

Minutes of the County Commissioners of Worcester County, Maryland

January 5, 2021

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom
Diana Purnell

Following a motion by Commissioner Bertino, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Library Director Jennifer Ranck, and Sheriff Matthew Crisafulli. Topics discussed and actions taken included hiring Jeff Kyger as the Risk Management Specialist in Human Resources, Stuart White as a Specialist in Development Review and Permitting, Nathan Yales as a Landfill Equipment Operator I within the Solid Waste Division and John Northeimer as a Grounds Worker II in Public Works; rehiring Lea Cataggio as a Recreation Program Manager II and hiring Michele Burke as the Business Development and Retention Specialist in Recreation, Parks, Tourism and Economic Development; transferring former Liquor Control employees Tanya Niblet from Liquor Control Clerk II to Transfer Station Attendant within the Solid Waste Division and Debra Lambertson from Store Manager to full-time Document Imager III within the Document Imaging Division of the Treasurer's Office; promoting Anthony Donofrio from temporary to permanent Emergency Communications Supervisor and hiring Tyler Baylous as an Emergency Communications Trainee in Emergency Services; acknowledging their December 16, 2020 email approval to hire Taylor Hartman as a Correctional Officer Trainee to fill one of four critical vacancies within the County Jail; promoting Craig Koerner from Landfill Operator I within the Solid Waste Division of Public Works to Correctional Officer Trainee, and hiring Rebekah James as a Correctional Officer Trainee Cook and Iesha Smith as a Correctional Officer Trainee to fill the remaining three critical positions within the County Jail; hiring Mary Poudel as the Youth Service Specialist at the Library, and reclassifying the position of Local History Librarian from part-time to full-time and transferring Alec Staley to this position; reinstating one Lieutenant's position and acknowledging other personnel changes within the Sheriff's Office; receiving legal advice from counsel; and performing administrative functions, including receiving the FY21 monthly financial update, and discussing potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 9:51 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Kenneth Elligson of Spence Baptist Church in Snow Hill and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their December 1, 2020 meeting and minutes of special session of December 9 as presented.

The Commissioners presented a proclamation marking January as the 19th anniversary of National Mentoring Month to Commissioner Josh Nordstrom, who serves on the Big Brothers Big Sisters of the Eastern Shore (BBBS) Board of Directors. Mentoring programs, like BBBS, equip young people with the tools they need to make responsible choices.

Upon a motion by Commissioner Elder, the Commissioners unanimously approved as a consent agenda item numbers 2-5 and 7-8 as follows: accepting an FY21 Emergency Medical Dispatch Funding Grant from the Maryland Institute for Emergency Medical Services Systems (MIEMSS) of \$859,76 for training and recertification of the EMD program; a request for proposals (RFP) to procure a mobile emergency generator, materials, and services to install mobile generator docks at three facilities that support 911 to be reimbursed by the State of Maryland 911 Board (formerly the Emergency Number Systems Board); a request for proposals to procure air purifying respirators with Homeland Security Grant funds of \$24,000 for first responders operating in contaminated environments; accepting a State of Maryland 911 Board grant of \$185,650 for protocol licensing supporting 911 call-taking and procurement for additional positions at the 911 Center, Backup 911 Center, and Secondary Public Safety Answering Points in the County; accepting a proposal from EA Engineering, Science, and Technology for engineering services in the amount of \$21,410.00 for the West Ocean City pump station rehabilitation project; and accepting two proposals totaling \$16,925, from J.W. Salm Engineering in the amount of \$11,475 and Russell Hammond Surveying of \$5,475, for design and survey work for the sewer extension along Gum Point Road.

The Commissioners met with Public Works Director John Tustin and Deputy Director John Ross to discuss bid documents for a farm lease, as part of the Newark spray irrigation project to harvest crops and thus remove the nutrients from the spray field. Commissioner Bunting noted that this lease needs to be updated, as it includes conditions that would make it very difficult to farm the property and does not include a nutrient management plan. Commissioner Elder recommended staff work with one of the County agricultural boards to draft updates to the lease to include modern farming techniques. Following some discussion, the Commissioners directed staff to reconfigure the lease and to identify area farmers that may meet the qualifications to bid on the project.

Pursuant to the request of Superintendent of Schools Lou Taylor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to allocate \$200,000 from the County Fund Balance, rather than from the HVAC approved project fund, to complete an emergency project to replace the roof at the Stephen Decatur Middle School. Commissioner Bertino commended Mr. Taylor and his team's efforts to reopen all of the public schools. Mr.

Taylor thanked the Commissioners for their support and reconfirmed that it is his goal to return all students to the classroom as soon as possible. Mr. Taylor then introduced Sam Slate, the new Maintenance Coordinator for the Board of Education, and commended his success in helping to bring down energy costs.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized President Mitrecic to sign the License Agreement between the Commissioners and M E J Investments, LLC to allow the Waystead Inn to use up to 40 of the 60 parking spaces at the Berlin Branch Library for guest parking for special events under certain conditions as outlined in the agreement. In response to a question by Commissioner Bunting, Ms. Ranck confirmed that the Waystead Inn may only utilize the parking outside of standard operating hours.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Nordstrom, the Commissioners unanimously agreed to reappoint Jerry Barbierri to the Planning Commission for a five-year term expiring December 31, 2025; Kevin Holland to the Building Code of Appeals Board, Marc Scher to the Economic Development Advisory Board, and Mike Hooks to the Recreation Advisory Board for four-year terms each expiring December 31, 2024; Kenneth Lambertson to the Board of Electrical Examiners, Tamara White to the Commission for Women, and Brandy Trader, LuAnn Siler, Jack Ferry, and Thomas Donoway to the Adult Public Guardianship Board for three-year terms each expiring December 31, 2023.

Upon nominations by Commissioner Bertino, the Commissioners unanimously agreed to reappoint James Spicknall to the Building Code Appeals Board and Jeff Knepper to the Ethics Board for four-year terms each expiring December 31, 2024; and Joseph Green, Jr. to the Board of Zoning Appeals for a three-year term expiring December 31, 2023.

Upon nominations by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Steve Ashcraft to the Local Development Council for the Ocean Downs Casino and Stacey Esham and Brooks Clayville to the Agricultural Reconciliation Board for four-year terms each expiring December 31, 2024; and to appoint Susan Childs to the Commission for Women for a three-year term expiring December 31, 2023.

Upon nominations by Commissioner Purnell, the Commissioners unanimously agreed to appoint Kris Heiser and to reappoint Terri Shockley, Laura Morrison, and Kelly O'Keane to the Commission for Women for three-year terms each expiring December 31, 2023.

The Commissioners met with Emergency Services Director Billy Birch and Assistant Director James Hamilton to discuss the following two issues: a proposal from Federal Signal of University Park, Illinois of \$14,050, including travel of \$5,800, to complete a baseline assessment, which would include general maintenance wherever applicable, of the County's outdoor public warning sirens; and whether the County should assume overall responsibility for maintaining all County emergency sirens. This responsibility to date has been shared between the County, the individual volunteer fire companies, and some jurisdictions. In response to a question by Commissioner Mitrecic, Mr. Birch stated that the proposal from Federal Signal is for a preventative maintenance inspection of all County sirens, with the exception of those located within the Town of Ocean City, as the town maintains its own sirens.

Upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from Federal Signal as presented using Fund Balance monies for this expense.

