



KELLY MADIGAN
Inspector General

STEVE QUISENBERRY
Deputy Inspector General

Office of the Inspector General

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Stacy L. Rodgers
County Administrative Officer
400 Washington Avenue
Towson, Maryland 21204

Re: OIG Investigative Report – Case No. 22-012

The mission of the Office of the Inspector General (“the Office”) is to provide increased accountability and oversight in the operations of the Baltimore County government (“the County”) by identifying fraud, abuse, and illegal acts, while also striving to find ways to promote efficiency, accountability, and integrity.

In March 2022, the Office received a complaint that historically, a high-ranking County employee had periodically misused the County’s on-call contractor program in that they used those contractors to provide benefits to certain developers and business owners in the form of road and road-related improvements. During the course of examining the complaint, the Office learned that in 2021, the County paid \$69,900 to one of its on-call contractors to repair and repave an asphalt commercial alley as part of the County’s Alley Reconstruction Program (“the Project”). The alley in question runs west to east between Baltimore Avenue and Washington Avenue behind properties that are bounded to the north by Allegheny Avenue and to the south by W. Pennsylvania Avenue (“the Alley”). A copy of a map showing the Alley highlighted in yellow is attached as **Exhibit 1**. The properties surrounding the Alley are mostly owned by limited liability companies that are all associated with one individual who is the president and owner of a real estate company (“the Businessperson”). Because Alley Reconstruction Program (ARP) funds are intended for residential alleys and not commercial alleys, the Project appeared to be improper, and therefore, the Office opened an investigation into the Project. The investigation included interviews and a review of various records. The records examined included the ARP policies and procedures, legislation, the County Code, internal memorandums, property records, financial records, email communications, and documents associated with the work performed by the on-call contractor pursuant to the Project.

Based on the interviews and the records reviewed, the Office determined the County, against the advice of the subject matter experts on the ARP within the Department of Public Works and Transportation (DPWT), authorized and funded the Project even though it did not meet the

criteria or the spirit of the ARP. Further, it appeared the Baltimore County Council Chairman's involvement in the Project, as documented in email communications with the DPWT Director ("the Director") and further described in this report, effectively changed the process that had been used within DPWT to evaluate the merits of accepting an alley into the ARP as well as the methods used by DPWT to award and carry out the work.

I. Background on the ARP

The ARP originated from Baltimore County Council Bill No. 123-95, which is dated July 3, 1995 and entitled "An Act concerning Alley Improvements." A copy of Bill No. 123-95 ("the Bill") is attached as **Exhibit 2**. As can be seen in the introductory paragraphs of the Bill, the purpose of the Bill was to create "a defined process for repair and reconstruction" for the estimated 1,000 private alleys in the County to ensure the County's older communities were preserved. The Bill specifically referenced alleys located in the rear and on the sides of residential properties and that repairs to these alleys would provide "general public benefits" such as enhanced property values, public sanitation, and public safety.

Because it would be difficult for multiple property owners abutting an alley to organize a shared payment plan for the maintenance or reconstruction of an alley, the Bill gave authority to the Director to order such repairs or reconstruction where the Director "finds that such improvements are needed to alleviate conditions that threaten the health, safety and welfare of abutting property owners." The Bill also gave authority to the Director to order repairs to an alley if the majority (i.e. more than 50%) of the assessable properties abutting the alley petition the County for repairs when it is estimated that such repairs will cost more than \$1,000 per block. Further, the Bill gave the Director the authority to assess each abutting property owner to an alley an equal annual payment, as determined by the County Administrative Officer (CAO), not to exceed 15 years, with the total payments not to exceed one-third of the total cost of the work performed.

On August 31, 1995, the CAO issued an internal memorandum setting the ARP repayment rate for residents abutting alleys at \$750 or 15 annual payments of \$50. A copy of the memorandum is attached as **Exhibit 3**.

According to a March 16, 1999 memorandum, a copy of which is attached as **Exhibit 4**, the Office of Law had defined non-concrete alleys in 1996 as "existing alleys that are not constructed of Portland Cement concrete." The memorandum also referenced that prior to May 23, 1996, non-concrete alleys had been the total responsibility of the adjacent property owners. However, as a result of a policy change that was effective May 23, 1996, non-concrete alleys in the County that were rated "terrible" were permitted to be included in the ARP. The memorandum indicated that the majority of the County's non-concrete alleys were located in the communities of Rodgers Forge, Dundalk, Edgemere, and Essex; and the alleys were comprised of either stone, dirt, or bituminous concrete (i.e. asphalt).

Currently, the ARP is managed by the Highway Design Section within DPWT's Bureau of Engineering and Construction. According to the County's website, the ARP has criteria that an

alley must meet in order to qualify for reconstruction.¹ The criteria for the ARP are as follows:

- Located in a residential, non-commercial community
- Has ingress and egress
- Has trash pickup in the alley
- Has public utilities
- Has been rated ‘terrible’ by the Highway Design section of the Bureau of Engineering and Construction

II. Relevant Interviews

A. Interview of the Businessperson

On June 29, 2022, the Office interviewed the Businessperson about the Project and the following relevant information was provided:

The Businessperson, through limited liability companies, owns six of the eight parcels of land that border the Alley. The other two parcels are owned by a church. A map showing the eight parcels is attached as **Exhibit 5**. The parcels numbered one through six are owned by entities associated with the Businessperson and the parcels numbered seven and eight are owned by the church. The Businessperson acquired five of the six parcels in September 2011 from a real estate investment trust (REIT). The Businessperson purchased the sixth property in or about 2016.

There are commercial office buildings on the parcels owned by the Businessperson. The Company’s headquarters is located in one of the office buildings. Two of the office buildings also contain covered parking – one has public parking² and the other has parking specific for the tenants of the building. There are also designated uncovered parking spaces for the buildings’ tenants located outside of the buildings on the parcels.

When the Businessperson purchased the five parcels from the REIT, a representative from the REIT told the Businessperson that the County owned the Alley, but that the Businessperson would be responsible for the snow removal. The Businessperson had no reason to question this representation and subsequent professional surveys of the parcels obtained by the Businessperson showed that the parcels’ boundaries did not include the Alley.

In the years following the purchase of the six parcels, the condition of the Alley deteriorated to the point that the Businessperson brought it to the attention of their local councilmember. The Businessperson estimated that they brought it up to the councilmember on multiple occasions over the course of several years. Despite the Businessperson’s requests, no repairs were ever performed to the Alley by the County and the Businessperson never got a satisfactory explanation from the

¹ See <https://www.baltimorecountymd.gov/departments/publicworks/engineering/alleyfaq.html>

² The garage located at 111 Allegheny Avenue, which has reserved and unreserved spaces that are available to the public, is owned by a company affiliated with the Businessperson and not by the Baltimore County Revenue Authority.

councilmember as to why the County would not make the repairs.

In or about 2019, the Businessperson learned from the Executive Director of the Towson Chamber of Commerce (“the Executive Director”) that the Chamber of Commerce was trying to get the T-shaped concrete alley known as Watkins Way repaired by the County. The main section of Watkins Way runs west to east from Washington Avenue toward York Road behind properties that are bounded to the north by Allegheny Road and to the south by W. Pennsylvania Avenue. The “T” section of Watkins Way runs north and south along properties that are bounded to the east by York Road. A copy of a map showing Watkins Way highlighted in yellow is attached as **Exhibit 6**. Because the Businessperson has an ownership interest in two of the properties along Watkins Way, they were glad to assist the Executive Director in any way possible to get Watkins Way repaired. The Executive Director had explained to the Businessperson that the County would make the repairs to Watkins Way if all of the property owners abutting Watkins Way signed a petition agreeing to be assessed up to \$750 per property, which could be paid in one lump sum or in 15 annual installments of \$50 per year as part of each property owner’s property tax bill. For illustrative purposes, a blank copy of the County’s Petition for Alley Reconstruction form is attached as **Exhibit 7**. The Businessperson explained to the Office that similar to the Alley, the Businessperson assumed the County owned Watkins Way, and the Businessperson viewed Watkins Way as essentially an extension of the Alley. When asked if it made sense to them that private property owners would have to contribute money to repair a County-owned road, the Businessperson had no explanation, but said they were glad to pay only \$50 per year per property to fix Watkins Way, which had not been repaired for decades and was in horrible condition.

In or about early 2021, the Businessperson received a phone call from the Baltimore County Council Chairman (“the Chairman”) on an unrelated matter. The phone call led to a meeting between the Businessperson and the Chairman at the Businessperson’s office. After the meeting, the Businessperson brought up the Executive Director’s efforts to get the County to repair Watkins Way. The Businessperson then mentioned that for the past ten years, they had been trying to get their local councilmember to get the County to repair the Alley, telling the Chairman the Alley, like Watkins Way, is owned by the County. The Businessperson also told the Chairman that the issues with the Alley had recently become more severe, and there were now structural problems related to the Alley that were causing water damage to the Businessperson’s office buildings.

Subsequently, during another phone call, the Businessperson had a more in-depth conversation with the Chairman about the Alley. The Businessperson recalled asking the Chairman if the Alley could be repaired through the same process as Watkins Way, and the Chairman indicated it was a possibility. Eventually, the Chairman got back in touch with the Businessperson by phone and advised the repairs to the Alley could be handled in the same manner as Watkins Way, that is, with each abutting property owner paying \$750 toward the repairs through their annual property tax bills and the County using one of its contractors to perform the work.

Sometime after their conversation with the Chairman, the Businessperson submitted the requisite Petition for Alley Reconstruction form to the County documenting the ownership interests of each of the parcels that abut the Alley. A copy of the form is attached as **Exhibit 8**. As can be seen on the form, the Businessperson signed for six of the properties and another

individual, who is associated with a church, signed for two of the properties.

After submitting the Petition for Alley Reconstruction form, the Businessperson received a phone call from the Chairman. During the call, the Chairman said the County was “squawking” because the Businessperson owned all of the properties abutting the Alley, and therefore, the County did not want to make the repairs. The Businessperson clarified to the Chairman that a church owned two of the eight properties, but regardless, it should not matter who owned the properties because the County owned the alley. By the end of the call, the Chairman had accepted the Businessperson’s argument. Sometime later, the Chairman recontacted the Businessperson and advised the County intended to move forward with the Project. As a condition of moving forward, the Businessperson was required to sign an affidavit certifying they were the managing member of the entities that own six of the properties abutting the Alley. A copy of the affidavit is attached as **Exhibit 9**.

In or about April 2021, the Businessperson sent the Chairman an “exhibit” depicting what they wanted to have repaired with regard to the Alley. The exhibit showed the Alley along with a section of asphalt stretching between the Alley and Allegheny Avenue between the properties known as 111 Allegheny Avenue and 117 Allegheny Avenue (“the Alley Offshoot”).

At some point after the Businessperson had provided the “exhibit” to the Chairman, the Businessperson was put in touch with a County engineer who was in charge of the County’s Highway Design Section (“the Chief of Highway Design”). The Businessperson estimated their first contact with the Chief of Highway Design was a phone call in the spring of 2021. Within a few days of the call, the Chief of Highway Design, another individual whose name the Businessperson could not recall, and a representative from M.T. Laney, which is one of the on-call asphalt contracting companies used by Highway Design, met the Businessperson in the Alley to discuss the Project. During the meeting, they discussed the work to be performed by M.T. Laney for the County on the Alley. Also discussed was separate work to be performed on areas adjacent to the Alley by M.T. Laney to be paid for by the Businessperson. Both the Project-related work and the work done for the Businessperson were ultimately performed by M.T. Laney in October 2021.

B. Interview of the Chief of Highway Design

On March 7, 2022, the Office interviewed the Chief of Highway Design about the Project and the following relevant information was provided:

The Chief of Highway Design is an engineer who worked for the County for over 30 years, retiring in October 2021. As the Chief of Highway Design, they oversaw all highway design projects for the County. Due to a lack of funding for major capital projects, much of the work the Chief of Highway Design oversaw involved minor capital projects, such as the widening of roads and the addition of sidewalks, curbs, and gutters to various communities. Under the Chief of Highway Design’s responsibilities was the ARP, which was managed by one of the Chief of Highway Design’s subordinates (“the ARP Manager”).

Sometime prior to their retirement in 2021, the Chief of Highway Design received a call

on their cell phone from the Chairman while they were at home. During the call, the Chairman told the Chief of Highway Design about the Businessperson's desire to have the Alley repaired. After getting some background from the Chairman and an understanding of the work to be performed, the Chief of Highway Design told the Chairman that the County does not make repairs to commercial alleys, alleys that do not service the public, or alleys owned by one person. In response, the Chairman told the Chief of Highway Design words to the effect that they did not care and wanted it done. The Chief of Highway Design replied "I'm the wrong person." When asked by the Office what types of alleys does the County repair, the Chief of Highway Design said the County repairs residential alleys, which allow for trash pickup and emergency access to residents. Further, the County charges those residents a \$750 fee for the repairs.

Sometime after the above-referenced phone conversation with the Chairman, the Director instructed the Chief of Highway Design to pave the Alley. When the Chief of Highway Design told the Director that they were not comfortable with the County paying to repair a commercial alley that was owned by one person, the Director told them that the CAO wanted it done. In response, the Chief of Highway Design suggested that the work be done under the County's on-call paving contract instead of putting the work out for a competitive bid. Subsequently, the Chief of Highway Design solicited a proposal for the work from M.T. Laney. A copy of M.T. Laney's May 11, 2021 proposal for the Alley work is attached as **Exhibit 10**. As can be seen on the proposal, M.T. Laney estimated that the repairs to the Alley, to include the Alley Offshoot, would be \$62,400.

The Chief of Highway Design made it known during their interview with the Office that they are still not comfortable with the fact that the County paid for this Project under the ARP. The Chief of Highway Design recalled that prior to retiring, they told the ARP Manager to at least make sure the Businessperson was charged the \$750 fee for each of the properties surrounding the Alley so the project would be "partially kosher."

C. Interview of the ARP Manager

On March 23, 2022, the Office interviewed the ARP Manager about the Project and the following relevant information was provided:

The ARP Manager has worked for the County for over 30 years. The ARP Manager is an engineer and project manager within DPWT who has overseen the ARP since its inception in the early 1990s. An Engineering Associate ("the Engineering Associate") assists the ARP Manager with performing tasks related to the ARP. The ARP Manager was supervised by the Chief of Highway Design.

With regard to the Alley, the ARP Manager opposed including the Alley in the ARP because they did not believe it met the definition of an alley within the ARP, nor did it satisfy the spirit of the ARP, which is to rehabilitate and revitalize older neighborhoods. The ARP Manager explained the Alley does not provide public service to residential communities, such as trash pickup, nor do emergency vehicles need access to the Alley. To the contrary, the Alley only provides service to those who work in the commercial buildings abutting the Alley. When the ARP Manager expressed their concerns about the Alley to DPWT management in an email and

other communications, the ARP Manager was told the Alley met the definition of an alley under the County Code and an executive decision had been made to perform the repairs to the Alley pursuant to the ARP. When asked by the Office if there were any County policies that supported such a decision, the ARP Manager stated there were none other than the fact that management wanted it done. Further, the ARP Manager believed the process that was being used to include the Alley in the ARP was unethical, and therefore, they ultimately requested to be excluded from the Project. This was documented in an email from the ARP Manager to the Acting Chief of Engineering and Construction on June 15, 2021 at 4:50 am titled “Towson Alley.” A copy of this email is attached as **Exhibit 11**. As noted in the email, one of the ARP Manager’s concerns was that an email was being used to authorize the work as opposed to a Decision Memorandum (DM), which is what had been used for the Watkins Way authorization.³ The ARP Manager’s assertion about the process being unethical was eventually brought to the attention of the Director who subsequently, granted the ARP Manager’s request and removed them from the Project.

The ARP Manager contrasted the handling of the Project with the Watkins Way project. The ARP Manager explained that even though Watkins Way was a commercial alley, the ARP Manager supported the Watkins Way project “one hundred percent” because they could justify including it in the ARP. This justification was articulated in a Decision Memorandum dated January 28, 2020, which explained how the Watkins Way alley provided an essential public service to the community.⁴ The ARP Manager added that while the County does not reconstruct commercial alleys under the ARP, common sense supported having the County pay to fix Watkins Way.

D. Interview of the Engineering Associate

On June 14, 2022, the Office interviewed the Engineering Associate about the Project and the following relevant information was provided:

The Engineering Associate has worked for the County for about six years. The Engineering Associate’s main job function is to work on the renovation of alleys as part of the ARP under the supervision of the ARP Manager. According to the Engineering Associate, the purpose of the ARP is to assist low income residential communities whose property owners do not have the financial resources to renovate deteriorating alleys abutting their properties. When asked about commercial alleys, the Engineering Associate explained that the ARP is not meant for commercial alleys. Years ago, it was not uncommon for the County to renovate numerous alleys in a given year. Currently, the County only renovates about five alleys a year.

Under the normal ARP process, the renovation of an alley takes about two years. The process typically begins with a petition from a resident. If the petition concerns an existing concrete alley, the County requires 51% participation among the property owners abutting the alley to admit the alley into the ARP. For a non-concrete alley, such as one made of dirt, stone, or

³ A Decision Memorandum is a document used by the Administration to facilitate the submission of ideas/projects from departments/agencies to the County Executive or his/her designee for approval.

⁴ Because the Office is subject to the Maryland Public Information Act pursuant to County Code Section 3-14-110(a) and certain documents referenced in this report fall under the Deliberative Process Privilege, this Decision Memorandum and the other Decision Memorandums referenced later in the report have been excluded as exhibits.

asphalt, the County requires 100% participation. The final petition to the County with all of the required signatures is called a “valid petition.” Regardless of the participation level required, all abutting property owners are charged a fee of \$750 if their alley is admitted into the ARP. However, in the past, the County has made exceptions for certain individuals. One such example was for a disabled veteran.

Aside from the petition process, other steps involved in the ARP include the following: ordering land surveys, creating CAD models and construction drawings, estimating the cost, getting management approvals for the work, pulling permits, soliciting and evaluating bids, awarding the contract, inspecting the work, paying the contractor, and assessing the property owners, which typically takes place over a 15-year period at \$50 per year.

All alleys accepted into the ARP, including those made of dirt, stone or asphalt, are renovated using seven inches of concrete. The Engineering Associate explained that concrete is used because the County provides a 15-year warranty on its ARP work, and concrete, while more expensive than asphalt, is more durable and requires less maintenance.

While the ARP is not intended for commercial alleys, the Engineering Associate explained that the Watkins Way alley was admitted into the ARP for two reasons. First, a section of Allegheny Avenue that runs parallel to Watkins Way is closed every Thursday from approximately June to mid-November for a farmers market. On those days, Watkins Way serves as an alternate route for the County’s emergency services. Second, Watkins Way provides a secondary means of ingress and egress to two parking lots operated by the County. To date, Watkins Way has been the only commercial alley that the Engineering Associate has worked on. The Engineering Associate was aware of other commercial alleys that have petitioned the County for renovation, but they were denied being admitted into the ARP because they were commercial.

When asked about their involvement in the Project, the Engineering Associate explained that aside from helping to identify some of the property owners abutting the Alley at the outset of the Project, they and the ARP Manager had no other involvement in the Project as the Project did not go through the normal ARP process. Instead, an on-call contractor was used by the County to perform the work, which was unusual for the ARP. The Engineering Associate assumed that the Chief of Highway Design had made the arrangements to use an on-call contractor for the Project. The Engineering Associate explained that while the Alley may technically be an alley according to land records, it should not have been renovated under the ARP.

E. Interview of the Director

On July 15, 2022, the Office interviewed the Director about the Project and the following relevant information was provided:

The Director has been with the County since approximately January 2020. One of the programs within DPWT is the ARP, which during the relevant time period, fell under the Highway Design Section of the Bureau of Engineering and Construction. The Director viewed the Chief of Highway Design, who retired in October 2021, as the County’s authority on alleys. To the Director’s knowledge, the ARP Manager, who used to work for the Chief of Highway Design, is

currently the only employee within DPWT who is still working on alley projects.

The Director was questioned about the criteria set by the County for the ARP. Specifically, the Director was asked why the County's website states that only alleys in residential, non-commercial communities can be accepted into the ARP. The Director did not know why commercial alleys are generally excluded from the ARP as stated on the County's website. However, the Director did not believe the website encompassed all of the criteria for the ARP since a commercial alley (i.e. Watkins Way) had already been accepted into the ARP by the time the Alley was first brought to their attention as further discussed below. The Director added there are "options for directors to include other things." The Office asked the Director to provide a list of the other factors considered, outside of those listed on the County's website, regarding the acceptance of an alley into the ARP. At the time of the interview, the Director could not provide any of those other factors. However, subsequently, the Director provided the Office with copies of two internal memorandums, both of which the Office was already familiar with and which are referenced in this report (see Exhibits 3 and 4), as support for her statement that other factors exist for accepting alleys into the ARP. Also, in an email to the Office, the Director made the assertion that the County's "relevant legal authorities" concerning alleys do not specify that the ARP must be limited to residential alleys.

Since joining the County, the Director has only been involved in one alley project. The Director recalled getting an email from the Chairman on April 13, 2021 at 12:36 pm with the subject line "Question/Proposal" in which the Chairman requested if the Alley could be renovated by the County under the same process as Watkins Way. Attached to the email was a map showing Watkins Way outlined in red and the Alley in blue/yellow. A copy of the email is attached as **Exhibit 12**. In the email, the Chairman referenced Watkins Way as the concrete alley for which the Executive Director of the Towson Chamber of Commerce had organized the repairs with the County. The Chairman listed the terms of those repairs to Watkins Way in the email, and asked the Director if similar terms could be worked out for the Alley, which the Chairman noted was asphalt. The Director had no idea why the Chairman was interested in getting the Alley renovated beyond what was in the email. The Director explained that such requests from members of the County Council are not uncommon.

The Director recalled responding to the Chairman's email on April 14, 2021 at 2:59 pm, copying several County employees including the Chief of Highway Design, stating they intended to speak with their staff and to "see how the previous agreement was arranged and if we can set up the same process for the other alleys." A copy of this email is attached as **Exhibit 13**. Subsequently, the Director made the Highway Design staff aware of the Chairman's inquiry.

The Director was asked about an email they received on April 15, 2021 at 10:43 am from the Chief of Highway Design that raised concerns about renovating the Alley under the ARP. A copy of the email is attached as **Exhibit 14**. In the email, the Chief of Highway Design explained that the ARP was established for residential concrete alleys and that the County rarely got involved with commercial alleys. The Chief of Highway Design then listed the reasons the County was willing to repair Watkins Way pursuant to the ARP as follows:

- There is a road closure on Allegheny Ave from Washington Ave to the Towson Circle during the summer months for the Farmer’s Market, and the alley provides a secondary mean[s] of access to the businesses and emergency vehicles.
- Baltimore County Revenue Authority manage[s] parking facilities abutting the alley with accesses from the alley.
- During the weekend the area has an active night life and our emergency vehicles use the alley to provide proper security (information provided by Towson Chamber of Commerce).
- The paving is concrete

The Chief of Highway Design ended the email by describing the Alley as an “asphalt use-in-common driveway,” which does not have any of the above-listed conditions and is therefore, not considered an alley. According to the Director, when they received the April 15th email from the Chief of Highway Design, the Director asked the Highway Design staff to research the definition of an alley and to provide options or suggestions for offering an exception in the case of the Alley. This is reflected in an email sent by the Director to various Highway Design staff on April 20, 2021 at 10:02 pm. A copy of the email is attached as **Exhibit 15**.

According to the Director, after they had conducted research on the Alley, the Chief of Highway Design and their supervisor, the Acting Chief of Engineering and Construction, seemed satisfied that the Alley had met the definition of an alley under the County Code; and therefore, they were willing to move forward with renovating the Alley under the ARP under the Director’s authorization.

The Director was questioned during the interview about their understanding of the ownership of the Alley. The Director explained it was their understanding that the Alley was collectively owned by the abutting property owners, and that the County did not have an easement with regard to the Alley. Further, the Director was eventually made aware that the abutting property owners to the Alley consisted of only the Businessperson and a church. The Director had brought that fact to the attention of the Chairman and in response, the Chairman said they were okay with the County paying to renovate the Alley as long as it followed the same protocol as the Watkins Way alley, that is, having the abutting property owners sign a petition and each pay \$750 toward the repairs. When asked if they had any dealings with the Businessperson or the church during the Project, the Director said they did not.

The Director was asked about the approval process within DPWT regarding the inclusion of the Alley in the ARP. The Director explained that they contacted the CAO about the Chairman’s request concerning the Alley in an email dated April 16, 2021 at 12:45 pm. A copy of this email is attached as **Exhibit 16**.⁵ In the email, the Director explained that the request had come from the Chairman who wanted to know if the County could make an exception for the Alley, similar to what had been done for the Watkins Way commercial alley. The Director then asked for the CAO’s feedback on the Chairman’s request. On April 16, 2021 at 3:25 pm, the CAO replied to

⁵ Because the Office is subject to the Maryland Public Information Act pursuant to County Code Section 3-14-110(a) and certain documents referenced in this report fall under the Deliberative Process Privilege, this email and others referenced in the report between the Director and the CAO have been included as exhibits but redacted.

the Director stating they recalled the Watkins Way alley being approved via a Decision Memorandum. The CAO then suggested the Director draft an agreement for the Project to be signed by “him,” and that the agreement should reference the Administration’s support for the Project based on the precedent that had been set under the Watkins Way alley. A copy of this email is attached as **Exhibit 17**.

Despite the direction from the CAO to the Director as referenced above, the Office was not able to locate an agreement that was ever submitted for approval regarding the Project. Instead, over the course of the next week or so, several versions of a draft Decision Memorandum dated April 22, 2021 pertaining to the Project appeared in various email communications within DPWT. All of the versions were addressed to the County Executive from the Director by way of the CAO and the head of the Government Reform and Strategic Initiatives agency. The different versions of the Decision Memorandum are described in the following paragraphs and it should be noted that any references to “the driveway” are references to the Alley.

In the first version of the draft Decision Memorandum, the recommendation to the County Executive was to have the County improve the driveway using funds from the County’s Roadway Rehabilitation Program as a one-time project, with no warranty given on the work and at no cost to the abutting property owners.

