

January 7, 2013



REGULAR SESSION #1

TOWN OF OCEAN CITY, MARYLAND
301 N. BALTIMORE AVENUE, OCEAN CITY, MARYLAND 21842

THE HONORABLE MAYOR AND CITY COUNCIL PRESIDING

MAYOR RICHARD W. MEEHAN

COUNCIL PRESIDENT LLOYD MARTIN
COUNCIL SECRETARY MARY KNIGHT

MARGARET PILLAS
DOUGLAS CYMEK
BRENT ASHLEY
DENNIS DARE ABSENT
JOSEPH MITRECIC

ATTENDANCE

Mayor Rick Meehan, Council President Lloyd Martin, Council Secretary Mary Knight, Council Members Margaret Pillas, Doug Cymek, Brent Ashley, Joe Mitrecic, City Manager David Recor, City Solicitor Guy Ayres, Zoning Administrator Blaine Smith, Planning and Community Development Director Matt Margotta, Tourism Director Donna Abbott, City Clerk Kelly Allmond, Members of the Press and Interested Parties.

CALL TO ORDER

Council President Lloyd Martin called this meeting to order at 6:00 PM in the Council Chambers of City Hall, 301 North Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER AND PLEDGE

Reverend Norm Poultney of Atlantic United Methodist Church led the pledge and Mayor Meehan led the Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Recor reported that the following items are scheduled for discussion in the upcoming work session:

1. Report on Closed Session – Tuesday, January 15, 2013 – 12:00 p.m. – Legal, Contractual, Real Estate and Collective Bargaining Matters
2. Bid Openings
 - A. Fire Headquarters Building Design Services
 - B. Inlet Parking Lot Controls
 - C. Inlet and Bayside Boardwalk Repairs
 - D. Lumber for Inlet and Bayside Boardwalk Repairs
 - E. Tandem Axle Tractor
3. Request Permission to Solicit Bids for Grass Mowing Services - presented by: Calvin Ginnavan, Parks Superintendent

4. Discussion of Ornamental Street Lights on St. Louis Avenue, 17th to 10th Street - presented by: Hal Adkins, Public Works Director
5. Discussion of Expansion of Bus Stop Location on Somerset Street Located Between Baltimore Ave and Philadelphia Ave - presented by: Hal Adkins, Public Works Director
6. Permission to Reallocate 2012 Wastewater Bond Funds to a 2010 Wastewater Bonded Project – presented by: Hal Adkins, Public Works Director
7. Summary of Critical Area Mitigation Program and Requests to Transfer Funds for Projects and Intern - presented by: Gail Blazer, Environmental Engineer
8. Discussion of Resident Agent Requirements for Rental License/Noise Control Permit - presented by: Michael Sherman, License Inspector
9. Discussion of Visitor Guide Letter of Agreement - presented by: Donna Abbott, Tourism Director and Melanie Pursel, Executive Director, Chamber of Commerce

APPROVAL OF MINUTES

The following minutes were approved as presented:

- A. Regular Session #22 of November 19, 2012
- B. Work Session dated November 27, 2012
- C. Regular Session #23 of December 3, 2012
- D. Work Session dated December 11, 2012
- E. Regular Session #24 dated December 17, 2012

UNFINISHED BUSINESS

Update on OC Experience Project - presented by: Donna Abbott, Tourism Director

Council Member Brent Ashley moved to approve the OC Experience as presented on Attachment A; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Dennis Dare absent.

REPORTS AND RECOMMENDATIONS FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Conditional Use Request to Permit Expansion of Existing Electrical Substation located on Sinepuxent and Derrickson Avenues between 137th and 138th Street - Applicant: Delmarva Power and Light Company
Council Member Joe Mitrecic moved to approve the Planning Commissions favorable recommendation and Finding of Fact (see Attachment B) provided however, that Delmarva Power & Light shall, at it's own expense, hire an independent environmental specialist to measure and report the Electromagnetic Field and Noise levels from every adjacent property and send the results to all property owners within 300 feet and the Planning Commission [c/o Planning & Community Development, P.O. Box 158, Ocean City, Maryland 21843]. The first report shall be due no later than 60 days after the first day of operation, then, biannually in January and July of every year thereafter. Delmarva Power and Light shall be held accountable for noise violations pursuant to Chapter 30, Article 5 of the Town Code, and EMF readings above acceptable levels for the general public (see page 3 of Attachment B); seconded by Council Member Brent Ashley. The vote was 6-0 with Council Member Dennis Dare absent.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

Rescission of Ocean City Police Department General Order 800 I-1 Issuance and Wearing of Departmental Equipment **Council Member Brent Ashley moved to approve the rescission of General Order 800 I-1; seconded by Council Member Mitrecic. The vote was 6-0 with Council Member Dennis Dare absent.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER AND DEPARTMENT HEADS

Request Approval of Taxi Medallion Transfer #131, #132 and #141 - presented by: Kelly Allmond, City Clerk **Council Secretary Knight moved to approve the transfers of Medallion #131, from I Taxi (Fleet) to AA Beach/Nite Club Taxi (fleet), and, Medallions #132 and #141 to Coastal Cab (Fleet) for the amount of \$5,000.00 per medallion; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Dennis Dare absent.**

COMMENTS FROM CITIZENS – 5 MINUTE TIME LIMIT

Alvin Wendling spoke about requiring Traders licenses and the need for more building inspectors.

Richard Hanson commended the Council's approval of the conditional use. He asked that the City require Delmarva Power and Light to report EMF and noise level readings once the project is complete.

Donna Moulton said she is concerned noise level issues will go unresolved. She also questioned whether residents were notified of the re-districting. Zoning Administrator Blaine Smith said the code was amended which requires first and second readings and with proper public notification.

Beverly McDonald of the Small Business Association advised the forum that disaster assistance is available until January 10, 2013. Interested parties should contact the SBA via website www.sba.gov or call 1-800-659-2955. Council Secretary Mary Knight asked City Manager Recor to post this information on the Town's website.

Herb Pawlukewicz said that debris from Hurricane Sandy is still floating ashore. Council President Lloyd Martin said he will ask City Engineer McGean to look into this matter.

Vince Gisriel expressed his disappointment of the Finding of Fact. He also claimed that public notification was inadequate. City Solicitor Ayres disagreed.

Ellie Diegelmann questioned whether the expert testimony in the Conditional Use Hearing was credentialed, and, that the testimony of property values was deficient.

John Adkins said he was an electrician for Delmarva Power and Light and said that EMF and Noise levels should be minimal.

COMMENTS FROM CITY MANAGER

City Manager Recor introduced Planning and Community Development Director Matt Margotta. Secondly he reminded the Council of the January 17th closed session. Lastly, in response to Council Member's Pillas' request, he clarified that MGH charged a one-time cost of \$5,000.00 to develop the Convention Center microsite.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Mitrecic asked all Council Members to observe the City Charter as it pertains to the City Manager form of Government. He said the Council should allow City Manager Recor to handle the day-to-day operations of the Town and rely on his reports and recommendations to the Council.

Secondly, **Council Member Mitrecic moved to schedule a work session discussion on the formation of committees and commissions; seconded by Council Secretary Knight. The vote was 6-0 with Council Member Dennis Dare absent.**

Council Member Pillas asked City Manager Recor to obtain staff reports on the Rivendell Lighting issue, Municipal building evacuation plans, the feasibility of an OCPD Motorcycle unit, and plans to mitigate noise in quiet neighborhoods.

Mayor Meehan thanked Public Works for featuring the Mayor's Open house and thanked Media Manager Jessica Waters and Tourism Director Donna Abbott for attending. He issued a special thanks to the Beautification Committee for all their efforts during the holiday and Mayor's Open House. He also thanked Parks and Recreation for a successful year of Winterfest and New Year's fireworks. Lastly he advised the forum that he was invited to, and will attend the opening of the General Assembly on Wednesday, January 9th.

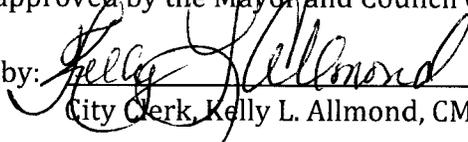
ADJOURNMENT

Council Member Joe Mitrecic moved to adjourn; seconded by Council Secretary Knight. The vote was 6-0 with Council Member Dare absent.

Minutes prepared by City Clerk Kelly L. Allmond, CMC

Minutes approved by the Mayor and Council on: 1.22.2013

Certified by:


City Clerk, Kelly L. Allmond, CMC

the OCEAN CITY EXPERIENCE

Ocean City Experience (4 events)	
Item	Cost
TV/Sound Systems	\$3,997.90
iPad	\$399.00
iPad Stand	\$390.77
Samsung Wi-Fi Camera EX 2	\$499.00
Picture Printer Epson Picture Mate	\$199.99
Booth Build	\$12,252.00
Video Production	\$3,000.00
Travel Show Cost	\$15,150.00
Insurance	\$2,800.00
Professional Service Fee/Expenses	\$30,000.00
Misc Expense	\$1,000.00
TOTAL	\$ 69,688.66

Description
(3) TVs / (1) Sound system
Questionnaire / Data capture
Locking iPad stand to display data mining platform
Camera Captures photo / Allows social upload
Allows photo to be printed for visitor
See booth layout for rendering
Filmed / Edited / Rendered loop for video screens within booth
4 out of market events (DC \$7,175 / Philly \$4,950 / Balt \$1,550 / OH \$1,475)
700 per event
7500 per event Includes Expenses (Fuel, Lodging, Meals)
Data Capture App / Tri-Pod / ETC / Printer ink / etc

City owns all hard assets

ATTACHMENT B

Reply to: Planning and Zoning Commission
P.O. Box 158
Ocean City, MD 21843
410-289-8855

December 13, 2012

Delmarva Power & Light Company
C/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62; Parcels 7623A and 7624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland.
(FILE #12-12100002)

On Tuesday, December 4, 2012, the Planning and Zoning Commission of Ocean City, Maryland conducted a public hearing to consider the above referenced request. The Commission closed the hearing that evening, but reconvened on Wednesday, December 12, 2012 to consider all testimony and exhibits and voted unanimously (4-0) to send the Mayor and City Council a favorable recommendation for approval of the above-described Conditional Use application.

By copy of this letter, the Mayor and City Council will be notified of the Commission's recommendation. You are now scheduled to appear before a regular session of the Mayor and City Council at 6 PM, Monday, December 17, 2012, in the Council Chambers of City Hall located at 3rd Street and Baltimore Avenue in the Town of Ocean City, Maryland. Please be advised that the Council will make their decision at that time.

Delmarva Power & Light Company
C/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739
Page Two

If we may be of any assistance to you in the meantime, please contact the office of Planning and Community Development at 410-289-8855.

Sincerely,
Planning and Zoning Commission

Pam Greer Buckley
Chairperson

/ks

cc: David Recor, City Manager
Mayor and City Council
Guy R. Ayres, III, City Solicitor
All Planning Commission Members
William E. Esham, III & Kevin Gregory, Attorneys for Commission
Matt Margotta, Director/Planning & Development
R. Blaine Smith, Assistant Director/Planning & Development
Robert Nelson, Planner
Vincent De Paul Gisriel, Jr., 14008 Sailing Road, Ocean City MD 21842
Donna Moulton, 206-138th Street, Ocean City MD 21842
Richard Hansen, 201-139th Street, Ocean City MD 21842
Bruce R. Davis, 301-138th Street, Ocean City MD 21842
Ellie Diegelmann, 106-120th Street, Ocean City MD 21842
Complete list of adjacent property owners
File #12-12100002
Correspondence '12

REVISED FINDING OF FACT
FROM
PUBLIC HEARING DECEMBER 4, 2012

#12-12100002 – CONDITIONAL USE FOR EXPANSION OF EXISTING ELECTRICAL
SUBSTATION IN THE R-2A, LOW DENSITY MULTI-FAMILY, RESIDENTIAL,
DISTRICT

LOCATED BETWEEN SINEPUXENT & DERRICKSON AVENUES AND 137TH & 138TH

STREETS

DELMARVA POWER & LIGHT COMPANY (DP & L), APPLICANT

DECEMBER 12, 2012

Upon a motion made by Lauren Taylor, seconded by Peck Miller, and carried by a vote of four (4) to zero (0), Tom Singman, Chris Shanahan, and Joel Brous absent, the Planning and Zoning Commission hereby gives a favorable recommendation for the expansion of an existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62; Parcels 7623A and 7624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland.

This public hearing was held expressly to gather information and testimony on these seven (7) items:

1. Physical affects of Electro-Magnetic Field Exposure.

Dr. William H. Bailey, PhD., was found to be highly qualified as an expert witness and thoroughly knowledgeable in the subject matter. Based on his testimony, the values taken around the substation at peak loading were less than 10 milligauss (mG) whereas the acceptable level for the general public is 2,000 mG.

2. Property Value.

Based on testimony by Joseph G. Harrison, Jr., Esquire, the property land values in the neighborhood have remained consistent according to current assessments and transfers near the existing substation.

3. Aesthetics.

DP & L submitted evidence indicating an enhanced wall design with mature landscape and an irrigation system for maintenance of the landscape. The 15' high decorative wall will be provided around the entire substation to enhance the neighborhood.

4. Noise.

DP & L testified that new equipment would be high-efficiency with lower dB ratings and will be low-profile in design to control sound inside the substation property.

5. Alternative locations.

The Planning Commission found that this is the most appropriate location to maintain reliability of electric service to neighboring properties. It determined that any offsite consideration would create major cost factors and unnecessary disturbance within other neighborhoods.

6. Changes in Neighborhood Density since 1974.

The Commission found that this has been an existing substation providing electric service in the neighborhood since 1974; and that the build-out of the neighborhood now necessitates the upgrade of the substation to maintain the level of service needed for the current population.

7. Undergrounding of Wires and Equipment.

DP & L representatives stated that they try to avoid underground high-voltage transmission lines for maintenance purpose, especially during a major storm event. They explained that there would be other issues in placement of large transformer structures offsite at various locations.

Pam G. Buckley, Chairperson

Peck Miller

Lauren Taylor

John Staley

1

1 **PLANNING AND ZONING COMMISSION**
2 **NOTICE OF PUBLIC HEARING**
3 **Applicant**
4 **Delmarva Power and Light Company**
5 **Conditional Use Permit Request**
6
7 **City Hall**
8 **301 Baltimore Avenue**
9 **Ocean City, Maryland 21842**
10
11 **Tuesday, December 4, 2012**
12 * * * * *
13
14 **Zeve Reporting Company**
15 **206 South Washington Street**
16 **Snow Hill, Maryland 21863**
17 **(410) 208-4566 (410) 208-4767 Fax**
18 **Reported by: Kathy A. Zeve**
19
20
21

2

1 **PUBLIC HEARING**
2 **MS. BUCKLEY: I would like to call to**
3 **order the public hearing for this December the 4th,**
4 **2012.**
5 **Pursuant to the provisions of Article II,**
6 **Division 5, Section 110-121, et. sequentia,**
7 **Conditional Uses, a request has been filed under the**
8 **provisions of Section 101-304(2), uses permitted by**
9 **Conditional Use in the R-2A, low density,**
10 **multiple-family residential district, to permit**
11 **expansion of existing electrical substation. The**
12 **site of the request is described as lots 1A and 1B**
13 **as shown on a plat entitled "Resubdivision Lot 1,**
14 **Block 110, Fenwick Plat No. 4," recorded in the plat**
15 **book R.H.O. No. 153, page 75; and lots 2A and 2B as**
16 **shown on the plat entitled "Resubdivision Lot 2,**
17 **Block 150, Fenwick Plat" and recorded among the Plat**
18 **Records and Plat Book 19 -- excuse me. Correction.**
19 **Plat Book 190, page 60; Parcels 2623A and 2624A, Map**
20 **118, further described as located on Sinepuxent and**
21 **Derrickson Avenues between 137th and 138th Street,**

3

1 **in the town of Ocean City, Maryland. The applicant,**
2 **Delmarva Power and Light Company, a corporation of**
3 **the State of Delaware and the Commonwealth of**
4 **Virginia, File No. 12-12100002.**
5 **Now, prior to any public hearing, I will**
6 **read this following statement. Any person in**
7 **attendance may object to a Commission member taking**
8 **part in this public hearing due to a conflict of**
9 **interest. The Commission, excluding the person in**
10 **question, shall decide by majority vote whether the**
11 **challenged person may take part.**
12 **These are the four Commissioners that sat**
13 **the original hearing. The other Commissioners have**
14 **taken a seat in the audience and recused themselves**
15 **for this hearing of additional information.**
16 **Does anyone object to the four of us**
17 **sitting for this hearing? Yes, sir.**
18 **MR. HANSON: Should I come up there?**
19 **I just have a question. Are any of the**
20 **members of the Commission now seated board members**
21 **of the Ocean City Chamber of Commerce?**

4

1 **MS. BUCKLEY: I'm not.**
2 **MR. MILLER: No.**
3 **MR. HANSON: No one is. I withdraw**
4 **my -- thank you.**
5 **MS. BUCKLEY: Anyone else have an**
6 **objection to any of us sitting for this public**
7 **hearing?**
8 **There are no further objections, so the**
9 **four of us will be hearing examiners for this public**
10 **hearing.**
11 **Tonight we are opening the hearing with**
12 **Delmarva Power and Light to expand on some**
13 **information gathering points that the Mayor and**
14 **Council remanded back to us, and that is going to be**
15 **the entirety of what will be heard this evening, on**
16 **the five points of -- what we'll be covering is**
17 **esthetics, magnetic field exposure, sound, changes**
18 **in neighborhood density since 1974, property**
19 **valuation, alternative locations, and undergrounding**
20 **of wires and equipment.**
21 **Any testimony that was done in the prior**

<p style="text-align: center;">5</p> <p>1 hearing is already being included in the -- in the 2 hearing. All of that has been as Applicant's 3 Exhibit 1 and will continue to be utilized in any 4 further deliberations on the data that's collected 5 tonight.</p> <p>6 We will have a little presentation by the 7 staff, by Mr. Smith. If you'll be sworn in by -- 8 (Whereupon, Mr. Smith was sworn in.)</p> <p>9 MR. SMITH: I do. This Commission on 10 August the 7th, 2012, deliberated after hearing the 11 first testimony for Delmarva Power and Light, and at 12 the conclusion of your deliberation, you did a 13 finding of fact and did send a favorable 14 recommendation to the Mayor and Council.</p> <p>15 The Mayor and Council received that 16 recommendation on August the 20th, 2012, to give 17 it consideration. It was at that time that they 18 decided they needed additional information regarding 19 the -- it was actually seven items that they asked 20 that we look at. I'll go back through them as well 21 as Chairman Buckley just did; the physical effects,</p>	<p style="text-align: center;">6</p> <p>1 electromagnetic field exposure, property value, 2 esthetics, noise, alternative locations and changes 3 in the neighborhood since 1974, and the last thing 4 was the undergrounding wires and equipment. Those 5 were the items that the Council felt needed more 6 information, and so tonight we're here -- and I 7 believe the applicant is prepared to address those 8 seven items.</p> <p>9 They did submit -- today we have a draft 10 of their presentation that will be shown on the 11 screen. And I believe we have that as an exhibit, 12 and they'll talk from that in their presentation.</p> <p>13 Subsequent to receiving notice that 14 they're ready to come back to this Commission to 15 present the additional testimony, we ran 16 advertisements in the Ocean City Digest on November 17 the 8th and November 29th stating the time, date, 18 place and purpose of this meeting. In addition to 19 the advertisements, we sent regular notice to 20 property owners within a 300-foot radius that this 21 meeting was taking place as well. That was a 30-day</p>
<p style="text-align: center;">7</p> <p>1 notice that was given. And we did post the property 2 30 days in advance at three locations; on 3 Sinepuxent, 137th Street and 138th Street 4 adjacent to the property on November 2nd, 2012, 5 that told the time, date and place of this meeting. 6 So we did give additional notice that this was 7 taking place and its purpose.</p> <p>8 We did receive a letter from I think it's 9 the Chamber of Commerce in support of the 10 application. It was sometime in October that was 11 put in the file, and so that has been made an 12 exhibit as a new item in the file. I think it's 13 from the chamber.</p> <p>14 MS. BUCKLEY: I haven't seen it, so I 15 don't know.</p> <p>16 MR. GREGORY: Hotel Motel --</p> <p>17 MR. SMITH: Hotel Motel Restaurant 18 Association.</p> <p>19 MR. SMITH: I'm sorry. It is the 20 Greater Ocean City Chamber Board of Directors is the 21 one that -- were the authors of the letter to the</p>	<p style="text-align: center;">8</p> <p>1 Mayor and Council, and it was given to us by the 2 city management as an exhibit to put in the file.</p> <p>3 So that's basically what has transpired 4 since you made your favorable recommendation, and 5 you're here tonight as stated in your opening 6 remarks with those seven items.</p> <p>7 MS. BUCKLEY: Okay.</p> <p>8 MR. SMITH: Thank you. For the record, 9 we have marked the prior exhibit -- or all the prior 10 testimony and exhibits as Exhibit 1 for tonight's 11 meeting. The letters referred to were Ocean City 12 Hotel Motel Restaurant Association, Inc., Chamber of 13 Commerce were Exhibit 2.</p> <p>14 And I just want to remind us what our 15 standard is tonight. It's a conditional use 16 hearing. So what we're asking -- and when we're 17 looking at this, we're determining that the question 18 is not whether the proposed use will have some 19 adverse effect on the surrounding area because that 20 is the nature of a conditional use. The test is 21 whether the adverse effects would be greater or more</p>

9

1 detrimental at the subject location than they would
2 on a similarly situated property within that zone.
3 So that's our focus tonight. That's our focus the
4 last time we were here. So I just would ask you
5 again to follow-up on that. And I'll submit that
6 standard again tonight as part of the record. And
7 then we'll call Jim Smith up to go through the
8 presentation.

9 MR. GREGORY: I have your presentation
10 as 5, so this will be 6.

11 MR. SMITH: Okay. Jim, if you want to
12 come up. What we've tried to do is to -- in Jim's
13 presentation there were seven issues that we were
14 asked to go through. He's put them all in the
15 PowerPoint presentation. Jim's going to hit most of
16 those, and we'll have a couple of people come up and
17 jump in at the appropriate times for some expertise
18 in specific areas.

19 MS. BUCKLEY: Yes, sir.
20 (Whereupon, Mr. Smith was sworn in.)

21 MR. SMITH: I do.

10

1 MR. GREGORY: Can you please state your
2 name and address for the record?

3 MR. SMITH: Yes. My name is Jim Smith
4 with Delmarva Power and Light, Salisbury, Maryland.

5 Thank you. Some of what I'm going to
6 present in the first several slides is a bit
7 repetitive from what you saw, so I will try to move
8 as briskly through that as I can.

9 But as we stated, we're here notably to
10 address the seven specific issues that were outlined
11 by the Mayor and Council which were esthetics, the
12 magnetic field exposure, sound/noise, changes in
13 neighborhood density since 1974, property valuation,
14 alternative locations and the undergrounding of the
15 wires and equipment.

16 I think you probably know who Delmarva
17 Power is by this point. We have half a million
18 electric customers on the peninsula and have served
19 Ocean City for many years.

20 I explained the last time I was here that
21 this investment is in part of a much larger scale of

11

1 investments that we're doing system wide including
2 here in Ocean City. This year alone we've spent
3 about \$140 million throughout our service territory
4 for new electrical infrastructure. And we actually
5 have several projects going on in Ocean City to
6 improve reliability, not only the SVC project, a
7 transmission project next year along Coastal Highway
8 between 41st and 85th Streets, and a variety of
9 underground distribution upgrades throughout the
10 town as well.

11 I did use this slide last time to
12 basically explain what type of upgrade this was,
13 that it was a transmission upgrade to our system.
14 The transmission being the high-voltage electrical
15 system of which we have about 1,500 miles across the
16 Delmarva Peninsula that we own and operate. It
17 serves not only our customers, but customers of
18 electric co-ops and municipal electric providers as
19 well.

20 In a nutshell, this project's being done
21 to enhance reliability and give us a more steady

12

1 flow basically of voltage on the system.

2 The SVC, the static var compensator, in
3 expanding the 138th Street substation to include
4 this equipment is essentially like a booster pump to
5 keep electrical pressure constant on our system
6 specifically in Ocean City and North Ocean City.
7 And I'll talk in some more detail about that. But
8 what we're looking at is maintaining stability on
9 the system by eliminating voltage fluctuations and
10 maintaining a stronger flow of energy.

11 Again, another repeat slide, as I
12 explained last time in planning and operating the
13 system, we have to work with several different
14 entities including the FERC, which is the Federal
15 Energy Regulatory Commission, the North American
16 Electric Reliability Corporation, and PJM
17 Interconnection which is the regional grid operator.
18 This gives you a sense of the service area of PJM
19 Interconnection which transmission owners like
20 Delmarva Power and Light have to work with PJM to
21 identify upgrades to the system. Essentially we sit

13

1 down with them, they give us direction on upgrades
2 like the SVC that we have to do to the system, and
3 we have to figure out a way to make that happen.
4 The transmission project for next year is similar to
5 that as well.

6 Again, this is a redundant slide from last
7 time, but I just wanted to touch on the primary
8 functions of the static var compensator. Basically
9 to maintain acceptable and stabilized levels of
10 voltage, to control voltage swings during times of
11 peak demand when people are using the most
12 electricity, to control high voltages during light
13 load. This is not only a peak season issue, but
14 because of the extremes in Ocean City, this is also
15 an off-season issue for us as well when we actually
16 see increases in electric voltage, but it will
17 prevent dips and also even voltage collapse.

18 As we stated before, this substation went
19 into service back in the mid 1970s as the growth
20 headed northward into Ocean City. And because of
21 the vulnerabilities that we have seen on our system,

14

1 that's how we identified this to identify blackouts
2 and/or brownouts to provide reliable service.

3 Let me get into the issues. And this is
4 where some of the slides will actually change. One
5 of the issues that came up notable was esthetics,
6 what Delmarva Power was doing from an esthetic point
7 of view. Our approach all along has been to be
8 community compatible, to hopefully make it better
9 than it is today at 138th Street, and basically to
10 be unobtrusive.

11 One of the things that we're proposing is
12 a 15-foot decorative wall, which I have a revised
13 rendering of in a few slides, that would be around
14 the perimeter of the existing and expanded
15 substation, so around the entire perimeter.
16 Compared to our other substations, this is certainly
17 above and beyond the chain-link fences that you see
18 at the majority of our substations. We'll have
19 vegetation in front of the wall. We'll use all
20 native species compatible with the area. These are
21 examples of some plants that we could use. We can

15

1 certainly look at others.

2 I think the other thing that
3 differentiates what we're going to do at this
4 substation is we plan to install irrigation to
5 maintain -- we heard comments about the vegetation.
6 So on top of the wall we have also decided that it
7 would be good to install irrigation.

8 The other thing that we're doing from an
9 esthetic point of view is specially ordering what we
10 call low profile equipment, essentially equipment
11 that's not as obtrusive as some of the things you
12 typically see in a substation. Sometimes that's not
13 unavoidable to have tall equipment, but we were able
14 to -- with this particular equipment, with the SVC,
15 to find vendors who could design some low profile
16 equipment and low sound equipment at the same time.
17 And we even heard from some of our engineers that as
18 they were pressing for this that these are some very
19 stringent levels that we were striving for, but we
20 thought in the interest of, you know, being in the
21 community, you know, that was very necessary. And I

16

1 would say this is a conservative amount, but I'd say
2 we're in the ballpark of at least a million dollars
3 of extra spend on the project for those types of
4 things; wall, irrigation along with the vegetation,
5 and then the low profile equipment.

6 This might be a repeat slide, but this
7 just gives you in a nutshell, you know, the total
8 perimeter footage which is 820 feet. As I said,
9 it's a 15-foot decorative wall around the substation
10 six to eight inches thick. It's going to be a
11 textured face with a sandstone color which we think
12 would be appropriate for this area. It will have
13 four sliding gates, but the color will match and
14 integrate with the existing wall. As I said, we'll
15 have irrigated vegetation. The setbacks will be
16 10 feet from the property line, the wall. Lighting
17 is needed, you know, directional, there will be some
18 low level lighting in there, maybe at the control
19 house. But otherwise, anything substantial would be
20 reserved for either maintenance or outage response
21 work that we would have to do, and that would be

17

1 normal in that condition at night. And then there
2 will be a control room in there that's going to be
3 13 feet tall.

4 This gives you an idea of the site plan.
5 This is the one that was in your packet initially.
6 I can just point out a couple things. I think I did
7 this last time. But some of the things -- you know,
8 this is the existing substation. I'll get this
9 pointer to work. Well, on the left-hand side is the
10 existing substation. On the right-hand side would
11 be the SVC equipment. The equipment to the south,
12 they're basically reactors that help us decrease the
13 voltage. In the middle we have a circuit breaker
14 which is a protective device. On the northern part
15 there you have some capacitors which actually would
16 help us increase the voltage when we have dips. And
17 in the middle there's a transformer which actually
18 steps down the voltage from transmission level
19 voltage. But you can see that design includes the
20 landscaping around the perimeter.

21 These are just various views of before and

18

1 after. This shows the view looking from the
2 southwest looking northeast. At the top is what
3 exists now. At the bottom is what we project it to
4 look like, you know, with a new wall. And, Matt,
5 you can just go through these. This is the view
6 looking northwest, basically from the opposite point
7 corner from southeast. This is the view looking
8 southeast on the northwest showing existing versus
9 what's projected.

10 Now, we'll sit here for a few seconds.

11 This is a noted difference in comparison to what was
12 in our first presentation. We had some renderings
13 and we went back to the drawing board. I know there
14 was some discussion, but this is the new revised
15 rendering of the 15-foot wall with the columns, the
16 textured face, and the irrigated vegetation. Again,
17 something that we would consider going above and
18 beyond the traditional chain-link fence and
19 something that we believe, you know, would be a
20 betterment to the property, if you will.

21 With that, issue number two is going to

19

1 concentrate on magnetic fields, and I'll let --

2 MR. SMITH: Before you go, just -- if we
3 could briefly, after the City Council hearing, the
4 Council asked that we engage the community; is that
5 correct?

6 MR. SMITH: That's correct.

7 MR. SMITH: And could you tell the board
8 what we did in that regard?

9 MR. SMITH: We had met with the -- we
10 had a public meeting back in February initially, had
11 met also prior to that with the Caine Woods
12 Community Association board. But just as recently
13 as a few weeks ago, we had another -- what I call a
14 community workshop with some of these renderings and
15 a variety of information and various stations where
16 folks could ask questions, and I think we had around
17 20 folks in attendance. And we were there from 7:00
18 to 9:00 p.m. and had some good dialogue. I think we
19 answered some questions, provided some
20 clarifications, much of which is in this
21 presentation.

20

1 MR. SMITH: And we sent out letters to
2 approximately 600 property owners at that point --

3 MR. SMITH: I don't think it was --

4 MR. SMITH: Or 600 feet. I'm sorry.

5 MR. SMITH: Yeah. I think it was folks
6 within a certain amount of feet. I think it was
7 probably a hundred feet beyond what the city does.

8 I think it was between 75 and a hundred letters.

9 MR. SMITH: And we also notified anyone
10 who expressed interest in the substation.

11 MR. SMITH: And we also provided that
12 information to the Caine Woods Community Association
13 that they could send out to its membership as well.

14 MR. SMITH: And esthetic improvements
15 are something that we've initiated through our
16 discussion with the community and our discussion
17 with the Planning Commission; is that correct?

18 MR. SMITH: That's correct.

19 MR. SMITH: And our effort there is to
20 minimize our impact on the neighborhood to the
21 greatest extent possible while still maintaining the

1 necessary substation at that location.
 2 MR. SMITH: That is true, yes.
 3 MR. SMITH: And this is certainly a
 4 significant increase on what you would normally find
 5 at a Delmarva Power substation.
 6 MR. SMITH: That's correct. Yes.
 7 MR. SMITH: If we could have Dr. Bailey
 8 at this point, if we could jump to him. Jim will be
 9 back.
 10 (Whereupon, Dr. Bailey was sworn in.)
 11 MR. GREGORY: Please state your name and
 12 address for the record.
 13 DR. BAILEY: William Bailey. Exponent,
 14 Bowie, Maryland.
 15 MR. SMITH: Dr. Bailey, you testified
 16 before this Commission before. In your expertise,
 17 just describe for them what you do and why you're
 18 here.
 19 DR. BAILEY: Certainly. I'm a
 20 researcher and consultant, have been working in the
 21 field of bioelectric magnetics for the last 30

1 years. I have an appointment in the Center for
 2 Exposure Assessment at Exponent. I'm also a
 3 visiting scientist at the Cornell University Medical
 4 School. I've been involved in research and study in
 5 this area helping people understand what the status
 6 of scientific research is. Sometimes that company
 7 is like PEPCO, sometimes it's the public utility
 8 commissions that I work for, in other cases it's
 9 national and international scientific agencies like
 10 the International Agency for Research for cancer,
 11 World Health Organization and so on. I'm here to
 12 sort of summarize the information that we were asked
 13 to put together to help everyone understand this
 14 issue.
 15 MR. SMITH: And, Dr. Bailey, you also
 16 attended the open house we had at the Elks Club.
 17 DR. BAILEY: I did.
 18 MR. SMITH: And you engaged many of the
 19 people that were there; is that correct?
 20 DR. BAILEY: That's correct.
 21 MR. SMITH: Were you able to respond to

1 concerns about EMFs at that point?
 2 DR. BAILEY: Yes. A number of people
 3 had questions about EMF. And the purpose of that
 4 meeting was to help people better understand this
 5 sort of technical area. And because of some of the
 6 questions that we got, we have clarified our
 7 presentation on EMFs so that hopefully it will be
 8 more informative this evening.
 9 MR. SMITH: Thank you. If you could go
 10 on with your presentation, please.
 11 DR. BAILEY: Thank you. First of all,
 12 let me just summarize what our role was in this
 13 project. Delmarva asked us to measure the existing
 14 magnetic field levels from the substation as it is.
 15 Later as the project went on, they engaged a firm
 16 FMS to model the magnetic fields from the
 17 substation, and also asked our assistance in putting
 18 together some of the sound modeling that was done by
 19 a third firm, Acentech. And then finally, they
 20 asked us to explain how the measured values and the
 21 calculated values of the magnetic fields fit with

1 the conclusions of national and international health
 2 agencies and how they compared to exposure
 3 guidelines for the general public.
 4 Now, we use the term EMF in a number of
 5 different contexts. Here we're talking about
 6 electric and magnetic fields associated with our
 7 electrical system. And we have EMF of different
 8 types that are present in our environment. The
 9 earth has a geomagnetic field with an intensity in
 10 this part of the world of about 550 milligauss. We
 11 have electric fields that come from natural
 12 phenomena. But the electric and magnetic fields
 13 that we have from our power system come from
 14 anything that is connected to the power system. So
 15 all of our appliances, all the wiring, distribution
 16 lines, transmission lines, anything that's connected
 17 to the power system will produce oscillating
 18 electric and magnetic fields.
 19 The electric fields are produced by the
 20 voltage that's applied to the equipment, and the
 21 higher the voltage, the higher the electric fields.

25

1 We measure these fields for very strong electric
 2 fields in thousands of volts per meter. Usually the
 3 fields are lower in our communities. The
 4 characteristics of these electric fields is that as
 5 you move away from the source, the electric field
 6 diminishes in its intensity. A characteristic of
 7 the electric field is that it's easily blocked by
 8 conductive materials. So trees, shrubs, buildings,
 9 walls all are quite effective at blocking electric
 10 fields. And this is one of the reasons that
 11 research over the last 30 years has focused more on
 12 magnetic fields than electric fields. And in this
 13 case the -- whether it's either the chain-link fence
 14 of the substation as it exists today or the wall
 15 that PEPCO has -- or Delmarva has proposed to put up
 16 will effectively block the electric field that's
 17 present from equipment inside the substation.

18 Now -- let's go back. Okay. Let's go
 19 next.

20 Magnetic fields in contrast to electric
 21 fields result from the flow of current, and we'll

26

1 talk a little bit today about the current flowing
 2 through the substation. And these magnetic fields
 3 are measured in different units than the electric
 4 field. We measure them for small fields in units of
 5 milligauss. But magnetic fields unlike electric
 6 fields are not easily blocked by materials. So if
 7 we take a magnetic field meter and we put it inside
 8 a concrete block or inside a block of wood, it will
 9 measure exactly the same field from the earth as if
 10 it was sitting in the open air. So the wall or the
 11 chain-link fence will not block the magnetic field
 12 that exists from the substation.

13 Now, where do we encounter these manmade
 14 magnetic fields? Some examples I put up here are
 15 appliances, electric wiring, of course distribution
 16 and transmission systems, and some people are
 17 surprised that even current that are flowing on
 18 building water pipes are a source of magnetic
 19 fields. How this occurs is that for safety reasons,
 20 all of our electrical equipment in a building is
 21 grounded to a water pipe. That allows for the

27

1 possibility of some small amount of current to
 2 transfer from the building to that water pipe, and
 3 then that flows through the water pipe back towards
 4 the substations and other locations. So those
 5 currents are not flowing in close proximity to
 6 another wire. They're just flowing on a pipe
 7 that's, you know, maybe in your basement or flowing
 8 out of the floor. So even a few amps of current
 9 flowing on a water pipe can produce a relatively
 10 large magnetic field in the home.

11 To give you an idea of what magnetic field
 12 levels are. It's hard for everybody to know what a
 13 unit of milligauss is. We all know -- we measure
 14 things in feet and inches -- what those units are.
 15 So I thought I would explain here a couple of
 16 concepts about magnetic fields by illustrating how
 17 the strength of the magnetic field varies with
 18 distance from common appliances.

19 So if you look on the left-hand vertical
 20 access, it's the strength of the magnetic field in
 21 milligauss, and you can see it goes from zero to

28

1 over 10,000 milligauss. And on the horizontal axis
 2 is distance and feet away from the appliance. And
 3 what you can see for each one of the appliances
 4 identified in the right-hand legend, that the field
 5 is strongest right at the surface of the appliance,
 6 but very quickly within a few feet, the strength of
 7 the magnetic field diminishes to much lower levels.
 8 So you can see that there is -- a fluorescent desk
 9 lamp might have a field of well over a thousand
 10 milligauss at the lamp, but then you get three feet
 11 away, it's fallen off to one milligauss. And this
 12 characteristic is true for all magnetic field
 13 sources depending upon the nature of the source, the
 14 rate at which the field will drop off with distance
 15 varies, but this illustrates this common concept.

16 What I would like to talk about next --
 17 can you be back one slide -- is the existing
 18 neighborhood sources and the magnetic field levels
 19 that we measured in February of 2012 around the
 20 existing substation.

21 So what we have as community sources. We

29

1 have of course existing substation. We have the
2 existing transmission and distribution lines. In
3 the future, Delmarva has proposed to add a static
4 var compensator to part of the site. The magnetic
5 fields from these existing sources will change
6 little. The new source of magnetic field at the
7 site is the static var compensator.

8 Here is an overhead aerial shot showing
9 the existing substation on the left side of the
10 block. On the right side of the block is where the
11 static var compensator will go. And you can see
12 those yellow lines show the transmission and
13 distribution lines on the north and the south side
14 of the substation and where they enter and connect
15 to equipment.

16 MR. SMITH: Those are existing lines,
17 correct?

18 DR. BAILEY: Those are existing lines
19 that are not going to be changed as part of the
20 static var compensator addition.

21 Now, one of the things that's -- that

30

1 makes calculating and measuring magnetic fields a
2 little complicated is that since the magnetic field
3 results from the flow of current, the issue is that
4 this flow of current is not constant. In the
5 morning when you go to work and everybody's turning
6 on all their appliances, coffee makers and
7 everything else like this, the demand for
8 electricity goes up. And then as people go to work
9 and turn off appliances in the home and everything,
10 the demand goes down during the day. And then later
11 in the day it comes back up again around dinner
12 time. Not only are there daily changes, but there
13 are weekly changes. So on the weekends many
14 businesses might be closed so they're not drawing
15 electricity, so the demand may be lower on the
16 weekend. And there's also of course seasonal
17 changes.

18 So what we did is we went back and
19 requested from Delmarva the historical record for
20 the amount of electricity provided to the substation
21 from November 2011 to October 31st, 2012. And

31

1 this graph here shows the results of the data they
2 provided to us.

3 First of all, look across the bottom, and
4 there is a measure of the power flow during the year
5 measured in megawatts. And so it ranges from zero
6 to about 110 megawatts was the highest loading
7 recorded on the northern transmission line which is
8 the closest to the residential areas.

9 Now, you can see that the average there is
10 33.4 megawatts during that time, and that the peak
11 value was 110.6 megawatts. But if you look even at
12 the average of 33.4, you can see a lot of the time
13 during the year the probability of having a loading
14 of 33.4 megawatts or less was considerably common.
15 So the average is taking the average of all of the
16 readings over that entire year, and so a few
17 readings on a few hours a few days during the year,
18 very high values, are raising that average higher
19 above what you would expect most of the time.

20 Now, on the day that our engineer went out
21 and took measurements around the substation there

32

1 was a condition that PEPCO engineers can explain to
2 you that caused a higher than normal load flow to
3 the substation. On that day it was 76.7 megawatts.
4 So you can see the day we went out and took
5 measurements around the substation, the amount of
6 current flowing in that transmission line was much
7 higher than what was expected and was measured
8 during the rest of the year.

