

Highland Acres Tax Ditch Annual Meeting
January 23, 2025

Agenda

Call to Order

Announcement: Joe Stormer, long time manager of the tax ditch has died.

Introduction of Guests Scott Walls, DELDOT

Approval of 2024 Meeting Minutes

Manager's Report

Treasurer's Report

Old Business

New Business

Election

Open Forum

Call to Adjourn

Highland Acres Tax Ditch

Annual Meeting

January 25, 2024

Meeting called to order at 1:00 by Tax Ditch Manager Rod May.

Guests at the meeting included Melissa Hubert and Robin Weinkam from DNREC.

Attending the meeting were 23 tax ditch members.

Previous annual meeting minutes approved.



2023 Annual Meeting
Minutes.pdf

Financial Report

Given by Tax Ditch Secretary/Treasurer Marty Rosensweig. Only expenses incurred in 2023 was for insurance, which switched from State Farm to Selective Insurance based on recommendations from DNREC. Since some expenses were incurred in January based on work done in 2023, a January 2024 statement was also presented.



TAXDITCH 2023.pdf



TAXDITCH 2024.pdf

Manager's Report

Rod reported that the annual maintenance has been done.

A tree in Prong B needs to be removed.

A slide show was presented to tell the history of the tax ditch statewide program and define the duties and responsibilities of DNREC, the managers and officers of each tax ditch and the property owners adjacent to the tax ditch itself.

Old Business

The folks along New Road were concerned about maintenance there. There has been attempts to turn over the tax ditch to DELDOT, especially when the New Road Canary Creek Bridge is replaced. Melissa Hubert has been working on this issue in the past and will assist in attempts to get things done.

Poor drainage in Sussex Drive open channel side ditches was reported. Property owners were told by the City of Lewes that maintenance was the responsibility of the tax ditch. The tax ditch has no responsibility.

Maintenance this year will be estimated and contracted to be done in the Fall. Some mowing may be done in the off season.

No progress made on getting signatures on changes to the ditch along Canary Drive.

New Business

Investigate Drainage Problem along New Road.

Resolve maintenance responsibility of Sussex Road side ditch with the City of Lewes.

Resolve access issues on Rollins Property

Ratify COC for Canary Drive

Elections

Rod May was elected Tax Ditch Manager.

Marty Rosensweig was elected Tax Ditch Secretary Treasurer.

Meeting was adjourned,

Attachments:

Financial Report

Attendance Sheet.

2025 Manager's Report

The annual maintenance was performed. The Sussex Conservation District performed the hand spraying for invasives in September.

Future Generations Property Management LLC cleared woody growth from the banks and invert of Prong 1 and stabilized the channel in areas where trees and roots were removed. This work was performed in October. We were able to reach an agreement with the Rollins Property managers for access to Prong 1 for the maintenance.

Strauss Excavation maintained the Main channels and Prong A in December.

All three projects were submitted to SCD for cost sharing and were approved. Cost share will be reimbursed after SCD inspection and approval of the work.

An Old Business item from the 2024 meeting is to pursue the COC along Canary Drive. The City will be responsible for the maintenance of all the storm drain pipes from Prong 1 to Prong B. when the COC is ratified. Discussions with the property manager of the Rollins Property requested signatures. The property was transferred to trustees and the COC had to be written to include new owners. It remains unsigned. The property manager indicated that the trustees would take no action without receiving permission from the contract purchasers.

No progress was made on the New Road COC.

Another Old Business issue was side ditch maintenance on Sussex Drive. The City denied responsibility and so did the tax ditch. But maintenance was performed this year.

Another Old Business item was the maintenance of the Main channel along New Road. I reached out to DELDOT for a status report last summer and talked to Scott Walls, the Bridge Engineer for the Canary Road Bridge Project. Scott has joined us today to bring you the latest update.