In the second version of the draft Decision Memorandum, the recommendation to the County Executive was to have the County improve the Alley using funds from the County’s ARP. This version noted that the Chairman had made the request to review the Alley for inclusion in the ARP. This version stated the Alley would be paved one time with bituminous concrete (i.e. asphalt), no warranty would be given, and no petition would need to be signed by the abutting property owners.

In the third version of the draft Decision Memorandum, the recommendation to the County Executive was again to have the County improve the Alley as a one-time project using funds from the County’s ARP and not to warranty the work. However, this version stated that all of the abutting property owners would need to sign a Petition for Alley Reconstruction form and be assessed a fee of \$750.

According to the Director, none of the three draft Decision Memorandums concerning the Project were ultimately sent to the County Executive for approval. Instead, the Director submitted a “sound bite” to the CAO in the form of an email dated April 30, 2021 at 11:21 am titled “Weekly Sound bite Councilman Jones/Alley request.” A copy of the email is attached as **Exhibit 18**. The email noted that the request to reconstruct the Alley had come from the Chairman and the repairs were estimated to cost the County \$100,000. In the email, the Director set forth the justification for reconstructing the Alley pursuant to the ARP. Included with the justification was a statement about how difficult it would be for the abutting property owners to coordinate the repairs amongst themselves. This statement was inaccurate, considering almost all of the abutting properties were owned by the Businessperson. The Director explained that the CAO responded to this email with a verbal approval to move forward with the Project. When asked why there was no written approval from the CAO, the Director said it was not uncommon to receive verbal approvals from the CAO during one-on-one sessions that were never followed by written confirmations.

F. Interview of the Chairman

On August 24, 2022, the Office attempted to interview the Chairman about their involvement with the Project. The interview was scheduled via an email that had been sent to the Chairman on July 21, 2022. In the email, the Office advised the Chairman that the interview, for the reasons stated in the email, would be recorded in accordance with the Office's policies and procedures. When the Chairman was told again at the outset of the August 24th interview that it would be recorded, the Chairman declined to proceed with the interview under that condition, citing their rights under Maryland state law, at which time the interview was terminated by the Office.

III. Ownership of the Alley

At the request of the Office, the County's Real Estate Compliance Office researched the ownership of the Alley and the Alley Offshoot. Based on that research, Real Estate Compliance concluded that the Alley is a non-County right-of-way, meaning it is a privately-owned alley that is to be privately maintained. In addition, Real Estate Compliance concluded the Alley Offshoot is neither an alley, an access road, a County right-of-way, nor an easement.

As noted in the section of the report summarizing the interview of the Businessperson, the Businessperson was under the impression that the County owns the Alley. This impression is what led the Businessperson to make multiple inquiries of County officials about getting the County to repair the Alley. Based on the investigation, there is no indication that anyone from the County ever told the Businessperson that the County did not own the Alley and that the Businessperson was free to hire their own contractor to make the repairs.

IV. Financial Impact on the County

In response to M.T. Laney's May 11, 2021 proposal to the County for the work on the Alley (see Exhibit 10), a Delivery Order dated August 6, 2021 was created in the amount of \$62,400. A copy of the Delivery Order is attached as **Exhibit 19**.

Between approximately October 3, 2021 and October 6, 2021, M.T. Laney performed the repairs to the Alley, to include the Alley Offshoot, at the direction of DPWT management. On November 11, 2021, M.T. Laney issued an invoice to the County for \$69,900.⁶ A copy of the invoice is attached as **Exhibit 20**.

According to an Office of Budget and Finance representative, the County issued an electronic funds transfer to M.T. Laney in the amount of \$69,900 on November 15, 2021. The payment cleared on November 17, 2021.

⁶ The initial invoice from M.T. Laney for the Alley work was for \$77,106.21. However, after communications between DPWT personnel and M.T. Laney about cost overruns, the invoice was revised to \$69,900.

V. Conclusion

Based on the investigation, the Office confirmed that the County paid \$69,900 to M.T. Laney for repaving the Alley, including the Alley Offshoot, in October 2021 using ARP funds even though the Project did not meet all of the County's ARP criteria. Specifically, the Alley is not located in a residential, non-commercial community and the Alley has never been rated "terrible" by Highway Design. Further, according to the County's Real Estate Compliance Office, the Alley Offshoot is not an alley per the County's standards, yet it was included as part of the work paid for by the County pursuant to the Project. The investigation also revealed that the Project was done outside of the normal ARP procedures as explained by the Engineering Associate. Those procedures include using concrete for all alleys renovated under the ARP and soliciting and evaluating bids for the work. Instead, asphalt was used and the work was performed using an on-call contractor.

The investigation also showed that the Project, which effectively originated when the Chairman contacted the Director in April 2021 on behalf of the Businessperson, moved forward based on a verbal authorization given by the CAO. The CAO's verbal authorization was in response to a "sound bite" provided to the CAO by the Director in an email (see Exhibit 18). While the Office is not disputing that "sound bites" or verbal authorizations can be used to approve County business, a better and more transparent practice would be to consistently document such approvals in writing, similar to what had been done with the Watkins Way alley. Further, in the sound bite, part of the Director's justification for the Alley repairs was inaccurate in that it gave the impression that there were numerous property owners abutting the Alley and therefore, it would be difficult for them to coordinate the repairs amongst themselves. In reality, there were only two owners – the Businessperson and the church – and there was no indication that they were having difficulty agreeing on the repairs or coordinating any type of work on the Alley such that the County had to get involved.

In addition, during their interview, the Director justified the repairs to the Alley by referencing the repairs to another commercial alley using ARP funds, Watkins Way, which had been approved by the Administration through a Decision Memorandum authored by the Director's predecessor. While the Director viewed the Watkins Way project as a precedent for using ARP funds to repair commercial alleys, the investigation showed that the only similarities between the Alley and Watkins Way were they both, to some degree, met the definition of an alley and were surrounded by businesses. In fact, there are several key differences between the Alley and Watkins Way that according to subject matter experts within DPWT, should have been the basis for rejecting the Project from the ARP. Specifically, the Alley is asphalt as opposed to concrete; it only involves two property owners versus the multitude of owners that abut Watkins Way, the latter of which supporting the fact that it would be difficult for those owners to coordinate the repairs amongst themselves; it does not become an alternative route for emergency vehicles and others due to an adjacent road being regularly closed down, which is the case with Watkins Way because of the farmers market; and there are no County resources abutting the Alley unlike the County parking lots that can be accessed via Watkins Way.

There were other factors that resulted in the County unnecessarily spending funds on the Project. For example, during the relevant time period when the Businessperson was making

inquiries about getting the Alley repaired, no one from the County informed the Businessperson that the Alley was a non-County right-of-way, meaning it was collectively owned by the surrounding property owners – the Businessperson and the church. As noted in this report, the Businessperson was under the impression that the County owned the Alley and therefore, the County had to be the one to authorize the repairs. The Businessperson told the Office they would have gladly paid for the repairs to the Alley if they thought it was permissible because then the repairs could have been made sooner and by one of the Businessperson's preferred contractors.

Also, the Director, who was relatively new to the County, pursued the CAO's authorization for the Project despite the objections of two senior DPWT employees, the Chief of Highway Design and the ARP Manager, who had the most historical knowledge and experience in dealing with the ARP and ARP-related projects. During their interviews, both employees asserted that the use of ARP funds to repave a private commercial alley, which is primarily surrounded by buildings owned by one individual, is not in keeping with the purpose and spirit of the ARP and it troubled them. Both employees communicated their concerns to the Director, and one of the employees demanded to be excused from the Project.

Finally, even if the Project should have never been accepted into the ARP, once it had been accepted, each property abutting the Alley should have been assessed the \$750 fee by the County. To date, the County has yet to assess any of the Businessperson's six parcels the \$750 fee, or any portion of the fee, as required under the ARP. The Office believes the two parcels associated with the church are exempt from such a tax. Also, because the repairs to the Alley were done under the ARP, the County is responsible for the maintenance of the Alley for a period of 15 years. According to certain DPWT personnel, it is likely that asphalt will require more maintenance than concrete, thereby, potentially obligating the County to expend additional funds for repairs in the coming years.

This matter is being referred to you for an official response. Please respond in writing by October 31, 2022, indicating what action has been taken or what action you intend to take regarding this matter. Should you have any questions, please do not hesitate to contact me.

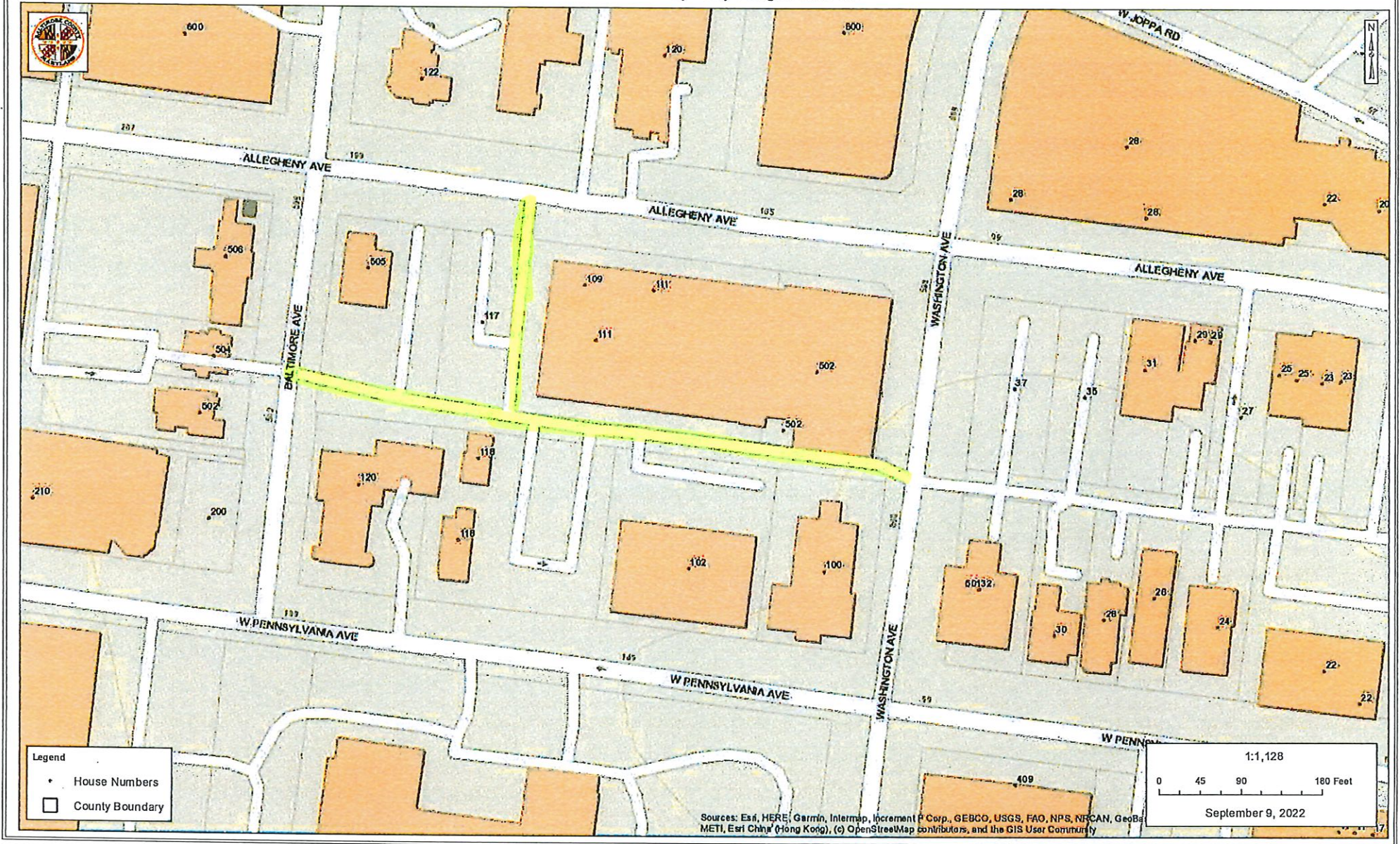
Sincerely,



Kelly Madigan
Inspector General
Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Dori Henry, Chief of Staff
James R. Benjamin, Jr., County Attorney
D'Andrea Walker, Director, Department of Public Works and Transportation

Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

Exhibit 1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1995, Legislative Day No. 15

Bill No. 123-95

Mr. Vincent J. Gardina, Councilman
By Request of County Executive

By the County Council, July 3, 1995

A BILL
ENTITLED

AN ACT concerning

Alley Improvements

FOR the purpose of establishing certain policies and procedures concerning the allocation of cost of certain alley improvements, repairs and reconstructions; making certain stylistic changes; authorizing the director of public works to procure certain services; establishing certain assessments; authorizing certain assessments against certain property owners; deferring assessments for certain property owners; providing for certain notice and hearing procedures and requirements; changing certain alley petition procedures; authorizing the Director of Public Works to adopt certain regulations; and generally relating to the repair and reconstruction of alleys.

BY repealing and reenacting

- Section 31-49
- Section 31-52
- Article II.
- Title 31 "Roads, Bridges and Sidewalks"
- Baltimore County Code, 1988

WHEREAS, both the County Executive and the County Council have agreed that the conservation and preservation of the County's older communities is a priority; and

WHEREAS, a traditional form of land development in these older communities was the inclusion of alleys abutting the rear and sides of properties; and

WHEREAS, there are an estimated 1,000 alleys in Baltimore County; and

WHEREAS, throughout the County these alleys are in need of a defined process for repair and reconstruction; and

WHEREAS, many of these alleys are in poor condition due to deferred maintenance and reconstruction; and.....

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.

Exhibit 2

WHEREAS, the County Executive and the County Council find there are general public benefits including enhanced property values, public sanitation and public safety, when public rights of way are maintained in good repair; and

WHEREAS, they further find that property owners abutting properly maintained alleys also receive special benefits including enhanced personal safety, cleanliness, and access in addition to general public benefits; and

WHEREAS, examination of the current process used to allocate the cost of alley repair among both general beneficiaries and special beneficiaries has been found to create significant barriers to the whole repair and reconstruction process; now therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Sections 31-49 and 31-52, Article II. title "Roads, Bridges
3. and Sidewalks", Baltimore County Code, 1988, be and they are hereby
4. repealed and reenacted with amendments to read as follows:

5. Sec. 31-49. Procedure for requiring abutting owners to construct,
6. repair, etc., roads, curbs, sidewalks, etc.

7. (a) The director of public works is hereby authorized and empowered
8. to order, require, and direct the owner of any ground bounding on any of
9. the roads, streets, or alleys in the county to grade, lay out, dig down,
10. fill up, pave, repave, construct, reconstruct, repair, extend, widen,
11. straighten, and improve roads, streets, or alleys and curbs, gutters,
12. sidewalks, and footways WHERE HE FINDS THAT SUCH IMPROVEMENTS ARE NEEDED TO
13. ALLEVIATE CONDITIONS THAT THREATEN THE HEALTH, SAFETY AND WELFARE OF
14. ABUTTING PROPERTY OWNERS. THE IMPROVEMENTS SHALL BE DONE in accordance
15. with such reasonable plans and specifications as may be required by the
16. director. EXCEPT FOR ALLEYS, {Any} ANY work required of a property owner

1. shall be done at the expense of the property owner after receipt of notice
2. from the director to perform such work. Such notice shall specify the
3. work to be done with reference to roads, streets, or alleys and curbs,
4. gutters, sidewalks, and footways, the manner of doing the work, and the
5. materials to be used therein. The notice aforesaid shall be given or
6. served on the owner of the lot along whose boundaries work is required to
7. be done on, in, or about a road, street, alley, curb, gutter, or sidewalk
8. in any one (1) of the following manners, viz: The order or a copy
9. thereof may be served personally or by registered mail on the owner
10. thereof, any tenant of the property, or any agent, trustee, or guardian of
11. the owner or left at his place of residence or a copy of such order may be
12. published once a week for two (2) successive weeks in one (1) or more
13. newspapers of general circulation. Any notice served or published in any
14. of the modes aforesaid shall be deemed and taken as legally sufficient and
15. binding. Any person feeling aggrieved by the terms and conditions of such
16. notice may apply to the county executive or designee for a hearing (with
17. reference thereto) and shall be given an opportunity to be heard in
18. connection with same. At such hearing, the county executive or designee
19. may revise, alter, affirm, or rescind the decision of the director of
20. public works, in whole or in part, and any such decision shall be final.
21. There shall be no appeal to the county board of appeals or to any court
22. therefrom.

23. (b) Upon the failure of a property owner to comply with any notice
24. within the time limited in such notice, which shall be not less than
25. twenty (20) days from the date of service or from the date of first
26. publication, the director of public works, by and with the consent of the
27. county executive, may procure the performance of such work either with his
28. own forces or by contract. {The} EXCEPT FOR ALLEYS, THE cost and expense

1. of such work, including the cost of giving any notice, shall be certified
2. to the director of finance and shall be a lien on the property in the same
3. manner as taxes, and shall be collectible in the manner provided by law
4. for the collection of taxes; except that such charges and assessments are
5. benefit charges and shall not be subject to any limitation. {The county
6. may provide for a tax credit against any such benefit charges which may be
7. imposed for the paving of alleys in the amount of eight cents (\$0.08) for
8. each assessable front foot in every fiscal year immediately following a
9. year in which the amount of money received by the county from the state as
10. the county's share of gasoline taxes and motor vehicle revenues collected
11. by the state is equal to or in excess of eight hundred fifty dollars
12. (\$850.00) per mile of county roads; provided, however, that this credit
13. shall not apply to any work done on such alleys within fifteen (15) years
14. from the reconstruction thereof; and provided further that this credit
15. shall not be allowed for a period longer than fifteen (15) years.}

16. (c) IF THE DIRECTOR OF PUBLIC WORKS PROCURES PERFORMANCE OF WORK
17. AUTHORIZED UNDER THIS SECTION IN AN ALLEY, THE COUNTY SHALL ASSESS AGAINST
18. EACH ABUTTING PROPERTY OWNER AN EQUAL ANNUAL PAYMENT TO BE DETERMINED BY
19. THE ADMINISTRATIVE OFFICER FOR A PERIOD NOT TO EXCEED FIFTEEN YEARS. THE
20. ASSESSMENT SHALL BE COLLECTIBLE IN THE MANNER PROVIDED IN LAW FOR THE
21. COLLECTION OF TAXES. THE TOTAL OF ALL THE EQUAL, ANNUAL PAYMENTS SHALL
22. NOT EXCEED ONE THIRD OF THE TOTAL COST OF THE WORK PERFORMED.

23. (d) ANY PROPERTY OWNER ASSESSED UNDER SUBSECTION (c) OF THIS
24. SECTION WHO IS ANNUALLY ELIGIBLE FOR THE HOMEOWNERS PROPERTY TAX CREDIT
25. UNDER SECTION 9-104 OF THE STATE TAX PROPERTY ARTICLE OF THE ANNOTATED
26. CODE OF MARYLAND SHALL HAVE THE ASSESSMENT DEFERRED. SUCH DEFERRAL SHALL
27. TERMINATE WHEN THE ELIGIBLE PROPERTY OWNER SELLS OR OTHERWISE TRANSFERS
28. THE PROPERTY AND THE AMOUNT DUE SHALL BECOME A LIEN ON THE PROPERTY IN THE

1. SAME MANNER AS TAXES AND SHALL BE COLLECTIBLE IN THE MANNER PROVIDED FOR
2. THE COLLECTION OF TAXES.

3. {{(c)} (e) The abutting property owner on any road{, street, or
4. alley} OR STREET may petition the county for construction or
5. reconstruction of the bed of such road{, street, or alley} OR STREET. The
6. abutting property owner on each side of such road{, street, or alley} OR
7. STREET shall pay one-half of the cost of such road{, street or alley} OR
8. STREET; provided, however, that no property owner shall be liable for a
9. width exceeding twenty-five (25) feet for each side of the road{, street,
10. or alley} OR STREET he abuts.

11. {{(d)} (f) The county may, upon application, provide for the
12. payment of any assessment for the construction {or reconstruction} of the
13. bed of an alley in annual installments not exceeding fifteen (15) in
14. number, with interest at the rate of six (6) percent per annum, on an
15. amortized basis and on such terms and conditions as may be deemed
16. appropriate by the county; and the county may also, upon application,
17. provide for the payment of any assessment for the construction or
18. reconstruction of the bed of any road or street or of curbs, gutters,
19. sidewalks, and footways in annual installments not exceeding five (5) in
20. number on such terms and conditions as may be deemed appropriate by the
21. county; provided, however, that no installment payments provided for in
22. this subsection shall be permitted unless an agreement with respect
23. thereto has been made by the property owner or owners with the county
24. prior to the performance of the work.

25. Sec. 31-52. Same--Application for repairs in excess of certain
26. amount.

27. (a) Maintenance and reconstruction work of alleys in the county
28. which requires an expenditure exceeding one thousand dollars (\$1,000.00)

1. per block shall be performed upon application of the owners of at least
2. {two-thirds} A MAJORITY of the assessable {front footage of} {property}
3. PROPERTIES abutting the alley. Upon request, the director of public works
4. shall furnish the residents of any block an estimate of the cost of
5. performing the proposed maintenance or reconstruction work, after which,
6. the property owners shall submit a petition signed by the owners of at
7. least {two-thirds of the assessable front footage of property} A MAJORITY
8. OF THE ASSESSABLE PROPERTIES abutting the alley. The petition shall
9. indicate the willingness of the property owners to pay their EQUAL, ANNUAL
10. share of such repairs or reconstruction work AS DETERMINED BY THE
11. ADMINISTRATIVE OFFICER {on a pro rated basis. The director shall
12. determine on a pro rated basis the amount of each abutting owner's share
13. of the cost and assess the same against each abutting owner.} SUCH ANNUAL
14. PAYMENTS SHALL BE FOR A PERIOD NOT TO EXCEED FIFTEEN (15) YEARS. THE
15. TOTAL OF THE EQUAL, ANNUAL PAYMENTS SHALL NOT EXCEED ONE THIRD OF THE
16. TOTAL COST OF THE REPAIR OR RECONSTRUCTION WORK.

17. (b) UPON RECEIPT OF A VALID PETITION, THE DIRECTOR OF PUBLIC WORKS
18. SHALL NOTIFY EVERY PROPERTY OWNER ABUTTING THE PETITIONED ALLEY. THE
19. NOTICE SHALL BE GIVEN BY EITHER:

20. 1) SERVING PERSONALLY ANY OWNER, TENANT OR ANY AGENT, TRUSTEE
21. OR GUARDIAN OF THE OWNER OF THE AFFECTED PROPERTY; OR

22. 2) SERVING BY REGISTERED MAIL ANY OF THE PARTIES LISTED IN
23. SUBSECTION (1) OF THIS SECTION; OR

24. 3) PUBLISHING ONCE A WEEK FOR TWO (2) SUCCESSIVE WEEKS IN ONE
25. (1) OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.

26. (c) THE NOTICE SHALL CLEARLY:

27. 1) STATE THE COUNTY'S INTENTION TO LEVY AN ASSESSMENT;

28. 2) IDENTIFY THE PROPERTIES TO BE AFFECTED BY THE ASSESSMENT;

1. 3) STATE THE PROPOSED ASSESSMENT IS THE RESULT OF THE RECEIPT
2. OF A VALID PETITION AS DESCRIBED IN THIS SECTION;
3. 4) STATE THE AMOUNT AND TERMS OF THE ASSESSMENT;
4. 5) STATE THE MANNER OF THE ASSESSMENT'S COLLECTION; AND
5. 6) INFORM THE READER OF THE RIGHT TO A HEARING REQUIRED BY
6. THIS SECTION.

7. (d) ANY PERSON RECEIVING NOTICE MAY, WITHIN THIRTY (30) DAYS FROM
8. THE DATE OF THE NOTICE, APPLY TO THE COUNTY EXECUTIVE OR DESIGNEE FOR A
9. HEARING AND SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD IN CONNECTION WITH
10. SAME. AT SUCH HEARING, THE COUNTY EXECUTIVE OR DESIGNEE MAY REVISE,
11. ALTER, AFFIRM, OR RESCIND THE DECISION OF THE DIRECTOR OF PUBLIC WORKS, IN
12. WHOLE OR IN PART, AND ANY SUCH DECISION SHALL BE FINAL. THERE SHALL BE NO
13. APPEAL TO THE COUNTY BOARD OF APPEALS OR TO ANY COURT THEREFROM.

14. (e) EVERY PROPERTY OWNER ABUTTING THE PETITIONED ALLEY WHO HAS BEEN
15. NOTIFIED UNDER THE PROVISIONS OF THIS SECTION SHALL BE ASSESSED AN EQUAL
16. ANNUAL PAYMENT AS DETERMINED BY THE ADMINISTRATIVE OFFICER FOR A PERIOD
17. NOT TO EXCEED (15) FIFTEEN YEARS. THE ASSESSMENT SHALL BE COLLECTIBLE IN
18. THE MANNER PROVIDED IN LAW FOR THE COLLECTION OF TAXES.

19. (f) ANY PROPERTY OWNER ASSESSED UNDER SUBSECTION (d) OF THIS SECTION
20. WHO IS ANNUALLY ELIGIBLE FOR THE HOMEOWNERS PROPERTY TAX CREDIT UNDER
21. SECTION 9-104 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF
22. MARYLAND SHALL HAVE THE ASSESSMENT DEFERRED TO THE EXTENT ANNUALLY
23. ELIGIBLE. SUCH DEFERRAL SHALL TERMINATE WHEN THE ELIGIBLE PROPERTY OWNER
24. SELLS OR OTHERWISE TRANSFERS THE PROPERTY SUBJECT TO THE DEFERRAL AND THE
25. AMOUNT DUE SHALL BECOME A LIEN ON THE PROPERTY IN THE SAME MANNER AS TAXES
26. AND SHALL BE COLLECTIBLE IN THE MANNER PROVIDED FOR THE COLLECTION OF
27. TAXES.

1. (g) THE DIRECTOR OF PUBLIC WORKS IS AUTHORIZED TO PROMULGATE SUCH
2. REGULATIONS, IN ACCORDANCE WITH TITLE 2, ARTICLE 4 8 OF THIS CODE,
3. AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

4. SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take
5. effect forty-five days from the date of its enactment.

READ AND PASSED this 7th day of August, 1995
BY ORDER

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 8th day
of August, 1995.

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

8/8/95

Edward E. Rupp
for C.A. Dutch Ruppberger, III
County Executive

I HEREBY CERTIFY THAT BILL NO. 123-95 IS TRUE AND CORRECT
AND TOOK EFFECT ON SEPTEMBER 22 1995.