In response to questions by Commissioner Nordstrom, Mr. Hamilton stated that if approved the vendor will be onsite for one week to evaluate the sirens, an evaluation that would allow staff to develop a plan to centralize the siren system and repair or replace the sirens. Mr. Birch noted that this is an old system that includes sirens that were installed in 1925, 1955, and 1975 and are in mechanically poor shape. Furthermore, there are no local vendors to assist with this project. If approved today, staff advised that Federal Signal could be onsite to evaluate the system within 60 to 90 days.

In response to a question by Commissioner Bunting, Mr. Hamilton stated that County staff is actively working with Public Works to hook up two sirens in Ocean Pines that were unhooked following the refurbishing of a water tower and the upgrade of a pump station that left one siren with no power source. Commissioner Elder stated that bid documents involving infrastructure to which emergency sirens or other technology are connected should include a requirement to replace said systems, so this situation does not occur in the future. Commissioner Bertino concurred, noting that it is vital that the emergency systems be repaired and monthly testing resumed.

Following further discussion and upon a motion by Commissioner Bunting, the Commissioners voted unanimously to assume sole responsibility for the maintenance of emergency sirens at the County volunteer fire departments, with the exception of the volunteer fire departments located in Ocean City.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 21-1 (Zoning – Height Regulations in the A-1 and A-2 Agricultural Districts), which was introduced by Commissioners Bertino, Church, Elder, Nordstrom, and Purnell on November 17, 2020. Mr. Tudor stated that this bill would amend the height regulations on residential accessory structures in the A-1 and A-2 Agricultural Districts. Specifically, it would allow the height restrictions for accessory structures to increase from 25 feet to 35 feet by special exception only. He advised that the Planning Commission gave the application a favorable recommendation.

In response to a question by Commissioner Bunting, Mr. Tudor advised that this would only apply in instances in which an accessory structure was being built on a property with a principal structure, noting that if someone built an agricultural structure on a vacant property it would become the principal structure and subject to district regulations. He further noted that it would be required to meet the same setback requirements as the principal structure. Commissioner Bunting expressed concern that this bill creates a way around the current height restrictions.

Commissioner Mitrecic opened the floor to receive public comment.

Donna West of Snow Hill, applicant for the text amendment, asked the Commissioners to look favorably on her request and adopt Bill 21-1 as presented. Commissioner Nordstrom noted that the purpose of this bill is not to approve a blanket increase to the existing height limitation. Rather, it would allow an individual to apply to the Board of Zoning Appeals for a special exception.

There being no further public comment, Commissioner Mitrecic closed the hearing.

Upon a motion by Commissioner Elder, the Commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to adopt Bill 21-1 (Zoning – Height Regulations in the A-1 and A-2 Agricultural Districts) as presented.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Lawrence T. Perrone, on behalf of the Ocean Pines Association (OPA) to amend Section ZS 1-324 of the County Code to add a provision to allow up to six internal community signs within an established community or subdivision.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell introduced the aforementioned text amendment as Bill 21-2 (Zoning - Signs) and agreed to schedule a public hearing on the bill.

Commissioner Mitrecic closed the legislative session.

In response to a question by Commissioner Mitrecic, Mr. Tudor confirmed that electrical retesting has been conducted and the licenses approved.

The Commissioners met with Mr. Birch to review proposals to purchase a ¾-ton truck to tow emergency response trailers and transport mobile equipment, with Homeland Security grant funds available for this purpose. In response to a question by Commissioner Nordstrom, Fleet Management Superintendent Derrick Babcock advised that the wait time when ordering a new vehicle that meets the required specifications is nine to 14 months. He further noted that there is no State bid for the County to piggyback on at this time. In response to questions by Commissioners Bertino and Bunting, Mr. Babcock confirmed that he will work to negotiate the very best prices possible for the County if authorized to purchase this and three additional vehicles being considered by the Commissioners today. Commissioner Nordstrom stressed to County staff to make every effort to identify vendors within the County when making future vehicle and equipment purchases to help support and protect local businesses.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved the purchase of a ¾-ton truck at a cost not to exceed \$40,069 from Pittsville Ford or another vendor.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications to purchase personal protective equipment (PPE) for use by public safety personnel within the County, with staff to apply for a Federal Emergency Management Agency grant to reimburse up to 75% of PPE costs.

Pursuant to the recommendation of Information Technology Director Brian Jones and CTC, the County's broadband consultant, and a motion by Commissioner Elder, the Commissioners unanimously accepted the proposal from Talkie Communications of Chestertown, Maryland to serve as the County's broadband vendor at no monetary cost to the County.

In response to a question by Commissioner Bunting, Mr. Jones advised that contracts with Bloosurf of Salisbury (such as the State contract designating that vendor as the rural utility service borrower in the County) have now expired, so the proposal being discussed today does not pose a conflict to any State contracts. He advised that Talkie has developed an aggressive

plan to invest funding to extend broadband in the County, including the following three locations: \$652,224 on Stockton Road, \$534,174 on Dun Swamp Road, and \$1.1 million on Sheephouse Road in the Stockton area. He advised that the County should apply as soon as possible for grant funds of \$200,000 from the State for this purpose, as an available grant is set to expire. Commissioner Bunting urged Talkie to look at opportunities to extend broadband to rural areas in northern Worcester as well.

Pursuant to the request of Mr. Ross and the written recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the best proposal from Hydro Design, Inc. of Frederick, Maryland at a cost of \$8,800 for consulting services for the Ocean Pines Golf Course irrigation project. Mr. Ross stated that this bidder has done a lot of work on golf courses in the area, including the Eagles Landing Golf Course. He noted that the irrigation project will be a long-term project, with anticipated costs of roughly \$3 million. In response to concerns raised by Commissioner Bertino, Mr. Ross advised that while the specific means of funding has not yet been determined, ratepayers in the Ocean Pines Sanitary Service Area only will cover the cost of this project in one of three ways, via water and sewer bills, Ocean Pines Association (OPA) annual dues, or golf course fees. He confirmed that this project may be eligible for some grant funding, as it will result in a reduction of nutrient discharges into the St. Martin River.

Pursuant to the recommendation of Mr. Ross and upon a motion by Commissioner Church, the Commissioners unanimously awarded the low bid to Lywood Electric, Inc. of Federalsburg, Maryland at a cost of \$350,726 to rehabilitate pump stations 2-5 in the West Ocean City (WOC) Sanitary Service Area (SSA). He stated that the consultant and Lywood Electric both expressed initial concern regarding the substantial difference in price between their low bid and the \$612,240 bid submitted by Bilbrough's Electric, Inc. However, after reviewing the scope of work both reconfirmed that the bid price was sufficient for the scope of work to be completed. The cost for this project exceeds project funding of \$190,000, as the project has been ongoing for two years, while the cost estimate had not been updated, and additional work was added to the scope of this project. Mr. Ross advised that the SSA has more than enough cash on hand to cover this overage.

Pursuant to the request of Mr. Ross and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized staff to negotiate to replace three aged trucks within the Water and Wastewater Division of Public Works from Pittsville Ford as follows: one ¾-ton 4x2 2020 Ram 1500 regular cab chassis with utility body at \$41,469; and two ½-ton 4x2 2020 Ford F150 regular cab pickup trucks at a cost of \$25,135 each.

