopts the Tiers—should track all residential subdivisions (minor and major) to identify which will or will not be grandfathered under SB236 and then should ensure the appropriate wastewater disposal methods and subdivision restrictions under SB236 for each residential subdivision are applied.

MDE and MDP recommend that local jurisdictions immediately adjust existing subdivision tracking systems (or create a separate tracking system) to ensure that a number of questions related to grandfathering provisions are answered, and the answers recorded, for every application for a soil percolation test approval and for every submission for preliminary plan approval. This is recommended to ensure that all of the grandfathering provisions required by SB236 are addressed.

As a first step, local jurisdictions should confirm whether a soil percolation test is required in their jurisdiction before a submittal can be made for preliminary approval and whether the local jurisdiction does not accept applications for soil percolation tests year round.

The local jurisdiction should record and track the following information for each application for a soil percolation test approval and every submission for preliminary plan approval. This applies to existing pipeline subdivisions and new subdivisions. For all questions listed, if the answer is “no” to any one of the listed questions, then the subdivision is not grandfathered.

1. If a soil percolation test is required in the local jurisdiction before submittal can be made for preliminary approval, and the local jurisdiction accepts applications for soil percolation tests year round:
  - a. By July 1, 2012, has an application for a soil percolation test approval (for all lots that will be included in the submission for preliminary approval) been made to the local health department?
  - b. What is the date of approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval?
  - c. Within 18 months after approval of the soil percolation tests (for the lots that will be included in the submission for preliminary approval), has a submission for preliminary approval been made to the local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development?
  - d. Does the submission for preliminary approval include the same lots for which the approved soil percolation test was performed?
  - e. By October 1, 2016, has the local jurisdiction approved the preliminary plan?
2. If a soil percolation test is required in the local jurisdiction before submittal can be made for preliminary approval, but the local jurisdiction does not accept applications for soil percolation tests year round:
  - a. By July 1, 2012, has documentation been provided that a Maryland professional engineer or surveyor has prepared and certified under seal a site plan in anticipation of an application for soil percolation tests?
  - b. At the next available soil percolation test season after July 1, 2012, has an application for a soil percolation test approval (for all lots that will be included in the submission for preliminary approval) been made to the local health department?
  - c. Within 18 months after approval of the soil percolation tests (for the lots that will be included in the submission for preliminary approval), has a submission for preliminary approval been made to the local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development?

- d. Does the submission for preliminary approval include the same lots for which the approved soil percolation test was performed?
- e. By October 1, 2016, has the local jurisdiction approved the preliminary plan?
3. If a soil percolation test is not required in the local jurisdiction before submittal can be made for preliminary approval:
  - a. By October 1, 2012, has a submission for preliminary approval been made to the local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development?
  - b. By October 1, 2016, has the local jurisdiction approved the preliminary plan?

Using the data collected on each application for a soil percolation test approval and every submission for preliminary plan approval, the local jurisdiction will know which subdivisions are grandfathered under SB236. Once the subdivision reaches the stage where the choice of wastewater disposal must be made, if the subdivision is not grandfathered, the local jurisdiction should ensure the appropriate wastewater disposal methods allowed under SB236 are used. Table 1 (see page 8) explains the allowed wastewater disposal methods whether or not the Tiers are adopted.

Local jurisdictions should submit to MDP information on subdivisions in the development pipeline. Specifically, this should be a map of the location of and number of units in the subdivision process. This will be an indicator of how many subdivisions would be subject to grandfathering provisions. Note that this information also should be provided to MDE's designated approving authority.

#### **4. Confirm or Adjust/Create Definitions of Major and Minor Subdivisions**

A local jurisdiction should decide whether its existing definitions or descriptions of major subdivisions and minor subdivisions will help to implement the goals and visions of the local jurisdiction's comprehensive plan, given the wastewater disposal and subdivision restrictions under SB236. As noted, these restrictions under SB236 vary depending on whether the Tiers are adopted, by growth Tier, and whether the residential subdivision is major or minor.

The following information describes the options available to local jurisdictions with regard to the definitions or descriptions of major subdivisions and minor subdivisions for the purposes of SB236 implementation:

- A major subdivision and minor subdivision is as defined or described in a local ordinance or regulation that is in effect on or before January 1, 2012.
- If a definition or description of a major subdivision and minor subdivision, that went into effect on or before January 1, 2012, does not exist in the local ordinance or a local regulation, the default definitions under SB236 are:
  - A major subdivision is five or more new lots, plats, building sites, or other divisions of land
  - A minor subdivision is fewer than five new lots, plats, building sites, or other divisions of land
- If the local jurisdiction chooses to adopt a new definition or description of a major subdivision and minor subdivision applicable for the purposes of SB236 implementation, it must do so on or before December 31, 2012 and SB236 requires that:
  - A minor subdivision defined or described in the adopted ordinance or regulation cannot exceed seven new lots, plats, building sites, or other divisions of land

- If the local jurisdiction has multiple definitions or descriptions of a major subdivision and/or minor subdivision in the local ordinance or local regulation, the local jurisdiction must make an official determination of which existing definition or description of a major subdivision and/or minor subdivision will be used for the purposes of SB236 implementation. The local jurisdiction will need to decide who within the local jurisdiction will make the official determination.

Additional provisions related to definitions or descriptions of major and/or minor subdivisions include:

- SB236 does not grant any additional development rights in covenants, restrictions, conditions, or conservation easements for the purpose of conserving natural resources or agricultural land.
- SB236 does not diminish development rights transferred in transfer of development rights programs.
- SB236 does not prohibit a local jurisdiction from altering the definition or description of a major or minor subdivision in its local ordinance or regulation for local zoning or development purposes.

Also, SB236 requires local jurisdictions to submit the definitions or descriptions of major or minor subdivisions, to be used for the purposes of SB236 implementation, to MDP on or before December 31, 2012. As required by the Act, MDP must prepare a list of these definitions or descriptions for publication on the websites of MDP and MDE.

## **5. Controlling Authority Requirement for Shared Facilities or Community Sewerage Systems**

Under SB236, local environmental health directors (or other MDE designated approving authorities) can only approve new shared facilities or community sewerage systems if they are managed, operated and maintained by a controlling authority or a third party under contract with the controlling authority (Environment Article, Section 9-1110(C)). This applies to all proposed shared facilities even if no subdivision is proposed.

A controlling authority is defined as a “unit of government, a body public and corporate, or an intercounty agency authorized by the State, county, or a municipal corporation to provide for the management, operation, and maintenance of a community sewerage system, shared facility, or multiuse system” (Environment Article, Section 9-1110(A)). This effectively prohibits homeowner associations from being responsible for operating wastewater treatment plants.

The law does not require a local jurisdiction to be a controlling authority or force the local jurisdiction to authorize or allow the use of a shared facility or a community sewerage system within the local jurisdiction (Environment Article, Section 9-1110(B)).

## **6. Implementing Restrictions Related to Resubdivision and Further Subdivision for New Residential Minor Subdivisions within Tier II, III and IV Areas**

When a residential subdivision is approved by the local jurisdiction, SB236 requires local jurisdictions to place restrictions related to resubdivision or further subdivision of the tract or

parcel of land that was originally subdivided, and requires the local jurisdiction to add specific information to the subdivision plat to support these restrictions. This provides a mechanism at the local level for ensuring the provisions of SB236 can be enforced into perpetuity.

The following specific restrictions and subdivision plat requirements apply to residential minor subdivisions in a Tier II, Tier III or Tier IV area:

- On or after December 31, 2012, if a tract or parcel of land is subdivided leaving any remainder parcel or tract of land, the subdivision may not be resubdivided or further subdivided and the remainder parcel or tract of land may not be subdivided. In addition, the subdivision plat must state these restrictions and note that the plat is subject to State law and local ordinances and regulations. These restrictions and plat requirements do not apply if the subdivision or the remainder parcel or tract of land is within a Priority Funding Area and designated for public sewerage service within 10 years in the approved water and sewerage plan.
- A tract or parcel of land may be subdivided over time if each time a new lot or parcel is created, the subdivision plat states the number of new lots, plats, building sites, or other divisions of land remaining, and the total number allowed as a subdivision. Once the tract or parcel of land reaches the total number allowed, the subdivision plat shall state that the subdivision may not be resubdivided or further subdivided and the remainder parcel or tract of land may not be subdivided. The plat also must state that it is subject to State law and local ordinances and regulations. However, even after the tract or parcel of land reaches the total number of new lots, plats, building site, or other divisions of land allowed as a subdivision, the remainder parcel or tract of land may be subdivided for nonresidential agricultural purposes and the owner may apply for approval of an on-site sewage disposal system.

In addition, for the purposes of SB236 implementation, the local jurisdiction should indicate which lots within a particular subdivision can be further subdivided.

## **7. Planning Board Review and Recommendation for Approval of New Residential Major Subdivisions within Tier III Areas**

Under SB236, all proposed residential major subdivisions within Tier III areas may only be approved if the planning board has reviewed and recommended the approval of the subdivision. In addition, the planning board must hold at least one public hearing and must review specific information related to the subdivision prior to making its recommendation. As required by the Act, the planning board's recommendation is then made by resolution.

In its review of the residential major subdivision within Tier III, the planning board must consider the cost of services to the major subdivision and the potential environmental issues or a natural resources inventory related to the proposed subdivision.

Charter and non-charter county planning boards, as well as municipal government planning boards must conduct the public hearing and make a recommendation. Since most charter county planning boards do not approve subdivisions, SB236 now requires them to conduct a public hearing and then make a recommendation to the administrative official within the local jurisdiction that approves subdivisions served by on-site sewage disposal systems. A non-charter county or municipal planning board can both make a recommendation for approval as well as approve residential major subdivisions within Tier III.

## **8. Submittal of Documentation to MDE Designated Approving Authority for New Residential Major Subdivisions within Tier III and Exempted Tier IV Areas**

In addition to planning board review and recommendation for approval of all proposed residential major subdivisions within Tier III areas, documentation must be submitted to the local environmental health director (or the MDE designated approving authority) indicating that the proposed residential major subdivision is within an adopted Tier III area (*Environment Article, Section 9-206(J)*). This documentation also must be submitted for proposed residential major subdivisions within exempted Tier IV Areas.

## **9. Make Changes to the Growth Tiers Over Time**

Over time, as rezonings or Water and Sewer Plan amendments or other changes (e.g., changes to Priority Preservation Areas) are made, locally adopted Tiers might become out-of-date. For example, if a downzoning occurs in a Tier III area, it is possible that it could become a Tier IV area. The following process must be followed to update Tiers over time:

- Until Tiers are included in the comprehensive plan, a local jurisdiction can change the Tiers administratively, but once the Tiers are included in a comprehensive plan, Tiers only can be changed through a local jurisdiction's comprehensive planning process.
- Local jurisdictions will need to change their Tiers as rezonings, water and sewerage plan amendments, and other changes occur in any of the areas listed in Table 2 (see page 9).

## **10. The Relationships between the PlanMaryland Planning Areas and the Growth Tiers**

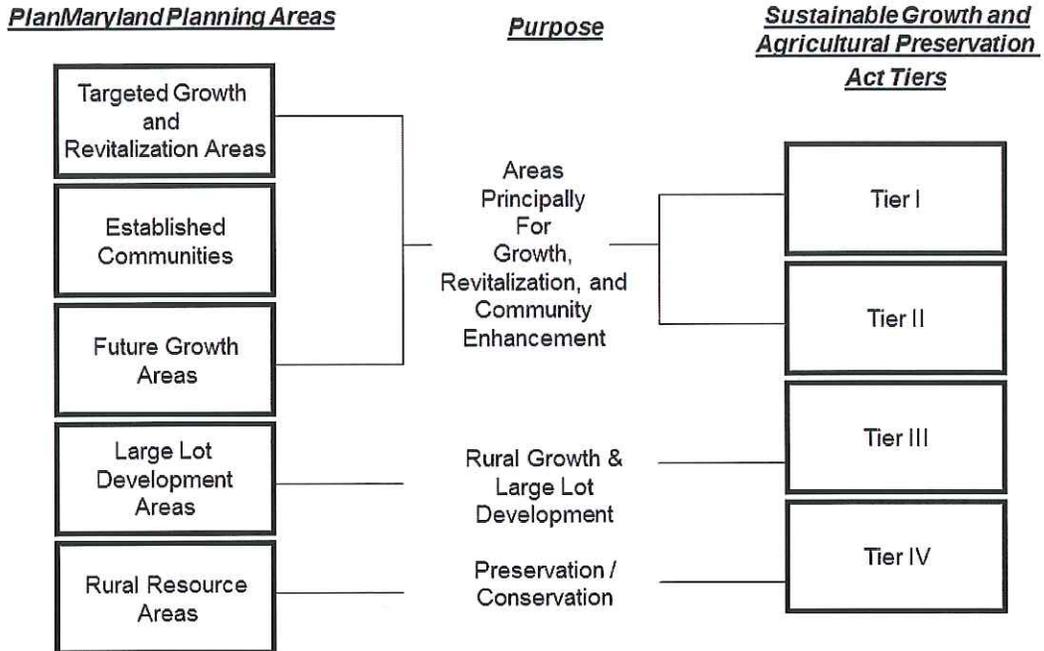
PlanMaryland, Maryland's sustainable growth plan for the 21<sup>st</sup> century, is a framework for a collaborative process between the State and local governments, the development and environmental communities, the Maryland Sustainable Growth Commission and other stakeholders to address critical issues of environmental and fiscal sustainability. A fundamental component of PlanMaryland is the designation of Planning Areas.

Local jurisdictions are being asked to identify PlanMaryland Planning Areas at the same time as they are identifying Tiers. The identification of the Planning Areas should be of assistance to local jurisdictions when identifying their Tiers. The chart and table below show the general relationship between the Planning Areas and the Tiers. The chart indicates that Tier I and Tier II areas will be comprised mainly of Targeted Growth and Revitalization Areas, Established Communities, and Future Growth Areas. Tier III areas will be comprised mainly of Large Lot Development Areas, and Tier IV areas will consist mostly of Rural Resource Areas. Definitions for the Planning Areas are listed below.

As part of PlanMaryland, municipalities and counties identify their own Planning Areas and provide mapping of these areas to MDP for review; MDP then coordinates the review of local mapping and provide comments and feedback. Planning Areas are established through this local/state review and collaboration process. Existing State programs, policies and resources will be directed, and local efforts are encouraged to be directed as appropriate, to these Planning Areas to better achieve the goals for growth and preservation. Guidelines for developing the Planning Areas can be accessed through the PlanMaryland website at:

<http://plan.maryland.gov/implementPlan/implementPlan.shtml>

## PlanMaryland Planning Areas and Corresponding Sustainable Growth and Agricultural Preservation Act Tiers



The table below shows how each of the PlanMaryland Planning Areas fit into the Tiers.