Vincent J. Gardina
Vincent J. Gardina
Chairman, County Council

DEPARTMENT OF PUBLIC WORKS
DIRECTOR'S OFFICE

cc KURT
BERNER

ORIG to WK

DATE: 9/5/95
FROM: Bob Olsen
ACTION DUE:
CONTROL NO. 196
X For your information
 Review & Comment

TO: x Tom Hamer
Bill Herberich
x Bill Korpman
x Dick Moore
Ted Tochterman
Chuck Weiss

BALTIMORE, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Charles R. Olsen, Director, Public Works
FROM: Merreen E. Kelly, Administrative Officer *CK*
DATE: August 31, 1995
SUBJ: Repayment Rate for Alley Reconstruction

The repayment rate for alley reconstruction shall be \$750.00 or 15 annual payments of \$50.00, interest free for each property owner contiguous to the alley. Any property owner assessed who is annually eligible for the Homeowners Property Tax Credit under Section 9-104 of the State Tax Property Article of the Annotated Code of Maryland shall have the assessment deferred.

This rate shall be effective this date.

MEK:cr

c: P. David Fields
James R. Gibson
John D. Markley
Vernon J. Nethkin

RECEIVED

SEP 6 1995

BALTIMORE COUNTY
BUREAU OF ENGINEERING
AND CONSTRUCTION

RECEIVED

SEP 1 1995

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY

DIRECTOR *196*

Exhibit 3

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

Copy

Date: March 16, 1999

To: Charles R. Olsen
Director of Public Works

From: W. William Korpman, III, Chief
Bureau of Engineering and Construction

Original Signed By:
W. WILLIAM KORPMAN, III

Subject: Revision to Alley Policy for "Non-Concrete Alleys"

Non-concrete alleys were defined by the Office of Law in 1996 as existing alleys that are not constructed of Portland Cement concrete. The majority of those non-concrete alleys are located in the following areas in Baltimore County:

1. Rogers Forge (mostly bituminous concrete)
2. Dundalk (stone or dirt)
3. Edgemere (stone or dirt)
4. Essex (mostly Eastern Blvd. Corridor, stone or bituminous concrete)

Prior to May 23, 1996, these alleys which were never paved were the total responsibility of the adjacent property owners. This policy was identified as the Department of Public Works Policy and Procedure Memorandum Number 01-90 and codified in the code of Baltimore County Regulations.

On May 23, 1996, a request by the Director of Public Works in coordination with the Executive Office, County Council Staff, the Office of Law and the Office of Community Conservation to change this policy which would allow us to include these alleys that have been identified as "Terrible" into the Alley Reconstruction Program using the following criteria:

1. The alleys have to meet the following definition:
"An established passageway for vehicles and pedestrians affording a secondary means of access in the rear to properties abutting on a street or highway".
2. Alleys have to be passable by County trash collectors or emergency vehicles.
3. Those alleys have to be legally documented "public right of access".

All alleys that met those guidelines and were in terrible condition were included in the Alley Reconstruction Program. Most bituminous concrete alleys in Roger Forge and Essex were reconstructed without any problems. A question was raised by our Survey Section and some members of the communities about the existing location of the dirt and stone alleys in the Dundalk and Essex areas.

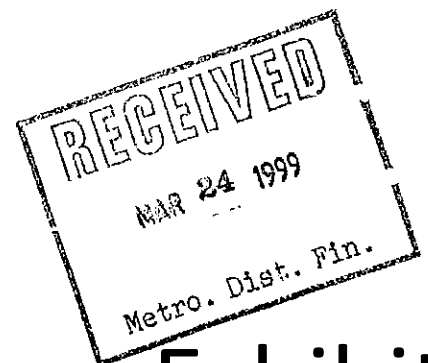


Exhibit 4

The Bureau of Engineering, in coordination with our Survey Department, conducted an investigation to determine if those existing alleys are in correct location as shown on record and plat.

Our investigation determined that most of those alleys which were constructed in the 1940's and 1950's are not within the boundary as shown on the property plats. Those alleys are dirt and stone, and as people improved their property, fences, driveways and walks were found to be built within the alley right-of-way.

As you directed, this information was shared with the Office of Law, Community Conservation, Bureau of Land Acquisition and Engineering Metro District for their input.

As a result of our investigation and meeting, it is our understanding that the Department of Public Works' policy regarding those dirt and stone alleys will be as follows:

1. 100% of the owners of the assessable properties served by the alley must petition Baltimore County for construction of the new alley.
2. All new alleys will be constructed within the right-of-way as shown in the recorded plat.
3. All driveways, fences, walks and other obstacles within the right-of-way of the alley will be removed and reset outside of the alley right-of-way.

The right-of-way of those alleys will be determined by our Survey Section using record plats, road drawings or any other available information.

The Office of Community Conservation and Metro Finance Petitions will provide all necessary documents and information to those affected by this new policy.

Attached please find a list of alleys which will be affected by this policy change.

With your approval, a copy of this letter will be forwarded to the Office of Community Conservation, the Bureau of Land Acquisition, Metro Finance Petitions and the Office of Law.

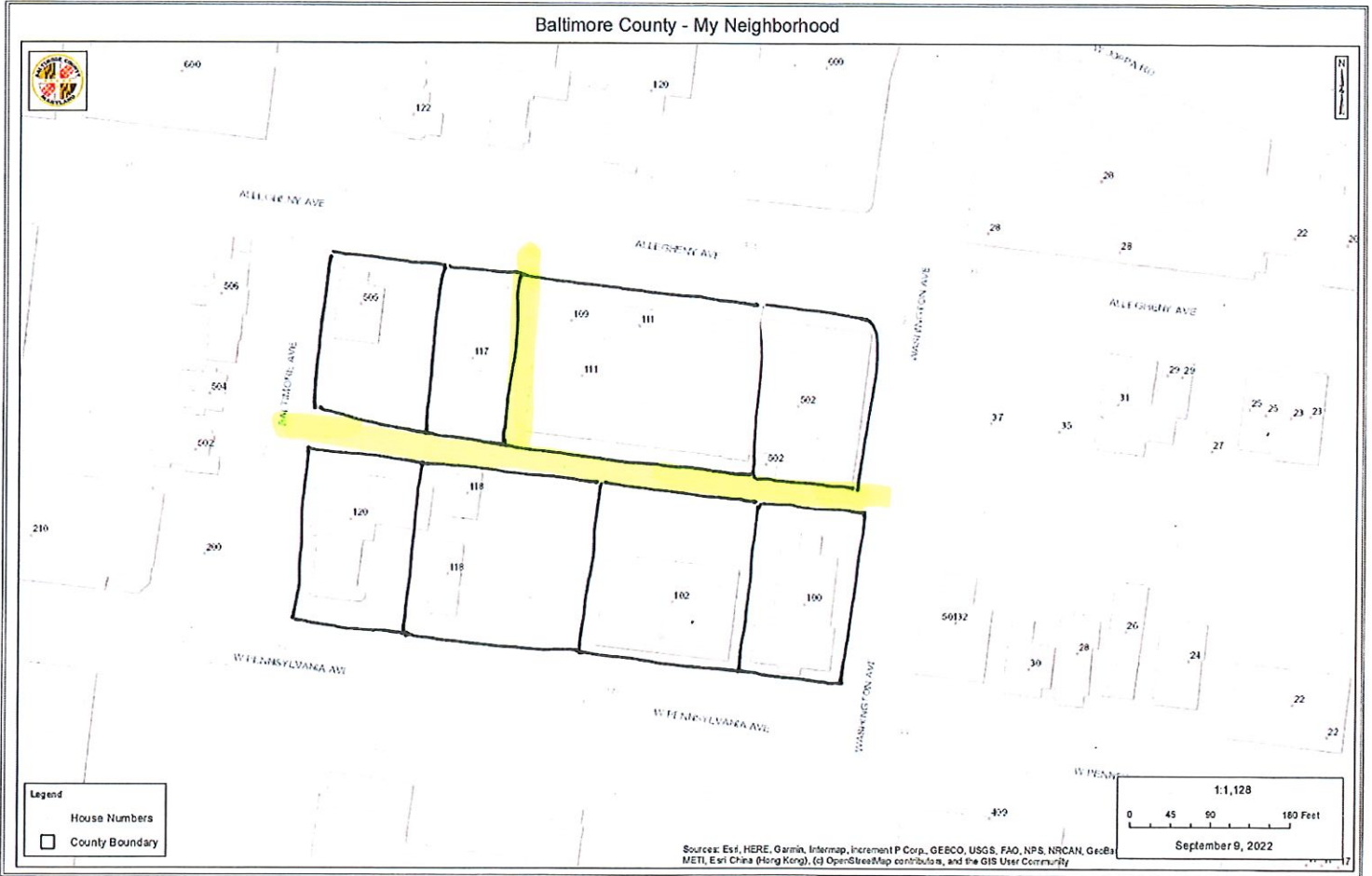
WWK:RCB:AHB:plf

Attachment

Cc: David Fields
Eric Rockel
Leslie Schreiber
Len Buerhaus
Pat Roddy
File

APPROVED:  DATE: 3/22/99
Charles R. Olsen

Baltimore County - My Neighborhood

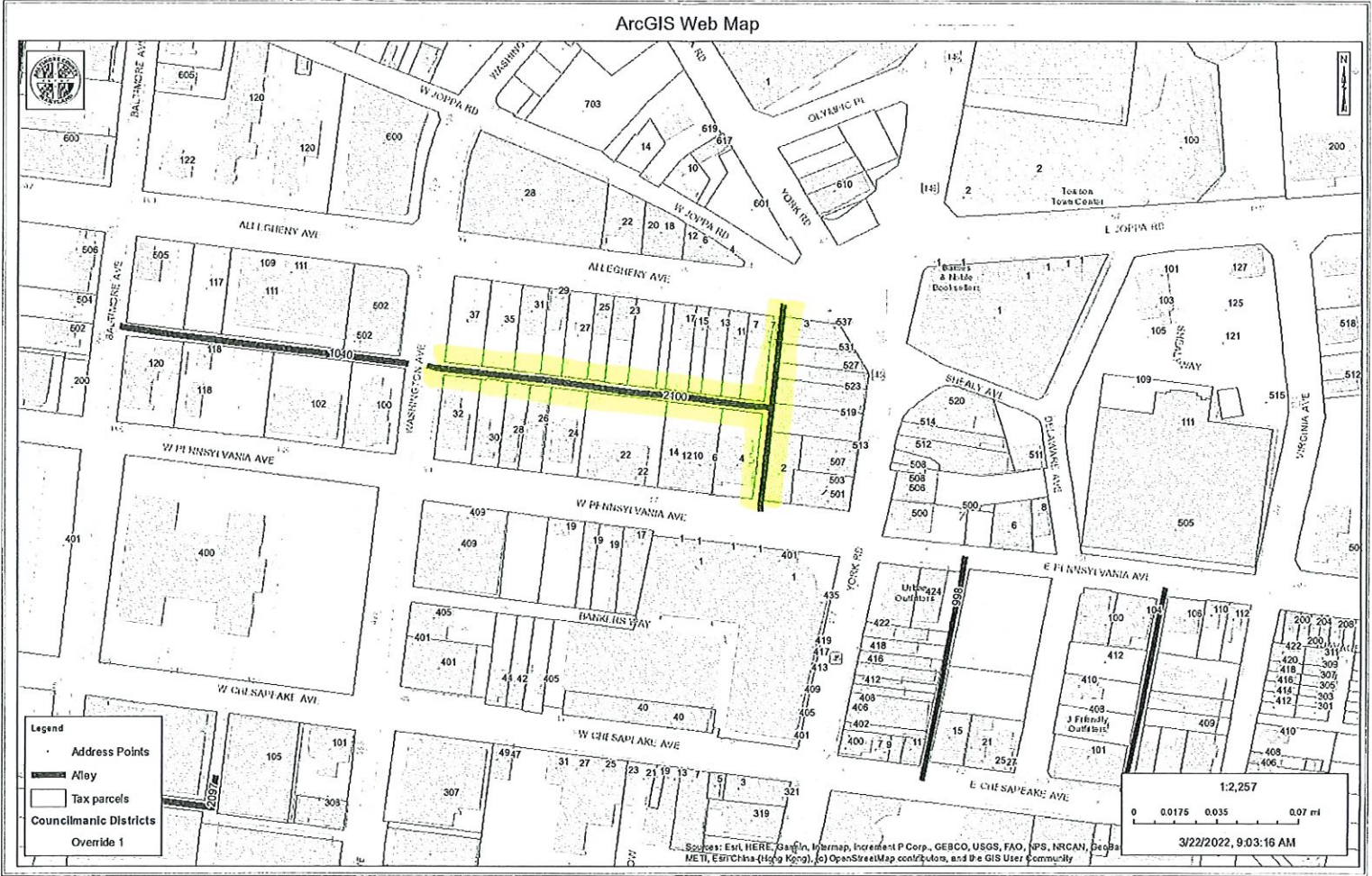


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBn
METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Baltimore County Government, VTA, Esri, HERE, Garmin, GeoTechnology, Inc., USGS, EPA, USDA

Exhibit 5

ArcGIS Web Map



Editorial: County Government, VTA, Esri, HERE, Garmin, GeoTechnology, Inc., USGS, EPA, USDOI, NOAA, data was developed by the Baltimore County Maryland Department of Public Works, Baltimore County Maryland Department of Public Works

Exhibit 6

**BALTIMORE COUNTY MARYLAND DEPARTMENT OF PUBLIC WORKS
PETITION FOR ALLEY RECONSTRUCTION**

PLEASE RETURN THIS ORIGINAL PETITION

PETITIONED ALLEY (BEHIND):

I, the undersigned, owner of property located in the subdivision in the vicinity of _____, Election District _____ of Baltimore County, hereby request, and grant my permission to Baltimore County, Maryland to reconstruct the alley/alleys included in this petition in accordance with Baltimore County policy and existing laws as outlined below.

I am aware that, under Section 18-3-306 of the Baltimore County Code, the director of public works, after receipt of a valid petition, is required to notify every property owner abutting the petitioned alley of: (1) the County's intention to levy an assessment; (2) the properties to be affected by the assessment; (3) the fact that the proposed assessment is the result of a valid petition; (4) the amount and terms of the assessment; (5) the manner of the assessment's collection; and (6) the right to a hearing with the county executive or designee. I am further aware that every property owner abutting the petitioned alley, who has been notified under the provisions of Section 18-3-306, shall be assessed an equal annual payment as determined by the administrative officer for a period not to exceed fifteen (15) years, which assessment shall be collectible in the manner provided in law for the collection of taxes.

By signing my name to this petition, I acknowledge that I have been made fully aware of my rights under Section 18-3-306 to (1) the notice by the director of public works and (2) a hearing with the county executive or designee, and I expressly and voluntarily waive these rights, subject to the condition that the total amount of my assessment does not exceed the sum of seven hundred fifty (\$750.00) dollars, which shall be payable in equal annual installments not to exceed fifty (\$50.00) dollars, per property. This amount of (\$750.00) dollars per property is payable in one lump sum or in 15 annual installments of \$50 per year. This charge would be part of the yearly tax bill.

1. Print Name: _____ (alley) Address _____

Signature: _____ Phone # _____

RETURN THIS FORM TO: BALTIMORE COUNTY DEPT. OF PUBLIC WORKS, HIGHWAY DESIGN SECTION, RM. 200, 111 W. CHESAPEAKE AVE., TOWSON, MD 21204. PHONE 410-887-3739.

PLEASE READ CAREFULLY BEFORE SIGNING PETITION

Major repair work including reconstruction of an alley is the property owner's responsibility. Baltimore County in cooperation with the property owner, will share in the cost of reconstruction. Petitions for improvements require signatures from 100% of the owners abutting the alley who must be in favor of the project. All owners of property served by the alley are charged the current fee (presently set at \$750.00) and the cost of improvement placed on the tax bill. When the alley projects for the next construction period have been identified, each petitioner will be notified. Regardless of the results of the construction bids, the property owner's cost will not change.

Upon completion of the reconstructed alley, the County will make all necessary repairs for a period of 15 years without further charge to the property owner. This time period is the normal life expectancy of a properly constructed concrete alley although most last considerably longer.

For additional information, please contact abssisso@baltimorecountymd.gov or 410-887-3739.

Exhibit 7

BALTIMORE COUNTY MARYLAND DEPARTMENT OF PUBLIC WORKS
PETITION FOR ALLEY RECONSTRUCTION

PETITIONED ALLEY (BEHIND): 100 – 120 W. Pennsylvania Ave, 505 Baltimore Ave, 117 Allegheny Ave, 111 Allegheny Ave, 502 Washington Ave

I, the undersigned, owner of property located in the subdivision in the vicinity of Towson, Election District 9 of Baltimore County, hereby request, and grant my permission to Baltimore County, Maryland to reconstruct the alley/alleys included in this petition in accordance with Baltimore County policy and existing laws as outlined below.

I am aware that, under Section 18-3-306 of the Baltimore County Code, the director of public works, after receipt of a valid petition, is required to notify every property owner abutting the petitioned alley of: (1) the County's intention to levy an assessment; (2) the properties to be affected by the assessment; (3) the fact that the proposed assessment is the result of a valid petition; (4) the amount and terms of the assessment; (5) the manner of the assessment's collection; and (6) the right to a hearing with the county executive or designee. I am further aware that every property owner abutting the petitioned alley, who has been notified under the provisions of Section 18-3-306, shall be assessed an equal annual payment as determined by the administrative officer for a period not to exceed fifteen (15) years, which assessment shall be collectible in the manner provided in law for the collection of taxes.

By signing my name to this petition, I acknowledge that I have been made fully aware of my rights under Section 18-3-306 to (1) the notice by the director of public works and (2) a hearing with the county executive or designee, and I expressly and voluntarily waive these rights, subject to the condition that the total amount of my assessment does not exceed the sum of seven hundred fifty (\$750.00) dollars per property, which shall be payable in equal annual installments not to exceed fifty (\$50.00) dollars.

- | | | |
|---------------|---------|--|
| 1. Print Name | Address | 100 W. Pennsylvania Avenue |
| Signature: | Phone # | [REDACTED] |
| 2. Print Name | Address | 102 W. Pennsylvania Avenue |
| Signature: | Phone # | [REDACTED] |
| 3. Print Name | Address | 118 W. Pennsylvania Avenue (Tax Pin: 0903000820) |
| Signature: | Phone # | [REDACTED] |
| 4. Print Name | Address | 120 W. Pennsylvania Avenue (Tax Pin: 0903000821) |
| Signature: | Phone # | [REDACTED] |
| 5. Print Name | Address | 505 Baltimore Avenue |
| Signature: | Phone # | [REDACTED] |
| 6. Print Name | Address | 117 Allegheny Avenue |
| Signature: | Phone # | [REDACTED] |
| 7. Print Name | Address | 111 Allegheny Avenue |
| Signature: | Phone # | [REDACTED] |

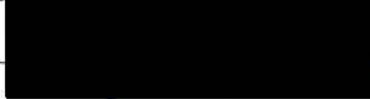
8. Print Name



Address

502 Washington Avenue

Signature:



Phone #



PLEASE DESIGNATE A SPOKESPERSON FOR THE GROUP BY PLACING A STAR (*) BY THEIR NAME AND THEIR PHONE # BESIDE IT.

RETURN THIS FORM TO BALTIMORE COUNTY DEPT. OF PUBLIC WORKS, METRO FINANCE & PETITIONS, RM. 313, 111 W. CHESAPEAKE AVE., TOWSON, MD 21204. PHONE 410-887-3364.

PLEASE SEE OTHER SIDE FOR ADDITIONAL INFORMATION

AFFIDAVIT

THIS AFFIDAVIT (this "Affidavit") is made this 30th day of June, 2021, by the following parties, individually and in the capacity herein stated:

1. PROPERTY OWNERS: 100 West Pennsylvania Avenue LLC, 100 West Pennsylvania Avenue HG LLC, 102 West Pennsylvania Avenue LLC, 505 Baltimore LLC, 117 Allegheny Avenue LLC, 111 Allegheny Avenue LLC, and 502 Washington Avenue LLC (collectively, the "Owners")
2. PROPERTIES: 100 West Pennsylvania Avenue, 102 West Pennsylvania Avenue, 505 Baltimore Avenue, 117 Allegheny Avenue, 111 Allegheny Avenue, and 502 Washington Avenue (the foregoing are all located in Towson, MD, having a zip code of 21204, and all are collectively referred to herein as the "Properties")
3. AFFIANT: [REDACTED] (the "Affiant")

Affiant has executed this Affidavit in order to provide sufficient evidence to whom it may concern within the Baltimore County Government (hereinafter referred to as "**Baltimore County**") that the Owners listed herein own the Properties listed herein, and that the Affiant is the Managing Member of each of the Owners and therefore the Affiant has the authority to bind the Owners and the Properties for purposes of approving and completing the Watkins Way alley paving project (hereinafter, the "**Alley Project**"), and for any other purpose.

Certifications

NOW, THEREFORE, the Affiant, being first duly sworn and under the penalty of perjury, certifies to Baltimore County as follows:

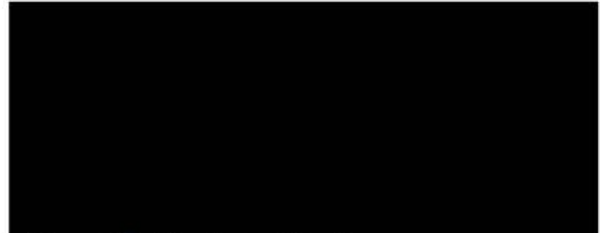
1. The Owners listed herein are the sole owners of the corresponding Properties listed herein;
2. I am the Managing Member of each of the Owners;
3. As the Managing Member of each of the Owners, I have the authority to execute any document on behalf of each of the Owners and bind the Owners and the Properties for purposes of approving and completing the Alley Project;
4. I acknowledge that Baltimore County is relying upon my certifications in order to approve and complete the Alley Project.

[Signatures are on the following page]

WITNESS:

[Handwritten Signature]

AFFIANT:



Managing Member of the Owners

STATE OF MARYLAND, COUNTY/CITY OF Baltimore, TO WIT:

I HEREBY CERTIFY that on this 30 day of June, 2021 before me, the subscriber, a Notary Public of the jurisdiction aforesaid, personally appeared [Redacted] known to me or satisfactorily proven to be the person named in the foregoing document, and acknowledged that he executed the foregoing document for the purposes therein contained.

IN WITNESS MY Hand and Notarial Seal.

Maria S. DiPietro
NOTARY PUBLIC

My Commission Expires:

9/19/2021



M.T. Laney Company, Inc.

Site
Contractors

Since 1978

5941 Bartholow Road
Eldersburg, MD 21784

1-800-720-PAVE
410-795-1761

Fax 410-795-9546

Est. Dept. Fax 410-795-0660

www.mtlaney.com

info@mtlaney.com

PROPOSAL

May 11, 2021

Baltimore County

ATTN: [REDACTED]

Email: [REDACTED]@baltimorecountymd.gov

Following is our proposal for work to be done at the **502 Washington Avenue - Towson – On-Call** project.

Scope of Work: Provide all labor, materials and equipment to complete work as detailed below.

Item I: Alley #1 – 1,185 Square Yards

- Demo Existing Deteriorated Asphalt
- Haul to Off-Site Location for Recycling
- Demo Concrete Apron at Manhole, Haul Off-Site
- Adjust (2) Water Valves with Parts
- Provide and Install 3" of 12.5mm Base Asphalt Mix, Compacted
- Provide and Install 2" of 9.5mm Surface Asphalt Mix, Compacted
- Achieve Proper Compaction During All Phases of Construction

Item II: Alley #2 (From Alley #1 to Allegheny Avenue) – 2" Mill & Overlay - Approximately 494 Square Yards / 3" Patching – 63 Square Yards

- Mill Existing Asphalt (2" Depth)
- Haul Millings to Off-Site Location for Recycling
- Saw Cut & Remove Deteriorated Asphalt
- Provide and Install 3" of 12.5mm Base Asphalt Mix (in Patching Areas)
- Provide and Install 2" of 9.5mm Surface Asphalt Mix, Compacted
- Achieve Proper Compaction During All Phases of Construction

Total Lump Sum of Items I & II: \$ 62,400.00

Please note: At the time this estimate was prepared, the liquid asphalt price was very unstable. Our proposal is based on the current liquid asphalt price for the month of May 2021 per the Maryland Asphalt Association. However, due to this instability the price of this job may need to be adjusted, dependent upon current market prices of liquid asphalt at time actual work is done. M.T. Laney Company, Inc. is not responsible for permits, bonds, excavating, utilities, concrete flatwork, signage, lighting, or fencing. We cannot guarantee overall positive water drainage where design elevations yield less than one and one-half percent (< 1.5%) slope. We cannot be held responsible for damage which occurs to base or surface asphalt by heavy traffic exceeding the design weight criteria for the paving section and/ or after a successful county or private inspection has been approved on this job.

This proposal is based on information given to our estimator and reflects our price to do the work specified. Specifically excluded are undercutting and refill of unsuitable sub grade, utility or inlet adjustments, erosion and sediment control measures, testing, damage from acts of god, excavating, utilities, permits and heavy cleaning, other than power brooming. Any additions, changes or unforeseen circumstances will incur additional cost.

Paving • Soil Stabilization / Reclamation • Site Work



Exhibit 10

Page 2

Proposal – 502 Washington Avenue - Towson – On-Call
May 11, 2021

Thank you for the opportunity to submit a proposal for this work. We look forward to working with you on this project.

Thank you,
Joseph P. Laney
M.T. Laney Company, Inc.

This price is quoted on the understanding that payment will be made upon completion of work. Interest at the rate of 1.75% per month will accrue after that time. If suit is brought by M.T. Laney Company, Inc. for recovery of any payment due under this contract, the undersigned agrees to pay all costs incurred by M.T. Laney Company, Inc. in connection with said suit, including reasonable attorney fees, whether or not the suit proceeds to judgment.