Commissioner Nordstrom expressed concern that none of the replacement vehicles are being purchased from dealerships in the County. He reiterated that in the future the County should strive to purchase vehicles and equipment from businesses operating in the County. In response, Mr. Ross stated that the County does contact dealerships in the County, but noted that low-cost vehicles do not remain on the lot very long and are typically sold before County staff receive approval to purchase them.

The Commissioners recessed for five minutes.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and accepted the proposal of \$69,034 from Modern Controls of New Castle, Delaware to replace the existing 19-year-old heating, ventilating, and air conditioning (HVAC) system in Emergency Services within the Worcester County Government Center with a dual circuit system.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino the Commissioners unanimously agreed to extend the County's contract with Atlantic Pumping of Bishopville, Maryland for an additional year through January 31, 2022 for the rental and service of portable restrooms for Part A - Boat Landings, Solid Waste Homeowner's Convenience Centers, and the County Firing Range for the Maintenance Division of Public Works at a total cost of \$4,032.00 and for Part B - passive and active recreational parks for Recreation and Parks at a total cost of \$16,692.00 for a grand total annual cost of \$20,724.00.

Pursuant to the recommendation of Mr. Tustin in response to the written request of Attorney Hugh Cropper, on behalf of Barbara Taylor (trustee of the Revocable Trust Agreement of Clarence and Louise Hammond), and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposed quitclaim deed between the County Commissioners (Grantors) and Ms. Taylor (Grantee), conveying a portion of a platted but unimproved paper street in Ocean City known as Bayshore Drive. Mr. Tustin stated that there are no plans to improve this paper street, nor is the street listed within the Inventory of Public Roads of Worcester County.

The Commissioners discussed a request from Circuit Court Administrative Judge Brian Shockley to waive the standard bid process and declare Value Carpet One of Salisbury, Maryland as the sole source provider for the carpet replacement project in the Court House at a total cost of \$58,725, with the County to pay \$29,362.50 or 50% of the State/County match. Chief Administrative Officer Harold Higgins advised that these funds have been set aside within the County's Fund Balance.

Commissioner Bertino made a motion, which he later withdrew, to approve the request as presented. Commissioner Nordstrom questioned why the request before the Commissioners did not include any County vendors and stated that staff should do their due diligence to identify contractors within the County that can provide these services. Judge Shockley stated that Maintenance Superintendent Ken Whited advised that the County had an existing relationship with Value Carpet One.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted unanimously to reject the proposal from Value Carpet One and agreed to place this project out to bid.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Purnell, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Mitrecic to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Porter Mill Properties, LLC (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with

FY20/21 Coastal Bays RLA funds to cover the cost of an easement on approximately 81.6 acres located on the west side of Snow Hill Road in Stockton and identified on Tax Map 94 as Parcel 252. This property is to be purchased at a cost of \$1,850.50 per acre for a total cost of \$151,000. Mr. Mitchell advised that the land is within the Coastal Bays watershed, adjacent to protected farm and forest lands (half of the property contains prime farmland), and protecting this land will help protect water quality and the scenic viewshed for the surrounding neighborhood. The owner is surrendering all subdivision and development rights except for one residence. He advised that farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no confined animal feeding operations (CAFOs), and limits will be placed on agricultural buildings.

The Commissioners met with Mr. Mitchell to consider an application from Regan Smith, Esquire, on behalf of Papa and Nana Buas, LLC to establish a shared facility for an existing onsite sewage system and well that serve a residential structure on a property identified on Tax Map 26 as Parcel 116, to also serve the adjacent property identified, which is identified on Parcel 114. Mr. Mitchell stated that the applicant desires to construct a mini storage on the two parcels and subdivide Parcel 114 to maximize the building potential, demolish and properly abandon the septic and well serving that property, and utilize the improved sewage system on Parcel 116 to serve the office and bathrooms for the storage center. Mr. Mitchell stated that staff recommends approving the application. In response to a question by Commissioner Bunting, Development Review and Permitting Deputy Director Jennifer Keener stated that under the zoning regulations for C-2 Commercial there is a maximum cap on the total square footage for mini storage on an individual parcel, so the owner is proposing a subdivision to maximize the development potential on all three lots under the same ownership.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to adopt Resolution No. 21-1, establishing a shared sanitary facility serving lots owned by Papa and Nana Buas, LLC (developer) as shown on Tax Map 26, Parcels 114 and 116.

The Commissioners met with Mr. Mitchell to discuss a request from Paul Carlotta for a 120-day extension to the required December 31, 2020 completion date for conditions 2-11, which were contingent upon the County's January 22, 2019 approval of his request for the allocation of six equivalent dwelling units (EDUs) of sewer service from the Mystic Harbour Sanitary Service Area (SSA) for an existing roadside stand and proposed restaurant on the property of Assateague Farms, LLC and identified on Tap Map 33 as Parcel 29. Mr. Mitchell stated that the County has previously granted extensions to complete plat work and other technical details, and there are currently several outstanding zoning, building, and plumbing code issues that staff are working to resolve for this property. Therefore, County staff recommends granting the request.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners voted unanimously to approve the requested 120-day extension. Commissioner Bunting expressed hope that the project would move forward to completion in a timely manner to avoid the need for future extensions.

In response to a question by Commissioner Mitrecic regarding zoning challenges at

Assateague Farms, Ms. Keener advised that County staff are waiting for the applicant to submit a revised site plan that addresses comments from the April 2020 meeting of the Technical Review Committee.

Pursuant to the request of Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to table a request to implement operational changes within Economic Development for the science, technology, engineering and math (STEM) and the skilled trades, agriculture, and tourism (STAT) programs until January 19, 2021.

Mr. Perlozzo advised the Commissioners that efforts to recruit landowners and private venture companies to build a sports complex in the southern end of the County over the past year have been unsuccessful. Chief Administrative Officer Harold Higgins advised that the proposed sports complex could provide positive fiscal enhancements to the County. Commissioner Nordstrom concurred, noting that this would be an economic boon for the County. In response to a question by Commissioner Nordstrom, Mr. Perlozzo stated that County staff have exhausted all options during the past two years to identify land and attract a private venture company to develop a sports complex in southern Worcester County. He confirmed that the best opportunity for such a venture would be to develop a sports complex in a location where infrastructure is already in place. Commissioner Nordstrom stated that he would like to expedite this process, put this project back on the table and look at all options, including funding and location. Commissioner Church concurred, noting that this would be a golden opportunity to enhance the quality of life for school students and the greater community and to enhance County revenues if the Commissioners can get this project off the ground.

Commissioner Bertino stated that he could support a motion to consider available options, but little or no taxpayer money should be used to support the project. Commissioner Bunting concurred, noting that economic development initiatives do not always pay off as expected, so he could not support using taxpayer funds for such a project. However, if staff can identify a private vendor to develop the project, he will happily support it.

Commissioner Purnell stated that such a project would include a playground, parks, and recreation facilities that would greatly benefit youth in Berlin and all of Worcester County. In response to a question by Commissioner Bertino, Mr. Perlozzo confirmed that the conceptual plan for a sports complex, which would support tourism and economic development by generating revenues for the County, includes fields for multiple sporting opportunities in a public park setting with playground facilities, walking tracks, pickleball, and other recreation amenities. He further noted that he would only recommend supporting a sports complex provided that it would enhance the quality of life for County residents.