9 So here I've summarized the magnetic
10 fields measured around the substation, and literally
11 we have hundred of measurements that were taken. So
12 the way I've summarized this is for the north,
13 south, east and west sides of the substation, we
14 took the average of those magnetic field readings
15 and that's what MW equals. On the west side it says
16 measured MW, that stands for average, equals 4.0.
17 So the average magnetic field on the west side of
18 the substation of all the measurements taken there
19 was four milligauss. And then it has sigma equals
20 2.1 milligauss. That basically tells you the
21 standard deviation. So a little over 60 percent of

33

1 the measurements along that side of the substation
 2 were within plus or minus 2.1 milligauss. So that
 3 tells you the bulk of the measurements on the west
 4 side of the substation, and this is across the
 5 street from the substation, not right at the
 6 substation, were either between about two or about
 7 six milligauss.

8 Similarly, you can go to the north side, a
 9 slightly higher average of 5.1 milligauss and a
 10 similar standard deviation of 1.9 milligauss. The
 11 bulk of the measurements on that northern side would
 12 be between 5.1 plus 1.9 milligauss or 5.1 minus 1.9
 13 milligauss.

14 And then you can go to the south side, 4.1
 15 milligauss is the average there, and the east side,
 16 the measured value is 9.1 milligauss. So those are
 17 the values that were measured on a day when the
 18 loading was 76 megawatts.

19 Now, the question is, those are the
 20 measured magnetic field levels. Now, what is the
 21 addition of the static var compensator going to --

34

1 how is that going to change the magnetic fields at
 2 the substation? And so here we are summarizing the
 3 data that we got from Delmarva Power and from FMS.

4 Now, this is the same slide as I presented
 5 before, and if you look in each one of the boxes, it
 6 tells you the measured magnetic field at the top of
 7 the box. Those are the same values that I presented
 8 in the previous slide.

9 Now we've added something different to it.
 10 And you can see that the transmission lines at the
 11 north and south side of the sites are still the same
 12 as they were before.

13 Now, what's different here is that we've
 14 added on the modeling of the magnetic fields from
 15 the substation as it is today, and what those values
 16 are at average loading and a very high assumed peak
 17 loading. So if you -- let's take a look at the
 18 north side of the substation. Across the street
 19 from the substation we have measured average of
 20 about 5.1 milligauss. The modeling tells us that at
 21 average loading, the fields are going to be less

35

1 than two milligauss across the street from the
 2 substation. At peak loading, in the future, they
 3 would be as high -- somewhat less than nine
 4 milligauss. That's with just the substation as it
 5 is today without the static var compensator. So
 6 that will tell you what the range of values are
 7 today and on the heavily loaded day when the
 8 substation -- that would be possibly a hot day in
 9 the summer and lots of electricity is coming into
 10 the substation.

11 Now, if you look to the right on that box,
 12 there are also two numbers that are given in green.
 13 And those are the values of how that magnetic field
 14 would change across the street from the substation
 15 if the static var compensator is installed. And the
 16 modeling is done exactly the same way as we did for
 17 the existing substation. So you can see that under
 18 average load conditions, the field with the
 19 substation by itself is going to be less than two
 20 milligauss across the street from the substation.
 21 In the future, it will be less than three

36

1 milligauss. So on the north side, that average has
 2 gone up by one milligauss.

3 The same thing is true if you look at the
 4 box on the west side. The -- with the substation by
 5 itself at average loading, the field is going to be
 6 less than two milligauss, and with the static var
 7 compensator, it will increase by about one
 8 milligauss.

9 You're looking at the south side and the
 10 east side; you can see that they're larger
 11 increases.

12 Now, what about this box here on the left?
 13 The box on the left shows what the loadings on the
 14 northern and the southern lines were for measured
 15 conditions, that is on the day that we took the
 16 measurements that I showed on a previous slide. So
 17 for example, for the northern line, it was
 18 76.7 megawatts. And we can see that the
 19 calculations that are shown below the measured
 20 values are for a lower loading which would describe
 21 the average loading during the year of

37

1 39.7 megawatts. But the peak values that are shown
 2 are for a much higher loading of 190 megawatts. So
 3 all those peak loading values that are shown on the
 4 four sides of the substation reflect that
 5 190-megawatt load.

6 So what effect does the SVC addition to
 7 the substation have on magnetic fields? At average
 8 loading on the north and west sides, the increase in
 9 the magnetic field will be less than one milligauss.
 10 In the commercial and industrial areas which are
 11 east and south of the substation, across the street
 12 there will be an increase of ten to 15 milligauss.

13 Now, the reason that all of the increase
 14 of any size is coming on the east and south is
 15 because Delmarva has moved the location of the
 16 static var compensator away from the residential
 17 areas. And so that's why the magnetic field is
 18 increasing on that side of the station where the
 19 static var compensator is located. And as you can
 20 see it has a minimal effect on areas to the north
 21 and west. And at peak loading in all areas, whether

38

1 it's on the north, south, east or west side, the
 2 change in the magnetic field will be less than two
 3 milligauss.

4 Now, the community had requested that the
 5 company consider ways of addressing magnetic fields
 6 produced by sources other than the substation or
 7 static var compensator. And correctly they pointed
 8 out that there are other magnetic field sources in
 9 the neighborhood, namely the transmission and
 10 distribution lines. So Delmarva considered several
 11 different options. One was undergrounding the
 12 lines. Putting the lines underground would not
 13 block the magnetic field itself, but if you put the
 14 wires closer together, each of the wires will tend
 15 to cancel the magnetic field from the other wire,
 16 and so you'll get a reduction that way. However,
 17 putting the cables underground is very expensive.
 18 If there is a problem, it takes a much longer time
 19 than an overhead line to restore service. You have
 20 construction impacts. And you have reduced visual
 21 impact.

39

1 Now, the other way of addressing a reduce
 2 in the magnetic fields that was considered was by
 3 so-called optimal phasing of either the distribution
 4 line or the transmission line. This is a well known
 5 technique that can be easily accomplished at low
 6 cost. There's no construction impact and there's no
 7 change in visual impact.

8 So what Delmarva asked us to do was to
 9 estimate what kind of magnetic field reduction would
 10 occur if either the transmission line was rephased
 11 or the distribution line underneath it was rephased.

12 So here in this graph you can see the
 13 structure in the center and horizontal access
 14 showing distance away from the center line of the
 15 pole. On the left-hand side, you see the existing
 16 phasing, and those phases are identified by letters.
 17 So at the top it's BAC -- BCA, and ABC at the
 18 bottom. And then the proposed is to either change
 19 the phasing at the top of the pole, the transmission
 20 line, or in this case what we've illustrated here is
 21 to change the phasing of the distribution line to

40

1 change it from ABC to BAC, and what that does is to
 2 cause a fairly substantial reduction in the magnetic
 3 field, particularly directly underneath the pole.
 4 But even 65 feet away opposite the substation, you
 5 can see a reduced magnetic field. So this is an
 6 illustration of what we would observe between
 7 structures 131 and 132 on the northern side of the
 8 substation.

9 MR. SMITH: Dr. Bailey, just briefly,
 10 the transmission lines and distribution lines have
 11 been there since 1975 roughly.

12 DR. BAILEY: That's correct.

13 MR. SMITH: So the EMFs from those lines
 14 have been in existence for 35 years, 37 years.

15 DR. BAILEY: Correct.

16 MR. SMITH: So this proposal would -- in
 17 addition to the significant expense that DP&L has
 18 gone through in the substation area would also allow
 19 additional reductions in EMFs that hadn't been there
 20 before.

21 DR. BAILEY: Correct. And this is a

41

1 reduction which is independent on a part of a
2 facility which is independent from the substation or
3 static var compensator.

4 MR. SMITH: And just one other brief
5 question. If I'm sitting at my desk and this is my
6 fluorescent lamp here and I'm working eight or ten
7 hours a day with my fluorescent lamp on, there's
8 more EMFs from that lamp than there would be if I'm
9 across the street from this substation?

10 DR. BAILEY: It could be depending upon
11 the brand and how much current is flowing through
12 that lamp.

13 People are often surprised that the
14 strongest sources of magnetic fields that we
15 encounter during the day are usually when you're
16 very close to an appliance or when you're directly
17 underneath some transmission line driving down the
18 street.

19 Well, we talked about the magnetic field
20 exposure that exists today and how that will change
21 very little going forth in the future with the

42

1 addition of the static var compensator.

2 Let me tell you a little bit about what
3 scientists have been studying for the last 30 years
4 about electric and magnetic fields. And the way we
5 gather information about any exposure in our
6 environment or drugs and medicines is by doing a
7 review of all of the literature and then weighing
8 the quality of this evidence. Obviously studies
9 that are better quality that are larger are given
10 stronger weight than studies that are small and of
11 not good designs. So this is what is called the
12 weight of the evidence reviews.

13 Scientific reviews of EMF research that
14 have been conducted by national and international
15 organizations share of number of characteristics.
16 They're typically done by large panels of
17 scientists, some as many as 30 different scientists
18 from different countries around the world, a
19 balanced composition of people from different kinds
20 of universities, government agencies and so on.
21 They have experts in multiple disciplines, maybe

43

1 experts in exposure assessment, toxicology, cancer,
2 biology statistics and so on. They follow a defined
3 methodology in terms of doing this review. And
4 their conclusions represent a consensus. So the
5 people that are members of these large panels have
6 pooled their knowledge and expertise and come
7 together with what their current view of the science
8 is.

9 Now, reviews have been done on electric
10 and magnetic fields for many decades. There are
11 reviews going back to the 1960s and 1970s. I just
12 listed here those since 1998.

13 In the 1990s, Congress asked the National
14 Institute for Environmental Health Sciences to find
15 out if there's anything to this idea that
16 transmission lines and appliances might have effects
17 on health. So they commissioned the National
18 Institute for Environmental Health Sciences to do a
19 review of all the research and also to conduct some
20 of their own research, and they reported back to
21 Congress.

44

1 In 2002, the International Agency for
2 Research on Cancer looked at the evidence that these
3 fields might have some linkage to cancer.

4 The International Commission on
5 Non-Ionizing Radiation Protection is an agency
6 affiliated with the WHO that make recommendations on
7 occupational public exposures. They did a review to
8 update their information to see what kind of changes
9 they might need to make in their guidance.

10 The Health Protection Agency of Great
11 Britain and a subdivision of it have been very
12 active over the decades in doing research on
13 electric and magnetic fields and evaluating it.

14 In 2007, the World Health Organization
15 issued a comprehensive review of this topic as well.

16 In Sweden, they are very interested in all
17 things environmental, and for many years the Swedish
18 Radiation Protection Agency has been doing reviews
19 every year or two. I hear the two most recent
20 reviews were in 2007, 2008. A committee of the
21 European Union has a special committee on emerging

45

1 and newly identified potential health risks. They
2 asked that committee to do their own review of
3 electric and magnetic fields.

4 The Health Council in the Netherlands,
5 like Sweden, has also been following this issue for
6 many years. 2009 is their most recent.

7 And in 2010, the International Commission
8 on Non-Ionizing Radiation Protection issued their
9 updated standard for occupational and exposure of
10 the general public, and they raised their maximum
11 limit on exposure from 550 hertz in Europe from
12 1,000 to 2,000 milligauss. And then there's another
13 organization as well.

14 Now, if you go back and read all of these
15 reviews, here's what we have distilled from the
16 conclusions of these groups. First of all, they
17 agree that there's little evidence that EMF is
18 associated with adverse health effects. However,
19 they believe that there's some epidemiologic
20 evidence that magnetic fields at high average
21 exposures such as might apply to maybe a few percent

46

1 of the population are statistically associated with
2 childhood leukemia. A statistical association
3 between two things does not necessarily mean that
4 one thing causes the other.

5 You know, the county that's next door to
6 mine, the kids might have higher SAT scores. That
7 doesn't mean if I move from my county to the
8 neighboring county that my child's SAT scores are
9 going to go up. It's just a statistical
10 correlation.

11 So in order to draw conclusions about
12 health issues, we need more than just a correlation
13 to go on, and so we look to the laboratory studies
14 and where we can do cause and effect experiments.
15 And a number of different agencies, including NIEHS,
16 has done studies in which animals have been raised
17 over their entire lifetime in magnetic fields as
18 high as 50,000 milligauss. So very much higher than
19 anything that's found in your community. And they
20 agree that the laboratory data does not support a
21 link between EMF and any adverse health effect,

47

1 including leukemia. When they sacrifice the animals
2 at the end of their lifetime, looked in 50 different
3 tissues in the body under the microscope, they
4 didn't find that the animals that had the lifelong
5 exposure to magnetic fields had higher, even
6 microscopically greater evidence of cancer in them.
7 And based upon the epidemiology studies together,
8 studies of cells and studies of animals, they
9 concluded that EMF is not known to cause any
10 disease.

11 I mentioned the International Commission
12 on Non-Ionizing Protection. Here are their
13 guidelines. These have been adjusted for 60 hertz
14 fields which we have in the U.S. So their
15 occupational limit is 10,000 milligauss, and that
16 for the general public is recently raised to 2,000
17 milligauss.

18 There's another organization called the
19 International Committee on Electromagnetic Safety
20 that is commissioned by the IEEE, and they have
21 higher magnetic field standards for both workers and

48

1 also for the general public. These are the two
2 international guidelines that are recommended by the
3 World Health Organization. And as you can tell from
4 these limits, the values that we've been talking
5 about of a few milligauss around the substation are
6 well, well below these internationally accepted
7 limits.

8 So in summary, the magnetic fields from
9 the substation and the associated transmission,
10 distribution lines fall in the range of exposures
11 that we encounter daily in our lives. The proposed
12 addition of the static var compensator will not
13 markedly affect existing magnetic field levels at
14 residences because of the design and location
15 choices made by Delmarva Power. And also Delmarva
16 Power has committed to apply optimal phasing to the
17 related northern transmission line or distribution
18 line, whichever turns out to be the most convenient.
19 Whichever one they do will result in the types of
20 reductions that I described in the presentation.

21 MR. SMITH: Dr. Bailey, just briefly,

49

1 the -- you attended these meetings as we discussed,
 2 and this phasing idea and some of these issues came
 3 out of the various conference calls and that meeting
 4 and your discussion with Delmarva Power's engineers;
 5 is that correct?

6 DR. BAILEY: Yes, it is.

7 MR. SMITH: So this came after the
 8 remand and further investigation on how to continue
 9 to reduce the impact of this substation on the
 10 community.

11 DR. BAILEY: That's correct. I mean,
 12 originally Delmarva was focusing on the facility
 13 that was being -- to which the SVC would be added
 14 and what effect the SVC would have. But because of
 15 questions that were raised about the -- by the
 16 residents as to what else on other facilities
 17 unrelated to this project things might be done, they
 18 asked us to estimate what the benefits would be of
 19 this optimal phasing.

20 MR. SMITH: So this was as a result of
 21 that discussion.

50

1 DR. BAILEY: That's correct.

2 MS. BUCKLEY: I have a question. On the
 3 milligauss, is that a daily exposure, a yearly
 4 exposure, a lifetime exposure, an hourly exposure?

5 DR. BAILEY: Those limits?

6 MS. BUCKLEY: Uh-huh.

7 DR. BAILEY: Those are ceiling limits,
 8 so those are values that if you --

9 MS. BUCKLEY: At one time.

10 DR. BAILEY: If your exposure never goes
 11 above that limit, you're complying with it. It's
 12 not -- it could be --

13 MR. MILLER: It's not cumulative.

14 DR. BAILEY: It's not cumulative. It's
 15 not for a limit period of time. Those standards are
 16 for anyone of the general public. And so long as
 17 you don't exceed those limits, they are considering
 18 that that's protective of public health.

19 MS. BUCKLEY: They don't stay in your
 20 system, they don't stay in your body.

21 DR. BAILEY: That's correct. The

51

1 magnetic fields are just like -- and they're
 2 actually akin to the light here. So when you turn
 3 off the light switch, that light goes off. The same
 4 thing is true with the magnetic field. You turn the
 5 magnetic field off, you move away from it and it's
 6 gone.

7 MS. BUCKLEY: Okay. I just wanted to
 8 clarify that.

9 MR. MILLER: So the SVC at the
 10 substation is significantly less than what -- I
 11 mean, significantly less than what --

12 MS. BUCKLEY: Than the 10,000 --

13 DR. BAILEY: Yes. There's a very small
 14 change of the SVC because of where it's been located
 15 and the way it's been designed. So the SVC itself
 16 and its addition is going to have a very minor
 17 contribution to the fields coming from the
 18 substation which have always been there.

19 MR. MILLER: The limits are that much
 20 higher.

21 MS. TAYLOR: It's only when it's

52

1 actually operating which is only when it's needed.

2 DR. BAILEY: The effect of the SVC would
 3 be most -- would be greatest under those periods of
 4 time when it's trying to stabilize the voltage,
 5 correct.

6 MS. BUCKLEY: Thank you. Continue,
 7 please.

8 MR. SMITH: Back to Jim Smith.

9 MR. SMITH: The next issue --

10 MR. SMITH: Let me ask you to touch on
 11 that. On the EMFs and the sound, Delmarva Power has
 12 expended considerable rate payer funds to minimize
 13 these impacts --

14 MR. SMITH: That's correct.

15 MR. SMITH: -- in the design, the
 16 location, the phasing, all these issues that are
 17 typically above and beyond what you would do at a
 18 normal substation.

19 MR. SMITH: Yeah. We have brought in
 20 expertise to analyze both of those issues and
 21 addressing those tonight.

53

1 MR. SMITH: Thank you. Go ahead.
2 MR. SMITH: Sound studies were also
3 conducted at the substation looking at existing
4 levels and projected levels. Some of this is what
5 you've already seen before, but we have a little bit
6 of new information. The bottom line is that the
7 sound levels that exist today, we expect with an
8 expanded substation that these sound levels will be
9 comparable to what's there. And we'll also comply
10 with the local sound ordinances which we've outlined
11 in a couple of slides.
12 Specifically the new equipment will have,
13 as I said before, low sound design along with low
14 profile design. The cooling system that the static
15 var compensator is utilizing will use low speed fans
16 to further reduce the sound level. And the
17 equipment is going to be placed as close to the
18 ground as possible rather than on elevated
19 structures. And that only -- that not only helps
20 with esthetics but also helps with the sound. And
21 then the wall, even though more of a decorative

54

1 esthetic wall, that will provide some sound
2 absorption as well.
3 We had an acoustics consultant perform
4 sound level surveys of the areas around the existing
5 138th Street substation area. These measurements
6 were taken at night between midnight and 1:00, and
7 during the day between 8:00 and 9:00 a.m.
8 At the perimeter of the existing
9 substation, the levels of total sound, or what we
10 called ambient sound, and that's of everything in
11 the neighborhood basically, were found to be at an
12 average of 51 DBA at night and 54 DBA during the
13 day. DBA is basically a measurement of sound
14 intensity. And this includes all sounds in the
15 area, as I said, traffic, wind, the air conditioning
16 system, a heat pump coming on across the street.
17 And the manufacturer of the SVC equipment has
18 completed a sound study that says that's going to --
19 the levels of sound that are going to be produced
20 are going to be comparable to what's there.
21 If you just looked at the equipment alone,

55

1 it's somewhere in the 42 DBA range, and across the
2 street to the north and west, the sound levels from
3 that equipment alone are in the 40 DBA range.
4 MR. MILLER: Just to clarify, you don't
5 add the additional DBA to it. It's the --
6 MR. SMITH: Exactly. There's some
7 DBA -- we have some expertise that could address
8 that, but, yeah, there's calculations that are done.
9 You just don't add 50 and 40 and come up with 90
10 DBA. It has to be taken in consideration with the
11 ambient noise that's out there, and then that
12 substation is mixed in with that, especially during
13 the summer months.
14 To give you an idea of when we talk about
15 sound intensity levels, the lowest -- one of the
16 lower ranges is 40 DBA, which would be equivalent to
17 a library or regular urban or suburban ambient sound
18 to a high of 80 DBA which are more extreme with, you
19 know, a passenger car going 65 or a garbage
20 disposal.
21 The Town of Ocean City requirements at

56

1 night are 55 DBA in the middle there and 65 DBA
2 during the day. As you can see in the highlighted
3 area, we project that the expected sound from the
4 substation would be somewhere in the 40 to 50 DBA
5 range.
6 This might be a little bit tough to see,
7 but this particular graph is something that we added
8 in there. On the left-hand side it shows the --
9 basically the blue represents the existing ambient
10 sound level at night on the left-hand side, and on
11 the right-hand side during the day. The small
12 portion at the top, the burgandy or red portion
13 basically shows the addition from the substation and
14 the upgrade in the total picture of sound with
15 everything taken in consideration which would put us
16 still in the, you know, required range of what the
17 Town of Ocean City requires which is 55 at night and
18 65 during the day.
19 MR. MILLER: And that's with the SVA
20 operating?
21 MR. SMITH: That's with the SVC

1 operating, yes.

2 MR. MILLER: SVC. Excuse me.

3 MR. SMITH: That's okay.

4 The next issue that we were asked to
5 address was changes in neighborhood density. Quite
6 frankly, the changes in density are what really are
7 necessitating this upgrade or underscoring this
8 upgrade because over the last, you know, half
9 century, quite frankly, we've been in a position of
10 monitoring the steady load growth in Ocean City to
11 keep up with that growth. And sometimes that calls
12 for the addition of additional infrastructure and
13 equipment upgrades. That's been in place for a long
14 time here. It could mean new power lines. It could
15 mean new pieces of equipment. It could mean a new
16 substation as I'll point out in a few minutes.

17 But the bottom line with the SVC inland,
18 and I'll get into some more detail on this, that
19 placing it to the north or to the west will not
20 resolve the reliability concerns and issues that we
21 have with the voltage in Ocean City.

1 I pulled some data in making the case for
2 the changes in density. This actually comes from
3 the Town of Ocean City's comprehensive plan. And I
4 thought it was a telling number to look at the
5 summer population range between 264,000 with a peak
6 of 350,000. And when we look at usage and demand on
7 our system, that's the kind of peak that we have to
8 plan for, not only from a capacity standpoint to
9 make sure we've got enough electric flowing through
10 the lines, but also from a voltage standpoint but
11 having the regulation in place through something
12 like the static var compensator. I thought it was
13 especially telling to see that between 1970 and
14 2010, we had an increase in total housing units from
15 nearly 5,200 in 1970 to more than 28,000 in 2010.
16 So that's part of the factoring. When we look at
17 changes in density, we've seen significant changes
18 in it which poses certain challenges for us in
19 planning our system. During 1978 and '80 alone,
20 during that decade, there was a 250.9 increase. So
21 that goes -- that's a big factor of us having to

1 plan our system. And I thought to look at density,
2 in particular North Ocean City, we found some aerial
3 photographs that I thought were telling as well.

4 This one from 1971, this shows the area of
5 137th and 38th Street. That's the water tower
6 that's just south of our existing substation. We
7 bought the property a block north of that, it's
8 still wooded there, and then several years later
9 built the substation. But you can see the greater
10 Caine Woods area was still in the early development
11 phase, and just to the south you can see Montego
12 Bay. You can see the miniature golf course, and
13 it's changed a lot.

14 If you go to the next slide, this bumps it
15 up to 1986. You can see some more growth. By this
16 time, probably at least for ten years, we've had a
17 substation in existence, the block just north of
18 where the water tower is located there at 138th
19 Street. And of course that substation was erected
20 really to meet the planned growth and development in
21 Ocean City in the northern part of Ocean City at

1 that time, in the mid 1970s through the mid 1980s.

2 And this is just a more current shot.

3 It's off a little bit, but on the left side of the
4 screen you can see the water tower. I keep using
5 that as the landmark. And then a block north of
6 that is our existing substation. So that just gives
7 you a little bit of a snapshot of maybe a little
8 history there for Ocean City history buffs as far as
9 changes in density through the years, in particular
10 in North Ocean City.

11 In keeping pace with the growth, that's
12 something that we're always doing. As I said at the
13 outset, this year alone we're investing about
14 \$142 million in our system to do electrical
15 upgrades.

16 I wanted to find some information that
17 showed historically what we've done in Ocean City.
18 I found out that we purchased property on 2nd Street
19 for our first substation in Ocean City back in 1939.
20 And basically as the growth proceeded north, so did
21 our substation buildout. We built our Ocean Bay

61

1 substation on 85th Street back in 1953. We bought
2 the property there. In 1960, we bought property at
3 41st Street there outside the convention center
4 for our Marydel substation. And then in the mid
5 1970s, as the growth expanded northward and the
6 demand expanded northward, we had to purchase the
7 substation up in North Ocean City.

8 As far as the expansion and changes in
9 density, I think the important part to note here is
10 that we work with PJM Interconnection, the regional
11 grid operator, to identify upgrades on our system.

12 Voltage regulation has been an issue for
13 us for some time in Ocean City. And if I didn't
14 make that point clear -- if I didn't underscore that
15 last time, I certainly want to do it this time.
16 Capacity is always something that we look at making
17 sure there's enough power to flow through the lines
18 and that the equipment that we have can meet the
19 demand. But voltage in this area has become of
20 great concern to us. And the extreme highs and lows
21 that we have in demand make that much more of a

62

1 challenge because during times of peak demand, we
2 need to implement controls through a static var
3 compensator to prevent dips and drastic swings in
4 voltage. And then during the off-season when the
5 load is lighter, the SVC will help us ensure that
6 the voltage doesn't exceed the limits.

7 And if you go to the next slide there, you
8 can see this actually came from a meeting at PJM
9 Interconnection where they advised us on our
10 transmission system, that in particular in the 138th
11 Street area, that we needed to make a voltage type
12 of upgrade in Ocean City.

13 And for the part on property evaluation,
14 I'm going to turn the microphone over to Mr. Joe
15 Harrison.

16 MR. HARRISON: I've got a brief report
17 that I prepared which I'll summarize.

18 MS. BUCKLEY: Mr. Harrison, please state
19 your name and address for the record.

20 MR. HARRISON: Joseph G. Harrison,
21 Junior, 3509 Coastal Highway in Ocean City. I'm an

63

1 attorney. Practicing law in Ocean City since 1974.

2 What I'm doing -- what I've done, the DP&L
3 asked that I do some research into the assessment
4 records for the county to determine, if I could,
5 whether there was any indication from those
6 assessments -- the land assessments for the property
7 in the immediate area, whether there was an impact
8 that the assessors have determined that have
9 affected the values of land adjacent to the
10 substation as opposed to land that was maybe a
11 block, two blocks, three blocks away.

12 And for those of you who are not familiar
13 with how the process works, the assessment office is
14 a state office manned by professional men and women
15 that research on a continuous basis the sales that
16 occur throughout the Town of Ocean City and the
17 county.

18 And in doing assessments of those
19 properties for tax purposes, they really look at two
20 things. They break it into two parts; one is the
21 land valuation, and the other is the improvement

64

1 valuations on a particular piece of property.

2 The improvements are going to vary based
3 upon the type of construction, its age, depreciation
4 schedules, upkeep, that type of thing. So if you
5 have an identical building in one place to one
6 that's three blocks away, the assessments are
7 probably going to be about the same as far as the
8 improvements portion. The land is going to be --
9 having a greater variation depending upon its
10 location. If it's oceanfront, it's going to be a
11 higher value. If it's bay front, it's going to be a
12 different value. If it's mid block, it's going to
13 be a different value.

14 So what I did was to really focus not on
15 the improvements, that doesn't make any sense to do
16 that for this purpose, but to look at the land rates
17 that are derived through this -- through this
18 assessment process.

19 And I think there's a chart in the
20 presentation that was given, but I've ran some other
21 copies here for purposes here.

1 What I've looked at was the blocks that
 2 were immediately adjacent to the substation which is
 3 outlined in red on what you're seeing. A little
 4 different than what you see there. And then I
 5 looked at the land rates that the assessment office
 6 assigned to the block immediately to the north and
 7 the one to the northwest, and then a block away
 8 further to the north and to the northwest, and then
 9 a third block. And as you can see, the assessment
 10 office has determined that the land rate is almost
 11 identical for those blocks immediately adjacent to
 12 the existing substation as it is for the ones that
 13 are three blocks away.

14 Now, I've spoken with the residential
 15 assessor, which is Catherine Hovans, who's been
 16 doing this at least through two or three cycles in
 17 this area as a residential assessor. I asked her
 18 specifically, I said, when you were doing these
 19 assessments did you take into account the proximity
 20 of a particular property to the substation? And did
 21 you find any effect? And her response was, the

1 sales are what's going to drive what her changes are
 2 going to be. She has reviewed the sales and she
 3 didn't see any difference whether it was a block
 4 away or three blocks away or adjacent to it. So
 5 therefore, the land rates have remained the same.

6 And to take that a little further, you'll
 7 see on page three of my presentation, she
 8 specifically said that there had been appeals filed,
 9 a couple of appeals, not many, but a couple of
 10 appeals of properties in the immediate area who
 11 raised that as an issue. So she went back and
 12 researched the sales and came to the conclusion that
 13 there was no sales data that warranted a reduction
 14 in assessment for those properties adjacent to the
 15 substation and therefore they remained the same.
 16 They're the same of \$22.64. That has been
 17 consistent for at least the last three tax cycles
 18 that I've been able to determine. Properties are
 19 assessed every three years.

20 So she has not seen anything recently, and
 21 her appeals have been denied based upon that

1 finding.

2 Any questions?

3 MR. MILLER: Joe, is there going to be
 4 an impact with that wall? I mean, you say there's
 5 no impact whether it's there or not there, but it
 6 seems like that wall is nicer than everything that
 7 you're seeing.

8 MR. HARRISON: What I'm testifying is as
 9 to what the valuations are based upon the
 10 assessments. You would have to talk to someone who
 11 does assessments --

12 MS. BUCKLEY: Historical data.

13 MR. HARRISON: -- on the basis of
 14 historical data. My gut feeling would be that the
 15 wall's an improvement, but that's just Joe Harrison
 16 speaking.

17 MR. MILLER: That's what I was asking.

18 MR. SMITH: Joe, would you give the
 19 court reporter a copy of your report if you don't
 20 mind?

21 MR. SMITH: Jim Smith again.

1 MR. SMITH: Two more topics. The next
 2 one being alternative locations. That was one of
 3 the issues that the Council asked us to look at.

4 We did look at a variety of alternatives
 5 before looking at expansion of 138th Street, and
 6 we touched on this a bit last time.

7 As I pointed out before, based on the
 8 requirements that we received from PJM
 9 Interconnection, this voltage regulation equipment
 10 needed to be in the northern part of Ocean City and
 11 interconnected to our existing transmission system,
 12 and our transmission system interconnects to 138th
 13 Street, and it does all of our substations, but the
 14 northern part of Ocean City is where we were seeing
 15 the voltage fluctuations.

16 We do have another substation at 85th
 17 Street in the northern part of town.

18 An option that we did look at was creating
 19 an absolutely new electric utility substation on a
 20 one-acre lot in the 100th Street location. But to
 21 utilize it, it was going -- it would have to

69

1 interconnect with the substation at 85th Street,
2 and that would have necessitated a great deal of
3 construction between 85th and 100th Street, a lot
4 of disruption in town.

5 And then -- you can go to the next slide.
6 So in looking at everything from project cost to
7 access to the existing infrastructure and then the
8 overall construction disruption, we decided that it
9 made more sense to expand at 138th Street.

10 And I think it's important to note not
11 only taking all those factors into consideration,
12 we've had a utility footprint at 138th Street
13 since the mid 1970s. And, you know, going to 100th
14 Street would have necessitated creating an entirely
15 new utility footprint that does not exist today in
16 town.

17 MR. SMITH: Jim, on that point, 138th
18 Street you have the widest roads in Ocean City, so
19 you have the best buffer you can possibly get from
20 any surrounding use, any surrounding house, any
21 surrounding structure that you would not have at

70

1 85th Street or at 100th Street; is that correct?

2 MR. SMITH: That's correct. A lot
3 tighter at those other locations, yes.

4 MR. SMITH: Thank you.

5 MR. SMITH: Kind of dovetailing from
6 that. What happens if this static var compensator
7 is not installed? This is some new information.

8 If something impacted our transmission
9 system adversely and there's no SVC in the future,
10 we are looking at some extreme circumstances,
11 everything from rolling blackouts to extended power
12 outages. And severe low voltages, especially during
13 the summertime, certainly would have an impact on
14 the economy here and cause everything from, you
15 know, damage to electrical equipment to loss of
16 electricity throughout the town for extended
17 periods, and that's something we want to avoid.
18 Quite frankly, we've been mandated to avoid that and
19 take preventative measures such as the SVC to
20 prevent that from happening.

21 Our transmission system also is planned

71

1 with multiple contingencies in place or
2 redundancies. So if we have a problem at one point
3 of the transmission system, we have redundancy to
4 keep the lights on.

5 And we've put together a couple of
6 scenarios. So if we lost service on our 130 kv
7 transmission line from Bishop to 85th Street and
8 between 138th Street to Bethany Beach, and our
9 transmission runs north to Delaware, then we could
10 have damaging low voltages if we did not have the
11 SVC in place. Now, the SVC will run all the time to
12 maintain voltage, but it's also from a redundancy
13 standpoint if there's a severe interruption, it's
14 going to give us support on the system as well.

15 Basically -- and this is a little bit
16 repetitive, but it's needed to keep the transmission
17 system within Ocean City stable if more than one
18 supply is lost either on the north or south as I
19 just explained.

20 And I know there had been questions
21 previously, what about putting it somewhere else,

72

1 you know, in -- to the north in Delaware or across
2 the bay in the Bishopville area. And the simple
3 answer there is that it really would do nothing if
4 we put it there because the voltage implications
5 that we're dealing with are here in Ocean City and
6 in particular in the north part of Ocean City. And
7 putting it in one of those areas basically would
8 just isolate it from where the problem is and really
9 would serve no purpose.

10 One of the other factors that our
11 engineering group looked at since the last hearing
12 was that the Indian River power plant up in
13 Millsboro is going to have a retirement of one of
14 its units within the next year or so. And one of
15 the functions of this particular unit is to absorb
16 something that we call reactive power during light
17 loading; it's traditionally during the off-season to
18 prevent system voltage rises. And reactive is not
19 actually -- is not actual energy, but it's a
20 component of electrical energy that basically allows
21 things with motors, three-phase type of equipment to

1 run. So too little of the reactive power on the
2 system could cause voltage to sag, and too much
3 could cause the voltage to increase. So that's a
4 further complicating factor when you look at the
5 roundabout transmission system and how it's
6 interconnected, that piece of the generation that
7 fits in there. So with the retirement of that unit,
8 the SVC really is more important than ever.

9 The final issue, number seven, is the
10 undergrounding that came up. From a reliability
11 perspective, we really avoid putting transmission
12 lines underground. Transmission lines, again, are
13 the high voltage lines that cascade across the
14 peninsula and serve a lot of customers. They
15 interconnect our substations and they run from
16 generation plants to substations.

17 And Dr. Bailey touched on it. When
18 there's an underground cable fault, even with a
19 distribution line, they always take longer to repair
20 because you have to find where the problem is, you
21 have to isolate it, you have to dig it up. It takes

1 a long time. That problem becomes exacerbated on a
2 transmission line. And I think it's important to
3 note that a transmission line serves many, many
4 thousands of customers. So when one of those lines
5 goes out, you have many, many people in the dark.
6 Whereas, an underground distribution line in a
7 neighborhood somewhere typically only affects a
8 handful or a few hundred people. So that's one
9 reason why we do avoid putting transmission
10 underground.

11 The other thing is, although there might
12 be the perception that, you know, esthetically there
13 would be some benefits there, when you put any type
14 of electrical structure, whether it's distribution
15 or transmission, you have to have what's called a
16 dead end or terminal structure nearby where
17 everything feeds underground. And transmission
18 terminal structures are very large. They're larger
19 than what currently exists transmission wise in
20 Ocean City. And if you did one, you know, on the
21 west side of Coastal Highway between there and the

1 substation, number one, we really don't have room or
2 rights to put one of those on the property there,
3 and I think some of the esthetics -- or at least the
4 perception of the esthetic value would certainly be
5 lost with those transmission terminal structures.

6 I think something else that's important to
7 note is that, you know, just because lines go
8 underground doesn't mean they're not susceptible to
9 problems. And we learned that with Hurricane Sandy
10 because, quite frankly, some of our most extensive
11 problems were in areas where we had to preemptively
12 de-energize customers. And it happened in West
13 Ocean City. It happened in Bethany in low lying
14 flooded areas where we actually took service out to
15 customers that were fed by pad mounted transformers
16 and underground power lines. So I just think that's
17 important to note.

18 And I think furthermore, if you went back
19 and looked at the duration of outages during
20 Hurricane Sandy, probably the longest outages were
21 associated with customers that had underground

1 electric service. And needless to say, it is much
2 more expensive to install those, and that's why it
3 wasn't considered as part of the SVC expansion.

4 Those are the seven issues. This is
5 basically the time line that we had provided before.
6 You know, it mentioned some of the community
7 meetings that we did in October of 2011 with the
8 board at Caine Woods, pursuing the town in the 2010
9 and '11 time frame, letters to customers, an initial
10 informational meeting for the public at the Elks
11 Lodge back in February, and then just as recently as
12 mid November, workshop session for the Caine Woods
13 community at the Elks Lodge.

14 And pending approval from the town, we
15 would project to begin construction during the first
16 quarter of next year, February, and with targeted
17 completion probably in January of 2014, and
18 certainly would coordinate any of those efforts with
19 the town on construction related issues.

20 MS. BUCKLEY: Thank you, sir.
21 MR. SMITH: And, Jim, just briefly from

77

1 start to finish, you've had significant meetings
2 with the community, with the Council, with
3 interested parties, Caine Woods Association, and
4 you've heard a lot of feedback from those
5 individuals. And the staff and consultants have
6 made significant changes to the original plan; is
7 that correct?

8 MR. SMITH: Yes. We had -- we
9 definitely made changes since we originally started
10 looking at this project. And some of those changes
11 are based on feedback that we received from the
12 community. And we try to be as proactive as we can
13 with projects, whether it's an underground cable
14 replacement project in a local community to a high
15 voltage transmission project like this. We do try
16 to be proactive, have the community outreach, have
17 the one-on-one face time with people so customers
18 can, you know, tell us their concerns and we can
19 address those.

20 MR. SMITH: Thank you.

21 MR. SMITH: Thank you.

78

1 MR. SMITH: Madam chairman, I think
2 we've hit our seven issues on our case. We'll
3 reserve on calling other witnesses depending on what
4 more information you may need.

5 MS. BUCKLEY: Thank you very much. The
6 next section of this public hearing is going to be
7 taking testimony from the people that would like to
8 offer support for this application and for this
9 process from Delmarva Power and Light. Is there
10 anyone in the audience that would like to comment on
11 the positive nature of this for the community?

12 Okay. Now, we will move on to the
13 opponents' testimony. And let me just state that
14 this is to be new testimony. And I do know there
15 has been some new issues that have been -- or some
16 new information, new data that has been presented
17 tonight and obviously any questions on that. But
18 otherwise, anything that was presented in the last
19 hearing, we have that in the record as well already.

20 So can you please raise your hand, and I
21 will call on you as I can. Yes, sir, in the brown

79

1 jacket, please step to the podium and be sworn in.
2 (Whereupon, Mr. Davis was sworn in.)

3 MR. GREGORY: Please state your name and
4 address for the record.

5 MR. DAVIS: Bruce Davis, 301 138th
6 Street.

7 Just about everything that's been
8 presented tonight, I would suggest some unbiased
9 opinion, somebody doesn't have what you call skin in
10 the game. This is all very good. They want it.
11 It's all going to be great. Nothing is going to
12 hurt us. It's just, you know, it's going to help
13 us, and we don't have to fear the EMFs.

14 It might be nice to hear some
15 professionals that would tell us about the dangers
16 of these EMFs with some unbiased measurements,
17 unbiased professionals.

18 Ads on TV about medicines, they can help
19 you. The possible side effects can kill you.

20 The ground on my electric meter has burned
21 out twice. I don't know if it's because of this or

80

1 not.

2 But I live 60 feet from the plant, from
3 the -- this controversy has been going on for 40
4 years. Can anybody tell me a cell phone doesn't
5 cause brain cancer? It's pros and cons to both
6 issues. We need more explanation about the
7 potential hazards of this from professionals.

8 I've been told -- it was said here tonight
9 it's going to increase my property value. This wall
10 is going to make my house more valuable.

11 MS. BUCKLEY: No, it was not, sir.

12 MR. DAVIS: He said it. He said it here
13 tonight.

14 MS. BUCKLEY: No, he did not. He said
15 that was his opinion.

16 MR. DAVIS: In his opinion.

17 MS. BUCKLEY: He's not a valuation
18 expert.

19 MR. DAVIS: Okay. But they told it to
20 me at the Elks meeting --

21 MR. MILLER: It might be lowered.

1 MR. DAVIS: -- that in their opinion it
2 was going to make my property more valuable looking
3 at the wall. Personally I think the better taking
4 care of what's there already would be better than
5 this new wall.

6 The only other thing is this, the sheer
7 size, everything gets bigger and nothing ever gets
8 smaller. Now -- it was a half a block and what's
9 inside that half a block has grown through the years
10 since my house has been there, and now it's to be an
11 entire block of electricity. Just as new technology
12 comes along, it can change everything, things that
13 we can't even see or know about today.

14 But you might laugh, but Hyperion Power
15 Module is in existence today, no bigger than a shed.
16 It's a nuclear power plant for a neighbor. Do you
17 want that in there? Maybe the transmission systems
18 they have now will become obsolete and that's what
19 they'll want to put inside this city block. Powers
20 20,000 homes, costs \$25 million what they're going
21 to spend on this. I don't know what the future

1 brings, but I still felt like I lived in a small
2 neighborhood with a small transformer facility
3 surrounded by houses, and this expansion still makes
4 me feel like I live in an industrial complex. And I
5 just say no expansion at this location.