In the event the Customer accepts this proposal but requires M.T. Laney to execute a separate written contract, M.T. Laney will only execute a mutually acceptable separate written contract. The Customer agrees that the separate written contract will be subject to M.T. Laney's standard terms and conditions, and this proposal and M.T. Laney's standard terms and conditions will be incorporated by reference into and become a part of the separate written contract. If a separate written contract is required, and the terms of the separate written contract conflict in any way with the terms of this proposal or M.T. Laney's standard terms and conditions, the terms of this proposal and M.T. Laney's standard terms and conditions shall prevail over the terms of the separate written contract. This proposal is valid (45) days from proposal date at which time it will become subject to change.

This Proposal is valid for (45) days from the date set forth above and shall be automatically rescinded if the Customer does not "Sign and Return" this Proposal within such time frame. In the event this Proposal is not signed by the Customer, and the Customer directs M.T. Laney Company, Inc. to proceed with the work set forth herein (verbally or otherwise), and if M.T. Laney Company, Inc. elects to proceed with the work in response to Customer's directive, the Customer's directive to proceed with the work shall be deemed an acceptance of all the terms set forth in this Proposal, and Customer agrees that the terms in this Proposal are binding and enforceable, notwithstanding the absence of a signature.

Signature: _____

Title: _____

Date: _____



----- Original message -----

From: [REDACTED] <[\[REDACTED\]@baltimorecountymd.gov](mailto:[REDACTED]@baltimorecountymd.gov)>

Date: 6/15/21 4:50 AM (GMT-05:00)

To: [REDACTED] <[\[REDACTED\]@baltimorecountymd.gov](mailto:[REDACTED]@baltimorecountymd.gov)>

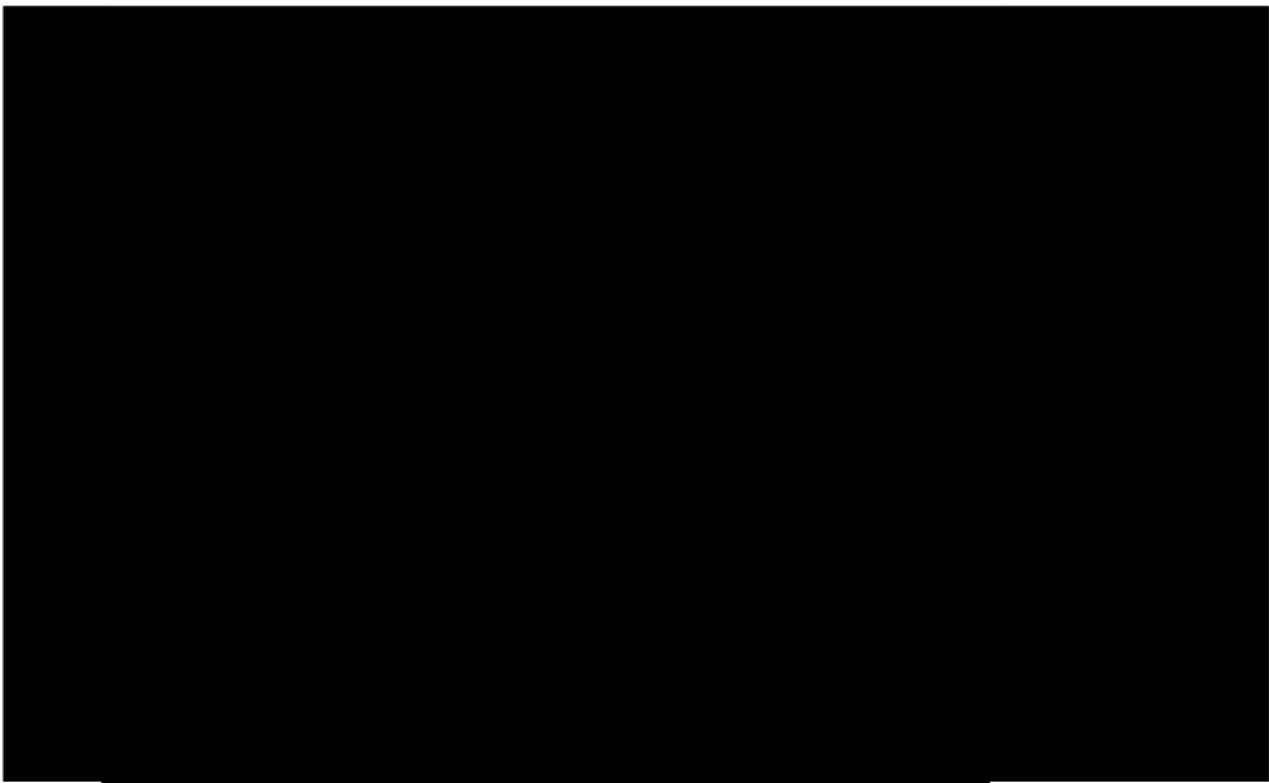
Cc: [REDACTED]

Subject: Fw: Towson Alley

[REDACTED]

For the record I believe proceeding with this commercial alley is highly unethical. This alley is a clear example of why we don't do this type of alleys as explained in the email and attachments. We requested a signed DM and we were told by acting Director none will be provided and use her email to proceed. (The private alley is owned by one business LLC.

I am concerned that proceeding with this alley is a deliberate violation of Baltimore county code and department policy and based on that I am requesting to be excluded of any involvement in this alley



[REDACTED]

From: [REDACTED]@gmail.com>
Sent: Tuesday, April 13, 2021 12:36 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Question / Proposal

CAUTION: This message from [REDACTED]@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[REDACTED],
Please see the attached map of a few alleys in Towson. The RED is the concrete alley which [REDACTED] has organized with the county to have replaced. The terms of the agreement with the county/property owners is as follows:

All owners served by the alley are charged \$750 per property, payable in one lump sum or 15 annual installment of \$50 per year.

Each owner signed a petition drafted by the county.

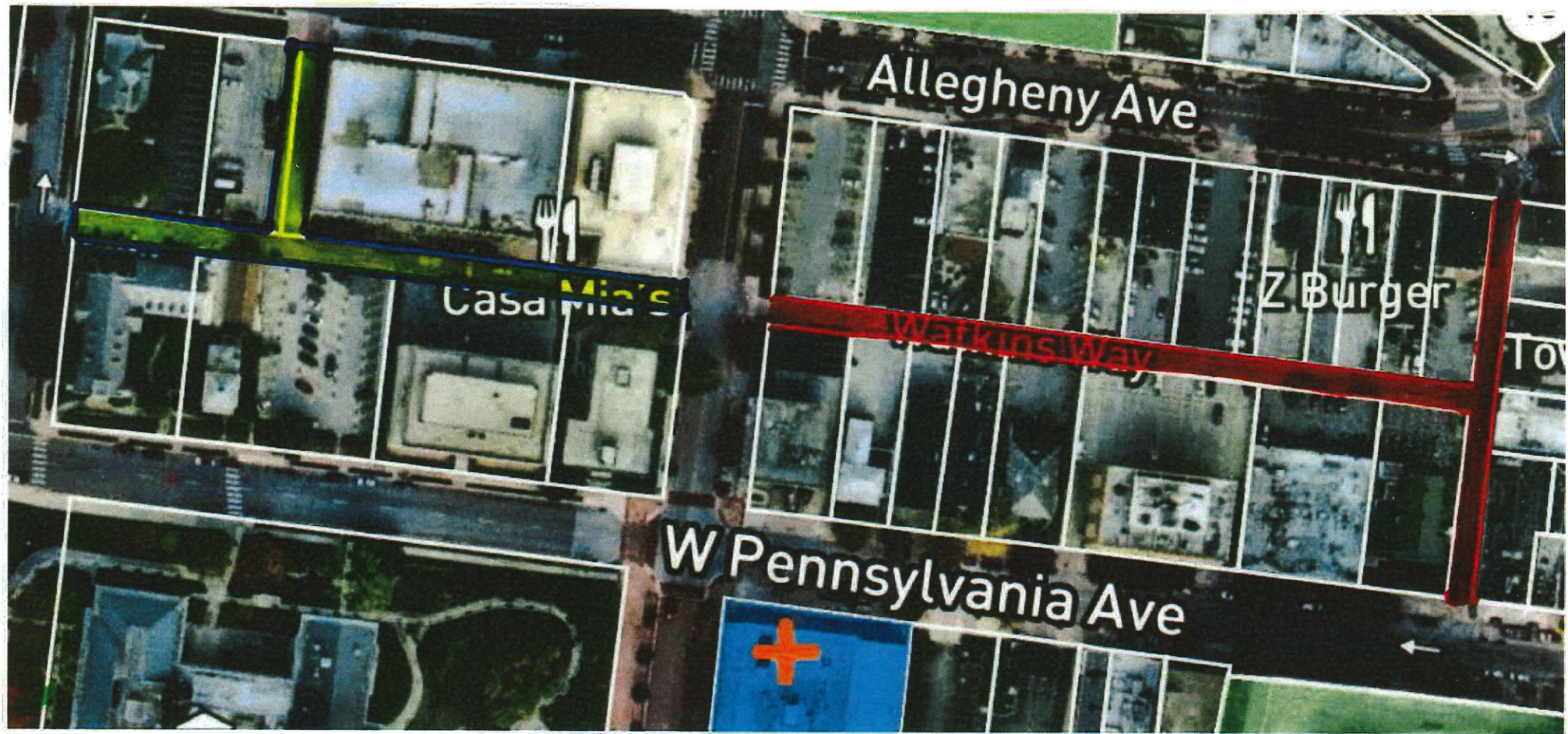
(let me know if you need a copy)

The BLUE/YELLOW outline is the other alley. It is paved with asphalt, not concrete. Please let me know if the same situation could be worked out for that side.

Thanks for your consideration and please let me know if you have any questions.

--

[REDACTED]
Chairman, Baltimore County Council
4th District
410-887-3389
[REDACTED]



Allegheny Ave

Casa Mia's

Z Burger

Watkins Way

W Pennsylvania Ave



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Question / Proposal
Date: Wednesday, April 14, 2021 2:58:42 PM

Hello Chairman:

I will speak with the staff and see how the previous agreement was arranged and if we can set up the same process for the other alleys.

We will be in touch after I have consulted the staff.

Thanks,

From: [REDACTED]@gmail.com>
Sent: Tuesday, April 13, 2021 12:36 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Question / Proposal

CAUTION: This message from [REDACTED]@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[REDACTED],
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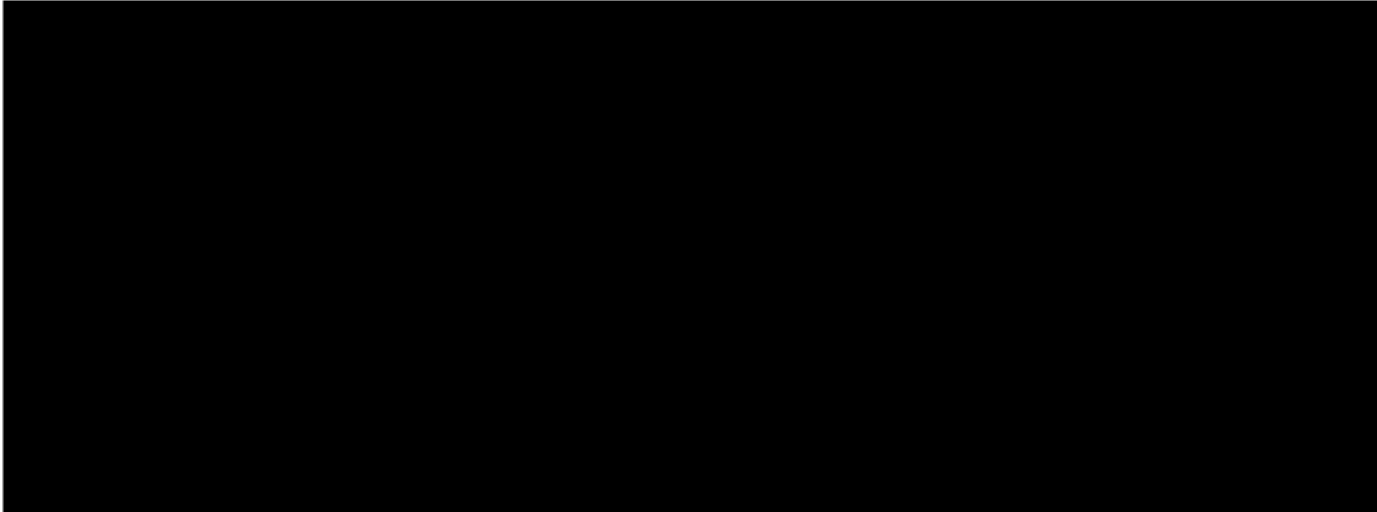
(let me know if you need a copy)

The BLUE/YELLOW outline is the other alley. It is paved with asphalt, not concrete. Please let me know if the same situation could be worked out for that side.

Thanks for your consideration and please let me know if you have any questions.

--

[REDACTED]
Chairman, Baltimore County Council
4th District
410-887-3389
[REDACTED]



From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, April 15, 2021 10:43 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Question / Proposal--Towson Alley

[REDACTED],


The alley reconstruction program was established for residential concrete alleys. We rarely include and/or get involved with commercial alleys.

The Watkins Way commercial alley(shown in red) was accepted as an exception for the following reasons:

- 1) There is a road closure on Allegheny Ave from Washington Ave to the Towson Circle during the summer months for the Farmer's Market, and the alley provides a secondary mean of access to the businesses and emergency vehicles.
- 2) Baltimore County Revenue Authority manage parking facilities abutting the alley with accesses from the alley.
- 3) During the weekend the area has an active night life and our emergency vehicles use the alley to provide proper security (information provided by Towson Chamber of Commerce).
- 4) The paving is concrete.

The other driveway shown in yellow is not an alley and it is an "asphalt use-in-common driveway" and does not have any of the above conditions. Therefore, we cannot consider that as an alley.

Thanks, [REDACTED]



From: [REDACTED]
To: [REDACTED]
Subject: RE: Towson Alley
Date: Tuesday, April 20, 2021 10:02:04 PM

Thanks [REDACTED]....

Can I get the definition for an alley? And options on suggestions to offer an exception in this case?

Not sure that the last exception was made simply because it was an alley.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, April 20, 2021 2:21 PM
To: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>;
[REDACTED]@baltimorecountymd.gov>
Subject: RE: Towson Alley

It doesn't meet the definition of the an alley in the code for replacement....

[REDACTED] | Acting Chief

Baltimore County DPW | Bureau of Engineering and Construction

111 West Chesapeake Ave., Room 225 | Towson, MD 21204 | [O] 410.887.3788

[REDACTED]@baltimorecountymd.gov

Exceptional Customer Service

Safe and Efficient Operations

Reliable Infrastructure

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, April 20, 2021 11:56 AM
To: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Subject: RE: Towson Alley

Why are we having a meeting? Can we draft the agreement? I need to get it to the CE.

-----Original Appointment-----

From: [REDACTED]@baltimorecountymd.gov>

Sent: Monday, April 19, 2021 3:09 PM

To: [REDACTED]; [REDACTED]

Subject: Towson Alley

When: Tuesday, April 27, 2021 11:00 AM-11:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

-- Do not delete or change any of the following text. --

[REDACTED] is inviting you to a Webex Personal Room meeting.

More ways to join:

Join from the meeting link

[https://baltimorecountymd.webex.com/join/\[REDACTED\]](https://baltimorecountymd.webex.com/join/[REDACTED])

Join by meeting number

Meeting number (access code): 732 916 278

Tap to join from a mobile device (attendees only)

[+1-415-655-0001,,732916278##](tel:+1-415-655-0001,,732916278##) US Toll

Join by phone

+1-415-655-0001 US Toll

Access code: 732 916 278

[Global call-in numbers](#)

Join from a video conferencing system or application

Dial [REDACTED]@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.
If you are the host, you can also enter your host PIN in your video conferencing system or application to start the meeting.

Need help? Go to <https://help.webex.com>

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Question / Proposal--Towson Alley
Date: Friday, April 16, 2021 12:45:09 PM
Attachments: [2585_001 \(1\).pdf](#)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, April 15, 2021 10:43 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Question / Proposal--Towson Alley

[REDACTED],

The alley reconstruction program was established for residential concrete alleys. We rarely include and/or get involved with commercial alleys.

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- 3) During the weekend the area has an active night life and our emergency vehicles use the alley to provide proper security (information provided by Towson Chamber of Commerce).
- 4) The paving is concrete.

The other driveway shown in yellow is not an alley and it is an "asphalt use-in-

common driveway” and does not have any of the above conditions. Therefore, we cannot consider that as an alley.

Thanks, [REDACTED]

From: [REDACTED]@gmail.com>
Sent: Tuesday, April 13, 2021 12:36 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Question / Proposal

CAUTION: This message from [REDACTED]@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[REDACTED],

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The BLUE/YELLOW outline is the other alley. It is paved with asphalt, not concrete. Please let me know if the same situation could be worked out for that side.

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--

[REDACTED]
Chairman, Baltimore County Council
4th District
410-887-3389

[REDACTED]



From: [redacted]@baltimorecountymd.gov>
Sent: Friday, April 16, 2021 3:25 PM
To: [redacted]@baltimorecountymd.gov>
Cc: [redacted]@baltimorecountymd.gov>
Subject: RE: Question / Proposal--Towson Alley

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

County Administrative Officer
410-887-2450

From: [redacted]@baltimorecountymd.gov>
Sent: Friday, April 16, 2021 12:45 PM
To: [redacted]@baltimorecountymd.gov>
Cc: [redacted]@baltimorecountymd.gov>
Subject: FW: Question / Proposal--Towson Alley

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@baltimorecountymd.gov](mailto:[REDACTED]@baltimorecountymd.gov)>
Sent: Thursday, April 15, 2021 10:43 AM
To: [REDACTED] <[\[REDACTED\]@baltimorecountymd.gov](mailto:[REDACTED]@baltimorecountymd.gov)>
Subject: FW: Question / Proposal--Towson Alley

[REDACTED],

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Thanks, [REDACTED]

From: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Sent: Tuesday, April 13, 2021 12:36 PM
To: [REDACTED] <[\[REDACTED\]@baltimorecountymd.gov](mailto:[REDACTED]@baltimorecountymd.gov)>
Subject: Question / Proposal

CAUTION: This message from [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)> originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[REDACTED],

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(let me know if you need a copy)

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Thanks for your consideration and please let me know if you have any questions.

--

[REDACTED]
Chairman, Baltimore County Council

4th District

410-887-3389
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: "Weekly Sound bite" Councilman [REDACTED] Alley request
Date: Friday, April 30, 2021 11:20:39 AM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED], Acting Director

Department of Public Works
111 W. Chesapeake Avenue Room 307
Towson MD 21204
410.887.4120



Exceptional Customer Service
Safe and Efficient Operations
Sustainable Infrastructure

Please consider the environment before printing this email

Confidentiality Statement

This e-mail is intended only for the addressee(s) named above. The information contained in this e-mail, and any attachment(s) thereto, are intended only for the personal and confidential use of the designated addressee(s). If the reader of this message is not an intended recipient or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this e-mail in error, and that any review, retention, dissemination, distribution, or copying of this information is strictly prohibited, and may be subject to penalties under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and other applicable laws. If you have received this communication in error, please notify the sender immediately by reply e-mail or by telephone (410-887-3306) and permanently delete this e-mail message and any accompanying attachment(s).

DELIVERY ORDER



BALTIMORE COUNTY, MARYLAND
Office of Budget and Finance

Date Printed: August 06, 2021 Version: 1 New
Order ID: 00060375
Master Agreement ID: 00004266
Buyer: [REDACTED]
Buyer Phone: 410-887-3272
County Contact: [REDACTED]
Phone: 410-887-4408 Department: 205

Vendor: VC0000010524
M T Laney Company Incorporated
5941 Bartholow Road Suite A
Eldersburg, MD 21784

Procurement Folder Number: 689815
Payment Terms: Net 30 Days
(See Extended Description for Exceptions)

Contract Approved Date: 1/10/20

Confirmation Order? No

Total Amount of Order: \$62,400.00

Document Description: 502 Washington Ave. Alley, Repaving

Reason for Modification:

Bill To: Office of Budget & Finance
disbursement@baltimorecountymd.gov
Disbursements Section
400 Washington Ave., Rm 148
Towson, MD 21204

Ship FOB Destination
Inside Delivery
Public Works Bureau of Eng Admin
111 W Chesapeake Ave
Rm 219
Towson, MD 21204

ORIGINAL

DELIVERY ORDER

Order ID: 00060375

Version: 1

Line No.	Commodity Code	Quantity	UoM	Unit Price	Extended Amount	Contract Amount	Service Start Date	Service End Date	MA Line No.
1	91327	0.00000		\$0.0000	\$62,400.00	\$62,400.00	01/10/20	01/09/25	32
Repaving of 502 Washington Ave. Alley									

Fiscal Year	Fund	Department	Unit	Sub Unit	Object	Sub-Object	Department Object	Amount
2022	210	205	0710		4000	30		\$62,400.00

Reviewed and Approved:

By: 

Director of Budget and Finance
or Director's designee



INVOICE

M.T. Laney Company, Inc.
 5941 Bartholow Rd. Suite A
 Eldersburg MD 21784-
 (410) 795-1761
 www.mtlaney.com

Bill To:
 BALTIMORE COUNTY
 400 WASHINGTON AVE RM 148

TOWSON MD 21204

PH 688 ALLEGHNY / WASH. ALLEY

Invoice No: 30759
 Invoice Date: 11/11/2021
 Due Date: 12/11/2021
 Job No: 20-001
 Terms: NET30

Revised

Quantity	Unit	Description	Unit Price	Extended Price
		10/3-10/6 ALLEGHNY AVE / WASHINGTON AVE ALLEY FOR [REDACTED]		
200.00	TONS	RESURFACE HMA	77.00	15,400.00
3.00	EA	ADJ. UTILITY FIXTURES	237.82	713.46
0.00	EA	CHIP EXISTING MANHOLES	5.06	0.00
0.00	EA	WATER VALVE RING	20.40	0.00
0.00	EA	INLET ADJUST AND REPAIR	459.00	0.00
0.00	SY	MINOR MILLING	7.34	0.00
0.00	TONS	PAVING FAILURE AGG BASE CR1/CR6	15.18	0.00
296.96	TONS	PAVING FAILURE HMA BASE	153.00	45,434.88
0.00	TONS	WEDGE AND LEVEL HMA	70.00	0.00
165.00	GA	TACK COAT	2.00	330.00
0.00	LF	6" UNDERDRAIN	5.06	0.00
0.00	CY	TOPSOIL	35.42	0.00
0.00	LF	TEMP. TAPE	1.01	0.00

Exhibit 20



INVOICE

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Job No: 20-001
Terms: NET30

PH.688 ALLEGHNY / WASH. ALLEY

Quantity	Unit	Description	Unit Price	Extended Price
0.00	LF	REMOVE TEMP. TAPE	0.20	0.00
0.00	DAY	ARROW PANEL	25.30	0.00
0.00	SF	REMOVE AND REPLACE 4" SW	5.97	0.00
0.00	LF	REMOVE AND REPLACE CURB AND GUTTER	23.70	0.00
0.00	SF	REMOVE AND REPLACE 4" SW WITH RAMP	6.46	0.00
0.00	LF	INSTALL 3" PVC DRAIN	5.06	0.00
10.00	CY	CLASS 2 EXCAVATION	31.37	313.70
0.00	LF	BITUMINOUS CURB	5.00	0.00
1.00	EA	MOBLIZATION	303.60	303.60
0.00	LF	SAWCUT HMA	1.01	0.00
0.00	LF	SAWCUT 2"	1.01	0.00
0.00	SY	SEED AND MULCH	1.01	0.00
0.00	TONS	CLASS 1 RIP-RAP	30.36	0.00
0.00	CY	BORROW, FURNISH AND INSTALL	9.10	0.00



INVOICE

M.T. Laney Company, Inc.
5941 Bartholow Rd. Suite A
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Invoice No: 30759
Invoice Date: 11/11/2021
Due Date: 12/11/2021
Job No: 20-001
Terms: NET30

Bill To:
BALTIMORE COUNTY
400 WASHINGTON AVE RM 148

TOWSON MD 21204

PH 688 ALLEGHNY / WASH. ALLEY

Quantity	Unit	Description	Unit Price	Extended Price
0.00	SF	10" CONCRETE PAVING REINFORCED	13.46	0.00
0.00	SF	7" CONCRETE PAVING- REM. AND REPLACE	8.60	0.00
2.00	DAY	MAINTENANCE OF TRAFFIC	1,295.36	2,590.72
1,801.00	SY	MAJOR MILLING	2.25	4,052.25
1.00	LS	ASPHALT ADJUSTMENT	761.39	761.39

Amount Now Due: 69,900.00

Thank You For Your Business!

Terms: NET 30



JOHN A. OLSZEWSKI, JR.
County Executive

STACY L. RODGERS
County Administrative Officer

November 14, 2022

Ms. Kelly Madigan
Inspector General
Office of the Inspector General
Baltimore County Government
400 Washington Avenue
Towson, Maryland 21204

RE: OIG Investigative Report – Case No. 22-012 –
(Watkins Way Alley Repairs)

Dear Ms. Madigan:

Thank you for sharing Investigative Report #22-012 regarding the County's repair of Watkins Way, a public access alley in the core of Towson, Maryland. The Administration unequivocally does not concur with many of the conclusions presented in your report.

The Administration has thoroughly reviewed your report, and have reviewed authorizing legislation and land records. We have also examined departmental records and County business processes and interviewed parties associated with this project. Based on our review and examination, and with all due respect, it appears that you and your office have made these assertions – and drawn conclusions from those assertions – without considering the totality of facts in this matter.

The report expresses a number of assertions and conclusions regarding the Administration's operating and decision-making processes. In your report, you assert that the County unnecessarily spent funds for this project. You assert that ARP funds are *intended* for residential alleys and not commercial alleys, and that as a result, the project *appeared* to be improper. You assert that the project did not meet the criteria or spirit of the ARP, and that the project was done outside of normal ARP procedures because, in your view, the Department of Public Works & Transportation (DPWT) changed the process that had been used within the Department to evaluate the merits of accepting an alley into the ARP as well as the methods used to award and carry out the work. However, it is the Administration's position that these assertions are incorrect and/or based on incomplete facts.

As will be shown below, the Code legally authorizes the project and the actions undertaken. The criteria outlined in DPWT's business process flow chart for considering whether to engage in the ARP demonstrate the project was appropriate.