Septic Tier/ Planning Area	Tier I	Tier II	Tier III	Tier IV
Targeted Growth & Revitalization	Yes	Yes	Few	Few
Established Communities	Yes	Yes	Few	Few
Future Growth	Yes	Yes	Possible	No
Large Lot Development	No	No	Yes	No
Rural Resource Planning	No	No	Possible	Yes
Priority Preservation - Ag	No	No	No	Yes
Natural Resource	Possible	Possible	Possible	Possible
Water Resource	Possible	Possible	Possible	Possible
Cultural/Historic Resources	Possible	Possible	Possible	Possible
Climate Change Impact	Possible	Possible	Possible	Possible

Definitions of PlanMaryland Planning Areas:

- **Targeted Growth & Revitalization.** Broadly defined to emphasize mixed-use, higher density residential and business development, historic residential neighborhoods, and employment opportunities, and to better connect residential and business populations to retail, transportation (including public transit), educational, recreational and employment opportunities.
- **Established Communities.** Locations within a jurisdiction's Priority Funding Area that already provide many Marylanders places to live, work, and play, but for the most part are not intended for substantial growth or revitalization.
- **Future Growth.** Typically undeveloped land that is not ready to be developed, but that the local government has recognized as a logical place for community expansion within an existing Priority Funding Area or as an addition to it.
- **Large Lot Development.** Low density, auto-dependent and single-use areas, with large lot single-family houses being the most prevalent land use. Typically, these areas are not served by public water and sewerage, but may require higher levels of public services than agricultural and other resource-based uses.
- **Rural Resource Planning.** Areas in a jurisdiction where land preservation and conservation efforts take place. Generally, these are not located in urban areas. They often have resource-based industries such as agriculture or forestry that need to be protected.

Other areas may have natural, historic, or cultural resources that may be endangered by development.

- **Priority Preservation Areas for Agriculture.** Areas identified by local zoning ordinances as intended for the conservation of agricultural and related rural resource lands. These (mostly) undeveloped lands lie outside Priority Funding Areas.
- **Natural Resource Areas.** These areas support terrestrial and aquatic living resources, habitats, and ecosystem functions of regional or statewide significance, as well as human uses of these areas. They include tidal fisheries, bay and coastal ecosystems; non-tidal fisheries, wetlands, rivers and streams; forests and other lands comprising major hubs and connecting corridors of green infrastructure; wildlife and endangered species habitats; and areas targeted for land conservation, public use and recreation.
- **Water Resource Areas.** Areas that are integral to safeguarding a sustainable water supply and consist of surface water supply watersheds, wellhead protection areas for public water systems using groundwater, sole source aquifers, water management strategy areas, outcroppings of confined aquifers used for public water supply, and groundwater recharge areas of other aquifers important as public or private water supply.
- **Historic and Cultural Areas.** Historic and Cultural Areas are more than the historic preservation efforts associated with a particular building. Historic preservation should be viewed as a broader approach to growth, redevelopment, investment and land-use decisions. Historic and Cultural Areas can be found in places identified for growth, revitalization, preservation or existing communities where no changes are expected.
- **Climate Change Impact Areas.** Lands likely to experience two feet of relative sea level rise by the middle of the century and as much as four feet or more by the end of the century, as determined by Maryland's Commission on Climate Change. These also include lands made more vulnerable to storm surge damage or stormwater flooding from extreme weather events, as well as non-coastal areas sensitive to climate change impacts.

## **11. Option to Enact Provisions or Ordinances for Transfer of Development Rights to Subdivide Properties Used for Agricultural Activities**

Maryland counties have the authority to create Transfer of Development Rights (TDR) programs (Article 66 B, Section 11), and many have already created such programs. Under SB236, a local jurisdiction may enact a law or ordinance for the transfer of the right to subdivide, up to seven lots, by an owner of property used for agricultural activities to the owner of another property used for agricultural activities (Environment Article, Section 9-206(M)). A property used for agricultural activities, the owner of which receives rights to subdivide through this provision, is limited to a total of 15 lots and the lots must be clustered. The transfers take place within Tier IV; TDRs cannot be from Tier III to Tier IV.

The law does not specify the maximum percentage of the receiving parcel that can be built on and what percentage must remain open. The best practices to be found in Maryland limit cluster development to 20% of the receiving parcel (Calvert County), 15% (Queen Anne's County), and 10% (Kent County).

## **12. Reporting to the General Assembly on SB236 Implementation**

To ensure that the legislative intent of SB236 is achieved, the law requires MDP, in consultation with MDE, to report to the General Assembly on the status of SB236 implementation no later than February 1, 2013. The report requires the following information to be reported (Uncodified Portion of SB236, Section 9):

- the adoption of the Tiers, by each local jurisdiction, including mapped areas of the Tiers;
- each jurisdiction that has adopted or altered a local ordinance or regulation in implementing the provisions of this Act, including a description of the adopted or altered local ordinance or regulation;
- each jurisdiction for which MDP has provided comments on any of the Tiers or an area within one of the Tiers.

## Appendix A. SB236: description and references to the guidance document

Section of SB236	Content of SB236 Section	Guidance document section
<i>ENVIRONMENT ARTICLE</i>		
§9-206(A)	DEFINITIONS  Community sewerage system, growth Tiers, lot, major subdivision, minor subdivision, on-site sewage disposal, on-site sewage disposal system, public sewer, shared facility, State agency, and subdivision	Develop and Adopt Growth Tiers  Confirm or Adjust/Create Definitions of Major and Minor Subdivisions
§9-206(B)	GRANDFATHERING PROVISIONS	Grandfathering Provisions: Tracking Residential Subdivisions to Determine Applicability of SB236 and Ensuring Applicable Wastewater Disposal Methods are Used
§9-206(C)	APPLICABILITY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND	Confirm or Adjust/Create Definitions of Major and Minor Subdivisions
§9-206(D)	APPLICABILITY TO TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS	Confirm or Adjust/Create Definitions of Major and Minor Subdivisions
§9-206(E)	NOTE REGARDING ALTERATION OF DEFINITIONS OR DESCRIPTIONS OF A MAJOR OR MINOR SUBDIVISION	Confirm or Adjust/Create Definitions of Major and Minor Subdivisions
§9-206(F)	WASTEWATER DISPOSAL RESTRICTIONS, IF THE GROWTH TIERS ARE NOT ADOPTED BY DECEMBER 31, 2012	Develop and Adopt Growth Tiers

<b>Section of SB236</b>	<b>Content of SB236 Section</b>	<b>Guidance document section</b>
§9-206(G)	WASTEWATER DISPOSAL RESTRICTIONS, IF THE GROWTH TIERS ARE ADOPTED BY DECMEBER 31, 2012; NOTE REGARDING DELAYS IN THE APPROVAL OF A RESIDENTIAL SUBDIVISION PLAT	Develop and Adopt Growth Tiers
§9-206(H)	PROVISION TO ALLOW EXEMPTION FROM WASTEWATER DISPOSAL RESTRICTIONS WITHIN TIER IV	Develop and Adopt Growth Tiers
§9-206(I)	RESOLVING CONFLICTING GROWTH TIER DESIGNATIONS AMONG LOCAL JURISDICTIONS	Develop and Adopt Growth Tiers
§9-206(J)	DOCUMENTATION TO MDE (OR THE MDE DESIGNEE, USUALLY THE LOCAL ENVIRONMENTAL HEALTH DIRECTOR) REGARDING NEW RESIDENTIAL MAJOR SUBDIVISIONS	Submittal of Documentation to MDE Designated Approving Authority for New Residential Major Subdivisions within Tier III and Exempted Tier IV Areas
§9-206(K)	RESPONSIBILITIES OF MDE (OR THE MDE DESIGNEE, USUALLY THE LOCAL ENVIRONMENTAL HEALTH DIRECTOR) IN RESPONSE TO DOCUMENTATION SUBMITTED REGARDING NEW RESIDENTIAL MAJOR SUBDIVISIONS	
§9-206(L)	RESTRICTIONS FOR NEW RESIDENTIAL MINOR SUBDIVISIONS WITHIN TIER II, III AND IV AREAS REGARDING RESUBDIVISION AND FURTHER SUBDIVISION, AND SUBDIVISION PLAT REQUIREMENTS RELATED TO THESE RESTRICTIONS	Implementing Restrictions Related to Resubdivision and Further Subdivision for New Residential Minor Subdivisions within Tier II, III and IV Areas
§9-206(M)	OPTION FOR LOCAL LAW OR ORDINANCE FOR THE TRANSFER OF THE RIGHT TO SUBDIVIDE AMONG PROPERTIES USED FOR AGRICULTURAL ACTIVITIES	Option to Enact Provisions or Ordinances for Transfer of
		Development Rights to Subdivide Among Properties Used for Agricultural Activities
§9-1110	REQUIREMENT FOR CONTROLLING AUTHORITY FOR SHARED FACILITIES AND COMMUNITY SEWERAGE SYSTEMS	Controlling Authority Requirement for Shared Facilities or Community Sewerage Systems

<b>Section of SB236</b>	<b>Content of SB236 Section</b>	<b>Guidance document section</b>
<i>ARTICLE 66B</i>		
§1.03	APPLICABILITY TO CHARTER COUNTIES	Introduction
§1.05(A)	DEFINITION OF PLANNING BOARD	Develop and Adopt Growth Tiers
§1.05(B)	OPTION TO ADOPT GROWTH TIERS; DATE BY WHICH GROWTH TIERS MUST BE ADOPTED	Develop and Adopt Growth Tiers
§1.05(C)	BEFORE ADOPTION OF THE GROWTH TIERS, OPTION FOR ASSISTANCE AND REVIEW FROM MD DEPARTMENT OF PLANNING	Develop and Adopt Growth Tiers
§1.05(D)	AFTER ADOPTION OF THE GROWTH TIERS, SUBMITTAL REQUIREMENTS TO THE MD DEPARTMENT OF PLANNING	Develop and Adopt Growth Tiers
§1.05(E)	OPTION FOR THE MD DEPARTMENT OF PLANNING TO COMMENT ON ADOPTED GROWTH TIERS	Develop and Adopt Growth Tiers
§1.05(F)	OPTION TO NOT ADOPT ALL OF THE GROWTH TIERS	
§1.05(G)	REQUIREMENT FOR LOCAL PUBLIC HEARING AND PLANNING BOARD RECOMMENDATION IF THE MD DEPARTMENT OF PLANNING PROVIDES COMMENTS ON ADOPTED GROWTH TIERS	Develop and Adopt the Growth Tiers
§1.05(H)	CRITERIA FOR ADOPTED GROWTH TIERS	Develop and Adopt Growth Tiers
§1.05	REQUIREMENT FOR INCORPORATION OF GROWTH TIERS INTO THE LOCAL COMPREHENSIVE PLAN	Develop and Adopt Growth Tiers
§1.06	REQUIREMENT FOR PLANNING BOARD REVIEW, PUBLIC HEARING, AND RECOMMENDATION FOR APPROVAL OF A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA	Planning Board Review and Recommendation for Approval of New Residential Major Subdivisions within Tier III Areas
<b>UNCODIFIED PORTION OF SB236</b>		
Section 4	OPTION FOR INCORPORATION OF GROWTH TIERS AS AN APPENDIX TO THE COMPREHENSIVE PLAN	Develop and Adopt Growth Tiers
Section 5	VERIFICATION OF ACTUAL OVERALL YIELD FOR ZONING IN A TIER IV AREA	Develop and Adopt Growth Tiers
Section 6	SUBMITTAL AND PUBLICATION REQUIREMENTS OF DEFINITIONS OR DESCRIPTIONS OF MAJOR OR MINOR SUBDIVISIONS	Confirm or Adjust/Create Definitions of Major and Minor Subdivisions
Section 7	NO LIMITATION OF AUTHORITY OF THE CRITICAL AREA COMMISSION TO ADOPT REGULATIONS	
Section 8	REQUIREMENT FOR THE MD DEPARTMENT OF ENVIRONMENT TO PROPOSE REGULATIONS ESTABLISHING NUTRIENT OFFSET REQUIREMENTS FOR NEW RESIDENTIAL MAJOR SUBDIVISIONS WITHIN TIER III AREAS	

<b>Section of SB236</b>	<b>Content of SB236 Section</b>	<b>Guidance document section</b>
Section 9	REQUIREMENT FOR THE MD DEPARTMENT OF PLANNING TO REPORT ON SB236 IMPLEMENTATION TO THE GENERAL ASSEMBLY	Reporting Requirements of the Act

## **Appendix B. Sustainable Growth and Agricultural Preservation Act FAQs**

### General Questions

#### **How does the Act impact commercial and industrial operations or development?**

- The Act only impacts residential subdivisions. It does not impact commercial or industrial development.

#### **What is a growth tier?**

- Growth Tiers are areas within a local jurisdiction that correspond with limitations on certain types of wastewater treatment disposal systems. These growth Tiers are governed by statute and are categorized as follows:

Tier I – Served by public sewerage systems

Tier II – Planned for public sewer sewerage systems

Tier III – Not planned for public sewerage; areas where growth on septic systems can occur

Tier IV – Not planned for public sewerage; areas for preservation where only limited growth on septic systems can occur

#### **Does the Act apply to connections of existing septic systems to public sewerage systems?**

- No, connection of existing septic systems is not prohibited by the Act. SB236 only applies when an act of subdivision occurs.

#### **Is this Act voluntary or mandatory on local governments?**

- The Act is voluntary. However, if a local government wants to allow for major subdivisions on septic systems then they must adopt the tiered approach. If a local government does not adopt the growth Tiers, then the government is limited to approving minor subdivisions on septic systems outside of its sewerage areas.

#### **Are community and shared systems allowed under the Act?**

- Yes, but it is now required that community systems and shared systems have a controlling authority that is a government entity. This prohibits homeowner associations from being responsible for operating wastewater treatment plants.

#### **Does the Act force local governments to allow community systems and shared facilities if they don't want them?**

- No. Local governments are NOT required to allow community systems and shared facilities in their jurisdiction. Currently, local governments are required to step in and fix failing shared facilities and they bear the cost of that. This Act provides local governments greater tools to regulate community systems and shared facilities because it allows them to deny them because they can refuse to be a controlling entity and thereby avoid having to fix a failing system.

#### **What happens if the counties and municipalities disagree on the designation of Tiers?**

- MDE and MDP will coordinate with both local governments to try and resolve the dispute. Should the mediation still result in a standstill, MDP will evaluate the relevant planning laws and comprehensive plans and make a recommendation to MDE as to the most appropriate

Tier designation and MDE will render a decision. This is consistent with a directive issued by Governor Glendenning in 1995 to resolve disputes relating to water and sewerage plans which is in place today.

**What happens if the local government and State disagree on the designation of the Tiers?**

- The ultimate decision on the designation of the Tiers is left to the local jurisdiction. If the State and local jurisdiction disagree on the Tier designations MDP will comment on the local Tiers and the local jurisdiction must hold a public hearing to consider the MDP comments. The jurisdiction may then choose to amend their Tiers or choose for the Tiers to remain the same.

**Administrative/Implementation**

**How are the major/minor subdivision thresholds determined?**

- The Act allows local governments to use their existing definitions for major/minor subdivisions. If the local jurisdiction wants to redefine the definitions of major/minor subdivision for the purposes of this Act, they may do so by December 31, 2012 as long as the definition of a minor subdivision does not exceed 7 lots.

**If a jurisdiction has multiple definitions or descriptions of a minor subdivision, which definition will apply?**

- A local jurisdiction shall decide which definition they choose for the purposes of the Act and inform MDE and MDP of the definition prior to December 31, 2012.

**What if a local jurisdiction does not have or set a definition of a major/minor subdivision?**

- If a local jurisdiction does not set a definition by December 31, 2012, a minor subdivision is defined as a division of fewer than five lots, building sites, plats, or other divisions of land.