Highland Acres Tax Ditch

1/21/2025

Treasurers Report

1/1/2024 through 12/31/2024

Date	Description	Memo	
OPENING Balance			46,897.60
INCOME			
1/24/2024	Sussex County Tax Revenue		530.79
7/23/2024	Sussex County Tax Revenue		66.78
11/26/2024	Sussex County Tax Revenue		10,195.13
Total Sussex County Tax			10,792.70
5/2/2024	Sussex County - Cost Share		2,610.00
7/23/2024	INST PYMT FROM ACCTVERIFY PMT REF: 20240731021000018P1BPEHF02		0.01
Total Income			13,402.71
EXPENSES			
Admin			
1/23/2024	Rod May	Signs	-150.00
1/22/2024	USPS		-158.10
8/8/2024	SERVICE CHARGE FOR ACCOUNT 000000028808291		-0.65
12/30/2024	USPS		-179.20
			-487.95
Ditch Maintenance			
1/23/2024	Strauss Excavation, LLC		-4,350.00
1/23/2024	Sussex Conservation District		-1,850.00
7/31/2024	Future Generations Property Services LLC		-4,800.00
10/14/2024	Sussex Conservation District		-353.50
10/29/2024	Future Generations Property Services LLC		-3,200.00
12/28/2024	Strauss Excavation, LLC		-6,000.00
Total Ditch Maintenance			-20,553.50
Total Expenses			-21,041.45
CLOSING Balance			43,236.17



Program Overview

The Delaware Department of Natural Resources and Environmental Controls' (DNREC) Tax Ditch Program serves 234 Tax Ditch Organizations across Sussex, Kent and New Castle Counties. In 1951, the current Tax Ditch Law (Title 7, Chapter 41 of the Delaware Code) created Tax Ditch Organizations and mandated that the now Division of Watershed Stewardship, and Conservation Districts, would assist in the administration, planning, construction and maintenance of these ditch systems. This Chapter was last revised in 2008.

Mission Statement

The Program's mission is to provide effective, environmentally balanced water management services that are sustainable to citizens of Delaware for the preservation of public health and safety.

DNREC Staffing

The Tax Ditch Program consists of the below 8 full-time staff dedicated to providing administrative, technical & organizational assistance to Tax Ditch Organizations.

- Program Manager II
- Program Manager I
- Environmental Planner
- Administrative Assistant Coordinator
- Administrative Assistant Coordinator
- Technical Assistant Coordinator/Inspector
- Technical Assistant Coordinator
- Application Support Specialist

The Program also utilizes DNREC Drainage Program's Engineers Planners, & Field Technicians to assist in accomplishing its tasks.

Office Locations & Contact

Dover

285 Beiser Blvd., Suite 102
Dover, DE 19904

302-855-1930

Georgetown

21309 Berlin Road, Unit 6
Georgetown, DE 19947

DNREC_Drainage@delaware.gov



Program Service Areas

Administrative Assistance

Tax Ditch Organization Services

We aide individual Tax Ditch Organizations in performing their duties through assistance in the preparation & filing of court & county documents:

- Calculate & Estimate Warrant Rates
- Provide Assessment Lists & Maps
- Right-Of-Way Obstruction Resolution
- Administer Audits
- Officer Bonding Guidance
- Support for Annual Meetings, Banking & Issues as Arise

Landowner Services

We assist landowners by providing information on tax ditches & guidance on processing court documents:

- Field Inquires on Tax Ditches:
- Process Court Order Changes (COC)
- Assessments
- Right-of-Ways
- Watershed Boundary



Program Service Areas Continued..

Technical Assistance

Tax Ditch Organization Services

We assist Tax Ditch Organizations by providing engineering specifications & recommendations for tax ditch management and maintenance:

- Provide Design Specifications for Tax Ditch Features
- Perform Maintenance Inspections of Tax Ditch and Right-of-Way
- Stake Out & Inspection of Approved Tax Ditch Work
- Prepare Permit Applications
- Assist With the Update of Operation & Maintenance Plans
- Evaluate Tax Ditch Flooding Concerns or Blockages

Landowner Services

We assist landowners by providing minimum design specifications & guidance for modifying tax ditches:

- Residential or Development Plan Review for Tax Ditch Impacts
- Stake Out & Inspection of Approved Features
- Provide Permit Guidance
- Evaluate Tax Ditch Flooding Concerns or Blockages



Program Implementation

We provide assistance with the following activities as described under the Tax Ditch Law and the management of our Program:

Tax Ditch Organization Support

- Clearinghouse for Tax Ditch Organization Records
- Jump Start Existing Tax Ditch Organizations
- Assist in the Formation of New Tax Ditches
- Update and Process Tax Ditch Assessment Values for Counties