Further, proper review and discretion was exercised by the DPWT Acting Director for purposes of determining whether to engage in this project. There is clear precedent (and legal authority) for this type of work, as established through prior alley repair projects. Finally, it is important to bear in mind that the County undertakes thousands of projects. All projects do not have to go through a deliberative process requiring a Decision Memo at the highest level of the government.

If there is clear precedent and legal authority to act, and if a project meets the established criteria, decisions can be made at the departmental level. This was the case for this effort.

The Administration’s position is further explained below.

I. Legislative Intent - County Council Bill 123-95

1. Background on the Alley Repair Program (ARP)

As stated in your report the ARP was codified as part of *County Council Bill 123-95, An Act Concerning Alley Improvements*. Page 2, paragraph 2 your report quotes several sentences of the introductory paragraphs of the Bill:

“The purpose of the bill was to create a defined process for repair and reconstruction for the estimated 1,000 *private* alleys in the County to ensure that the County’s older Communities were preserved”

In closely reviewing Bill 123-95 the language does not include the word “**private**” alleys.” As reflected in your report’s Exhibit 2, the Bill language reads as:

*“Whereas there are an estimated, 1,000 alleys in Baltimore County; and
Whereas throughout the County these alleys are in need of a defined process for repair and reconstruction; and
Whereas many of these alleys are in poor condition due to deferred maintenance and reconstruction; and
Whereas the County Executive and the County Council find there are general public benefits including enhanced public benefits, including enhanced property values, public sanitation and safety, when public rights of way are maintained in good repair... Emphasis added.*

Section 1, paragraph 1 of your report also references another section of Bill 123-95, stating “the Bill specifically “references alleys located in the rear and on the sides of *residential* properties”.....

Upon close examination of Bill 123-95 the word residential does not appear in the language of the legislation. As reflected in your report’s Exhibit 2, the Bill language reads as:

“Whereas a traditional form of land development in these older communities was the inclusion of alleys abutting the rear and sides of properties”.... Emphasis added.

As a part of our review, we consulted with the Secretary of the Baltimore County Council regarding the legislative intent of Bill 123-95. The Council Secretary concurred that there is no mention in the legislation of “private” alleys nor that the legislation states specifically that it applies only to “residential” alleys. Therefore, it is the Administration’s opinion that the intent of the legislation was directed to ALL “1,000 alleys” not just *private, residential* alleys. As such, we do not concur with the report’s suggestion that the *spirit of the legislation* and therefore the ARP was for private, residential alleys only.

2. DPWT Director’s Authority construed through Bill 123-95

Also conveyed in Bill 123-95 is the Authority of the Director of DPW (Now known as DPWT). In examining any issue presented to the Administration the first question asked is “by what authority” will we approach the matter? In the case of the Watkins Way alley project and similar projects, the Director of DPWT is authorized by the authority granted in Bill 123-95. As reflected in the Report’s Exhibit 2 Bill 123-95, Section 1, sub-section 31-49 (a) defines the Director’s authority as:

“The Director of public works is hereby authorized and empowered to order, require, and direct the owner of any ground bounding on any of the roads streets, or alleys in the County to grade lay out dig down, fill up, pave, repave, construct, reconstruct, repair, extend, widen, straighten, and improve roads, streets or alleys, and curbs and gutters sidewalks and footways WHERE HE FINDS THAT SUCH IMPROVEMENTS ARE NEEDED ALLEVEATE CONDITIONS THAT THREATEN THE HEALTH SAFETY AND WELFARE OF ABUTTING PROPERTY OWNERS. THE IMPROVEMENTS SHALL BE DONE in accordance with such reasonable plans and specifications as may be required by the Director.”
Emphasis added.

Given this clearly defined legislative authority, the Acting Director of DPWT had the authority to make the departmental-level decision on the Watkins Way Alley Project. The prior Director of DPWT also had this authority to make the departmental-level decision, but chose to provide a “Decision Memo” (DM), which was a newly implemented deliberative process implemented in County government operations by the County Administrative Officer in 2019. This DM was accepted for review and consideration. (This deliberative process will be discussed later in this response).

3. Identification of Property Owners Abutting the Alley and the Manner of Assessment

Bill 123-95 also sets forth a defined process for property owners whose properties abut alleys to petition the County to have alleys repaired. As discussed above, the legislation does not distinguish between residential or commercial alleys. The legislation directs that any assessment of property owners shall be collectable in the manner provided in for the collection of taxes.

As reflected in your report’s Exhibit 2 Bill 123-95, page 4, sub-section 31-49 (c) reads as:

“IF THE DIRECTOR OF PUBLIC WORKS PROCURES PERFORMANCE OF WORK UNDER THIS SECTION IN AN ALLEY, THE COUNTY SHALL ASSESS AGAINST EACH ABUTTING PROPERTY OWNER AN EQUAL ANNUAL PAYMENT TO BE DETERMINED BY THE ADMINISTRATIVE OFFICER FOR A PERIOD NOT TO EXCEED FIFTEEN YEARS. THE ASSESSMENT SHALL BE COLLECTIBLE IN THE SAME MANNER PROVIDED IN LAW FOR THE COLLECTION OF TAXES. Emphasis added.

In the case of the Watkins Way project, one of the property owners is a church. Your report states that “churches cannot be taxed.” Religious institutions own property and can pay assessments for services, which is not a tax. As directed by the legislation, the charge is reflected on the annual property tax bill in the same manner that water distribution and sewerage service fees are conveyed to all property

owners, including religious organizations. Bill 123-95 clearly defines any associated payment for alley way repairs as assessments.

What is not defined or addressed in Bill 123-95, or in any County regulation, policy or business process, is the number of property owners required to petition the County on an alley way reconstruction request, nor is there any prohibition regarding parties owning more than one property on a project. The legislation is clear that all parties with properties abutting the alley must complete the petition.

Neither Bill 123-95 nor County regulation, policy or business process restricts or limits an alley reconstruction or repair project to one type of material – concrete or asphalt. As cited in the legislation, there are over 1,000 alleys in the County – many of which are in need of repair/reconstruction. Therefore, it would not be in the County’s and the community’s best interest to consider repair or construction of only one type of surface.

Your report suggests that the “cost of the repair of an asphalt alley and maintenance was too expensive. We do not concur with your assertion. Alley projects are assessed on the basis of the criteria of the Alley Repair Program, with specific attention to health and safety concerns not “cost.” (Criteria and project decision-making will be addressed later in the response).

II. County Government Deliberative Process and Communication

In a number of areas of your report, you reference portions of the Administration’s deliberative process concerning how decisions are made. A number of your assertions about this Administration’s procedural operations are inaccurate. In that I am referenced multiple times in the report, I find it rather curious – and unfortunate – that your office did not interview me – or even request an interview of me – as part of your investigation. I was not given an opportunity to provide any clarification or background on this matter given all the other parties that were interviewed concerning this matter. However, I will now provide clarity on the Administration’s structured deliberative process and clarification on my communications regarding the Watkins Alley project.

1. Deliberative Process – Decision Memos (DM) Purpose and Use

The Administration has a formal deliberative process that was implemented early in 2019, to assist the Executive Leadership of County Government in documenting and better understanding County government programs and operations, and to establish precedent for programmatic operations. In many instances, there was a lack of historical records, standard operating procedures, and documented business processes. In an effort to formalize the general government’s deliberative process, the Administration instituted the Decision Memo Model adopted from the Harvard University School of Business and the John F. Kennedy School of Government. This process is jointly managed by the Office of the County Administrative Officer and the Executive Office.

While footnote 3 on the bottom of page 7 of your report offers a partial description of the Decision Memo, it does not address *when* a Decision Memo is to be used. There are thousands of actions, programs and projects that the general government undertakes on an ongoing basis throughout the fiscal year. The requirement of a Decision Memo is at the discretion of the Administrative Officer, in consultation with the County Executive and through executive leadership conversation and deliberation.

The Administration – indeed, County government – could not effectively operate if *all* governmental decisions had to be made through the Decision Memo process.

In the case of the Watkins Way Alley project, a similar project had been presented six months prior which provided background on the Alley Paving Program and the petition process. Therefore, as reflected in my April 16th email response to the DPWT Acting Director, it was my opinion as Administrative Officer that another Decision Memo was not needed as we had a precedent and, based on the previous Decision Memo presented by the former DPWT Director, the Administration was familiar with how the Alley Repair Program operated. We note that Watkins Alley Way is directly across the street from the first alley project approved approximately six months earlier. The two alley ways are divided by a cross street (Washington Avenue). One side of the alley is concrete, the other, Watkins Way, is asphalt.

The first alley project had 23 parties sign the petition, some of which are commercial properties. The second project, Watkins Way has one church and five properties that are separate incorporated LLCs owned partially by one party who signed on behalf of each incorporated LLC. As reflected in Section I of this response, there is no reference in statute, regulation or policy that prohibits the repair of commercial alleys, restricts the number of petitioners nor restricts alley projects to concrete (This matter will be further discussed later in Section III of the response).

Given the broad operating authority extended to the DPWT Director through Bill 123-95, the DPWT Acting Director ultimately had the authority to decide to move forward with the project as there is no reference in the enabling legislation, associated regulations or programmatic policy requiring this deliberative process step. In subsequent follow up supervisory discussions, the DPWT Acting Director advised that she had checked through staff with the subject matter expertise to make sure this project met the definition of an alley. The deed to the property was provided indicating “alley” (Exhibit A).

I would also like to address another part of the statement in my April 16th email to the DPWT Acting Director. The reference to “**him**” in my email communication refers to the County Executive, not the Chairman of the County Council.

Additionally, your report asserts that *I directed the DPWT Acting Director to “develop an agreement for the Chairman of the County Council to sign.”* This is an inaccurate assertion as I made no reference to preparing anything for the Council Chairman to sign. As a matter of procedure and by separation of functions between branches of government, the Legislative Branch has no direct involvement in directing or approving the day-to-day operations of the Executive Branch of County government.

2. Communications Between the CAO and Department/Office Directors (“Sound Bites”)

In addition to implementing a formal deliberative decision-making process, I also implemented a communication process referred to as weekly “Sound Bites.” This is a communication process used to allow Department and Office Directors and other direct reports to provide brief statements of information that they want to communicate to me and for my consideration in communicating with the County Executive. Sound bites are *not* part of the Administration’s deliberative process. The Acting Director of DPWT’s April 30, 2021 email (sound bite) provided additional information regarding the project for

further awareness on the status of the project. It was not *a request for* approval of the project. The Acting Director of DPWT already had the authority to initiate the project and undertook the appropriate steps to research the project prior to the April 30th “Sound Bite” communication. See attached examples of my request to subordinates for Decision Memos and “Sound Bites” (Exhibit B – Sound Bite Communication).

III. Determination of Alley Ownership and Eligibility Criteria

1. Alley Ownership Assessment

Section III of your report addresses the ownership of the alley. It is clear there was significant discussion between your office, the County’s Office of Real Estate Compliance, the businessperson and their attorney, and the staff of the DPWT. The Office of Real Estate and Compliance advised that the GIS information provided was in lieu of an actual title search by their office.

As a part of our review, the Administration compared the GIS information provided by the County’s Office of Real Estate Compliance with official land title survey records prepared by Century Engineering, a professional engineering firm and certified by a professional land surveyor (dated 9/23/11). The County’s GIS information conflicts with the official ALTA/ACSM land title surveys. Watkins Way is designated as an alley and designated as public on the land title surveys. We were advised that the businessperson and their attorney provided your office with copies of the land title surveys and that extensive discussion took place regarding this matter. Your report does not reflect the information from the official land title surveys provided by the businessperson and their attorney, which suggests that Watkins Way is a public access alley way (See Exhibit C – Land Title Survey).

The Department must also consider County Zoning Regulations in their decision-making process. The Department is directed to review deeds and title records. County Zoning Regulation Section 101.1 defines an alley as follows:

“A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.”

DPWT reviewed the deed for one of the businessperson’s properties that abuts with Watkins Way. The deed reflects the “alley.” The Department also confirmed that one appendage of the alley is privately owned (See Exhibit A – Property Deed). This portion of the alley repair was paid for directly by the businessperson. The County’s on call contractor assigned to the project completed the work for continuity (See Exhibit D – Bill of Sale for Private Work).

2. Eligibility for ARP

The Department’s business process was reviewed to determine if the appropriate steps were taken to assess and confirm the alley’s eligibility for repair through the ARP. As reflected on the business flow chart (which was adopted in March, 2020), the ARP program clearly defines program purpose, need and outlines assessment steps. Based on the description in the business process flow chart, the Watkins Way alley met the ARP criteria.

Of note is the defined need:

“To reconstruct all degraded alleys in the County and provide a safe environment for the public while allowing the alley to be passable by emergency vehicles, trash trucks, etc., creating an improved and functional vehicular and drainage infrastructure.” (Emphasis added).

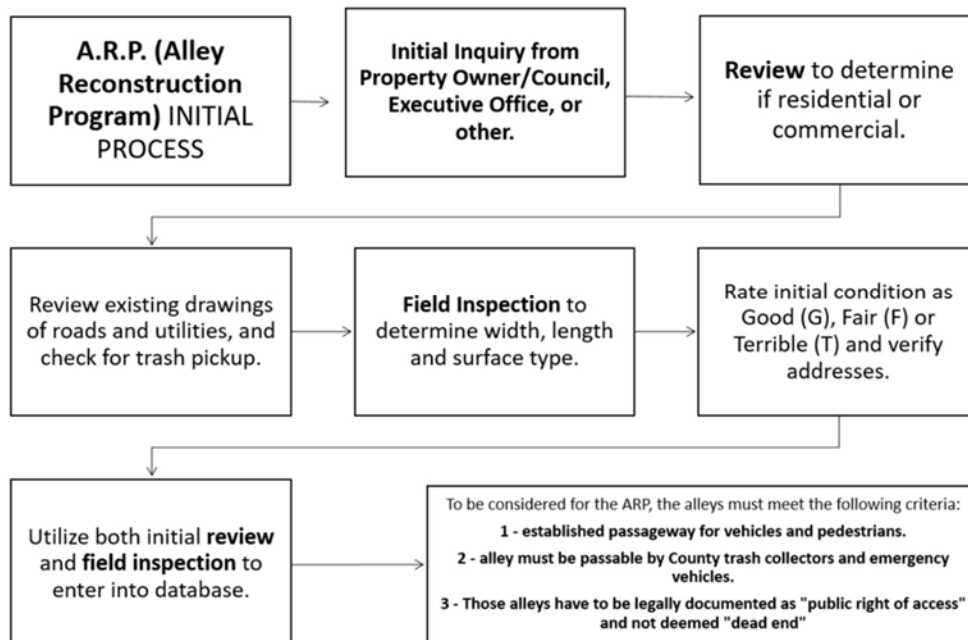
The ARP program business flow-chart language reflects both residential does not delineate between commercial or residential or note any restriction for commercial alleys.

Nor does it delineate between concrete versus asphalt. In the case of the Watkins Way alley, the businessperson and their attorney described the condition of the alley and how for close to ten years they had sought assistance from the County. The businessperson provided a detailed description of the alley’s condition to the DPWT Chief of Highway Design and staff during a field inspection of the alley.

Of particular concern was the BGE electrical utility cabinet positioned in the Watkins Way alley. As a result of significant deterioration, water had begun to enter the utility cabinet, which created a safety hazard for pedestrians and vehicles that utilize the alley. The businessperson and their attorney advised that this information was shared with your office.

Also of note, on the ARP business flow chart, the initial assessment phase referenced therein identifies where inquires can come, determines whether the alley is residential or commercial, and includes the review of existing records and the conducting of a field inspection. A portion of the flowchart chart is reflected below. (Also see Exhibit E – Alley Full Business Flow Chart).

ALLEY PETITION PROCESS



Adapted March 2020

As reflected in your report, there was a field inspection completed by DPWT’s Chief of Highway Design. There is confirmation that utility vehicles would need to access the alley to address the BGE utility box in the event of an emergency fire, and other emergency equipment would have to utilize the alley to address the fire or other emergency situations.

It was also confirmed that trash vehicles must access the alley to collect trash and in the event of an emergency fire and emergency vehicles would need to access the alley. There is also a public parking garage that is accessed from the alley way. Therefore private vehicles utilize the alley to enter and exit the garage and pedestrians utilize the alley to enter and exit the parking garage. This access further denotes the public's access to and use of the alley.

IV. Interviews with Parties Associated with the Project

Your report documents a number of individuals who were interviewed as part of the investigation. The Administration contacted individuals to review statements reflected in the report. We would like to address several comments reflected in the report that provided conflicting information when we spoke to individuals.

1. Interview with the Acting Director of DPWT

The Acting Director of DPWT advised that while interviewed, she did not state to you that the *“CAO wanted this project done.”* There is a difference between *concurring* with a Department Director regarding the appropriateness in undertaking a project and *“wanting a project done”*. This is an inaccurate statement.

2. Discussion regarding a DPWT staff person's perception that the project was *“unethical”*

Your report discusses a staff person's personal perception that the *“project was unethical.”* In further discussion with the Acting Director of DPWT and her attorney, we were advised that additional background was provided regarding this statement.

It is clear that the staff person's understanding of the ARP program was not accurate as there are no program restrictions limiting alley repairs or replacements to residential, concrete alleys. However, in a meeting with the Acting Director and other Department staff the employee further indicated that his concerns were motivated by *“political incidents from a prior Administration.”* I am advised the Acting DPWT Director shared this information with your office. However, this was not reflected in your report. Based on legislation, program policy and regulation there is no actual ethical issue with the Department undertaking this alley repair project.

3. Attempted interview with the County Council Chairman

Your report indicates that the County Council Chairman *declined to proceed with the interview.* In further discussion with the Council Chairman, however, he advised that he was willing to be interviewed, but not recorded. He further advised it is your office's policy not to conduct interviews unless the party consents to be recorded. The Council Chairman expressed his concerns regarding this policy in a letter dated August 26, 2022 that was also forwarded to me and the County Executive (See Exhibit F – Letter from Council Chairman, Julian E. Jones, Jr.).

Conclusion

Given the aforementioned concerns we request that you address the inaccuracies reflected in the report before it is issued. We also request to review any rebuttal communications before the response and rebuttal are issued.

As always, we appreciate the opportunity to respond. If you have questions or would like to discuss further, please feel free to contact me. Should you wish to meet, I am happy to do so.

Sincerely,



Stacy L. Rodgers, MPA
County Administrative Officer

cc: John A. Olszewski, Jr., County Executive
Julian E. Jones, Jr., Chairman, Baltimore County Council
Dori Henry, Acting Chief of Staff
James R. Benjamin, Jr., County Attorney
D'Andrea Walker, Acting Director, Department of Public Works and Transportation
Edward Blades, Director, Budget and Finance

AFTER RECORDING, PLEASE RETURN TO:

Chesapeake Title Company, LLC

100 West Road, Suite 215

Towson, MD 21204

File No. 16-C-12464MT

Tax ID# 09-01-351270

This Deed, made this 3rd day of August, 2016, by and between

505 Baltimore Avenue, LLC, a Maryland limited liability company, party of the first part, GRANTOR; and

505 Baltimore LLC, a Maryland limited liability company, party of the second part, GRANTEE.

- Witnesseth -

That in consideration of the sum of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said GRANTEE, its successors and/or assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at the southeast corner or intersection of Baltimore and Allegheny Avenues, and running thence binding on the east side of Baltimore Avenue, south 11½ degrees West 150 feet to the north side of a 20 foot alley; thence binding on the same South 78½ degrees East 100 feet, thence parallel with Baltimore Avenue, North 11½ degrees East 150 feet to the South side of Allegheny Avenue, and thence binding on the same North 78½ degrees West 100 feet to the place of beginning.

BEING KNOWN AND DESIGNATED as Lot Nos. 19 and 20 on the Plat of Towson, which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 198.

The improvements on said parcel of land are now known as 505 Baltimore Avenue (formerly known as 121 Allegheny Avenue).

BEING the same property which, by Deed dated November 17, 2009, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 28889, Folio 056, was granted and conveyed by Friends Research Institute, Inc. unto 505 Baltimore Avenue, LLC, in fee simple.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said GRANTEE, its successors and/or assigns, in fee simple.

LR - Deed (w Taxes)	
Recording only ST20	00
Grantor/Grantee Name:	505 Baltimore Ave LLC
Reference/Control #	LR - Deed (with Taxes)
Surcharge	40.00
LR - Deed State	
Transfer Tax	7,500.00
LR - Non-Resident Tax	
- linked	0.00
SubTotal:	7,560.00
Total:	7,700.00
08/11/2016 11:58	
#6709376 C00301 -	
Baltimore	
County/CO03.01.03 -	
Register 03	

Exhibit A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 37863, p. 0402, MSA_CE62_37720. Date available 08/22/2016. Printed 04/20/2021.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Call for "Sound bites" for AO's weekly Report to the CE / DMs
Date: Wednesday, May 19, 2021 10:45:58 AM

Good morning:

This is a friendly reminder to please share any "sound bites" that you would like for the AO to include in her weekly report to the CE, **no later than 12pm, Friday May 21st**. Relevant categories include:

- Any decision memo's (DMs) that need to be presented to senior staff, and;
- Any key item(s) or sound bites that you would like for her to highlight, related to any major projects.

We kindly request that you share DMs or sound bites with the AO, cc:ing myself and [REDACTED] with the subject line "weekly sound bites and DMs." In addition to any relevant attachments, please specify whether you are submitting a DM or/and sound bite.

We appreciate your continued support. Please let us know if you have any questions.

Thanks.

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Call for "Sound bites" for AO's weekly Report to the CE / DMs
Date: Thursday, May 27, 2021 1:52:18 PM

Good afternoon:

This is a friendly reminder to please share any "sound bites" that you would like for the AO to include in her weekly report to the CE, **no later than 12pm, Friday May 28th**. Relevant categories include:

- Any decision memo's (DMs) that need to be presented to senior staff, and;
- Any key item(s) or sound bites that you would like for her to highlight, related to any major projects.

We kindly request that you share DMs or sound bites with the AO, cc:ing myself and [REDACTED] with the subject line "weekly sound bites and DMs." In addition to any relevant attachments, please specify whether you are submitting a DM or/and sound bite.

We appreciate your continued support. Please let us know if you have any questions.

Thanks.

[REDACTED]

SCHEDULE B EXCEPTIONS

- RIGHTS OF BALTIMORE GAS AND ELECTRIC COMPANY UNDER A GRANT DATED JULY 6, 1956 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER GLB NO. 2971, FOLIO 38, ESTABLISHING AN EASEMENT FOR MAINTENANCE OF ELECTRIC AND TELEPHONE LINES OVER SUBJECT PROPERTY LINES. TELEPHONE (APPLICABLE, NOT DEFINABLE).
- DECLARATION OF EASEMENTS BY NOTTINGHAM PROPERTIES, INC. DATED AUGUST 27, 1987 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER SM NO. 7654, FOLIO 574. (APPLICABLE, DEFINABLE AND SHOWN HEREON)

SURVEYED DESCRIPTION

102 W. PENNSYLVANIA AVENUE
ROYSTON BUILDING

BEGINNING FOR THE SAME AT A POINT ON THE NORTH SIDE OF PENNSYLVANIA AVENUE AT THE BEGINNING OF A PARCEL OF LAND SECONDLY DESCRIBED IN A CONFIRMATORY DEED DATED APRIL 17, 1962, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER WJR NO. 3978, FOLIO 548, WHICH WAS CONVEYED BY THE CAMPBELL BUILDING, INC. TO NOTTINGHAM FARMS, INC. AND RUNNING THENCE WITH AND BINDING ON THE FIRST LINE OF SAID PARCEL OF LAND AND BINDING ON THE NORTH SIDE OF PENNSYLVANIA AVENUE, AS THE COURSES ARE REFERRED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT, AS NOW SURVEYED NORTH 82 DEGREES 49 MINUTES 34 SECONDS WEST 132.00 FEET, THENCE LEAVING SAID AVENUE AND RUNNING WITH AND BINDING ON THE SECOND LINE OF SAID SECONDLY DESCRIBED PARCEL OF LAND, NORTH 7 DEGREES 10 MINUTES 26 SECONDS EAST 150.00 FEET TO THE SOUTH SIDE OF AN ALLEY, 20 FEET WIDE, THENCE BINDING ON THE SOUTH SIDE OF SAID 20 FOOT ALLEY AND RUNNING WITH AND BINDING ON THE THIRD LINE OF SAID SECONDLY DESCRIBED PARCEL OF LAND, SOUTH 82 DEGREES 49 MINUTES 34 SECONDS EAST 132.00 FEET TO THE BEGINNING OF THE THIRD LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE AFORESAID CONFIRMATORY DEED, THENCE RUNNING WITH AND BINDING ON A PART OF SAID THIRD LINE AND BINDING ON THE SOUTH SIDE OF SAID 20 FOOT ALLEY, SOUTH 82 DEGREES 49 MINUTES 34 SECONDS EAST 18.10 FEET, THENCE LEAVING SAID OUTLINE AND ALLEY SOUTH 7 DEGREES 10 MINUTES 26 SECONDS WEST 15.30 FEET, NORTH 82 DEGREES 49 MINUTES 34 SECONDS WEST 8.80 FEET AND SOUTH 7 DEGREES 10 MINUTES 26 SECONDS WEST 134.70 FEET TO THE NORTH SIDE OF PENNSYLVANIA AVENUE AND TO INTERSECT THE FIRST LINE OF SAID FIRSTLY DESCRIBED PARCEL IN SAID CONFIRMATORY DEED FROM THE CAMPBELL BUILDING, INC. TO NOTTINGHAM FARMS, INC. AND THENCE RUNNING WITH AND BINDING ON A PART OF SAID FIRST LINE AND BINDING ON THE NORTH SIDE OF PENNSYLVANIA AVENUE, NORTH 82 DEGREES 49 MINUTES 34 SECONDS WEST 9.30 FEET TO THE PLACE OF BEGINNING, CONTAINING 21,330 SQUARE FEET OR 0.490 ACRES OF LAND, MORE OR LESS.

THE IMPROVEMENTS THEREON BEING KNOWN AS 102 WEST PENNSYLVANIA AVENUE.

SUBJECT TO TERMS AND CONDITIONS OF DECLARATION OF EASEMENTS BY NOTTINGHAM PROPERTIES, INC. DATED AUGUST 27, 1987 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER SM NO. 7654, FOLIO 574.

