



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner
County Executive

Rick Harcum, Chief Administrative Officer

EXECUTIVE ORDER NO.: 02-2022
EFFECTIVE DATE: July 1, 2022

Adamstown Residential Sewer Capacity Fees

WHEREAS, on August 3, 2021, Triple R Construction Corporation (“Triple R”) and Frederick County, Maryland entered into Contract No. 147C-S for the construction of public sewer lines and facilities to serve a residential portion of Adamstown, Maryland (the “Adamstown Project”); and

WHEREAS, Notice to Proceed for the Adamstown Project was issued on August 5, 2021, with a contract completion date of February 1, 2022, and an approved time extension change order resulted in a new completion date of April 5, 2022; and

WHEREAS, on or about February 15, 2022, the County received a Voluntary Letter of Default and Termination stating that Triple R was no longer financially able to perform or complete the work on the Adamstown Project; and

WHEREAS, Triple R’s Surety Company (“Surety”) assumed the responsibility to complete the Adamstown Project under the provisions of Triple R’s Performance Bond; and

WHEREAS, The Surety has secured the services of a replacement contractor, to complete the Adamstown Project with an estimated duration of 400 calendar days; and

WHEREAS, The Surety issued Notice to Proceed to its contractor on May 23, 2022; and

WHEREAS, Adamstown residents who opt to connect to the completed sewer line will be required to pay Sewer Connection (Capacity) Fees as well as costs related to the installation of private sewer lines and septic system abandonment; and

WHEREAS, Frederick County Sewer Capacity Fee increases are tied to a CPI Index and adjusted on July 1 of each year; and

WHEREAS, the CPI increase for FY23 will be 8.5%, which will raise the FY23 Residential Sewer Capacity Fee, effective July 1, 2022, from the current \$7,825 to \$8,493; and

WHEREAS, The Adamstown residential properties, which are listed on Exhibit A to this Executive Order and incorporated herein by reference, would have been able to connect to the public sewer lines prior to the July 1, 2022, capacity fee price increase if not for Triple R’s inability to timely complete the Adamstown Project; and

WHEREAS, Upon consideration of the above, the County Executive has determined that: (1) it is in the best interests of the Adamstown residents who, through no fault of their own, will be negatively impacted by the delays in the Adamstown Project; and (2) there will be only a minor impact on the enterprise fund if the FY22 Residential Sewer Capacity Fee is utilized for the affected Adamstown residential properties until the expiration of a period of 1 year after the Adamstown Project has been deemed substantially complete.

NOW, THEREFORE, I, JAN H. GARDNER, COUNTY EXECUTIVE OF FREDERICK COUNTY, MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CHARTER AND LAWS OF FREDERICK COUNTY, MARYLAND, AND THE LAWS OF THE STATE OF MARYLAND, HEREBY DECLARE THAT FOR THE ADAMSTOWN RESIDENTIAL PROPERTIES TO BE SERVED BY THE ADAMSTOWN PROJECT, WHICH ARE LISTED ON EXHIBIT A, THE FY22 RESIDENTIAL SEWER CAPACITY FEES SHALL REMAIN UNCHANGED FOR A PERIOD OF 1 YEAR AFTER SUBSTANTIAL COMPLETION OF THE ADAMSTOWN PROJECT.

This Executive Order is issued as of this 28th day of July 2022, and shall remain in effect for one (1) year after the date of substantial completion of the Adamstown Project, which date will be determined in the sole discretion of the Director of the Division of Water and Sewer Utilities.

Rick Harcum
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Chief Administrative Officer

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Frederick County Executive