**Do jurisdictions have to adopt all the Tiers?**

- Jurisdictions only need to adopt the Tiers that are relevant to the land uses within their counties. In some cases, jurisdictions might not need to adopt each of the four Tiers. For example, because Baltimore County and Howard County have no municipalities and are unlikely to create new growth areas, Tier II areas for future growth may not be needed.
- If a local jurisdiction does not adopt all the Tiers, the jurisdiction must document the reasons for their decision not to adopt a particular Tier.

**What if a local jurisdiction ignores the language for Tier IV and designates land that should fall into Tier IV into Tier III?**

- First, MDP will likely comment on that designation and the local jurisdiction is required to hold a public hearing on MDP's comments. Second, new uncodified reporting language requires MDP to report back to the General Assembly before February 1, 2013 on the designations and MDP comments. The General Assembly will be able reevaluate the provisions of the law next session since local jurisdictions are required to adopt their Tiers by December 31, 2012.

**Do jurisdictions have to include the Tiers in their comprehensive plans?**

- To streamline the adoption process for the growth Tiers local governments can adopt the Tiers in an administrative fashion, similar to the existing PFA law. The local governments will then need to adopt the Tiers into their comprehensive plans as part of their normal 6-

year comprehensive plan update. This greatly reduces any administrative or financial burden for the local jurisdictions.

**If a jurisdiction is currently updating its comprehensive plan or will begin doing so in 2012, must the jurisdiction adopt the Tiers into the current comprehensive plan update they are undertaking?**

- If a comprehensive plan update is already in progress and due to be completed by the end of 2012, the jurisdiction does not have to adopt the Tiers in their current comprehensive plan update.

**How do local jurisdictions change their Tiers over time (e.g., due to a downzoning in a Tier III area)?**

- Until Tiers are included in the comprehensive plan, a local jurisdiction can change the Tiers administratively. Once the Tiers are included in a comprehensive plan, Tiers can be changed through a local jurisdiction's comprehensive planning process.

**Who is exempted from the Tier IV restriction of only minor subdivisions?**

- For counties whose subdivision and zoning requirements in their Tier IV area result in a protection level of not more than 1 dwelling unit per 20 acres, they could be allowed to have major subdivisions in Tier IV. The local government can request a yield calculation from MDP to determine if they meet the exemption for the prohibition of major subdivisions in Tier IV.
- MDP will verify the actual overall yield after consultation with the Maryland Sustainable Growth Commission.

**In Tier III and Tier IV, who determines what it means for an area to be dominated by agricultural lands, forests, or other natural areas?**

- The local jurisdiction ultimately decides what is in each growth Tier and thus, the definition of "dominated" is up to the local jurisdiction. MDP provides guidance on approaches to use for defining this in the SB236 guidance document.

**How does the Act impact existing and future easements?**

- The Act does not apply to easements granted by the state or local jurisdictions for the purpose of conserving natural resources or agricultural land.
- The Act does not grant any additional easement rights. For example, if a state easement grants four (4) lot rights, the Act does not give the easement holder additional lot rights if the property is located in a jurisdiction and in a Tier that would give them more rights.
- The Act does apply to private or federal easements. However, since an easement is a contract between two entities, this Act does not grant the easement holder the right to violate that contract.

**When considering MDP comments on the adopted Tiers, who can hold the public hearing and who does the Planning Board provide its recommendation to related to those comments?**

- Regardless whether the planning director, planning board, or legislative body adopts the Tiers, either the Planning Board or Planning Commission or legislative body can hold the public hearing to consider the comments. The body that the Planning Board or Planning

Commission provides its recommendation to depends entirely on who within the local jurisdiction makes the decision with regard to adoption of the growth Tiers.

**Does the Planning Board have to recommend a major subdivision on individual septic systems, shared facilities or community systems in a Tier III Growth area?**

- Yes. The Act creates a new requirement for Planning Boards and Planning Commissions to have a public hearing on the proposed major subdivisions.

**What does the Planning Board or Commission have to consider when they are holding the public hearing?**

- The Board or Commission has to consider the cost of services to the major subdivision and the environmental issues or the natural resources inventory on the property.

**How does the Planning Board or Commission recommend the major subdivision on individual septic systems, shared facilities or community systems?**

- By resolution of the Board or Commission.

**Does this Planning Board or Commission public hearing and recommendation requirement apply to charter counties?**

- Yes. Since most charter county Planning Boards or Commission do not approve subdivisions this Act now requires them to recommend to that administrative official within the local jurisdiction that approves subdivisions a major subdivision on individual septic systems, a shared facility or a community system in Tier III.

**What if the Planning Board in the charter county is advisory only? Is the Planning Advisory Board required to do the public hearing and the recommendation for a major subdivision on individual septic systems, a shared facility or a community system?**

- Yes. The Act defines a Planning Board or Commission to include a Planning Board or Commission that is advisory only.

**In a non-charter county or municipality, Planning Boards are required to approve subdivisions. How does this new public hearing and recommendation requirement for major subdivision on individual septic systems, a shared facility or a community system work with the existing requirement?**

- A non-charter county or municipal Planning Board can combine the two functions as long as the Planning Board also meets the new requirements – a public hearing, consideration of the cost of services to the major subdivision and the environmental issues or the natural resources inventory on the property and a recommendation of approval by resolution.

## Appendix C. Applicable Sections of SB236

### 2.1 Wastewater Disposal and Subdivision Restrictions under SB236

*Environment Article, Section 9-206*

- (A) (2) *“Community sewerage system” means a publicly or privately owned sewerage system that serves at least two lots.*
- (7) *“On-site sewage disposal” means the disposal of sewage beneath the soil surface*
- (8) (I) *“On-site sewage disposal system” means a sewage treatment unit, collection system, disposal area, and related appurtenances*
- (II) *“On-site sewage disposal system” includes a shared facility or community sewerage system that disposes of sewage effluent beneath the soil surface.*
- (9) *“Public sewer” means a community, shared, or multiuse sewerage system.*
- (10) *“Shared facility” means a sewerage system that:*
- (I) *Serves more than one:*
- 1. Lot and is owned in common by the users;*
  - 2. Condominium unit and is owned in common by the users or by a condominium association;*
  - 3. User and is located on individual lots owned by the users; or*
  - 4. User on one lot and is owned in common by the users; or*
- (II) *Is located wholly or partly on any of the common elements of a condominium*
- (III) *Serves a housing or another multiple ownership cooperative*
- (F) *On or after December 31, 2012, a local jurisdiction:*
- (1) *May not authorize a residential major subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems until the local jurisdiction adopts the growth tiers in accordance with Article 66B, § 1.05 of the Code; or*
- (2) *If the local jurisdiction has not adopted the growth tiers in accordance with Article 66B, § 1.05 of the Code, may authorize:=*
- 1. A residential minor subdivision served by on-site sewage disposal systems if the residential subdivision otherwise meets the requirements of this title; or*
  - 2. A major or minor subdivision served by public sewer in a Tier I area.*
- (G) (1) *Except as provided in subsection (F)(2) of this section and subject to subsection (I) of this section, a local jurisdiction may authorize a residential subdivision plat only if:*
- (I) *All lots proposed in an area designated for Tier I growth will be served by public sewer;*
- (II) *All lots proposed in an area designated for Tier II growth:*
- 1. Will be served by public sewer; or*
  - 2. If the subdivision is a minor subdivision, may be served by on-site sewage disposal systems;*

- (III) Except as provided in subsection (H) of this section, the subdivision is a minor subdivision served by individual on-site sewage disposal systems in a Tier III or Tier IV area; or
- (IV) The subdivision is a major subdivision served by on-site sewage disposal systems, a community system, or a shared facility located in a Tier III area and has been recommended by the local Planning Board in accordance with Article 66B, § 1.06 of the Code

#### **2.2.4 Resolving Conflicting Growth Tier Designations Among Local Jurisdictions**

*Environment Article, Section 9-206*

- (I) (1) If two or more local jurisdictions adopt conflicting tier designations for the same area, the Department (i.e., MDE) and the Department of Planning shall confer with the local jurisdictions to seek resolution of the conflicting designations.
- (2) If a conflict in growth tier designations is not resolved, the Department of Planning shall recommend to the Department (i.e., MDE) and the Department may approve the preferred local jurisdiction designations as recommended by the Department of Planning based on the following best planning practices or factors:
  - (I) The comprehensive plan, including the Municipal Growth Element, the Water Resources Element, the Land Use Element, and, if applicable, the Priority Preservation Element;
  - (II) Growth projections and development capacity; and
  - (III) Availability of infrastructure.

#### **2.2.4 Adopting the Growth Tiers**

*Article 66B, Section 1.05*

- (B) On or before December 31, 2012, a local jurisdiction may adopt the mapped growth tiers in accordance with this section.
- (H) (1) A local jurisdiction that adopts growth tiers shall incorporate the tiers into the local comprehensive plan or an element of the plan:
  - (I) When the local jurisdiction conducts the 6-year review of the plan under §§ 1.04(D) and 3.05(B) of this article; and
  - (II) In accordance with the requirements of this section.
- (2) If a local jurisdiction does not incorporate all of the growth tiers authorized under this section into the local comprehensive plan or an element of the plan, the local jurisdiction shall state that a tier is not adopted.

*(Note: after October 1, 2012, see Land Use Article, Title 1, Subtitle 5)*

*Uncodified Portion of SB236, Section 4*

- (a) (2) The tiers may be adopted as an amendment to the comprehensive plan under Article 66B, §1.05 of the Code or Title 1, Subtitle 5 of the Land Use Article and be included as an appendix that delineates the tiers and the comprehensive plan land use categories and zoning ordinance districts that are included in each tier.

#### **2.2.6 Public Hearing Requirement to Consider Comments from the Maryland Department of Planning on Tier Mapping**

Article 66B, Section 1.05

- (G) (1) *If the Department of Planning comments under subsection (E) of this section on any of the tiers or on an area within one of the tiers, the local legislative body or the planning board shall hold at least one public hearing on the comments by the Department of Planning.*
- (2) *The local legislative body or the planning board shall review the mapped growth tiers adopted by the local jurisdiction in light of the comments by the Department of Planning.*
- (3) *If the planning board holds the public hearing under paragraph (1) of this section, after the public hearing and the consideration of the comments by the Department of Planning, the Planning Board shall recommend to the local jurisdiction that either the tiers or an area within the tiers:*
- (I) *Be changed; or*
- (II) *That the adopted tiers remain unchanged.*
- (4) *If the planning board recommends that the tiers or an area within the tiers be changed under paragraph (3) of this subsection, the planning board shall provide the recommended mapped growth tier changes to the local jurisdiction.*

**2.2.7 Tier IV Exemption Provision for Residential Major Subdivisions on Septic**

*Environment Article, Section 9-206*

- (H) (1) *The limitation of minor subdivisions in subsection (G)(1)(III) of this section does not apply to a local jurisdiction, if the subdivision and zoning requirements in their cumulative Tier IV areas result in an actual overall yield of not more than one dwelling unit per 20 acres that has been verified by the Department of Planning.*
- (2) *A local jurisdiction may request, in writing, a verification of the actual overall yield from the Department of Planning.*
- (3) *The Department of Planning shall verify the actual overall yield after consultation with the Maryland Sustainable Growth Commission, established in § 5-702 of the State Finance and Procurement Article.*

*Uncodified Portion of SB236, Section 5*

*If requested by a local jurisdiction to verify the actual overall yield for zoning in a Tier IV area under 9-206(h) of the Environment Article, the Department of Planning shall:*

- (a) *review the local zoning code, along with any relevant subdivision or development regulations or rules, to help determine the overall development yield;*
- (b) *request, if appropriate, information from the local jurisdiction to help determine the overall yield of development in Tier IV;*
- (c) *examine any additional information that the local jurisdiction provides supporting qualification of the jurisdiction's zoning districts; and*
- (d) *discuss any discrepancies or questions with the local jurisdiction before determining if the jurisdiction's Tier IV area meets the overall actual yield of one dwelling unit per 20 acres within the Tier IV area.*

**3. Grandfather Provisions: Tracking Residential Subdivisions to Determine Applicability of SB236 and Ensuring Applicable Wastewater Disposal Methods are Used**

*Section 9-206, Environment Article*

- (B) (2) Subsections (F) through (K) do not apply to an application for approval of a residential subdivision under § 9-512(E) of this title if:
- (I) 1. By October 1, 2012, a submission for preliminary plan approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development;
2. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval:
- A. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department; and
- B. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; or
3. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval and the local jurisdiction does not accept applications for soil percolation tests year round:
- A. Documentation that a Maryland professional engineer or surveyor has prepared and certified under seal a site plan in anticipation of an application for soil percolation tests;
- B. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department at the next available soil percolation test season; and
- C. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; and
- (II) By October 1, 2016, the preliminary plan is approved.

#### **4. Confirm or Adjust/Create Definitions of Major and Minor Subdivisions**

##### *Section 9-206 of the Environment Article*

- (A) (5) "Major subdivision" means:
- (I) The subdivision of land:
1. Into new lots, plats, building sites, or other divisions of land defined or described as a major subdivision in a local ordinance or regulation:
- A. That is in effect on or before January 1, 2012; or
- B. Adopted on or before December 31, 2012, if a local jurisdiction chooses to create a definition or description applicable solely to this section or if a local ordinance or regulation does not define or describe a major subdivision under item A of this item; or

2. *If a local jurisdiction has not adopted a definition or description of a major subdivision on or before December 31, 2012, under item 1 of this item, into five or more new lots, plats, building sites, or other divisions of land; and*
    - (II) *If the local ordinance or regulation has multiple definitions or descriptions of a major subdivision under paragraph (I) of this subsection, the definition or description of a major subdivision that is determined by the local jurisdiction to apply for the purposes of this section.*
- (6) *“Minor subdivision” means:*
- (I) *The subdivision of land:*
    1. *Into new lots, plats, building sites, or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation:*
      - A. *That is in effect on or before January 1, 2012; or*
      - B. *Adopted on or before December 31, 2012, if a local jurisdiction chooses to create a definition or description applicable solely to this section or if a local ordinance does not define or describe a minor subdivision under item A of this item, provided that a minor subdivision defined or described in the adopted ordinance or regulation does not exceed seven new lots, plats, building sites, or other divisions of land; or*
    2. *If a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 31, 2012, under item 1 of this item, into fewer than five new lots, plats, building sites, or other divisions of land; and*
  - (II) *If the local ordinance or regulation has multiple definitions or descriptions of a minor subdivision under item (I) of this paragraph, the definition or description of a minor subdivision that is determined by the local jurisdiction to apply for the purposes of this section.*
- (C) (1) *Subsections (F) through (K) and subsection (N) of this section do not apply to covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2-118 of the Real Property Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.*
- (2) *Subsections (F) through (K) of this section may not be construed as granting any additional rights in covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2-118 of the Real Property Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.*
- (D) *Subsections (F) through (I) and subsection (L) of this section do not:*
- (1) *Affect a local transfer of development rights program authorized under Article 25A, § 5(X), Article 28, § 8-101, or Article 66B, § 11.01 of the Code; or*
  - (2) *Diminish the local development rights transferred in these transfer of development rights programs.*
- (E) *Subsections (F) through (I) and subsection (L) of this section may not be construed as prohibiting a local jurisdiction from altering the definition or description of a major or minor subdivision in a local ordinance or regulation for local zoning or development purposes.*

*Uncodified Portion of SB236, Section 6*

- (a) *each local jurisdiction shall submit any definition or description of a major or minor subdivision in the jurisdiction's local ordinance or regulation to the Department of Planning on or before December 31, 2012, in accordance with the provisions of § 9-206 of the Environment Article; and*
- (b) *the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012.*