SURVEYOR'S CERTIFICATION

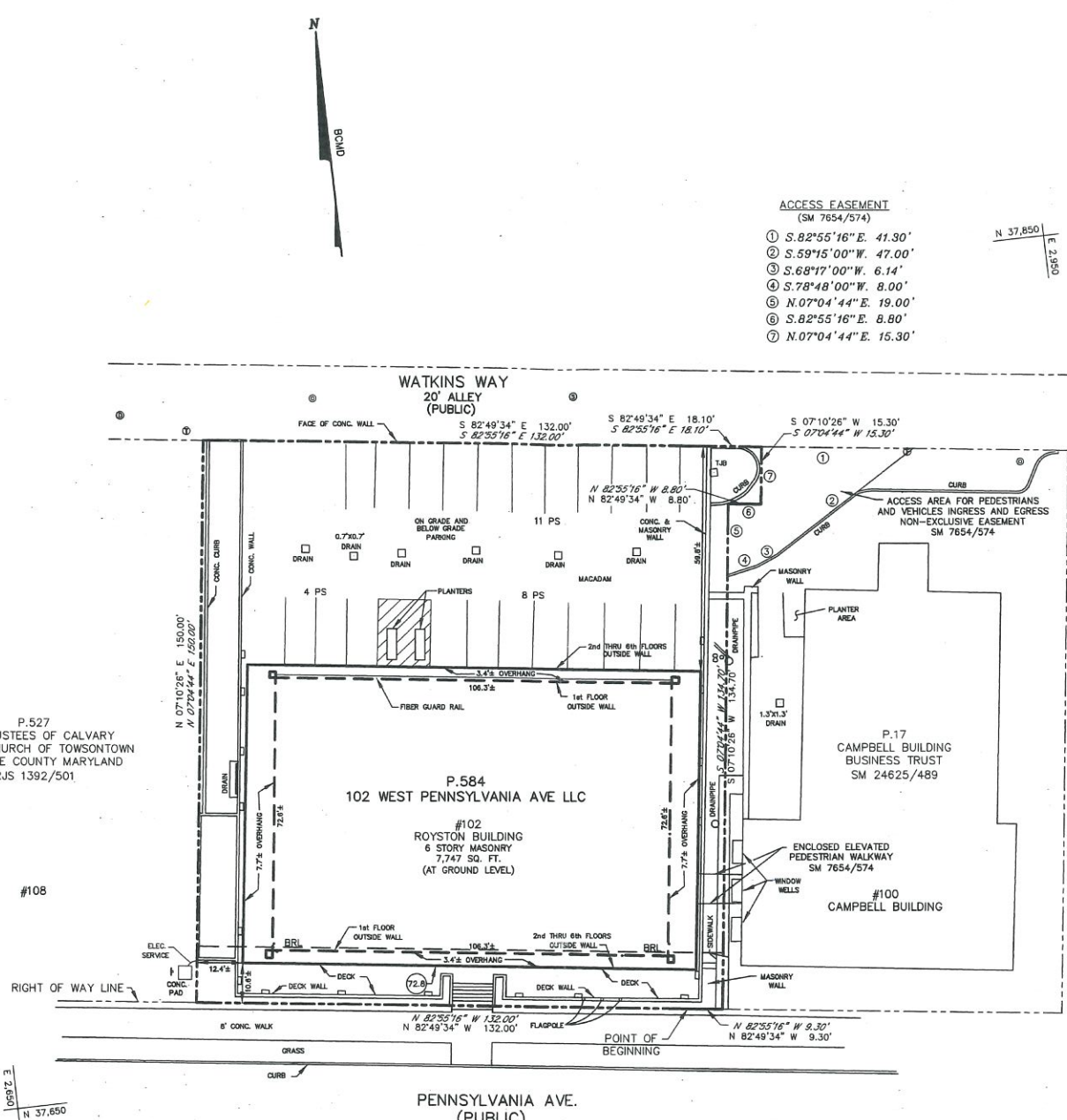
TO SUN LIFE ASSURANCE COMPANY OF CANADA AND ITS SUCCESSORS AND/OR ASSIGNS, 102 WEST PENNSYLVANIA AVE LLC AND STEWART TITLE GUARANTY COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(c)(b)(c), 8, 9, 10, 11(c), 13 AND 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 29, 2011.

I ALSO HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OF THE BOUNDARY SURVEY AND THE PREPARATION OF THIS PLAT IN ACCORDANCE WITH COMAR REGULATION.

Bryan A. Haynie
BRYAN A. HAYNIE
PROFESSIONAL LAND SURVEYOR
MD. LICENSE No. 21139 EXPIRATION DATE: 6/20/2012

9/29/11
DATE



DEED DESCRIPTION
102 W. PENNSYLVANIA AVENUE
ROYSTON BUILDING

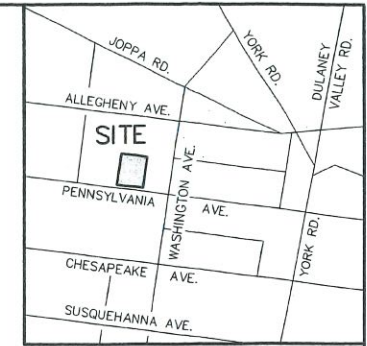
BEGINNING FOR THE SAME AT A POINT ON THE NORTH SIDE OF PENNSYLVANIA AVENUE AT THE BEGINNING OF A PARCEL OF LAND SECONDLY DESCRIBED IN A CONFIRMATORY DEED DATED APRIL 17, 1962, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER WJR NO. 3978, FOLIO 548, WHICH WAS CONVEYED BY THE CAMPBELL BUILDING, INC. TO NOTTINGHAM FARMS, INC. AND RUNNING THENCE WITH AND BINDING ON THE FIRST LINE OF SAID PARCEL OF LAND AND BINDING ON THE NORTH SIDE OF PENNSYLVANIA AVENUE, AS THE COURSES ARE REFERRED TO THE BALTIMORE COUNTY GRID MERIDIAN, NORTH 82 DEGREES 55 MINUTES 16 SECONDS WEST 132.00 FEET, THENCE LEAVING SAID AVENUE AND RUNNING WITH AND BINDING ON THE SECOND LINE OF SAID SECONDLY DESCRIBED PARCEL OF LAND, NORTH 7 DEGREES 04 MINUTES 44 SECONDS EAST 150.00 FEET TO THE SOUTH SIDE OF AN ALLEY, 20 FEET WIDE, THENCE BINDING ON THE SOUTH SIDE OF SAID 20 FOOT ALLEY AND RUNNING WITH AND BINDING ON THE THIRD LINE OF SAID SECONDLY DESCRIBED PARCEL OF LAND, SOUTH 82 DEGREES 55 MINUTES 16 SECONDS EAST 132.00 FEET TO THE BEGINNING OF THE THIRD LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE AFORESAID CONFIRMATORY DEED, THENCE RUNNING WITH AND BINDING ON A PART OF SAID THIRD LINE AND BINDING ON THE SOUTH SIDE OF SAID 20 FOOT ALLEY, SOUTH 82 DEGREES 55 MINUTES 16 SECONDS EAST 18.10 FEET, THENCE LEAVING SAID OUTLINE AND ALLEY AND RUNNING FOR LINES OF DIVISION NOW MADE, THE THREE FOLLOWING COURSES AND DISTANCES, VIZ: SOUTH 7 DEGREES 04 MINUTES 44 SECONDS WEST 15.30 FEET, NORTH 82 DEGREES 55 MINUTES 16 SECONDS WEST 8.80 FEET AND SOUTH 7 DEGREES 04 MINUTES 44 SECONDS WEST 134.70 FEET TO THE NORTH SIDE OF PENNSYLVANIA AVENUE AND TO INTERSECT THE FIRST LINE OF SAID FIRSTLY DESCRIBED PARCEL IN SAID CONFIRMATORY DEED FROM THE CAMPBELL BUILDING, INC. TO NOTTINGHAM FARMS, INC. AND THENCE RUNNING WITH AND BINDING ON A PART OF SAID FIRST LINE AND BINDING ON THE NORTH SIDE OF PENNSYLVANIA AVENUE, NORTH 82 DEGREES 55 MINUTES 16 SECONDS WEST 9.30 FEET TO THE PLACE OF BEGINNING.

CONTAINING 21,330 SQUARE FEET OR 0.490 ACRES OF LAND, MORE OR LESS



GENERAL NOTES

- COORDINATES, BEARING & DISTANCES ARE REFERRED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND TIED TO THE FOLLOWING BALTIMORE COUNTY STATIONS:
18198 N.38123.72 E.4906.73
18301 N.37927.93 E.5736.97
- CURRENT OWNER: ROYSTON BUILDING BUSINESS TRUST
CURRENT DEED OF RECORD: SM 24625/482
INTENDED TO BE CONVEYED TO 102 WEST PENNSYLVANIA AVE LLC
- THIS SURVEY IS BASED UPON STEWART TITLE GUARANTY COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 11-CI-1255AMT, EFFECTIVE DATE JUNE 16, 2011.
- SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 2400100265F PANEL NUMBER 265 OF 580 DATED SEPTEMBER 26, 2008.
- AREA: 21,330 SQ. FT., 0.490 AC±



VICINITY MAP

SCALE: 1" = 200'

- BALTIMORE COUNTY ZONING REGULATIONS
ZONING DISTRICT: BM (BUSINESS MAJOR)
CT (COMMERCIAL TOWN-CENTER CORE)

SETBACKS:

- FRONT: (235.1) NOT LESS THAN 15 FEET FROM FRONT PROPERTY LINE AND NOT LESS THAN 40 FEET FROM THE CENTER LINE OF THE STREET
- SIDE: (232.2.B) NONE REQUIRED ON INTERIOR
- REAR: (232.3.B) NONE REQUIRED

FLOOR AREA RATIO: (235B.3)

THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR ANY SITE SHALL BE 5.5, THE SPECIFIC NUMBER OF DWELLING UNITS, AS SUCH SHALL NOT BE DIRECTLY LIMITED

BUILDING HEIGHT: (235B.5)

THE MAXIMUM AVERAGE PERMITTED HEIGHT OF ANY BUILDING SHALL BE 1&1/2 TIMES THE MAXIMUM HEIGHT OTHERWISE PERMITTED IN B.M. ZONE WHICH IS THE SAME AS THE B.L. ZONE AND THE B.L. ZONE IS AS FOLLOWS:

ZONE HEIGHT LIMITATIONS: (231.1.B)

THE HEIGHT LIMITATIONS OF A BUILDING SHALL BE DETERMINED AS FOLLOWS: THE "BASIC HEIGHT" OF THE FRONT OR REAR WALL OF A BUILDING ALONG A STREET, ALLEY OR OTHER PUBLIC WAY IS DETERMINED BY A "BASE LINE PLANE" EXTENDING UPWARD AT A FORTY-FIVE DEGREE ANGLE FROM A "BASE LINE" AT THE AVERAGE ELEVATION ON THE PROPERTY LINE ON THE OPPOSITE SIDE OF THE RIGHT-OF-WAY, TOWARD A VERTICAL PLANE (THE "MEASURE PLANE") ON THE BUILDING LINE, AS DEFINED IN SECTION 101. THE HORIZONTAL LINE FORMED BY THE INTERSECTION OF THESE TWO PLANES DETERMINES THE "BASIC HEIGHT", WHICH IS THE VERTICAL DISTANCE ABOVE THE BUILDING LINE. REGARDLESS OF THE RIGHT-OF-WAY WIDTH THE "BASIC HEIGHT" SHALL NOT EXCEED 100 FEET, EXCEPT AS PERMITTED HEREINAFTER AS "AVERAGED HEIGHT", NOR SHALL IT BE REQUIRED TO BE LESS THAN 40 FEET.

REQUIRED NUMBER OF PARKING SPACES (409.6.A.2)

MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES - GENERAL IN THE C.T. DISTRICT OF TOWSON: 3.3 PER 1,000 SQUARE FEET OF GROSS GROUND FLOOR AREA AND 2 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA OF UPPER FLOORS.

THE BUILDING RESTRICTION LINES, FLOOR AREA RATIO, BUILDING HEIGHT RESTRICTIONS AND REQUIRED OFF-STREET PARKING SPACES SHOWN HEREON AND LISTED ABOVE ARE BASED UPON OUR INTERPRETATION OF THE CURRENT ZONING MAP AND FROM ARTICLES 2 AND 4 OF "BALTIMORE COUNTY ZONING REGULATIONS" (2008 EDITION) AND MAY BE SUBJECT TO FURTHER INTERPRETATION.

EXISTING PARKING SPACES

REGULAR SPACES	62
HANDICAP SPACES	0
TOTAL SPACES	62

TOTAL ON-GRADE PARKING: 23 SPACES
TOTAL BELOW-GRADE PARKING: 39 SPACES

DEED CALL

S 85°11'32" E 7.25' (D) : DEED CALL
S 85°26'40" E 7.25' (S) : SURVEYED LINE

9. ALL UTILITIES SERVING THIS PARCEL ARE UNDERGROUND AND CANNOT BE LOCATED. ALL VISIBLE MANHOLES, VALVES, VAULTS, HAND BOXES, TRANSFORMER PAD ETC, ARE SHOWN HEREON.

10. THERE WAS NO VISIBLE ONGOING CONSTRUCTION ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY.

LEGEND

- ⊙ SANITARY SEWER MANHOLE
- ⊙ STORM DRAIN MANHOLE
- ⊙ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- ⊙ WATER VALVE
- ⊙ LIGHT POLE
- ⊙ GUY POLE
- ⊙ TELEPHONE POLE
- ⊙ CLEANOUT
- ⊙ FIRE HYDRANT
- ⊙ MISC. MANHOLE
- ⊙ UNDERGROUND ELECTRIC
- ⊙ WATER MANHOLE
- ⊙ GAS VALVE
- ⊙ SIGN
- ⊙ PARKING METER
- ⊙ TELEPHONE JUNCTION BOX
- ⊙ DRAIN
- ⊙ BUILDING HEIGHT (IN FEET ABOVE GRADE)
- BUILDING RESTRICTION LINE

Date	No.	Revision Description
ALTA/ACSM LAND TITLE SURVEY		
CENTURY ENGINEERING		
CONSULTING ENGINEERS - PLANNERS 10710 GILROY ROAD HUNT VALLEY, MD 21031 Phone: 443-589-2400 Fax: 443-589-2401		
ROYSTON BUILDING 102 W. PENNSYLVANIA AVE. TOWSON, MD 21204		
Tax Map 070A Grid 0010 Parcel 0584 Election District 09		
Designed By: R.D.S.	Scale: 1" = 20'	Project No. 111165.00
Drawn By: P.L.J./C.E.C.	Date: SEPTEMBER 2011	
Checked By: B.J.H.	Approved: _____	1 OF 1

Exhibit C





INVOICE

M.T. Laney Company, Inc.
5941 Bartholow Rd. Suite A
Eldersburg MD 21784-
(410) 795-1761
www.mtlaney.com

Invoice No: 30605
Invoice Date: 10/19/2021
Due Date: 10/19/2021
Job No: 21-247
Terms: COD

Bill To:

[REDACTED]

MD 21204

111 ALLEGHENY AVE

Quantity	Unit	Description	Unit Price	Extended Price
1.00	LS	LOT BESIDE PARKING GARAGE, 2" OVERLAY, NEW AREA AND ASPHALT CURB AS PER PROPOSAL DATED 8/3/21	18,400.00	18,400.00
1.00	LS	EXTRA AREA IN ALLEY, PARKING BAYS AND DRAIN AREA AS PER PROPOSAL DATED 8/3/21	8,900.00	8,900.00

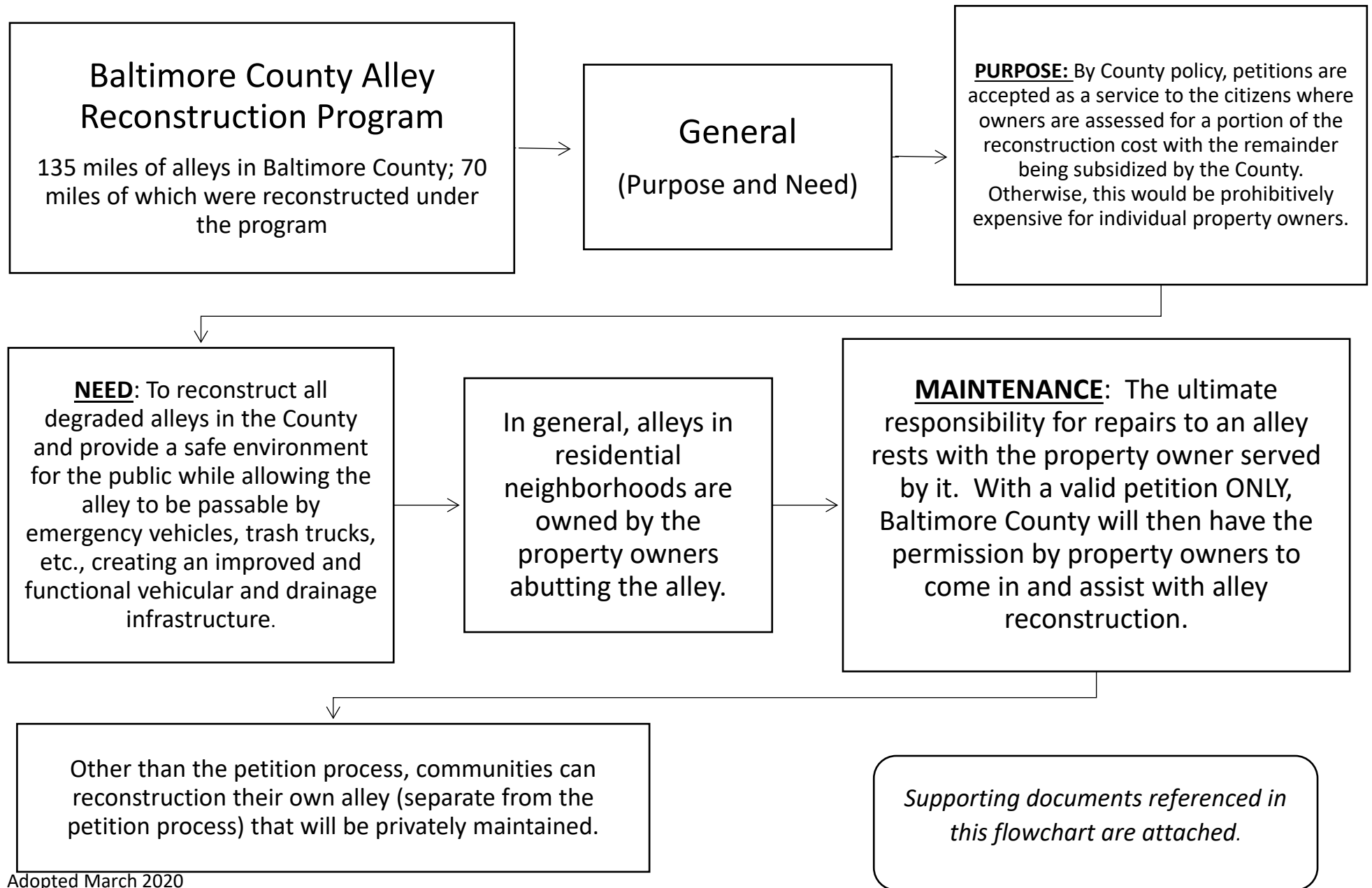
Amount Now Due: 27,300.00

Terms: DUE UPON RECEIPT

Thank You For Your Business!

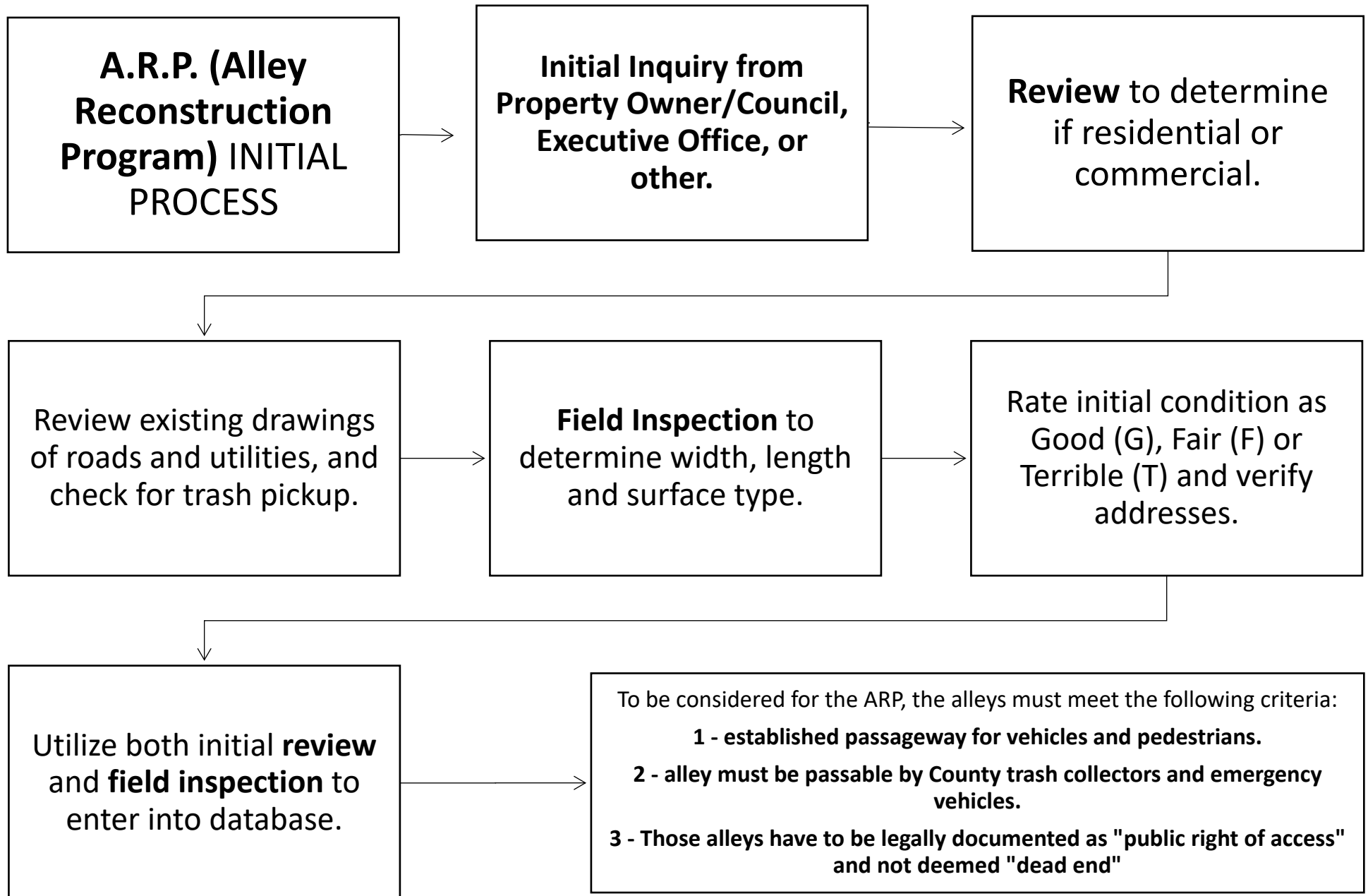
Handwritten notes:
11/12/21
111 Allegheny
will include correct reimbursement DD will handle

ALLEY PETITION PROCESS

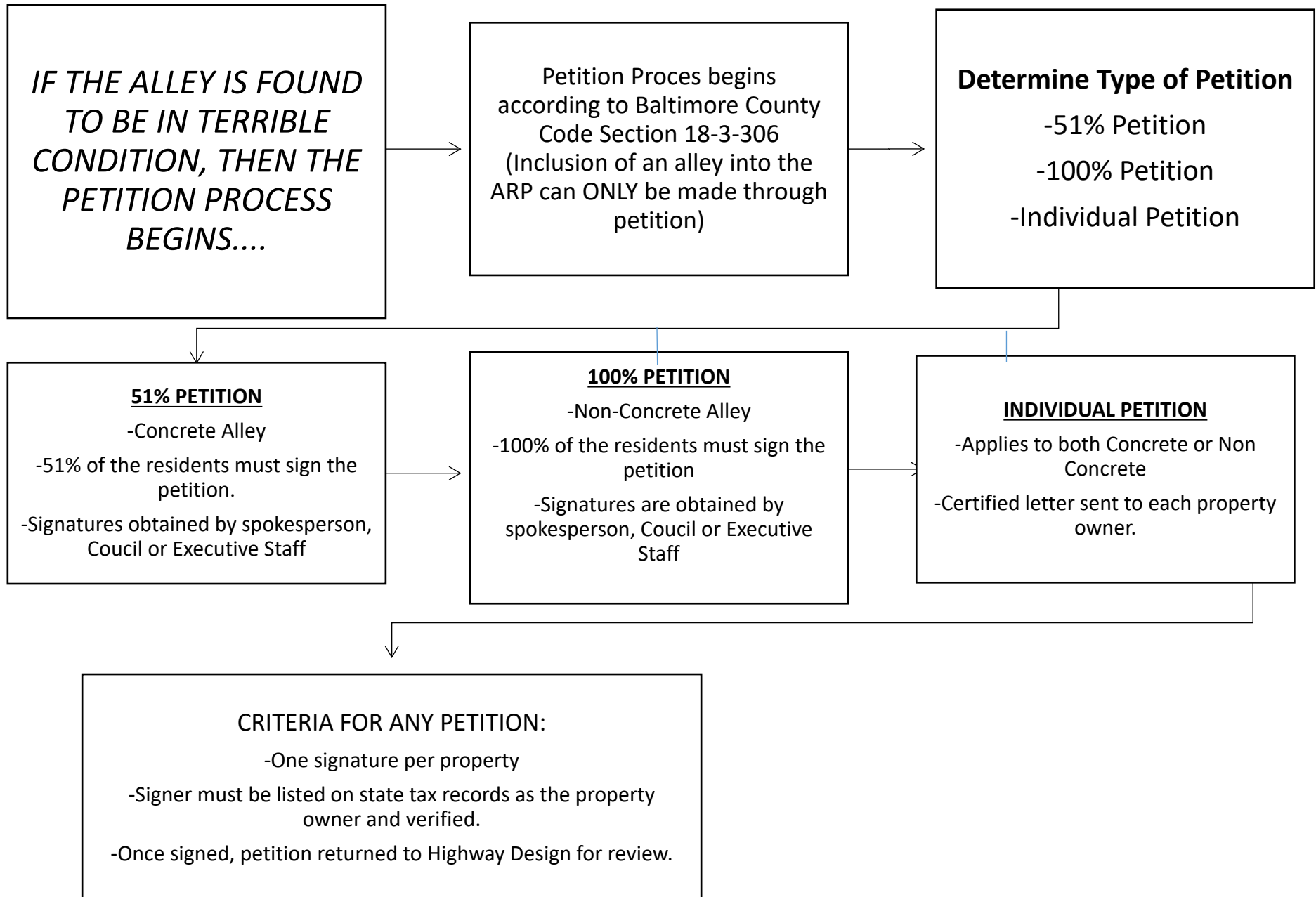


Supporting documents referenced in this flowchart are attached.