Conservation District Support

- Maintains Database of Tax Ditch Organizations in Compliance
- Maintains & Updates Tax Ditch Officer Database
- Disbursement of \$3921 Cost Share Funds to Support Tax Ditch Maintenance

Education & Outreach

- Professional Training for Tax Ditch Officers
- Attendance at Virtual or Live Outreach Events
- Public Accessible Online Websites or Applications



Tax Ditch Right-of-Way

The tax ditch rights-of-way (ROW) is a type of easement outlined in the Delaware Tax Ditch Law. It is a designated area which provides permanent access for the tax ditch organization to perform regular maintenance activities and dispose of material cleaned out from the tax ditches.



→ A ROW is Your Property

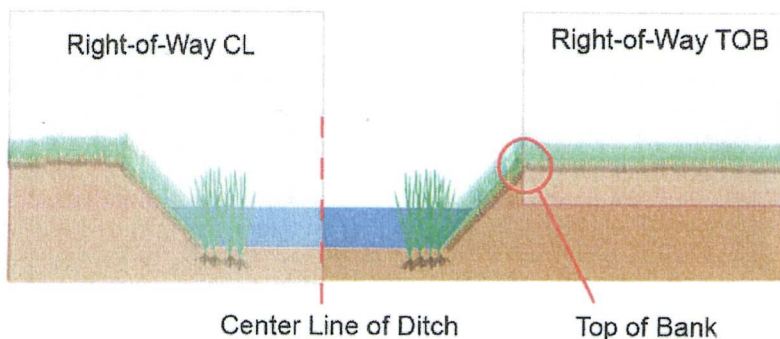
- The tax ditch organization has access to the ROW but does not own the land.
- Only the tax ditch organization or its designated contractors have access to the ROW.
- The ROW is not for public passage.

→ Obstruction Free is the Way to Be

- Maintaining grass buffers in and along the tax ditch helps to keep ditches stable and improves overall water quality.
- Keep fences, driveways, patios, buildings, sheds, additions, pools, animal pens, landscaping, or gardens out of the ROW.
- Yard waste should be placed away from the ditch and out of the ROW as it could wash into ditch and cause blockages.

→ Size of ROW Width Varies

- ROWs are measured either from top of ditch bank (TOB) or from centerline (CL) of the ditch or an underground pipe.
- Visit de.gov/taxditchmap to view tax ditch ROWs on your property.



→ Maintaining ROWs

- A tax ditch organization is responsible for ensuring the system is draining as designed. As such, maintenance activities involve controlling woody plant growth by:
 - Mowing the ROW and ditch once a year or every other year.
 - Control of invasive plant types.
 - Dipout of channels every 10-30 years.
- The tax ditch organization is not responsible for removing fallen trees or landscaping that do not obstruct water flow.
- **You have the ability to maintain your ROW.** Here are some pointers:
 - Place the blade height on your mower as high as possible when mowing.
 - Do not use broad-spectrum herbicides. Contact a licensed professional for proper application for controlling unwanted plant types.
 - Trees can be flush cut to the top of the soil, but stumps cannot be removed.
- More information and resources regarding tax ditches, such as the "Maintaining Tax Ditches in Your Backyard" handout, can be found at de.gov/taxditch.



Maintaining Tax Ditches in Your Backyard

Did you know that a Tax Ditch Organization is a governmental subdivision of the state and run by elected officers who own land in its watershed? Typically, officers choose to mow ditch channels and right-of-ways every 2-3 years in order to control woody plant growth, but the schedule depends on system maintenance needs, availability of funds, and presence of obstructions in the right-of-way that prevent access to the ditch. **As a landowner or caretaker with a tax ditch on your property there are things you can do to assist in maintaining your portion of the ditch.**

You Can Help with Flooding Issues & the Environment by...