**6. Implementing Restrictions Related to Resubdivision and Further Subdivision for New Residential Minor Subdivisions within Tier II, III and IV Areas**

*Environment Article, Section 9-206*

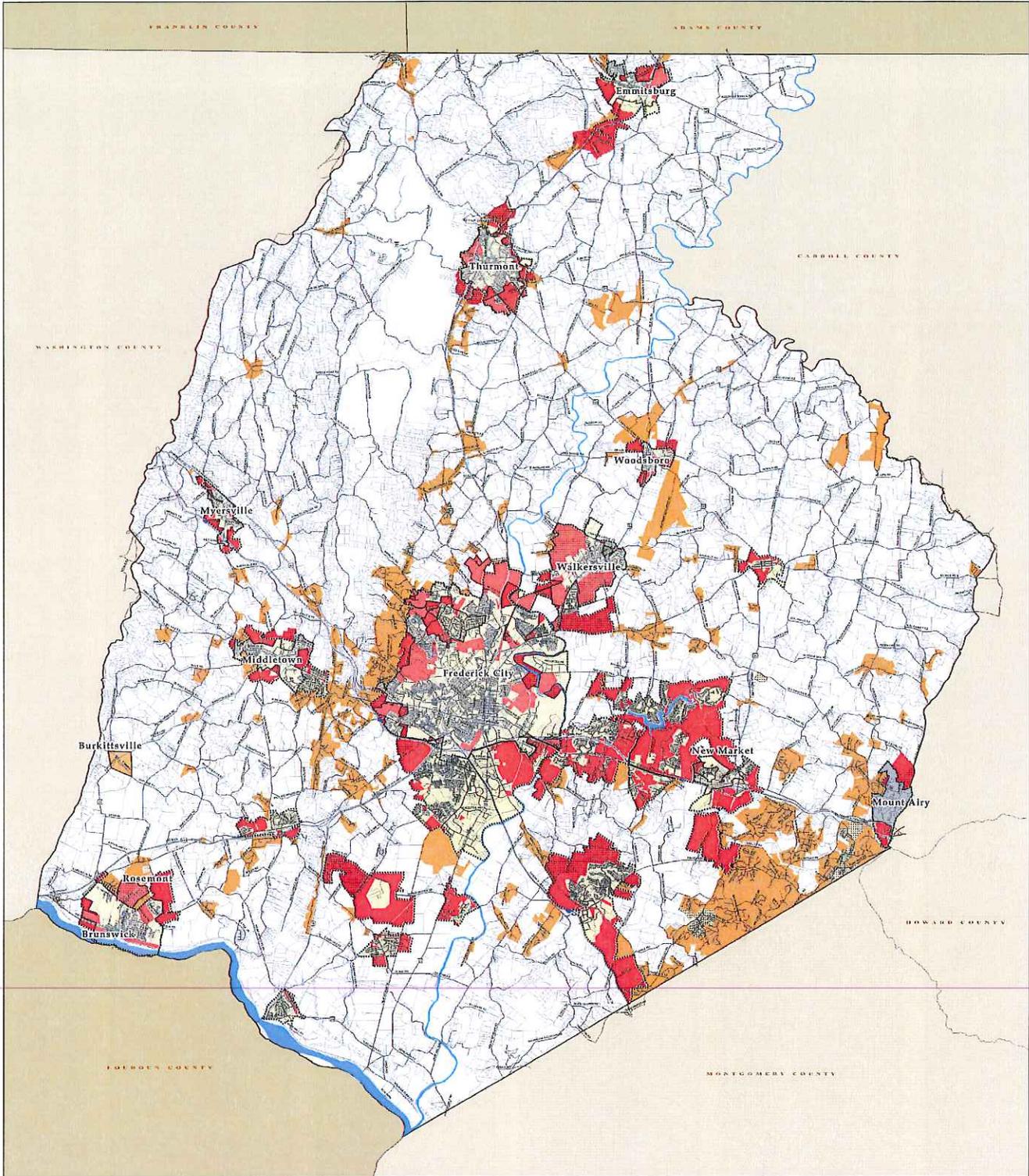
- (L) (1) *This subsection applies to a residential minor subdivision in a Tier II, Tier III, or Tier IV area.*
- (2) *Except as provided in paragraphs (4) and (5) of this subsection, on or after December 31, 2012, if a tract or parcel of land is subdivided into a residential minor subdivision leaving any remainder parcel or tract of land:*
  - (I) *The residential minor subdivision may not be resubdivided or further subdivided; and*
  - (II) *The remainder parcel or tract of land may not be subdivided.*
- (3) *Except as provided in paragraphs (4) and (5) of this subsection, on or after December 31, 2012, the subdivision plat of the residential minor subdivision shall state that:*
  - (I) *The residential minor subdivision may not be resubdivided or further subdivided;*
  - (II) *The remainder parcel or tract of land may not be subdivided; and*
  - (III) *The subdivision plat is subject to State law and local ordinances and regulations.*
- (4) *On or after December 31, 2012, if a tract or parcel of land is subdivided into a residential minor subdivision, the residential minor subdivision or the remainder parcel or tract of land may be resubdivided or further subdivided if the subdivision or the remainder parcel or tract of land is:*
  - (I) *Within a Priority Funding Area as defined in Title 5, Subtitle 7B of the State Finance and Procurement Article; and*
  - (II) *Designated for public sewerage service within 10 years in the approved water and sewer plan.*
- (5) (I) *A tract or parcel of land may be subdivided into a residential minor subdivision in Tier II, Tier III, or Tier IV areas over time if each time a new lot or parcel is created, the subdivision plat states the number of new lots, plats, building sites, or other divisions of land that are left with the number of lots, plats, building sites, or other divisions of land allowed as a subdivision.*
  - (II) *Except as provided in paragraph (III) of this paragraph, when the tract or parcel of land that is subdivided over time reaches the total number of lots, plats, building sites, or other divisions of land that are allowed as a residential minor subdivision, the subdivision plat shall state that:*
    - 1. *The residential minor subdivision may not be resubdivided or further subdivided;*
    - 2. *The remainder parcel or tract of land may not be subdivided; and*

3. *The subdivision plat is subject to State law and local ordinances and regulations.*
- (III) *A remainder parcel or tract of land may be subdivided for nonresidential agricultural purposes, including a farm market, agricultural processing facility, or creamery, and the owner may apply for approval of an on-site sewage disposal system to serve the nonresidential agricultural purposes.*

## **7. Planning Board Review and Recommendation for Approval of New Residential Major Subdivisions within Tier III Areas**

*Article 66B, Section 1.06*

- (B) *This section applies only to a residential major subdivision in a Tier III area served by:*
- (1) *On-site sewage disposal systems;*
  - (2) *A shared facility; or*
  - (3) *A community sewerage system.*
- (C) *If a local jurisdiction establishes the growth tiers under § 1.05 of this article, a residential major subdivision in a Tier III area may not be approved unless the planning board has reviewed and recommended the approval of the major subdivision in the Tier III area.*
- (D) (1) *Before recommending the approval of a proposed major subdivision in a Tier III area, the planning board shall hold at least one public hearing.*
- (2) *The planning board shall conduct the public hearing in accordance with its rules and procedures.*
- (E) *The review of a residential major subdivision by the planning board shall include:*
- (1) *The cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's adequate public facilities ordinance already requires a review of government services; and*
  - (2) *The potential environmental issues or a natural resources inventory related to the proposed residential major subdivision.*
- (F) *The planning board shall recommend the proposed residential major subdivision by resolution of the planning board.*



## Senate Bill 236: Growth Tiers

- |  |  |          |          |
|--|--|----------|----------|
| Municipalities   | Tier I                                   | Tier II  | Tier III |
| Community Growth Area<br><small>amended September 2012</small> | Tier IA                                  | Tier IIA | Tier IV  |
|  | Tier mapping to be submitted by the Town |          |          |

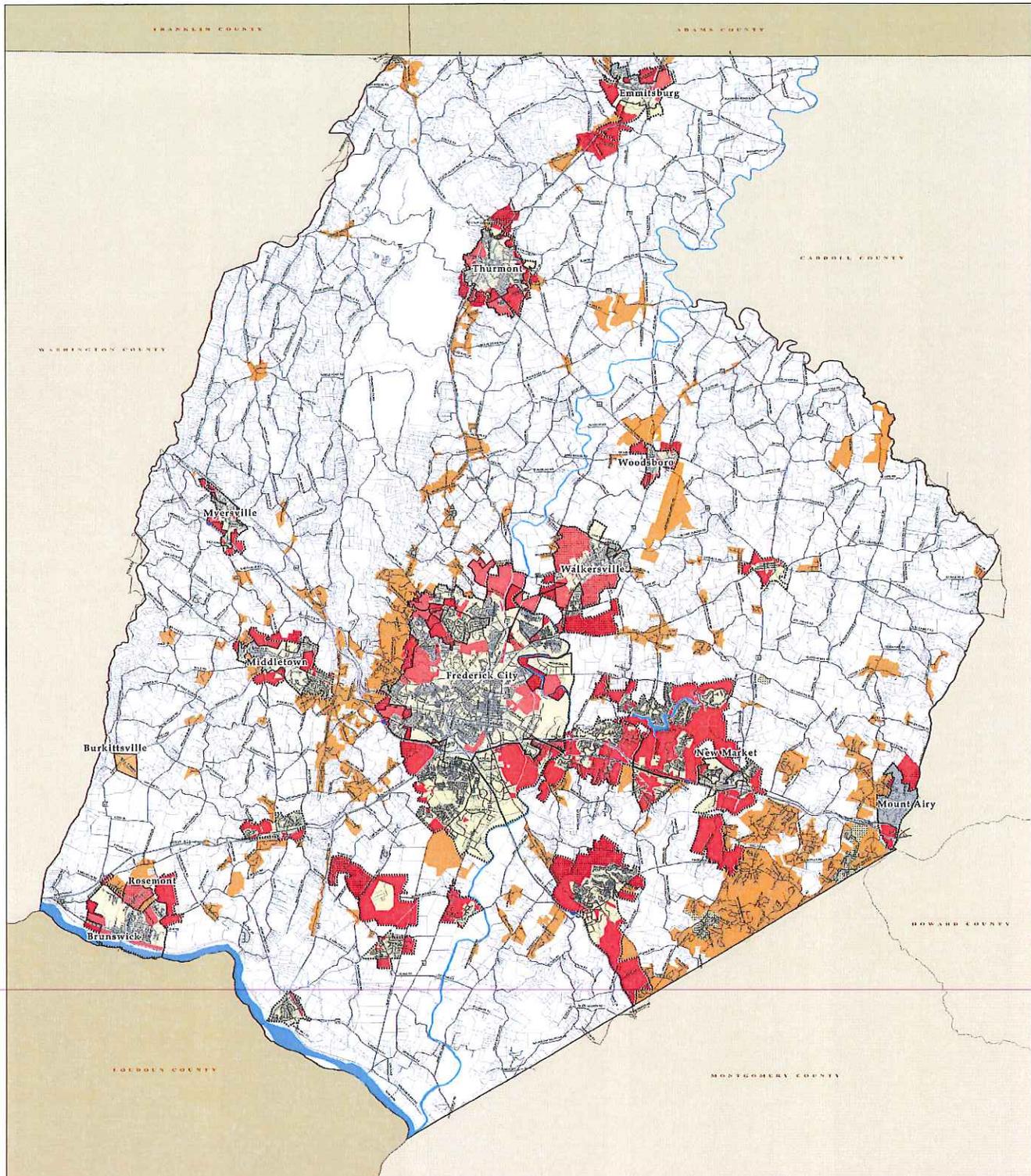
Adopted- February 26, 2013



Community Development  
Division  
March 15, 2013

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.





## Senate Bill 236: Growth Tiers

- |  |  |          |          |
|--|--|----------|----------|
| Municipalities   | Tier I                                   | Tier II  | Tier III |
| Community Growth Area<br><small>amended September 2012</small> | Tier IA                                  | Tier IIA | Tier IV  |
|  | Tier mapping to be submitted by the Town |          |          |



Adopted- February 26, 2013



Community Development  
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March 15, 2013

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# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

**Mayor & Council  
28 West H Street  
Water & Sewer Tap Allocation Request  
Staff Report  
July 12, 2016**

## **BACKGROUND:**

On March 9, 2004, the City adopted the Water & Sewer Rules & Regulations and on April 27, 2004, Council approved Water & Sewer Allocation Policy.

This request is for allocation of one (1) Sanitary Sewer Tap and one (1) Water Tap to serve 28 West H Street (Tax Map 201, Lot 215, Parcel 1300 – Lot of Record

## **ANALYSIS:**

The Tap Allocation process was established to ensure that taps are used within the appropriate time period to the maximum extent possible and to preclude the potential hoarding of taps. This process requires that a Tap Allocation Request with Fee be filed and approved by Mayor & Council.

Once the Tap Application is approved, the Applicant must pay the capacity fees for the water and sewer taps within 30 days of approval. A Zoning Certificate Application Package with Fee, an Entrance Permit Package with Fee, a Modified Public Works Agreement and fee, the purchase of the water meter and payment of the lateral inspections fees will follow.

This application has come before Mayor & Council to approve purchase of the requested taps. This parcel is a Lot of Record and proposes to access Center St and connect to utilities in W. H St.

This request is for a Water & Sanitary Sewer tap for 28 West H Street. The primary structure on the property will be a single family dwelling. All work for connections to City infrastructure will be regulated by the Modified Public Works Agreement. The Allocation Pool has one thousand, two hundred and eighteen (1,218) remaining sanitary sewer taps remaining from the 2016 Tap Allocation Report.

**RECOMMENDATION:**

Staff recommends allocation of one (1) Sanitary Sewer Tap and one (1) Water Tap in accordance with the City Tap Allocation Policy and the City Water & Sewer Rules and Regulations, with the following conditions:

1. Improvements to the public right-of-way are conditions of approval.
2. No work is to be conducted within a Right-of-Way without Public Works approval and inspection.
3. All applicable certificates, permits, and agreements are obtained, associated fees are paid, and any required surety is in place.



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**From:** abetterchoicebakery@comcast.net  
**Sent:** Monday, July 04, 2016 11:15 AM  
**To:** Chief Frech; City Hall  
**Subject:** Consent agenda option?

**Categories:** Lauren

As previously discussed, I wish to see about the event planned for August's First Friday

Brief outline: theme is "wheels".

Plan is to have people enter their bikes in a friendly competition (dirtiest, most covered in stickers, shiniest, rustiest, etc) with entry proceeds (\$10 adult, \$5 child) going to Knoxville Reformed Cemetery. The other plan was to register bikes, encouraging those that have not been registered, part of the ordinance in Brunswick. In a conversation with Chief, the cost to register is 50 cents. I would like to, in exchange for doing the registration with volunteers of our own, have the 50 cents waived.

If it is not approved, I can get that donated but wanted to get everyone down here with their bicycles. We will also have an area where skateboards can be displayed, not ridden, just so we keep people from being hurt or hit with a 'wheeled vehicle'.

Thank you for your consideration.

(zero title, just a business owner trying to get First Fridays successful again).

I would need an electronic copy of the registration form (or I can make one from an existing paper one you supply me so I can make my own copies).

Beth Johnson  
Owner/Baker  
A Better Choice Bakery  
301-969-0341 or 301-712-4137  
LOVE us on Facebook!