Commissioner Mitrecic noted that the only way to generate additional revenues without increasing property taxes is through economic development opportunities like the proposed sports complex, which is one of his bucket-list projects. He stated that regardless of what anyone might say about a project initially, Mr. Perlozzo is to bring all of his ideas to the Commissioners for their consideration because that is what he was hired to do. In response to concerns raised by Commissioner Bunting, Mr. Perlozzo stated that this project would create unique funding opportunities through the State of Maryland, the County, Board of Education, and Town of Berlin. First, per recent discussions he was able to confirm that Maryland Department of Natural

Resources (DNR) Program Open Space (POS) funding can be used to fund 90% of development costs for the proposed sports complex, with a County commitment of 10%. Furthermore, POS funds could be used to cover 100% of acquisition costs. He stated that the County receives an annual allocation of roughly \$600,000. Up to 75% of those funds can be used for development and 25% for acquisition in perpetuity, or as long as the program exists, to pay for the facility. If staff could identify and enter into a memorandum of understanding with a private partner that allows the County to use the facilities at any time, this could be a zero-cost project to the County. He stated, for example, that a \$12 million facility could result in a one-time cost to the County of \$1.2 million. Furthermore, he explained that the County could deed a portion of the property to the Town of Berlin for use as a park, and the town could then apply for a \$250,000 Community Parks and Playground grant to fully fund park development.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, for staff to identify potential locations for a sports complex in the County, with the south end of the County to continue receiving the strongest consideration, and to explore both public and private funding options to support this venture.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for a property located at 11827 Grays Corner Road and identified on Tax Map 26 as Parcel 13. Mr. Tudor stated that the specific nature of the nuisance includes an old mobile home with a brick façade and a stick-built addition on the westerly side of the structure, which has partially collapsed. He stated that DRP staff have notified the property owner by certified and regular mail regarding the conditions, but the owner has done nothing to abate the nuisance. If the Commissioners are inclined to find that the structure is beyond any reasonable hope of rehabilitation or restoration and therefore constitutes a public nuisance in accordance with the Code, he recommended that the owner be given no more than 30 days to apply for the necessary permits to demolish the structure or request a public hearing before the Commissioners.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to declare the structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance and ordered the abatement of such nuisance pursuant to Section PH 1-101(a)(11) of the Public Health Article of the County Code and specifically to remove the structure if not repaired.

The Commissioners reviewed a letter from Lachelle Scarlato, Executive Director of the Greater Ocean City Chamber of Commerce to enact local emergency legislation that would place a cap on the amount of fees third-party food delivery services can collect in Worcester County to give restaurants more money and provide at least a temporary opportunity to seek additional revenue streams and resources. Mr. Higgins advised that the County does not currently have such legislation in place. Commissioner Nordstrom asked if anyone from the chamber was in attendance to speak to this request, but received no response. Upon a motion by Commissioner Bertino, the Commissioners unanimously denied the request.

The Commissioners met with Finance Officer Phil Thompson and Chris Hall of TGM Group, LLC, Certified Public Accountants to review the County's Comprehensive Annual

Financial Report (CAFR) for the Fiscal Year ending June 30, 2020. Mr. Thompson stated that County staff send the CAFR, which represents the County's fiscal report card, stat sheet, and fiscal state of the County all in one document, to more than 100 entities the County does business with, as well as international bond rating firms, Moody's, Fitch, and Standard & Poors, which use this data to assign the County's credit rating, the financial analysts and institutions that currently hold or bid on the County's bond offerings, and most importantly make it available to the public on the County website at www.co.worcester.md.us.

Mr. Thompson announced that the County was awarded the Certificate of Achievement for Excellence in Financial Reporting for the twelfth consecutive year by the Government Finance Officers Association (GFOA) of the United States and Canada for its CAFR for FY19. This award is the highest form of recognition awarded to local governments in the areas of accounting and financial reporting and assures the users of the County's financial statements that the County is complying with the most recent accounting and finance pronouncements in a format that is widely acceptable. He recognized Budget Officer Kathy Whited, Assistant Finance Officer Jessica Wilson, Enterprise Fund Controller Michelle Carmean, and Senior Budget Accountant Kim Reynolds for their dedication and guidance in preparing this document.

Mr. Hall noted that due to COVID-19 the process of developing the CAFR was a hybrid, with some on-site and some remote work. He then reviewed the Independent Auditors' Report, issuing Worcester County an unmodified opinion (previously referred to as a "clean opinion"), which represents the highest assurance TGM can give. He then reviewed the Management's Discussion and Analysis, which provides private citizens with an understanding of what happened during the current fiscal year; Balance Sheet for Governmental Funds totaling \$84,624,735, with a Fund Balance of \$66,010,534 (\$55 million in the General Fund and \$35 million in Unassigned, which includes \$20 million in reserve for contingencies); Revenues of \$210,998,558 and Expenditures of \$233,763,016 (with a portion of the Fund Balance going toward capital projects, including the new Showell Elementary School); Business-Type Activities, including enterprise funds; and Other Post Employment Benefits Trust Fund. Overall, Mr. Hall gave a snapshot of the General Fund final adopted budget; Statement of Revenues, Expenses, and Changes in Fund Balance - Budget and Actual General Fund, with amendments and final results, property taxes, local income taxes; and Statistical Section. He stated that the CAFR is the most important document the County's financial team produces, and he commended them for the job they do and for partnering with TGM auditors to complete this project.

In response to concerns raised by Commissioner Bertino regarding the County's net OPEB liability as a percentage of 6.24%, Mr. Thompson stated that in the current year County staff kept the OPEB level flat, as they did not adjust the income tax rate as proposed in FY21 due to the COVID-19 pandemic. Rather they kept it flat. He stated that the ½ percent increase from the year before was factored into the OPEB payment that same year. He stated that the Commissioners should expect to see a drop in the OPEB liability within the next three to five years. Following some discussion, Commissioner Mitrecic thanked Mr. Hall and his team for all their work.

The Commissioners reviewed additional board appointments.

Upon nominations by the Worcester County Youth Council (WCYC) and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to reappoint the following individuals to the WCYC: Abby Boyce and Tamari Cutler of Pocomoke High School for one-

year terms each expiring April 30, 2021; and Aaron Cohen of Stephen Decatur High School for a two-year term expiring April 30, 2022.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 12:45 p.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Warden Donna Bounds; and applicants for the position of Warden. Topics discussed and actions taken included conducting interviews for the position of Warden at the County Jail.

The Commissioners adjourned at 1:22 p.m. to meet again on January 19, 2021.

Minutes of the County Commissioners of Worcester County, Maryland

January 19, 2021

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom
Diana Purnell

The Commissioners attended the 9:30 a.m. swearing-in ceremony for the Board of Education (BOE) members, after which the Commissioners convened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Commissioner Diana Purnell and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their January 5, 2021 meeting as presented.

On behalf of the Worcester County Branch of the National Association for the Advancement of Colored People (NAACP), Commissioner Purnell accepted a proclamation from the Commissioners honoring the life of Dr. Martin Luther King, Jr. who through peaceful means led a civil rights revolution that helped reshape the laws of the United States of America and challenged the nation's citizens of all ages and backgrounds to undertake a meaningful role in society and to do so with "painstaking excellence."