- ☑ Ensuring that trash and yard debris, such as grass clippings and leaves, are not placed in the ditch. These items could cause blockages in the ditch or pipes.
- ☑ Mowing the right-of-way or ditch channel at least once or twice a year. Leaving taller grasses or non-woody plants along the edge of the ditch and the channel can help maintain the stability of your soil and improve water quality.
- ☑ Avoiding the use of herbicides on tax ditch banks or within the channel. These chemicals negatively affect the health of our waters and habitats. In addition, they can destroy a plant's root system which may lead to erosion issues. If erosion occurs as a result of herbicide application, you could be held financially liable for the damage.
- ☑ Removing invasive plants such as bamboo, European reed, or English ivy in your yard. Invasive plants quickly take over tax ditch right-of-ways or channels making them hard to maintain and create blockages. Native plants can live in harmony with your ditch and wildlife. Visit the delawareinvasives.net for more information.
- ☑ Attending annual meetings of your Tax Ditch Organization. Look in your local newspaper for meeting announcements or call our office for more information.

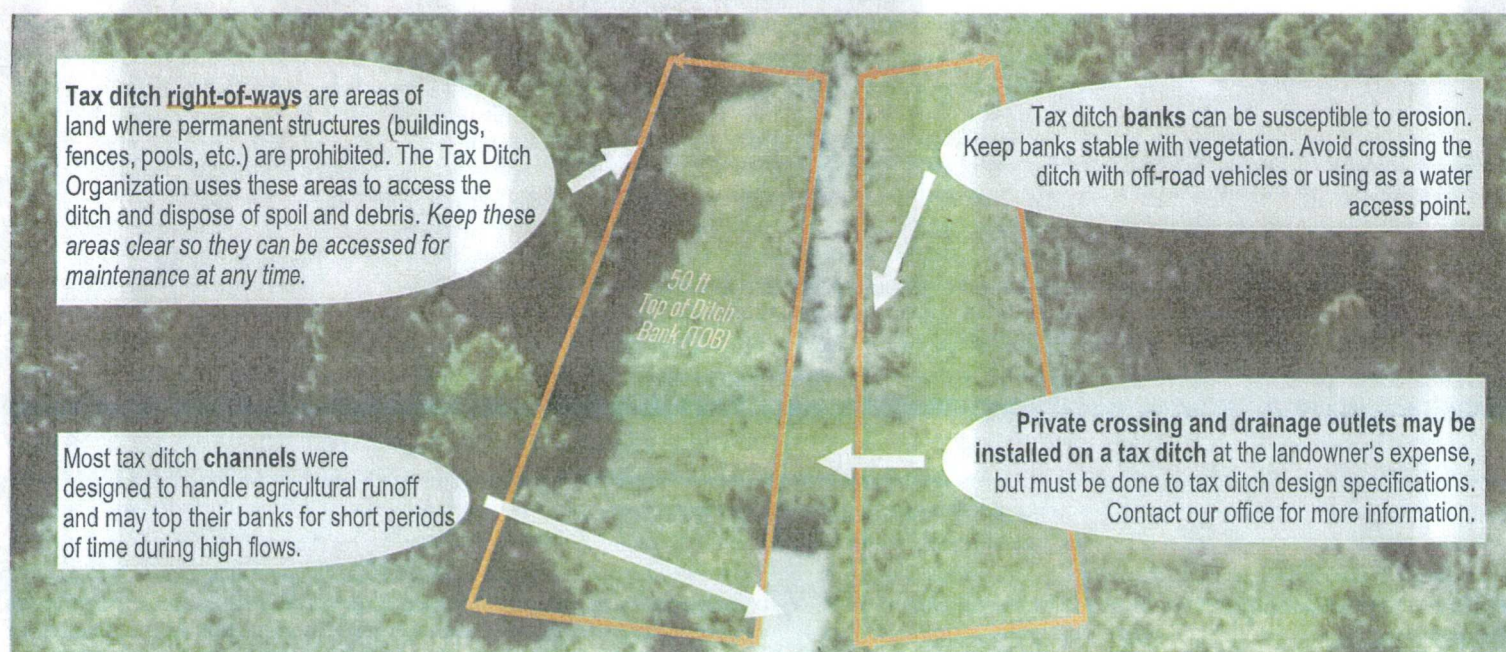
Web Links To Know

Delaware Tax Ditch Law:
delcode.delaware.gov/title7/c041/index.shtml

DNREC Tax Ditch Website:
de.gov/taxditch

Map of Tax Ditch and Right-of-Way Location:
de.gov/taxditchmap

The Anatomy of a Tax Ditch



DNREC Drainage Program

21309 Berlin Road, Unit 6, Georgetown, DE 19947 ☎ 302-855-1930 ☎ DNREC_Drainage@delaware.gov ☎ de.gov/taxditch

What is a tax ditch?