### Title 3. Licensing of Bicycles

#### Section 6-1301.      Inspection of Bicycles

Every operator of a bicycle within the corporate limits of the City of Brunswick shall be required to submit his or her machine for inspection on or before the first of January in every year. Inspection will be conducted under the supervision of the Chief of Police who shall approve or disapprove of the mechanical condition of such bicycle. Inspection shall include brakes, tires, wheels, frame, handlebars and such other inspection as shall be required. Upon satisfactory inspection, the operator will be issued a license tag, bearing an identification number, certifying that the bicycle has been inspected.

*Revisor's Note: See Note at Section 6-1406.*

#### Section 6-1302.      Bicycle License Tags

No person shall be permitted to operate any bicycle within the City of Brunswick without having first obtained a permit. A license tag shall be attached to each bicycle and must remain on said bicycle at all times.

Applications for registration are available from the Chief of Police. Licenses shall be issued upon completion of registration, inspection and payment of a fee established from time to time by resolution of the Mayor and Council.

In the event that any license tag is lost, stolen or destroyed, the persons owing or having possession of such bicycle shall report the same to the Chief of Police within 24 hours after the incident. Upon payment of a fifty cent (\$.50) fee, a new license tag will be furnished to that person.

No license tag issued under the provisions of this Title shall be transferred from one bicycle to another but shall be transferable only from one person to another person pursuant to a change in ownership of the bicycle and in accordance with a change in registration of the bicycle.

Section 6-1303.      Impoundment of Bicycles

Any bicycle found abandoned in any public thoroughfare, or being operated within the corporate limits of the City without a license shall be impounded by the police. The police department shall keep such bicycle impounded until the owner shall have obtained the required license tag.

Any bicycle operated contrary to the provisions of this Ordinance shall also be impounded. The bicycle so impounded shall be held at Police Headquarters until the owner thereof, if the owner is an adult, or the parent or parents of the owner, if said owner is a juvenile, satisfies the Police Chief that he or she will obey all the provisions of this Ordinance.

No impounding fee will be charged. If a bicycle is not redeemed within thirty (30) days from the date of impoundment, such bicycle will be sold at public auction, after the sale has been duly advertised by publishing a notice of the time, place and date of such sale at least ten (10) days prior to the sale in some newspaper having a general circulation in the City.



THE  
CITY OF BRUNSWICK  
MARYLAND

June 16, 2016

BRUNSWICK MD 21716-1208

Dear \_\_\_\_\_

The City of Brunswick, Maryland has implemented a "Sidewalk Improvement Program" that is an annual funding program offered to Brunswick property owners at a zero percent interest loan to install/repair/replace non-existent and/or hazardous sidewalks. Enclosed, please find general information on the Program – additional information can be found available on the front page of the City website: <http://www.BrunswickMD.gov/>.

The starting point for this project is for you to complete as much information as you can on the top portions of the enclosed application and submit to the Brunswick City Project Coordinator, Kimberly Drapeau. Specific to the Program and your property, please be aware of the following:

- 1) The City already has a contract in place to do the work on your sidewalk portion of, which was bid along with the Street Improvement Project.
- 2) Your interest in having the work done is a key "next step" in our ability to move forward with the Street Improvement Project.
- 3) The City has calculated that your property has 66 linear feet of frontage on Maple Avenue - you may wish to confirm this number.
- 4) The City's contracted cost for the work is \$50/linear foot.
- 5) Therefore, the total amount of the portion of the project at your Maple Avenue frontage of your property would be \$3,300.
- 6) Upon completion of the application and acceptance for this project, I would anticipate the City would then construct the sidewalk.
- 7) Once the sidewalk is completed, the City would then begin invoicing you quarterly for repayment of the cost of the project over a five year period. There would be zero interest and the quarterly charge would be \$165 per quarter (\$3,300/5 years/4 quarters/year) for the next five years.

If you have any questions about this Program, please contact me at your convenience.

Thank you,

*Kimberly Drapeau*  
Project Coordinator  
City of Brunswick  
1 West Potomac Street  
Brunswick, MD 21716  
301-834-7500  
[kdrapeau@BrunswickMD.gov](mailto:kdrapeau@BrunswickMD.gov)  
<http://www.BrunswickMD.gov/>

**SIDEWALK PROJECT  
PAYMENT PLAN AGREEMENT**

<b>Date:</b>	July 1, 2016
<b>Name:</b>	
<b>Phone Number:</b>	
<b>Email Address:</b>	

<b>Account Number:</b>	N/A
<b>Property Address:</b>	North Maple Avenue, Brunswick, MD 21716

<b>Total Amount Due:</b>	<b>\$ 3,300.00</b>
<b>Initial Payment Amount:</b>	<b>\$ 165.00</b>
<b>Amount of Quarterly Installment:</b>	<b>\$ 165.00</b>

66 ft. @ \$50/ft = \$3,300 or \$165/quarter (5years/4 quarters/year)

City of Brunswick:

Upon completion of the sidewalk installation and the City's payment for the installation, I agree to pay **\$165.00** every quarter for the next five years or until my balance is \$0. Failure to keep payments current in accordance with this agreement will result in default of the payment plan. I further understand that defaulting on the payment plan may result in a lien being applied to my property or other collection action by the City of Brunswick or its Agents.

<b>Signature:</b>	<b>Date:</b>
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**CITY USE ONLY**

<b>City Approval:</b>	<b>Date:</b>
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**SIDEWALK PROJECT  
PAYMENT PLAN AGREEMENT**

<b>Date:</b>	July 1, 2016
<b>Name:</b>	
<b>Phone Number:</b>	
<b>Email Address:</b>	

<b>Account Number:</b>	N/A
<b>Property Address:</b>	North Maple Avenue, Brunswick, MD 21716

<b>Total Amount Due:</b>	<b>\$ 1,350.00</b>
<b>Initial Payment Amount:</b>	<b>\$ 67.50</b>
<b>Amount of Quarterly Installment:</b>	<b>\$ 67.50</b>
27 ft. @ \$50/ft = \$1,350 or \$67.50/quarter (5years/4 quarters/year)	

City of Brunswick:

Upon completion of the sidewalk installation and the City's payment for the installation, I agree to pay **\$67.50** every quarter for the next five years or until my balance is \$0. Failure to keep payments current in accordance with this agreement will result in default of the payment plan. I further understand that defaulting on the payment plan may result in a lien being applied to my property or other collection action by the City of Brunswick or its Agents.

<b>Signature:</b>	<b>Date:</b>
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**CITY USE ONLY**

<b>City Approval:</b>	<b>Date:</b>
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# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## SIDEWALK PROJECT PAYMENT PLAN AGREEMENT

NOT ON  
MAPLE OR H  
Streets

Date:	July 1, 2016
Name:	
Phone Number:	
Email Address:	

Account Number:	N/A
Property Address:	Brunswick, MD 21716

Total Amount Due:	\$ 6,600.00
Initial Payment Amount:	\$ 330.00
Amount of Quarterly Installment:	\$ 330.00
132 ft. @ \$50/ft = \$6,600.00 or \$330.00/quarter (5 years/4 quarters/year)	

City of Brunswick:

I agree to pay **\$330.00** every quarter for the next five years or until my balance is \$0. Failure to keep payments current in accordance with this agreement will result in default of the payment plan. I further understand that defaulting on the payment plan may result in a lien being applied to my property or other collection action by the City of Brunswick or its' Agents.

Signature:	Date:
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### CITY USE ONLY

City Approval:	Date:
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Re: Walk/bike path from Wenner Drive to H Street  
Date: June 14, 2016

### **Project.**

One of the biggest obstacles to walking and biking in Brunswick is the stream and draw that separates Maple from Second. There is no place to cross this draw between Souder Road and D Street, more realistically A Street. Because of this draw, many people must drive to cross town.

There is one plausible place a crossing could be created: between the dead end of H Street just west of Second Avenue, and the southeast corner of Wenner Drive. At this point, the draw is not deep and the engineering of creating a path would not be difficult.

### **Benefits.**

I initially thought of this in connection with Safe Routes to School and our new library. H Street is the ideal cross-town street for children walking or riding to school: it is a safe residential street that goes all the way across and hits Souder Road just a few yards away from the signal at the high school. The crossing I propose would give the whole west side of town walking access to the high and middle schools and the rest of the east side. The Wenner end is half a block from the library, giving the whole east side convenient access to the library, as well as the shopping center.

These benefits suggest the possibilities of partners (Safe Routes to School, Frederick County Public Library) and of grants.

### **Considerations.**

There seem to be existing easements (or city-owned properties) at the end of H and at the bottom of the draw along the stream. There is a wide gap between houses at this section of Wenner, and the properties on either side of this gap taper to only a few feet wide, if that. (Possibly there is already an easement for the city to enter the draw across one of these properties, as there is a sewer line buried in the draw. The access up the draw from south at D Street would not serve the purpose here.)

A bridge would be needed to cross the stream, and it would have to be substantive enough to handle however much flooding this stream gets. The several bridges on the path down from Brunswick Crossing might give an upper bound to the cost of what would be required here, since they are about the same span as this stream but they are heavier duty than foot traffic here would need, as they are built for utility trucks.

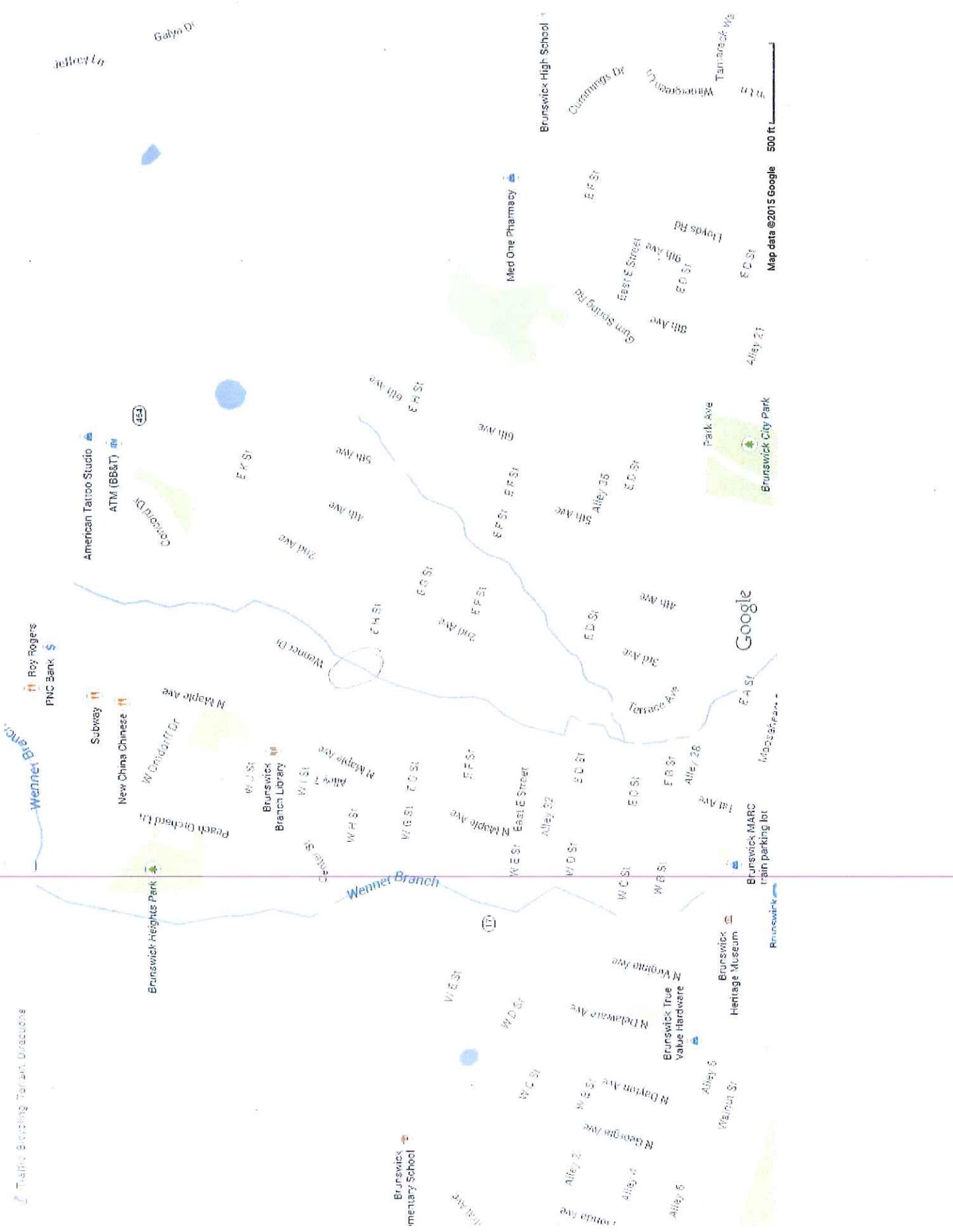
The drop down from H Street is steep enough that a couple of switchbacks would be needed. But it is not at all treacherous. It would be no problem for walkers, and cyclists could walk their bikes.

### **Proposal.**

With an eye to getting such a path made, I would like to see the Brunswick City Council take up the some preliminary tasks: finding out if an easement across private property from Wenner into the draw exists or can feasibly be acquired; assessing the engineering needs for a bridge; researching grant opportunities.

I'm attaching a Brunswick map, a parcel map of the surrounding properties, and four photographs of the two ends of the proposed path. Thank you.

