

Minutes of the County Commissioners of Worcester County, Maryland

March 20, 2007

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

Following a motion by Commissioner Boggs, seconded by Commissioner Shockley, with Commissioner Gulyas absent, the Commissioners unanimously voted to meet in closed session at 9:30 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1), (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: hiring Brian Sobus as a Plant Operator I and Virgil Martin as a Plant Operator II within the Water and Wastewater Division of Public Works; reclassifying the Grants Coordinator position to Budget Accountant in County Administration; appointing Earl Ludey and Donnie Powell to the Agricultural Preservation Advisory Board; appointing Dean Ennis to the Agricultural Reconciliation Board; appointing Nadine Miller to the Social Services Board; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

After the closed session, the Commissioners 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 March 6, 2007 meeting, as amended.

Commissioner Purnell announced that Commissioner Gulyas would be absent from the meeting as she recently underwent knee surgery; however, she is recovering and expected to rejoin the Commissioners at their next meeting.

The Commissioners met with Health Officer Debbie Goeller to review the two most recent Health Department publications of "Worcester County Report Card 2007" and "Shaping a Healthier You." Ms. Goeller summarized the Worcester County Report Card, including the population, financial and health status of our community. Ms. Goeller stated that 15.8% of Worcester County's children live below the poverty line. She stated that the leading cause of

death and disability is chronic diseases, including 26% heart disease, 29% cancer, 4% diabetes, 4% lower respiratory, and 4% stroke, and fully half of these deaths could be postponed by changing risky behaviors. Ms. Goeller stated that the Worcester County Health Department developed the Health Improvement Plan Priorities for 2007 to address these issues by focusing on 5 key issues: Promotion of Healthy Lifestyle through education and other initiatives; Prevention & Control of Communicable Diseases through immunization; Behavioral Health Treatment through the coordination of treatment/support services, public education, and improved public perception and understanding; Aging in Worcester Initiative, which includes continuing to improve and expand community-based services and facilities, provide specialized care for those with chronic conditions, provide affordable Medical Day Care, in home providers, and support for personal caregivers; and Access to Care to address barriers such as high health costs, lack of services and shortage of key health providers, and the lack of or difficulty using public transportation. Ms. Goeller advised that those with the least access to care are the working poor and elderly. She concluded by stating that she is pleased with the progress being made in Worcester County to address these issues. Following much discussion, the Commissioners thanked Ms. Goeller for her report and requested copies of these publications to distribute to their constituents.

Pursuant to the recommendation of Ms. Goeller and Toby Fambro, Agency Procurement Specialist within the Health Department, and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the purchase of computer equipment switches to be installed in the new Health Department building in Snow Hill.

Pursuant to the recommendation of Ms. Goeller and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign the FY07 Maryland Highway Safety Office Budget Modification for the Community Traffic Safety Program, which allocates an additional \$8,550 for law enforcement programs, which brings the FY07 total funding for highway safety to \$77,550. Ms. Goeller explained that these funds are used for programs that enforce seat belt laws, discourage drinking and driving and otherwise promote increased traffic safety.

The Commissioners met with Dave Blazer, Executive Director of the Maryland Coastal Bays Program (MCBP), and Dave Goshorn of the Maryland Department of Natural Resources (DNR) to review a recent report on water quality in Maryland's Atlantic Coastal Bays. Mr. Blazer stated that the Coastal Bays Policy Committee has directed the MCBP to develop a plan highlighting actions necessary to improve water quality and will be meeting again in June to discuss these issues. He stated that the plan's ultimate objective will be to take all degraded waterways in the Atlantic Coastal Bays off the Environmental Protection Agency's list of impaired waterways.

Mr. Goshorn reviewed an update of the 2004 Comprehensive, multi-year assessment of the health of Maryland's Coastal Bays, noting that nutrient and sediment pollution are the primary threats to the Coastal Bays, with conditions being worse in the tributaries and northern bays and better in the southern bays. He reviewed past conditions along with recent water quality results throughout the bays and tributaries, explaining that conditions have not changed

significantly since 2004. He stated that the levels of nitrogen, phosphorous and chlorophyll in Maryland's southern Coastal Bays have remained level or declined since the late 1980s through the early 1990s. However, in many cases the rates of these declines have leveled off or even reversed in recent years. He reviewed linear and nonlinear trends. Mr. Goshorn reviewed the results of the recent water quality update as follows: water quality in Maryland's Coastal Bays does not meet thresholds established to support healthy living resources; water quality conditions are worse in the tributaries and northern bays, better near the inlet and southern bays; MCBP Chlorophyll Goal is not met at 25-30% of the sites; nutrient and chlorophyll concentrations have remained level or declined in the southern bays since the late 1980s; and rates of nutrient and chlorophyll improvement in the southern bays have leveled off or reversed in recent years. He stated that the current condition of water quality is reflected in seagrass trends.

