

Minutes of the County Commissioners of Worcester County, Maryland

January 2, 2007

James L. Purnell, Jr., President
Louise L. Gulyas, Vice President
Judith O. Boggs
Linda C. Busick
James C. Church
Robert L. Cowger, Jr.
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Shockley, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1), (3), (7) and (8) of the State Government Article of the Annotated Code of Maryland and to perform executive actions. Also present at the closed session were Gerald T. Mason, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Edward H. Hammond, Jr., County Attorney; Kim Moses, Public Information Officer; and Deedee Rouse, Director of Human Resources. Topics discussed and actions taken included: appointing Jamie Englishmen to the Board of Electrical Examiners, Beverly Dryden Wilkerson to the Board of Library Trustees, Jeanne Lynch to the Planning Commission, Alvin Handy to the Recreation Advisory Board, Rob Hart to the Shore Transit Advisory Board, Merilee Horvat to the Commission for Women, and James E. Clubb, Jr., Joe Fehrer, Jr. and Rodney C. Belmont to the Board of Zoning Appeals; reappointing Roberta Baldwin as the Social Services Representative to the Adult Public Guardianship Board, Kevin Holland and Shane Spain to the Building Code Appeals Board, Doris Moxley as the Substance Abuse Treatment Provider representative to the Drug and Alcohol Abuse Council, Duane Duncan to the Board of Electrical Examiners, Robert I. Givens, Jr. and William Kuhn to the Ethics Board, Sharon Teagle to the Housing Review Board, Mark Frostrom and Buck Shockley to the Local Management Board, John Staley to the Board of Library Trustees, Tom Wall, Jr. to the Plumbing Board, Alfred Harrison to the Recreation Advisory Board, Ed Chester to the Shoreline Commission, Diana Purnell to the Tourism Advisory Board, and Marion Butler Sr., James Rosenberg and Lester Shockley to the Solid Waste Advisory Committee; considering acquisition of real property for public purposes; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

After the closed session, the Commissioners toured the former Moore Business Forms/Aluglass Packaging Facility in Snow Hill and then reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their December 19, 2006 meeting, as presented.

The Commissioners reviewed and discussed the proposal to convey the former Moore Business Forms/Aluglass Property, a 7.98-acre industrial site located at 201 Belt Street in Snow Hill, Maryland, to Royal Plus, Inc. A public hearing on the matter was held on December 19, 2006, with the conveyance of the above described property to be subject to all existing covenants, restrictions and encumbrances and subject to the provisions of a draft letter dated November 6, 2006 from the Maryland Department of Business and Economic Development (DBED) to Royal Plus, Inc. and any commitment letter, agreement or condition that results therefrom, as well as other conditions that the Commissioners deem appropriate for the purpose of insuring that the use shall continue to qualify as a public purpose for economic development. The consideration shall be compliance by Royal Plus, Inc. with such terms and conditions, which may include the giving of a Deed of Trust in an amount not to exceed \$756,000.00 to insure performance of all conditions.

Economic Development Director Jerry Redden recapped the proposal from Royal Plus, to bring 56 existing jobs from the north end of the County to Snow Hill and create an additional 40 jobs within three years of relocation. He explained that in response to the Commissioners' concerns, Royal Plus owner Matt Odachowski would lengthen the buildup period for hiring new employees from three to five years and agree to maintain those positions for a minimum of another five years. Mr. Redden explained that such a proposal was projected to generate \$13,091,000 in payroll throughout the ten-year period. Commissioner Shockley stated that the additional 40 jobs should be created and retained for a total of 10 years. Commissioner Cowger stated that the property should revert back to County ownership if Royal Plus fails or is unable to fulfill these conditions of the contract. In response to Commissioner Cowger, County Attorney Edward H. Hammond, Jr. stated that the County Deed of Trust, though subordinate to any outstanding loans on the property, could include the provision to buy back the property by paying off any outstanding loans on the property if Royal Plus fails to meet its obligations. In response to a question from Commissioner Gulyas, Mr. Redden stated that Snow Hill will reallocate 16 to 17 equivalent dwelling units (EDUs) of sewer capacity to serve the property. In response to a question from Commissioner Boggs, Mr. Redden stated that all 96 future Royal Plus employees will be headquartered out of the facility's central site in Snow Hill. Mr. Redden concluded that Royal Plus would also partner with the County's internship program. In response to a request from Commissioner Boggs, Royal Plus Attorney Hugh Cropper agreed to provide a moral commitment to try to hire Snow Hill or Worcester County residents for these new jobs.