Jerry Cayford ([jerry@cayford.org](mailto:jerry@cayford.org), (443) 841-6722)



Traffic: Bicycling Terrain: Directions

Google

Map data ©2015 Google

500 ft

Roy Rogers  
PNC Bank

American Tattoo Studio

ATM (BB&T)

433

Subway

New China Chinese

Brasilia Library

Brunswick  
Elementary School

Med One Pharmacy

Brunswick High School

Brunswick City Park

Brunswick MARC  
train parking lot

Brunswick  
Museum

Brunswick True  
Value Hardware

Heritage Museum

N Delaware Ave

N Dayton Ave

N Georgia Ave

N Virginia Ave

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Alley 3

Alley 4

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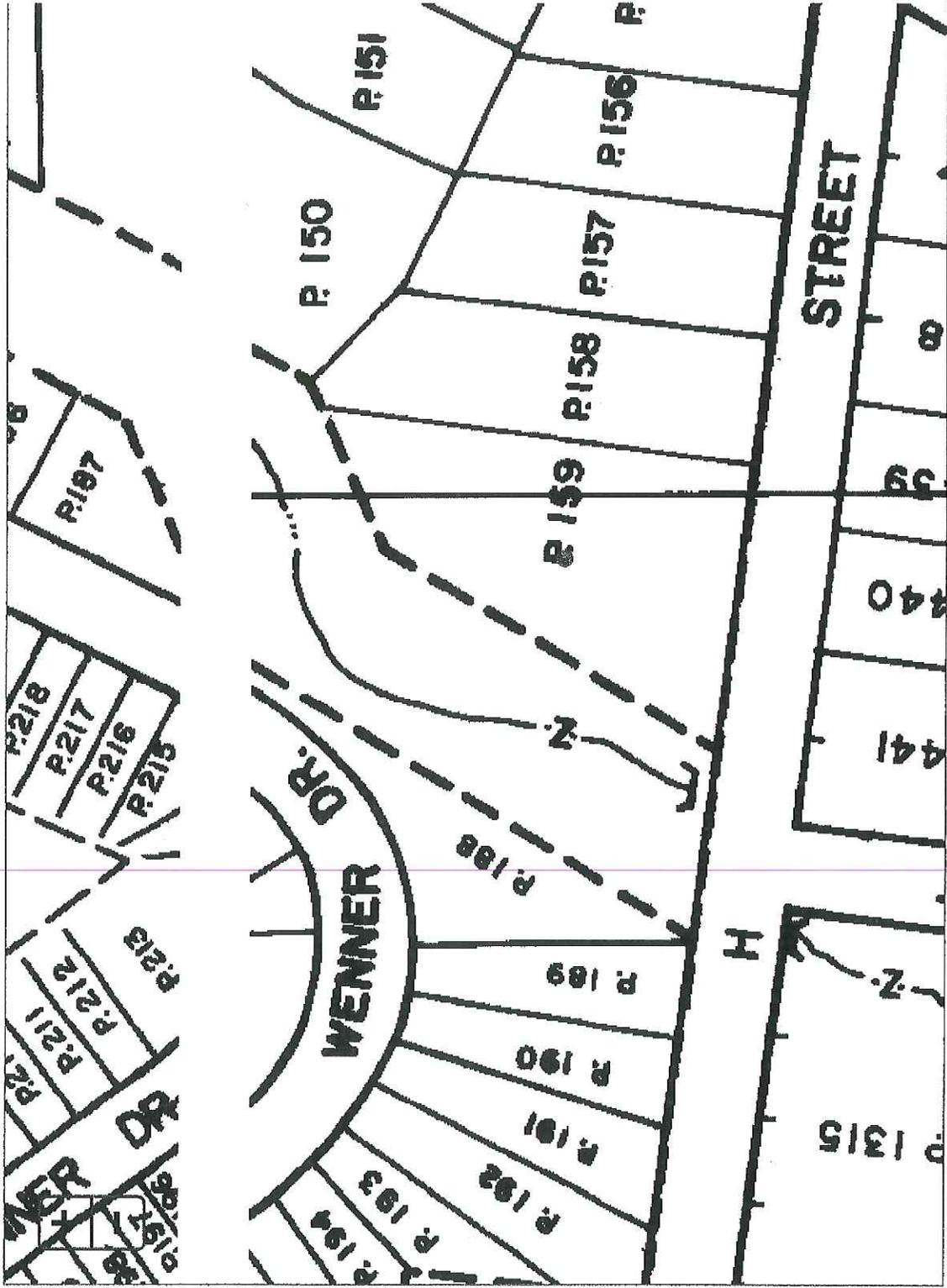
Alley 278

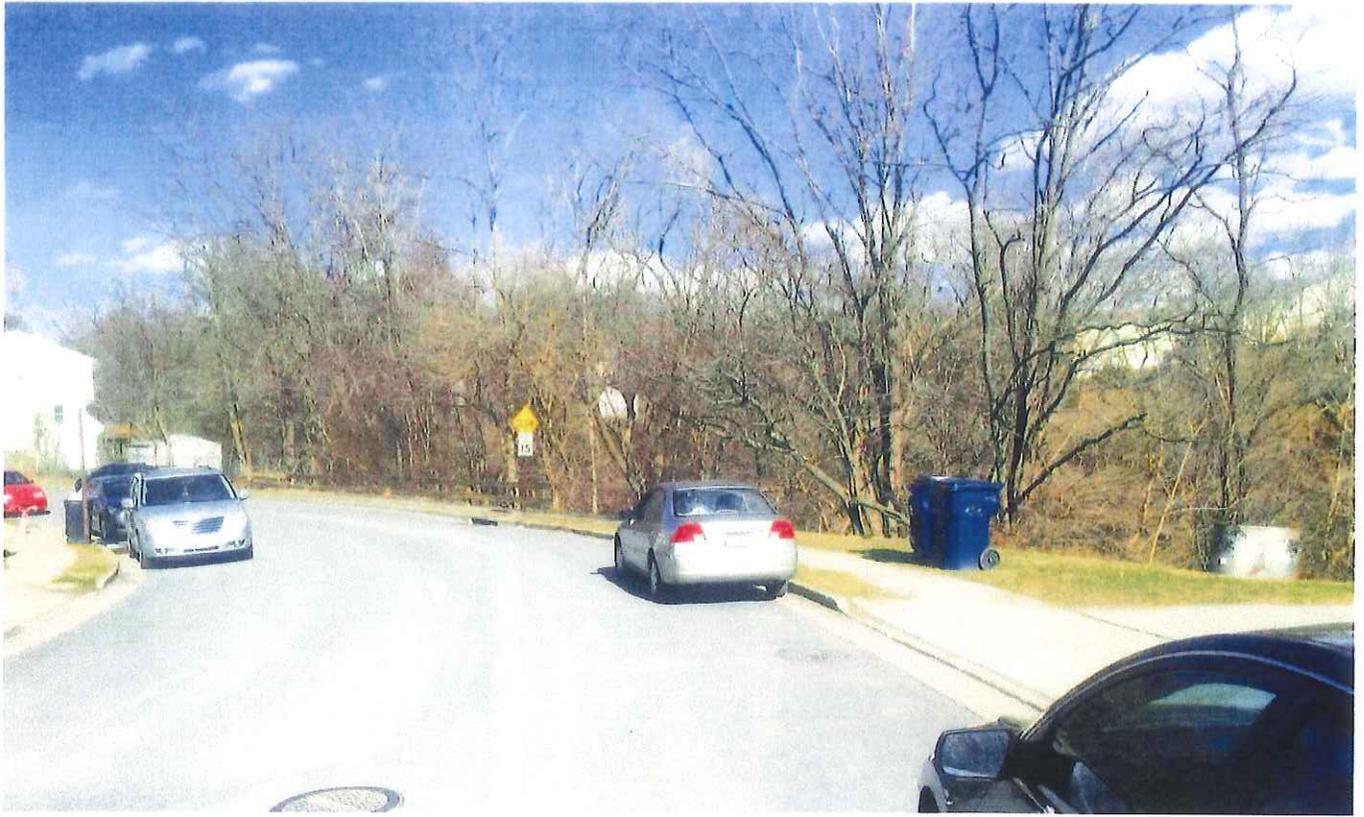
Alley 279

Frederick County

District: 25 Account Number: 466810

New Search (<http://sdat.resiusa.org/RealProperty/>)









Frederick County, Maryland

Home

Welcome to the Property Explorer

This application will allow you to obtain information on properties in Frederick County, MD using custom tools in a variety of ways.



Property Report

Find out comprehensive information on your property including where you can vote, which day to put out your recycling, where your children can go to school, your closest library and park, and much more.



Parcel Identifier

View the plat and tax record for your property. If a record exists for your property, you can download the plat and view the tax record from the SDAT "Real Property Data Search".



Recycle Tool

Discover the recycling schedule for your property.



Street Search

Search a list of street names using a keyword or subdivision name to obtain information on various streets in Frederick County.



Open the tool menu now

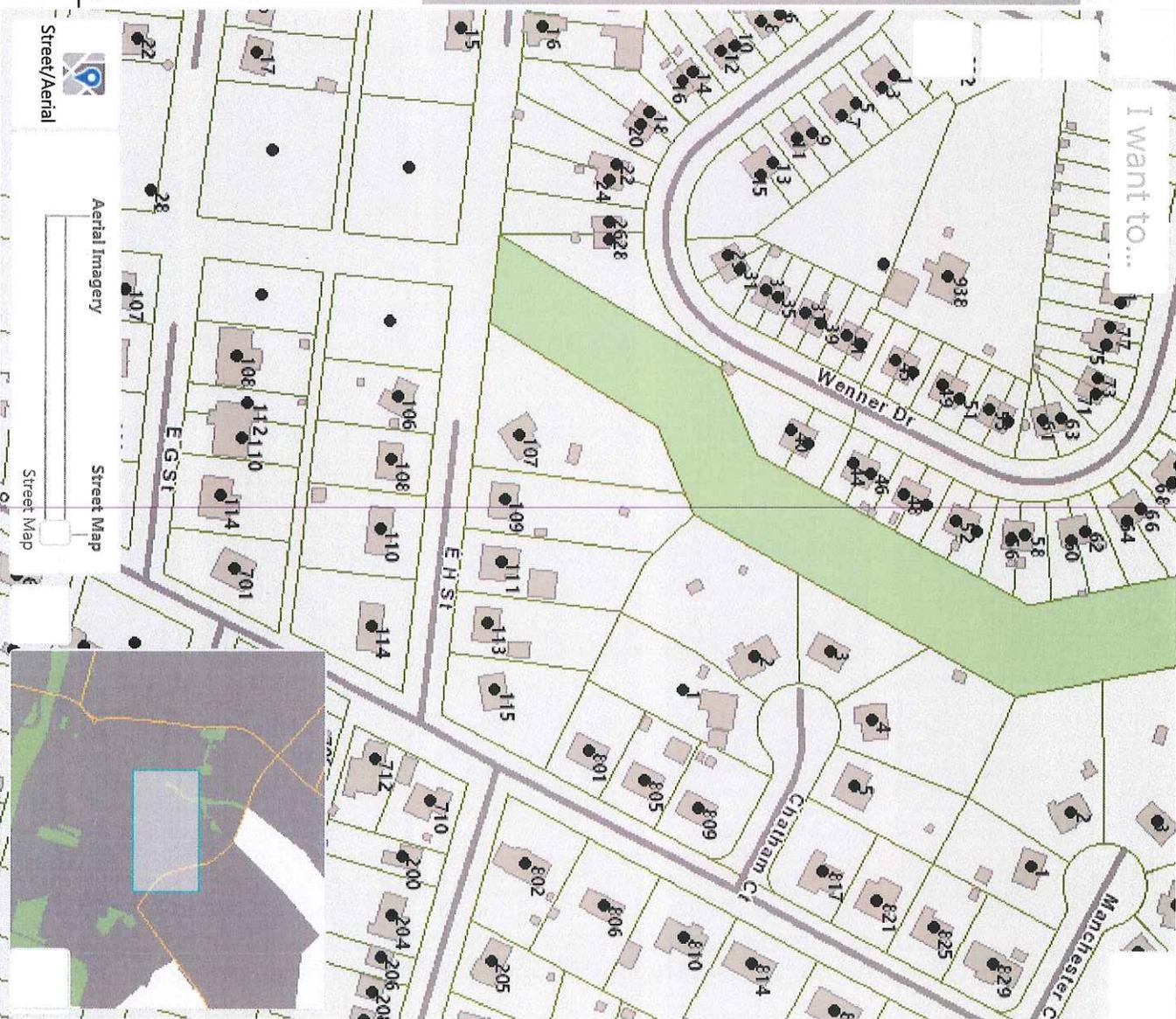
To open the tool menu click the icon in the upper right



... of the map. The tool menu contains a variety of

I want to...

Search...



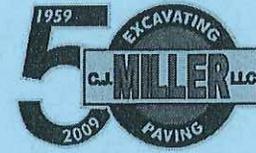


# C J MILLER, LLC

Excavating • Paving • Utilities

## MAIN OFFICE

3514 Basler Road • Hampstead, Maryland 21074-1299  
Phone (410) 239-8006 FAX (410) 239-4204



### Construction Services Proposal

March 25, 2016

City of Brunswick  
1 W. Potomac Street  
Brunswick, MD 21716

Attn.: John Gerstner, Super DPW

#### Project: SHA Patch – Maple

We are pleased to offer pricing for the above referenced project in accordance with the field measurements, specifications, and scope in this proposal.

We will furnish all labor, equipment, tools, and materials as needed to complete the following scope of work in a timely manner in accordance with Local, County, and State specifications (as dated at the time of this proposal), as well as any special conditions or requirements contained herein.

<b>1.</b>	<b>Patch to Centerline Eastbound Lane</b>	<b>2510 SY</b>	<b>\$ 11,845.00</b>
	Scope:		
	a. 2" Milling	210 SY	
	b. 2" 64-22 12.5mm Surface Overlay	25 TN	
	c. Traffic control	1 LS	
<b>2.</b>	<b>Patch full width East &amp; West bound Lanes</b>	<b>330 SY</b>	<b>\$ 16,735.00</b>
	Scope:		
	a. 2" Milling	330 SY	
	b. 2" 64-22 12.5mm Surface Overlay	40 TN	
	c. Traffic control	1 LS	

Finksburg Plant  
Phone (410) 833-3780  
FAX (410) 833-4858

Westminster Plant  
Phone (410) 848-4898  
FAX (410) 848-8887

Woodsboro Plant  
Phone (301) 845-8784  
FAX (301) 845-2658

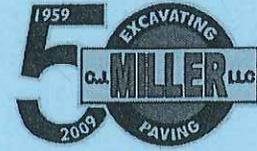


# C J MILLER, LLC

Excavating • Paving • Utilities

## MAIN OFFICE

3514 Basler Road • Hampstead, Maryland 21074-1299  
Phone (410) 239-8006 FAX (410) 239-4204



### Construction Services Proposal

May 27, 2016

City of Brunswick  
1 W. Potomac Street  
Brunswick, MD 21716

Attn.: John Gerstner, Super DPW

#### Project: 2016 Brunswick Paving Contract - Additions

We are pleased to offer pricing for the above referenced project in accordance with the field measurements, specifications, and scope in this proposal.

We will furnish all labor, equipment, tools, and materials as needed to complete the following scope of work in a timely manner in accordance with Local, County, and State specifications (as dated at the time of this proposal), as well as any special conditions or requirements contained herein.