ALLEY PETITION PROCESS

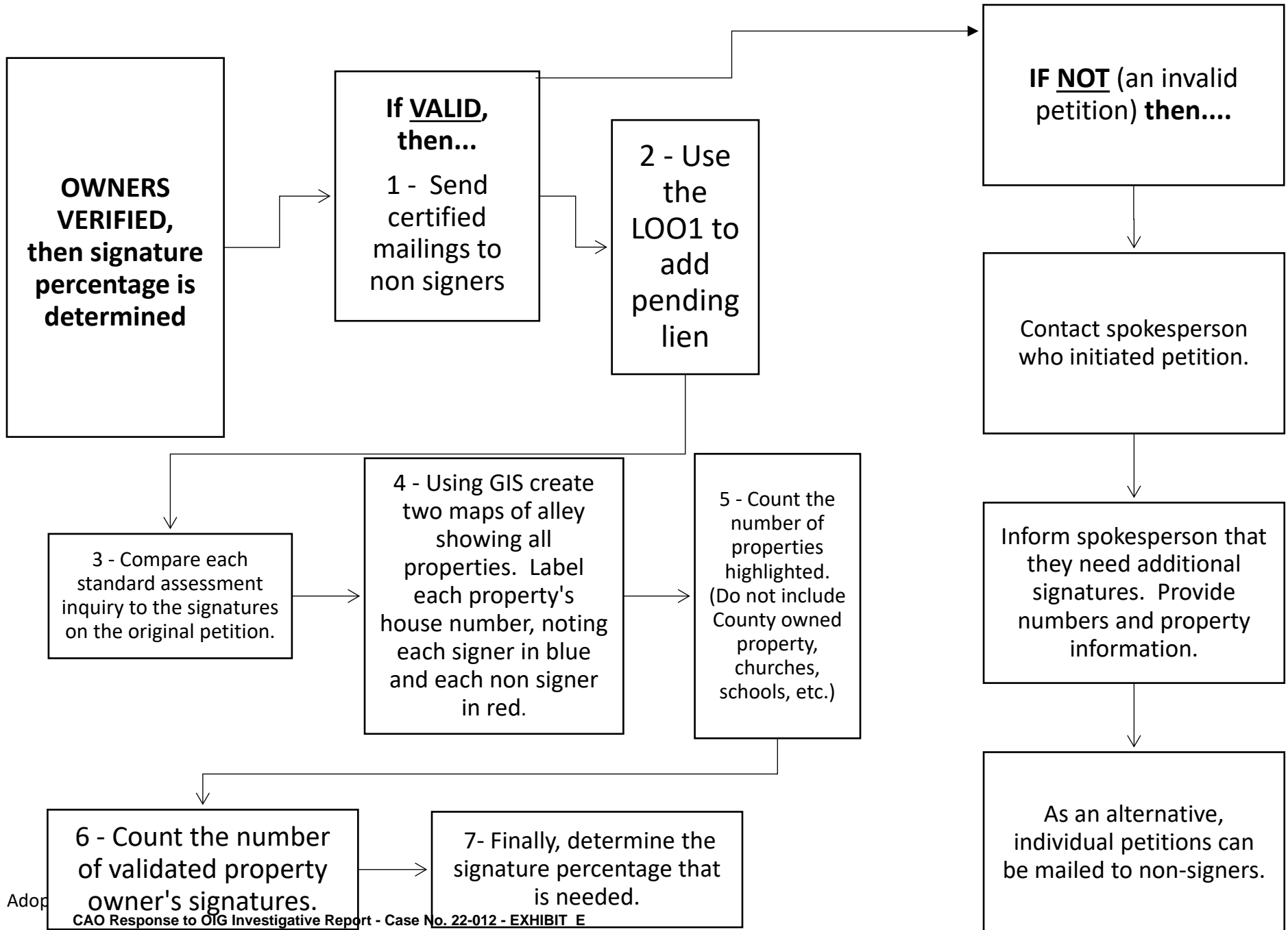


ALLEY PETITION PROCESS

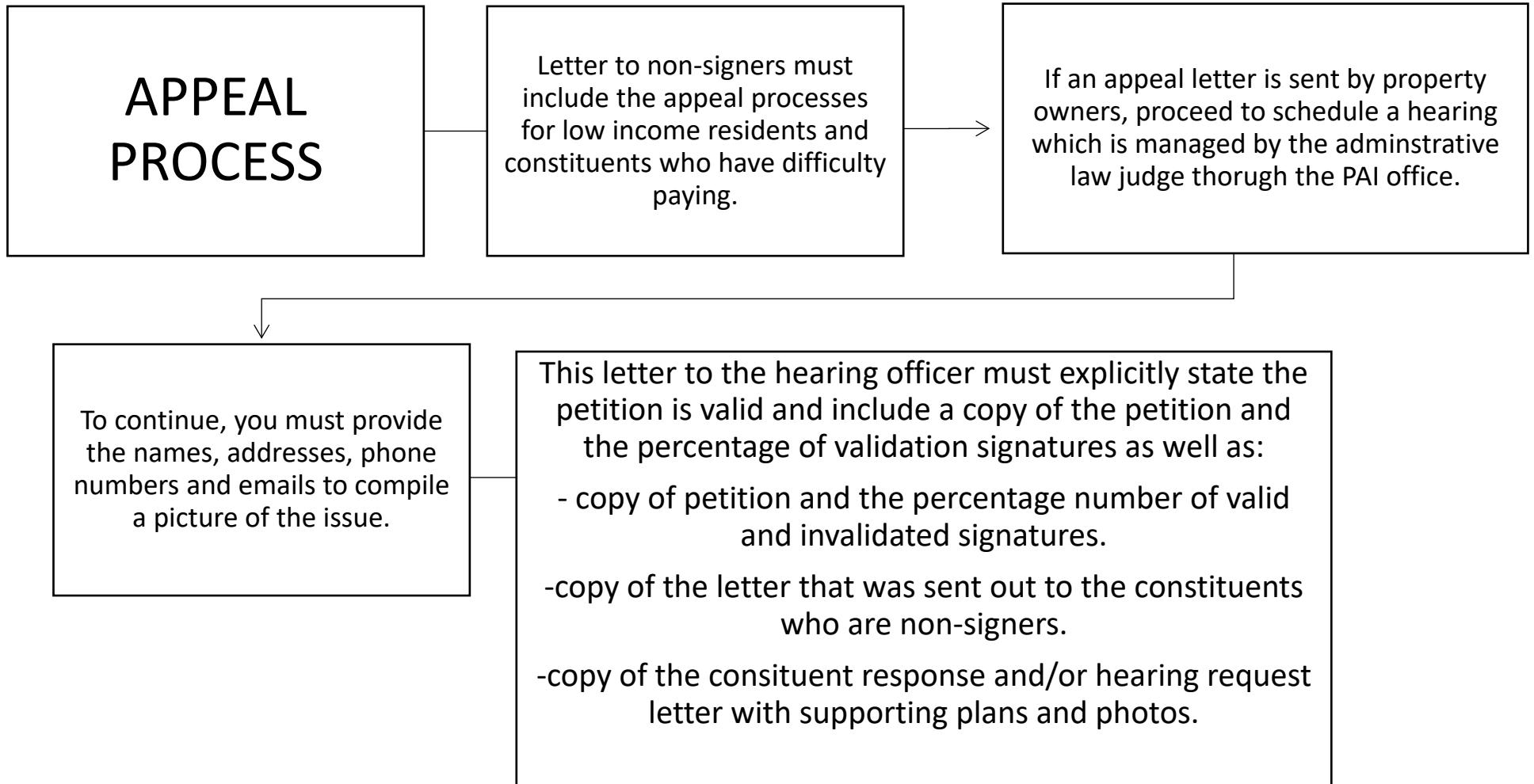


Adopted March 2020

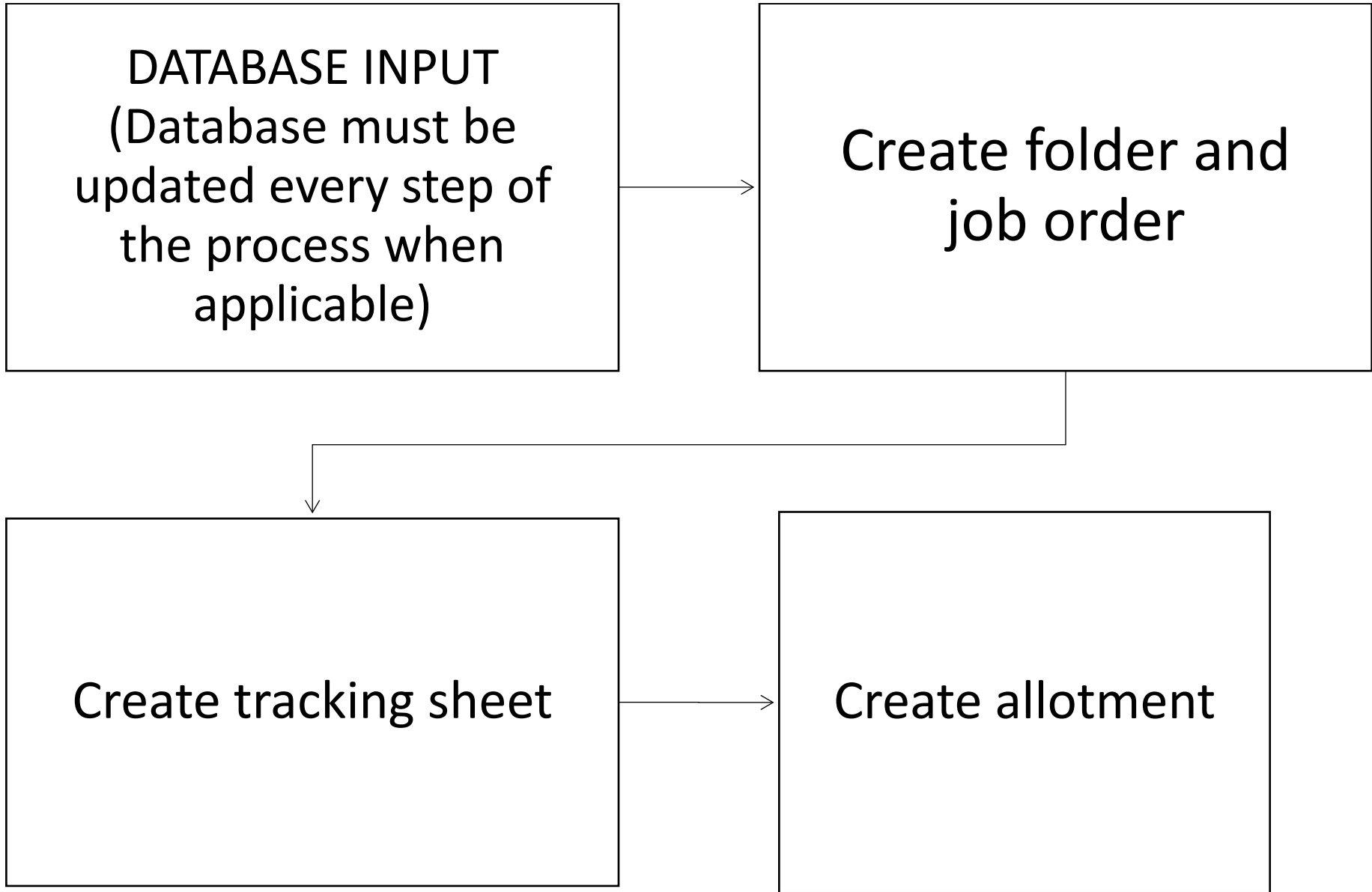
ALLEY PETITION PROCESS



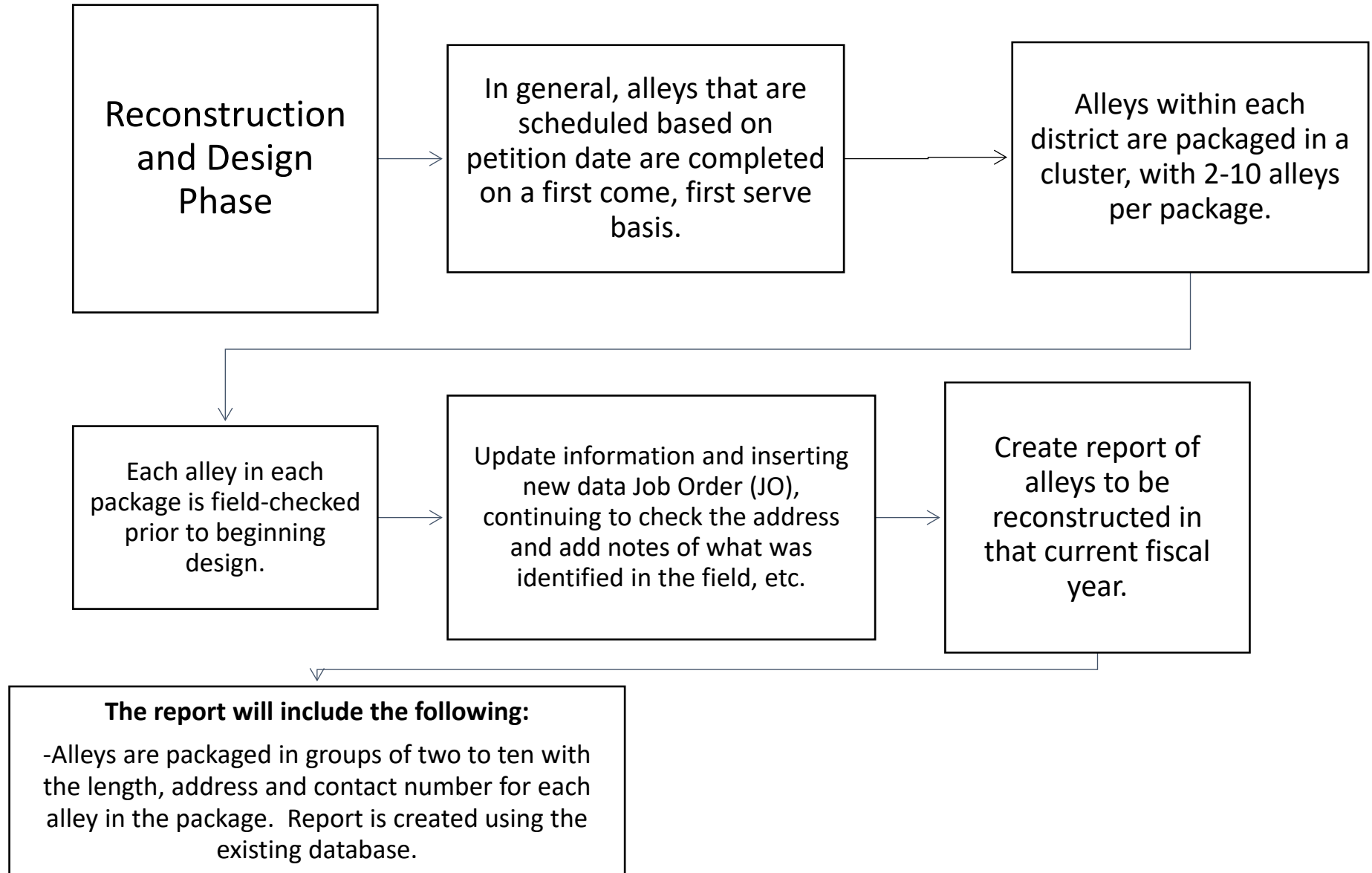
ALLEY PETITION PROCESS



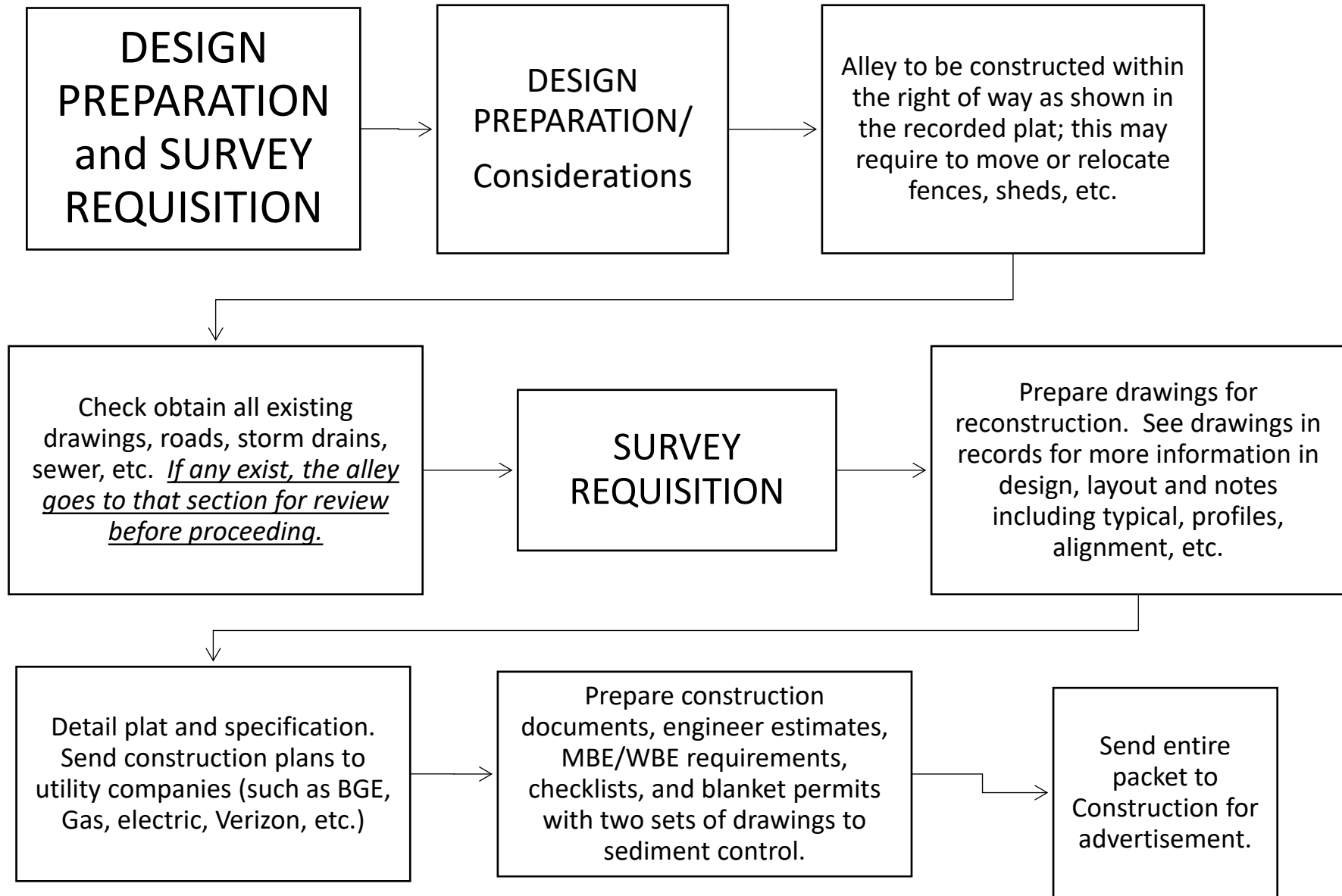
ALLEY PETITION PROCESS



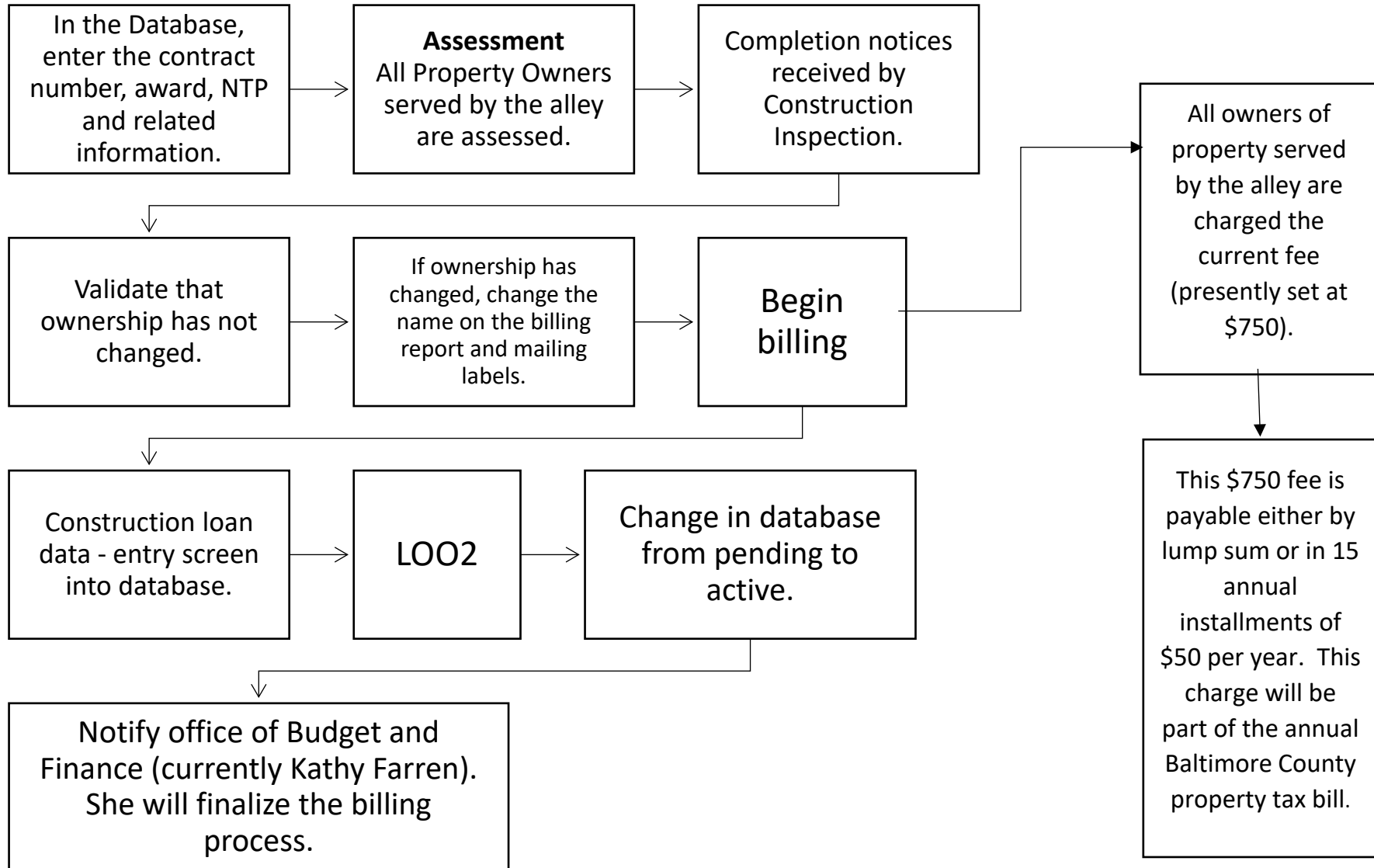
ALLEY PETITION PROCESS



ALLEY PETITION PROCESS



ALLEY PETITION PROCESS





County Council of Baltimore County
Court House, Towson, Maryland 21204

Julian E. Jones, Jr.
Chair, County Council
Councilman, Fourth District
council4@baltimorecountymd.gov

Council Office: 410-887-3389
District Office: 410-887-0784
Fax: 410-887-5791

August 26, 2022

Kelly Madigan, Inspector General
Office of the Inspector General
400 Washington Avenue
Towson, Maryland 21204

Re: OIG Investigation

Dear Ms. Madigan:

I want to take a moment to recount the events from two days ago so that there is no misunderstanding as to what transpired, and so that my willingness to cooperate in one of your investigations is clearly stated.

On Wednesday, August 24, 2022, at 10:00 a.m., we were scheduled for an interview in connection with an investigation the Office of the Inspector General (OIG) is conducting. Upon arriving at the OIG at about 10:15 am, it appeared that much of the power had gone out in your office suite – the lights were off, though some computers were still working. We decided the interview could be conducted in a conference room in the Council Office on the second floor of the Historic Courthouse.

Once at the Council Offices, we proceeded to the Plum Room (the Council's conference room) for the interview. Present for the interview were you, me, Mr. Quisenberry, and Mr. Bostwick. We sat down for the interview and Mr. Quisenberry discussed the desire to record my interview. I indicated that I did not wish to be recorded. After some back and forth about the issue, Mr. Quisenberry referred back to a July 21, 2022 email you sent to me wherein you stated that it is the OIG's policy to record all interviews. Mr. Quisenberry indicated the Office had made an "exception" for me in a past interview, but in light of the fact the OIG requires other County employees to abide by their policy of being recorded as part of their "cooperation," they would not want it to appear the Office is giving me "special treatment" by not recording the interview.

I took that statement by Mr. Quisenberry to mean that County employees are required to consent to be recorded during interviews based on the OIG's policy and do not have a choice.

Kelly Madigan, Inspector General
Page 2
August 26, 2022

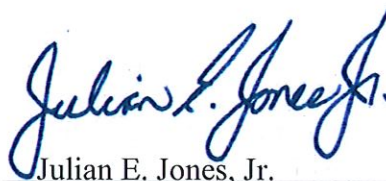
This is very concerning to me, considering that Maryland law, as a “two-party” state, requires all parties to an interview or conversation to give consent to being recorded. I am also very concerned that your Office may not be accurately advising County employees subjected to an interview – under the requirement of “cooperation” – of their right under Maryland law not to be recorded during interviews. Individuals have their own personal reasons for why they may not wish to be recorded and there is nothing improper in exercising that right, whether or not it conflicts with a policy of your Office. You did state that the OIG does properly advise County employees, but you still reiterated that you require the recording as part of your Office’s policy.