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Missy Denault to the Recreation Advisory Board for a four-year term expiring December 31, 2024.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Scott Tingle to the Housing Review Board for an additional three-year term expiring December 31, 2023; and to reappoint Kelly Gravenor to the Agricultural Preservation Advisory Board, Joseph Stigler to the Ethics Board, and Gary Weber to the Local Development Council for the Ocean Downs Casino for additional four-year terms each expiring December 31, 2024.

Upon a nomination by the Town of Pocomoke City and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Michelle Beckett El-Soloh to the Solid Waste Advisory Committee for a four-year term expiring June 30, 2024.

Pursuant to the request of Sheriff Matt Crisafulli and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Mitrecic to sign the Mutual Aid Agreement between the nine Eastern Shore counties and their respective sheriff's offices in Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties. Sheriff Crisafulli explained that this agreement is to offer prompt, effective

and professional police resources, such as manpower and equipment, contingent upon availability, to assist their Eastern Shore partners as needed during emergencies. In response to a question by Commissioner Bertino, Sheriff Crisafulli advised that the responding agency would bear any overtime costs that accrue when providing resources to assist partnering agencies.

Pursuant to the recommendation of Senior Budget Accountant Kim Reynolds and the Diakonia Inc. Board of Directors and upon a motion by Commissioner Elder, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to accept the apparent low proposal of \$9,427 from East Coast Contracting for Diakonia shelter renovations. Commissioner Bunting expressed concern that East Coast Contracting included an insert advising that any additional costs for unforeseen plumbing issues will be handled as a change order, while the second lowest proposal of \$10,068.75 from East Coast Construction, LLC does not have that clause. Commissioner Mitrecic noted that it is a new building that should not incur any additional plumbing costs. Ms. Reynolds advised that the project is being funded through a Community Development Block Grant of \$102,000, so funds are available to cover any unforeseen plumbing expenses.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review correspondence from Mashel Wakil, Real Property and Clearance Program Coordinator for the Maryland Department of Transportation (MDOT), notifying them that MDOT plans to dispose of a 0.83-acre surplus property located at 7170 Worcester Highway in Newark and more specifically identified on Tax Map 49 as Parcel 150 and resulting from the dualization of U.S. Rt. 113. Mr. Tudor stated that, as a result of the road project, access to U.S. Rt. 113 has been denied to this property, rendering it landlocked and therefore of no use to the County and likely of no use to anyone other than the adjoining property owners.

Upon a motion by Commissioner Bertino, the Commissioners unanimously declined any interest in this surplus property.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 431 for February 16, 2021. This application was submitted by Attorney Hugh Cropper, IV, on behalf of COF Investment Group, LLC, and seeks to rezone approximately 1.2 acres of land consisting of three separate segments on the overall 5.6-acre parcel located on the northerly side of U.S. Rt. 50, east of MD Rt. 707, and more specifically identified on Tax Map 26 as Parcel 158, from R-2 Suburban Residential District to RP Resource Protection District. Mr. Tudor advised that the application received a favorable recommendation from the Planning Commission.

Environmental Programs Director Bob Mitchell met with the Commissioners to recommend providing FY21 Maryland Agricultural Land Preservation Foundation (MALPF) matching funds of \$100,000, which represent an estimate of the retained Agricultural Land Transfer Tax (ALTT) revenue balance of \$160,000 minus \$60,000, which was committed in FY21 and not yet billed. Mr. Mitchell advised that Worcester County's certification entitles the County to retain 75% instead of 33% of the ALTT. Mr. Mitchell stated that the State/County match is 60/40, and the County has received six applications in this planning cycle, representing approximately 684 acres. In response to a question by Commissioner Nordstrom, Mr. Mitchell

advised that the County has already collected the ALTT, and these funds are available for the County match.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve local matching funds of \$100,000 for the FY21 MALPF Program.

The Commissioners met with Mr. Mitchell to review two FY22 Rural Legacy Area (RLA) grant applications for the Dividing Creek RLA and the Coastal Bays RLA totaling \$2,780,000 in grant requests. Mr. Mitchell explained that, because the County has two RLAs, they are required to indicate which area is preferred for the funding applications, so they alternate preferences between the two areas each year. He stated that this year's application process follows that same pattern, with a preference for the Coastal Bays RLA. He stated that the program is funded through a combination of Department of Natural Resources (DNR) Program Open Space (POS) funds and State general obligation bonds and requires no County match. These funds are used to purchase perpetual easements, which provide water quality benefits to the Coastal and Chesapeake Bays and the local watersheds. Furthermore, land owners in the program must adhere to certain restrictions, which include no confined animal feeding operations (CAFOs), and limits placed on agricultural buildings.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Mitrecic to sign both the Dividing Creek RLA and the Coastal Bays RLA grant applications and stating a preference for the Coastal Bays RLA in FY22.

Pursuant to the request of Tourism and Economic Development Director Melanie Pursel and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the Engagement Agreement between Worcester County (client) and Bright Trademarks, LLC and the Law Offices of Arlette Kelly Bright, P.C. (firm) for an initial engagement fee of \$5,000 to trademark the Maryland's Coast logo mark, word mark, and tagline "Naturally Cool." Ms. Pursel stated that this will protect it from being used by others either without County permission or in a manner that is not aligned with the brand, and to allow the County to establish terms and conditions for licensing the brand.

In response to a question by Commissioner Nordstrom, Ms. Pursel stated that the County can limit trademarking the brand for tourism and marketing purposes and even apply to trademark the Maryland's Coast brand in up to 12 distinct classes, such as billboards, and income-generating items, like t-shirts, and stickers. She concluded that funding is available within the FY21 budget for this expense.

The Commissioners conducted a work session with Ocean City Fire Chief Richie Bowers and David Fitzgerald, President of the Worcester County Volunteer Firemen's Association, to discuss forming a fire service committee and proposed funding changes. Emergency Services Director Billy Birch and Emergency Planner Laraine Buck demonstrated the ease of use of a LUCAS hands-free mechanical CPR device, advising that the County utilized approximately \$168,000 in CARES Act funds to purchase nine LUCAS devices (the County also reimbursed the cost of one additional unit that had been purchased independently by one of the volunteer fire companies). In response to a question by Commissioner Bertino, Mr. Birch stated that the nine

LUCAS units will be issued to the other nine volunteer fire companies operating in the County. He then presented the first LUCAS device to Chief Bowers. Chief Bowers thanked Mr. Birch and the Commissioners, stating that the LUCAS devices save lives in emergencies and also help to preserve the lives of first responders in the process.

Chief Bowers discussed the following fire, rescue, and emergency medical services (EMS) issues: state of fire, rescue, and EMS services; structure fire response; all hazards/special operations response; fire, rescue, special operations, and EMS staffing, training, and equipment; apparatus acquisition; and facilities/stations. He advised that the firemen's association requests that the Commissioners form a combined workgroup of County staff and representatives from the fire chiefs to address four specific issues: emergency services funding levels; funding for staffing, training, apparatus, and facilities/stations; establishing service-wide response time goals; and developing a comprehensive, three to five-year strategic plan for the services. In response to a question by Commissioner Bertino, Chief Bowers advised that volunteer fire companies in Stockton and Girdletree do not run EMS. Mr. Fitzgerald advised that the volunteer fire and ambulance companies from Snow Hill and Pocomoke provide EMS responses to these areas.

Mr. Fitzgerald discussed financial investment and funding issues, confirming that County funding for the volunteer fire services seems to be adequate, and requested the Commissioners develop a funding work group immediately to review actual EMS operational and capital costs and funding options, such as amending the existing EMS funding formula or developing special districts.