1.	<b>4<sup>th</sup> Street (from D to E St.)</b>	<b>850 SY</b>	<b>\$ 35,866.00</b>
	Scope:		
	a. 4" Milling	850 SY	
	b. 2" 64-22 19mm Base	120 TN	
	c. 2" 64-22 12.5mm Surface Overlay	120 TN	
2.	<b>Upper Maple Ave. Intersection</b>	<b>960 SY</b>	<b>\$ 19,959.25</b>
	Scope:		
	a. 2" Milling	960 SY	
	b. 2" 19mm Base Patching	5 TN	
	c. 2" 12.5mm Surf. Wedge & Overlay	150 TN	
	d. Traffic control	1 LS	
3.	<b>Allguine Alley</b>	<b>570 SY</b>	<b>\$ 9,670.50</b>
	Scope:		
	a. 2" Milling	570 SY	
	b. 2" 64-22 12.5mm Surface Overlay	65 TN	

Finksburg Plant  
Phone (410) 833-3780  
FAX (410) 833-4858

Westminster Plant  
Phone (410) 848-4898  
FAX (410) 848-8887

Woodsboro Plant  
Phone (301) 845-8784  
FAX (301) 845-2658

4.	<b>W. C. St. &amp; Dayton Intersection</b>	<b>1,350 SY</b>	<b>\$ 33,900.50</b>
	Scope: a. 2" & 4" Milling	1,350 SY	
	b. 2" 19mm Base Patching	90 TN	
	b. 2" 64-22 12.5mm Surface Overlay	160 TN	
5.	<b>Steam Engine Alley</b>	<b>380 SY</b>	<b>\$ 9,429.25</b>
	Scope: a. 2" & 4" Milling	490 SY	
	b. 2" 19mm Base Patching	15 TN	
	b. 2" 64-22 12.5mm Surface Overlay	160 TN	
6.	<b>Boiler Alley</b>	<b>350 SY</b>	<b>\$ 20,192.00</b>
	Scope: a. 6" Milling	350 SY	
	b. 4" 19mm Base Patching	80 TN	
	b. 2" 64-22 12.5mm Surface Overlay	40 TN	
7.	<b>E. E St. (5<sup>th</sup> to 6<sup>th</sup>)</b>	<b>680 SY</b>	<b>\$ 11,068.00</b>
	Scope: a. 2" Milling	680 SY	
	b. 2" 64-22 12.5mm Surface Overlay	80 TN	
8.	<b>E. F St. (uniblock)</b>	<b>1500 SY</b>	<b>\$ 30,734.50</b>
	Scope: a. 2" Milling	1560 SY	
	b. 2" 19mm Base Patching	10 TN	
	c. 2" 12.5mm Surface Overlay	180 TN	
	d. Paving Fabric	1500 SY	
9.	<b>9<sup>th</sup> Ave. (Rt. 464 to F)</b>	<b>2540 SY</b>	<b>\$ 82,592.00</b>
	Scope: a. 2" & 4" Milling	4340 SY	
	b. 4" 19mm Base Patching	200 TN	
	c. 2" 12.5mm Surface Overlay	300 TN	
	d. Paving Fabric	2540 SY	
10.	<b>9<sup>th</sup> Ave. (F to E)</b>	<b>1460 SY</b>	<b>\$ 41,173.00</b>
	Scope: a. 2" & 4" Milling	2140 SY	
	b. 4" 19mm Base Patching	80 TN	
	c. 2" 12.5mm Surface Overlay	170 TN	
	d. Paving Fabric	1460 SY	

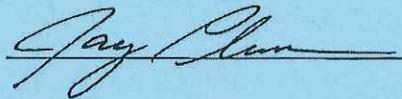
11.	9 <sup>th</sup> Ave. (E to D)	1440 SY	\$ 26,340.00
	Scope: a. 2" Milling	1440 SY	
	b. 2" 12.5mm Surface Overlay	160 TN	
	c. Paving Fabric	1440 SY	
12.	9 <sup>th</sup> Ave. (D to C)	1440 SY	\$ 26,340.00
	Scope: a. 2" Milling	1440 SY	
	b. 2" 12.5mm Surface Overlay	160 TN	
	c. Paving Fabric	1440 SY	
13.	9 <sup>th</sup> Ave. (C to B)	1260 SY	\$ 24,023.00
	Scope: a. 2" Milling	1260 SY	
	b. 2" 12.5mm Surface Overlay	150 TN	
	c. Paving Fabric	1260 SY	

**Project Notes:** All work to be done in accordance to Brunswick 2015 Paving contract.

**Any excess stone or millings will be stockpiled at City's yard.**

Thank you for the opportunity to provide pricing for this project. This proposal amount will be honored for 30 (thirty) days after this date. Please contact me if you have any questions.

Sincerely,



May 27, 2016

Jay Plummer  
 Senior Estimator  
[jplummer@cjmillerllc.com](mailto:jplummer@cjmillerllc.com)

Accepted: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### Dog Park Estimate Comparison

<b>Vendor</b>	<b>Base Bid</b>	<b>Alternate Bid 1</b>	<b>Total</b>
Quality Fence & Deck Co.	\$7050	\$750	\$7800
Frederick Fence Co.	\$7664	\$695	\$8359
Long Fence, Co.	\$9412	\$2451	\$11863

Base Bid – Vendors were asked to provide a cost to furnish and install approximately 550 linear feet of 48” chain link fencing with three single walk gates.

Alternate Bid 1 – Vendors were asked to provide a cost to furnish and install two double gates in addition to the three single gates.



Frederick County, Maryland

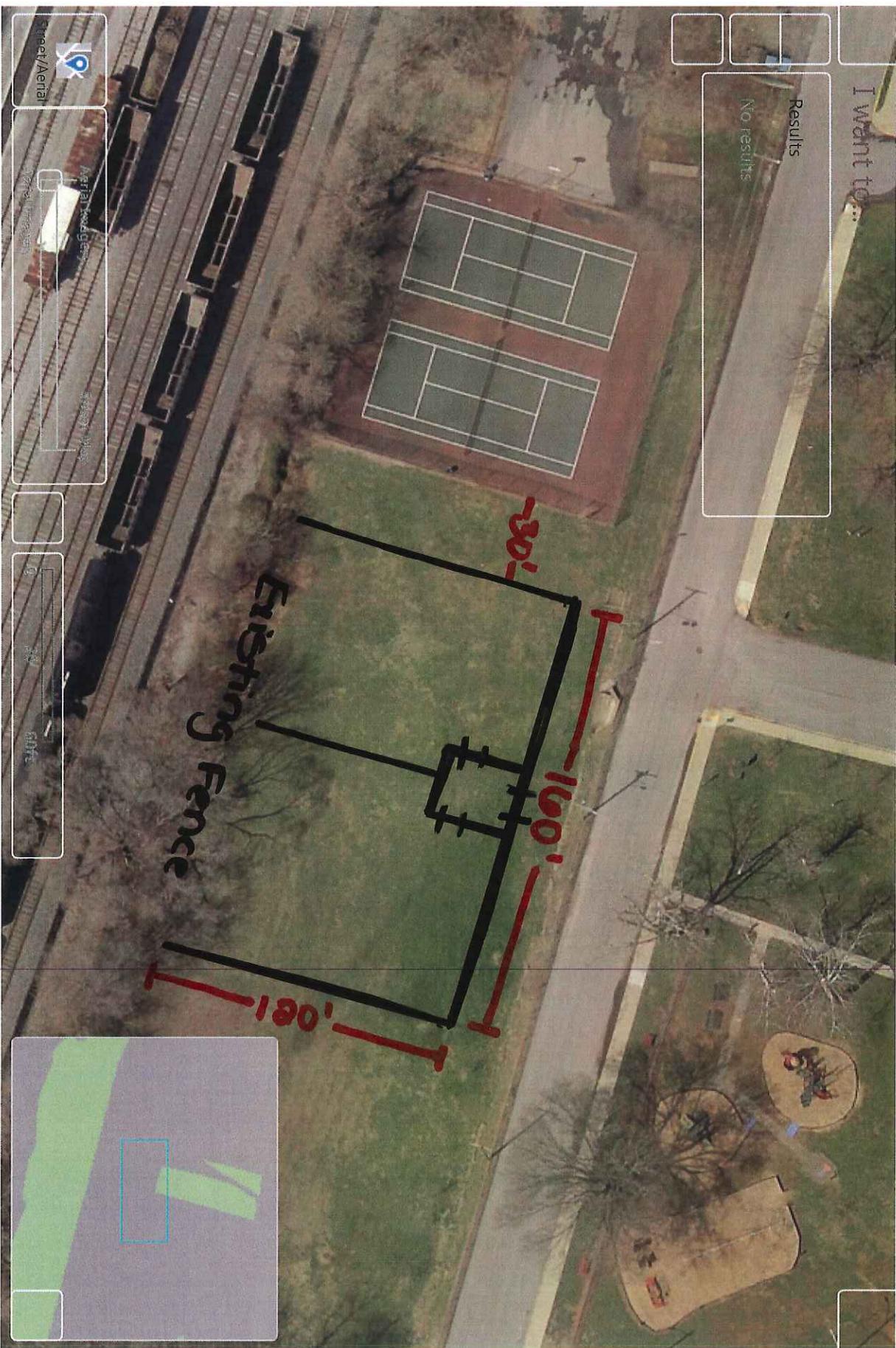
Map Changed: Center latitude: 39.3403 ° North, Center longitude: 77.6179 ° West. Visible Features: 1 features visible on Frederick County Boundary.

Search...

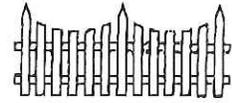
I want to...

Results

No results



QUALITY FENCE & DECK CO.  
COMMERCIAL & RESIDENTIAL FENCING



3716 BASFORD RD. • FREDERICK, MARYLAND 21703

PHONE AND FAX: 301.831.8116

MHIC #65420

DATE: 6-27-16

TO: City of Brunswick

ATTN: Carrie Myers

FAX #: 301 694 6040

RE: Dog Park fence quote

FROM: David Newcomer

# OF PAGES: 2

Ms. Myers,

Here are the #'s you requested. Plz contact me w/ any questions,

Thanks  
Dh. —

QUALITY FENCE & DECK CO.  
COMMERCIAL & RESIDENTIAL FENCING



3716 BASFORD RD, FREDERICK, MARYLAND 21703  
PHONE AND FAX: (301) 831-8116  
MHIC #65420

6-27-16

TO: City of Brunswick

ATTN: Carrie Myers

FROM: David Newcomer

SUBJECT: Dog Park fence quote

Ms. Myers,

We can install approx. 550 lf of 48" tall galvanized chain link fence with three 4' walk gates. The price for this will be \$12.00 per linear foot of fence and \$150.00 per gate. We will use the following for material:

2 1/2" terminal and gate posts SS-20

2" line posts SS-20

1 5/8" top rail SS-20

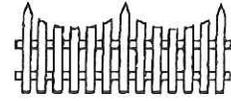
2"x9ga.x48" 1.2oz. galvanized fabric

7 gauge bottom tension wire

All posts will have a 36" trucked poured concrete footer. You will be responsible for the layout of the fence. We will contact Ms. Utility to have all public underground utilities located. Please let me know if you have any questions. Thank-you,

David W. Newcomer

QUALITY FENCE & DECK CO.  
COMMERCIAL & RESIDENTIAL FENCING



3716 BASFORD RD. • FREDERICK, MARYLAND 21703  
PHONE AND FAX: 301.831.8116  
MHIC #65420

DATE: 6-29-16

TO: City of Brunswick

ATTN: Carrie Myers

FAX #: 301 694 6040

RE: dbl. swing gate pricing

FROM: David Newcomer

# OF PAGES: ①

Ms. Myers,

The price for a 4' x 10' → dbl. swing gate will be \$ 375.00 per set.

Thanks!  
*[Signature]*

State of Maryland

## CAPITAL PROJECTS GRANT AGREEMENT

This Agreement (“**Agreement**”) is entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the State of Maryland (“**State**”), acting through the Board of Public Works (**BPW**), and Mayor and City Council of the City of Brunswick, 1 West Potomac Street, Brunswick, Maryland 21716 (“**Grantee**”), whose federal taxpayer identification number is 52-6000779.

### Recitals

- A. Grantee has requested grant assistance from the State and has completed the Capital Projects Grant Application.
- B. The General Assembly has authorized this Grant titled **Brunswick Heritage Museum Building** provided that Grantee expends the money only for the purposes outlined below.

Therefore, the State and Grantee agree as follows:

1. Purpose. Grantee may use grant funds for the following purpose only (“**Project**”): For the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Brunswick Heritage Museum Building, located in Frederick County.  
(See **Enabling Act**: DGS Item Go75, Chapter o27 of the Laws of Maryland 2016 which is incorporated herein by reference.)
2. Grant. After the BPW approves this Agreement, the State shall periodically provide grant funds (“**Grant**”) to, or on behalf of, Grantee not to exceed the lesser of: \$ 100,000 (One Hundred Thousand Dollars) or the amount of Grantee's matching fund if the Enabling Act requires a matching fund.
3. Termination or Reduction of Authorization. The BPW, in its sole discretion, may reduce or terminate the authorization to provide the Grant in the event: (a) Grantee fails to provide evidence of the required matching fund by 6/1/2018; or (b) no part of the Project is under contract by 6/1/2023 or (c) the Project is abandoned. The Enabling Act's authorization automatically terminates for any grant funds that are unexpended or unencumbered by 6/1/2023.
4. Matching Fund. If the Enabling Act requires, Grantee must provide and expend a matching fund. Failure to prove any required matching fund may affect the authorization pursuant to Paragraph 3 of this Agreement.
5. Disbursement of Grant. Subject to the availability of funds, the BPW may periodically authorize payment to, or on behalf of, Grantee funds in an amount not to exceed the Grant amount.

6. Limitations on Use. The BPW or its designee may, in its sole discretion, disapprove requests for disbursement or expenditure of Grant funds that are not consistent with or are not specifically related to the Project purpose or this Agreement generally.
7. Term. This Agreement terminates if the BPW terminates the grant authorization under Paragraph 3 without issuing bonds. Otherwise, this Agreement is in effect so long as any State general obligation bonds issued, sold, and delivered to provide funds for this Grant, remain outstanding, or for such longer period as the parties may agree.
8. Payment Procedure. Payment procedures contained in the most recent edition of *Maryland Capital Grants Projects: Information for State of Maryland Capital Grant Recipients* [<http://dgs.maryland.gov/Pages/Grants/index.aspx>] are incorporated herein by reference. The State shall make payment to, or on behalf of, Grantee in accordance with those procedures and any other terms and conditions as the BPW, in its sole discretion, may impose.
9. Reports.
  - (a) Section 7-402 of the State Finance and Procurement Article, Annotated Code of Maryland, requires Grantee to submit a verified report that fully and accurately accounts for appropriate Grant expenditures. Requests for payment made in accordance with Paragraph 8 of this Agreement are deemed to comply with Section 7-402.
  - (b) Grantee shall submit other reports or information as the State may periodically require, including project status reports and certified audit reports.
10. Communications. Communications must be addressed as follows:

**To the State:**

*Office of the Comptroller*  
 Capital Grants Program Administrator  
 80 Calvert Street, Room 215  
 Annapolis, Maryland 21404-0466

*Department of General Services*  
 Capital Grants Program Manager  
 301 W. Preston Street, Room 1405  
 Baltimore, Maryland 21201

**To the Grantee:**

*City of Brunswick - Office Manager*  
*1 W. Potomac St.*  
*Brunswick, MD 21716*  
*301-834-7500*  
*Assistant@BrunswickMD.gov*

11. Default. A default is Grantee's breach of any of the covenants, agreements, or certifications contained in this Agreement.
12. Remedies Upon Default.
  - (a) Upon the occurrence of any default, the State, as the BPW in its sole discretion determines, may do one or more of the following:
    - (i) Require Grantee to repay the Grant, in whole or in part.
    - (ii) Recoup the amount of the Grant already paid from funds due the Grantee from any other current or future State grant or loan or any other funds, otherwise due and owing Grantee.
    - (iii) Withhold further payments under this Agreement.
    - (iv) Terminate this Agreement.
  - (b) In addition to the rights and remedies contained in this agreement, the State may at any time proceed to protect and enforce all rights available to it. All rights and remedies survive the termination of this Agreement.
13. Disposition of Property. Grantee may not sell, lease, exchange, give away, or otherwise transfer or dispose of any interest in real or personal property acquired or improved with Grant funds ("**Grant-Funded Property**") unless the BPW gives prior written consent. This includes transfer or disposition to a successor on the merger, dissolution, or other termination of the existence of Grantee. Grantee shall give the BPW written notice at least 60 days before any proposed transfer or disposition. When consenting to a transfer or disposition, the Board of Public Works may in its sole discretion require the grantee to repay a percentage of the proceeds that are allocable to the grant.
14. Inspection and Retention of Records. Grantee shall permit any duly authorized representative of the State to inspect and audit all records and documents of Grantee relating to this Grant. Grantee shall retain such records for at least three years after this Agreement terminates.
15. Insurance.
  - (a) For any item of Grant-Funded Property that has an original fair market value of \$5,000 or more, Grantee shall, at its own expense and for the reasonable useful life of that item, obtain and maintain all risk or fire and extended coverage insurance or such similar insurance coverage as may be appropriate for the full value of the item or in amounts as may be commercially reasonable under the circumstances. Grantee's insurer must be authorized to issue the policy in the State. Each such policy shall by its terms:
    - (i) Name the State as an additional loss payee thereunder.
    - (ii) Be considered primary and non-contributory with respect to any other insurance, if any, provided by the State.
    - (iii) Be cancelable only on at least 30 days written notice to Grantee and to the BPW.