Not all ditches are tax ditches. Tax ditches are formed as organizations under a legal process in Superior Court that comprise of all landowners (also referred to as taxables) of a particular watershed or sub-watershed. The operations of a tax ditch are overseen by ditch managers and a secretary-treasurer. Visit de.gov/taxditchmap to see if your land is a part of a tax ditch watershed.

Who can perform maintenance work and do I need a permit?

Landowners may perform maintenance work on tax ditches on their own property. According to Tax Ditch Law (41 Del. Laws, c. 7, § 4187), Right of Entry Upon Lands, only agents working on behalf of the tax ditch may enter property that is not their own to perform tax ditch work. In addition, depending on what you are looking to do and where, permits may be needed. There are multiple agencies that may be involved with issuing permits for tax ditch maintenance work: [U.S. Army Corps of Engineers Dover Field Office](#), [DNREC Wetlands & Subaqueous Lands Section](#), [DNREC Sediment and Stormwater](#) and/or [DNREC Drainage Program](#).

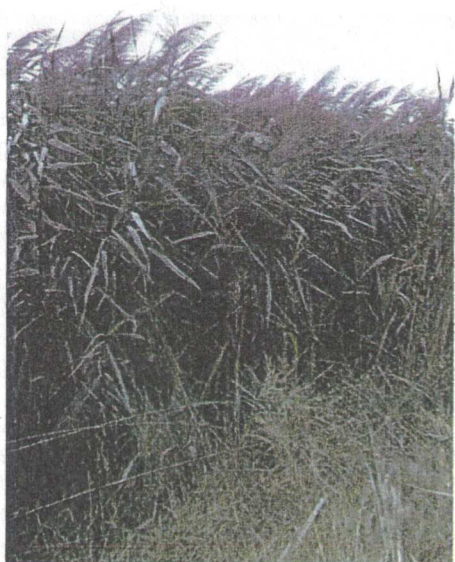
Who is responsible for maintaining pipe crossings?

In most cases, if the crossing is solely benefitting the private landowner it is up to the private landowner, not the Tax Ditch Organization, to repair or replace any damaged pipe crossings. If a landowner wishes to install a new private crossing, the landowner may do so at their own expense (materials and any applicable permitting) but must contact the DNREC Drainage Program for design specifications including required materials and a listing of needed permits. Tax Ditch Organizations only maintain pipe crossings that are of benefit to the tax ditch system.

How can I become more involved in maintenance decisions?

Tax Ditch Organizations usually hold at least one meeting a year for which all members, or taxables, may attend. To find out about these upcoming meetings look for announcements in your local newspaper or call the DNREC Drainage Program for more information. If you would like to assist in managing these systems, then volunteer to become an officer on a tax ditch! You must first check to see if you own land in the tax ditches' watershed (de.gov/taxditchmap), then you should visit the [Tax Ditch Law](#) (link available on de.gov/taxditch) to see position responsibilities and contact our office for more information.

Common invasive plants on tax ditches and right-of-ways.



Common reed (*Phragmites australis*)



Japanese honeysuckle (*Lonicera japonica*)



Multiflora rose (*Rosa multiflora*)



Imported bamboo (Photo Credit: University of Florida IFAS Extension)



English ivy (*Hedera helix*)

Unless otherwise noted, photos provided by
DNREC Wetland Monitoring & Assessment Program



Did you Know?