Commissioner Mitrecic stated that property tax dollars only go so far, so he suggested assembling an 11-member work group consisting of three Commissioners, six fire service members, and two County staff members to provide the Commissioners with creative options to fund EMS and apparatus in the future. In response to a question by Commissioner Nordstrom, Chief Administrative Officer Harold Higgins advised that the County has access to EMS funding studies conducted by Harford and Carroll counties.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the requested work group, which is to consist of Commissioners Nordstrom, Bunting, and Mitrecic, six fire officials, and two County staff members and tasked the group with providing the Commissioners with recommendations for funding EMS and apparatus for the volunteer fire companies operating within the County.

The Commissioners met with Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo to consider proposed operational changes within Economic Development to make the department more of a resource and to attack the various workforce issues. He stated that the proposed changes would not result in additional costs to the County, as the County has reduced the science, technology, engineering, and math (STEM) program drastically based upon the COVID-19 uncertainty and instead proposes to focus on the following goals: grow the County workforce from within by targeting high-demand industries and connecting youth, adults, and dislocated workers with these industries; building a competitive workforce to attract and retain business; provide career ready programs and opportunities with the appropriate educational platforms; create and provide work-based learning for all ages, including STEM, and skilled trades, agriculture, and tourism (STAT), and interns, by connecting with area businesses; and filling open County positions. He further requested one new position, Workforce

Coordinator, to focus on workforce development to include working with area schools, such as the Worcester Technical High School (WTHS), Wor-Wic Community College, University of Maryland Eastern Shore, and Salisbury University, on a regular basis.

Commissioner Nordstrom made a motion, which he later withdrew, to approve the new position of Workforce Coordinator. In response to concerns raised by Commissioner Purnell, Mr. Perlozzo stated that the County could operate the STEM program in-house rather than contracting that service out and reallocate those funds to cover the cost of the new Workforce Coordinator position. With regard to filling County jobs, he stated that the focus would be on meeting with employers, schools, and people, finding out what their needs are, and then taking steps to place area students and adults into local jobs to make the County more economically viable. For example, he stated that during the past year Economic Development hosted on-site job fairs in Snow Hill and Pocomoke, which were so successful that one hotel bussed Pocomoke residents to Ocean City to work in their hotel. Commissioner Purnell stressed that Economic Development needs to focus on the creation of full-time, year-round jobs. Mr. Perlozzo concurred, noting that with a trained workforce they may be able to attract better and bigger businesses to set up shop in the County.

Commissioner Bunting requested Mr. Perlozzo provide him with information including the specific changes and costs being proposed. In response, Mr. Perlozzo explained that \$70,000 of the \$110,000 STEM budget last year went to the contractor providing the services, and he felt that was an exorbitant amount of money for a seasonal STEM program. He advised that the County will continue to place six to 12 interns at 12 STEM employers, reallocate \$40,000 in County funding and \$30,000 in funding from the Tri-County Council (TCC) of the Lower Eastern Shore from STEM to grow the STAT program. Commissioner Bunting thanked Mr. Perlozzo for that information and asked him to provide the Commissioners with that information in writing.

In response to a question by Commissioner Nordstrom, Mr. Perlozzo confirmed that workforce development will be a priority. Commissioner Elder stated that this appears to be a good idea, but it is a little raw right now, and he would like more information regarding the proposed costs for salary and benefits, as well as what the County was spending on the STEM program. Commissioner Bertino concurred, noting that he would like to see more information, specifically a job description for the proposed Workforce Coordinator that identifies the metrics for success. In response to questions by Commissioner Bertino, Mr. Perlozzo stated that he is proposing to eliminate or work out a revised contract with Fawn Mete to administer the STEM program. With regard to filling County programs, Mr. Higgins stated that the proposed new position could work with WTHS for college and career ready programs that would act as feeders for government positions, such as water and wastewater. Commissioner Mitrecic stated that the requested Workforce Coordinator position could get out in the public, work with schools, and actively recruit students who are not college bound to consider career options with the County.

After much discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to table further discussion on the matter until February 2, 2021.

Public Works Director John Tustin met with the Commissioners to request authorization to waive the formal bidding process and accept the contract price from the sole distributor in this area, Alan Tye and Associates of Fairfax, Virginia, for \$122,057 to purchase six Stertil-Koni

Mobile Vehicle Lifts with accessories for use within the Roads Division of Public Works. Mr. Tustin explained that Stertil-Koni has been competitively bid nationwide, and the County can piggyback off this bid. He advised that the Town of Ocean City has been using this product with great success for many years and is happy with the quality of materials and service. He concluded that County staff investigated options from vendors offering similar equipment and concluded that this quality product most closely suits the needs of the County.

Commissioner Elder stated that he could not support waiving the standard bid process, particularly for a large expense such as this that exceeds \$100,000 and suggested other potential purchase options. County Attorney Roscoe Leslie clarified that the County is basically piggybacking on a contract that has already been competitively bid. Mr. Tustin advised that the price quoted to the County is based on a five-year contract bid by Ocean City and is good through February 2024. Assistant Chief Administrative Officer Weston Young advised that the competitive bid was completed by a national purchasing cooperative of smaller counties and jurisdictions to increase their buying power, and every state and municipality interested in purchasing a vehicle lift through 2024 is eligible for this rate. In response to additional comments regarding lower-priced equipment options, Roads Superintendent Frank Adkins explained that County staff believe this product most closely matches the needs of the County.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to accept the contract from Alan Tye & Associates in the amount of \$122,057.

Commissioner Bertino asked staff to provide the Commissioners with more information about this cooperative to help them when considering future bids.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the low bid from Harkins Contracting, Inc. of Salisbury, Maryland of \$949,700, without the deduct alternate, for construction of the Operations Center at the Ocean Pines Wastewater Treatment Plant. Mr. Tustin stated that funding of \$600,000 from the 2019 bond issue and an additional \$600,000 savings from changes in the filter press work is available to fund this project.

The Commissioners reviewed a letter from Ocean City Mayor Rick Meehan requesting a property tax differential in the County's FY22 budget for Ocean City taxpayers who pay County property taxes. Chief Administrative Officer Harold Higgins advised that this request was received in accordance with the provisions of Section 6-306(f)(1) of the Tax-Property Article of the Annotated Code of Maryland, a request for property tax setoff must be submitted at least 180 days before the date that the annual County budget is approved. He advised that the town and County are in the process of exchanging current budget and financial statements, and a meeting to discuss this request is being scheduled.

Mr. Leslie updated the Commissioners on the status of the tax-setoff lawsuit filed against the County by the Town of Ocean City, noting that the County had prevailed at the Court of Special Appeals level, and the town has asked the Court of Appeals to review the case. In response to a question by Commissioner Bunting, Mr. Leslie explained that it is a statutory requirement for the County to meet with the town to discuss this request. Mr. Higgins stated that he plans to meet with town officials and report their request to the Commissioners at budget

time. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized staff to schedule a meeting with town officials to discuss the Ocean City tax differential request.

The Commissioners reviewed and discussed additional board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Jamey Latchum to the Solid Waste Advisory Committee for a four-year term expiring December 31, 2025.