6 That's about it. Other than, I wonder if
7 PETA had something to say about the poor mice being
8 held in this EMF for however long they did. I don't
9 know. They probably might have had something to say
10 about it. At any rate, thank you.

11 MS. BUCKLEY: Thank you, sir. Next.
12 The gentleman in the -- yes, sir. Step up, please.

13 (Whereupon, Mr. Hanson was sworn in).

14 MR. GREGORY: Please state your name and
15 address for the record.

16 MR. HANSON: Richard Hanson, 209 139th
17 Street, Ocean City, Maryland.

18 A couple things I want to address tonight,
19 particularly on the electromagnetic fields that
20 Dr. Bailey went over. I would like to put a couple
21 pictures up, if I will, because these are new

1 because they were installed Sunday or finished up on
2 Sunday in the existing substation. Where do I put
3 these?

4 MS. BUCKLEY: Mr. Smith can help you
5 there. That Mr. Smith, yes.

6 MR. HANSON: I'm dating myself to
7 calling these Robby the Robots. But if you look at
8 these right here, there's a number of them that were
9 just installed. And my question would be to
10 Dr. Bailey, what, if anything, in effect is this
11 going to have on EMFs which wasn't addressed to us
12 in our meeting at the Elks and hasn't been brought
13 up tonight at all?

14 MS. BUCKLEY: Doctor, please step up to
15 the mike, please.

16 MR. SMITH: I'll start. This is -- that
17 is basically what we call a circuit breaker. And
18 during this time of the year, we do -- especially in
19 the coastal areas, we do a lot of upgrades in the
20 substations. This is part of regular maintenance
21 that would occur at the existing substation had we

1 endeavored with the SVC or not. It would have to be
2 done because the breakers that were currently in
3 place were original and needed to be replaced. So
4 this is typical off-season maintenance work that
5 we've done. I don't know that I talked to
6 Mr. Hanson directly, but I know I did speak to some
7 folks about that breaker upgrade because we had some
8 questions about it while it is being done and with
9 some of the work that was being done in the
10 substation that was just part of the preventative
11 maintenance and equipment upgrades at the existing
12 substation.

13 On the EMF, I'll turn it over to
14 Dr. Bailey.

15 DR. BAILEY: The major sources of
16 magnetic fields around substations do not come from
17 the equipment within the substation so much as it
18 does the lines that go in and out of the substation.
19 Those lines are going to be the same in the future
20 as they are today, and those are the dominant
21 sources around the outside of the substation. As I

85

1 mentioned before, PEPCO has -- Delmarva Power has
2 proposed to do optimal phasing of the transmission
3 line, so that would reduce that source.

4 The change from an old circuit breaker to
5 a new circuit breaker would not have a marked effect
6 on the magnetic fields from the existing substation.
7 So the calculations that were made of what the
8 fields are from the substation would include
9 equipment like this, and we showed what the
10 difference it made with the static var compensator
11 which was very small except on the sides of the
12 substation that were away from the residential
13 areas.

14 MR. HANSON: Thank you. And then as far
15 as the magnetic -- the EMFs go, we really think that
16 in order to be fair to us who have to live near this
17 and the exposure that we have to have -- and I'm not
18 disputing what Dr. Bailey had said. Dr. Bailey is a
19 consultant for a firm that was hired by Delmarva
20 Power. I really feel, and a lot of other citizens
21 have approached me on this, that we really need the

86

1 City to contract with someone to take readings so
2 that we can have at least a middle of the ground.
3 They may come out exactly the same. However, in the
4 interest of our safety of living near this, they
5 could come out differently. And I just think if
6 we're going to, you know, build this thing, we just
7 need to feel completely safe that this is going to
8 be the right thing.

9 It can be built at 100th Street which
10 spreads out the exposure. But it seems like that's
11 probably not going to happen. But I do feel the
12 City should contract somebody to do this.

13 As far as property values go, and
14 Mr. Harrison just made, you know, comments that none
15 of the assessments were lowered. Well, mine was
16 lowered. And the reason it was lowered, I disputed
17 it and talked about the substation, and they lowered
18 it by about \$10,000. So I don't know where your
19 information came from, but, you know, mine was
20 lowered, and I think there's some other people that
21 will testify that theirs were lowered also.

87

1 And also another question to Dr. Bailey.
2 With the studies that were done in Sweden and Europe
3 and everywhere else, you must know, are there
4 substations in communities like ours in those other
5 countries in proximity of the neighborhoods?

6 DR. BAILEY: There are studies that have
7 been done of transmission lines in substations in
8 many cities in Europe and also in the U.S. The way
9 the electricity is delivered is very similar in
10 Europe and Asia and the U.S., so distribution
11 substations, transmission substations, distribution
12 lines, transmission lines are found in all these
13 countries.

14 MR. HANSON: But in these countries in
15 the cities where they're placed, are they placed in
16 close proximity like this one is to residential
17 homes?

18 DR. BAILEY: They are because the
19 placement of these facilities is needed to fulfill
20 the electricity demands in that area. And so you
21 can't -- we don't build roads to nowhere where no

88

1 one lives because that doesn't accomplish a
2 function. The same thing is true with our electric
3 system. We need the distribution substations to
4 distribute the load locally. We need the
5 transmission substations to get that electricity to
6 that area so it can be distributed locally. So
7 whether it's in Europe or the U.S., the same kinds
8 of infrastructure is needed.

9 MR. HANSON: Thank you. That's all that
10 I have right now. And I hope that the right
11 decision is made this evening.

12 MS. BUCKLEY: Thank you, sir.

13 MR. GREGORY: Sir, may I have that
14 photograph?

15 MS. BUCKLEY: Yes, sir. Please step up,
16 Mr. Gisriel.

17 MR. GISRIEL: Good evening.

18 MS. BUCKLEY: He'll be right with you.

19 MR. GREGORY: My apologies.

20 MS. BUCKLEY: He's busy tonight.

21 (Whereupon, Mr. Gisriel was sworn in.)

1 MR. GREGORY: Please state your name and
2 address.

3 MR. GISRIEL: Vincent Paul Gisriel,
4 Junior, 14008 Sailing Road, Ocean City, Maryland.

5 Tonight I would like to address at least
6 three of the issues that were on remand; property
7 values, changes in density, and EMF safety as well
8 as possibly a question to the PNC -- I mean to the
9 DP&L about alternative locations.

10 But before I get into that, I wanted to
11 raise an issue, an objection actually. I'm going to
12 pass down to the board, if you don't mind, the
13 public notice that was sent out, published first in
14 the newspaper, and also it was sent to residents and
15 particularly those who testified last time. I know
16 I got on the mailing list for that reason. And I've
17 highlighted certain portions of the public notice.
18 And, Mr. Smith, I'll give you one, too.

19 I'll draw your attention to the underlined
20 portions. The underlined -- I mean the highlighted
21 portions of the public notice describe lots 1A and

1 1B as in block 110. And that is an error. It's not
2 that. It's -- let's see here. Bear with me. It's
3 block 150. And then further down it talks about
4 lots 2A and B being on -- in plat book 190, page 60,
5 when in fact it's page 62. And then it further
6 describes the parcels as being 2623A and 2624A, map
7 118, when in fact they're parcels 7623 and 7624.
8 And I'm going to submit some evidence that further
9 backs that up.

10 And, you know, my point here is that if
11 there was a typographical error on a given number or
12 an item, that's understandable. We all make typos.
13 But to have four errors in the public notice raises
14 the question whether this hearing has been properly
15 advertised to the public. And I'm going to hand out
16 copies, the first page of the deeds that back up my
17 statement for your review. And I'll have one for
18 Mr. Smith and for the board. I also have a copy of
19 map 118 which clearly shows the parcels at 7623 and
20 7624.

21 I would like to note for the record that,

1 number one, I don't think the hearing was adequately
2 advertised. And that I believe it's section 2-7 of
3 the zoning code addresses this somewhat. And I
4 actually looked at the file in the Planning and
5 Zoning office that you have access to, and while I
6 think the property in question was properly signed,
7 the reference to the sign -- the signed information
8 also reflects the inaccuracies. So whether it was
9 in the newspaper, whether it was in the letter to a
10 lot of people that testified or the file itself,
11 there are at least four errors in the record as to
12 the proper location. So I would like the record to
13 reflect that I object to the proper notification to
14 the public.

15 And I also have a copy of the plats,
16 plat -- the resubdivision plats that were referenced
17 in the ad that clearly show that it's block 150.

18 MS. BUCKLEY: Mr. Gisriel, ask you one
19 question.

20 MR. GISRIEL: Yes.

21 MS. BUCKLEY: Did you know from the

1 previous hearing and from the letter that you got
2 which property was being the subject of this hearing
3 tonight?

4 MR. GISRIEL: I did know that.

5 MS. BUCKLEY: You did know that because
6 it was a substation, and it's the only one in your
7 neighborhood?

8 MR. GISRIEL: Yes, I did.

9 MS. BUCKLEY: I just wanted to make sure
10 you knew what we were talking about tonight.

11 MR. GISRIEL: Yes, ma'am.

12 Now, the next thing I would like to
13 address, if that monitor is still up, is property
14 values. I believe it will work this way. I've put
15 up a map here, and I've described zone one as the
16 area immediately around the substation. And on the
17 border on the south it's Gorman Avenue or 136th
18 Street. When you get past that, there's a canal,
19 and you really move into Montego Bay. To the north
20 I've delineated 139th Street. So it's about a two
21 to four block radius around both north, south and to

1 the rear.
 2 And then I've described the next section
 3 which wraps around it as zone two, and the next two
 4 sections to the north and to the west as zone three.
 5 And they cut off before you get to any waterfront.
 6 And contrary to what was stated earlier by
 7 the proponent and the indicated property values, I
 8 served as an assessor for 28 years. I started my
 9 career in Anne Arundel County, three and a half
 10 years. I transferred to Worcester County, served
 11 here a year and a half before I transferred to
 12 Wicomico County, and I served there for 22 years --
 13 22 and a half.
 14 Along the way, I got a real estate
 15 appraisal license. I'm a licensed general
 16 residential appraiser, although I've never done
 17 individual fee appraisal. All my experience has
 18 been mass appraisals. I've been certified as an
 19 expert witness before the Maryland Tax Court on
 20 property valuations on assessments. And I've
 21 attended numerous property tax appeal board cases.

1 And so I wanted to let you know that I come with
 2 some degree of knowledge about what I'm to share.
 3 And I've prepared some information, not on
 4 assessments, but what the heart and soul -- what
 5 assessors utilize when they arrive at a valuation,
 6 and that is sales. And I want to present an exhibit
 7 here.
 8 The first page of this exhibit are all the
 9 inland sales that occurred in 2011 in all three
 10 zones. And then the next page are all the inland
 11 sales that occurred in all three zones in 2012. The
 12 first page 2011, the second page 2012, up through
 13 approximately October or November of 2011 in the one
 14 year, and then up through September of 2012 which
 15 was the only information available on the website
 16 for the assessment office. And I listed every
 17 single sale. I didn't piecemeal this one or pluck
 18 this one. I listed every one of them that were
 19 nonwaterfront and in these three zones.
 20 And if you look at the last page, it
 21 summarizes what I discovered. And by the way, if

1 you can see it, the green denotes 2011 sales in
 2 those all three zones, and the purple denotes 2012
 3 sales. And the summary page lists three sales in
 4 zone one closest to the power plant, substation.
 5 And then zone two, there were 18 sales in the
 6 two-year period, again, over the 2011 to 2012 period
 7 through September 2012. And zone three had 20
 8 sales, nonwaterfront sales in the same period.
 9 If you do the calculations, which I've
 10 done on the summary page, and I don't know if the
 11 public can see it, but something is reflected very
 12 clearly. The average price paid per square foot of
 13 living space in zone one closest to the substation
 14 is \$164 a square foot. In zone two, the average
 15 price paid for all the 18 sales was \$188 a square
 16 foot. And in zone three, coincidentally, of the 20
 17 sales, the average value paid per square foot for
 18 the property, for the house and property
 19 collectively was \$188 a square foot.
 20 Now, if you add up all the zone two and
 21 zone three sales away from the subject area, the

1 math doesn't work the same way. Of the 38 sales,
 2 the average price when calculated, the public is
 3 paying \$188 a square foot for that dwelling and
 4 property.
 5 On the converse in the zone that's been
 6 described as immediate proximity to the power plant
 7 is \$164 a square foot paid for the property, living
 8 space. Now, that's 14.63 percent less than the
 9 areas around the subject area. And I propose, and
 10 this is an opinion of value, an assessor, an
 11 appraiser, when they state the value as the
 12 gentleman did earlier, it's an opinion of value.
 13 If you double this plant and create the
 14 box store effect or the prison effect that it's
 15 going to create, and given the concern of EMFs and
 16 whatever, the unknowns, all the factors that enter
 17 into it, I predict that the value in this area,
 18 number one, you're going to see a wider gap in the
 19 differences in the value. People that are buying in
 20 two and three beyond are paying more per square
 21 foot, and the record shows it. And I guarantee you

1 as an assessor, and I could line up 20 assessors
2 here, they're not concerned with the assessment per
3 se as it goes out. They're concerned about the
4 sales activity that support the assessment. I heard
5 time and time again where people were talking about,
6 well, his assessed a little higher than mine, or I'm
7 higher than his. The PTAAB, or Property Tax
8 Assessment Appeal Board, doesn't want to hear that.
9 They want hard evidence in the market. And the tax
10 court doesn't want to hear about the inequity of
11 assessments. They want to see hard evidence in the
12 marketplace.

13 And so -- and I can tell you having many
14 years experience in going before PETAAB we call it,
15 short for Property Tax Assessment Appeal Board, and
16 a numbers of times the Tax Court, the hearing
17 officers, the examiners, very often are looking at
18 price paid per square foot. And if I were to put my
19 house on the market today on Sailing Road, there's
20 no doubt in my mind that if I appraised it at \$188 a
21 square feet, that's what people are paying in 2011,

1 2012. Now, hopefully if this market turns around
2 prices will go up. We all want that to happen, our
3 values. The values we paid, we want to see it
4 appreciate. But this is hard statistical data that
5 I think the Council, when they remanded it, were
6 looking at. What impact does this plant and will it
7 have on property values? And I think the evidence
8 is very clear.

9 I now would like to go on --

10 MR. MILLER: Vince, can I ask you a
11 question?

12 MS. BUCKLEY: Hold on one second.

13 MR. GISRIEL: Yes.

14 MR. MILLER: Vince, I understand you're
15 saying that the property values near the plant are
16 lower. But the question is, if you look at what
17 they're planning on doing and what they have, I
18 mean, do you really seriously think that that's not
19 a lot better look than having the chain-link fence
20 and all the gray equipment and the robot, whatever
21 you guys called it? I'm just asking a question.

1 MR. GISRIEL: Peck, I don't think it's
2 going to improve the value in that area for a couple
3 reasons. Number one, you're going to get that box
4 store effect by the wall. It's going to look like a
5 prison to some people.

6 The issue which I'll get into in a minute
7 about public safety is still going to linger and
8 linger and linger until there's something definite
9 decided. The -- I honestly don't believe it's going
10 to improve that situation.

11 And the third point is, you're doubling
12 the size of it. So in my humble opinion --

13 MR. MILLER: That's what I'm asking.
14 Everybody has got their own opinion about it. I
15 look at it a little bit differently. I thought that
16 wall looks a lot better than what's there right now
17 if it was in my back yard.

18 MR. GISRIEL: And I respect that opinion
19 as far as the esthetics issue, but I'm looking at
20 the property value. And the clear indication is
21 property values are diminished in that immediate

1 area.

2 MR. MILLER: Currently?

3 MR. GISRIEL: Currently, yes.

4 MR. MILLER: I understand that. I truly
5 understand that. I'm not sure it's because of the
6 view.

7 MR. GISRIEL: You know, we would have to
8 interview every buyer to --

9 MR. MILLER: Well, that's what I'm
10 saying, it's all opinion. I'm not saying I'm right.
11 Part of me says that it's going to be a lot prettier
12 than what is it right now because it's not pretty.

13 MR. GISRIEL: And I respect that point.

14 MR. MILLER: And that's just from the
15 esthetics point. I'm not talking about the EMFs,
16 just esthetic. I just thought --

17 MS. BUCKLEY: With the -- and when they
18 came back with this particular version of the wall
19 where it had the stone effect and it had the pillars
20 and the irrigation to keep the landscaping going,
21 just purely esthetics, you don't think that will be

101

1 better?

2 MR. GISRIEL: To me that's window

3 dressing. They were charged with coming up with

4 something to address esthetics, and they made it a

5 littler fancier.

6 MS. BUCKLEY: Well, it has to go

7 somewhere. So we have to go figure out -- I live

8 next to 85th. Should we expand it into Little

9 Salisbury?

10 MR. GISRIEL: I take the position that

11 it should be off the island, I have from day one.

12 And I'm not questioning the need for this

13 service. You know, the conditional use application

14 is, will this cause an adverse effect in the

15 neighboring properties, and I think so.

16 MS. BUCKLEY: More so than anyplace --

17 more so than the same thing in another neighborhood?

18 MR. GISRIEL: Yes. And I personally

19 think that the 100th Street -- while I wouldn't want

20 to necessarily live in the condos behind it, it's

21 much more open there. And the City could do some

102

1 trade-off with the parking area.

2 You stand north of the library, it's a

3 vast amount of land. And I understand -- and I

4 would like to talk to the DP&L. That was up for

5 consideration early on. And I have a question to

6 raise, and I would like to reserve to that portion

7 of the time.

8 MR. MILLER: I guess what struck me,

9 Vince, while we're looking at this wall, I mentioned

10 to Pam, I wonder if they'd consider putting one of

11 those walls around 85th Street down by our

12 neighborhood.

13 MS. BUCKLEY: Right.

14 MR. MILLER: Because to me I think it

15 looks a lot better. That substation is not going

16 away the way it is. I mean, it's not leaving.

17 They're going to add to it. But to me, what they're

18 adding to it seems to be significantly better than

19 what's there. And I would love to have one of those

20 walls around 85th Street. Not that I'm asking for

21 it, but it would be a nice --

103

1 MR. GISRIEL: Frankly, if this is

2 ultimately approved by the Mayor and Council upon

3 your recommendation and a wall goes up and the

4 community subscribes to it, why not do it for 85th

5 Street and near the Convention Center? But that's

6 not the issue before us tonight.

7 MR. MILLER: I understand.

8 MS. TAYLOR: I'm confused. The zone one

9 is the closest. Only have three examples. All of

10 those square feet prices are the same as you can

11 find in zone two and three. So the result of this

12 is just, you have three examples versus 20 for the

13 other ones. If you had 17 more -- if you sold 17

14 more houses in zone one, it probably would come out

15 the same.

16 Whatever negative value there is from this

17 substation, if you want to assume there is, is

18 already reflected in all of the properties there

19 because they have all been priced, bought and sold

20 with that knowledge from the buyer. And just as

21 Mr. Harrison said, you don't account for age of the

104

1 property, condition of the property. I mean, this

2 tells you how much per square foot, but I don't

3 think you can -- this statistically has any

4 connection with property values.

5 MR. GISRIEL: I would like to answer

6 that question. Number one, these were the only

7 three sales that occurred in zone one. If there

8 would have been 17 sales in zone one, it would have

9 been my responsibility in presenting this to show

10 the average price per paid.

11 MS. TAYLOR: But this is statistically

12 significant to compare three sales with 18 sales and

13 18 sales, and it may be that's so desirable that

14 nobody wants to move.

15 MR. GISRIEL: If you look at the

16 splattering of sales, you can take other blocks

17 where there's similar small segments of sales. This

18 is a spread out over a wide area of Caine Woods.

19 And I specifically avoided going north of 142nd

20 Street as you get over towards Laurel because the

21 nature of the community changes with the canal in

105

1 there. These are figures that --

2 MS. TAYLOR: You still can't average
3 three things, average 20 things, average 20 things
4 and compare those averages.

5 MR. GISRIEL: I humbly disagree.

6 MS. BUCKLEY: Well --

7 MR. GISRIEL: May I move on to --

8 MS. BUCKLEY: Go ahead, please.

9 MR. GISRIEL: The next topic I'd like to
10 talk to is change in density. And although DP&L has
11 shown some better color photos, our engineering
12 department was kind enough to copy some of the more
13 frequent photos that were taken.

14 For example, '73, which is almost similar
15 to what you saw on the screen earlier. Again, this
16 is a black and white copy. But the circled area
17 here is where the power plant exists today.

18 Obviously in '73, there was not much development.

19 In '84, you began to see more development.

20 The power plant being over here.

21 In '94, increased development. The power

106

1 plant being here.

2 In 2004, more development located right
3 here.

4 And in 2010, which is the latest one,
5 about four years after DP&L's exhibit. And I'm
6 going to pass this down to the board. I apologize.
7 I only have one copy of each. In 2010, the power
8 plant is located right here.

9 Now, we heard DP&L talk about the density
10 in the town is growing. Everybody will accept that.
11 And obviously the need for more power. However,
12 what the Council was talking about in my opinion,
13 because I was there when they remanded it, they
14 wanted to know the impact of density in the
15 immediate vicinity, not just the statement that the
16 town is growing or we have 5,000 plus homes in one
17 year, whatever that was, and 28,000 in 2010. The
18 point being, it's very obvious that the density has
19 grown significantly in this area. And I would like
20 to read a small sentence from a minutes of a City
21 Council meeting on May 6th, 1974, when a

107

1 Mr. Francis McGean, DP&L, regarding a new substation
2 at 137th Street, came before the Council. Quote,
3 "Mr. Bill Hoover told the Council that this matter
4 was not only under -- that this matter was not under
5 any protest and was given a favorable recommendation
6 by the Commission. And there was a unanimous vote
7 to allow by conditional use the substation at
8 138th Street."

9 Now, the issue is in 1974, which was only
10 five months after this photo was taken in
11 '73 presumably, in other words, I don't know the
12 month. There was no protest because there was
13 nobody around. Obviously the town has grown and the
14 concern among the residents is much different today.

15 I would like to address the EMF safety.
16 And I spoke at length, and I'm not going to bore you
17 with all that information at the last hearing.
18 However, if you remember, you had asked Dr. Bailey
19 to provide some updated information. I was reading
20 from information that was undated, and because the
21 Commission -- the World Health Organization had

108

1 commissions in '96, some of you referred to that as
2 16-year-old data. It wasn't 16-year-old data. It
3 was on the Internet when I pulled it off on August,
4 but it was just that '96 is when they began to study
5 this seriously.

6 So I went to the file and I looked at what
7 I presume -- I could be corrected -- is what
8 Dr. Bailey or DP&L submitted following your request
9 for an update. And again, World Health Organization
10 dated June 2007. So it had a fixed date on it. And
11 since it was a brand new thing in the file, I'm
12 presuming it was the update. I would just like to
13 mention something, read a line or two from it. They
14 were talking about the potential long-term effects.
15 And while I understand from Dr. Bailey's testimony,
16 and I respect it, that this plan, the intent is to
17 build it to the standards that the scientific
18 community has addressed.

19 They go on to say in one section talking
20 about that, quote, "However the epidemiological
21 evidence is weakened by a methodological" -- pardon

109

1 my pronunciation -- "problem, such as potential
 2 selection bias."
 3 And then it further states, regarding
 4 long-term effects of ELF's, which are extremely low
 5 frequency magnetic field, quote, "Government and
 6 industry should monitor science and promote research
 7 programs to further reduce the uncertainty of the
 8 scientific evidence on the health effects of ELF
 9 field exposure. Through the ELF risk assessment
 10 process, gaps in knowledge have been identified and
 11 these form the basis of a new research agenda."
 12 So in the document that was presumably
 13 sent to you to update the information that I was
 14 talking about still sends up red flares about the
 15 jury being out on this issue.
 16 And I understand that when you read the
 17 conditional use portion of the code, it talks
 18 about -- I mean, you could put on conditions or the
 19 Mayor and Council can strap on conditions to DP&L,
 20 that they always maintain a level recognized by the
 21 World Health Organization and the international

110

1 exposure guidelines that are promulgated. But --
 2 and if they violate that, they could be shut down in
 3 theory. Like, you could shut down a T-shirt shop or
 4 something else that violated the zoning.
 5 Well, let's be realistic. Who's going to
 6 shut down a power plant when we rely on its
 7 existence for our power? So who's going to monitor
 8 this over the years? And what happens if they
 9 exceed the safety standards because they built
 10 something that is far larger and more active than
 11 what the final studies of the World Health
 12 Organization has come up with?
 13 And I agree with the gentleman who spoke
 14 about an independent study. I think that if this
 15 goes forward to the Mayor and Council on approval
 16 tonight, or whenever you vote and deliberate, and I
 17 would hope you take some time to deliberate all the
 18 evidence, that that be a condition. That there be
 19 at least an independent study done that either
 20 supports DP&L or negates it. There are experts.
 21 There's a case up in New York, for

111

1 example. I talked to the woman who has been going
 2 through all kinds of problems with this sort of
 3 issue, and she put me in touch with a gentleman out
 4 of Pennsylvania who's more than willing to testify
 5 and research and look at the data that's been
 6 presented and come up with a totally independent
 7 statement. And I think you owe it to the community
 8 for public safety issues. The Mayor and Council
 9 owes it to the community for public safety issues to
 10 at least have an independent study. And with all
 11 due respect to Dr. Bailey and his expertise, he
 12 works now for the DP&L. He's here on their behalf.
 13 And the community, the average citizen like me and
 14 Mr. Hanson and the gentleman before and Mrs. Hanson,
 15 we don't have the wherewithal to bring in that
 16 study. But if the town's truly interested in the
 17 safety of our people, that's the very least you
 18 could recommend in my judgment.
 19 I did have one question to ask about an
 20 alternative location. But before I conclude, I
 21 would like to say this. Years ago when I was on the

112

1 City Council, we had a recommendation to build
 2 Atlantic General Hospital. And the Mayor and
 3 Council ultimately voted seven to nothing to kick in
 4 a million plus dollars along with the county and
 5 along with private donations, et cetera. I think
 6 Berlin put in some money to build Atlantic General.
 7 And initially I was opposed to it. I didn't want
 8 the city tied into a hospital out there.
 9 And I liked the center that PRMC operated
 10 at 66th Street, if you can remember the old health
 11 center. And my thought was that we needed to expand
 12 an urgent emergency care center like a first class
 13 major city has, and that that would be the best
 14 location for it.
 15 And a prominent businessman took me aside
 16 and I said, "Vince, if we build what we're proposing
 17 there and we have a hurricane, what will we do?
 18 It's washed out or it's impacted. People can't get
 19 to it." And all of a sudden a light went off in my
 20 head. Yes, that facility belongs off the island.
 21 And I was one of the seven to vote for it with

113

1 certain conditions; that we weren't tied financially
2 forever and ever to it. And that's the way I feel
3 about this.

4 One of the reasons it occurred to me,
5 someone mentioned Hurricane Sandy. Can you imagine
6 if we had been hit by Hurricane Sandy and this new
7 substation was doubled and the trouble we would
8 have? That's why this facility, in my judgment,
9 belongs off the island. We're not immune to the
10 kind of problems that New York and New Jersey had.
11 And so for that reason alone, I think it belongs on
12 the mainland. And the minds that get together, they
13 can figure out a way to make this work.

14 Millsboro, for example, we're talking
15 about retiring a section of Millsboro. Retrofit it
16 to accommodate this. My understanding is it can be
17 built somewhere along the system. And while this
18 may be in their judgment the best place for it, it's
19 not the best place for Ocean City and the community.

20 And one final thought I had is, as you
21 deliberate, and I know this may sound petty, so at

114

1 the risk of sounding petty, I'm going to say it
2 anyway. Think if you would want this in your
3 neighborhood and then you would understand why these
4 people don't.

5 MS. BUCKLEY: I have it already.

6 MR. GISRIEL: Huh?

7 MS. BUCKLEY: I said I have it already.

8 MR. GISRIEL: But you don't have the
9 double one. And if this proposal as proposed was
10 going in your neighborhood and Peck's, because I
11 know you're both close, you may be out in this
12 audience tonight recusing yourself. But that's for
13 you to decide individually.

14 I did have one question to ask about
15 alternative location if Mr. -- I'm not sure who
16 would be the appropriate person. When 100th Street
17 was first considered, who would be the best person
18 to talk to?

19 MR. SMITH: What's the question?

20 MR. GISRIEL: If you go to the City and
21 propose it to go there.

115

1 MR. SMITH: We had mentioned that as a
2 potential location.

3 MR. GISRIEL: And what did the City
4 answer?

5 MR. SMITH: We just basically advised
6 them at that point that we were looking at making
7 voltage improvements and reliability improvements,
8 and that was one of the areas that we were looking
9 at.

10 MR. GISRIEL: But did they tell you why
11 they didn't want it there?

12 MR. SMITH: There was no recommendation
13 either way. It was basically an advisement. And
14 then we came back later when we looked at some of
15 these options and chose 138th Street.

16 MR. GISRIEL: Did anyone in the City
17 state we don't want to lose the parking?

18 MR. SMITH: That was -- I don't recall
19 that.

20 MR. GISRIEL: Does anyone in DP&L group
21 recall that?

116

1 Well, I understand it was stated, but
2 that's hearsay.

3 That concludes my presentation. I thank
4 you for your attention and appreciate your
5 consideration of the points made.

6 MS. BUCKLEY: Does the Commission have
7 any questions of Mr. Gisriel?

8 Mr. Smith, do you have questions of
9 Mr. Gisriel?

10 MR. SMITH: Two questions. One of your
11 examples in district one --

12 MR. GISRIEL: Yes.

13 MR. SMITH: -- it's on Gorman Avenue.
14 It's across from the sewer and water treatment
15 plant, correct?

16 MR. GISRIEL: Let's see. Yes.

17 MR. SMITH: So the limitation on its
18 value could be that as opposed to the substation?

19 MR. GISRIEL: It could be a contributing
20 factor, yes.

21 MR. SMITH: And your values were

117

1 determined on a gross value of land structure
 2 improvements?
 3 MR. GISRIEL: Yes. I divided the total
 4 enclosed square footage into the sale price to come
 5 up.
 6 And while I recognize that one of them or
 7 two of them are quite low, one of the higher was
 8 quite high. But the average supports the 188, and
 9 it's truly what I would put on my home today.
 10 MR. SMITH: But it's not taking into
 11 account the difference in improvements versus land
 12 value is what we're talking about.
 13 MR. GISRIEL: Well, I just simply took
 14 every dwelling unit; some condos, some not. And the
 15 ones that are condo are noted on the right under the
 16 remarks I think. I forget how I put it.
 17 MR. MILLER: You marked it as a condo
 18 unit.
 19 MR. GISRIEL: Yes, I did.
 20 MS. BUCKLEY: Yes. Condominium.
 21 MR. GISRIEL: So you know that some are

119

1 presentation that was given tonight.
 2 Also, I had a few basic questions. One
 3 was on future expansion -- I guess I should say
 4 future expansion capacity. Assuming that this winds
 5 up going through, whether it's at 138th Street or
 6 100th Street or whatever, I'm sure that there's
 7 going to be more buildout with current properties
 8 being torn down and newer properties being built and
 9 so forth. I'm just very, very concerned because I
 10 kind of have a suspicion that the reason that we're
 11 here tonight is because back in the day when all the
 12 expansion was going on then, nobody was thinking
 13 about, oh, yeah, we're going to need extra capacity
 14 for electricity. So that's one of my concerns.
 15 Another of my concerns was that the
 16 esthetics with the stone wall and then the
 17 irrigation and all that, while it's very appealing I
 18 think and productive I guess for lack of a better
 19 word, I'm concerned about the \$1 million investment
 20 that the presenter mentioned. I think while
 21 \$1 million is really nothing to DP&L in comparison

118

1 single-family and some are condo. But this is a
 2 recognized approach in mass appraisal.
 3 MR. SMITH: No other questions.
 4 MS. BUCKLEY: No other questions?
 5 MR. SMITH: No.
 6 MR. GISRIEL: Thank you for your time.
 7 MS. BUCKLEY: Thank you, sir.
 8 Yes, ma'am. Please step up to the podium.
 9 MR. GREGORY: Ma'am, if you'll raise
 10 your right hand.
 11 (Whereupon, Ms. Diggleman was sworn in.)
 12 MR. GREGORY: Please state your name and
 13 address for the record.
 14 MS. DIGGLEMEN: Yes. My name is Allie
 15 Diggleman, 106 120th Street, Ocean City, Maryland.
 16 While I don't live up in the 138th
 17 Street area, I do recognize the potential for
 18 similar problems such as this in the future.
 19 I would like to go on the record as pretty
 20 much endorsing the remarks that have already been
 21 made tonight because they are relevant to the

120

1 to the overall scope of the many, many millions of
 2 dollars involved here, I think it's kind of
 3 overkill -- in some ways I think it's kind of
 4 overkill, and also especially because it's going to
 5 be a passthrough cost to the consumers. I'm very
 6 concerned about that. How much is our electric
 7 going to go up because of all this? And even though
 8 that may be out of necessity.
 9 I'm also thinking back in terms of
 10 President Obama, four years ago that in his plans,
 11 how the electric bills will necessarily go up for
 12 other reasons.
 13 And then the only other concern I think I
 14 still have, trying to stick with the testimony from
 15 tonight exclusively -- well, two other concerns.
 16 One is the noise issue. I think that while the
 17 stone wall and the irrigation and all that is very
 18 appealing, I'm just wondering if it's not equipment
 19 that is pretty much masking the noise problem and
 20 that it might be a dangerous Band-Aid of sorts.
 21 And then the last thing is strictly with

121

1 the EMF, electromagnetic fields. I'm thinking that
2 not only is it still questionable and probably
3 dangerous, individually and physically, but also
4 affecting the health costs -- affecting health care
5 costs, availability and coverages of health care.

6 And I'll leave it at that. I think that's
7 enough.

8 MS. BUCKLEY: Thank you. Any other
9 comments? Yes, ma'am.

10 (Whereupon, Ms. Moulton was sworn in.)

11 MR. GREGORY: Please state your name and
12 address for the record.

13 MS. MOULTON: Donna Moulton, 206 138th
14 Street.

15 I'll start with asking -- or answering
16 some questions. You asked Vince about didn't he
17 think the wall would look better than --

18 MS. BUCKLEY: Than what's there now,
19 yes.

20 MS. MOULTON: Well, I live across from
21 the wall -- well, soon to be wall. What I looked at

122

1 before were four homes with landscaping and
2 activity. That's much better than looking at a
3 prison wall. So that answers that question.

4 MR. MILLER: Are the homes still there?

5 MS. MOULTON: No. They have been ripped
6 down before --

7 MR. MILLER: But they were allowed to be
8 ripped down, right?

9 MS. MOULTON: Sure. They owned them.

10 MR. MILLER: I'm just asking.

11 MS. MOULTON: But I wanted to clarify.
12 No, the wall will not look better than what was
13 there.

14 MR. MILLER: Than what is there.

15 MS. BUCKLEY: You're confused. She
16 lives across from where the three houses were
17 purchased for this, the new expansion.

18 MS. MOULTON: Four houses.

19 MS. BUCKLEY: Four houses. Excuse me.
20 She doesn't live across --

21 MR. MILLER: I guess what I'm looking at

123

1 is what's there now and what they're proposing to
2 put there, but I guess that's not --

3 MS. MOULTON: I would rather look at
4 what's there now than a wall. At least it's empty.
5 And they could then still put landscaping in.

6 MR. MILLER: That's fair.

7 MS. MOULTON: And then there was a
8 mention about his lamp and how much EMFs they put
9 off. And Dr. Bailey said, well, it was like you
10 could turn a light on and off, the EMFs stop. Well,
11 that's true, but I can go get a X-ray. The X-ray,
12 it's off. I get X-rayed, it's on. That's
13 cumulative, the X-ray. So are the EMFs I believe.
14 Because I'm going to live there all the time, it's
15 going to keep -- every day it's going to be there.
16 I can't turn it off. Yes, I can turn the lamp off,
17 but I can't turn the total issue off.

18 Dr. Bailey talked about the -- changing
19 the phasing, the BAC phasing. I didn't understand,
20 and maybe since I didn't understand, how much will
21 that change the EMFs from that pole?

124

1 MS. BUCKLEY: We have that. Dr. Bailey
2 can probably answer it quicker than me.

3 DR. BAILEY: Those values are in the
4 slide, and let me just refer to this.

5 There's going to be a reduction that's
6 directly underneath -- directly underneath the
7 poles, and you can see that is going to be somewhere
8 between what exists now and what there would be in
9 the future, somewhere in approximately five
10 milligauss or so. And then 65 feet away it will
11 drop from two and a half milligauss under the
12 current levels to 1.3 milligauss for this example
13 they've given.

14 MS. MOULTON: All right. Thank you for
15 explaining that. I didn't catch that when you first
16 showed it.

17 DR. BAILEY: It's hard to see on the
18 screen.

19 MS. MOULTON: Yeah. About the EMFs.
20 The national average is one milligauss per 48 hours.
21 That's per PEPCO holdings brochure.

125

1 In the presentation tonight and of the
2 last hearing, DP&L cited the International
3 Commission for Non-Ionizing Radiation Protection
4 recommending a field exposure limit to be 2,000.
5 However -- and you brought up the question, over
6 what time period is that? They didn't answer that
7 at the last hearing. I'm not sure I got an answer I
8 was comfortable with tonight, over what time period.

9 I have a citing from the same organization
10 that states that they have -- that organization has
11 established 1,000 milligauss as a maximum exposure
12 over 24 hours. Doing the math, we see that we, the
13 residents, are going to be exposed, even from their
14 presentation of -- that they think is going to be
15 two milligauss, we are already exposed today over
16 that, and that's without an additional substation
17 addition.

18 How do I turn -- oh, it still is. I
19 showed this the last time. These were readings that
20 were taken in '97, again, that were -- are much
21 higher than what DP&L is showing. These are for my

126

1 house. And then they also took them at various
2 points up and down the street.

3 This was taken in '11. And then these are
4 DP&L's calculations because they don't have actuals
5 which Dr. Bailey confirmed.

6 MS. BUCKLEY: They presented those
7 tonight, correct, Dr. Bailey? Didn't we have actual
8 readings tonight?

9 DR. BAILEY: Yes. And I showed those,
10 and I showed those, how those compared to those
11 calculated values at the substation in the future.

12 MS. MOULTON: But you said that was on a
13 abnormal day, right?

14 DR. BAILEY: It's not an average day.
15 They were higher than average on the day we took the
16 measurements.

17 MS. BUCKLEY: So that would be usually
18 probably the greatest that they would be, the
19 highest they would be?

20 MS. MOULTON: No. That's not the
21 highest they would be; is that right?

127

1 DR. BAILEY: Those values could be
2 higher on a particular day, and I gave a range of
3 values. But I gave the calculated values for the
4 substation, and the substation plus the SVC at a
5 loading that is far higher even than the average or
6 the values that have been reported this last year.

7 And just to assure you about the
8 standards. The standard of 1,000 milligauss is for
9 a 50 hertz field because the power system in Europe
10 operates at 50 hertz. We operate at 60 hertz. And
11 so that old standard is now 2,000 milligauss for
12 either 50 or 60 hertz, and it's an unlimited time
13 period. There's no 48-hour time limit on that. Any
14 exposure that you have below 2,000 milligauss is
15 acceptable.

16 MS. MOULTON: But why does the
17 organization state that it's --

18 DR. BAILEY: I will give you the copy of
19 the current standard back in the -- the
20 International Radiation Protection Association back
21 in the 1970s or '80s had a time limit before they

128

1 started doing EMF research. That is not the current
2 standard. The current standard has been replaced 20
3 some years ago.

4 MS. MOULTON: We'll continue to argue
5 that point. I have it here that it says that it's
6 1,000 for 24 hours.

7 And then this is what I really wanted to
8 show you, taking even their low calculations, I
9 assume a reading only takes maybe a minute. So
10 there's 1,440 minutes in a day. So if I calculate
11 those out, we got 2,808 milligauss in a 24-hour
12 period. So we're already over what the organization
13 says to take in 24 hours.

14 MS. BUCKLEY: It's not -- our
15 understanding is from all the data is that the
16 milligauss are not cumulative.

17 MS. TAYLOR: It's not like radiation.

18 MS. MOULTON: It's not like radiation,
19 but there are standards of what is acceptable. And
20 even in Sweden and the European, even they're 50
21 hertz and we're 60 hertz, they have much more

129

1 stringent standards of what they expect the
 2 substations to emit. They have actual standards.
 3 MS. BUCKLEY: But you're getting --
 4 DR. BAILEY: The voltage of that
 5 standard is still 2,000 milligauss. In the European
 6 union that applies the International Commission on
 7 Non-Ionizing Radiation Protection standard, the
 8 European union adopts that ICNIRP standard of 2,000
 9 milligauss.
 10 MS. MOULTON: Right. And we're over
 11 2,000. I'm over 2,000 every day.
 12 DR. BAILEY: It's not averaged like
 13 that. Any measurement that you have anywhere in
 14 your life that's above 2,000 exceeds that standard.
 15 It is not multiplied by time and it's not multiplied
 16 by hours or seconds.
 17 If we took 60 seconds an hour and
 18 multiplied a magnetic field level of one by it, you
 19 get 60 milligauss times 60 minutes and so on; that's
 20 not the way it works.
 21 Measurements are taken at a particular

130

1 point in time. If that measurement exceeds 2,000
 2 milligauss, you're in violation of the standard. If
 3 that measurement at any time during the day or night
 4 is less than 2,000 milligauss, you're in compliance
 5 with the standard. Time is not taken into account
 6 in that standard. I would be happy to provide you
 7 and the board with the standard and you could read
 8 it for yourself.
 9 MS. MOULTON: The fact remains there are
 10 standards. And then we have the health issues that
 11 are not resolved one way or the other. So I living
 12 there have to consider that as a issue, that there
 13 are standards. I'm over those standards. What
 14 effect does that have on my health?
 15 MS. BUCKLEY: From what the data we
 16 have, you would not be over the standard.
 17 MS. TAYLOR: Ever.
 18 MS. BUCKLEY: Ever.
 19 MS. TAYLOR: By 1,800 milligauss
 20 under --
 21 MS. MOULTON: The standard is -- whether

131

1 it's my standard that I -- my reference is a
 2 thousand or his 2,000, by this math I'm over it
 3 without even the addition.
 4 MS. BUCKLEY: No. At most, I believe it
 5 was 5.1, and then we could add one point -- we could
 6 add .2 to it or something. Hold on. Let me find
 7 that.
 8 MS. TAYLOR: I mean, in the worst
 9 possible place there, I think 17 is the highest you
 10 could ever get.
 11 MS. BUCKLEY: That's 17 versus a
 12 thousand.
 13 MS. MOULTON: That's 17 for one moment
 14 that they took the reading. That 17 is going to be
 15 there all day.
 16 MS. BUCKLEY: Right, but it would have
 17 to --
 18 MS. MOULTON: So now you add those up
 19 all day.
 20 MS. BUCKLEY: No. You don't add them
 21 up. You don't add them up.

