MARYLAND ENVIRONMENTAL SERVICE

BOARD OF DIRECTORS

RESOLUTION NO 95-09-1R

A RESOLUTION APPROVING

the boundaries of the Shores of Calvert Stormwater Management Service Region (the "Service Region") and the Shores of Calvert Stormwater Management Service District (the "Service District"), authorizing the creation of the Service Region and the Service District, approving and adopting a five-year plan for the Service District, authorizing the assessment of charges against real property in the Service District, and establishing the amount of such charges, authorizing the procurement of the SCCA, Inc to provide engineering, design and construction of repairs to a stormwater management pond dam located in the Service District, and providing generally for other matters necessary to the establishment of the Service Region and Service District

RECITALS

The Service was created by, exists under, and exercises the powers contained in Sections 3-101 through 3-130 of the Natural Resources Article of the Annotated Code of Maryland (1989 Replacement Volume, 1994 Cumulative Supplement) as amended to date (the "Act"), including (among others) the powers (i) to establish service districts for the provision of services, facilities or property used or useful or having present capacity for future use in connection with the collection or treatment of stormwater, and (ii) to enter into contracts with the Federal or any State government, or any unit, instrumentality or subdivision thereof, or with any municipality or person within or without the State of Maryland, providing for or relating to the furnishing of services to the facilities of any project of the Service

Shores of Calvert is an unincorporated community located near Dunkirk, Calvert County, Maryland The Service has been requested by the Shores of Calvert Civic Association, Inc (the "Civic Association") and the Calvert County Commissioners to assist the Civic Association in providing the design, construction, repair and improvements to a stormwater management dam owned by an affiliate corporation of the Civic Association, the SCCA, Inc The Department of Natural Resources has determined that the dam is in danger of failing and requires significant repairs After discussions with the Civic Association regarding financing options to fund the repairs, the parties have agreed that the Service

should initiate the process to establish a stormwater management service district The Service is authorized to create such service districts and service regions pursuant to Section 3-106 of the Act

In accordance with the Act, the boundaries of the Shores of Calvert Stormwater Management Service Region (the "Service Region") be the same as the boundaries of the subdivision as shown on the subdivision plats for the Shores of Calvert subdivision that are on file in the land records of Calvert County, Maryland The Service has also designated the boundaries of the Service District to be the same as the service Region

Pursuant to Section 3-106(d) of the Act, the Service has drafted a five-year plan for the Service Region and Service District ("the Five-Year Plan") On September 5, 1995, the Service conducted a public information hearing in Calvert County on the proposed five-year plan A copy of the Five-Year Plan is attached to this Resolution The Calvert County Commissioners have approved the Five-Year Plan

The services to be provided by Service in the Service Region and the Service District will be limited to the Project The Service will not provide water supply, wastewater treatment or solid waste disposal services within the Service Region or Service District, except as may be directly or indirectly related to the Project

The Service intends to finance the initial costs of the Project by entering into the Loan Agreement with the Calvert Bank and Trust Company (the "Lender") In accordance with the Loan Agreement, the Service will make semi-annual loan repayments ("Loan Repayments") to the Lender for a term of three (3) years Such Loan Repayments will consist of principal and interest on amounts loaned to the Service pursuant to the Loan Agreement The Service intends to recoup the costs of establishing the Service District, providing the Project, recovering amounts necessary to make Loan Repayments, and administering the Service District, by charging each of the lots and parcels of land in the Service District The Service District will terminate upon full repayment of such costs For the calendar year beginning October 1, 1995, the Service will charge each lot and parcel of land in the Service District an amount that is estimated to not exceed $230 per year (the Estimated Annual Charge") Upon receipt of the first invoice from the Service, lot owners may prepay the total assessed amount by paying an amount not to exceed $606 to the Service (the "Estimated Total Charge")

The Service will enter into an agreement with the SCCA, Inc whereby SCCA, Inc will procure the design, engineering and construction of the Project