Commissioner Nordstrom discussed ongoing public safety and animal welfare issues associated with a dog breeder in Pocomoke who has received multiple citations from Animal Control, but has not improved conditions on his property. He noted that last year one of the dogs escaped from the property and attacked a cyclist, and he requested the Commissioners work with the Sheriff's Office, State's Attorney's Office and Development Review and Permitting (DRP) to draft legislation to strengthen existing laws to improve animal welfare and protect the public from potentially dangerous animals. Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously directed DRP to work with the Sheriff's Office and the State's Attorney's Office to strengthen or develop new legislation surrounding dog breeding operations to better protect the public and improve animal welfare.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Purnell, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 1:10 p.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included advertising to fill the position of Court Administrator within the Circuit Court; hiring Justin Eberle as Emergency Services Supervisor in Emergency Services, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including accepting a proposal for employees earning less than \$15 per hour.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 1:47 p.m. to meet again on February 2, 2021.

Minutes of the County Commissioners of Worcester County, Maryland

February 2, 2021

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom (Absent)
Diana Purnell

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, with Commissioner Nordstrom absent, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: advertising for a Budget Officer for County Administration and a Director for Public Works; hiring Sheree Padgett as an Emergency Communications Specialist in Emergency Services, Kirk Davis as a Master HVACR (heating, ventilation, air conditioning, and refrigeration) Mechanic within the Maintenance Division of Public Works, Jennifer Evans as a Recreation Program Manager II within Recreation, Parks, Tourism, and Economic Development; advertising internally for the position of Captain and hiring Caleb Foster as a Corrections Officer Trainee within the County Jail; certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including receiving the FY21 monthly financial update and discussing potential board appointments.

Following a motion by Commissioner Bertino, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 9:49 a.m.

Commissioner Nordstrom was absent from the meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Tonya McClain of Salem and Bethany United Methodist Churches of Pocomoke and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their January 19, 2021 meeting as presented.

The Commissioners presented a proclamation to Leola Smack, recognizing February as Black History Month in Worcester County and recognizing Eastern Shore natives who champion

human rights and unity, historic individuals like Reverend Charles A. Tindley who penned the Civil Rights Movement anthem *We Shall Overcome*; and those bridging gaps in our community today, individuals like Ms. Smack who became the first African American teacher at Buckingham Elementary School. Both in and out of the classroom, Ms. Smack coordinated numerous programs to benefit at-risk youth in Worcester County.

The Commissioners presented a proclamation to Krista Hill of the Worcester County Dental Center in Berlin recognizing February as Children's Dental Health Month in Worcester County. The dental center, which operates under the auspices of the Health Department, serves those age 20 and younger and pregnant women who are low income, uninsured or enrolled in the Maryland Medicaid Program.

The Commissioners presented a proclamation to Human Resources Specialist Kelly Brinkley recognizing February as National Canned Food Month. Ms. Brinkley advised that County employees began hosting an annual canned-food drive in 2017, and each year they donate the collected items to one of the area food banks feeding needy families. She stated that the items collected this year will be donated to the Spirit Kitchen at Stevenson United Methodist Church in Berlin. More than 720,000 Marylanders don't know where their next meal will come from, and 38 percent of these individuals make too much to qualify for federal assistance. Therefore, the Commissioners stand with local non-profit organizations and the Maryland Food Bank to help end hunger. To learn more about how to help feed the hungry, visit www.mdfoodbank.org.

The Commissioners presented a retirement commendation to Warden Donna Bounds, honoring her for 39 years of dedicated service to Worcester County Government, where she began her career as a Correctional Officer on March 1, 1982, was promoted to Operations Commander in 2007, Assistant Warden in 2011, and Warden in 2017. Commissioner Mitrecic noted that, under Warden Bound's watchful leadership, the County Jail is recognized as one of the finest correctional institutions in the State, earning recognition from the Maryland Commission on Corrections Standards for achieving 100% compliance for 18 consecutive years.

Public Schools Superintendent Lou Taylor presented a check to the Commissioners for \$609,580 from the fund balance that remained upon completing the Showell Elementary School (SES) construction project. Mr. Taylor thanked the Commissioners and his staff, specifically Facilities Planner Joe Price, for working together to complete the project under budget and at a substantial savings to County taxpayers.

Ocean City Development Corporation (OCDC) Executive Director Glenn Irwin and OCDC Board of Directors President Kevin Gibbs provided the Commissioners with an update about the OCDC's revitalization efforts, which included the following: Facade Program, which includes having renovated 245 buildings to date, four projects underway, \$7.1 million in private sector investment, and 6:1 leveraging of private to public funds; Green Building Initiatives Program, with 82 projects completed and seven underway, and \$1.2 in private sector investment; Business Assistance Program, with fixed interior improvements to 35 new or expanding businesses and \$2.1 million in private investment; New Construction, including 11 new hotel

units to be completed by spring 2021; Strategic Demolition Program, which includes 50 beds for seasonal housing to be completed by spring 2021, Public Art Program; Special Events, which included adjustments to protect public health at all nine events; and Upcoming OCDC Items.

Commissioner Mitrecic thanked OCDC officials for the update and their hard work to improve the downtown Ocean City and its impact on the County's tax base.

The Commissioners met with Development Review and Permitting Director Ed Tudor to discuss a request from Deeley Chester for the County to apply on his behalf for a Comprehensive Flood Management Grant to help cover the cost to raise his house. Mr. Tudor stated that the grant was already submitted to meet the January 2021 submission deadline; however according to MDE requirements, the County, not the property owner, must act as the grantee and would be responsible for 25% of project costs and overseeing the bidding process. He stated that staff supports Mr. Chester's efforts to raise the structure and it appears a single property could be eligible for this grant, the intent of the grant program is actually to address broader community issues.

Commissioner Mitrecic stated that the County could act as the applicant and require Mr. Chester through a secondary contract to fund the 25% match and any associated bid costs. In response to a question by Commissioner Bertino, Mr. Tudor stated that staff could oversee the bidding process.

Mr. Chester said that he became aware of the grant two weeks ago, the grant is available for this purpose, and he asked the Commissioners to consider his request. In response to a question by Commissioner Mitrecic, Mr. Chester stated that he would cover the 25% match and administrative costs for the bid process if awarded the grant.

A motion made by Commissioner Church authorizing the County to apply for the grant with Mr. Chester to cover all costs associated with the 25% match and bid process failed for lack of a second. The Commissioners took no further action.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Gary Weber as the Snow Hill representative on the Solid Waste Advisory Committee for a four-year term expiring December 31, 2024.

Upon a nomination by Commissioner Church, the Commissioners unanimously agreed to appoint Don Furbay to the Solid Waste Advisory Committee for a four-year term expiring December 31, 2024.

Upon nominations by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Ocean City Mayor Richard Meehan to the Local Development Council for the Ocean Downs Casino for an additional four-year term expiring December 31, 2024, and voted 6-0, with Commissioner Mitrecic abstaining due to a conflict of interests, to appoint Jake Mitrecic to the Board of Zoning Appeals for a three-year term expiring December 31, 2023.

Pursuant to the recommendation of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to conduct the public hearing on the FY22 County Operating Budget on May 4, 2021 virtually, with the Commissioners to be present in the meeting room. Those interested in providing public comments will be able to do so by registering in advance to speak during the hearing or by submitting written comments in

advance. Additional details about the hearing will be available in the near future.