132

1 MS. TAYLOR: No.
 2 MS. BUCKLEY: It's a one-shot deal. As
 3 long as -- all day long, as long as it does not get
 4 over a thousand --
 5 MS. MOULTON: I understand.
 6 MS. BUCKLEY: -- then you're underneath
 7 the thing. And you're not adding 17, 17, 17, you
 8 know, for each hour or each minute of the day.
 9 MS. TAYLOR: It's sort of like
 10 temperature. Let's say we die at 150, if the air
 11 temperature is 150. If it's 50 today, 50 tomorrow
 12 and 50 the next day, it doesn't mean you die on the
 13 third day because you're now up to 150. It's only
 14 if at one time you're exposed to 150 for a certain
 15 length of time that there's a problem.
 16 MS. MOULTON: I understand that. But
 17 then when they show the screen that we all have hair
 18 dryers, refrigerators, we all have that.
 19 MS. BUCKLEY: Right. And none --
 20 MS. MOULTON: And we all turn them off
 21 and on. To me that doesn't reflect what I'm living

133

1 because you have it, but I have the additional. I
 2 have a hair driver and you have a --
 3 MS. BUCKLEY: But it's not over the
 4 thousand -- it's not over your thousand milligauss
 5 limit.
 6 MS. TAYLOR: If you turned on everything
 7 in your house, you still would not even be to 50
 8 probably.
 9 MS. BUCKLEY: And it's not cumulative.
 10 That's the most difficult thing to understand I
 11 think.
 12 MS. MOULTON: All right. I'll accept
 13 that it's not cumulative.
 14 That question was answered earlier.
 15 Property values. I too appealed my
 16 assessment and I got a reduction. I have
 17 re-appealed. I called last week -- I re-appealed in
 18 July. I called last week, and I am still on the
 19 docket and they won't be seeing my case until after
 20 the new year. So I can't tell you what actually is
 21 going -- this substation is going to affect my

134

1 assessment because I don't have the final answer. I
 2 do have a interim answer that, yes, it has already
 3 affected my assessment.
 4 The noise, we're already -- from the last
 5 hearing the substation has already -- right at city
 6 code, on the low end, the 52.
 7 MS. BUCKLEY: Fifty-five is the --
 8 MS. MOULTON: I mean they are 52, you
 9 are 55.
 10 MS. BUCKLEY: Right.
 11 MS. MOULTON: Again, I remind you, these
 12 were taken in March at midnight with no fans
 13 running. I have to make that assumption because
 14 they're not running now. They only run when they
 15 need to cool. They are the loudest thing there. I
 16 would like them to take a noise reading with the
 17 fans running so we get a true assessment. The
 18 weather is cool in March. It's -- if they were to
 19 come in at 12:30 in the morning and 8:00, I'm fairly
 20 certain the fans were not running. I would ask
 21 that, that we get a reading.

135

1 MS. BUCKLEY: Okay.
 2 MS. MOULTON: They can turn the fans on
 3 manually if they need to.
 4 MR. MILLER: You can ask enforcement in
 5 Ocean City to have those checked when the fans are
 6 running now. Correct, Blaine?
 7 MR. SMITH: Yes.
 8 MR. MILLER: That would be something
 9 independent of DP&L. That would be Blaine going up
 10 there with the machine or whoever.
 11 MR. SMITH: Police.
 12 MR. MILLER: The police going up with a
 13 machine and testing with the fans, you can get that
 14 reading on Monday.
 15 MS. MOULTON: And then what happens if
 16 their --
 17 MR. MILLER: That's a code violation for
 18 the Town of Ocean City. I'm not in charge of that.
 19 But --
 20 MS. MOULTON: It's guess that's what I'm
 21 asking you to look at. What if I call and it

136

1 already is or they take their own --
 2 MR. MILLER: You should call, and you
 3 can go find out.
 4 MS. MOULTON: No. But what is -- what
 5 is the City going to do? I can't --
 6 MR. MILLER: You have to ask Blaine that
 7 question. I don't know the answer to that.
 8 MR. SMITH: The police are the
 9 enforcement agents, and if it exceeds it, then they
 10 would cite the property, or they could have an
 11 appeal to the noise board. But it's done through
 12 the police department as the enforcement agent.
 13 MS. MOULTON: I guess I'm asking to set
 14 some standards up so when they do, you know, okay,
 15 it goes to the appeals board.
 16 MS. BUCKLEY: The standards are there.
 17 And typically if they ignore it, they get -- they
 18 probably get two citations. And then at that point
 19 they start fining them if they have not come up with
 20 an acceptable way to lower that noise.
 21 MS. MOULTON: So there are -- there is a

137

1 process --

2 MS. BUCKLEY: Yes, ma'am.

3 MS. MOULTON: -- in effect for DP&L
4 versus me having a party?

5 MS. BUCKLEY: For anybody. It's all the
6 same process.

7 MS. MOULTON: Okay.

8 And I think the last thing is about the
9 EMFs. And I brought this up last time, but I would
10 like to reask it again. If the EMFs are safe and
11 there is no problem, I would like to have a letter,
12 as well as the other affected residents, from DP&L
13 stating that this is not a health issue. So when I
14 want to sell my house and the buyer asks me, hey,
15 what about this, I have something to show them. So
16 that is not a problem for me to sell my house. If
17 it's safe, there should be no reason that they
18 wouldn't be willing to give me that letter as well
19 as the other affected residents. So I would ask you
20 to have them do that for us.

21 MS. BUCKLEY: We'll make a note of that.

138

1 MS. MOULTON: And I think that they
2 should give us, the City and the affected residents,
3 annual reports of their EMF readings and their noise
4 decibels. Of course, I can call the police I guess
5 every day I want to, right, so I can get a noise
6 decibel?

7 MR. MILLER: Yes, ma'am.

8 MS. BUCKLEY: Yes, you can.

9 MS. MOULTON: I may be a thorn in
10 somebody's side.

11 MS. BUCKLEY: I would use that
12 judicially I believe, that authority to do that.

13 MS. MOULTON: I will use it judicially,
14 but if that is my only recourse and it is -- what am
15 I going to do? I have to call them.

16 MS. BUCKLEY: Call and get a noise
17 reading.

18 MS. MOULTON: So if we could get the
19 annual report, maybe not of the decibels, but of the
20 EMFs because as you can see on this, even at my
21 house, the readings that DP&L took have raised quite

139

1 a bit in the 13 years. So I think as Vince said,
2 what keeps them -- in the future we don't know where
3 they're going. We should have some standards of
4 limits. Or what if the next reading is sky high,
5 what do we do?

6 Like I said, once they build it and throw
7 the switch, really there's no -- unless we set up
8 some standards beforehand, there is no turning -- we
9 can't ask them to turn it off. I don't want my
10 electricity shut off. But once they get it and they
11 throw the switch, unless we set standards up
12 beforehand we're kind of stuck.

13 MS. BUCKLEY: And that's what we will
14 do.

15 MS. MOULTON: I appreciate it. Thank
16 you.

17 MS. BUCKLEY: You're welcome. Would
18 anyone else like to make any comments on this topic
19 this evening?

20 Mr. Smith, does the applicant have
21 anything to say?

140

1 MR. SMITH: Briefly. We've been here
2 twice now for several hours, and I think we could be
3 here for several more.

4 And we will not make all these people
5 happy, although we certainly appreciate their input,
6 we understand their concerns, and we've done I think
7 a significant amount of work to address those
8 issues. We've been meeting on this for a year. We
9 have made significant design improvements,
10 significant design changes, and significant
11 expenditures to make a product that will enhance
12 that community and that will meet the concerns that
13 you all have addressed to us, that the Council has
14 addressed to us and that the neighbors have
15 addressed to us.

16 And we will continue to be there for as
17 many years as electric service is needed. And we
18 will continue to be meeting with the City on an
19 annual basis on upgrades and projects as we have in
20 the past. So there's always been a dialogue there
21 with the town and with the community.

141

1 These folks respond to complaints on a
 2 regular basis. They meet with community leaders.
 3 They meet with individual citizens. They try and
 4 address those issues as best they can. They can't
 5 always solve all the problems, but we all need the
 6 electrical service in order to survive as we do.

7 In addressing some of the comments, the ad
 8 submitted by Mr. Gisriel, I think you hit it on the
 9 head. It says in it further described as located on
 10 Sinepuxent and Derrickson Avenue between 137th and
 11 138th Street in the Town of Ocean City. I think
 12 it gives a clear description of where this is. I
 13 don't think anybody has been confused about what
 14 we're talking about here.

15 The concern raised about property
 16 valuation, I think the sampling that Mr. Gisriel,
 17 obviously he's a retired assessor, so he has
 18 significant knowledge in that regard. His sampling
 19 had three properties in it, one of which sits across
 20 from the treatment plant. And the boundaries were
 21 not necessarily boundaries that would match. There

142

1 were three in 1, 18 in one, 20 in another. They did
 2 not account for the land value. And significantly,
 3 no one has bought a house here that did not have a
 4 substation next to it. So this is not something
 5 that is new to the neighborhood. Any value aspect
 6 is already built into those values and will continue
 7 to be built into those values in negotiating between
 8 a buyer and a seller.

9 Although, certainly Mr. Harrison has
 10 testified that -- and shown you that there is no
 11 change in those values from a land assessment
 12 perspective as you move north and west away from the
 13 substation.

14 In addressing our concerns, I know you're
 15 going to make a recommendation to Council. The
 16 properties -- or our request we believe has met the
 17 standard and that we've shown that this is the spot
 18 to put this. We have the widest roads in Ocean City
 19 on four sides of this property. We have commercial
 20 or utility aspects on three sides of this property.
 21 We have one direct residential resident to the north

143

1 which is the single townhouse. The rest of the
 2 properties that are residential already face the
 3 substation, so there's no increased change to them.

4 The wall which we have spent a significant
 5 amount of time designing to limit the noise, to be
 6 esthetically pleasing. We can go in and build with
 7 a building permit without a conditional use
 8 approval. That's not really part of your
 9 conditional use approval. The approval part is the
 10 substation being on that property, not the wall
 11 surrounding that property. We believe that wall
 12 provides significant enhancement to the community in
 13 enabling them to be shielded from the effects of
 14 what we're doing there.

15 To sum it up, this is necessary. We need
 16 to do it. The community needs it. And we need to
 17 have it at that location. It needs to go here.
 18 There were no real viable alternatives to that. If
 19 we don't put the SVC in, we still have the problems
 20 of power -- of the fluctuations that we talked about
 21 here. So it's not going to solve the problem unless

144

1 we put it in, and that's the spot where it needs to
 2 go.

3 It's very beneficial to the town and
 4 critical to the town. You all are the keepers of
 5 the Planning Commission of the comprehensive plan.
 6 You know that in moving forward, good quality
 7 utility infrastructure is an essential aspect of the
 8 plan and an essential aspect of the town. We're
 9 partners with the town in doing that. We're to
 10 continue to upgrade and maintain that system as we
 11 go forward. So this is clearly a part of that
 12 comprehensive plan and a part of maintaining the
 13 infrastructure of the town.

14 The effects of this substation upgrade
 15 have been minimized significantly by the efforts of
 16 these folks here. There's at least ten or 12 of
 17 these people here. We've had at least a dozen
 18 conference calls trying to figure out how best to
 19 design this, how best to accommodate the community.
 20 We've had a lot of individual discussions with
 21 community members. We've appeared at numerous

1 public meetings. The Council gave us a directive to
2 do what we could to try to improve this. We went
3 back and we met again with our community. We
4 brainstormed with our various consultants, with our
5 engineers, and we came up with some additional
6 things to try to minimize the impact.

7 We've spent a significant amount of money
8 on low sound equipment, on low I guess profile
9 equipment, on designing this exterior wall, on
10 maintaining it to try to minimize that impact to
11 continue to be good neighbors.

12 For what the -- we've got a significant
13 population change that needs to be addressed in
14 improving the infrastructure. As you all know, from
15 1974 to now, there's a few more people living up
16 there, and we have to be able to address that issue.

17 Available public facilities is an
18 important part of this. We want to make sure that
19 these public facilities are meeting the needs.

20 There's no effect on present and future
21 transportation patterns. It's a block. It doesn't

1 affect anybody driving by. It's not going to impact
2 transportation in doing this.

3 It is compatible with existing and
4 proposed development in the area. As I said,
5 there's already a substation there. We're simply
6 expanding that to meet the community's need, and we
7 are minimizing our impact on the neighboring
8 community with what we're doing in surrounding that
9 property.

10 We're looking forward to your
11 recommendation. Just to address a few of the
12 issues. As you all know, the City has a noise
13 ordinance. We'll have to comply with that. The
14 City has a lighting ordinance. We'll have to comply
15 with that.

16 We will continue to do what we can to
17 minimize these impacts. We would like you to,
18 again, make that recommendation positively to the
19 Council so that we can take this up and get this
20 thing going forward. And we certainly appreciate
21 the time and effort you all have put into this, and

1 the good listeners you've been to us and to the
2 citizens who have been here tonight. Thank you.

3 MS. BUCKLEY: Okay. Does the Commission
4 have any further questions or need any additional
5 information before we close this hearing tonight?

6 Blaine, do you have anything to say?

7 MR. SMITH: No.

8 MS. BUCKLEY: If you have enough
9 information, I'll entertain a motion to close the
10 hearing.

11 MR. MILLER: I'll make a motion to close
12 the hearing.

13 MS. BUCKLEY: I have a motion by Peck to
14 close the hearing.

15 MS. TAYLOR: Second.

16 MS. BUCKLEY: I have a second by Lauren.
17 All in favor?

18 (Whereupon, all members said aye.)

19 MS. BUCKLEY: So moved. Do we want to
20 do this tonight? Are you guys up for this tonight?

21 MS. TAYLOR: I'm at the will of Madam

1 Chairman.

2 MR. MILLER: Whatever you want to do.
3 I'm good.

4 MS. BUCKLEY: All right. You don't want
5 to do it?

6 MS. TAYLOR: I'm fine with it.

7 MS. BUCKLEY: We have decided to
8 postpone the deliberations until a work session
9 which we will schedule at our earliest convenience.
10 That will give us time to do our due diligence in
11 reviewing the previous hearing information along
12 with what we have garnered this evening to come up
13 with the best possible recommendation that we can
14 and with the proper aspects of the conditional use
15 requirements.

16 Thank you all for coming. And we will
17 be -- you'll be notified as you were previously. If
18 you would like to attend the --

19 MS. TAYLOR: Are our negotiations
20 public?

21 MS. BUCKLEY: Deliberations are open if

149

1 anyone would like to join our deliberations.
2 (Whereupon, the Public Hearing concluded.)

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

150

1 STATE OF MARYLAND
2 WORCESTER COUNTY

3 I, Kathy A. Zeve, a Notary Public and
4 Registered Professional Reporter in and for the State
5 of Maryland, do hereby certify that the PUBLIC HEARING
6 was held before me at the time and place herein set
7 according to law, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and then transcribed
10 from my stenographic notes to the within printed
11 matter by means of computer-assisted transcription in
12 a true and accurate manner.

13 I further certify that the stipulations
14 contained herein were entered into by counsel in my
15 presence.

16 I further certify that I am not of counsel
17 to any of the parties, not an employee of counsel, nor
18 related to any of the parties, nor in any way
19 interested in the outcome of this action.

20 AS WITNESS my hand and Notarial Seal this
21 10th day of December, 2012, at Snow Hill, Maryland.

22 ~~Kathy A. Zeve, RPR~~
23 Notary Public

24 My commission expires January 9, 2016

25
26
27
28
29
30
31

**PLANNING AND ZONING COMMISSION
SPECIAL WORK SESSION/DELIBERATION OF
DELMARVA POWER & LIGHT CO
PUBLIC HEARING HELD ON DECEMBER 4, 2012**

December 12, 2012

PRESENT

Pam Buckley
Peck Miller
Lauren Taylor
John Staley

IN ATTENDANCE

Blaine Smith
Kay Stroud
Robert Nelson

This special work session by the Planning and Zoning Commission to deliberate the findings of the above referenced public hearing held on December 4, 2012 was held on Wednesday, December 12, 2012, in the City Hall Council Chambers located on Baltimore Avenue and 3rd Street, Ocean City, Maryland. Pam Buckley, Commission Chairperson, called the meeting to order.

BUCKLEY: We call to order this Planning and Zoning work session, it's a special work session today for deliberations and recommendations to the Mayor and Council for the following: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low-Density Multifamily Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a plat entitled Resubdivision Lot 1, Block 150 which is a corrected block number, Fenwick Plat No. 4 recorded in Plat Book RHO 153, page 75; and Lots 2A and 2B as shown on plat entitled Resubdivision Plat of Lot 2, Block 150, Fenwick Plat, and recorded among the plat records in Plat Book 190, page 62, a corrected page number. Parcel 7623A and 7624A, which have been corrected in our records, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets in the Town of Ocean City, Maryland. The applicant is Delmarva Power and Light Company, a corporation of the State of Delaware and the Commonwealth of Virginia. File #12-12100002.

Okay, we have a few, we have a couple of just comment things before we run into deliberations. One, we do not have an attorney with us today, so we do have one item we will be clarifying. Go ahead, you explain that.

SMITH: Okay, when we did the hearing for the public hearing that we're now deliberating on, the public notice in the paper was given on October, I'm sorry, November the 8th, and November 29th for the December 4th meeting. The question has been raised, under our Code and its language it says that the advertisement has to be two weeks successively, successfully, successive...

BUCKLEY: Sequentially?

SMITH: I think it's successive. I haven't got the actual language right in front of me...

BUCKLEY: Okay, okay.

SMITH: ...but in any event, the way that we did the advertisements and the things that's unique about this, it was decided that this particular Conditional Use that we would give 30 day notice, where normally we have a two week, 14 day notice and they would always succeed each other, the successive advertisements.

BUCKLEY: Right.

SMITH: Because it's two weeks, it would appear two weeks in the paper and then we'd have the hearing. In this case, because we chose to do a 30 day notice, the first one went out within that 30 days, the second one we held closer to the hearing, so if they missed the first one, they'd see it prior to that, and that's what we have to get legal counsel on, whether that was proper or not, that's the one question. The second question that was raised to the Board, and both of these were raised just now, this morning, was that, did we give notice of this deliberations, and I would like for Kay to explain who got notice and how that was done, because the first thing we had to do was arrange with the Board to get an appropriate time that you all could meet, this was decided to be now. Once that was determined, what kind of notification was given?

STROUD: We sent out a letter to the applicant, and it had, if I may, I need to see... because the hearing was closed and you're not accepting further testimony, the people who got that letter were, the applicant, on December 7th, I sent that. I sent it to the City Manager, Mayor and City Council, the attorneys, the attorney for the applicant, all Planning and Zoning Commission members, Blaine, Bruce Davis, Richard Hansen, Vincent Gisriel, Donna Moulton, because they were people who had come forward and spoken at the public hearing, and we did not send it to everyone else because you're not accepting further testimony, the hearing was closed.

BUCKLEY: Okay, thank you, Kay.

TAYLOR: The transcript is public record.

STROUD: Yes, right here.

TAYLOR: So anyone who wants to read the deliberation, can read it.

STROUD: Absolutely, yes. And I also will send out to everybody on the initial mailing whatever decision you come to when I forward that to the Mayor and Council.

AUDIENCE MEMBER: (Inaudible).

STROUD: I'm sorry, what?

SMITH: She was not...

BUCKLEY: She said she testified.

SMITH: Ellie was not part of the delibera-, she was not notified and she did testify.

DIEGELMAN: I testified last time...

BUCKLEY: She didn't testify the first hearing, but the second one. But you're here, so I think that is null and void on notification. Mr. Gisriel?

STROUD: I'm sorry but I did not have your name and address on here, but other than that, we just did get the transcript yesterday, and the notices had gone out. I was not the transcriber for that hearing.

BUCKLEY: But Ellie you're here today.

DIEGELMAN: Yes.

BUCKLEY: So you, you can hear what we do, okay? Mr. Gisriel?

GISRIEL: Just a point of clarification, Blaine, the first notice of the meeting of December 4th was not 30 days in advance you said it was, it was more like 26 days.

SMITH: You're saying the November 8th...

STROUD: There was no other time.

BUCKLEY: But it was within 30 days and we don't have daily newspapers here.

STROUD: We received the application with 30 days notice it was just that there was no other way to put it in the paper.

GISRIEL: But what I'm saying is, what I brought up to Blaine earlier, Section 110-161 of the Code requires those advertisements to be posted within 14 days prior to the hearing date,

STROUD: Yes.

GISRIEL: ...and run twice in successive groups, and my point is, it wasn't run in successive groups, and the issue of having given advance of notice of 30 days failed that test too, because it was like 26 days when it ran in the paper, I verified that with the OC Digest.

SMITH: And again, we'll let Will or Kevin know that.

BUCKLEY: Okay.

SMITH: Because the 30 days was voluntary on our part.

BUCKLEY: Right.

SMITH: Whether that we perjured ourselves or not, he'll have to decide.

BUCKLEY: Right, that's beyond my...

SMITH: Yeah, I don't know either.

BUCKLEY: ...my pay scale, what is it called, my pay level.

SMITH: What Mr. Gisriel is saying is November the 8th doesn't give you full 30 days.

BUCKLEY: But that was also...

SMITH: Voluntary on our part.

BUCKLEY: ...voluntary on our part to give 30 days for people that needed to schedule the time to be here, so hopefully we had everyone here that wanted to be here, I think we had a lot of testimony and a lot of public opinion, and hopefully that will hold up against that. Yes...

STROUD: If I may, another thing, we made sure that once these advertisements were made for a public hearing and also for the meeting, that they were advertised on the website in two different places, plus on Channel 4, and they ran more than 14 days prior to; the properties were posted more than 14 days prior to.

BUCKLEY: Thank you, Kay.

R. SMITH: Also for the record, all the attendees at the Elk's Club were notified when the hearing was, that's all these folks as well as the current folks who testified. And you announced at the last hearing that you were going to have deliberations at a date close to that.

BUCKLEY: Right, right. Okay.

SMITH: But I will get with Kevin...

BUCKLEY: But we will double-, yes, we will certainly run this by Kevin or Will because Kevin has produced a letter for us stating that the corrections to the legal description will not negate anything that was posted or advertised, so we do have that for the record as well. Okay, now, let's get to what we're here for today and that's to deliberate so we've got the four of us up here to decide on the expansion of this Delmarva Power plant in the Caine Woods area. So, we want to start with – you want to start, Lauren, with a comment?

TAYLOR: Okay, yeah, what we're looking at is a Conditional Use adding a piece of equipment to an already existing substation, which has been here for, how many years?

BUCKLEY: Since '70-some...

TAYLOR: 36, '74, yeah...

BUCKLEY: Right.

TAYLOR: ...without any significant problems, I mean, in the time that's it's been there, I'm not aware of any issues that have arisen from its location there. So, we're talking about adding a piece of equipment, which is a Conditional Use in this neighborhood, which is, does it, is it more detrimental here than anywhere else? I don't see that, I think that Delmarva Power has gone over and above in making this project acceptable. The seven (7) things that were remanded back for more information, the first one was

aesthetics – they don't have to put a fence around it, or a wall around it, or anything. And, in order to make the project more acceptable to the neighbors and a very limited number of neighbors is that, they're spending more than a million dollars of rate-payer money to put in this wall which has been designed to look like a country club wall, frankly, or an expensive, gated community wall. They're adding irrigation, they're adding shrubbery, so the aesthetics are clearly going to be better with this project. The magnetic field exposure (EMF) – was one of my initial concerns coming into the hearing. And I have no doubt that Dr. Bailey's credentials are accurate; that he has not falsified in any way his status as a world-class expert on EMR. I don't see that he would risk his reputation by not being truthful in this proceeding. The reason he's here, and they had to pay him, and pay him a lot because he's such a good expert, is because there was this concern and the City's not going to pay for this, we don't want the tax payers to pay for it – they have the request, they're asking, so we said, or they knew that that question was going to be up, and so at their own expense, they hire an expert to come in. This expert, if Dr. Bailey had been hired by the City, and the City had paid him, his testimony would be exactly the same. So, his, clearly the electro-magnetic difference in this addition of this piece of equipment is not significant. If anything because the transmission phasing is going to be changed, there'll be less. The increase is statistically, I think, almost nothing, and given that we're still with a 1,000 mill gauss, or 2,000 I guess it is...

BUCKLEY: 2,000 is the new limit, yes.

TAYLOR: ...um, and you're talking about exposure that's less than 10, which is almost equivalent to what's probably in my house, or in the hotel, with all of the equipment that's around it. That doesn't seem to be a problem, and these things exist in other parts of this country and other parts of the world, and again, there is not world-wide concern or evidence that this has been a problem, anywhere. The sound – clearly is below the levels that the City requires or allows, and if it's not, the neighborhood has recourse to go to the City, have it measured, and the City is able to fine, penalize, and force them into sound control if that turns out to be a problem. Some of their testimony is because of the wall there'll be less sound, that would seem to be a reasonable conclusion. Property valuation – that doesn't, Mr. Harrison has spent his whole career doing assessments on Ocean City, he's testified in many trials. His conclusion is that the land value is the same, which as he points out is the only thing you can look at is the land value, because every property is gonna be, the sales price is gonna be different based on the age and condition. And there was no statistical evidence presented that this has changed the value in the area. The three properties that were quoted, which isn't a statistically significant sample, all had the same numbers that were in other, the other two districts that were compared to, so clearly any of them could have been anywhere, so I didn't see that as a problem. Alternative locations – it has to be where it's needed, and that's where it is, to again, there's no reason, you already have a substation, we're not talking about putting in a substation, we're only talking about adding a piece of equipment to the existing substation. So there's no reason to reinvent the world, there's no reason to build new substations, there's no reason to tear up Coastal Highway, there's no reason, again, to ask the rate-payers to pay the millions and millions, I think it's like 70 million dollars to do this project somewhere else, and spread it across all the rate-payers, when it meets our Conditional Use conditions right where it is. They discussed the undergrounding of wires and equipment – and clearly that's too expensive and not reliable, because we're talking about not distribution lines, we're talking about transmission lines, which are a whole different thing. And downtown, we're thrilled that

we got undergrounding done, but we've also, public art, has spent the last three years trying to get all those little green boxes painted because you have all these terminals stubs that they're talking about, all over downtown. And frankly, they're ugly, and you're talking about putting bigger ones? We're already concerned about the generators that are on Coastal Highway because they're such ugly big green boxes and we're trying to get those painted so they kind of blend into the background instead of being an eyesore. So to say we want huge green boxes all along Coastal Highway seems to be a non-starter, so as I said, I think it meets all of the, all the terms of the Conditional Use, and it's a benefit to everyone in Ocean City. We talked in the first hearing about how a lot of businesses have had motors ruined, Terry testified about how the City's had motors ruined in the pumping station because the voltage isn't reliable. I know several hotels and businesses that have lost equipment, have had to have equipment attached to their incoming lines so that they could monitor, so that they could try to prevent damage. Clearly it's needed, so I, I made the motion the first time to approve and that hasn't changed. I didn't hear any testimony or hear any additional information that I found negative.

BUCKLEY: Okay.

TAYLOR: In case you want my opinion (chuckle).

BUCKLEY: Just in case. I do want your opinion. John?

STALEY: Do you want me to go through all that again or not? Because I feel the same way. I think that they, the presentation that we had, they adequately addressed these of the Mayor and City Council's so I find that my vote is the same as it was the first time, and I vote yes.

MILLER: I voted yes in the first hearing and with the City Council coming back with some, seven (7) points to look at, I feel that Delmarva Power, on aesthetics - went for a better wall, better landscaping and irrigation, which was not offered in the first package. The EMF - the testimony was much more complete; it satisfied me on what I heard, and the analysis that I got. Sounds - I think that DP & L came back and actually upgraded the wall, made the wall taller, the hardscape, the landscape, all is gonna, and also lowered their equipment in the second go-around...

BUCKLEY: Um hm.

MILLER: ...which I think are all good things.

BUCKLEY: Profile.

MILLER: Neighborhood changes - or changes in the neighborhood, it met my concerns the first time; it still meets it this time. Property values - I was comfortable with it in the first go-around and I'm comfortable with it again. Alternate locations - I understand the cost to the taxpayers, the ultimate cost to the taxpayers, if they relocate to a different location, and I think that needs to be taken into consideration with what we're dealing with. Underground wires - I also understand that it's probably not practical to do that at this time the way we want to do it, so I'm again, I feel the same way I did in the first hearing that I like the idea of what they're doing, I think it's an appropriate location, and as far as that location versus other locations, it's already there and I think they're going

to make a better facility out of this one, and I would just say that I want them to make sure they have mature trees, they have irrigation, they maintain the property, and that they adhere to all codes that are applicable. EMF ratings, sound, noise, everything, lighting on the site.

BUCKLEY: Yes, I know we've heard testimony, and hopefully everyone has had the opportunity to say what they wanted to say. We, we always have a tough time up here trying to balance between the public need and the public trust along with our residential homeowners. It is a lot to keep a town like Ocean City going, it's not like we need all this infrastructure for our 20,000 or however many year-round residents we have, but I also know that without the business population and the tourism industry, I wouldn't be able to live here, so I know that as a, as what we are committed to do here is to take care of the public infrastructure, making planning, and make it, make our town safe and affordable as possible, but certainly have the facilities and the infrastructure that our community needs, and I certainly, we, through all the testimony, understand that this is something that is needed. I do feel that since it's been in place for 38 years, plus or minus that anything with a property value should already be taken into account because it's been there 38 years. People know it's there. I don't believe one more piece of equipment is going to change whatever has already taken into account into property values. It is going to be important that because it is a Conditional Use, that they have worked with these items – the aesthetics is already a big, is always a big item for us; the EMF – I am not an EMF expert, obviously, but Dr. Bailey convinced me. If the Mayor and Council is not convinced then that is something that they will have to deal with. I was convinced of that. I do believe that we have enforcement and between the noise levels and the EMF levels and the lighting levels and the landscaping that they have to maintain, that our enforcement officials would be able to make sure those things are done. The, and I think everything else has been said about the alternate locations, underground – I'd like to have underground cables in my neighborhood too, but that isn't happening any time soon. So, we've got our discussion here, we have a consensus, Blaine what, what?

SMITH: The only thing, and I think you all have said things in this manner but, the location and undergrounding that was said, which was coincidental because that hearing was right after the storm Sandy.

BUCKLEY: Right.

SMITH: And the idea of undergrounding and what that might mean. These are the main transmission lines, and you're, it was stated to you all, that if they were underground, because of inundation and the things that we experienced during that storm, it would've been a lot more consequential.

BUCKLEY: Right, they couldn't get to them to repair them, it would've much longer, much more costly...

SMITH: Yeah, obviously there might come a day and time when that may not be an issue, but right now that was one, for the main transmission lines, distribution lines, yes, underground, they can do that. But for these main transmission lines, and I don't know how you refer to them, I call them high-voltage or whatever.

BUCKLEY: Right.

SMITH: It's a whole different ballgame, and I think as Lauren talked about the equipment and the box, and the big box, there is consequence. If you go that, they told you all that, and I think your findings were in that manner.

BUCKLEY: Right.

SMITH: But more so if it goes underground, during a major storm event, it's a different whole game.

TAYLOR: Well, I was wondering, not being an engineer, and not knowing exactly how this wall and fence are going to be built, but it seemed to be that actually, if you had water coming into that area, that fence would protect all of the equipment.

SMITH: Possibly, but that could go either way.

BUCKLEY: Yeah, could get, come in and get trapped in there too (chuckle).

TAYLOR: But it's not going to come over it.

SMITH: Right.

BUCKLEY: Oh you mean a surge, I was thinking if it were, yeah, okay.

MILLER: If it comes over it's a swimming pool.

STALEY: If it goes over that wall, we're done, anyhow.

TAYLOR: It'll still, it'll still hold some water.

MILLER: It'll protect it.

BUCKLEY: Yeah, it'll be some protection.

MILLER: (indistinct) be protection.

SMITH: And with all that you have said and determined, I think the other thing from the get-go, and it comes down to, this is being done for reliability.

BUCKLEY: Right!

SMITH: For the whole town, and for other parts of lower Sussex County, we understood that as well. But primarily for Ocean City as it interconnects with our other substations and why this one was appropriate as you've already stated. So I think to accomplish reliability at an existing substation, as you said, that's been there for all those years, it seems appropriate. I think that's, what I hear, your possible conclusion.

BUCKLEY: Well, that's what I'm thinking. We are not taking any more questions at this time, or comments. The, we have to have reliable electricity, that just is part of what we've been trusted to do here as a Planning Commission is to make sure that our community is safe, sound, and health and welfare of the community, and that goes into the fact with it being a Conditional Use, that we can make sure that they put the wall up,

something that helps with the aesthetics, I think the trees, we're going to get some 10-foot trees there, and we're going to have irrigation to keep them nice and pretty. The Town already has in effect the noise, the lighting ordinances, and that is something that we do, between the police and Blaine, they do regularly take those meter readings and act on them if they in fact are above what we have put forth in our Code. It's always hard to make the decisions when the community doesn't want something, that never gets easier, it never gets easier. But that's what we're here to do, and hopefully the community will come together and support this going forth. But, Blaine?

SMITH: With your, whatever recommendation, and I say this a little bit in advance of you taking a vote on your motion, is that the prior recommendation probably only needs to be updated because we did get the additional information.

BUCKLEY: Um hm.

SMITH: And I think what you've just reiterated would be incorporated with the original recommendation.

BUCKLEY: Finding of Facts.

SMITH: And revised, based on the hearing and these deliberation.

BUCKLEY: Okay.

SMITH: So there's a lot, why I say that, there's a lot in those other deliberations and findings, recommendation that talks about the commercial nature of 60% of that neighborhood that it's adjacent to, so there's other things that we found at that hearing, these were additional testimony...

BUCKLEY: Oh definitely!

SMITH: ...for those seven (7) items, so I would say, however you form your motion, that we would incorporate it and update the other recommendation, because I don't think anything has changed on that recommendation other than this additional information.

BUCKLEY: Right, okay.

TAYLOR: And to incorporate the improvements that Delmarva Power has made from their original submission.

SMITH: All, what you have said today, would all be put into the record, if that is what your decision is.

BUCKLEY: Okay, alright, I will, anybody have anything else, other comments? I'll entertain a motion.

TAYLOR: Well, so moved that we update our initial deliberation finding with the changes that Delmarva Power is making in the project to make it a better project and make it better for the neighborhood, and incorporate the additional testimony, or the additional deliberations today. Does that cover it?

MILLER: I'll second that, and like to add that Delmarva, only for the record, does put in mature trees with irrigation and has a maintenance program going on out there so it's constantly being maintained and the mature trees, the visuals they gave us, I think they should refer to those, and at least get close to that, because that's what we're looking for, is a real park, not a...

TAYLOR: Right, and that, well this is an exhibit in the second deliberation, right Blaine?

BUCKLEY: Correct.

SMITH, BUCKLEY: Yes.

BUCKLEY: That was an exhibit. Okay, I have a motion to send a favorable recommendation to the Mayor and Council for this Conditional Use, it will be...

SMITH: As a supplement with...

BUCKLEY: ...it will be a supplement, it will be an update to the first finding of fact recommendation that we sent along with the second hearing information and the exhibits that came, you know, came through, and the Conditional, the conditions are: the fencing, the mature trees, the irrigation, all that landscaping and um...

MILLER: Lower equipment on the inside.

BUCKLEY: ...and the big item is the lower profile of your, of the equipment that they found, so that would be an update to the original proposal and I think, believe, that's all of it, and that, you know, anyway; that's the motion.

TAYLOR: And the phasing, the changing of the phasing of the transmission line, or the distribution line, I forgot which one it was.

BUCKLEY: That's in the, yeah, that was in the, uh, testimony.

SMITH: Yeah.

TAYLOR: Okay. I think it's transmission; I have to look at the transcript.

BUCKLEY: And the other condition is the change in the phasing, we want to make that part of the condition as well, that was in the testimony.

TAYLOR: Transmission line.

BUCKLEY: The transmission lines. Okay, all in favor?

COMMISSIONERS IN UNISON: Aye.

BUCKLEY: (gavel) So moved.

Respectfully submitted,
Karen G. (Kay) Stroud
Zoning Analyst – December 13, 2012



TOWN OF OCEAN CITY

The White Marlin Capital of the World

Reply to: Planning and Zoning Commission
P.O. Box 158
Ocean City, MD 21843
410-289-8855

December 18, 2012

Delmarva Power & Light Company
c/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62; Parcels 7623A and 7624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland. (FILE #12-12100002)

On Tuesday, December 4, 2012, the Planning and Zoning Commission of Ocean City, Maryland conducted a public hearing to consider the above referenced request. The Commission closed the hearing that evening, but reconvened on Wednesday, December 12, 2012 to consider all testimony and exhibits and voted unanimously (4-0) to send the Mayor and City Council a favorable recommendation for approval of the above-described Conditional Use application.

By copy of the original letter dated December 13, 2012, the Mayor and City Council was notified of the Commission's recommendation. Your application was initially scheduled to be heard during a regular session of the Mayor and City Council at 6 PM, Monday, December 17, 2012, in the Council Chambers of City Hall located at 3rd Street and Baltimore Avenue in the Town of Ocean City, Maryland. **The Mayor and City Council chose to postpone this deliberation at that time and has rescheduled it to take place on Monday evening, January 7, 2013, during their regular session, beginning at 6 PM in the Council Chambers of City Hall, at the same location.** Please be advised that the Council will make their decision at that time.

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
DENNIS W. DARE
JOSEPH M. MITRECIC
MARGARET PILLAS

CITY MANAGER

DAVID L. RECOR, ICMA-CM

CITY CLERK

KELLY L. ALLMOND, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158

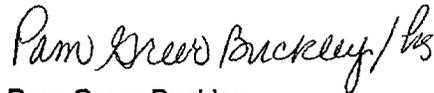


City Hall - (410) 289-8221 • FAX - (410) 289-8703

Delmarva Power & Light Company
C/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739
Page Two

If we may be of any assistance to you in the meantime, please contact the office of Planning and Community Development at 410-289-8855.

Sincerely,
Planning and Zoning Commission



Pam Greer Buckley
Chairperson

/ks

cc: David Recor, City Manager
Mayor and City Council
Guy R. Ayres, III, City Solicitor
All Planning Commission Members
William E. Esham, III & Kevin Gregory, Attorneys for Commission
Matt Margotta, Director/Planning & Development
R. Blaine Smith, Assistant Director/Planning & Development
Robert Nelson, Planner
Vincent De Paul Gisriel, Jr., 14008 Sailing Road, Ocean City MD 21842
Donna Moulton, 206-138th Street, Ocean City MD 21842
Richard Hansen, 201-139th Street, Ocean City MD 21842
Bruce R. Davis, 301-138th Street, Ocean City MD 21842
Ellie Diegelmann, 106-120th Street, Ocean City MD 21842
Complete list of adjacent property owners
File #12-12100002
Correspondence '12



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

Planning & Community Development
P O Box 158
Ocean City MD 21843
(410) 289-8855
(410) 289-8703

August 27, 2012

Delmarva Power & Light Company
C/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: August 20, 2012, Regular Session of the Mayor & City Council, regarding
Conditional Use Recommendation by the Planning & Zoning Commission

At the above referenced meeting, the Mayor and City Council considered the
favorable recommendation by the Planning Commission and voted (5-2) to remand the
application back to the Planning Commission for the following additional information:

Ample discussion on:

- 1) Physical affects of Electro-Magnetic Field Exposure;
- 2) Property Value;
- 3) Aesthetics;
- 4) Noise;
- 5) Alternative locations;
- 6) Changes in Neighborhood Density since 1974;
- 7) Undergrounding of wires and equipment.

Therefore it is necessary that you notify this office in writing when you are
prepared to appear before the Planning Commission to address the above issues stated
by the Mayor and City Council. We need 45 days advance notice so that we may
advertise and post the property 30 days prior to the meeting date. Because the council
has requested this additional information, this is still part of the open record so the
applicant will incur no extra cost for posting and advertising. The remaining 2012 dates
are:

Tuesday, October 2, 2012
Tuesday, October 16, 2012
Wednesday, November 7, 2012
Tuesday, November 20, 2012

Tuesday, December 4, 2012
Tuesday, December 18, 2012

MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY,
MARYLAND 21843-0158

www.oceancitymd.gov

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL MEMBERS

JAMES S. HALL
President

LLOYD MARTIN
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
JOSEPH T. HALL, II
MARY P. KNIGHT
MARGARET PILLAS

Ocean City, MD



Delmarva Power & Light Company
C/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739
Page Two

After the Planning and Zoning Commission hears the additional testimony, it may or may not modify its recommendation to the Mayor and City Council.

