



Chairman William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE
– ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

As the Deputy Director of the Department of Public Works ("DPW"), Engineering Division, for the City of Frederick, Maryland ("the City"), I support HB0399. I am responsible for providing professional engineering services to all City officials and departments. This includes all aspects of traffic, utilities, storm water and floodplain engineering.

When a sinkhole occurs in a public right of way, I assess the situation and, if necessary, provide guidance on remediation. I may also consult with, and retain, private engineering consultants, when necessary, to develop mitigation plans. In the last five years I have dealt with 6-10 sinkholes in the Frederick city limits,

It is an informal City protocol with the Martin Marietta Corporation Frederick Quarry staff, that when a sinkhole opens within the Grove Park area, south of East Patrick Street, the City will notify quarry staff immediately because a significant portion of this area is within the Zone of Influence (ZOI) for Frederick Quarry.

On or about September 11, 2018, the owners of the home located at 27 Hamilton Avenue contacted the DPW 24 Hour Switchboard to report what appeared to be a sinkhole developing under the home located at 25 Hamilton Avenue. This address is located within the Grove Park area south of East Patrick Street. As a result, the City Streets Superintendent, Mike Winpigler, contacted Bluegrass Materials Company, the owner and operator of the Frederick Quarry, via email at 10:36 PM on September 11, 2018 to inform them of the sinkhole. The City Storm Drain/Sewer Superintendent, Chip Stitley, called the Quarry staff and left a similar message that same night. A representative for the quarry, Gus Buttar, replied to Mr. Winpigler's email at 1:31 AM on September 12, 2018 and stated that "someone from the quarry will stop by later today to take a look."

On September 12, 2018, City staff met on site at 25 Hamilton Avenue to determine whether the sinkhole encroached into a City right of way, and the extent to which public safety might be at issue. The same day, the City posted signage at 25 Hamilton Avenue stating "UNINHABITABLE - KEEP OUT," and placed safety tape around the street-side of the property.

On September 13, 2018, the City placed temporary "Maintenance of Traffic" devices on the roadway in front of 25 Hamilton to shift travel lanes from the northwest to the southeast side of Hamilton Avenue and to close the sidewalk on the northwest side of Hamilton Avenue immediately in front of the property. On September 14, 2018, the City closed Hamilton Avenue to the public and posted "Local Traffic Only" signs on barricades that the City erected to block any other traffic. Frederick County Public Schools ('C FCPS") was also contacted and advised to reroute buses such that they would not travel in front of 25 Hamilton Avenue.

It was apparent to City officials that the house at 25 Hamilton Avenue was in imminent danger of collapsing. An uncontrolled collapse would significantly impact the adjacent property, 27 Hamilton Avenue. The City took immediate action and, on September 14, 2018, solicited bids from four contractors to perform the demolition. On September 17, 2018, the City contracted with Mid-Atlantic Utilities, Inc., (MAUI) to demolish the unsupported front portion of the house at 25 Hamilton Avenue.

To prevent anyone from entering the 27 Hamilton Ave home, on September 18, 2018, the City posted "KEEP OUT" signs on the deck and northern door and placed safety tape around the northern driveway.

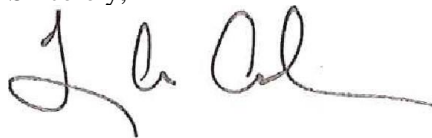
On September 18, 2018, MAUI commenced the demolition of 25 Hamilton Avenue, and completed it on September 19, 2018. Additionally, on September 20, 2018, the City contracted with Long Fence for the installation of a 6 ft. chain link fence around the Site. After the fence was installed, the City posted "No Trespassing" signs on it.

On September 19, 2018, I attended a meeting at the Martin Marietta Corporation Frederick offices along with staff from the Maryland Department of the Environment ("MDE"). As of the date of that meeting, the City had closed Hamilton Avenue to all but local traffic and had demolished the structure at 25 Hamilton Avenue.

On November 19, 2018, the City issued a Notice of Dangerous and Unsafe Structure to the owners of 27 Hamilton Avenue making it unlawful for any person to enter the structure, except for the purpose of monitoring or inspecting the structural integrity, determining the cause of cracking, and to develop a mitigation and repair plan. This is a real case demonstrating that Sinkholes are a real concern in the ZOI. Potential purchasers should have the information about the ZOI to assess risks prior to purchase, and to acquire adequate insurance if purchased. A required disclosure to potential purchasers would provide this crucial information.

We urge you to vote in support of HB 0178.

Sincerely,



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