ALL septic systems are considered Tax Ditch Rights-of-Way (ROW) obstructions

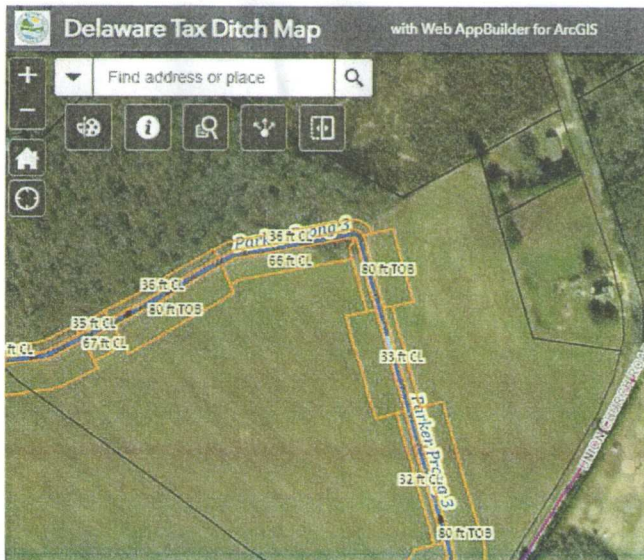
Septic Systems located or installed within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, upon request of a Tax Ditch officer the septic system must be removed at the landowners expense and the landowner is responsible for paying any fines issued for the violation.

Does my property have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

A Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW on a property, it will be illustrated as an orange polygon on the map (see below). As you zoom in on a property the ROW width will also appear. **All** permanent features, including septic systems, must be installed outside of the existing ROW.



Map and Cross-Section Abbreviations Defined:

TOB- Top of Bank

CL- Centerline

MT- Maintenance Turnaround

SAR- Special Access ROW

If you are a landowner planning or contractor hired to install a septic system you must ensure the septic system is located outside of Tax Ditch Rights-of-Way (ROW).

How to move forward if your property has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review and evaluate the proposed request in consultation with the tax ditch officers to determine an acceptable path forward.

To initiate review of the proposed septic system, please complete and submit the form found below.

Tax Ditch ROW Change Request Form:

<https://de.gov/TDROWForm>

To expedite our review be sure to include a site plan/sketch of the septic system location and include the proposed distance of the septic system from the top of the tax ditch bank.

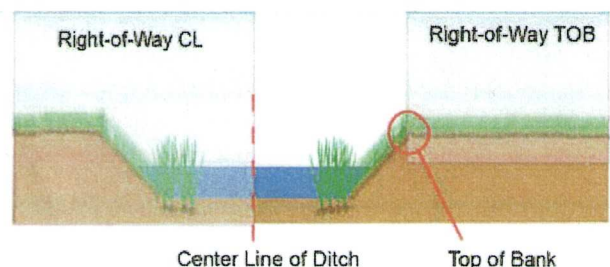
Office Location & Contact

DNREC Tax Ditch Program

21309 Berlin Road, Unit 6 Georgetown, DE 19947

302-855-1930 • DNREC_Drainage@delaware.gov

Typical Tax Ditch Cross-Section/Rights-of-Way





DNREC

Tax Ditches and Wells Considerations when Installing a Well

Did you Know?

ALL wells are considered Tax Ditch Rights-of-Way (ROW) obstructions

Wells located or installed within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, upon request of a Tax Ditch officer the well must be removed at the landowners expense and the landowner is responsible for paying any fines issued for the violation.

Does my property have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

A Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW on a property, it will be illustrated as an orange polygon on the map (see below). As you zoom in on a property the ROW width will also appear. **All** permanent features, including wells, must be installed outside of the existing ROW.



Map and Cross-Section Abbreviations Defined:

TOB- Top of Bank

CL- Centerline

MT- Maintenance Turnaround

SAR- Special Access ROW

If you are a landowner planning or contractor hired to install a well you must ensure the well is located outside of Tax Ditch Rights-of-Way (ROW).

How to move forward if your property has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review and evaluate the proposed request in consultation with the tax ditch officers to determine an acceptable path forward.

To initiate review of the proposed well, please complete and submit the form found below.

Tax Ditch ROW Change Request Form:

<https://de.gov/TDROWForm>

To expedite our review be sure to include a site plan/sketch of the well location and include the proposed distance of the well from the top of the tax ditch bank.

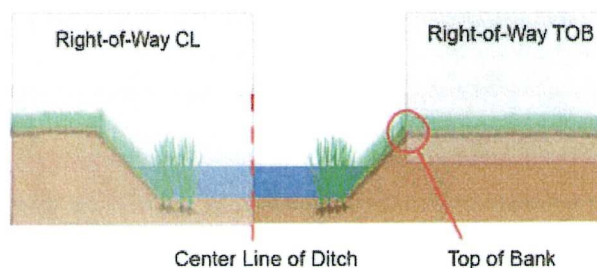
Office Location & Contact

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Typical Tax Ditch Cross-Section/Rights-of-Way





DNREC

Tax Ditches and Fences Considerations when Installing a Fence

Did you Know?