If you have further questions or need assistance, please do not hesitate to contact us at 410-289-8855.

Sincerely,



R. Blaine Smith
Zoning Administrator

/ks

cc: David Recor, City Manager
Mayor and City Council
Guy R. Ayres, III, City Solicitor
All Planning Commission Members
William E. Esham, III, & Kevin Gregory, Attorneys for Commission
Regan Smith, Attorney for the Applicant
Jesse C. Houston, Director/Planning & Development
Dennis Dare, President, Caine Woods Association, 14139 Sea Captain Road,
Ocean City MD 21842
Vincent De Paul Gisriel, Jr., 14008 Sailing Road, Ocean City MD 21842
Donna Moulton, 206-138th Street, Ocean City MD 21842
Richard Hansen, 201-139th Street, Ocean City MD 21842
Bruce R. Davis, 301-138th Street, Ocean City MD 21842
File #12-18100002
Correspondence '12

Plans approved by O.C. P & Z Comm.

Project File No: _____

Commission Secretary: _____

Date: _____

Planning & Zoning Commission
Ocean City, Maryland

Case 12-1210002

Exhibit # 2 Date 12/4/12

Kay Stroud

From: Regan R. J. Smith [regan@beachin.net]
Sent: Monday, October 15, 2012 11:15 AM
To: Kay Stroud
Subject: FW: Hearing remand

From: Regan R. J. Smith [<mailto:regan@beachin.net>]
Sent: Wednesday, October 03, 2012 3:43 PM
To: 'Blaine Smith'
Cc: 'neil.baker@delmarva.com'
Subject: Hearing remand

Blaine- Per my phone message and my discussion with Kay, please put us on the agenda for the Dec. 4th hearing date before the Planning Commission for the Delmarva Power Conditional Use. Regan

Regan J.R. Smith
Williams, Moore, Shockley & Harrison
10441 Racetrack Road, Unit 2
Berlin, MD 21811
(410) 641-8080 Office
(410) 641-8282 Fax

LAW OFFICES

WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.

UNIT 2

10441 RACETRACK ROAD
BERLIN, MARYLAND 21811

(410) 641-8080
TELEFAX (410) 641-8282

MAILING ADDRESS:
P. O. BOX 1530
BERLIN, MARYLAND 21811

MAIN OFFICE
3509 COASTAL HIGHWAY
OCEAN CITY, MD 21842
410-289-3553
TELEFAX 410-289-4157

MAILING ADDRESS:
3509 COASTAL HWY.
OCEAN CITY, MD 21842

MARCUS J. WILLIAMS (1923-1993)
JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
JOSEPH G. HARRISON, JR.
J. RICHARD COLLINS
REGAN J.R. SMITH
CHRISTOPHER T. WOODLEY

WILLIAM H. CATHELL
MATTHEW L. COOKSON

OF COUNSEL

EDWARD H. HAMMOND, JR. (1942-2018)

October 16, 2012

R. Blaine Smith
Zoning Administrator
Dept. of Planning and Community
Development
P.O. Box 158
Ocean City, MD 21843

Dear Blaine and Kay:

Pursuant to our several conversations and e-mails, I just wanted to confirm that we are on the agenda for December 4 at 7:00 p.m. for the remand of the Delmarva Power & Light 138th Street SVC Substation Conditional Use hearing that the Council remanded for the testimony.

Pursuant to our prior discussion, we gave notice on October 4 that we would be pursuing that date.

Please let me know if there is anything further that you need from me at this point.

Sincerely,



Regan J.R. Smith

RJRS/nsw

cc: Kay Stroud, Zoning Analyst

C:\Regan\Letters\Smith.101612

LAW OFFICES

WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.

UNIT 2

10441 RACETRACK ROAD
BERLIN, MARYLAND 21811

(410) 641-8080
TELEFAX (410) 641-8282

MAILING ADDRESS:
P. O. BOX 1530
BERLIN, MARYLAND 21811

MARCUS J. WILLIAMS (1923-1965)
JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
JOSEPH G. HARRISON, JR.
J. RICHARD COLLINS
REGAN J.R. SMITH
CHRISTOPHER T. WOODLEY

WILLIAM H. CATHELL
MATTHEW L. COOKSON

OF COUNSEL

EDWARD H. HAMMOND, JR. (1942-2011)

MAIN OFFICE
3509 COASTAL HIGHWAY
OCEAN CITY, MD 21842
410-289-3553
TELEFAX 410-289-4157

MAILING ADDRESS:
3509 COASTAL HWY.
OCEAN CITY, MD 21842

October 16, 2012

R. Blaine Smith
Zoning Administrator
Dept. of Planning and Community
Development
P.O. Box 158
Ocean City, MD 21843

Dear Blaine and Kay:

Pursuant to our several conversations and e-mails, I just wanted to confirm that we are on the agenda for December 4 at 7:00 p.m. for the remand of the Delmarva Power & Light 138th Street SVC Substation Conditional Use hearing that the Council remanded for the testimony.

Pursuant to our prior discussion, we gave notice on October 4 that we would be pursuing that date.

Please let me know if there is anything further that you need from me at this point.

Sincerely,


Regan J.R. Smith

RJRS/nsw

cc: Kay Stroud, Zoning Analyst

C:\Regan\Letters\Smith.101612

LAW OFFICES
WILLIAMS, MOORE, SHOCKLEY & HARRISON, LLP.
10441 RACETRACK ROAD, UNIT 2
BERLIN, MARYLAND 21811

EASTERN SHORE MD 21811

16 OCT 2022 PM 1 T

000450
041110207539
ZIP 21811

Kay Stroud
Zoning Analyst
Dept. Of Planning and Community
Development
P.O. Box 158
Ocean City, MD 21843



21843+0158

rec'd 10/17/12
David

LAW OFFICES

WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.

UNIT 2

10441 RACETRACK ROAD
BERLIN, MARYLAND 21811

(410) 641-8080
TELEFAX (410) 641-8282

MAILING ADDRESS:
P. O. BOX 1530
BERLIN, MARYLAND 21811

MAIN OFFICE
3509 COASTAL HIGHWAY
OCEAN CITY, MD 21842
410-289-3553
TELEFAX 410-289-4157

MAILING ADDRESS:
3509 COASTAL HWY.
OCEAN CITY, MD 21842

MARCUS J. WILLIAMS (1923-1995)
JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
JOSEPH G. HARRISON, JR.
J. RICHARD COLLINS
REGAN J.R. SMITH
CHRISTOPHER T. WOODLEY

WILLIAM H. CATHELL
MATTHEW L. COOKSON

OF COUNSEL

EDWARD H. HAMMOND, JR. (1942-2011)

October 16, 2012

R. Blaine Smith
Zoning Administrator
Dept. of Planning and Community
Development
P.O. Box 158
Ocean City, MD 21843

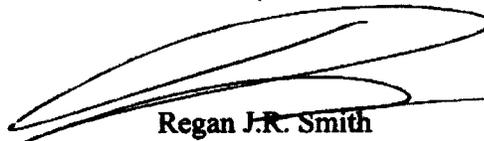
Dear Blaine and Kay:

Pursuant to our several conversations and e-mails, I just wanted to confirm that we are on the agenda for December 4 at 7:00 p.m. for the remand of the Delmarva Power & Light 138th Street SVC Substation Conditional Use hearing that the Council remanded for the testimony.

Pursuant to our prior discussion, we gave notice on October 4 that we would be pursuing that date.

Please let me know if there is anything further that you need from me at this point.

Sincerely,



Regan J.R. Smith

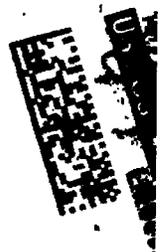
RJRS/nsw

cc: Kay Stroud, Zoning Analyst

C:\Regan\Letters\Smith.101612

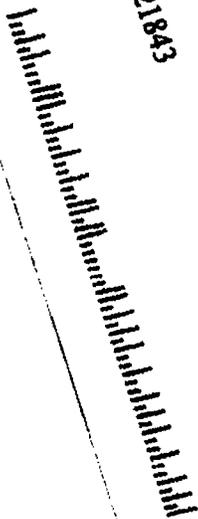
LAW OFFICES
WILLIAMS, MORE, SHOCKLEY & HARRISON, L.L.P.
10441 RACETRACK BOULEVARD, UNIT 2
BETHESDA, MARYLAND 20811

EASTERN SHORE
19 OCT 2012 PM 1:11



ZIP 21811
04110207539

R. Blaine Smith
Zoning Administrator
Dept. Of Planning and Community
Development
P. O. Box 158
Ocean City, MD 21843



24340152



November 2, 2012

Dear Valued Customer ,

First, I want to thank you and all of our customers for your support and patience during Hurricane Sandy. The response to this storm was certainly a community effort as we worked closely with key emergency management and municipal stakeholders throughout Ocean City and across the Delmarva Peninsula to safely restore electric service to our customers.

Earlier this year we wrote to inform you that Delmarva Power planned to expand its 138th Street substation and install a Static Var Compensator (SVC). That was followed by a public meeting on February 11 at which we explained why these steps are being taken and how they will improve electric service reliability in Ocean City.

Of particular importance is the installation of the SVC, which regulates voltage and acts as a "booster pump" to keep electrical pressure constant across the system. Regulating the voltage in north Ocean City is critical to Delmarva Power's ability to provide reliable service to its customers throughout the town. Since last winter, Delmarva Power has been working with the Town of Ocean City and local residents to further develop these designs, including aesthetic elements, and finalize a course of action. We also have been studying various options on the issues that were set forth recently by the Ocean City mayor and council.

Today, we are writing to invite you to find out more about this \$25.9 million project at a community meeting from 7 p.m. to 9 p.m. on Thursday, Nov. 15 at the Elks Lodge, located at the intersection of Sinepuxent Avenue and 138th Street. At this "workshop style" meeting, attendees will have the opportunity to meet one-on-one with the Delmarva Power project leaders to discuss various aspects of the project, learn about the latest findings, see updated design elements and provide feedback. Light refreshments will be served.

Should you not be able to attend the meeting, please e-mail me your comments or feedback at jim.a.smith2@delmarva.com. We look forward to meeting with you and welcome your questions and comments on this project that is crucial to maintaining safe and reliable electric service in Ocean City.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Smith".

Jim Smith
Senior Public Affairs Manager
Delmarva Power

POSTAGE WILL BE PAID BY ADDRESSEE
FIRST CLASS

MICROFILMED
SERIALIZED
INDEXED
MAR 1984
OCEAN CITY MD 21842
TOWN OF OCEAN CITY
PO BOX 158
ZONING ADMINISTRATOR
MR. BLAINE SMITH

0131373344

 **Powermark**
A PH COMPANY
29SC55
PO Box 1739
Salisbury, MD 21802-1739
Government Affairs 29SC55



TOWN OF OCEAN CITY

The White Marlin Capital of the World

Reply to: Planning & Zoning Commission
P O Box 158
Ocean City MD 21843
410-289-8855 phone
410-289-8703 fax

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Delmarva Power & Light Company
c/o Mr. Neil Baker
2530 N. Salisbury Blvd.
PO Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A. Map 118, further described as located on Sinepuxent and Derrickson Avenue between 137th and 138th Street, in the Town of Ocean City, Maryland. (FILE #12-12100002)

This is to advise you that pursuant your request dated October 4, 2012 to be placed on the Planning and Zoning Commission agenda, the Commission will conduct a public hearing on Tuesday, December 4, 2012 at 7:00 PM in the Council Chambers of City Hall located at Third Street and Baltimore Avenue in the Town of Ocean City, Maryland.

At that time the Commission, appointed to be the hearing examiners for the Mayor and City Council, will consider the above-referenced request, with particular emphasis – as required by the Mayor and City Council - on 1) physical effects of electro-magnetic field exposure; 2) property value; 3) aesthetics; 4) noise; 5) alternative locations; 6) changes in neighborhood density since 1974; and 7) and underground wires and equipment.

Subsequent to the public hearing, the Commission will notify you as to their recommendation that will be forwarded to the Mayor and City Council concerning your request.

Sincerely,
Planning and Zoning Commission

cc: David Recor, City Manager
Mayor and City Council
William E. Esham, III, Attorney for the Commission
Kevin Gregory, Attorney for the Commission
All Planning Commission Members
Regan J. R. Smith, Attorney for the Applicant

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

JAMES S. HALL
President

LLOYD MARTIN
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
JOE HALL
MARY P. KNIGHT
MARGARET PILLAS

CITY MANAGER
DAVID L. RECOR, ICMA-CM

CITY CLERK
KELLY L. ALLMOND, CMC

November 4, 2012

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



City Hall - (410) 289-8221 • FAX - (410) 289-8703

Planning & Zoning Commission
Ocean City, Maryland

Case 12-1210002

Exhibit # 3 Date 12/4/12



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

Reply to: Planning & Zoning Commission
P O Box 158
Ocean City MD 21843
410-289-8855 phone
410-289-8703 fax

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Delmarva Power & Light Company
c/o Mr. Neil Baker
2530 N. Salisbury Blvd.
PO Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A. Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland. (FILE #12-12100002)

This is to advise you that pursuant your request dated October 4, 2012 to be placed on the Planning and Zoning Commission agenda, the Commission will conduct a public hearing on Tuesday, December 4, 2012 at 7:00 PM in the Council Chambers of City Hall located at Third Street and Baltimore Avenue in the Town of Ocean City, Maryland.

At that time the Commission, appointed to be the hearing examiners for the Mayor and City Council, will consider the above-referenced request, with particular emphasis -- as required by the Mayor and City Council - on 1) physical effects of electro-magnetic field exposure; 2) property value; 3) aesthetics; 4) noise; 5) alternative locations; 6) changes in neighborhood density since 1974; and 7) and underground wires and equipment.

Subsequent to the public hearing, the Commission will notify you as to their recommendation that will be forwarded to the Mayor and City Council concerning your request.

Sincerely,
Planning and Zoning Commission

Pam Kneer Buckley/ps

cc: David Recor, City Manager
Mayor and City Council
William E. Esham, III, Attorney for the Commission
Kevin Gregory, Attorney for the Commission
All Planning Commission Members
Regan J. R. Smith, Attorney for the Applicant

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



2001

City Hall - (410) 289-8221 • FAX - (410) 289-8703

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

JAMES S. HALL
President

LLOYD MARTIN
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
JOE HALL
MARY P. KNIGHT
MARGARET PILLAS

CITY MANAGER
DAVID L. RECOR, ICMA-CM

CITY CLERK
KELLY L. ALLMOND, CMC



TOWN OF
OCEAN CITY
The White Marlin Capital of the World

Planning and Zoning Commission
P.O. Box 158
Ocean City, MD 21843-0158
Phone: 410-289-8855
Fax: 410-289-8705

MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY, MARYLAND
21843-0158

www.oceancitymd.gov

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL MEMBERS

JAMES S. HALL
President

LLOYD MARTIN
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
JOE HALL
MARY P. KNIGHT
MARGARET PILLAS

RICHARD W. MEEHAN
Interim City Manager

KELLY L. ALLMOND, CMC
City Clerk

NOTICE TO AFFECTED PROPERTY OWNERS

The attached information concerning a public hearing to be held before the Planning and Zoning Commission of the Town of Ocean City, Maryland is being forwarded to you in order to inform you of a potential land use decision that may affect your property. **Should you have concerns or questions regarding the request, we encourage you to attend the meeting. Written comments received are entered into the record, but are only taken into advisement as you have not heard the presentation or been available for questions by the Commission or the Applicant.**

If you have any questions concerning this matter, please do not hesitate to contact this office at 410-289-8855. Prior to attending this meeting, we would suggest that you contact our office the day of the hearing to verify the hearing schedule.

/ks

PUBLIC HEARING INFORMATION ON REVERSE SIDE FOR YOUR REVIEW

MERKLE THOMAS A &
AIMEE F MERKLE
6202 MALLARD LANDING CT
LOTHIAN MD 20711

MOWELL WILLIAM S &
GEORGE MAYO & MARY JANE MAYO
1311 GLENCOE RD
SPARKS MD 21152

FEDERAL NATIONAL MORTGAGE ASSO
PO BOX 650043
DALLAS TX 75265

MOULTON DONNA & MARY HAYES
208 138TH ST
OCEAN CITY MD 21842

138TH ST PARTNERS
151 GREENVIEW DR
LANCASTER PA 17801

DAVIS BRUCE R &
LOUISA W DAVIS
301 138TH ST
OCEAN CITY MD 21842

BILLINGS DANIEL & PHYLLIS
3013 SANDY HOOK RD
BEL AIR MD 21015

CORTINA JACK D & JANICE R
FOR LIFE
645 210TH ST
PASADENA MD 21122

LULA ROBERT C SR & MARYANN P
306 138TH ST
OCEAN CITY MD 21842

BENEDETTI SALVATORE V &
MARIA P.
4112 HAVARD ST
SILVER SPRING MD 20906

HANSEN RICHARD L & IRENE A
201 139TH ST
OCEAN CITY MD 21842

DOLIVKA JEROME F
FOR LIFE
1613 CHESACO AVE
BALTIMORE MD 21237

STARKLOFF WILLIAM BERTHOLD III
& VERONICA ANNE CUTLER
205 139TH ST
OCEAN CITY MD 21842

OC PARTNERS
7125 FRUITVILLE RD #1360
SAROSOTA FL 34240

PYLE JAMES N &
KANDACE CARTER PYLE
14022 BLENHEIM RD N
PHOENIX MD 21131

ZALATIMO SAM & KATHY
305 139TH ST
OCEAN CITY MD 21842

MAHASSEL EDWARD A & ANN
307 139TH ST
OCEAN CITY MD 21842

WEBSTER MARY JANE B &
& LEONARD L JOHNSON
303 138TH ST
OCEAN CITY MD 21842

DASHIELL LYNDA L
304 S BAY DR
OCEAN CITY MD 21842

RAIGN STEPHEN A & ELAINE W
1403 RIVER RD
WILMINGTON DE 19809

TLASEK SARAH L
305 S BAY DR APT B
OCEAN CITY MD 21842

REDA JAMES A & DEBORAH J
1524 NATIONAL RD
BALTIMORE MD 21237

O'CONNOR RICHARD L & BARBARA A
9 WILLIAM STREET
PITTSBURGH PA 15229

MATHE DAVID L &
MARGARET L MATHE
1318 N HARVARD AVE
ARLINGTON HEIGHTS IL 60004

LANDERS DEAN M &
PATRICIA MILAN LANDERS
11415 NOTCHCLIFF RD
GLEN ARM MD 21057

OLD PRO GOLF INC
6801 COASTAL HWY
OCEAN CITY MD 21842

FENWICK INN LLLP
10211 N 32ND ST STE G
PHOENIX AZ 85028

MATYIKO JERRY B
PO BOX 447
SHARPTOWN MD 21861

MATYIKO JOAN J
PO BOX 447
SHARPTOWN MD 21861

HELEN L STEFANOUC REVOCABLE
TRUST
10205 GAINSBOROUGH RD
POTOMAC MD 20854



www.avery.com
1-800-GO-AVERY

Df L
12/4/12

Repliez à la hauteur afin de
révéler le rebord Pop-up™

Sens de
chargement

Utilisez le gabarit AVERY 5160
Étiquettes faciles à peeler

AGIOS DEKA LLC
401 S FREDERICK AVE
GAITHERSBURG MD 20877

P & L PARTNERSHIP
1018 SANDPIPER LN
ANNAPOLIS MD 21403

FADROWSKI MATTHEW J &
KELLY S FADROWSKI
13352 HUNT RDG
ELLICOTT CITY MD 21042

AMOS GEORGE H &
HELEN M AMOS
3616 GRIER NURSERY RD
STREET MD 21154

MCCREA RICHARD E & MARY C &
ELLSWORTH E & JEAN Y MCCREA
C/O ELLSWORTH MCCREA
14021 BUCHANAN TRL E
WAYNESBORO PA 17268

GALLO VINCENZO & LINDA
67 RAWLINSON RD
ROCHESTER NY 14617

GRUZINSKI JOSEPH A
1805 PRINCE CT
LIMERICK PA 19468

BROOKS RONALD W &
JACQUELINE L BROOKS
136 RAVENSWOOD COURT
JOPPA MD 21085

COFFMAN LAWRENCE M & MARY A
4617 VALLEY FORGE DR
ROCKVILLE MD 20853

STANZIOLA GERALD RALPH &
DONNAMARIE M
1508 CONCORD CT
QUAKERTOWN PA 18951

GALVIN ROGER W & NANCY L
24965 BACK CREEK DR
ST MICHAELS MD 21663

REEDY ROGER L & CHERYL L
10326 MAR ROCK DR
HAGERSTOWN MD 21740

BOLLAS ANGELA R CORBIN
& ROBERT NOLL
C/O ANGELA R CORBIN
403 FOUNTAIN ROAD
OCEAN CITY MD 21842

CEDAR BEACH I
C/O AUGUSTU FRANCIS
1238 PRINCE STREET
DUNKIRK MD 20754

DELMARVA POWER & LIGHT
CO
PO BOX 231
WILMINGTON DE 19899

MILLS THOMAS O & KRISTEN M MIL
11146 INNSBROOK WAY
IJAMSVILLE MD 21754

YAWORNICKY THEODORE &
GERTRUDE
7109 LAYTON DR
SPRINGFIELD VA 22150

KELLY JOSEPH V JR &
HELEN F KELLY FOR LIFE
307 CORNWALL ST
BALTIMORE MD 21224

CEDAR BEACH II
C/O J P LITCHFIELD
1534 CEDARHURST ROAD
SHADY SIDE MD 20764

BAYSIDE PLAZA CONDOMINIUM
7-136TH STREET
C/O JAMES FLAIG
OCEAN CITY MD 21842

BAYSIDE PLAZA CONDOMINIUM
C/O PIRAEUS REALTY
215B OHIO AVENUE
SALISBURY MD 21801

BROWN COW LLC
601 SALT SPRAY ROAD
OCEAN CITY MD 21842

TEMPEST CONDOMINIUM
C/O KERMIT GABLE
118 ASLEY COURT
LANSDALE PA 19446

DENNIS DARE
14139 SEA CAPTAIN ROAD
OCEAN CITY MD 21842

CEDAR SANDS CONDOMINIUM
C/O KRISTINA L WENGER
311A SOUTH BAY DRIVE
OCEAN CITY MD 21842

SANAD INC
12008 TURTLE MILL ROAD
BISHOPVILLE MD 21813

SAUERS RICHARD &
PATRICIA P
9012 LENNINGS LANE
BALTIMORE MD 21237

TOSTI MARK A
8305 BON AIR ROAD
BALTIMORE MD 21234

SUN & FUN PARTNERSHIP
P O BOX 214
BRIGANTINE NJ 08203

BRILLIANT TITLE CORPORATION
1610 WEST STREET SUITE 205
ANNAPOLIS MD 21401

AVERY 5160



Send along line to
expose Pop-up Edge™

Feed Paper

Use Avery® Template 5160
Easy Peel® Labels

DR L
12/4/12

3

ZANNINO JOSEPH N III
45 CLIFFWOOD ROAD
BALTIMORE MD 21206

OCEAN CITY LODGE NO 2645 BPOE
13708 SINEPUXENT AVENUE
OCEAN CITY MD 21842

JAMES SANDRA C
13717 COASTAL HIGHWAY
OCEAN CITY MD 21842

SINEPUXENT LLC
233 SOUTH OCEAN DRIVE
OCEAN CITY MD 21842

ADAMOPOULOS STELLA
TRUSTEE
215-B OHIO AVENUE
SALISBURY MD 21801

DONG JIAN LONG & YUE JIN WU
13727 COASTAL HIGHWAY
OCEAN CITY MD 21842

WALTER HOWARD G JR &
TERESA WALTER
1421 SOUTH CLAVARY ROAD
ABINGDON MD 21009

TOLLIVER JEFFERY K
1566 CROFTON PARKWAY
CROFTON MD 21114

YATES JANE P
300-136TH STREET UNIT C
OCEAN CITY MD 21842

ROSENBLATT THOMAS M
6013 NEILWOOD DRIVE
ROCKVILLE MD 20852

WAGNER CARROLL
13903 BARGE ROAD
OCEAN CITY MD 21842

GISRIEL JR VINCENT DE PAUL
14008 SAILING ROAD
OCEAN CITY MD 21842

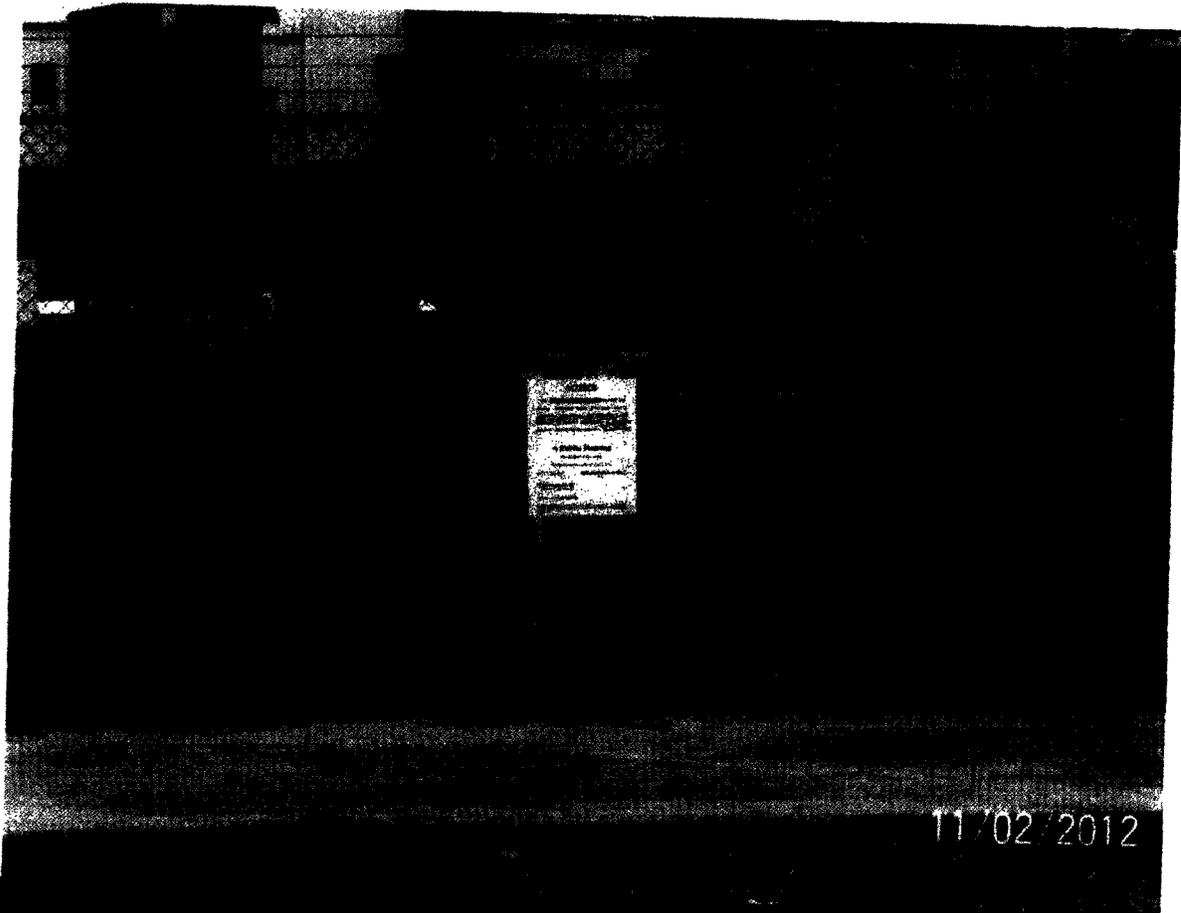
3

CERTIFICATE OF SIGN POSTING

This is to certify that on this date a sign specifying the date, time, place and nature of a public hearing to be conducted by the Planning & Zoning Commission for the Town of Ocean City, Maryland has been posted conspicuously on property described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets, in the Town of Ocean City, Maryland.


Posted by:

11-2-12
Date:



11/02/2012

CERTIFICATE OF SIGN POSTING

This is to certify that on this date a sign specifying the date, time, place and nature of a public hearing to be conducted by the Planning & Zoning Commission for the Town of Ocean City, Maryland has been posted conspicuously on property described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets, in the Town of Ocean City, Maryland.



Posted by:

11-2-12

Date:



11/02/2012

CERTIFICATE OF SIGN POSTING

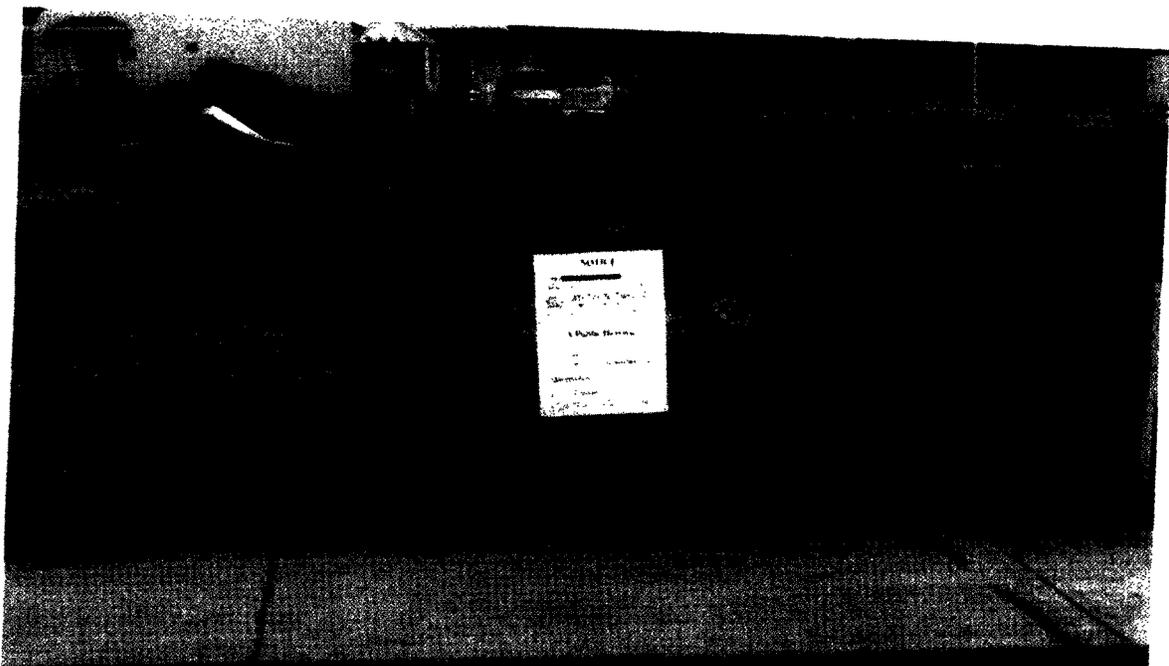
This is to certify that on this date a sign specifying the date, time, place and nature of a public hearing to be conducted by the Planning & Zoning Commission for the Town of Ocean City, Maryland has been posted conspicuously on property described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets, in the Town of Ocean City, Maryland.



Posted by:

11-2-12

Date:



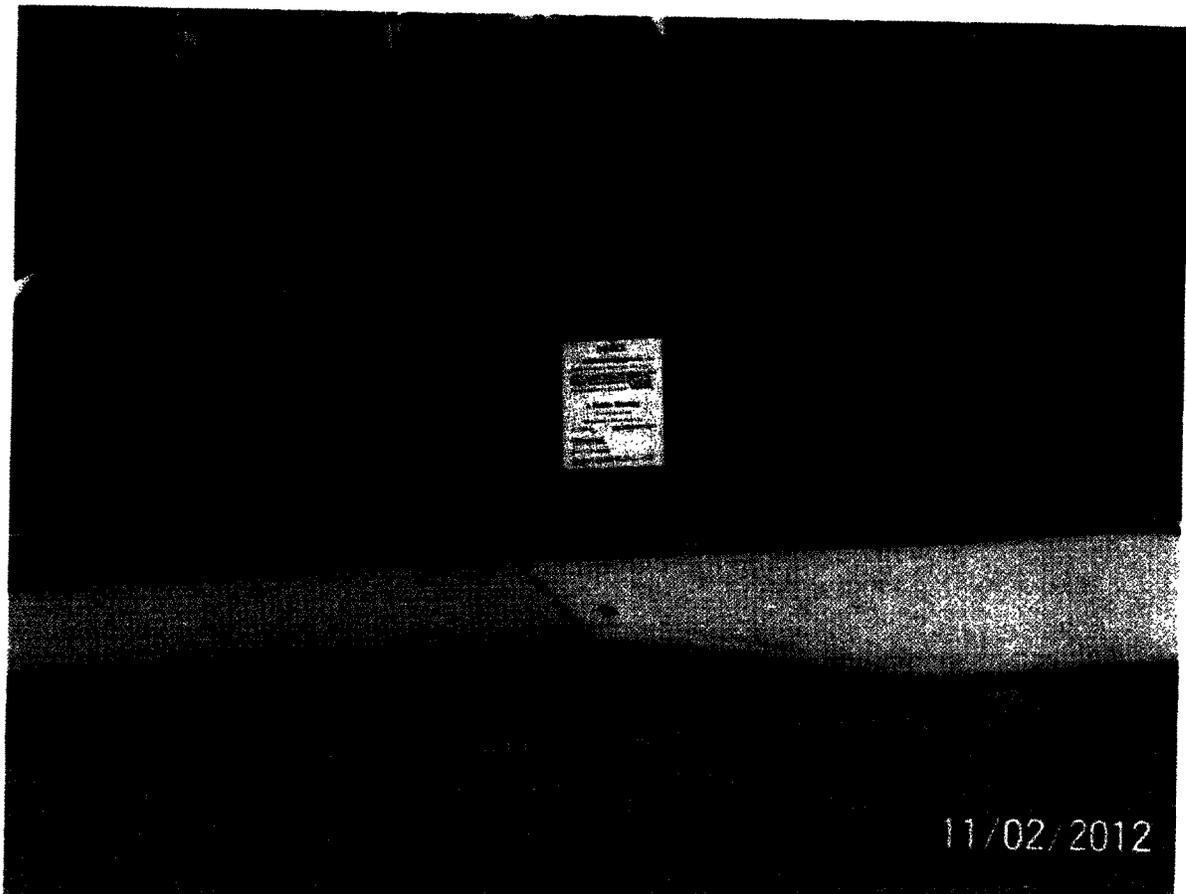
11/02/2012

CERTIFICATE OF SIGN POSTING

This is to certify that on this date a sign specifying the date, time, place and nature of a public hearing to be conducted by the Planning & Zoning Commission for the Town of Ocean City, Maryland has been posted conspicuously on property described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets, in the Town of Ocean City, Maryland.


Posted by: _____

11-2-13
Date: _____



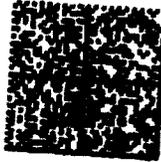
11/02/2012



TOWN OF

OCEAN CITY

P.O. BOX 158 • OCEAN CITY, MARYLAND 21843-0158



02 1A
000 4625196
\$00.424
PRIME BOXES
NOV 02 2012
MAILED FROM ZIP CODE 21842

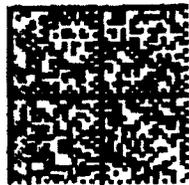
GRUZINSKI JOSEPH A
1805 PRINCE CT
EMERICK PA 19468

NIXIE 176 FE 1
RETURN TO SENDER 00 11/09/12
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 21843015858 *0827-12054-05-40

6 JRN 1843 00158
19468



FIRST CLASS AUTO



Metropost

049J82023795

\$00.000

11/05/2012

Mailed From 24804

US POSTAGE

Blaine Smith

From: Diana Chavis
Sent: Thursday, November 15, 2012 10:47 AM
To: Blaine Smith
Subject: FW: Ltr. from Chamber about DPL project
Attachments: Delmarva Power.pdf

Blaine,
The M&C received a copy of this letter. I thought you may want to include it in the 12/4 public hearing backup as well.
Diana

From: Jennifer Morris
Sent: Thursday, November 15, 2012 9:48 AM
To: Diana Chavis
Subject: Ltr. from Chamber

Jennifer Morris
Administrative Assistant
Office of the Mayor
Town of Ocean City
301 Baltimore Avenue
P. O. Box 158
Ocean City, MD 21843
(410) 289-3300
Fax (410) 289-7385
jmorris@oceancitymd.gov

Jim & Nancy



HOTEL · MOTEL · RESTAURANT · ASSOCIATION · INC.

October 18, 2012

Mayor and City Council
Town of Ocean City
PO Box 158
Ocean City, MD 21843

Dear Mayor and City Council,

On behalf of the Ocean City Hotel-Motel-Restaurant Association, I am writing to express our support of Delmarva Power's project request. Many of our members have experienced service issues due to voltage fluctuations.

It is our understanding that these issues will be solved through this proposed project. Therefore, we hope they will be allowed to move forward with their proposal. We would sincerely appreciate your support of the best option with the least impact.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Jones".

Susan L. Jones
Executive Director

cc: Jim Smith, Delmarva Power



**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

October 23, 2012

Mayor and City Council
301 Baltimore Ave.
Ocean City, Maryland 21842

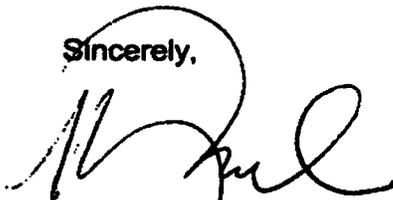
Dear Mayor Meehan and Distinguished Council Members:

The Greater Ocean City Chamber Board of Director's recently met with Jim Smith, Senior Public Affairs Manager, with Delmarva Power.

Based on testimony provided by Delmarva Power at a recent conditional use hearing, the Greater Ocean City Chamber of Commerce supports the company's initiative to expand its 138th Street Substation and provide much needed voltage support equipment. With the forecast of increase voltage issues here in Ocean City, the business community believes it is imperative to endorse this project to prevent any detrimental impacts on electric reliability and subsequently our local tourism driven economy. The facts presented by Delmarva Power support the need for the equipment and that the company has taken strides to ensure compatibility within the community in regards to safety, aesthetics and sound.

Again, the Chamber Board is in unanimous support of this effort. Please feel free to contact my office directly with any questions or concerns at 410-213-0144 extension 102.

Sincerely,



Melanie Pursel
Executive Director

Plans approved by O.C. P & Z Comm.

Project File No: _____

Commission Secretary: John Staley

Date: 12-4-12

Eunice Q. Sorin Visitor & Conference Center
12320 Ocean Gateway, Ocean City, Maryland 21842 • 410-213-0144 • Fax 410-
213-7521

www.oceancity.org • info@oceancity.org



HOTEL · MOTEL · RESTAURANT ASSOCIATION · INC.

October 18, 2012

Mayor and City Council
Town of Ocean City
PO Box 158
Ocean City, MD 21843

Dear Mayor and City Council,

On behalf of the Ocean City Hotel-Motel-Restaurant Association, I am writing to express our support of Delmarva Power's project request. Many of our members have experienced service issues due to voltage fluctuations.

It is our understanding that these issues will be solved through this proposed project. Therefore, we hope they will be allowed to move forward with their proposal. We would sincerely appreciate your support of the best option with the least impact.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Jones".

Susan L. Jones
Executive Director

cc: Jim Smith, Delmarva Power

4001 COASTAL HWY · P.O. BOX 340 · OCEAN CITY · MARYLAND · 21843-0340

410-289-6733 · FAX 410-289-5645 · OCVISITOR.COM · INQUIRE@OCVISITOR.COM



**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

October 23, 2012

Mayor and City Council
301 Baltimore Ave.
Ocean City, Maryland 21842

Dear Mayor Meehan and Distinguished Council Members:

The Greater Ocean City Chamber Board of Director's recently met with Jim Smith, Senior Public Affairs Manager, with Delmarva Power.

Based on testimony provided by Delmarva Power at a recent conditional use hearing, the Greater Ocean City Chamber of Commerce supports the company's initiative to expand its 138th Street Substation and provide much needed voltage support equipment. With the forecast of increase voltage issues here in Ocean City, the business community believes it is imperative to endorse this project to prevent any detrimental impacts on electric reliability and subsequently our local tourism driven economy. The facts presented by Delmarva Power support the need for the equipment and that the company has taken strides to ensure compatibility within the community in regards to safety, aesthetics and sound.

Again, the Chamber Board is in unanimous support of this effort. Please feel free to contact my office directly with any questions or concerns at 410-213-0144 extension 102.

Sincerely,

Melanie Pursel
Executive Director

Eunice Q. Sorin Visitor & Conference Center
12320 Ocean Gateway, Ocean City, Maryland 21842 • 410-213-0144 • Fax 410-
213-7521

www.oceancity.org • info@oceancity.org

Planning & Control Center for
University of Maryland

Case 12-1210002

Exhibit # 4 Date 12/4/12

Kay Stroud

From: Regan R. J. Smith [regan@beachin.net]
Sent: Tuesday, December 04, 2012 1:31 PM
To: Kay Stroud
Cc: jim.a.smith2@delmarva.com
Subject: FW: Letters of support

From: jim.a.smith2@delmarva.com [mailto:jim.a.smith2@delmarva.com]
Sent: Tuesday, December 04, 2012 12:03 PM
To: Regan R. J. Smith
Subject: RE: Letters of support

Do you have an e-mail address or phone # for Kay?