I do not wish to belabor this point, however, I believe it is relevant because as a result of my own decision not to be recorded, you and Mr. Quisenberry elected not to go forward with my interview, again based on the policy of your Office requiring that all interviews be recorded. You then indicated it would be documented in your report that you were unable to interview me for the investigation.

As a result, I want to make it abundantly clear that based on your request to interview me in connection with your investigation, you felt I had information and could answer questions that would be germane to the investigation; that I was perfectly willing to cooperate in your investigation and be interviewed, and we scheduled a date and time to conduct the interview; that we sat down, exchanged pleasantries, and were ready to proceed with the interview; that I exercised my right under Maryland law not to be recorded for the interview; and that you and Mr. Quisenberry decided unilaterally not to move forward and proceed with the interview.

I have copied both Administrative Officer Stacy Rodgers and the County Executive on this letter so they can review this matter and ensure that County employees who are compelled to cooperate in an OIG investigation and be interviewed are being treated fairly, and are properly advised of their rights under Maryland law.

Sincerely,



Julian E. Jones, Jr.
Chairman, Baltimore County Council
Councilman, Fourth District

cc: John A. Olszewski, Jr., County Executive
Stacy L. Rodgers, County Administrative Officer



KELLY MADIGAN
Inspector General

STEVE QUISENBERRY
Deputy Inspector General

Office of the Inspector General

November 16, 2022

Stacy L. Rodgers
County Administrative Officer
400 Washington Avenue
Towson, Maryland 21204

Re: OIG Investigative Report – Case No. 22-012 - Reply

Thank you for your response dated November 14, 2022 (“the Response”) to OIG Investigative Report – Case No. 22-012 (“the Report”). The Office stands by the conclusions reached in the Report that the Administration, against the advice of the subject matter experts within the Department of Public Works and Transportation (DPWT), spent Alley Reconstruction Program (ARP) funds to repair and repave an asphalt alley (“the Alley”) that is predominantly surrounded by commercial buildings in Towson, which are owned by limited liability companies that are all managed by the same businessperson (“the Businessperson”); that the use of ARP funds for this purpose was not in keeping with the County’s established criteria for the ARP or the spirit of the ARP; that the business processes used to carry out the improvements to the Alley were not consistent with the established business processes for the ARP; and that ARP funds were used to repair and repave an appendage to the Alley (“the Alley Offshoot”) even though it does not meet the definition of an alley. The Office would also like to address some of the points that were in the Response as follows:

In Section I of the Response titled “Legislative Intent – County Council Bill 123-95,” you assert that Bill 123-95 concerns all alleys in the County and not just private or residential alleys, thereby implying that it is appropriate for the Administration, at its discretion, to pay for renovations to commercial alleys. The Office does not dispute that under rare circumstances, it may be appropriate for ARP funds to be used to renovate a commercial alley if there are compelling factors that support the justification. Such was the case with the Watkins Way alley renovations that had been pursued by the Towson Chamber of Commerce during or about 2019. As detailed in the Report, an exception was made for admitting Watkins Way into the ARP because it provided an essential public service to the Towson community for the reasons set forth in the Decision Memorandum dated January 28, 2020. However, absent compelling reasons, such as the ones given for Watkins Way, the ARP is intended to be used only for residential alleys. This statement is supported by the County’s own website regarding the ARP, which is depicted in a screenshot following this paragraph. As seen under the question “What criteria does an alley have to meet to

be reconstructed,” the first bullet under the answer is “Located in a residential, non-commercial community.” Further, interviews of the DPWT personnel, who were intimately familiar with the origin of the ARP and its application within the County over the years, support the Office’s position that the ARP is intended solely for residential alleys. This can be seen in Exhibit 14 of the Report in which the DPWT’s Chief of Highway Design, who was described by the DPWT Director in their interview with the Office as the authority on alleys for the County, stated “The alley reconstruction program was established for residential concrete alleys. We rarely include and/or get involved with commercial alleys.” Further, the Alley Petition Process flowchart, which was included as Exhibit E of the Response, has a box that states “Review to determine if residential or commercial.” The Office asserts there is no valid reason to have this prompt in the flowchart unless it is important for DPWT staff to differentiate between residential alleys and commercial alleys when deciding to accept an alley into the ARP.

Home > Departments > Public Works > Bureau of Engineering and Construction > Alley Reconstruction Program Frequently Asked Questions

f t c y

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Alley Reconstruction Program

Frequently Asked Questions

- [Who can I call to get my alley repaired? Reconstructed?](#)
- [What criteria does an alley have to meet to be reconstructed?](#)
- [What qualifies as a valid petition?](#)
- [What happens after a petition is validated?](#)
- [How can I find out the status of alley reconstruction?](#)
- [How much will it cost? Is financing available?](#)
- [Is there any warranty on the reconstruction?](#)

Q. Who can I call to get my alley repaired? Reconstructed?
A. Call the [Bureau of Highways](#) at 410-887-3560 or send an email to highways@baltimorecountymd.gov. A petition is required for reconstruction. If the alley meets the required criteria, a petition will be mailed to a spokesperson who is willing to be the contact with the county and circulate the petition to property owners for signatures.

Q. What criteria does an alley have to meet to be reconstructed?
A. Alleys must meet certain criteria to be considered for reconstruction:

- Located in a residential, non-commercial community
- Has ingress and egress
- Has trash pickup in the alley
- Has public utilities
- Has been rated 'terrible' by the [Highway Design](#) section of the Bureau of Engineering and Construction

Q. What qualifies as a valid petition?
A. Petitions for reconstruction of existing concrete alleys require signatures of 51 percent of

MOST REQUESTED SERVICES

Engineering Highway Design

Engineering and Construction Overview

Public Works Overview

Animal Services

County Code

Find Your Zoning

Jobs

Jury Duty

Pay Parking, Red Light or Speed Camera Tickets

Pay or Search Property Taxes

Police News

Trash and Recycling

You also make the argument in the Response that the DPWT Director alone had the authority to authorize the repairs and repaving of the Alley. The Office does not dispute this, nor did the Office state in the Report that the DPWT Director exceeded their authority in this particular instance. Rather, the Office explained in the Report why the DPWT Director’s decision to improve

the Alley pursuant to the ARP was flawed in that the justification used by the DPWT Director was inaccurate. Specifically, the DPWT Director stated in their Sound Bite to you that it would be difficult for the property owners to coordinate the repairs to the Alley amongst themselves. This simply was not true as there were only two parties involved – a church and the Businessperson. Our investigation showed the DPWT Director eventually became aware of this fact, yet still decided to proceed with authorizing and funding the project.

In Section II of the Response titled “County Government Deliberative Process and Communication,” you again go into detail about the broad authority given to the DPWT Director to make decisions on matters such as the one involving the Alley and the processes in place within County government to document and carry out those decisions. What you fail to address in the Response is the flawed rationale used at the time by the DPWT Director to justify including the Alley in the ARP – a rationale that was rejected by the subject matter experts working within DPWT. You also do not address the failure on the part of DPWT to follow its own business processes associated with the ARP as set forth in the flowchart included as Exhibit E of the Response. For example, the Office could find no documentation that the Alley was ever rated “terrible” by the County, which is a prerequisite for including an alley in the ARP; the work was never put out to bid, but was instead assigned to an on-call contractor; there was no consideration given for minority and women business enterprise requirements; and the County has yet to collect any portion of the required \$750 assessment from any of the properties abutting the Alley.

Also in Section II, you stated the Office made an inaccurate assertion in the Report with regard to Exhibit 17, an April 16, 2021 email communication between you and the DPWT Director, in that the Office attributed the word “him” in the phrase “just get him to sign off on the proposed agreement” to the Chairman of the County Council when in fact, you were referencing the County Executive. The Office appreciates you making that clarification. The Office believed your use of the word “him” in the email was a reference to the Chairman for two reasons. First, the only male referenced in that email was the Chairman. Second, in the Decision Memorandum dated January 28, 2020 regarding the Watkins Way alley, there is a handwritten note near your signature that states “Note: Per our verbal discussion, Pat and I agree that this is routine operation, not requiring CE-level approval. Please proceed.” Based on this note, the Office was under the impression that the County Executive (CE) did not need to sign off on alley projects, and therefore, it did not make sense for the Office to deduce that the phrase “just get him to sign off on the proposed agreement” in a 2021 email was a reference to the County Executive.

In Section III of the Response titled “Determination of Alley Ownership and Eligibility Criteria,” you stated the Alley was “designated as public on the land title surveys” that had been prepared by an engineering firm hired by the Businessperson, and that this information conflicts with the information provided to the Office by the County’s own Real Estate Compliance group (see page 12 of the Report under the heading Ownership of the Alley). The Office infers from your explanation in this section that the County was somehow justified in paying to have the Alley repaired and repaved because it is a public right of way and therefore, not the responsibility of the surrounding property owners (i.e. the church and the Businessperson). Yet, at the time the DPWT Director was considering authorizing the repairs pursuant to the ARP, they believed the Alley was private as can be seen in Exhibit 18 of the Report by the reference to the Alley as a “private commercial alley.” It should also be noted that nowhere in Exhibit 18 does the DPWT Director

reference the BGE electrical utility cabinet issue that you suggest in the Response was a primary motivating factor for the County accepting the Alley into the ARP.

You also stated in Section III of the Response that a portion of the work done on the Alley (i.e. the Alley Offshoot) was paid for by the Businessperson because it was “privately owned.” You included the Bill of Sale for this work as Exhibit D of the Response. This was done presumably to refute the Office’s claim in the Report that during the Alley renovation project, the County had inadvertently paid to have the Alley Offshoot repaired and repaved even though it is not technically an alley. The Office agrees that while the Businessperson did hire the same on-call contractor to perform work in the vicinity of the Alley and the Alley Offshoot as described in the Bill of Sale, the work done on the “one appendage” to the Alley (i.e. the Alley Offshoot) was indeed paid for by the County and not the Businessperson. This was confirmed by the Office during an August 31, 2022 interview of the superintendent who was assigned to oversee the Alley renovation project for the on-call contracting company. It is also reflected in the proposal dated May 11, 2021 submitted by the on-call contracting company to the County as well as a hand-drawn map obtained from the on-call contracting company. A copy of the proposal and the map are attached as **Exhibit 1**. As can be seen on the proposal, which is addressed to “Baltimore County” and not the Businessperson, there are price quotes for work to be done on two alleys – Alley #1 and Alley #2. The proposal further described Alley #2 as “From Alley #1 to Allegheny Avenue,” a description that reflects the location of the Alley Offshoot. In addition, the Office’s June 22, 2022 interview of the DPWT employee assigned to inspect the work done by the on-call contractor confirmed that they had inspected both the Alley and the Alley Offshoot work on behalf of the County. This is reflected on the inspector’s daily report, which is attached as **Exhibit 2**.

In Section IV of the Response titled “Interviews with Parties Associated with the Project,” you indicated there were statements in the Report attributed to County employees that conflict with what those employees told the Administration pursuant to the preparation of the Response. For example, you stated the DPWT Director denied making the statement during their interview with the Office that the “CAO wanted this project done.” The Office agrees that the DPWT Director did not make that statement during their interview; however, the Office never attributed that statement to the DPWT Director in the Report. To clarify, that statement was made by the Chief of Highway Design during their interview with the Office, and it is properly attributed to the Chief of Highway Design on page 6 of the Report. Also, you reference in the Response a DPWT staff person’s [the ARP Manager’s] “perception” that the project was “unethical.” The Office stands by its summary of the ARP Manager’s interview as set forth in the Report, which is supported by contemporaneous email communications sent by the ARP Manager to DPWT management such as the one included as Exhibit 11 of the Report. Finally, the Office did attempt to interview the Chairman of the County Council about the Alley and the Office stands by its account of what took place as detailed in the Report. For further background, the Office had sent the Chairman an email dated July 21, 2022 to schedule the interview. The email set forth the purpose of the interview and the conditions of the interview, including that the interview would be recorded in accordance with the Office’s policies and procedures. A copy of the email is attached as **Exhibit 3**. At no time did the Chairman respond to the email stating that they would not proceed with the interview if it were recorded. On the date of the interview, the Chairman was reminded that the interview would be recorded for the reasons set forth in Exhibit 3. When the Chairman refused to allow the Office to record the interview, the Office made the decision to not proceed

with the interview out of a concern that it would appear the Office was giving the Chairman preferential treatment and there would be no accurate record of what transpired during the interview.

Based on the information detailed in this reply to the Response, other than updating the language to reflect "him" as opposed to the Chairman of the County Council on page 11 of the Report and the removal of the references to trash and utilities in the conclusion on page 13 of the Report, the Office does not intend to make any changes to the Report prior to its publication as the "inaccuracies reflected in the report" that you referenced have either been sufficiently clarified or dispelled.

Sincerely,



Kelly Madigan
Inspector General
Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Dori Henry, Chief of Staff
James R. Benjamin, Jr., County Attorney
D'Andrea Walker, Director, Department of Public Works and Transportation

M.T. Laney Company, Inc.

Site
Contractors

Since 1978

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www.mtlaney.com

info@mtlaney.com

PROPOSAL

May 11, 2021

Baltimore County

ATTN: [REDACTED]

Email: [REDACTED]@baltimorecountymd.gov

Following is our proposal for work to be done at the 502 Washington Avenue - Towson – On-Call project.

Scope of Work: Provide all labor, materials and equipment to complete work as detailed below.

Item I: Alley #1 – 1,185 Square Yards

- Demo Existing Deteriorated Asphalt
- Haul to Off-Site Location for Recycling
- Demo Concrete Apron at Manhole, Haul Off-Site
- Adjust (2) Water Valves with Parts
- Provide and Install 3" of 12.5mm Base Asphalt Mix, Compacted
- Provide and Install 2" of 9.5mm Surface Asphalt Mix, Compacted
- Achieve Proper Compaction During All Phases of Construction

Item II: Alley #2 (From Alley #1 to Allegheny Avenue) – 2" Mill & Overlay - Approximately 494 Square Yards / 3" Patching – 63 Square Yards

- Mill Existing Asphalt (2" Depth)
- Haul Millings to Off-Site Location for Recycling
- Saw Cut & Remove Deteriorated Asphalt
- Provide and Install 3" of 12.5mm Base Asphalt Mix (in Patching Areas)
- Provide and Install 2" of 9.5mm Surface Asphalt Mix, Compacted
- Achieve Proper Compaction During All Phases of Construction

Total Lump Sum of Items I & II: \$ 62,400.00

Please note: At the time this estimate was prepared, the liquid asphalt price was very unstable. Our proposal is based on the current liquid asphalt price for the month of May 2021 per the Maryland Asphalt Association. However, due to this instability the price of this job may need to be adjusted, dependent upon current market prices of liquid asphalt at time actual work is done. M.T. Laney Company, Inc. is not responsible for permits, bonds, excavating, utilities, concrete flatwork, signage, lighting, or fencing. We cannot guarantee overall positive water drainage where design elevations yield less than one and one-half percent (< 1.5%) slope. We cannot be held responsible for damage which occurs to base or surface asphalt by heavy traffic exceeding the design weight criteria for the paving section and/ or after a successful county or private inspection has been approved on this job.

This proposal is based on information given to our estimator and reflects our price to do the work specified. Specifically excluded are undercutting and refill of unsuitable sub grade, utility or inlet adjustments, erosion and sediment control measures, testing, damage from acts of god, excavating, utilities, permits and heavy cleaning, other than power brooming. Any additions, changes or unforeseen circumstances will incur additional cost.

Paving • Soil Stabilization / Reclamation • Site Work



Exhibit 1

Page 2

Proposal – 502 Washington Avenue - Towson – On-Call
May 11, 2021

Thank you for the opportunity to submit a proposal for this work. We look forward to working with you on this project.

Thank you,
Joseph P. Laney
M.T. Laney Company, Inc.

This price is quoted on the understanding that payment will be made upon completion of work. Interest at the rate of 1.75% per month will accrue after that time. If suit is brought by M.T. Laney Company, Inc. for recovery of any payment due under this contract, the undersigned agrees to pay all costs incurred by M.T. Laney Company, Inc. in connection with said suit, including reasonable attorney fees, whether or not the suit proceeds to judgment.

In the event the Customer accepts this proposal but requires M.T. Laney to execute a separate written contract, M.T. Laney will only execute a mutually acceptable separate written contract. The Customer agrees that the separate written contract will be subject to M.T. Laney's standard terms and conditions, and this proposal and M.T. Laney's standard terms and conditions will be incorporated by reference into and become a part of the separate written contract. If a separate written contract is required, and the terms of the separate written contract conflict in any way with the terms of this proposal or M.T. Laney's standard terms and conditions, the terms of this proposal and M.T. Laney's standard terms and conditions shall prevail over the terms of the separate written contract. This proposal is valid (45) days from proposal date at which time it will become subject to change.

This Proposal is valid for (45) days from the date set forth above and shall be automatically rescinded if the Customer does not "Sign and Return" this Proposal within such time frame. In the event this Proposal is not signed by the Customer, and the Customer directs M.T. Laney Company, Inc. to proceed with the work set forth herein (verbally or otherwise), and if M.T. Laney Company, Inc. elects to proceed with the work in response to Customer's directive, the Customer's directive to proceed with the work shall be deemed an acceptance of all the terms set forth in this Proposal, and Customer agrees that the terms in this Proposal are binding and enforceable, notwithstanding the absence of a signature.

Signature: _____

Title: _____

Date: _____

502 WASHINGTON AVE. TOWSON

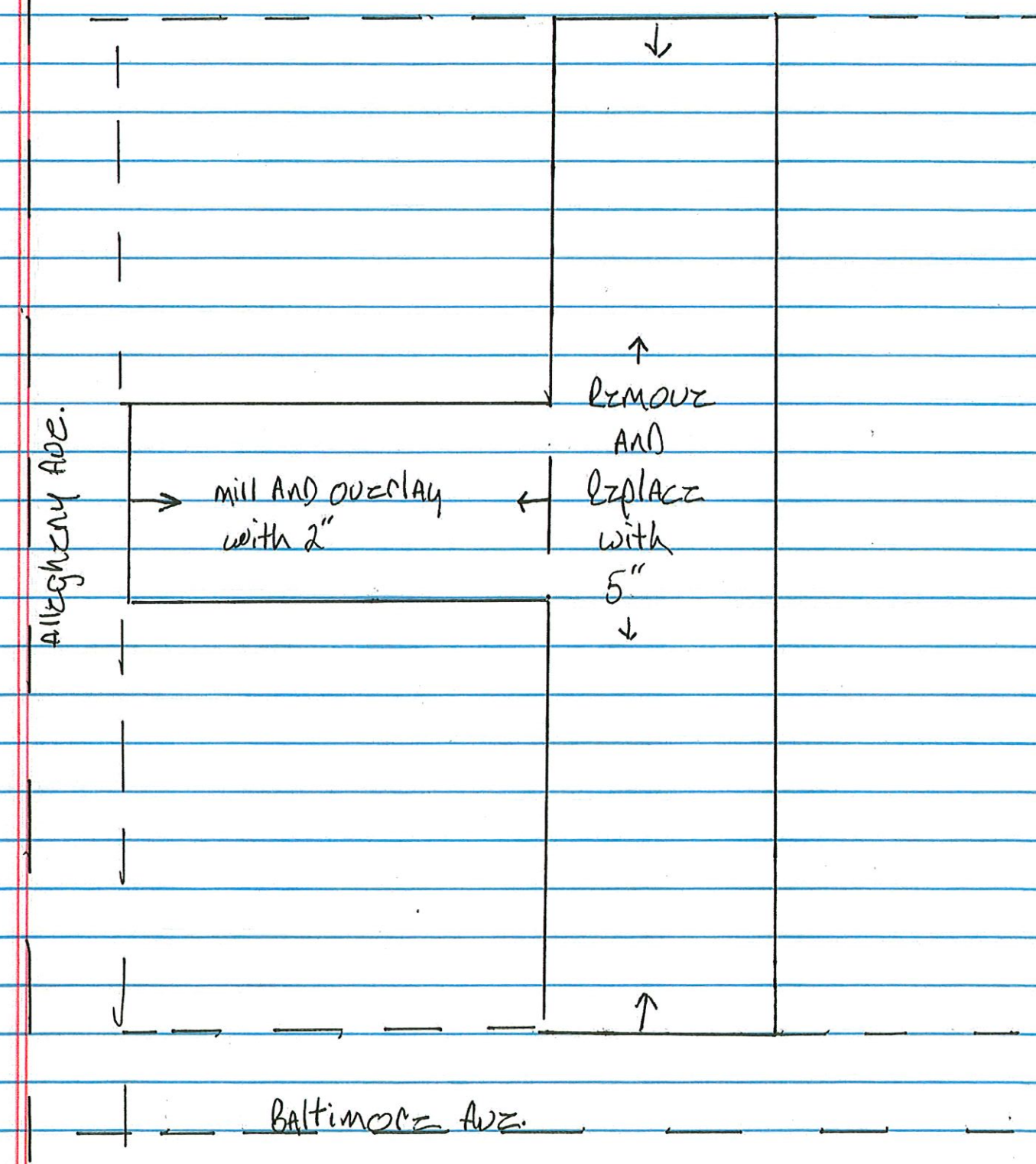
WASHINGTON AVE.

ALLEGHENY AVE.

MILL AND OVERLAY
WITH 2"

REMOVE
AND
REPLACE
WITH
5"

BALTIMORE AVE.



TIME CHARGE

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS

Prior _____
 Today _____
 To date _____

DIVISION OF CONSTRUCTION CONTRACTS ADMINISTRATION
 INSPECTOR'S DAILY REPORT

Day of Week Sun Only 11/7/21
 Sheet 1 of 1
 Elec. Dist. _____
 Date 10/31, 20 21

Project Allensby - Alley Locality MT LANEY
 I.O. No. _____ Contract No. ON-CALL
K PER

Item No.	Item	Unit	Quantity	Station	Location
#7	Resurfacing HMA	TON	82.77		Allensby - Alley
#10	Tack Coat	gal	40		Allensby - Alley
#20	Class 2 gravel	cy	10		Allensby - Alley
#22	Manholes	ea	1		Allensby - Alley
#30	M. O. T	DAY	1		Allensby - Alley
#31	Major Mill	SY	616	37Y150	Allensby - Alley
					LANEY CONSTRUCTION
					TR # 006342 /
					006343 /
					006340 /
					006341 /
				Product	#172A09122C07 MC 172
					9.5mm
	# ON-CALL JOB	PER			Baltimore County

Weather A.M. cloudy P.M. cloudy
 Temperature A.M. 30° P.M. 70° Started Work 6am Stopped Work 4pm

Chief Inspector

Exhibit 2

TIME CHARGE

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF CONSTRUCTION CONTRACTS ADMINISTRATION
INSPECTOR'S DAILY REPORT

Prior _____
Today _____
To date _____

Day of Week Monday

Sheet 1 of 1

Elec. Dist. _____

Project Alley of Washington Ave Locality M T LANEY

J.O. No. _____ Contract No. CR-6421

Date 10/11, 20 21

Item No.	Item	Unit	Quantity	Station	Location
#2	ADJ utility	ea	1		Alley of Washington Ave.
#8	PAVING f. for the total	TON	142.28	BASE 19mm	"
#10	TACK Coat	gal	25		"
#30	M. O. T	DAY	1		"
#31	Major Milling	sq	402	20 X 101	Alley of Washington Ave
* LANEY STOPPED WORK DUE TO HEAVY T-STORM AT 11:45pm on					
MONDAY NIGHT. COUNTY WILL NOT PAY FOR SPA LCOO, WAS					
SENT BACK TO LANEY COMPANIES					
* OVERALL JOBS PER [REDACTED]					
LANEY COMPANIES					
TIC # 006456					
006449					
006448					
006447					
006446					
006445					
006444					
H172 A 19 R 2009 19mm					
10/11					

Weather A.M. cloudy / clear T-storm P.M. cloudy / clear T-storms

Temperature A.M. _____ P.M. _____ Started Work 7:00 Stopped Work 1:00

Chief Inspector

LAST Night Job

TIME CHARGE

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF CONSTRUCTION CONTRACTS ADMINISTRATION
INSPECTOR'S DAILY REPORT

Prior _____
Today _____
To date _____

Day of Week WED
Sheet 1 of 1
Elec. Dist. _____
Date 10/10/21, 20

Project Washington Ave Alley Locality M.T. LANEY
I.O. No. _____ Contract No. 21-1111

Item No.	Item	Unit	Quantity	Station	Location
#1	RESURFACE HMA	TON	161.24	SURFACE	Washington Ave Alley
#2	ADJ Utility	EA	2		Washington Ave - Alley
#10	TACK Coat	100L	60		Washington Ave - Alley
#30	M. O. T.	DAY	1		Washington Ave - Alley
* ON-CALL JOB PER. [REDACTED] *					
P FLAMEN, WESTPORT HOC12R2COL 357257 - 357264 H127M2R10L 125W					

Weather A.M. cloudy P.M. cloudy
Temperature AM 71 P.M. 65 Started Work 7:00 AM Stopped Work 3 AM

[REDACTED]
For the County - Inspector [REDACTED]
Chief Inspector

From: [Kelly Madigan](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: OIG Request for Interview
Date: Thursday, July 21, 2022 2:34:14 PM
Attachments: [image003.png](#)

Good afternoon Chairman [REDACTED]

The OIG is conducting an investigation into the paving of an alley between Washington Ave and Baltimore Ave and wanted to interview you as part of this investigation. I called and spoke with [REDACTED] yesterday, to determine if he was representing you, and he recommended sending you an email request and cc'ing him. I know how busy you are and summertime can be tricky with vacations etc. I would like to schedule the interview for either the week of August 8 or the week of August 22. Please let me know what dates/times work best for you during those weeks. As you are aware, it is our policy to record all interviews during investigations. In the past, we made an exception for your interview. In light of the fact that we are requiring other County employees to abide by our policy, we would not want anyone to suggest that the Office was giving you special treatment. With that said, we intend to record your interview. If that is going to be an issue, please let me know that upfront, and our report will note that accordingly.

Thanks in advance for your cooperation.

Kelly

Kelly Madigan
Inspector General / Executive Director of the Ethics Commission
Office of the Inspector General
Baltimore County Government
400 Washington Avenue
Towson, Maryland 21204
410-887-6500 - Office
410-887-6594 – Direct