The Service considers the establishment of the Service Region and Service District, the adoption of the Five-Year Plan, and the implementation of the Project to be in furtherance of the public purposes of the Act and the Service

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MARYLAND ENVIRONMENTAL SERVICE, that

1 Capitalized terms used and not defined herein shall have the meanings set forth in the title and the Recitals to this Resolution

2 The boundaries of the Service Region shall be the boundaries of the Shores of Calvert subdivision as shown on the approved subdivision plats on file in the land records of Calvert County, Maryland

3 The Five-Year Plan in substantially the form presented to this meeting is hereby approved, and the Director of the Service shall be, and hereby is, authorized to execute and deliver such Five-Year Plan substantially in the form approved hereby with such changes, omissions, insertions, and revisions as shall be deemed advisable by the Director, provided, however, that such changes, omissions, insertions and revisions shall not alter the substance of the actions authorized and approved by this Resolution The Service is hereby directed to file such Five-Year Plan among the permanent records of the Service

4 In accordance with the provisions of the Five-Year Plan, the Service District is hereby established The Director shall be, and hereby is, authorized to take any and all such actions as are necessary to implement the provisions of the Five-Year Plan

5 The Service is hereby authorized to establish charges for services and projects provided by the Service in the Service District, including, without limitation, charges for all costs incurred by the Service in providing the Project Such charges shall be imposed against real property located in the Service District in amounts not to exceed the Estimated Annual Charge for the calendar year beginning October 1, 1995 The Service may permit a property owner to prepay subsequent years' charges upon payment to the Service of the Estimated Total Charge In accordance with the Act, the Service is hereby authorized and directed to impose an Environmental Service Lien on any real property in the Service District for which the Estimated Annual Charge or Estimated Total Charge, as the case may be, is not paid, and to take any other action as is necessary to collect any monies due the Service in relation to the Service District

6 The Service is hereby authorized to enter into a contract with the SCCA, Inc for the procurement and provision of design,

engineering and construction of the Project The contract, in substantially the form presented to this meeting is hereby approved, and the Director of the Service shall be, and hereby is, authorized to execute and deliver such contract substantially in the form approved hereby with such changes, omissions, insertions, and revisions as shall be deemed advisable by the Director, provided, however, that such changes, omissions, insertions and revisions shall not alter the substance of the actions authorized and approved by this Resolution The Service is hereby directed to file such contract among the permanent records of the Service

7 The Director and other officers and employees of the Service shall be, and hereby are, authorized to take such other steps and to execute and deliver such other documents and certificates as the Director shall deem desirable to effect the establishment of the Five-Year Plan and the other matters contemplated by this Resolution

8 The execution by the Director of the Service of any document authorized herein to be executed by the Director shall constitute conclusive evidence of approval of such document, and any and all changes thereto from the form presented to the Service herewith, by the Service

9 This Resolution shall take effect immediately upon its adoption

ADOPTED THIS 28TH DAY OF SEPTEMBER, 1995

MARYLAND ENVIRONMENTAL SERVICE

SEAL

James W Peck
Director

Annette Anselmi
Treasurer

Carolyn D Davis
Secretary

ABSENT

Edwin G Richards
Member

Lawrence D Shubnell
Member

William B C Addison, Jr
Member

Daniel F McMullen, III
Member

ABSENT

Joseph F Snee, Jr
Member

Attest

Carolyn D Davis, Secretary

SHORES OF CALVERT

SERVICE DISTRICT FIVE YEAR PLAN FOR STORM WATER MANAGEMENT

PREPARED BY THE MARYLAND ENVIRONMENTAL SERVICE

June, 1995

I BACKGROUND

The Shores of Calvert Community is located in the northwest part of Calvert County adjacent to the Patuxent River near the Town of Dunkirk As part of the development for the community, two lakes with earthen dams were constructed for storm water and sediment control and recreational purposes As early as 1992, Maryland Department of Natural Resources ("DNR") inspectors noticed that the discharge pipe for the lower lake was in need of repair or replacement In 1994 DNR issued an Administrative Order requiring the community to make the necessary repairs to the dam