Pursuant to the recommendation of Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo and upon a motion by Commissioner Elder, the Commissioners unanimously approved the Public Landing boat slip rental project, with slips to be leased using a lottery system at a yearly cost of \$800 for each 12-foot slip and \$1,000 for each 15-foot slip. Mr. Perlozzo stated that the County is continuing work on the boat ramp and upcoming work includes the parking lot, lighting, electrical, and water, noting that the Maryland Department of Natural Resources verbally approved a \$19,000 grant for a pump out station.

In response to questions by Commissioner Bertino, Mr. Perlozzo stated that the County will install security cameras at this location, and County Attorney Roscoe Leslie advised that the County will not accept liability for any damages that could occur to boats, and the contract will include a clause advising slip holders that they are using the facility at their own risk. In response to a question by Commissioner Bunting, Mr. Perlozzo stated that 75 feet of space remaining open on the bulkhead could be designated for transient use.

The Commissioners resumed their January 19, 2021 discussion with Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo regarding proposed cost-neutral operational changes within Economic Development to include the addition of one new position, Workforce Coordinator. Mr. Perlozzo reiterated that this proposal supports the highest and best use of taxpayer dollars, as it would eliminate the high cost for the third-party contractor for the science, technology, engineering, and math (STEM) program. He confirmed that the new position would oversee a modified STEM program for placing interns, and in particular this position would focus on workforce development in the skilled trades, agriculture, and tourism (STAT). He concluded that these changes would make the department more of a resource for the community and better able to attack the various workforce issues.

In response to a question by Commissioner Bertino, Mr. Perlozzo confirmed that the third-party contractor has provided no reports during the past 10 years to help his office gauge the success of the STEM program, and to the best of his knowledge, none of the students who participated in the STEM program have pursued STEM careers in Worcester County. Furthermore, because the County appears to be duplicating the efforts of a STEM program offered at the Worcester Technical High School (WTHS), this department would be a better resource to the community by providing opportunities to learn skilled trades to those who are not college bound.

Following much discussion and due to the absence of Commissioner Nordstrom, Commissioner Bertino made a motion, which he later withdrew to table discussions on this matter until their next meeting.

Commissioner Purnell requested staff break down their specific STAT goals, stressed that County residents need to train for full-time, year-round careers, not seasonal resort jobs, and sought clarification on how staff plans to track the success of this position. Tourism and Economic Development Director Melanie Pursel stated that her background is in workforce development, and the purpose of the Workforce Coordinator position is to bring in someone with the resources and connections to create a pipeline to train youth and under/unemployed adults for available careers in the County. She stated that this position would go beyond the STEM and STAT programs to function as a connector, similar to that of the Lower Shore Workforce

Alliance through the Tri-County Council for the Lower Eastern Shore in Salisbury, which is funded through the federal Workforce Investment Act. She stated that the County has not dedicated a lot of resources to workforce development issues, such as youth and dislocated workers, which consequently have been directed through the American Jobs Center in Salisbury, and the County needs someone to serve on the WTHS board, workforce committees, and Junior Achievement to serve as a connector between those in need of skills training with County businesses seeking to fill career positions. For example, she advised that HVAC programs can now be taught in-house, and Wor-Wic Community College offers customizable training, and the Workforce Coordinator would be able to work with these and similar groups to identify these types of opportunities. Furthermore, there are industry-driven grants available to the County to connect youth to STEM and STAT while also serving the greater business community. She stated that these things all work together with tourism to sell Maryland's Coast – Worcester County. Ms. Pursel concluded that this focus is also preventative, as the County can provide hope to youth, especially those who are not college bound, by helping them identify opportunities to train for careers, such as carpentry and HVAC.

Ms. Pursel advised that STEM is a great program, and though the County can continue to place seven or eight kids in STEM internship positions, they can also do so much more. In response to comments by Commissioner Elder, Ms. Pursel advised that it would be very difficult to hire a qualified professional as a Workforce Coordinator if this begins as a temporary role that is evaluated not just on performance but also on results, as the position would not attract a professional. Chief Administrative Officer Harold Higgins reiterated that the County has instituted job performance evaluations, and the individual to be hired for this non-classified position will be analyzed annually to determine whether he or she is meeting the metrics the Commissioners implement for this position. Ms. Pursel concurred, noting that they can put metrics in place to benchmark the success of the role.

Following much discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the proposed STEM and STAT changes, with staff to update the Commissioners on the success of the new Workforce Coordinator position after six months.

Pursuant to the request of Public Works Deputy Director John Ross and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from George, Miles, and Buhr, LLC of Salisbury, Maryland in the amount of \$79,917 for construction administration phase services for the construction of an operations center at the Ocean Pines Wastewater Treatment Plant.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Church, the Commissioners unanimously accepted the proposal from EA Engineering, Science, and Technology, Inc., PBC of Hunt Valley, Maryland for Groundwater Monitoring and Analytical Services at the Central Landfill in Newark for calendar years 2021-2022 at a total cost of \$81,798.70. In response to a question by Commissioner Bertino, Mr. Tustin advised that EA Engineering provides a valuable service to the County and has developed all of the historical data on the Central Landfill. He also confirmed that the next closest contractor that could perform these services is located in Pennsylvania.

The Commissioners reviewed a letter from Heather Harmon Disque, Regional Entomologist for the Maryland Department of Agriculture (MDA) Office of Forest Pest Management (FPM), advising that her office has identified one area where gypsy moth populations may cause defoliation in Worcester County and seeking the Commissioners' interest in participating in a gypsy moth aerial suppression project in spring 2021. She further noted that, if the Commissioners agree to participate in the treatment program, the County's estimated portion of the 50/50 cost share would be \$35 per acre for approximately 88 acres for a total County cost of \$3,080 if the FPM is awarded a federal grant and \$4,840 if grant funds are not approved.

Upon a motion by Commissioner Elder, the Commissioners unanimously approved the 50% local cost share as outlined above as an authorized over-expenditure for the gypsy moth aerial suppression project to be conducted in Worcester County.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the request to hire Earth Data, Inc. on a contractual basis as the County's consultant to investigate whether potential changes and modifications are needed to the Groundwater Protection Report, which is an appendix to the County's Master Water and Sewerage Plan and approved the use of encumbered funds of up to \$10,000 for this purpose.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously approved Modification Number Two to the Department of Natural Resources (DNR) Coastal Resiliency Program Capital Projects Grant Agreement for a no-cost extension to the end date of the grant to August 31, 2021 due to project delays for State permitting stemming from the ongoing COVID-19 pandemic.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the DNR Chesapeake & Atlantic Coastal Bays 2010 Trust Fund Grant Agreement for Capital Projects – Bond Funds for grant funds of \$463,300 for the Bainbridge Pond Stormwater Management Project.

Commissioner Bunting discussed a letter from William T. Greer, III, M.D. of Bishopville stating that good cell and internet service are non-existent in his area and requesting the Commissioners advise him when they plan to take the steps necessary to secure these services. Chief Administrative Officer Harold Higgins noted that the County has partnered with Talkie of Chestertown, Maryland to address the lack of broadband infrastructure in the County by expanding high-speed broadband to unserved areas of the County. In response to a question by Commissioner Bunting, Mr. Higgins agreed to research the costs associated with equipping a tower near Ocean Pines to extend broadband and cell service to the Bishopville area for the Commissioners' consideration at a future meeting.

The Commissioners answered questions from the press, after which they adjourned at 11:47 p.m. to meet again on February 16, 2020.