- (b) On request, Grantee shall, provide the BPW or its designee with satisfactory evidence of insurance.
  - (c) Proceeds of insurance required by this Paragraph may be applied as the BPW, in its sole discretion, shall determine toward replacement of Grant-Funded Property or toward repayment of the Grant to the State.
  - (d) The BPW or its designee in its sole discretion may determine that Grantee may self-insure Grant-Funded Property if Grantee has adequate financial resources.
16. Indemnification. Grantee is responsible for, and shall defend, indemnify, and hold harmless the State, its officers, agents, and employees, whether or not the State be deemed contributorily negligent, from all suits, actions, liability, or claims of liability (including reasonable attorneys' fees) arising out of:
- (a) The Project, including its construction.
  - (b) Grantee's use, occupancy, conduct, operation, or management of the Project.
  - (c) Any negligent, intentionally tortious, or other act or omission of Grantee or any of its agents, contractors, servants, employees, subtenants, licensees, or invitees in connection with the Project.
  - (d) Any injury to or death of any person or damage to any property occurring in, on, or as a direct or indirect result of the Project or any of Grantee's activities in connection therewith.
17. Registration. Grantee is a (charitable ) (religious ) organization registered with the Maryland Secretary of State in accordance with the Annotated Code of Maryland [Business Regulation Article or Corporations and Association Article]; is in good standing; and has filed all of its required reports with the Maryland Secretary of State.

Check if YES

Check if NOT APPLICABLE  and explain:

\_\_\_\_\_

grantee is a local municipality

\_\_\_\_\_

18. Commercial and Employment Nondiscrimination. Grantee shall:
- (a) Not discriminate in the selection, hiring, or treatment of any employee, employment applicant, vendor, supplier, subcontractor, or commercial customer on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or any other unlawful use of characteristics unrelated to performance.
  - (b) Include a clause similar to sub-paragraph (a) in any contract under this Grant.

- (c) Post, and cause contractors to post, in conspicuous places notices setting forth the nondiscrimination policy.
19. Drug and Alcohol Policy. Grantee certifies that it shall make a good faith effort to eliminate illegal drug use and alcohol and drug abuse from its workplace. Specifically, Grantee shall:
- (a) Prohibit the unlawful manufacture, distribution, dispensation, possession, or use of drugs in its workplace.
  - (b) Prohibit its employees from working under the influence of alcohol or drugs.
  - (c) Not hire or assign to work on an activity funded in whole or part with State funds, anyone whom it knows, or in the exercise of due diligence should know, currently abuses alcohol or drugs and is not actively engaged in a bona fide rehabilitation program.
  - (d) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if it or its employee has observed the violation or otherwise has reliable information that a violation has occurred.
  - (e) Notify employees that drugs and alcohol abuse are banned in the workplace, impose sanctions on employees who abuse drugs and alcohol in the workplace, and institute steps to maintain a drug-free and alcohol-free workplace.
20. Compliance with Applicable Law. Grantee hereby represents and warrants that it:
- (a) Is qualified to do business in the State of Maryland and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;
  - (b) Is not in arrears with respect to the payment of any monies due and owing the State of Maryland, or any department or unit thereof, including but not limited to the payment of taxes and employee benefits, and that it shall not become so in arrears during the Grant term;
  - (c) Shall comply with all federal, State, and local laws, regulations, and ordinances applicable to its activities and obligations under this Grant.
  - (d) Shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Grant.
21. Non-Debarment. Neither Grantee nor any of its officers, directors, or any of its employees directly involved in obtaining or performing grants or contracts with public bodies has:
- (a) Been convicted of bribery, attempted bribery, or conspiracy to bribe in violation of any state or federal law.

- (b) Been convicted under any state or federal statute of any offense enumerated in Section 16-203 of the State Finance and Procurement Article, Annotated Code of Maryland.
  - (c) Been found civilly liable under any state or federal antitrust statute as provided in Section 16-203 of the State Finance and Procurement Article, Annotated Code of Maryland.
22. Non-Collusion. Neither Grantee nor any of its officers, directors, or any of its employees directly involved in obtaining or performing grants or contracts with public bodies has:
- (a) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in obtaining or performing this Grant.
  - (b) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of any bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with this Grant.
23. Financial Disclosure. Grantee is aware of, and will comply with, Section 13-221 of the State Finance and Procurement Article, Annotated Code of Maryland, which requires that every business that enters into contracts, leases, or other agreements with the State or its agencies during a calendar year under which the business is to receive in the aggregate \$100,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases or other agreements reaches \$100,000, file with the Maryland Secretary of State certain specified information to include disclosure of beneficial ownership of the business.
24. Political Contributions. Grantee is aware of, and will comply with, Article 33, Sections 14-101 through 14-104, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$100,000 or more shall file with the State Administrative Board of Election Laws a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.
25. No Contingent Fees. Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for Grantee, to solicit or secure the Grant. Grantee has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of the Grant.
26. No Lobbying Fees. In accordance with Section 7-221 of the State Finance and Procurement Article, Annotated Code of Maryland, Grantee certifies that no State money has been paid or promised to any legislative agent, lawyer, or lobbyist for any service to obtain the legislation establishing or appropriating funds for the Grant.

- 27. Non-hiring of State Employees. No State employee whose duties as such employee include matters relating to or affecting the subject matter of this Grant, shall, while so employed, become or be an employee of Grantee.
- 28. Amendment. The Agreement may be amended only in a writing signed by the parties.
- 29. Assignment. Grantee may not assign this Agreement without the prior written approval of the BPW. If the BPW approves an assignment, this Agreement shall bind Grantee's successors and assigns.
- 30. Entire Agreement. This Agreement represents the complete and final understanding of the parties. No other understanding or representations, oral or written, regarding the subject matter of this Agreement, shall be deemed to exist or to bind the parties at the time the parties sign the Agreement.
- 31. Maryland Law. Maryland laws govern the interpretation and enforcement of this Agreement.

By their signatures, the parties so agree:

WITNESS:



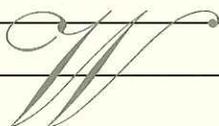
GRANTEE:

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_



STATE OF MARYLAND  
BOARD OF PUBLIC WORKS

By: \_\_\_\_\_

Sheila McDonald  
Executive Secretary

BPW APPROVAL: DGS Item \_\_\_\_-CGL (\_\_\_\_/\_\_\_\_/20\_\_\_\_)

CAPITAL PROJECTS GRANT AGREEMENT  
Standard Form

Approved as to form and legal sufficiency for the State of Maryland by Assistant Attorney General Cate Allen: November 2014.

NOTE: Any change to the standard form must be approved for legal sufficiency by an Assistant Attorney General.

**STATE OF MARYLAND  
BOARD OF PUBLIC WORKS  
CAPITAL PROJECT GRANT APPLICATION**

(Submit a separate application for each grant award.)

1. <b>NAME OF BOND BILL:</b> Brunswick Heritage Museum Building		2. <b>PROJECT DISTRICT:</b> 4
3. <b>CHAPTER NO:</b> 027	4. <b>YEAR AUTHORIZED:</b> 2016	5. <b>DGS ITEM NO.</b> G075
6. <b>GRANT AMOUNT:</b> \$ _____ \$100,000 Show this amount only in <u>State Grant Column - Page 2</u> ) →		
<b>MATCH AMOUNT:</b> \$ _____ \$165,000		
7. <b>NAME OF GRANTEE:</b> Mayor and City Council of Brunswick		
8. <b>ADDRESS OF GRANTEE:</b> 1 West Potomac Street, Brunswick, MD 21716		
9. <b>PROJECT TITLE:</b> Brunswick Heritage Museum Building Acquisition		
10. <b>PROJECT ADDRESS:</b> 40-42 West Potomac Street, Brunswick, MD 21716		
11. <b>ESTIMATED PROJECT SCHEDULE:</b> Design Start <u>n/a</u> End <u>n/a</u>		
Construction Start <u>n/a</u> End <u>n/a</u>		
12. <b>DETAILED PROJECT DESCRIPTION AND SCOPE (Include Purpose and Construction Details, use additional sheets, if necessary):</b>		
<p>The purpose of this project is the acquisition of the Brunswick Heritage Museum Building. This building not only houses the Heritage Museum and gift shop, but also the City of Brunswick Visitor Center and the National Park Service's Chesapeake &amp; Ohio National Historic Park Visitor Center. Currently owned by the Brunswick Potomac Foundation, Inc., the Heritage Museum is an anchor in downtown Brunswick. The Brunswick Potomac Foundation is an all-volunteer organization, therefore museum hours of operation are narrow. Years of mounting financial burdens from an aged building and limited revenue have left the museum Board of Directors with little options for expanded touring hours or exhibits. Recognizing the importance of the museum and the various other entities operating from this building, the City of Brunswick plans to purchase the structure and enter into a long-term, low-cost lease with the Brunswick Potomac Foundation. Such an agreement would allow the City to show their support and dedication to downtown revitalization and economic development, and allow the Brunswick Potomac Foundation to focus financial support to expand Museum hours and offerings. The City plans to settle on this purchase in late September or October of 2016.</p>		
13. <b>IS THIS PROJECT SUBJECT TO THE STATE PREVAILING WAGE LAW:</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
(Wage rates apply if the construction contract is \$500,000 or more <u>and</u> State funds will be used to pay for 50% or more of the contract.)		
14. <b>DOES THIS PROJECT REQUIRE A PRESERVATION EASEMENT TO THE MARYLAND HISTORICAL TRUST:</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		

**CAPITAL PROJECT GRANT APPLICATION**

**TOTAL ESTIMATED PROJECT BUDGET**

	<b>THIS</b>	<b>OTHER</b>	<b>TOTAL</b>
<b>15. ITEM</b>	<b>STATE GRANT</b>	<b>FUNDS</b>	<b>COST</b>
<b>A. Construction Cost (Including Fixed Equipment)</b>	\$ 100,000	\$ 165,000	\$ 265,000
<b>B. Equipment and Furnishings Not Fixed</b> **(Attach a listing which includes the cost of each item)	\$	\$	\$
<b>C. Architect/Engineer Fees</b>	\$	\$	\$
<b>D. Land</b>	\$	\$	\$
<b>E. Total</b>	\$ 100,000	\$ 165,000	\$ 265,000

<b>16. CONTACT PERSON'S NAME:</b> Carrie Myers
<b>17. PHONE NUMBER:</b> 301-834-7500
<b>18. FAX NUMBER:</b> 301-694-6040
<b>19. EMAIL:</b> Assistant@BrunswickMD.gov

Mayor and City Council of Brunswick

NAME OF GRANTEE ORGANIZATION

DATE

SIGNATURE  
AUTHORIZED REPRESENTATIVE

Karin B. Tome

PRINTED NAME  
AUTHORIZED REPRESENTATIVE

Mayor

TITLE  
AUTHORIZED REPRESENTATIVE

State of Maryland  
**CAPITAL GRANTS PROJECTS**

**AFFIDAVIT**

**FUNDS WILL NOT BE USED FOR LOBBYING**

Mayor & City Council of Brunswick certifies and covenants that it has not and  
(Name of Grant Recipient-Organization)  
will not use any State grant funds or any of its own matching funds: to pay (or promise  
to pay) any legislative agent, lawyer, or lobbyist for any services to obtain this grant.

I swear or affirm under the penalties of perjury that this Affidavit is true to the  
best of my knowledge, information, and belief.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
President

**AND**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Treasurer

Note: If the organization does not have a Treasurer, this Affidavit must be  
signed by the individual who has charge of and who disburses the organization's  
money.

Maryland law requires this Affidavit. See Section 7-221 of the State Finance and  
Procurement Article, Annotated Code of Maryland.



# Public Art Creates a Sense of Place in Gaithersburg

She stands about five and a half feet tall (but she's almost always sitting down). She weighs about 250 pounds (but you should never ask someone their weight!). And you'll undoubtedly find her in more selfies than anyone else in Gaithersburg. She's Fridolin, the lovable bronze bear that has occupied a permanent seat on the lakefront plaza at RIO Washingtonian Center for the past 16 years. She's part of the public art project known as *Celebración*, one of 20 installations scattered in neighborhoods and along public streets throughout Gaithersburg.

"Public art, specifically art that engages with the community in an imaginative way, plays such an important role in the overall experience at RIO Washingtonian Center, as well as all of Peterson Companies' retail properties," says Regional Marketing Director Laurie Yankowski. "People of all ages love to stroll the boardwalk after dining, take a ride on the carousel, train and paddleboats, and take in the sounds of a cool band on a warm summer night. Fridolin and Kimo and their adorable story played out on the Lakefront Plaza are superstars of RIO Washingtonian, a truly iconic duo that adds to both the beauty and whimsy of the property."

“Public art helps define a community,” says Shellie Williams, Arts Administrator with the Gaithersburg Department of Parks, Recreation and Culture. “Whether the piece is realistic or abstract, it allows the viewer, the resident, the visitor to identify with the built environment and hopefully evokes an emotional response that helps them feel connected to the broader world.”

Most of the public art installations you’ll find in Gaithersburg are developer-funded. “Through the site plan approval process, there are opportunities for us to incorporate public art in new developments,” says Arts & Events Division Chief Denise Kayser. “An advisory committee works closely with the developer to select pieces that are appropriate to the site, that can withstand the elements (or the constant belly rubbing, as is the case with Fridolin), and that collectively add to the cultural landscape of our community.”

the Activity Center at Bohrer Park and should be in place by late spring. A life-sized sculpture of the former mayor will be perched on the edge of a bench, with an embracing arm that welcomes visitors to sit and

share his hopes and dreams for the community that he loved so much. Montgomery County sculptor Jay Hall Carpenter worked to capture the essence of the former mayor, including his penchant for going sockless.

Mayor Bohrer was a driving force in bringing the CHARACTER COUNTS! ethics program to Gaithersburg in 1996. The dedication of the statue later this spring will also serve as a kickoff to a year’s worth of activities celebrating the 20th anniversary of this community-wide initiative to instill, encourage and model good behavior. Visit the City’s website for program details.

“It is our hope that our public art program adds to a sense of place, and allows people to make memories that will forever be associated with Gaithersburg,” says Kayser. 🐢

## SHARE YOUR ART EXPLORATIONS WITH US

You’ll find a list of public art installations on the City’s website at [gaithersburgmd.gov](http://gaithersburgmd.gov).

We invite you to visit one, or visit them all. Take a selfie or just take a photo of the artwork and share it with us using **#GburgArt** on Facebook and Twitter, or e-mail it to us at [cityhall@gaitersburgmd.gov](mailto:cityhall@gaitersburgmd.gov). We’ll be posting these images throughout the year, allowing you to become part of the art landscape *inGaithersburg*.

Case in point is the new Box Turtle installation at Watkins Mill Town Center in the Parklands. When the community was being built, several environmental concerns had to be addressed, including the relocation of a large population of box turtles. “Selecting a large bronze turtle as a focal point helps to remind the community of the harmony that needs to exist between man and nature,” says Kayser.

The newest piece in the collection will be a portrait of former Mayor Ed Bohrer. The statue is being installed at



“Box Turtle,” Watkins Mill Town Center

“Journeys of Imagination,” Kentlands