Jim Smith
Delmarva Power
Senior Public Affairs Manager
(410) 860-6366 - Maryland
(302) 934-3342 - Delaware
(410) 207-3897 - Cell
jim.a.smith2@delmarva.com

From: "Regan R. J. Smith" <regan@beachin.net>
To: <jim.a.smith2@delmarva.com>
Date: 12/04/2012 10:29 AM
Subject: RE: Letters of support

sure

From: jim.a.smith2@delmarva.com [mailto:jim.a.smith2@delmarva.com]
Sent: Tuesday, December 04, 2012 10:21 AM
To: Regan Smith
Subject: Re: Letters of support

Thanks. Should I touch base with her on my presentation? Last time we were loading it just as we began.

Jim Smith
Delmarva Power
Senior Public Affairs Manager
(410) 860-6366 - Maryland
(302) 934-3342 - Delaware
(410) 207-3897 - Cell
jim.a.smith2@delmarva.com

From: "Regan R. J. Smith" [regan@beachin.net]
Sent: 12/04/2012 09:55 AM EST
To: Jim Smith
Cc: Neil Baker
Subject: RE: Letters of support

Jim/Neil- I went to city hall this morning and checked in with Kay. Both letters of support are in the file. No new submissions have been made. Regan

From: jim.a.smith2@delmarva.com [mailto:jim.a.smith2@delmarva.com]
Sent: Monday, December 03, 2012 3:57 PM
To: Amber.Young@pepcoholdings.com; charles.moore@delmarva.com; chris.divis@pepcoholdings.com; Chuck.Reed@pepcoholdings.com; dana.small@pepcoholdings.com; deena.elborn-hazel@pepcoholdings.com; jaclyn.cantler@pepcoholdings.com; Jeff.Merryman@pepcoholdings.com; john.allen@delmarva.com; jdschall@pepco.com; Kevin.Packer@pepcoholdings.com; laszlo.keszler@delmarva.com; lora.brittingham@delmarva.com; matthew.ilkovich@delmarva.com; matthew.savage@pepcoholdings.com; neil.baker@delmarva.com; Regan@beachin.net; robbie@asapr.com; sandy.fisher@pepcoholdings.com; steve.weber@pepcoholdings.com; vdgibson@pepco.com; wbailey@exponent.com
Subject: Letters of support

Ocean City SVC project team,

As a follow up to our call, attached are the supports letters that we received from the Greater Ocean City Chamber of Commerce and the Ocean City Hotel Motel Restaurant Association. I also reached out to Donna Moulton to see if she had received the presentation and needed to be contacted by Dr. Bailey. I have not heard back from her.

Thanks, Jim

Jim Smith
Delmarva Power
Senior Public Affairs Manager
(410) 860-6366 - Maryland
(302) 934-3342 - Delaware
(410) 207-3897 - Cell
jim.a.smith2@delmarva.com

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Pepco Holdings, Inc. or its affiliates ("PHI"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. PHI policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. PHI will not accept any liability in respect of such communications.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2634/5434 - Release Date: 12/03/12

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Pepco Holdings, Inc. or its affiliates ("PHI"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. PHI policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. PHI will not accept any liability in respect of such communications.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2634/5436 - Release Date: 12/04/12

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Pepco Holdings, Inc. or its affiliates ("PHI"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. PHI policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. PHI will not accept any liability in respect of such communications.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2634/5436 - Release Date: 12/04/12



A PHI Company

Ocean City Static Var Compensator Transmission Reliability Improvement Project

December 4, 2012

 Pepee Holdings Inc.

Tonight's Presentation



A PFI Company

Delmarva Power committed to providing safe and reliable service

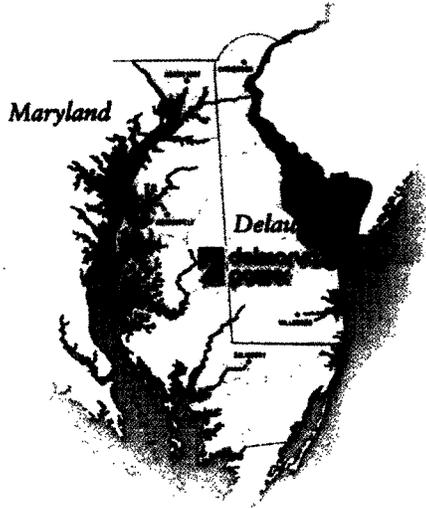
- Strengthening reliability through prudent system investments
- Overview of the transmission reliability planning process
- Necessity for the Ocean City Static Var Compensator project
- Addressing issues outlined by the Mayor & Council
 1. Aesthetics
 2. Magnetic field exposure
 3. Sound
 4. Changes in neighborhood density since 1974
 5. Property valuation
 6. Alternative locations
 7. Undergrounding of wires and equipment
- Community outreach, construction information and timeline
- Questions and answers

 Pepper Holdings Inc

Delmarva Power



A PHI Company



Delmarva Power

Customers

500,000 (Electric)

124,000 (Natural Gas)

Headquarters

Bay Region - Salisbury, MD

New Castle Region - Newark, DE

 Pepco Holdings Inc

Delmarva Power reliability investments aimed at serving your energy needs



A PHI Company

- Annually, Delmarva Power invests millions of dollars to repair, replace and add new equipment to improve reliability
- In 2012, Delmarva Power will invest \$142 million to improve reliability throughout its service territory.
- New transmission and distribution lines, substation equipment, circuit equipment and other electrical infrastructure
- Coordinates with regional power grid operator PJM to plan a transmission system that meets reliability criteria.
- Develops annual 10-year load forecasts for distribution feeders and substations.



Delmarva Power reliability improvement investments in Ocean City



A PHI Company

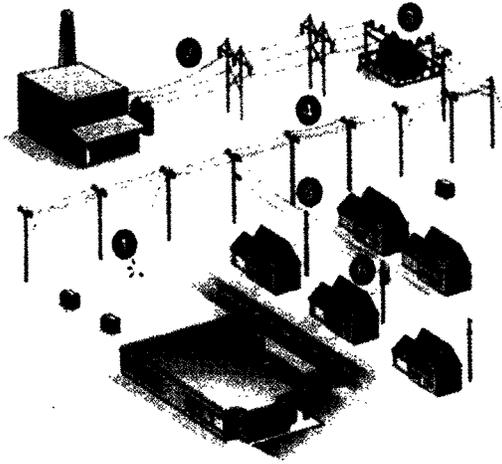
- Ocean City SVC project
- Rebuild transmission line between Maridel and Ocean Bay substations
- Distribution upgrades including underground cable replacement and circuit upgrades



Delmarva Power's transmission system upgrades



A PHL Company



- The electric transmission system is the interconnection of high voltage power lines that carry electricity from power plants to substations that eventually serve customers through a local distribution system.
- Across the Delmarva Peninsula, Delmarva Power owns and operates most of the transmission system that not only serves its own customers, but also provides wholesale electric service to electric co-ops and municipally-owned electric utilities.
- On the Peninsula, Delmarva Power owns, operates and maintains more than 1,500 miles of electric transmission lines.

 Pepper Holdings Inc

Ocean City Static Var Compensator (SVC) necessary to strengthen reliability



A PH Company

- In order to enhance electric service reliability and maintain a stronger and more consistent flow of energy in the Ocean City area, Delmarva Power plans to install a Static Var Compensator (SVC) adjacent to its 138th St. substation.
- The SVC is similar to a booster pump that helps keep the electrical pressure (voltage) constant across the Delmarva Power system. The SVC will allow Delmarva Power to distribute electricity where and when it is needed.
- The SVC is necessary to:
 - maintain electric stability by eliminating voltage fluctuations during times of high demand or system disturbances
 - maintain a stronger, sustainable and more consistent flow of energy to the area
- While the result will be increased electric service reliability for customers in eastern Worcester and Sussex counties, this \$26 million project will mainly benefit customers in Ocean City.

Transmission reliability planning process



A PHI Company

As a transmission owner, Delmarva Power is responsible to plan and operate its transmission system in accordance with standards set forth by:

- FERC (Federal Energy Regulatory Commission)
- NERC (North American Electric Reliability Corporation)
- PJM Interconnection

Need for the Ocean City SVC

Reliable and Sustainable Voltage



A PHL Company

- This system upgrade is necessary to help Delmarva Power maintain a stronger and more consistent flow of energy to this area. The 138th Street Substation went into service in the mid-1970's, but an expansion is necessary because this part of our system is vulnerable to low voltage conditions and this is where we need to reinforce our transmission system.
- The primary functions of the SVC:
 - Maintain acceptable, stable voltage levels
 - Control voltage swings during times of peak demand, especially in the summer
 - To control high voltages during times of light load
 - Prevent voltage dips
 - Prevent voltage collapse
- Based on the current configuration of our transmission system, this project was targeted to prevent blackouts (which are outages) or brownouts (which are unacceptable drops in voltage), particularly during the summer when usage in Ocean City reaches very high levels.
- Stable voltage is an important aspect of providing reliable service. Without it, customers – both commercial and residential – could experience equipment damage. That could have both reliability and safety implications, not to mention the impact to our tourism economy.





A PHI Company

Issue #1

Aesthetics



Aesthetics



A PHL Company

- Throughout the SVC planning process, Delmarva Power has taken aesthetics and the effects on the community into great consideration. Our design approach has been to make the expansion as unobtrusive as possible.
- Decorative wall - Delmarva Power is proposing to construct a 15-foot decorative wall around the perimeter of the substation. This is above and beyond the traditional chain link fence used at most substations.
- Vegetation - In front of the wall, Delmarva Power will plant native vegetation to enhance the appearance of the substation and we plan to install irrigation within the landscaping. Plants include maple, birch, red cedar, winterberry, bayberry, arrowwood, big bluestem, switch grass, etc.
- Low profile equipment - Delmarva Power will install specially designed equipment to be as close to the ground as possible while still providing adequate electrical safety and reliability clearances. This equipment is also specially designed low-sound infrastructure. According to the manufacturers, Delmarva Power requested some of the most stringent sound level limits they have ever seen for this type of equipment.
- Delmarva Power is investing more than \$1 million for these upgrades specifically aimed at neighborhood compatibility.

The logo for Pepper Holdings Inc, featuring a stylized 'P' icon to the left of the text 'Pepper Holdings Inc' in a sans-serif font.

Pepper Holdings Inc

Ocean City SVC design

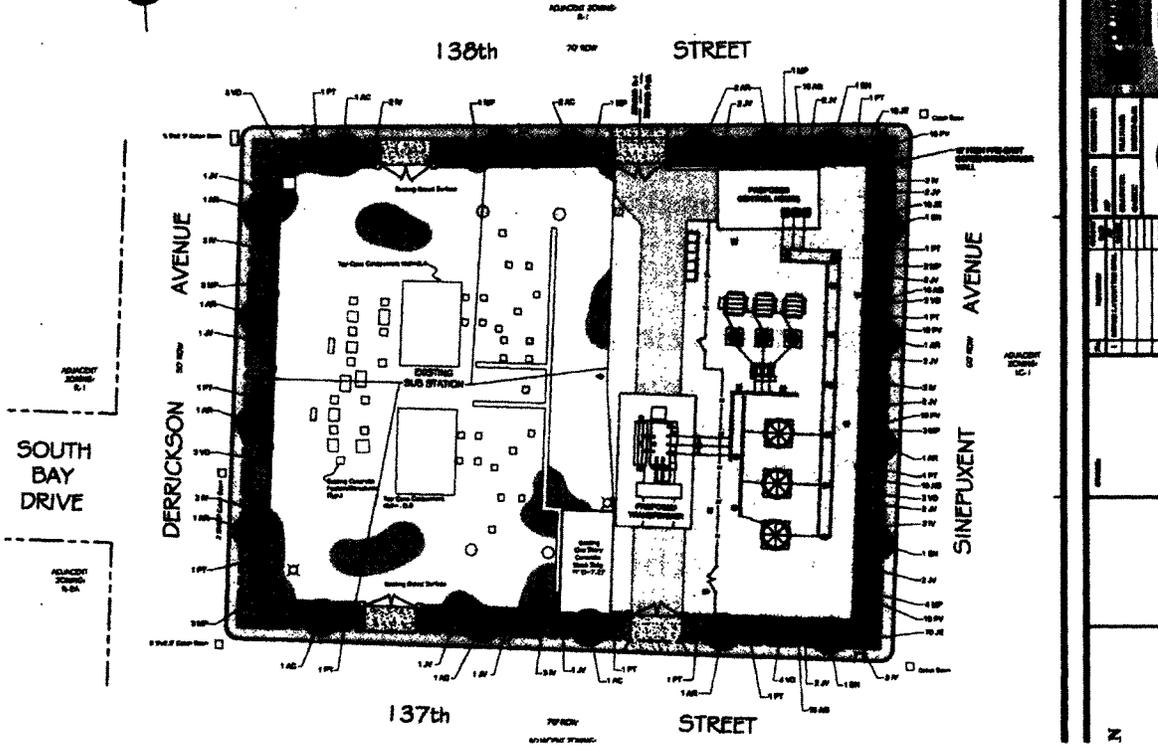


A PHI Company

- Total perimeter footage – 820 feet
- New 15-foot decorative wall around the existing substation
 - 6-8 inches thick
 - Reinforced precast concrete with textured face to resemble stone
 - Color: sandstone
- Gates
 - 4 sliding gates, 15 feet tall, 20 feet wide with color to match wall
- Irrigated Vegetation – A mixture of maple, birch, red cedar, loblolly pine, winterberry, bayberry, arrowwood, big bluestem, switch grass
- Setbacks – 10 feet from property line
- Lighting – Directional flood/spot lights when personnel are on site
- SVC control room – 13 feet tall



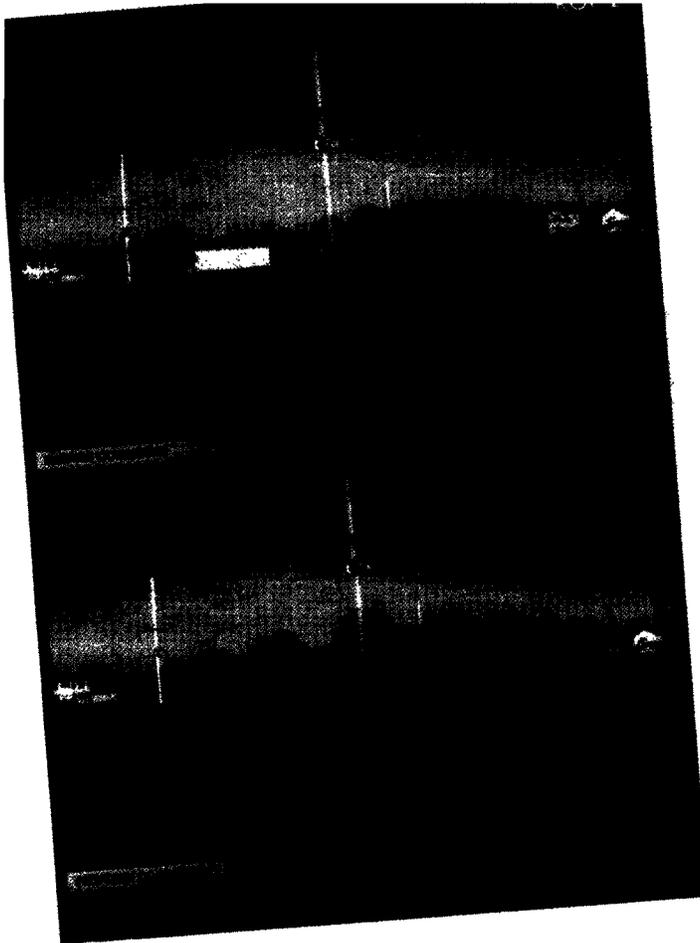
Ocean City SVC site plan





A PHI Company

View looking
Northeast

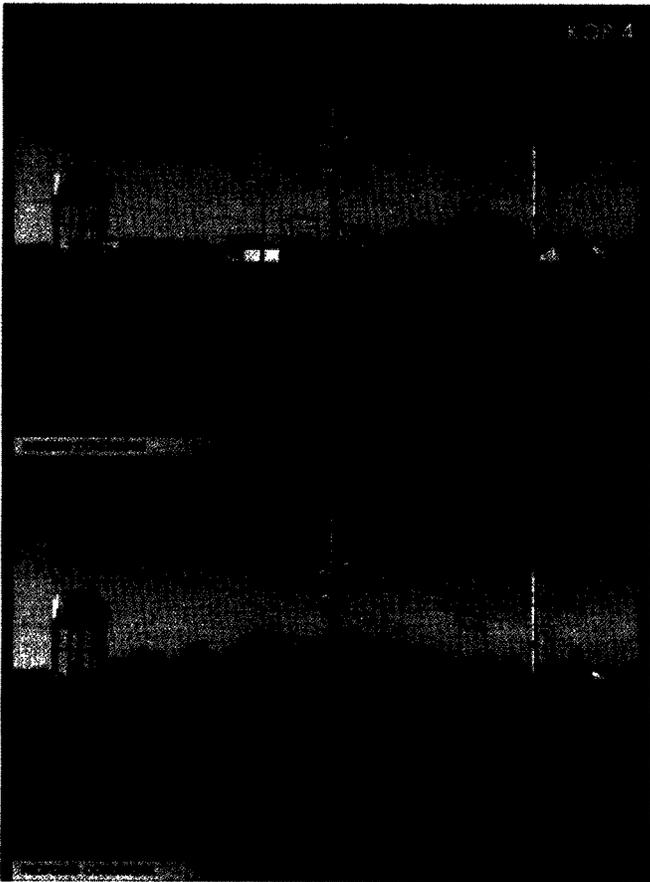


View looking
Northwest



A PHI Company

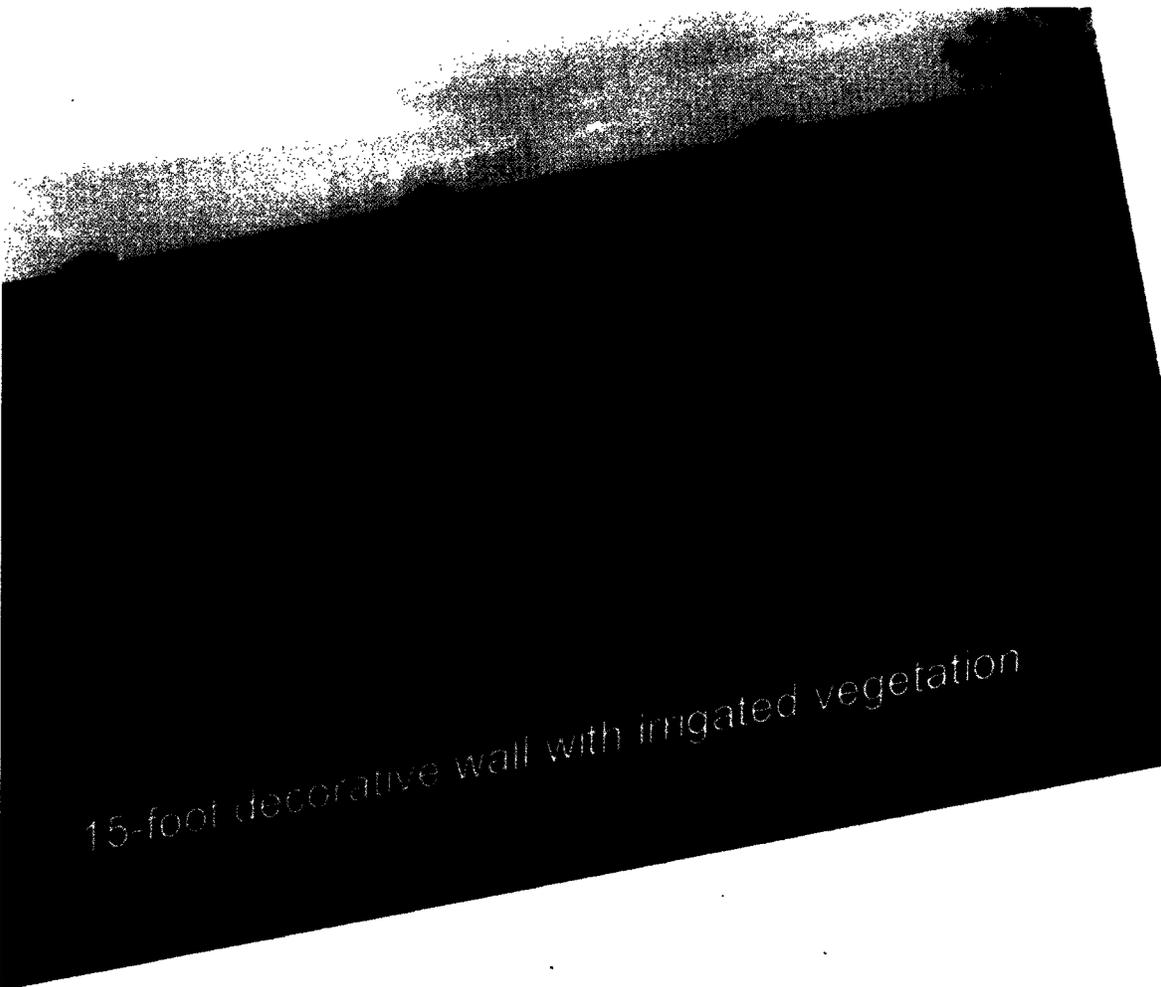
View looking Southeast



**delmarva
power**

A PHI Company

View looking
Southwest



15-foot decorative wall with irrigated vegetation



A PHL Company

Issue #2

Effect of SVC on Magnetic Fields

Exponent



William H. Bailey, Ph.D.

Serve as a technical resource:

Measure magnetic field from substation

Summarize FMS, Inc. magnetic field modeling and Acentech, Inc. sound modeling

Discuss magnetic field results in context of:

conclusions from national and international health and scientific agencies and exposure guidelines for general public

EMF stands for electric and magnetic fields,
particularly those associated with electricity

EMF are produced by natural and man-made sources
that surround us in our daily lives

Electricity produces EMF that changes direction and
intensity 60 times per second – a frequency of 60 Hertz
(Hz)

Electric fields result from voltages

Measured in units of volts per meter (V/m) or kilovolts per meter (kV/m)

1,000 V = 1 kV

Strength diminishes as you move away from the source

Shielded by objects such as trees, shrubs, or walls

Research has focused on magnetic fields

Magnetic fields result from electric current flow

Daily, weekly, seasonal variations in current flow

Measured in gauss (G) or milligauss (mG)

1,000 mG = 1G

Strength diminishes as you move away from the source

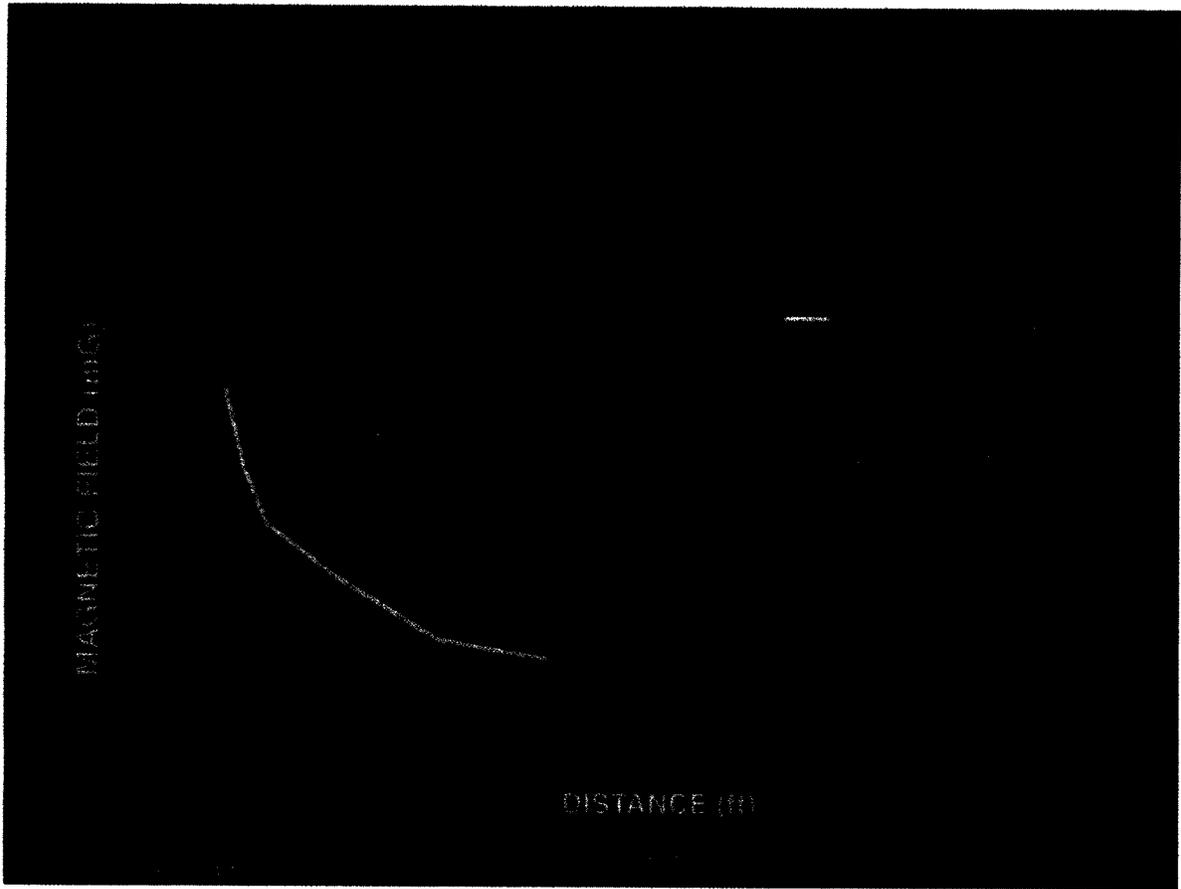
Not shielded by objects such as trees, shrubs, or walls

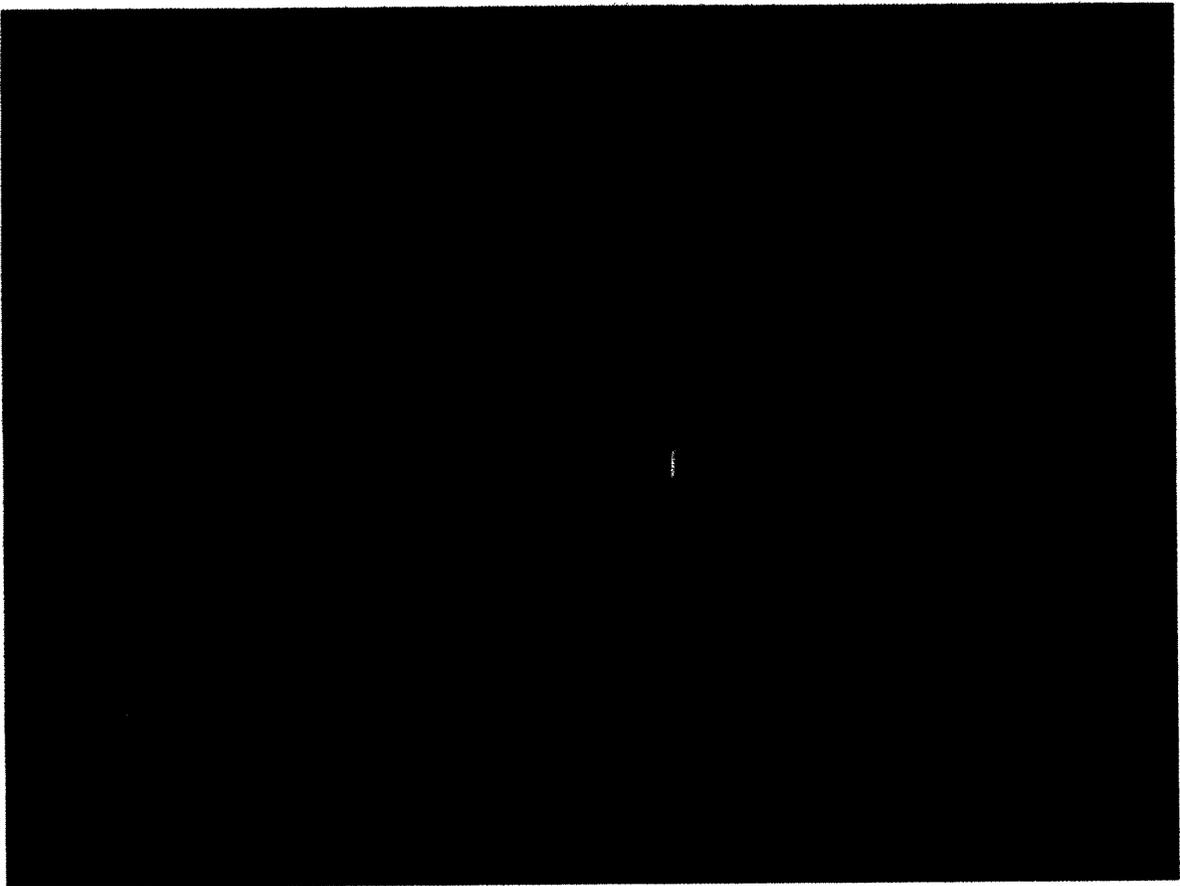
Appliances

Electrical wiring

Nearby distribution and transmission systems

Currents flowing on building grounding
systems and water pipes





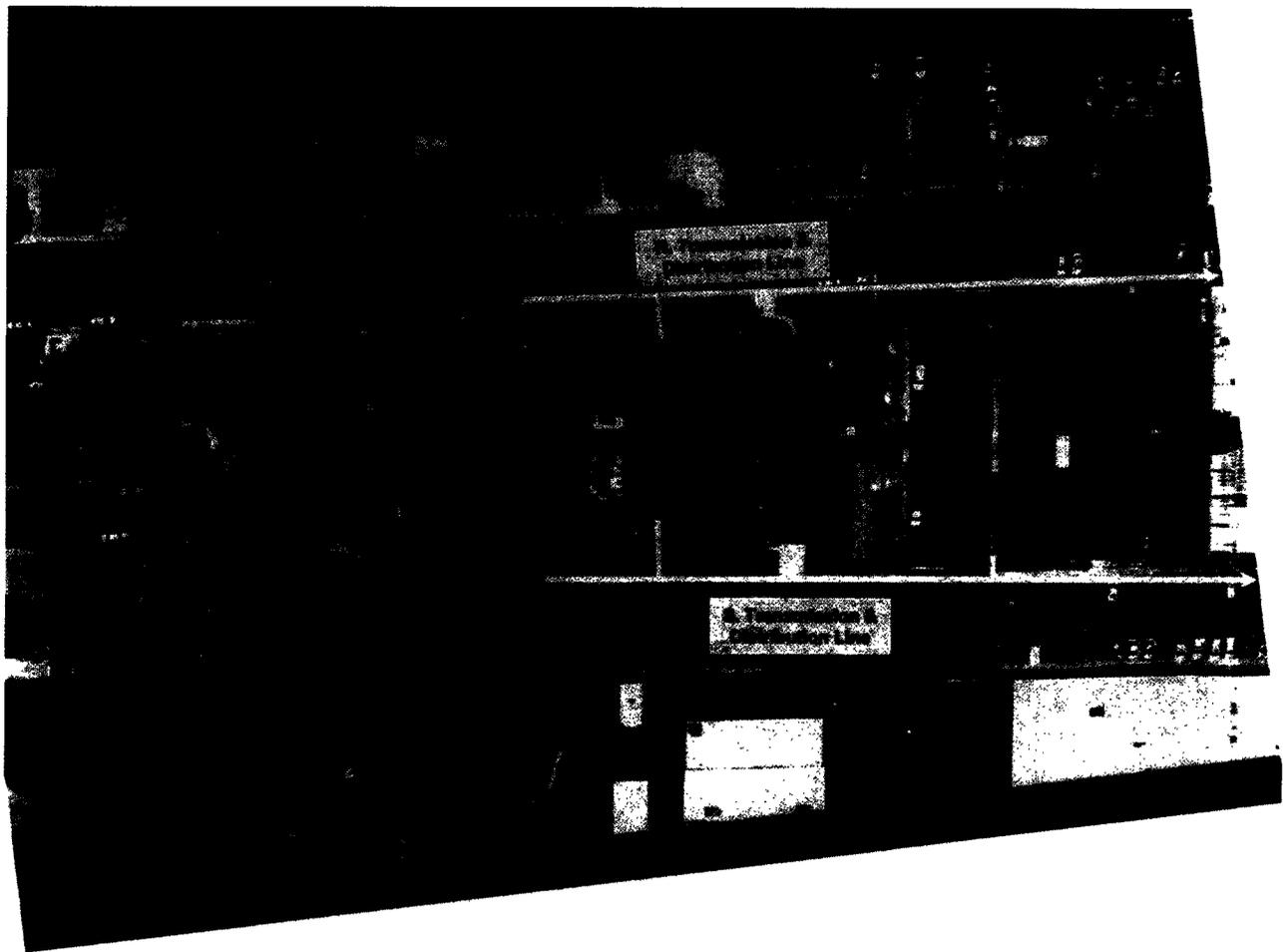
[The text in this section is extremely faint and illegible. It appears to be a list or a series of entries, but the content cannot be discerned.]

Existing substation

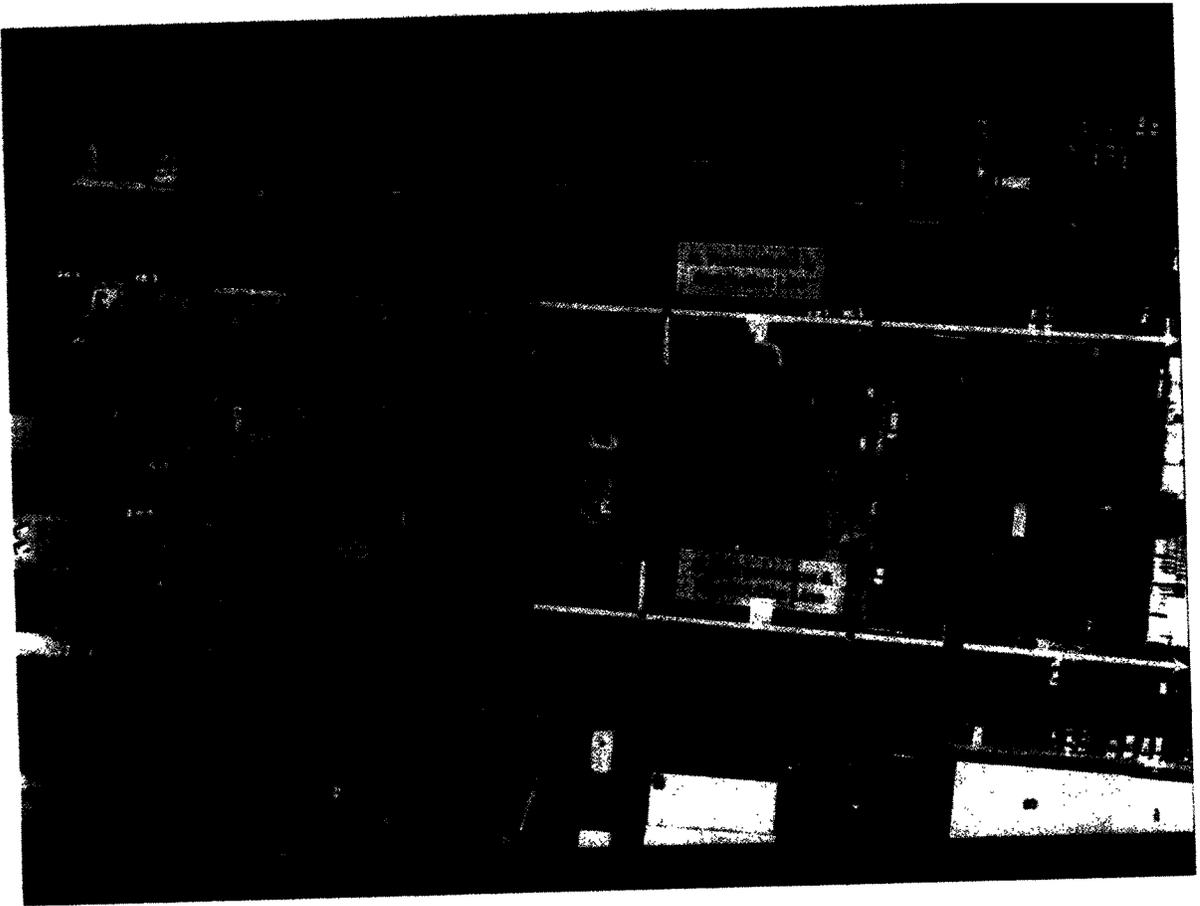
Existing transmission/distribution lines

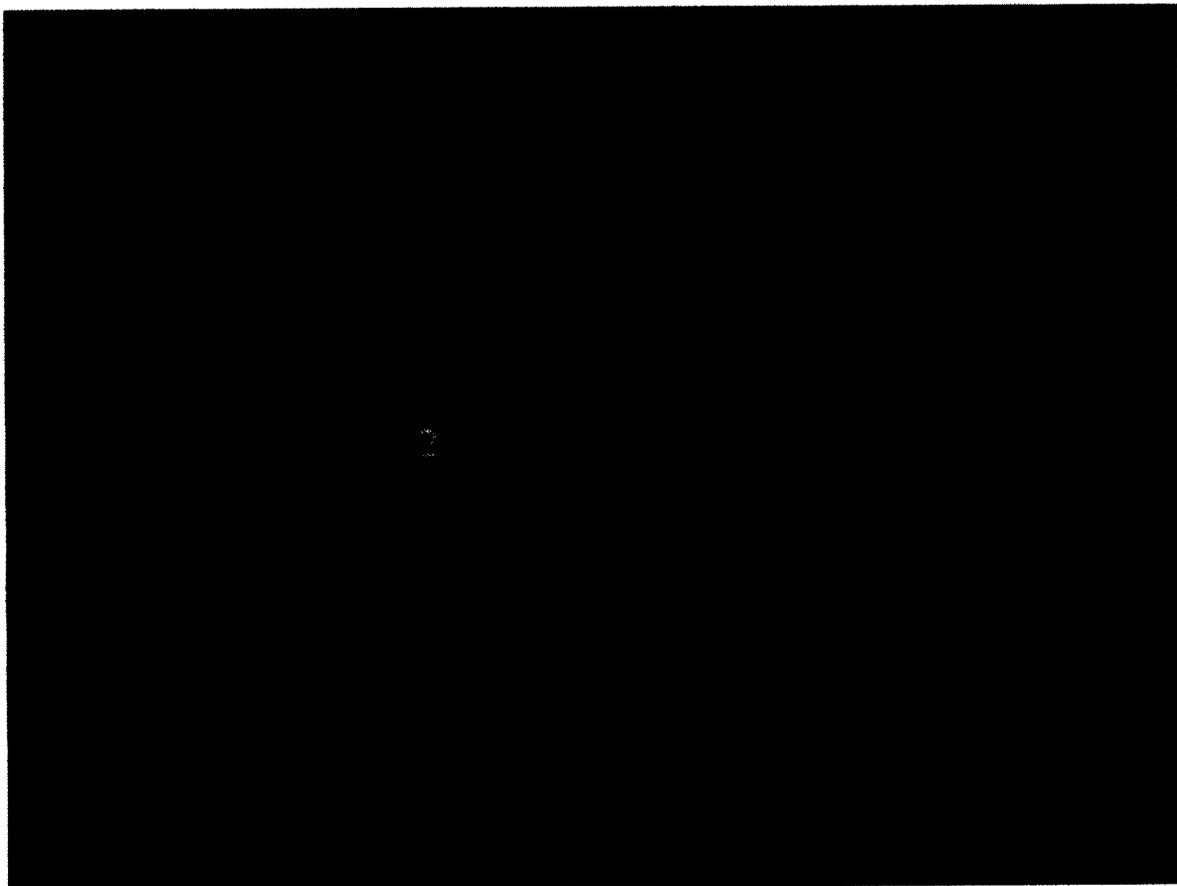
Magnetic fields from existing sources will
change little