ALL fences are considered Tax Ditch Rights-of-Way (ROW) obstructions

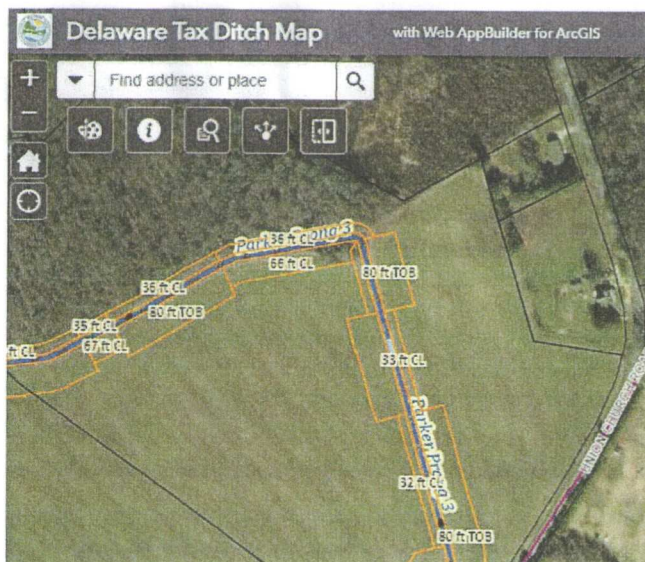
Fences located or installed within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, upon request of a Tax Ditch officer the fence must be removed at the landowners expense and the landowner is responsible for paying any fines issued for the violation.

Does my property have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

A Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW on a property, it will be illustrated as an orange polygon on the map (see below). As you zoom in on a property the ROW width will also appear. **All** permanent features, including fences, must be installed outside of the existing ROW.



Map and Cross-Section Abbreviations Defined:

TOB- Top of Bank

CL- Centerline

MT- Maintenance Turnaround

SAR- Special Access ROW

If you are a landowner planning or contractor hired to install a fence you must ensure the fence is located outside of Tax Ditch Rights-of-Way (ROW).

How to move forward if your property has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review and evaluate the proposed request in consultation with the tax ditch officers to determine an acceptable path forward.

To initiate review of the proposed fence, please complete and submit the form found below.

Tax Ditch ROW Change Request Form:

<https://de.gov/TDROWForm>

To expedite our review be sure to include a site plan/sketch of the fence location and include the proposed distance of the fence from the top of the tax ditch bank.

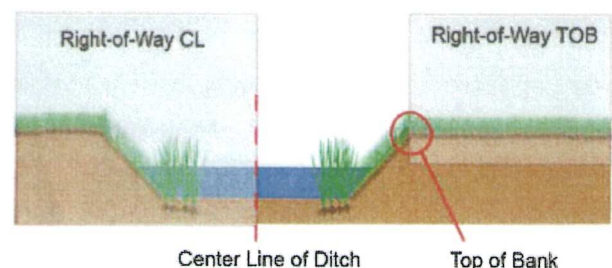
Office Location & Contact

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Typical Tax Ditch Cross-Section/Rights-of-Way





DNREC

Tax Ditches and Electric Utilities Considerations when Installing Electric Utilities

Did you Know?

Electric utilities may be considered Tax Ditch Rights-of-Way (ROW) obstructions

Electric utilities located or installed **above ground** within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, these features **cannot** be located in the ROW. If you are planning to install electric utilities above ground you must ensure the features are located **outside** of the Tax Ditch Rights-of-Ways (ROW).

If you are installing electric utilities **below ground** please review the guidelines included to ensure these utilities will not be damaged during Tax Ditch maintenance activities.

In all cases, the DNREC Tax Ditch Program must be notified of utility installations proposed within the tax ditch ROW to update tax ditch records.

How to move forward if your project area has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review proposed installation requests in consultation with the Tax Ditch officers to ensure Tax Ditch access is maintained and Tax Ditch records are updated. If changes to a Tax Ditch ROW are necessary, a Court Order Change will need to be processed, and the DNREC Tax Ditch Program will assist.