In response to a question from Commissioner Gulyas, Mr. Redden stated that as a condition of the Community Development Block Grant (CDBG), Royal Plus would be required to provide employment reports every three months, outlining the number of jobs provided to persons from low to moderate income households. In response to a question from Commissioner Busick, Royal Plus, Inc. President Matt Odachowski stated that the chemicals used in their operation are similar to standard household cleaners like Dawn dishwashing liquid, which can be bagged and disposed of in commercial trash receptacles. In response to a question from Commissioner Cowger, Mr. Redden stated that while Snow Hill has offered some tax relief to Royal Plus to relocate to the town, the

County has extended no such offer. Following much discussion and upon a motion by Commissioner Cowger, the Commissioners unanimously approved the disposal of the former Moore Business Forms/Aluglass property to Royal Plus as revised to provide five years to create the 40 new jobs and five years thereafter to retain these jobs along with the existing 56 jobs for a total of 96 jobs.

Pursuant to the request of Emergency Services Director Teresa Owens and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign a Memorandum of Agreement between Maryland Emergency Management Agency and Worcester County Emergency Services for a FY07 Hazardous Materials Emergency Preparedness Training Grant in the amount of \$3,000, with a County match of \$750.00.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the completion of a boundary survey of a 53-acre property owned by Betty A. Daugherty and Wilson K. Payne, identified on Tax Map 79, Grid 8, Parcel 158, for the purposes of acquiring an easement at said site using FY06 Rural Legacy funds at a cost of up to \$9,500. Mr. Coyman explained that the cost of the survey would be reimbursed by the grant.

The Commissioners discussed whether to accept two sealed bids which were received after the bid deadlines on Friday, December 22, 2006 at 1:00 p.m. Assistant Chief Administrative Officer Kelly Shannahan advised that on Tuesday, December 26, the County received two late bids by Federal Express (FedEx) Priority Overnight Delivery, the first for the "Patch Wagon" and the second for "Vehicles." He reviewed the County's policy, whereby late bids are generally not accepted unless the Commissioners choose to make an exception and allow the late bid. Mr. Shannahan further stated that one of the primary factors in determining whether to accept a late bid is an assurance that the bid was sent before the timely bids were opened. He stated that the bid for the Patch Wagon was picked up by FedEx at 6:52 p.m. on Thursday, December 21 in advance of the bid deadline. However, it had not been delivered on time. Transmittal data requesting pickup of the vehicle bid was sent to FedEx at 10:48 a.m. on Thursday, December 21, but the package was not picked up until 6:11 p.m. on December 22, which was more than five hours after the timely bids had been opened. Mr. Shannahan concluded that while there is no reason to believe that the late bidder was aware of the bid results, the possibility does exist. Therefore, accepting it may taint the bid process and erode the confidence of future bidders. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to accept the late bid for the Patch Wagon since it was sent before the deadline, but to reject the late Vehicle bid.

Upon opening the Patch Wagon bid, it was determined that the late bid was from Paving Tech in the amount of \$20,525 for Patch Wagon, noting that it was lower than the only timely bid received, which was from Maryland Industrial Trucks, Inc. in the amount of \$20,925. Upon a motion by Commissioner Gulyas, the Commissioners

authorized staff to award the Patch Wagon bid to Paving Tech provided their bid meets all the bid requirements.

The Commissioners met with Public Works Director John Tustin to discuss the provision of consulting services for various engineering projects within the Solid Waste and Water and Wastewater Divisions of Public Works in light of the recent death of Gerv Griffin, principal of G. W. Griffin and Associates. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously accepted the proposal of EA Engineering to provide consulting services throughout the duration of the various projects and to keep on retainer for additional projects as needed from time to time.

Pursuant to the request of Kelly Shannahan, Assistant Chief Administrative Officer, and a motion by Commissioner Gulyas, the Commissioners unanimously approved out-of-state travel and authorized Mr. Shannahan, Development Review and Permitting (DRP) Director Ed Tudor and Phyllis Wimbrow, Chris McCabe and Kelly Henry of DRP, Comprehensive Planning Director Sandy Coyman, and Tess Foster of Comprehensive Planning to attend the American Planning Association's National Planning Conference in Philadelphia from Saturday, April 14 - Wednesday, April 18, 2007. Mr. Shannahan stated that the funds for each individual were available in each department's travel and training account.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 16, 2007.