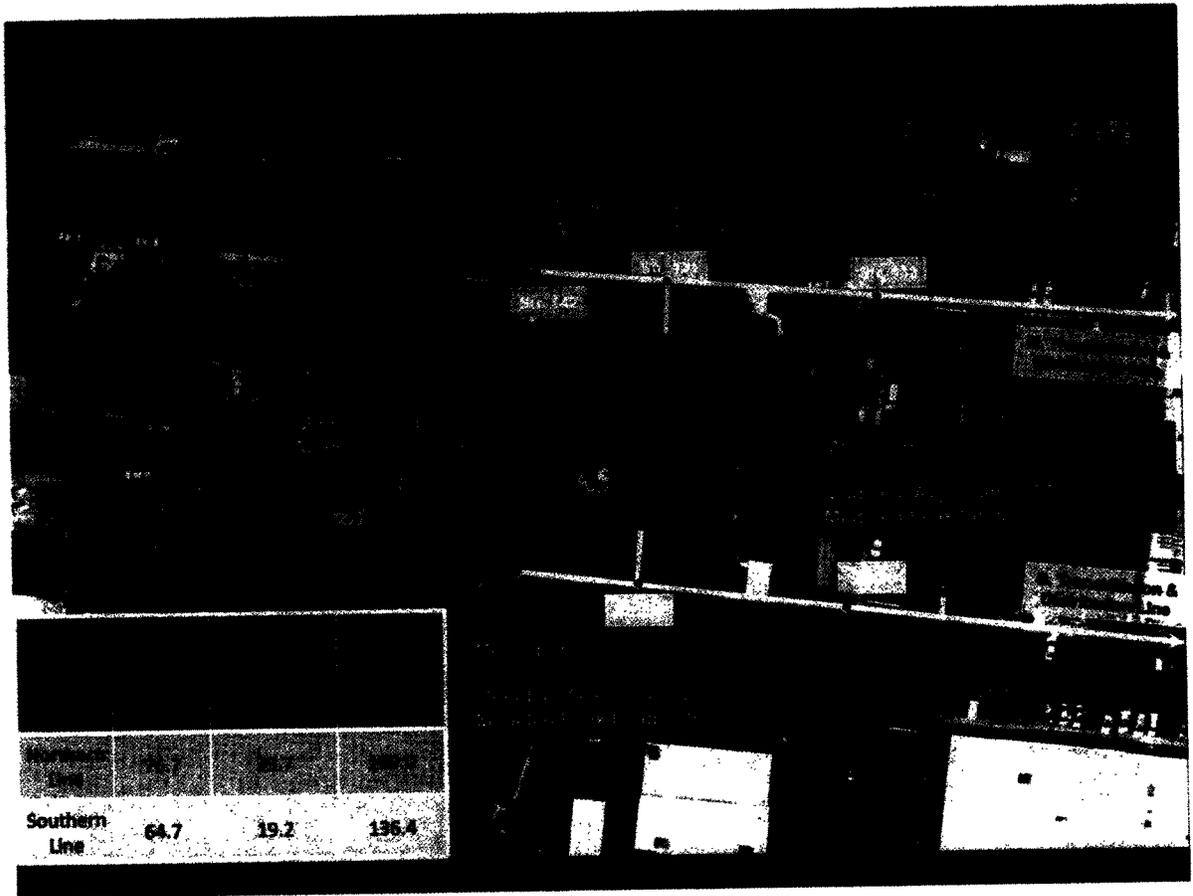
The source of magnetic field is the
SVC











Average Loading

Residential areas (north and west sides): < 1 mG increase

Commercial / Industrial areas (east and south sides): 10 to 15 mG increase

Peak Loading

All areas: less than 2 mG change

Delmarva considered several different options:

Undergrounding

Very expensive

Much longer time to restore service than OHL

Construction impacts

Residual visual impact

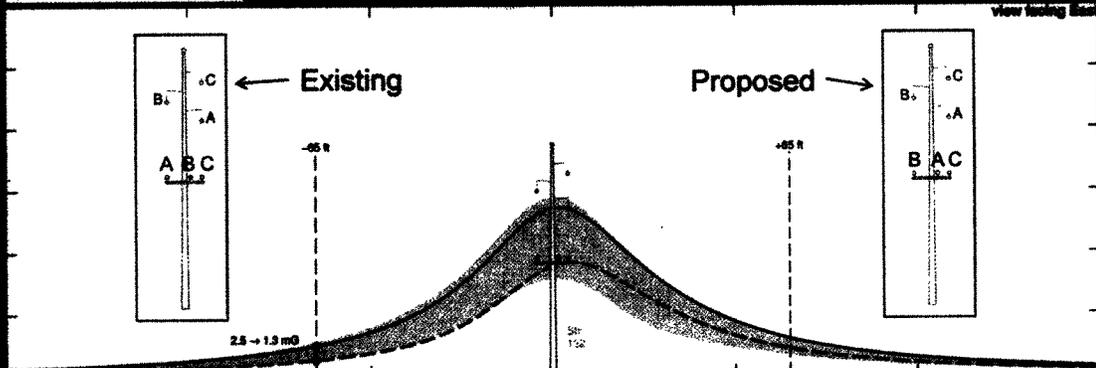
Optimal phasing of distribution or TL line

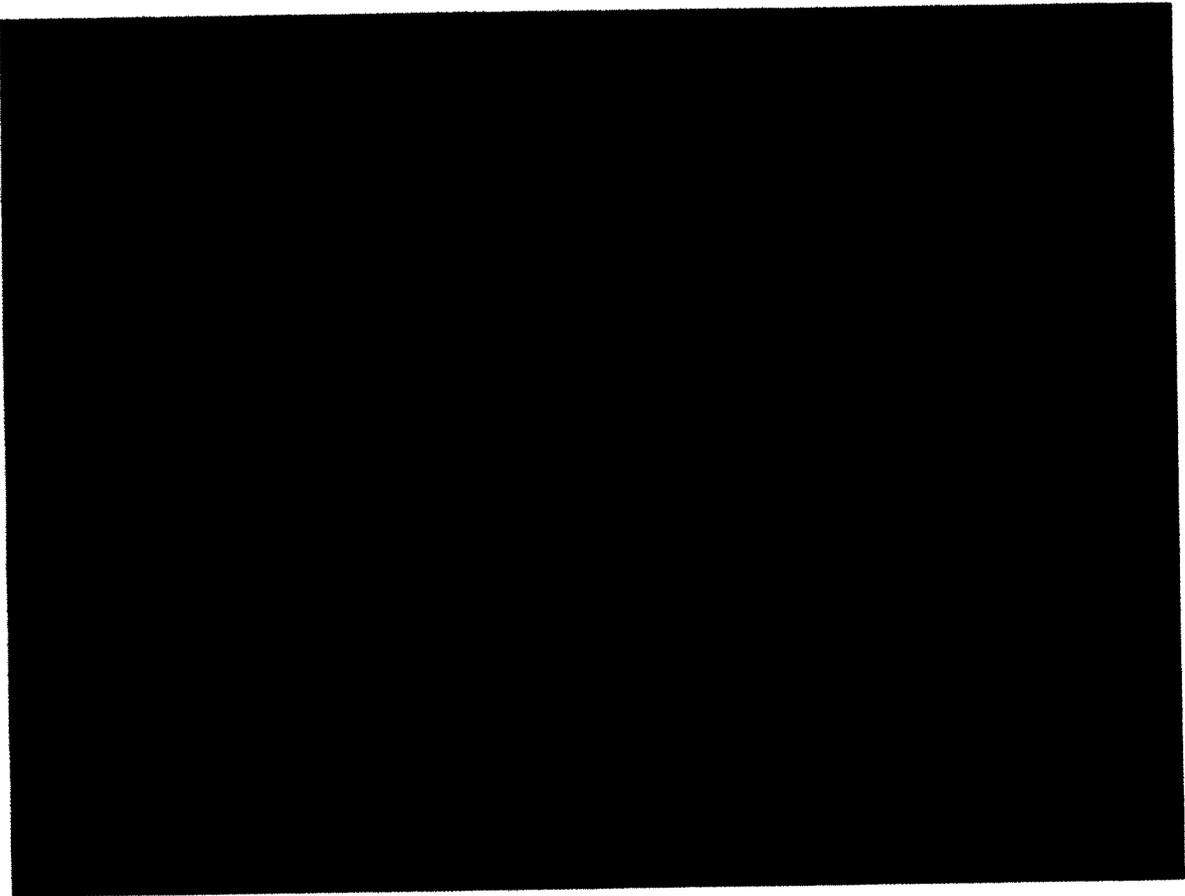
Inexpensive & easily accomplished

No construction impact

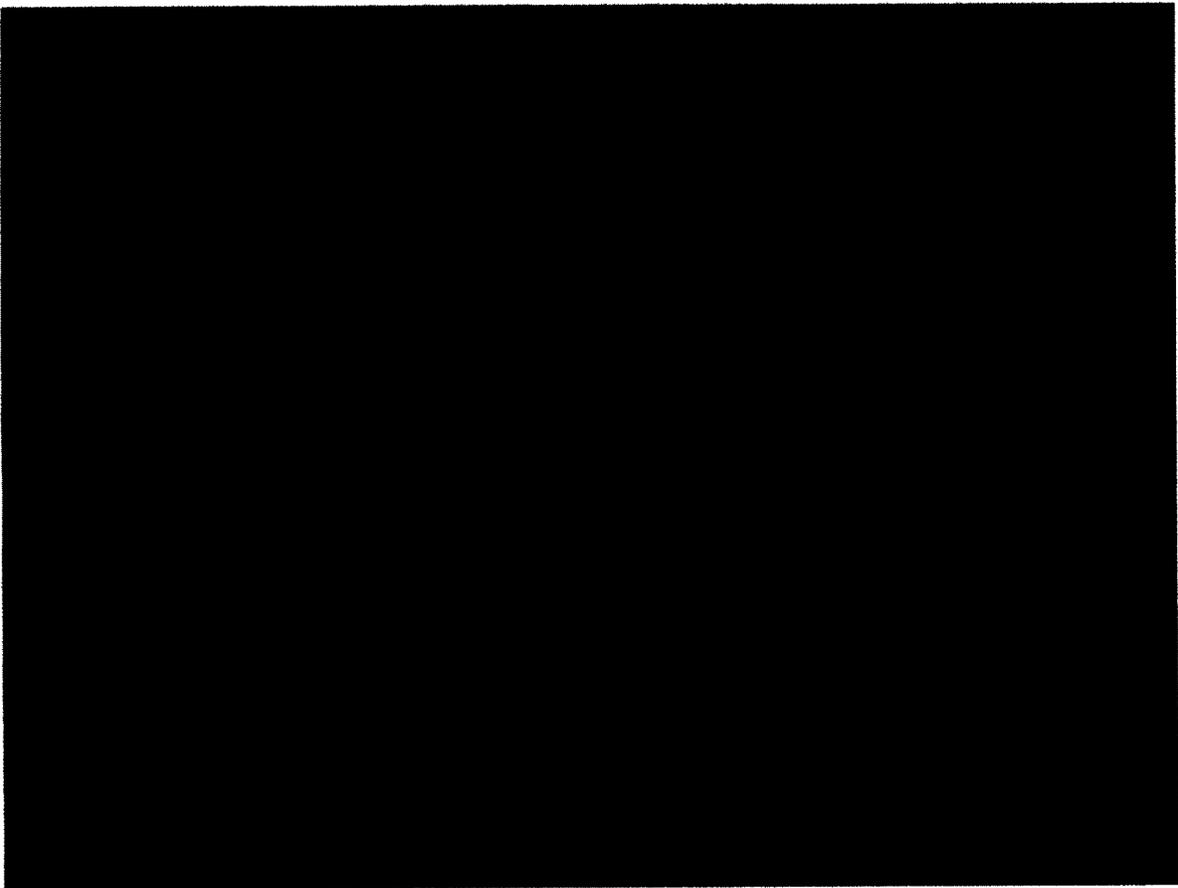
No change in visual impact

Existing Phasing: ABC
Proposed Optimal phasing: BAC
Envelope for all phasing alternatives





[The remainder of the page is blank white space, with no visible text or markings.]



[The remainder of the page is blank white space, with no visible text or markings.]

Large panels, balanced composition
Experts in multiple disciplines
Defined methodology
Conclusions represent a consensus

- 1998 National Institute for Environmental Health Sciences (NIEHS)
- 2002 International Agency for Research on Cancer (IARC)
- 2003 International Commission on Non-Ionizing Radiation Protection (ICNIRP)
- 2004 Health Protection Agency (HPA)
- 2007 International EMF Project, World Health Organization (WHO)

2007-2008 Swedish Radiation Protection Authority (SSM)

2007-2009 Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR)

2009 Health Council of Netherlands (HCN)

2010 International Commission on Non-Ionizing Radiation Protection (ICNIRP)

2010 European Health Risk Assessment Network on Electromagnetic Fields (EFHRAN)

They agree that there is little evidence suggesting that EMF is associated with adverse health effects

They believe that there is some epidemiologic evidence that magnetic fields at high average exposures are statistically associated with childhood leukemia

They agree that the laboratory data does not support a link between EMF and any adverse health effect, including leukemia

They have not concluded that EMF is known to cause any disease

Exposure (60 Hz)

Maple, Mo. 1988

(CNIRE) (2010)

Exposure (60 Hz)

Maple, Mo. 1988

(CES (2002)

Exposure (60 Hz)

Maple, Mo. 1988

Magnetic fields from the substation and associated transmission/distribution lines fall in the range of exposures encountered in daily activities

The proposed addition of the SVC will not markedly affect existing magnetic field levels at residences because of design and location choices

Delmarva Power has committed to apply optimal phasing to the related northern transmission line

Research has not prompted any scientific or health agency to conclude that EMF are harmful at levels encountered in daily life

EMF from transmission lines are far below recommended guideline values from ICNIRP and ICES

Issue #3

Sound

Sound studies conducted



A PHI Company

- Sound level from the expanded substation is expected to be comparable to existing sound levels
- Delmarva Power will comply with local sound ordinances
- Delmarva Power is investing in low sound SVC equipment
 - Specifically, the new power transformer, capacitors, and inductors are special low sound design.
 - The SVC cooling system will also use low speed fans to reduce its sound level.
 - The equipment is being installed as close to the ground as possible rather than on elevated structures. This helps not only the appearance of the station, but also reduces the sound leaving the site compared to equipment mounted on taller structures.
- Although primarily focused on aesthetics, the proposed decorative wall will provide more sound absorption than existing chain link fence and vegetation that currently exists

Sound studies conducted



A PHI Company

- Acoustics consultant performed sound level survey of the areas around the existing 138th Street Substation
- Nighttime measurements were taken between midnight and 1 a.m. while daytime measurements were taken between 8 a.m. and 9 a.m.
- At perimeter of existing substation on the sidewalk, levels of *total sound* were found to be an average of 51 dBA at night and 54 dBA during the day. This includes *all* sound sources in the area, not just the substation. Other sources of sound include traffic, wind, residential heat pump, etc.
- The manufacturer of the SVC equipment has completed a sound study of the expanded substation to show the sound levels that can be expected in the surrounding areas.
- The results of their study show that sound levels from the expanded substation in the surrounding areas are calculated to be 42 dBA or less. Across the streets to the north and west at the residential properties, the sound levels are calculated to be 40 dBA or less.

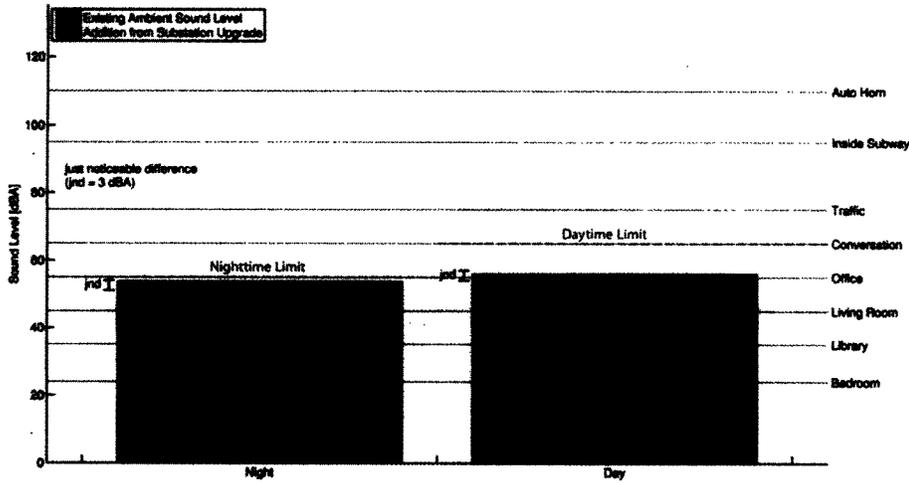
Sound Level	Sound Source

db is a measurement for sound intensity.

Sound study summary



A PHI Company



dBA is a measurement for sound intensity.

- Based on the sound study, we expect the sound level from the expanded substation to be comparable to what currently exists
- Sound requirements in Ocean City are 55 dBA at night and 65 dBA during the day and we expect to comply as we do today
- The sound from the substation should be difficult to detect at the neighboring residential properties.



Issue #4

Changes in neighborhood density since 1974

Changes in density



A PHI Company

- Ocean City's change in density through the years essentially underscores the need for infrastructure enhancements such as the SVC.
- Over the last 50 years, Delmarva Power has monitored the steady load growth in Ocean City and has responded with reliability improvements that sometimes call for the addition of electrical infrastructure.
- In this case, placing the SVC inland or to the north in Delaware will not resolve the reliability issues in Ocean City since Ocean City is where the demand and voltage fluctuations are occurring.

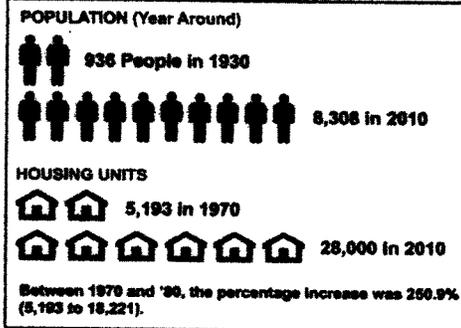


Changes in density



A P&H Company

According to the Town of Ocean City Comprehensive Plan, *the average total summer population is about 264,000 with a peak in the 350,000 range.* Meanwhile, the year round population has risen from 936 in 1930 to 8,308 in 2010. Total housing units in Ocean City have increased from 5,193 in 1970 to more than 28,000 in 2010. However, between 1970 and '80, the percentage increase was 250.9% (5,193 to 18,221).



To meet the continuing and increasing demand in Ocean City, Delmarva Power has kept pace with the growth through the addition of new infrastructure including poles, wires and substations. In particular, north Ocean City has seen dramatic growth and changes in density over the last 30 years as evidenced in the aerial photographs in the next several slides.



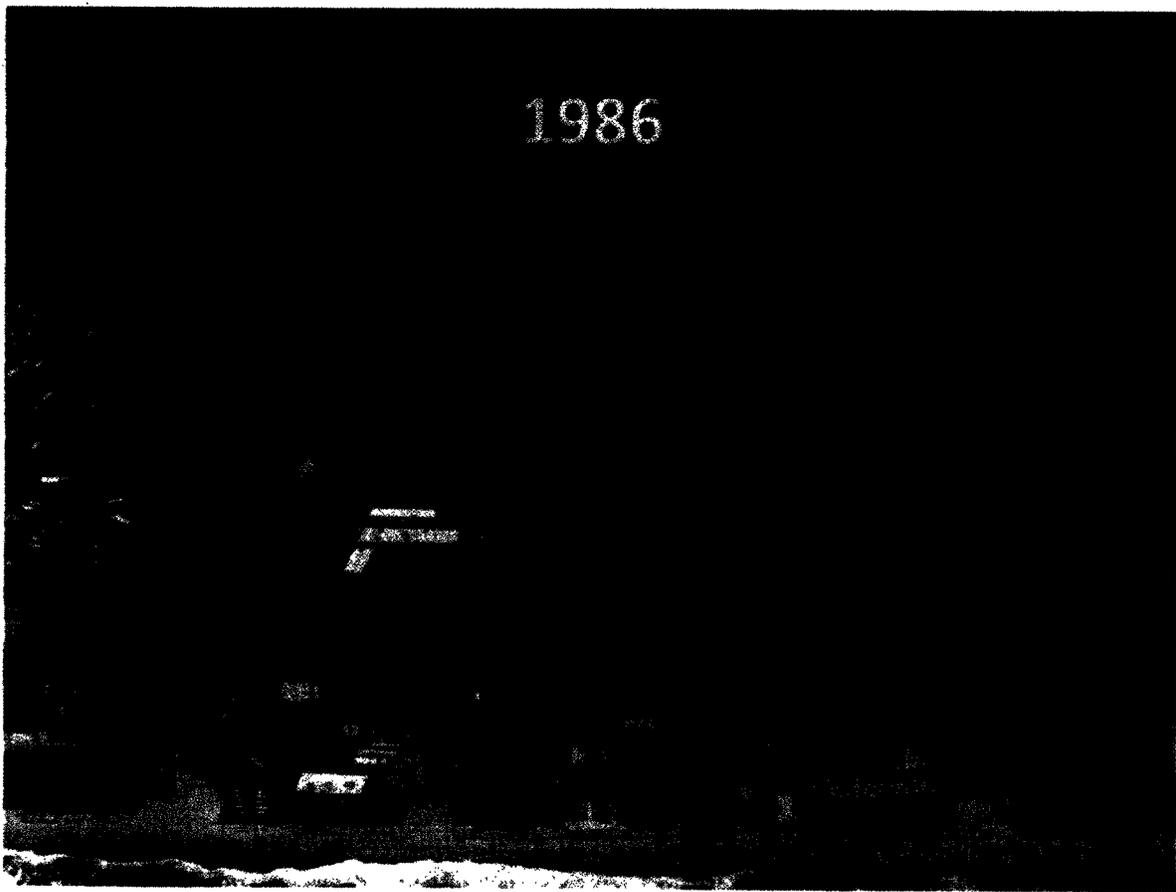
1971

A PHI Company

Issue #4

Changes in neighborhood density since 1974

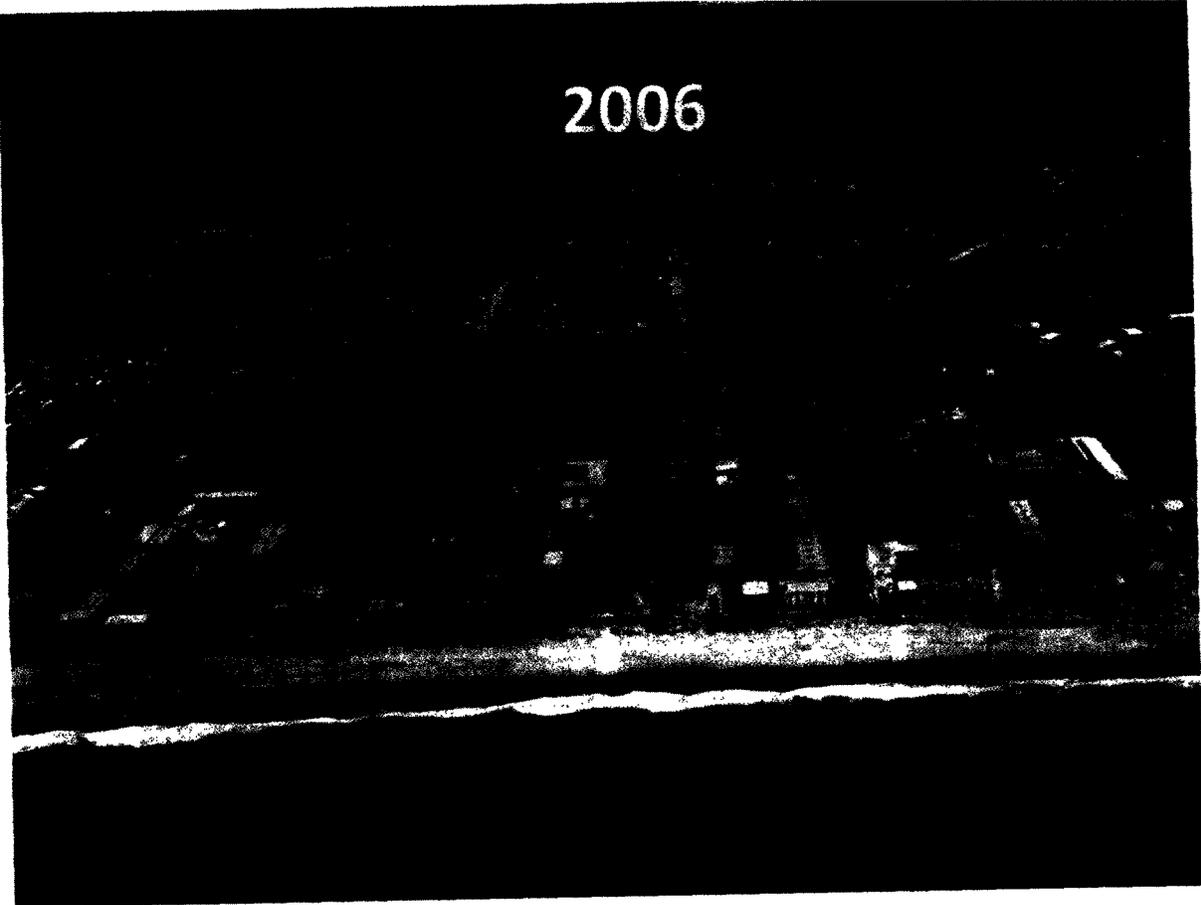
1986



Issue #4

Changes in neighborhood density since 1974

2006



Issue #4

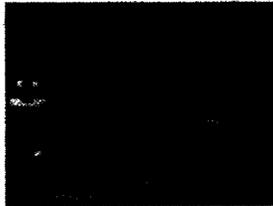
Changes in neighborhood density since 1974

Keeping pace with growth in Ocean City through the years



A PHI Company

- Records show that Delmarva Power purchased land in 1939 to construct its Ocean City Substation at 2nd Street.
- As the growth from south to north continued in Ocean City, so did our commitment to keep pace with that growth with land purchases for additional substations:
 - 1953 - Ocean Bay Substation (85th Street)
 - 1960 - Maridel Substation (41st Street)
 - 1974 - 138th Street Substation



1939
Ocean City
Substation
(2nd Street)



1953
Ocean Bay Substation
(85th Street)



1960
Maridel Substation
(41st Street)



1974
138th Street
Substation



138th Street expansion

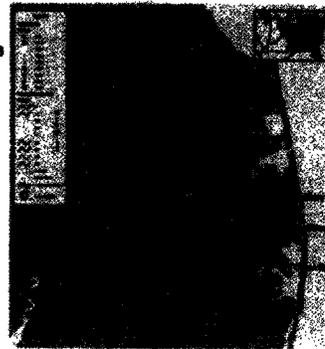
Regional grid operator calls for voltage regulation to prevent voltage collapse in Ocean City



A PHI Company



- Baseline upgrade to install 50 MVAR SVC at the 138th Street 138 kV bus (B0878) is replaced with install 75 MVAR SVC at the 138th Street 138 kV bus due to N-1-1 criteria violation
- Original Estimated Project Cost: \$8.66M
- New Estimated Project Cost: \$22.8
- Expected IS Date: 6/1/2013



- With the continued growth and changes in density, regulating voltage has become a challenge for Delmarva Power in Ocean City. Voltage regulation is further complicated by the extreme highs and lows in usage depending on the season. During times of peak demand, the SVC will control voltage swings/dips and prevent voltage collapse. During the off season when the load is lighter, the SVC will help ensure system voltages do not exceed their allowable maximum limits.
- The 138th Street area of Ocean City has been targeted for voltage regulation by Delmarva Power and regional grid operator PJM Interconnection. A mandatory NERC N-1-1 criteria study resulted in the need for a SVC in northern Ocean City in an effort to prevent cascading and/or extended outages in the event multiple transmission services into Ocean City are interrupted

Source: PJM Interconnection Transmission Expansion Advisory Committee



138th Street expansion

Regional grid operator calls for voltage regulation
to prevent voltage collapse in Ocean City



A PHI Company

 DPL Transmission Zone

- Baseline upgrade to install 50 MVAR SVC at the 138th Street 138 kV bus (B0676) is replaced with install 75 MVAR SVC at the 138th Street 138 kV bus due to N-1-1 criteria violation
- Original Estimated Project Cost: \$8.65M
- New Estimated Project Cost: \$22.8
- Expected IS Date: 6/1/2013



Source: PJM Interconnection Transmission Expansion Advisory Committee





A PHI Company

Issue #5

Property Valuation

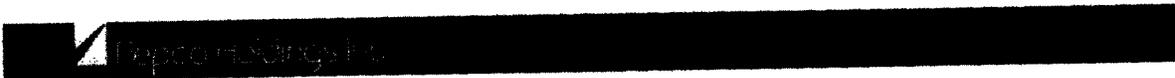
 Duke Energy

Property valuation



A PHI Company

- There are numerous variables that dictate the valuation of properties. This holds true in the location of Delmarva Power's 138th Street Substation. Clearly, the overriding property valuation drivers in Ocean City are the geographical features and qualities of the area such as the ocean, bay and resort community lifestyle.
- Delmarva's existing substation is positioned adjacent to the town's utility infrastructure and both predate the surrounding residential and commercial communities they serve.
- In expanding the existing substation, Delmarva Power is proposing a decorative wall around the substation perimeter, exceeding its normal substation construction standards to enhance the visual aesthetics of the property. Although this project increases the utility infrastructure footprint, this project with its enhancements is an allowable, consistent use in its proposed location.

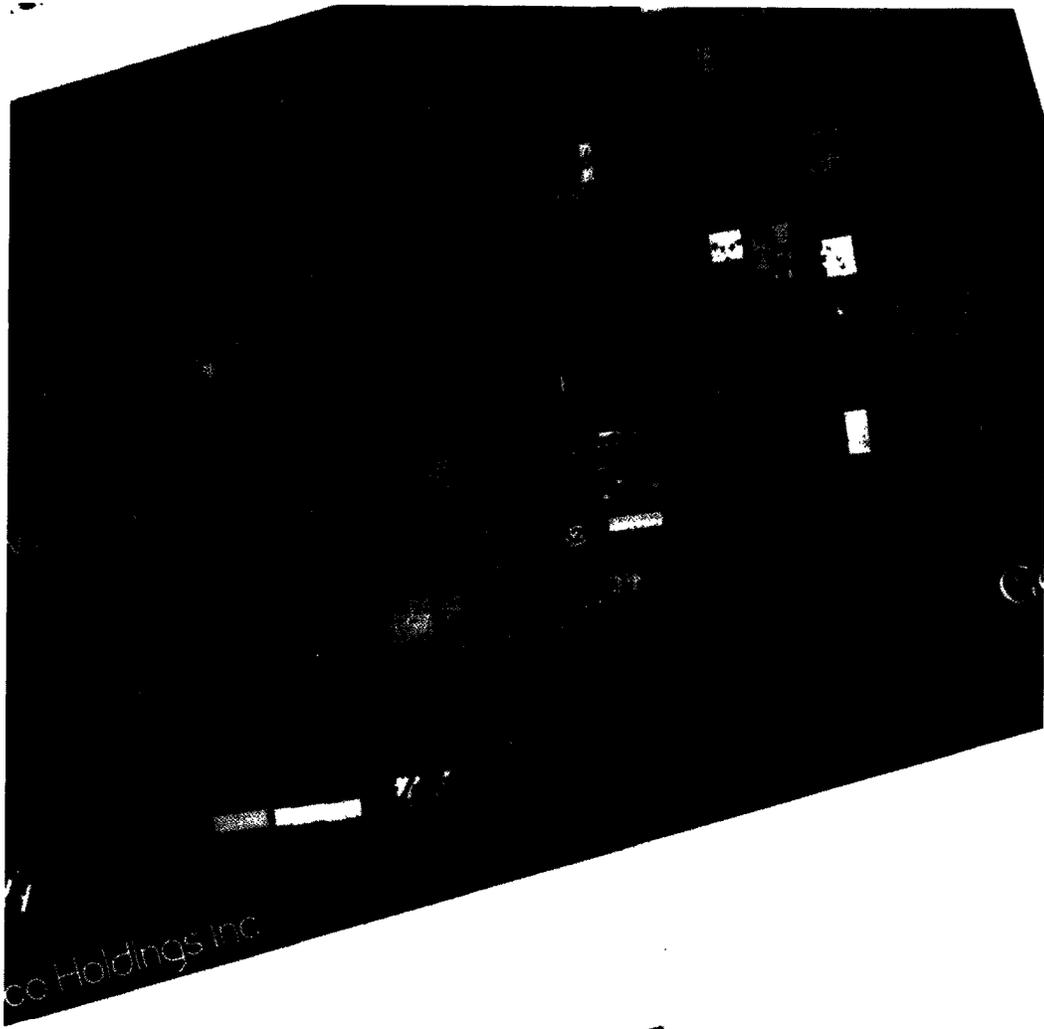


Property valuation



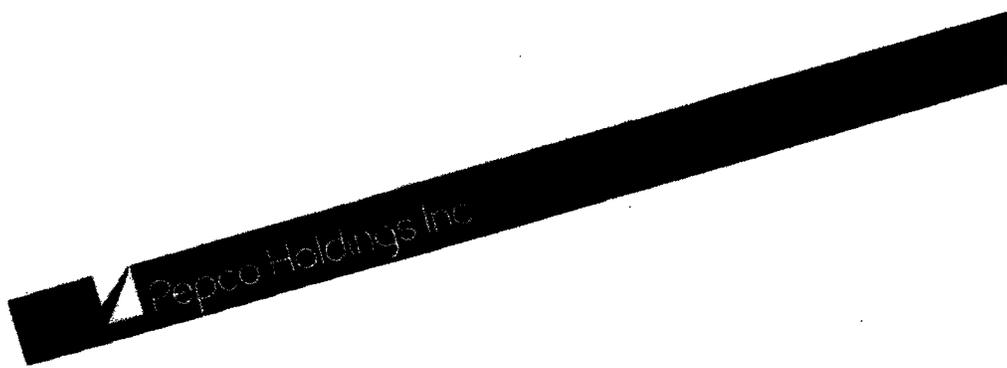
A PHI Company

- According to the Worcester County Office of the Maryland State Department of Assessments and Taxation, there is no concrete evidence through sales data to suggest a reduction in the land rate for parcels in close proximity to the 138th Street Substation.
- Assessments of each parcel are broken down into the 1) land assessment and 2) improvement assessment. Land assessment is determined based upon a review of sales in a particular area after allocating a portion of the sales prices to the improvements on a particular property that was sold. The improvement assessment is performed on a mass-appraisal basis utilizing construction costs, depreciation rates, quality/type of construction, age of the structure and other relevant data.
- An improvement assessment is irrelevant since the value for a particular structure will be the same regardless of where the structure is located. However, land rates will vary depending upon several factors such as location or the size of a lot in a particular area. For example, an ocean block lot will have a much higher land rate than a bayside interior lot, even within the same zoning classification.



co Holdings Inc

Issue #5
Property Valuation



Issue #6

Alternative Locations

Selecting North Ocean City



A PHL Company

- In planning for the Static Var Compensator (SVC) project in Ocean City, Delmarva Power studied a variety of alternatives before settling on the expansion of its existing 138th Street Substation.
- Based on requirements outlined by regional grid operator PJM Interconnection, the SVC needs to be located in northern Ocean City and connected to the Delmarva Power transmission system. This means that proximity to an existing substation is important. The two substations in that part of the town are located at 85th Street and 138th Street.
- An option that Delmarva Power studied was creating a new electric utility substation on a one acre lot owned by the company at 100th Street. To utilize the 100th Street location, Delmarva Power would need to interconnect with our Ocean Bay Substation at 85th Street. That would necessitate a 15-block underground cable installation along Coastal Highway.

Selecting North Ocean City



A PHL Company

- Delmarva Power took numerous issues into consideration to make the decision including project costs, access to existing electrical infrastructure and the overall construction disruption that would be caused if we ran an underground feed from 85th Street to 100th Street.
- With these factors taken into consideration, it was decided to pursue the expansion of the 138th Street Substation where a utility footprint already exists. Installation at 100th Street would create an entirely new utility footprint within Ocean City that does not exist today.



What happens if the SVC is not installed?



A PH Company

- If something adversely affects the transmission system and there is no SVC, rolling blackouts and extended power outages could occur in Ocean City.
- Severe low voltages could occur during peak loading (summer months) and high voltages could occur during low loading (spring and fall months), which would result in damaged electrical equipment and loss of electricity throughout Ocean City for extended periods.
- For example, if service was interrupted on the 138 kV transmission line from Bishop, MD to 85th Street in Ocean City and 138th Street in Ocean City to Bethany Beach, DE, then damaging low voltages or blackouts would occur. This is only one of multiple contingency pairings which could result in damaging, disruptive conditions.

What happens if the SVC is not installed?



A PHL Company

- The SVC is needed to keep the transmission system within Ocean City stable if more than one transmission line supplying the town is lost. Placing the SVC outside of Ocean City will not help in this situation since the SVC would likely become separated from the town's transmission system upon loss of the transmission lines. This is why the SVC must be located within the town and why it will primarily benefit Ocean City.
- Another complicating factor is the pending retirement of unit #3 at the Indian River Power Plant near Millsboro, Del. One of the functions of this unit is to absorb reactive power during light loading to help prevent system voltage rises. The SVC can absorb this reactive power and keep the voltages on Ocean City's transmission system from climbing too high.
- Reactive power is a component of electrical energy that is needed to allow electrical motors to run. Too little reactive power on the system causes voltage to sag; too much reactive power causes voltage to increase.
- With the retirement of this unit, the SVC installation is more important to Ocean City than ever to maintain the appropriate voltage profile and avoid equipment damage and customer disruption.



Issue #7

Undergrounding of wires and equipment



Delmarva Power

Undergrounding



A PHE Company

- From a reliability perspective, Delmarva Power avoids placing transmission lines underground.
- Underground cable faults are often more difficult to locate and repair than problems on overhead lines. This means problems on underground lines could lead to lengthier power outages.
- In addition, a cable fault on an underground “transmission” line would cause a service interruption to thousands of customers as opposed to a cable fault on an underground “distribution” line which would affect a few hundred customers.



Undergrounding



A PHE Company

- Terminal structures would need to be located outside the substation, offsetting aesthetic benefits from a wall and shrubbery. The 138th St. Substation does not have room for the required terminal structures, which are larger than normal transmission poles.
- Underground lines are susceptible to the problems associated with flooding and soil composition issues. Hurricane Sandy was a good example.
- It is more expensive to install underground lines compared to overhead lines.



Timeline & Construction



A PHI Company

- 2010 and '11 – Delmarva Power began the process of finding suitable location, provided an overview to the town and eventually purchased properties adjacent to the substation
- October 2011 – Met with Caine Woods Community Association board of directors and provided information for newsletter
- November 2011- Sent letters to customers living across the street from the substation
- February 2012 – Hosted informational meeting at Elks Lodge
- February 2012 – Removal of homes on property adjacent to substation
- November 2012 – Workshop session with Caine Woods community
- Pending approval, project construction expected to begin in February 2013 with targeted completion in January 2014
- Delmarva Power will coordinate with the Town of Ocean City on work hours and construction-related issues

Ocean City SVC is necessary to improve reliability

- Delmarva Power is committed to providing safe and reliable service.
- We've been dedicated to the energy needs for our customers in Ocean City and across the Peninsula for many years.
- This project is necessary to ensure sustainable electric reliability and ensuring that we can meet your future energy needs.
- We have a long tradition of community service and look forward to continuing to be a good neighbor and a reliable source of energy for our customers.

**delmarva
power**

A PPL Company



 Pappas Holdings Inc.

Thank You & Questions

Memorandum

To: PLANNING COMMISSION FOR OCEAN CITY
From: JOSEPH G. HARRISON, JR.
Date: 12/4/2012
Re: DELMARVA POWER - 137th Street Substation Expansion Hearing

Members of the Commission:

I have been asked to research the real property tax assessment records for Worcester County to determine the land rate assessments of properties in the vicinity of the existing Delmarva Power Substation (the "Substation") located between 138th and 139th Streets, and between Sinepuxent and Derrickson Avenues. The purpose of the research was to determine if the residential assessors for the Maryland State Department of Assessment have made a determination that the land rates for those properties in the immediate vicinity of the Substation should be lower than for properties that are not immediately adjacent to it.

Summary:

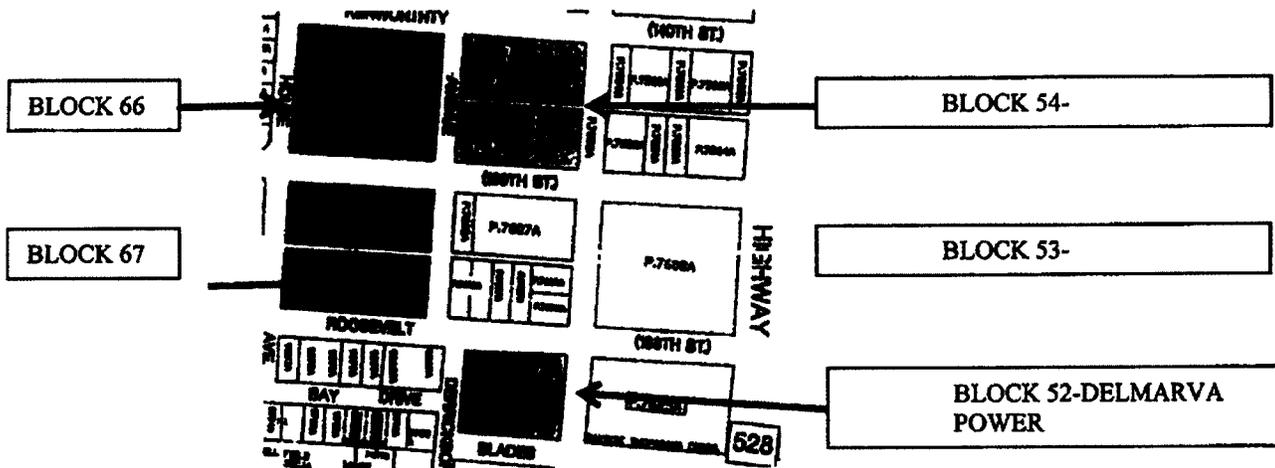
Based upon my review of assessments for the area surrounding the existing 137th Street Delmarva Power substation, I find that the land rates utilized by the residential assessors have not utilized a lower land rate for those properties that are adjacent to the Substation compared to those that are one, two or three blocks removed.

I also discussed the assessments with the assessor who is responsible for setting the residential assessments for the Caine Woods area of Ocean City and specifically asked her if her research indicated whether proximity to the substation had a detrimental impact on sales prices. She did not find that sales prices were adversely impacted by proximity to the substation.

Discussion:

The tax map for the immediate vicinity of the substation is shown below.

December 4, 2012



The substation is in Block 52 of the Fenwick Plat, and highlighted in Green.

First, a word about assessment practices.

The real property assessment of each parcel is broken down into two parts: the Land Assessment and the Improvement Assessment. The Improvement Assessment is performed on a mass-appraisal basis, utilizing construction costs, depreciation rates and taking into account the type and quality of construction, age of the structure and other relevant data. The Land Assessment is determined based upon a review of sales in a particular area after allocating a portion of the sales prices to the improvements on a particular property that was sold.