Although the community is represented by the Shores of Calvert Civic Association ("SCCA"), they do not have the means to recover costs from home owners for financing the improvements to the dam They have requested the Maryland Environmental Service ("MES") to create a service district ("Service District") By creating a service district MES can provide technical and financial assistance for the dam improvements

The authority for MES to create the Service District is contained in MD Annotated Code, Natural Resources Article, Section 3-106 and as amended by the 1995 Acts of the General Assembly, Chapter 407

II DESCRIPTION OF IMPROVEMENTS NEEDED

The improvements that are needed to the dam consist of replacing the horizontal and vertical components of the overflow pipe The downstream side of this pipe shows signs of leakage and erosion of the dam itself The SCCA hired the engineering firm of Advanced Surveys Inc to design the new outfall structure and discharge pipe The specific recommended improvements consist of

1 Drain lower lake and divert flow from upper lake around work area using a sandbag coffer dam

2 Excavate a portion of the dam and remove existing metal riser and barrel

3 Install new concrete pipe cradle, concrete barrel and riser concrete riser base and trashrack

4 Reconstruct dam embankment and install stone diaphragm inside dam

5 Stabilize all disturbed areas and allow lake to naturally fill to normal pool elevation

III PROJECTED COSTS

The costs for the improvements which include construction, engineering and financial services is estimated to be $80,000 This is itemized as follows

Engineering Services	$ 7,177 50
Construction (1)	53,063 53
Construction Inspection	13 417 00
MES Engineering & Financial Services	5,410 44
Contingency	1,000 00
TOTAL	**$ 80,068 47**

(1) Construction work to be done by private contractor

IV DESCRIPTION OF SERVICE DISTRICT

Pursuant to Section 3-106(a), MES has designated the Shores of Calvert Service Region ("Service Region") The Service Region shall consist of all the property located in all sections of the subdivision known as Shores of Calvert, and includes, without limitation, all lots, common areas, roads, parks, easements, rights-of-way and riparian property

The boundaries of the Service District shall be the same as the Service Region The following documents are referenced and attached to this Plan

Attachment A - Lists the property owners and lot number designations

Attachment B - Copy of the property surveys

Attachment C - Copy of the original Deed conveying the property that was developed as the Shores of Calvert

Attachment D - Copy of Deed for the community owned Lake and dam property

The Service District will be in existence until the loan is repaid The Service District is created solely for raking and financing the dam improvements

V FINANCING ARRANGEMENTS

The SCCA has requested MES to obtain a bank loan to pay for the costs of the improvements MES intends to bill the residents once a year for a maximum of three years The residents will also have the option to prepay their fee at any time Specific arrangements

▸ Revenues	Tax exempt borrowing
▸ Repayment	Charges against homeowners property (per parcel)
▸ Amount	$80,000 plus debt service reserve fund if required by the lender
▸ Estimated Initial Term	3 years 6 periodic payments to lender
▸ Billing	Annual homeowner billing in advance
▸ Security	- Right of entry to service district - lien on dam property - lien on homeowners property where payment is in arrears

VI MAINTENANCE NEEDS

During the term of the Service District the SCCA must properly maintain the dam and provide services as needed for mowing the grass, tree removal and other maintenance tasks to maintain the dam and structures MES will inspect the completed construction and make yearly inspections of the dam and provide inspection reports to ensure that maintenance is being properly conducted

VII ADDITIONAL CONSIDERATIONS

A Public versus Private Ownership

The SCCA requested that they retain ownership of the dam and lake properties and that MES be allowed liens and right of entry only as necessary to secure the loan No economic benefit has been identified that would dictate changing this arrangement

B Service District Inclusion in State/County Water and Sewer Plan

The State/County Master Water and Sewer Plan addresses how various municipalities and communities in Calvert County will be serviced by water and sewer systems Since this project deals with improvements being made to an existing storm water management dam and does not impact water and sewer systems no modification or inclusion in the State/County Water and Sewer Plan is required