To initiate review of proposed utilities, please complete and submit the form found below.

Tax Ditch Land Development Review Request Form:

<https://de.gov/TDProjReview>

To expedite our review be sure to follow the guidelines on this document prior to submission.

Examples of Electric Utility ROW Obstructions

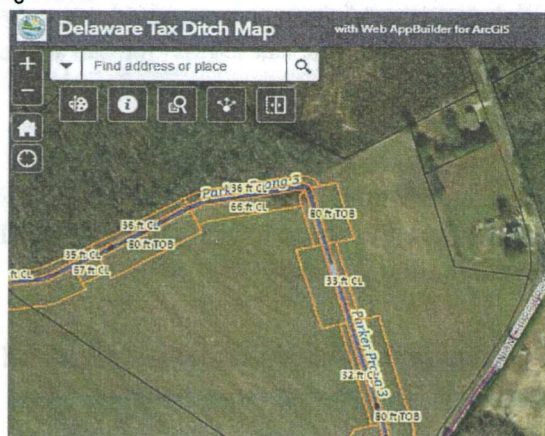


Does my project area have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW in a project area, it will be illustrated as an orange polygon on the map (see below). As you zoom in on the project area the ROW width will also appear. **All** permanent above ground features, including electric utilities (boxes, poles, guy-wires), must be installed outside of the existing ROW.



Map and Cross-Section Abbreviations Defined:

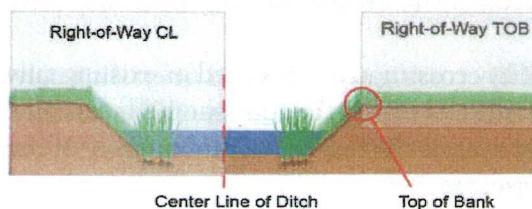
TOB- Top of Bank

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Typical Tax Ditch Cross-Section/Rights-of-Way



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Tax Ditch Electric Utility Guidelines:

Above Ground Utilities and Associated Features

- Tax Ditch Rights-of-Way (ROW) and proposed temporary and permanent utility easements may overlap. However, Tax Ditch ROWs are required to remain free and clear of any physical obstructions. The Tax Ditch ROW is used for access to the Tax Ditch and material disposal during Tax Ditch maintenance activities.
- Utility poles or boxes must be installed a minimum of 25ft from top of ditch bank (TOB). A minimum clearance of 25ft must remain for any access points to the Tax Ditch Rights-of-Way (ROW). If guy wires are required, the guy wires must not encroach into the 25ft wide clearance needed between the pole and Tax Ditch bank or Tax Ditch ROW access point(s).
- If above ground signage is required, we recommend placement on the top of ditch bank close to upstream ends of the Tax Ditch channel and/or near maintenance crossings to minimize interference with Tax Ditch maintenance activities.
- We have no specific guidelines for overhead clearance height however we would direct you to DE State Code, National Electric Safety Code, OSHA requirements or any other applicable codes, whichever is most restrictive. The Tax Ditch Rights-of-Way can be treated as a roadway for consideration.

Below Ground Utilities and Associated Features

- During installation of buried utilities, ground markers and/or detectable underground warning tape are recommended to denote a utility has been installed.
- Any utility located within the Tax Ditch ROW that does not cross the channel must be installed in a safe, traversable manner for heavy construction equipment, mowing and foot traffic that uses the ROW.
- Utilities must be installed with a minimum of 3ft of cover beneath the Tax Ditch design grade or existing grade, whichever is deeper. Tax Ditch design grade is **not** necessarily existing conditions. For example, erosion may have created an area where existing conditions are *below* design grade elevation or accumulated sediments may make the current grade *higher* than design grade.
- Utility crossing at a proposed or existing culvert is preferred. When a utility is crossing the Tax Ditch channel at a culvert, the line should be installed at least 3ft below the bottom of the pipe crossing. If utility cannot be installed a minimum of 3ft beneath Tax Ditch design grade, it must have concrete encasement.

All Utilities and Associated Features

- All utilities and associated features of any kind crossing the Tax Ditch and/or Rights-of-Way shall submit associated profiles to the DNREC Tax Ditch Program.

Last Reviewed: August 29 2023 11:08am