For the purposes of my research, I was only interested in the Land Rates used by the assessor. The Improvements Assessment is irrelevant, since that value for a particular structure will generally be the same regardless of where the structure is located. For example, identical houses could be constructed at the same time. One is located in the block immediately adjacent to the substation, while another is five blocks away. The Improvement Assessment for the two houses should be the same. The Land Rates, however, may vary, depending upon several factors, such as whether it is located on the bay waterfront or has water view, or is located in the ocean block and therefore closer to the beach and ocean. Other factors are also considered, such as a lot that is larger than or smaller than the general lot size in a particular area. Consider two lots with the same dimensions. One is located on the ocean block, and the other is located in the bayside interior portion of town. The ocean block will have a higher land rate than a the bayside interior lot, even if in the same zoning classification. Also, if there are factors that are particular to an area that affect the land value of a lot, that would be taken into account in setting the Land Rate.

The Land Rates are expressed in dollars per square foot. This is the basic measure of valuation utilized by the State Department of Assessments and Taxation in assessing residential properties in this part of Ocean City.

If the sales prices of properties in the vicinity of the Delmarva Power 137th Street Sub Station were lower than other properties a little further away, that should be reflected in lower Land Rates for those properties.

I therefore made a review of the Land Rates in the 49 parcels of land located in the four blocks shown on the above tax map, and found the following:

Block 53 Fenwick Plat – Highlighted in YELLOW:

In Block 53 there are four identically sized lots (7,250 square foot each) each improved by single family dwellings located on the north side of 138th Street. The Land Rates for each of those lots is \$22.64 per square foot. *These lots are the ones that are closest to the Substation, and would presumably be the lots most affected by proximity to the site.*

The remaining lots in the same block are on the southerly side of 139th Street have the same \$22.64 per square foot Land Rate.

Block 54 Fenwick Plat – Highlighted in BROWN:

There are six identically sized lots (7,250 square foot each) situated in Block 54 and located on the north side of 139th Street. Those lots are one block north of the Substation, and also have Land Rates of \$22.64.

There are seven lots situate in the same block on the southerly side of 140th Street. The mid block lots have the same \$22.64 Land Rate as those lots which are immediately adjacent to the Substation.. Those lots which have been reconfigured have slightly higher Land Rates to reflect the changed configuration.

Block 67 Fenwick Plat – Highlighted in BLUE:

There are fourteen 7,250 square foot lots in Block 67. With the exception of Parcel 7621A which is unimproved, each of those lots has a Land Rate of \$22.64. The unimproved lot has, in accordance with the standard procedure of the State Department of Assessments and Taxation, a credit for being unimproved. In this case the credit is \$10,000 which reduces the Land Rate for that lot to \$22.27.

Block 66 Fenwick Plat – Highlighted in RED.

The lots in Block 66 have varying configurations. For three lots that are on the southerly side of 140th Street, the Land Rate is \$22.68, virtually the same as those lots directly across the street from the existing substation. The remaining lots in Block 66 have slightly higher Land Rates, the reason being that the block has been reconfigured to eliminate the alley located in the other blocks, and the reconfiguration results in additional square footage for each lot and better building envelopes.

Block 55 Fenwick Plat (Not Shown, but immediately to north of 140th Street).

The Lots fronting on the north side of 140th Street have a Land Rate of \$22.64 per square foot.

CONCLUSIONS FROM LAND RECORDS REVIEW:

The Assessment Office has determined that there is no detrimental effect on sales prices of parcels of land adjacent to the 137th Street Delmarva Power Substation.

DISCUSSION WITH RESIDENTIAL ASSESSOR

I have also spoken with Catherine Hovance, who is one of the Residential Assessors for Worcester County, and who has been involved in assessing the residential properties in the blocks discussed above for the past two assessment cycles (properties are assessed every three years). Ms. Hovance stated that she has not seen any evidence in her review of sales over those two cycles that would warrant a lower Land Rate for properties that are adjacent to the Substation. This particular issue has been raised on one or two occasions by property owners who have appealed their assessment. However, upon her further more detailed review of sales in the neighborhood, she did not lower any of those assessments for reason of proximity to the Substation.

Planning & Zoning Commission
Ocean City, Maryland

Case 12-12100002

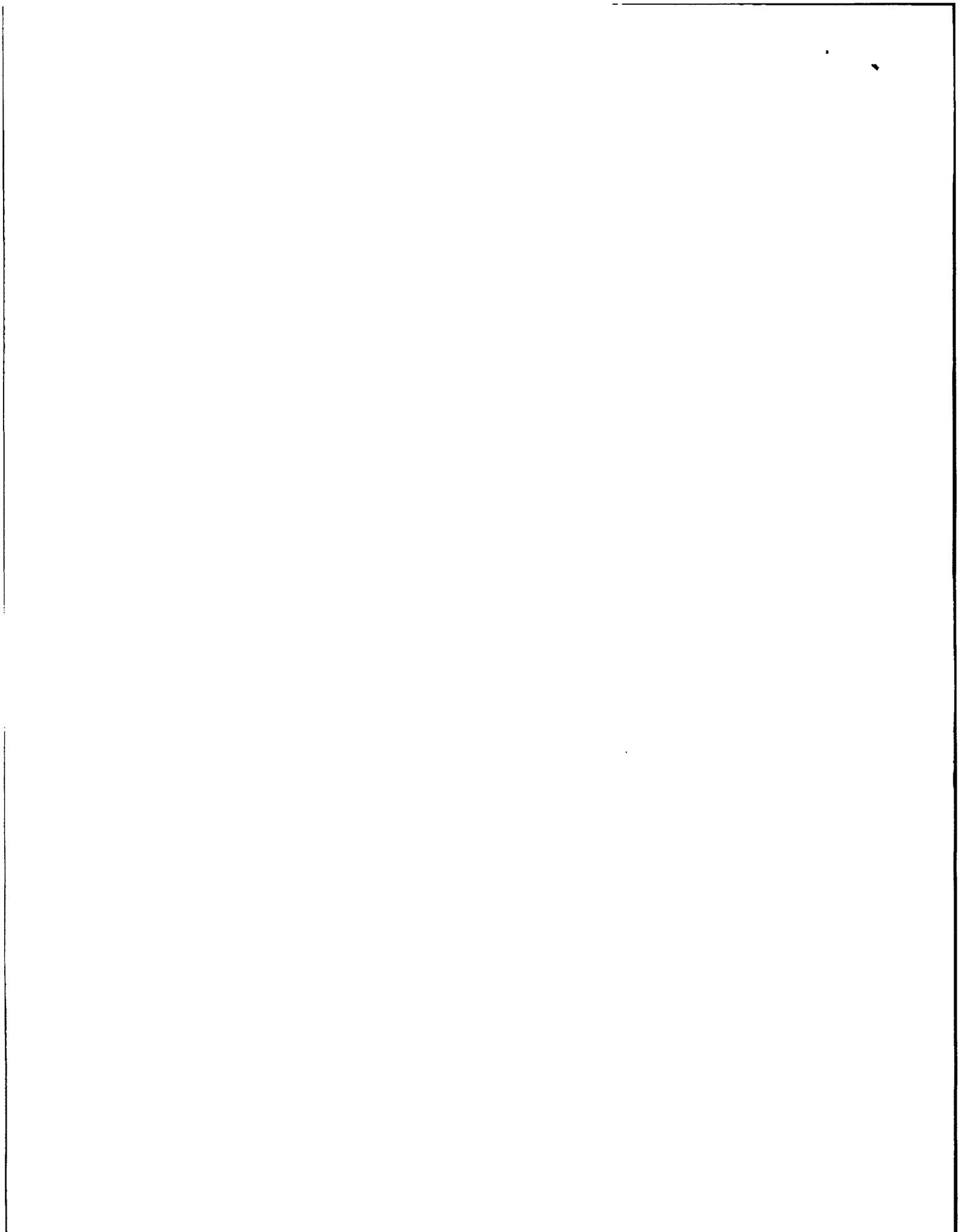
Exhibit #: 7 Date 12-1-2012

2011 Sales

I.D. & Zone	Transfer Date	Address	Sale Price	Enclosed Sq. Ft.	Price/sq.ft.	Parcel Number	Condo Unit #
A 2	1/7/11	400 139 th St	\$285,000	1,568	\$182	9191A	
B 3	1/13/11	606 Twin Tree Rd	\$260,000	1,232	\$211	9643A	
C 2	2/1/11	13701 Fountain Rd	\$245,000	1,300	\$188	9746A	
D 3	4/25/11	14012 Sea Captain Rd	\$265,748	1,342	\$198	9392A	
E 3	5/6/11	309 142 nd St	\$210,000	640	\$328	7392A	
F 2	5/13/11	13801 Sand Dune Rd	\$164,000	858	\$191	0123B	G84
G 2	5/25/11	13800 North Ocean Rd	\$180,000	858	\$210	0123B	C21
H 2	6/2/11	421 142 nd St	\$282,500	1,232	\$229	7382A	
I 2	6/14/11	501 141 st St	\$285,000	2,080	\$137	9318A	
J 2	6/30/11	13908 North Ocean Rd	\$160,000	1,056	\$152	9209A	6C1
K 3	7/14/11	706 Loop Rd	\$355,000	2,130	\$167	9421A	
L 2	7/26/11	13801 Sand Dune Rd	\$165,000	858	\$192	0123B	K12
M 2	7/28/11	13907 Sand Dune Rd	\$170,000	1,056	\$161	9209A	5B2
N 3	8/5/11	304 141 st St	\$175,000	1,120	\$156	7418A	11B
O 2	8/10/11	402 136 th St	\$219,000	1,248	\$175	9769A	
P 1	9/19/11	13607 Derrickson Ave	\$172,725	1,089	\$159	9812A	A
Q 1	9/21/11	314 South Bay Dr	\$199,900	1,152	\$174	9770A	
R 3	9/26/11	207 143 rd St	\$320,000	2,100	\$152	7225A	
S 3	9/28/11	617 Twin Tree Rd	\$205,000	1,120	\$183	9553A	
T 3	10/13/11	411 Tunnel Ave.	\$175,000	836	\$209	7162A	6662
U 3	10/24/11	407 142 nd St	\$150,000	836	\$179	7162A	3633
V 2	10/31/11	13605 Sand Dune Rd	\$195,000	1,280	\$152	0123B	401
W 3	11/10/11	14200 Light House Ave	\$182,000	1,046	\$174	7181A	20402

2012 Sales

I.D. & Zone	Transfer Date	Address	Sale Price	Enclosed Sq. Ft.	Price/sq.ft.	Parcel Number	Condo Unit #
AA 3	1/9/12	513 Twin Tree Rd	\$206,000	1,456	\$141	9571A	
BB 3	3/12/12	415 142 nd St	\$255,500	1,062	\$241	7384A	
CC 2	3/19/12	13908 Fountain Rd	\$239,900	966	\$248	9186A	
DD 3	4/16/12	416 141 st St	\$236,500	1,794	\$132	7431A	
EE 2	4/19/12	309 141 st St	\$375,000	1,876	\$200	7436A	
FF 3	4/26/12	403 143 rd St	\$139,000	836	\$166	7162A	215
GG 3	5/7/12	14203 Sinepuxent Ave	\$180,000	1,008	\$179	7228A	A10
HH 3	5/9/12	404 141 st St	\$154,500	864	\$179	7427A	232
II 2	5/15/12	13800 North Ocean Rd	\$170,000	858	\$198	0123B	B11
JJ 2	5/18/12	13801 Sand Dune Rd	\$168,500	858	\$196	0123B	E74
KK 2	5/22/12	13801 Sand Dune Rd	\$160,000	858	\$186	0123B	K12
LL 2	6/5/12	14000 Sand Dune Rd	\$215,000	1,120	\$192	9203A	
MM 3	6/21/12	411 142 nd St	\$267,000	1,344	\$199	7386A	
NN 3	6/21/12	13701 Salling Rd	\$380,000	2,050	\$185	9629A	
OO 3	8/15/12	407 142 nd St	\$155,000	836	\$185	7162A	3233
PP 3	8/27/12	707 Twin Tree Rd	\$230,000	1,232	\$187	9496A	
QQ 2	8/31/12	13800 North Ocean Rd	\$173,000	858	\$202	0123B	I95
RR 1	9/10/12	320G Gorman Ave	\$190,000	1,184	\$160	9800A	TownH'se



SUMMARY

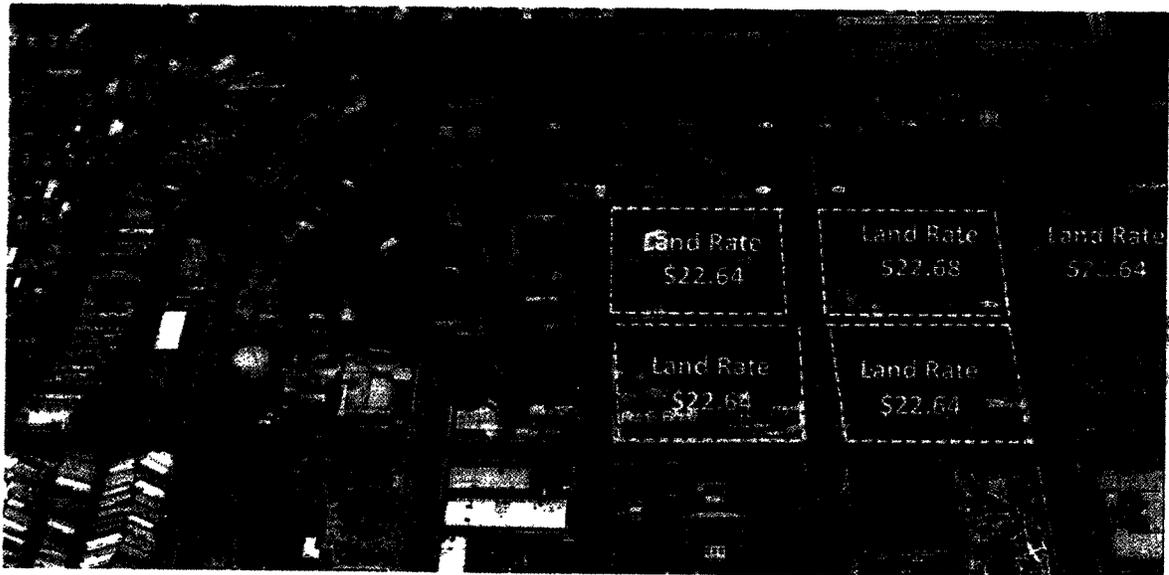
<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	
\$159	\$182	\$211	493 ÷ 3=164
\$174	\$188	\$198	3,391 ÷ 18=188
+ \$160	\$191	\$328	3,751 ÷ 20=188
<hr/> \$493	\$210	\$167	
	\$229	\$156	
	\$137	\$152	3,391
	\$152	\$183	+ <u>3,751</u>
	\$192	\$209	7,142 ÷ 38=188
	\$161	\$179	
	\$175	\$174	188
	\$152	\$141	- <u>164</u>
	\$248	\$241	24
	\$200	\$132	
	\$198	\$166	24 ÷ 164=14.63%
	\$196	\$179	
	\$186	\$179	
	\$192	\$199	
	+ \$202	\$185	
	<hr/> \$3,391	\$185	
		+ \$187	
		<hr/> \$3,751	

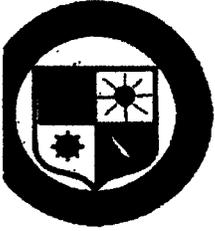
Planning & Zoning Commission
Ocean City, Maryland

Case 12-1210002

Exhibit # OPJ Date 12-4-2012

(collectively w/ large map)





TOWN OF
OCEAN CITY

The White Marlin Capital of the World

Reply to: Planning & Zoning Commission
P O Box 158
Ocean City MD 21843
410-289-8855 phone
410-289-8703 fax

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Delmarva Power & Light Company
c/o Mr. Neil Baker
2530 N. Salisbury Blvd.
PO Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A. Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland. (FILE #12-12100002)

This is to advise you that pursuant your request dated October 4, 2012 to be placed on the Planning and Zoning Commission agenda, the Commission will conduct a public hearing on Tuesday, December 4, 2012 at 7:00 PM in the Council Chambers of City Hall located at Third Street and Baltimore Avenue in the Town of Ocean City, Maryland.

At that time the Commission, appointed to be the hearing examiners for the Mayor and City Council, will consider the above-referenced request, with particular emphasis - as required by the Mayor and City Council - on 1) physical effects of electro-magnetic field exposure; 2) property value; 3) aesthetics; 4) noise; 5) alternative locations; 6) changes in neighborhood density since 1974; and 7) and underground wires and equipment.

Subsequent to the public hearing, the Commission will notify you as to their recommendation that will be forwarded to the Mayor and City Council concerning your request.

Sincerely,
Planning and Zoning Commission

Pam Brewer Buckley/ps

cc: David Recor, City Manager
Mayor and City Council
William E. Esham, III, Attorney for the Commission
Kevin Gregory, Attorney for the Commission
All Planning Commission Members
Regan J. R. Smith, Attorney for the Applicant

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

JAMES S. HALL
President

LLOYD MARTIN
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
JOE HALL
MARY P. KNIGHT
MARGARET PILLAS

CITY MANAGER
DAVID L. RECOR, ICMA-CM

CITY CLERK
KELLY L. ALLMOND, CMC

November 4, 2012

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



2001

City Hall - (410) 289-8221 • FAX - (410) 289-8703

Planning & Zoning Commission
Ocean City, Maryland

Case 12-1210002

Exhibit # ^{OFF.} 2 Date 12-4-12

Maryland, hereinafter referred to as the Code, same being the Zoning Ordinance for Ocean City, Maryland, notice is hereby given that public hearings will be conducted by the Board of Zoning Appeals for Ocean City, Maryland in the Council Chambers of City Hall located on Baltimore Avenue and Third Street, in the Town of Ocean City, Maryland on:

THURSDAY, NOVEMBER 15, 2012
at 6:00 p.m.

Pursuant to the provisions of Section 110-93(3), Powers, of the Code, an appeal has been filed pursuant to the provisions of Sections 110-95(1)(a) and 110-422(1)(i) requesting a variance to allow a distance of less than 10' between the sides of any two mobile homes or extensions thereof in the Sundowner Mobile Home Park (MH District). The site of the appeal is described as Lot 23 of the Sundowner Mobile Home Park Plat, further described as located on the north side of 134th Street between Coastal Highway and Sinepuxent Avenue, and locally known as 115-134th Street, in the Town of Ocean City, Maryland.

APPLICANT: DON BURILL - (BZA 2356 12-09600004)

Further information concerning the public hearings may be examined in the office of the Department of Planning and Community Development in City Hall.

Alfred Harrison, Chairman
Heather Stansbury, Attorney
OCD-11/1/2t



**PLANNING AND ZONING
COMMISSION**

**NOTICE
OF PUBLIC HEARING**

Pursuant to the provisions of Chapter 110, Zoning, of the Code of the Town of Ocean City, Maryland, notice



is hereby given that a public hearing will be conducted by the Planning and Zoning Commission in the Council Chambers of City Hall located at 301 Baltimore Avenue in the Town of Ocean City, Maryland on:

TUESDAY, DECEMBER 4, 2012

At 7:00 pm

Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 110, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 188th Street, in the Town of Ocean City, Maryland.

**APPLICANT: DELMARVA
POWER & LIGHT COMPANY - A
CORPORATION OF THE STATE
OF DELAWARE AND THE
COMMONWEALTH OF VIRGINIA
(FILE #12-1210002)**

No oral or written testimony will be accepted after the close of the public hearing.

Public hearings that are not completed at one meeting may be continued without additional advertised notice provided the Commission Chairman announces that the hearing will be continued and gives persons in attendance an opportunity to sign up for written notice of the additional hearing dates.

For further information concerning this public hearing, please contact the Department of Planning and Community Development, Room 242, City Hall, 301 Baltimore Avenue, Ocean City, MD 21842. Phone 410-289-8855.

**PLANNING AND ZONING
COMMISSION**

**PAM GREER BUCKLEY,
CHAIRPERSON**

**WILLIAM E. ESHAM, III,
ATTORNEY
OCD-11/8/21**

**Ronald B. Katz, PA
Eric A. Hartlaub
11403 Cronridge Dr.
Suite 230
Owings Mills, Md. 21117
410-581-1131**

**RONALD B. KATZ
and ERIC A. HARTLAUB,
Substitute Trustees
Plaintiffs**





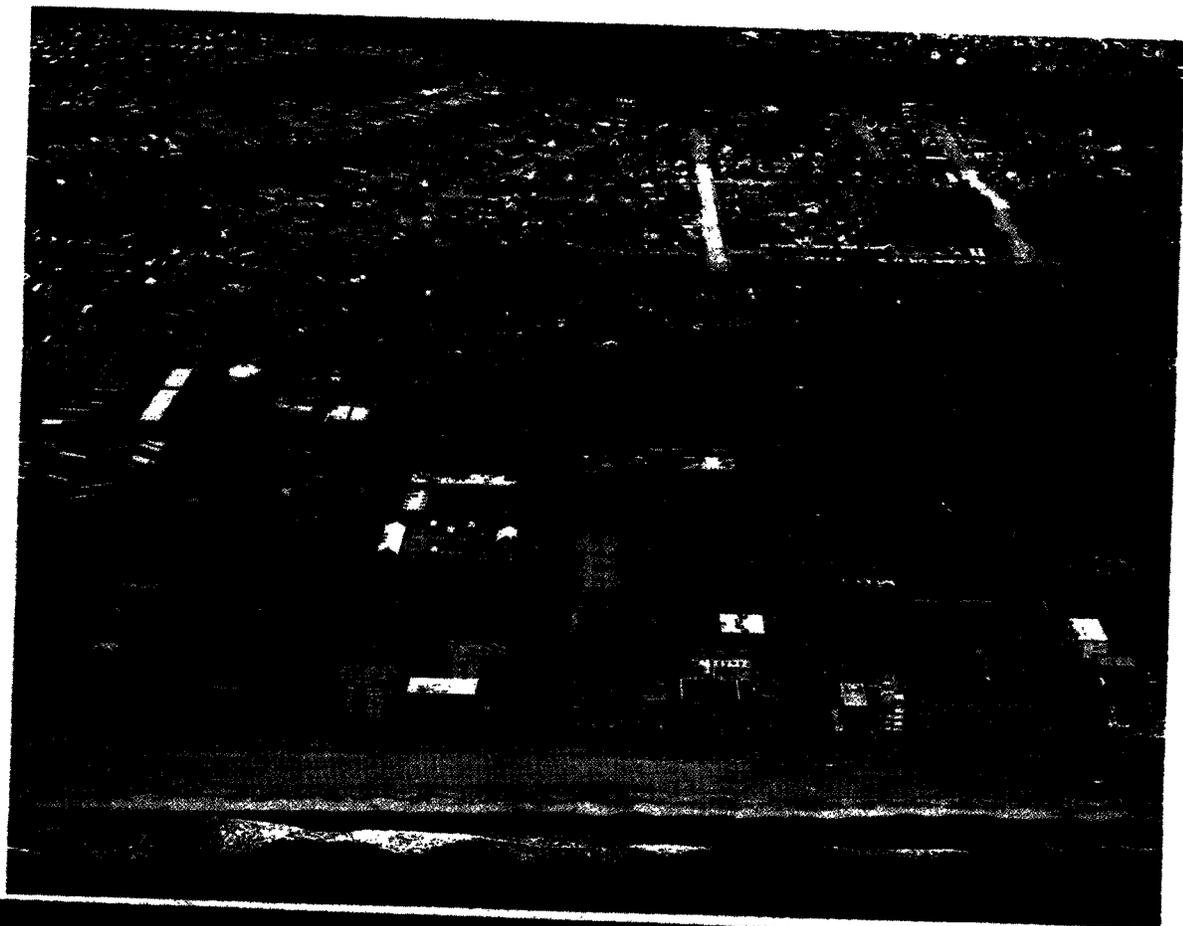




136th St. to 140th St.

Ocean Pitu. Maryland

The Photographer's studio
© 2004



Kay Stroud

From: Kevin Gregory [kgregory@ajgalaw.com]
Sent: Thursday, December 06, 2012 9:32 AM
To: Pam Buckley (pam.bps@verizon.net)
Cc: William Esham; Kay Stroud; Blaine Smith
Subject: Letter to Planning and Zoning Commission regarding 12/4/2012 Public Hearing
Attachments: Planning and zoning memo 12 5 2012-signed.pdf

Pam,

Attached, please find the memorandum letter requested by the Commission, addressing the opposition's objection to Tuesday night's hearing based on apparent clerical errors in the legal description of the property at issue, contained in the public notice.

Please do not hesitate to contact me with any additional questions relating to this matter.

I hope all is well and will look forward to speaking with you soon.

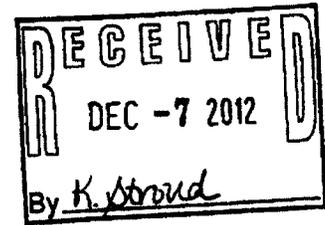
Sincerely,

Kevin

Kevin P. Gregory, Esq.
Ayres, Jenkins, Gordy & Almand, P.A.
Suite 200
6200 Coastal Highway
Ocean City, MD 21842
(410) 723-1400
kgregory@ajgalaw.com

LEGAL NOTICE

Unless expressly stated otherwise, this e-mail is intended to be confidential and may be privileged. It is intended for the addressees only. Access to this e-mail by anyone except addressees is unauthorized. If you are not an addressee, any disclosure or copying of the contents of this email or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately. E-mail communications may be intercepted or inadvertently misdirected. While the American Bar Association deems e-mail a valid and authorized form of communication between attorneys and clients, absolute secrecy, confidentiality, and security (of this e-mail message and any attachments thereto) cannot be assured. The relationship of attorney/client shall not be, and is not, established solely as a result of the transmission of this e-mail. Absent a written engagement letter signed by Ayres, Jenkins, Gordy and Almand, P.A., no attorney/client relationship shall be deemed to, nor shall, exist and any belief that information or documents provided by this e-mail are privileged is mistaken, unwarranted and incorrect.



Law Offices
AYRES, JENKINS, GORDY & ALMAND, P.A.
6200 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MARYLAND 21842
(410) 723-1400
FAX (410) 723-1861
E-mail address: kgregory@ajgalaw.com

GUY R. AYRES III
M. DEAN JENKINS
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT
HEATHER E. STANSBURY
KEVIN P. GREGORY

OCEAN PINES OFFICE
11047 RACETRACK ROAD
BERLIN, MARYLAND 21811
(410) 641-5033
FAX (410) 641-6926

Reply to Ocean City Office

OF COUNSEL
HAROLD B. GORDY, JR.

December 6, 2012

Via First Class Mail and eMail (pam.bps@verizon.net)

Planning and Zoning Commission
c/o Pamela Greer Buckley, Chairperson
Board of Zoning Appeals
P.O. Box 158
Ocean City, MD 21843

*Re: Notice of Public Hearing
Objection presented at 12/4/2012 Public Hearing*

Dear Members of the Commission,

In response to the objection presented by one of the members of the opposition to Tuesday night's public hearing (re: Delmarva Power & Light Company, FILE #12-12100002), I have completed research and determined that the public notice provided, though it contained clerical errors, was legally sufficient and does not effect the validity of the hearing. The reason for this determination is as follows:

In all actions by the government which have the effect of restricting, depriving, or otherwise infringing upon individuals' property rights, Due Process of law requires that those interested individuals be afforded notice and an opportunity to be heard¹. The Code of the Town of Ocean City addresses the need for public notice with respect to its zoning laws and public hearings in Division 7 of Article II of the Zoning Chapter, § 110-161. Section 110-161 states that "[u]nless otherwise expressly provided by law, all notices to the general public required by the terms of this chapter shall be made as follows: (1) Posting of property ... (2) Newspaper

¹ U.S. Const. Amend XIV; Md. Const. Art. 24; See *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 577-78 (1972); *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Shapiro v. Thompson*, 394 U.S. 618, 627 n. 6 (1969), overruled in part on other grounds by *Edelman v. Jordan*, 415 U.S. 651 (1974); *Sherbert v. Verner*, 374 U.S. 398, 403-04 (1963); 422 Md. 544, 55-56, n. 6 (2011); *Casey v. Rockville*, 400 Md. 259 (2007); *Golden Sands Club Condominium, Inc. v. Waller*, 313 Md. 484 (1988); *St. George Antiochian Orthodox Church v. Aggarwal*, 326 Md. 90 (1992).

advertisement." No additional form of notice is required by the section. With respect to the requirements for the newspaper advertisement called for by the Code, the advertisement shall state the following: (a) the date, time and place of such hearing; (b) a summary of the purpose of the proceeding in sufficient detail to inform the public of the proceeding and the relief sought by the proceeding; (c) reference to the place within Ocean City where the plans, ordinances or amendments may be examined; (d) the location of the property involved, if any, the name of the applicant and file or case number of the proceeding; and (e) any other information deemed necessary to adequately inform the public of the proceeding.

It is clear from the substance of the opposition member's objection that he believes that based upon clerical errors within the legal description of the property at issue, that subsection (d) has been violated, and therefore the hearing is invalid or violates the public's right to notice. This objection should be overruled because (1) the notice at issue was in compliance with subsection (d) by disclosing the property's physical address and location, such that the public had notice of the subject matter of the proceedings, and (2) assuming, *arguendo*, that the errors were significant enough to constitute a failure of notice to the public, the public had actual notice of the proceedings, as evidenced by the overwhelming participation and attendance as well as the opposition member's own testimony. Such actual notice is sufficient to validate the proceeding.

The legal description of the property is not required to be included in the public notice. Section 110-161 merely requires disclosure of the location of the property involved. A statement of the property's physical address is sufficient to comply with the Code's requirements.

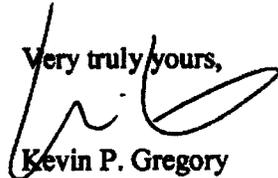
Furthermore, in *Largo Civic Ass'n v. Prince George's County*, 21 Md. App. 76, 85-86 (1974), Maryland's Court of Special Appeals upheld the validity of a zoning hearing where the public notice was alleged to be deficient or misleading, reasoning that the protestants had actual notice of the nature of the proceedings and the intent of the zoning council in the proceedings. 21 Md. App. at 85-86.

Judge Singley, for the Court of Appeals in *McLay v. Maryland Assemblies, Inc.*, 269 Md. 465, 477 (1973), stated: "[w]hile failure of an administrative board to give proper notice is jurisdictional and in some circumstances may be fatal, the requirement of notification purposed to inform may be satisfied by actual knowledge, especially when it is acted upon."

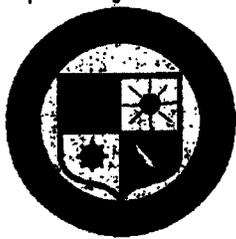
Based upon the foregoing it is clear that the Town Code's notice provisions were satisfied by the public notice given in the instant case. Even if the notice given was defective, the requirement of notice to the public was nonetheless satisfied based upon the actual notice of the public.

Please feel free to contact me with any questions or calls for clarification relative to this matter or any other.

Very truly yours,



Kevin P. Gregory



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

Reply To: Planning and Zoning Commission
P O Box 158
Ocean City MD 21843
(410) 289-8855
(410) 289-8703 fax

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 7, 2012

Delmarva Power & Light Company
c/o Mr. Neil Baker
2530 N. Salisbury Blvd
P O Box 1739
Salisbury MD 21802-1739

Dear Mr. Baker:

Re: Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150, Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62; Parcels 7623A and 7624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Streets, in the Town of Ocean City, Maryland. (FILE #12-12100002)

This is to advise you that the Planning and Zoning Commission will reconvene at a special work session on Wednesday, December 12, 2012 at 12 noon in the Council Chambers of City Hall located at Third Street and Baltimore Avenue in the Town of Ocean City, Maryland. At that time the Commission, appointed to be the hearing examiners for the Mayor and City Council, will deliberate the findings from Tuesday, December 4, 2012, and offer a recommendation for the above-referenced request.

Subsequent to the work session, the Commission will notify you as to their recommendation that will be forwarded to the Mayor and City Council concerning your request.

Sincerely,
Planning and Zoning Commission

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
DENNIS W. DARE
JOSEPH M. MITRECIĆ
MARGARET PILLAS

CITY MANAGER
DAVID L. RECOR, ICMA-CM

CITY CLERK
KELLY L. ALLMOND, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158

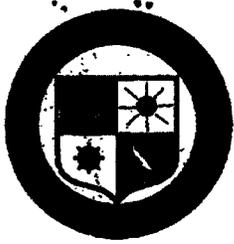


City Hall - (410) 289-8221 • FAX - (410) 289-8703

Delmarva Power & Light Company
December 7, 2012
Page Two

Enclosure: 1

Cc: David Recor, City Manager
Mayor and City Council
William E. Esham, III, & Kevin Gregory, Attorneys for the Commission
Regan J. R. Smith, Attorney for the Applicant
All Planning Commission Members
Blaine Smith, Assistant Planning Director
Bruce Davis, 301-138th Street
Richard Hansen, 201-139th Street
Vincent D. Gisriel, Jr., 14008 Sailing Road
Donna Moulton, 206-138th Street
File #12-12100002
Correspondence '12



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

**PLANNING AND ZONING COMMISSION
SPECIAL WORK SESSION
AGENDA**

Wednesday, December 12, 2012

Meetings are held in the Council Chambers on the 1st floor of City Hall,
301 Baltimore Avenue, Ocean City, Maryland.

12:00 NOON

PUBLIC HEARING – DELIBERATION AND RECOMMENDATION:

Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150 (CORRECTED), Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Plat of Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62 (CORRECTED); Parcels 7623A and 7624A (CORRECTED), Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland.

APPLICANT: DELMARVA POWER & LIGHT COMPANY – A CORPORATION OF THE STATE OF DELAWARE AND THE COMMONWEALTH OF VIRGINIA (FILE #12-12100002)

STAFF/ATTORNEY COMMENTS

COMMISSIONERS COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Applicants or their representatives are required to be present at their PUBLIC HEARING/SITE PLAN/RESUBDIVISION/APPOINTMENT reviews.

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
DENNIS W. DARE
JOSEPH M. MITRECIC
MARGARET PILLAS

CITY MANAGER

DAVID L. RECOR, ICMA-CM

CITY CLERK

KELLY L. ALLMOND, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



City Hall - (410) 289-8221 • FAX - (410) 289-8703

2001

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our web site at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To: **Delmarva Power & Light Co.**
 Street, Apt. No. or PO Box No. **c/o Mr. Neil Baker**
 City, State, ZIP+4 **P.O. Box 1739**
Salisbury MD 21802-1739

2004 1160 0002 1486 2626

Kay Stroud

From: EarthAv8or@aol.com
Sent: Sunday, December 09, 2012 12:10 PM
To: pbuckley@oceancitymd.gov; Blaine Smith; Kay Stroud
Subject: (no subject)

RE: the Planning Commission hearing on 12-12-12 at noon.

I will be taking my mother to DC to catch a plane for her return flight back to Iowa, so I will not be able to attend this hearing. I would like to submit these thoughts in lieu of my presence:

Kay Stroud

From: EarthAv8or@aol.com
Sent: Sunday, December 09, 2012 1:48 PM
To: Blaine Smith; Kay Stroud
Subject: (no subject)

(Blaine, I guess this should go to the Planning Commission too)

I would like to take this time to make a formal comment/complaint regarding the rezoning of the DPL substation property on 138th St.

In the past, when the Elk's club wanted to expand, I received a notice about there being a possible parking problem on 138th St. I had the opportunity to voice my opinion. When a synagogue, which is located in the strip mall to the east of the Elks, needed extra parking spaces, I was notified so I might voice my opinion. A few years ago, a neighbor wanted to park his RV in the alley behind my property, for the two weeks of the year he was in O.C. I was notified of this request and was able to vote yes or no to the request. When the Old Pro Golf on 137th St. wanted to make a change on their property, signs were posted stating when the hearing date would be.

However, when DPL requested a zoning change for the residential 1/2 block they wanted to acquire, no notices were mailed or posted on the property. When the city wants to consider rezoning a residential area to commercial/industrial, the affected residents should be notified in advance, not after the rezoning has been done. I don't understand how the city would notify me of possible parking changes and additions to buildings, but not when you are considering changing a 1/2 block holding 4 homes from residential to conditional use.

Thank you,

**Donna Moulton
206 138th St.
410-250-7454**

Kay Stroud

From: EarthAv8or@aol.com
Sent: Sunday, December 09, 2012 1:50 PM
To: Blaine Smith; Kay Stroud
Subject: (no subject)

(Blaine, I would appreciate it if you could give a copy of this to Ms. Buckley and the rest of the Planning Commission as I don't have their e-mail addresses)

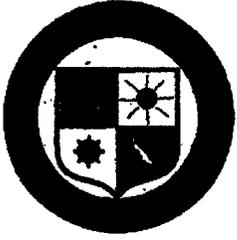
RE: the Planning Commission hearing on 12-12-12 at noon.

I will be taking my mother to DC to catch a plane for her return flight back to Iowa, so I will not be able to attend this hearing. I would like to submit these thoughts in lieu of my presence:

At the July hearing, I submitted Exhibit 1, which shows actual EMF readings taken by DPL on 7-15-97 and 12-16-11 and the calculated readings submitted by DPL at the July hearing. DPL took these calculations from actual readings they had Exponent take in Feb. '12. DPL stated in the Dec. hearing that those readings were taken on an unusually high usage day, therefore the calculations. I had requested a copy of those readings, several times, since March. I did not receive them until Dec. 1. Always an excuse as to why they could not be sent. Dr. Bailey called me on the morning of Dec. 4 to discuss the Exponent readings. However, because the report that DPL sent me and the report Dr. Bailey had did not fully agree, there were some unanswered questions. I don't recall that the Exponent readings were ever given to the commission as an exhibit. My average reading in '97 was 3.45mg and the '11 average was 10.0mg. Both of these readings had two "hot spots" on the northwest corner and northeast corner of 138th st. These actual readings do not compare to their calculated readings. DPL has not addressed why their calculated readings are so much lower than my actual readings. I feel they should. DPL knew that EMF's were a major concern and one of the reasons for the denial in July. Why didn't DPL go to the effort to take another set of readings between July and Dec. so we could all see actual readings. Because of this lack of initiative, the vast differences from my readings, and the jump in MG's from '97 to '11 I agree with the other residents' requests that the city have an outside party take another set of readings. The future also needs to be considered. If these readings jumped that much in 14 years, what will they be in another 10 years. And, the SVC unit will add more EMF's, which are still just a calculation. That is the reason I have requested an annual report be sent to the city and affected residents. And, if DPL maintains that the EMF levels are safe, they should be required to give a letter to the affected residents stating so. We could then give this letter to future buyers of our homes so that our property values are not more affected than they already have been.

I thank you for your time.

Donna Moulton
206 138th St.
410-250-7454



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

**PLANNING AND ZONING COMMISSION
SPECIAL WORK SESSION
AGENDA**

Wednesday, December 12, 2012

Meetings are held in the Council Chambers on the 1st floor of City Hall,
301 Baltimore Avenue, Ocean City, Maryland.

12:00 NOON

PUBLIC HEARING – DELIBERATION AND RECOMMENDATION:

Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block 150 (CORRECTED), Fenwick Plat No. 4," recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled "Resubdivision Plat of Lot 2, Block 150, Fenwick Plat" and recorded among the Plat Records in Plat Book 190, Page 62 (CORRECTED); Parcels 7623A and 7624A (CORRECTED), Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland.

APPLICANT: DELMARVA POWER & LIGHT COMPANY – A CORPORATION OF THE STATE OF DELAWARE AND THE COMMONWEALTH OF VIRGINIA (FILE #12-12100002)

STAFF/ATTORNEY COMMENTS

COMMISSIONERS COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Applicants or their representatives are required to be present at their PUBLIC HEARING/SITE PLAN/RESUBDIVISION/APPOINTMENT reviews.

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

BRENT ASHLEY
DOUGLAS S. CYMEK
DENNIS W. DARE
JOSEPH M. MITRECIC
MARGARET PILLAS

CITY MANAGER
DAVID L. RECOR, ICMA-CM

CITY CLERK
KELLY L. ALLMOND, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



City Hall - (410) 289-8221 • FAX - (410) 289-8703

PLANNING COMMISSION

Conditional Use Legal Standard

It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district without further consideration, in each case, of their impact of those uses upon neighboring Land.
Section 110-121 Purposes Codes of the Town of Ocean City

A conditional use refers to a permissive Land use category authorized by a zoning or administrative body pursuant to the existing provisions of the zoning law and subject to guides, standards and conditions for such special use which is permitted under the provisions of the existing zoning law. Abrams – Guide to Maryland Zoning Decisions, Page 338

In order for the unique characteristics to support a denial, it is necessary that the ordinary adverse effects of the use be greater at that location, because of the unique characteristics of that location's neighborhood, than would be the case if the uses were relocated elsewhere in the zone. Days Cove Reclamation Co. vs. Queen Anne's County 146 Md App 469 (2002). Abrams Guide to Maryland Zoning Decisions (2008 Cum. Supp at 46)

The question is not whether the proposed use will have some adverse effect on the surrounding area, because that is the nature of special exceptions. The test is whether the adverse effects would be greater or more detrimental at the subject location than would be the result if located elsewhere in the same zone. Lucas v. Peoples Counsel for Baltimore County 147 Md App 209 (2002) Abrams Guide to Maryland to Maryland Zoning Decisions (2008 Cum. Supp. at 47)

70

Planning & Zoning Commission
Ocean City, Maryland

Case 12-12100002

Exhibit # 6 Date 12-4-2012