Commissioner Shockley stated that the farming community has worked with the MCBP to help protect the Coastal Bays, noting that it is reasonable to expect the trends to level off. Mr. Blazer concurred and stated that other issues, such as setbacks, groundwater pollutants and septic systems, still need to be addressed to further protect the bays. Commissioner Boggs stated concern that water quality has been monitored within the Chesapeake Bay for more than 30 years with little improvement. She hoped that faster progress could be achieved in the Coastal Bays. Mr. Blazer concurred and stated that the Coastal Bays protection strategy is modeled after that of the Chesapeake Bay, with an emphasis on local actions to address water quality and remove the bays from the Federal Government's 303D list of impaired waterways. Following much discussion, the Commissioners thanked Mr. Blazer and Mr. Goshorn for presenting them with the water quality update and looked forward to attending the MCBP Policy Committee Meeting in June.

The Commissioners held a public hearing on the requested Ten-Year Capital Improvement Plan (CIP) for FY2008 through FY2017. Budget Officer Kathy Whited, met with the Commissioners to review the requested CIP. Gerald T. Mason, Chief Administrative Officer, informed the Commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County and to identify possible funding resources; therefore, a project's inclusion in the CIP does not constitute a guarantee of funding from the County. Ms. Whited added that the purpose of the CIP is to outline project costs and identify long-range planning projects. She stated that the proposed projects total \$388,687,585 over the ten-year period and include 11 general government projects, 1 public safety project, 14 public works projects, 7 recreation and parks projects and 9 education projects. Of these projects, only 5.76% percent or \$22,404,946 of the funding is proposed to come from the General Fund; while, 49.15% or \$191,044,368 will come from bond funds. The remaining funding would come from user fees, grant funds, state matching funds, state loans or enterprise fund bonds. Ms. Whited reviewed the plan and proposed sources of funding.

Commissioner Purnell opened the floor to receive public comment.

In response to a question from Edward Lee, President of the Worcester County Branch of the National Association for the Advancement of Colored People (NAACP), Commissioner Purnell stated that all projects included in the CIP are submitted by County departments or agencies. Commissioner Shockley advised that in order for a citizen to have a project considered

it should be presented to a County department or agency for sponsorship.

Ellie Diegelman of Ocean City, stated that the Commissioners should hold public hearings in the north, central and southern portions of the county to provide greater opportunity for area residents to comment on the proposed CIP. She stated concern regarding bonding to fund the proposed projects due to the impact on future generations. She opposed construction of a performing arts center, which may not generate sufficient sales to support operation, and the proposed jail addition, favoring instead to bolster prevention programs. In response to Ms. Diegelman, Commissioner Purnell reminded her that the CIP is only a planning document and future discussion will be held on the merits of these projects before final approval. Commissioner Church agreed. He further explained that just like most homeowners, the County cannot afford to pay cash for these projects and, therefore, must bond them. He advised her that the Commissioners take a very conservative approach to fiscal spending and determining which capital projects to pursue.

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

Commissioner Shockley stated that the timing of additions and renovations to Pocomoke High School and Snow Hill High School needed to be changed as the County could not afford to build both at the same time. In response to a question from Commissioner Shockley, Dr. Andes, Superintendent of Schools, stated that the Board of Education (BOE) would like to release bid specifications for the Pocomoke High School (PHS) addition and renovation project in November 2007 ahead of other major construction projects proposed in the area which could stretch contractors thin and drive up the bid prices. He stated that this date would increase the probability of receiving bids for the project, and allow them to begin construction by March 1, 2008. Dr. Andes stated that construction of the new school would cost approximately \$1 million per month. He stated that using the best case scenario, the State allocation of \$3.1 million for PHS would cover construction costs from March through the remainder of Fiscal Year (FY) 2008, with no need for County funding prior to FY09.

In response to a question from Commissioner Cowger, Dr. Andes stated that the BOE would like to begin soliciting bids for the Snow Hill High School (SHHS) renovation and addition project within the next one to two years. The Commissioners agreed to keep the PHS project as is, with County funding to be provided in FY09/FY10, but to revise the schedule of funding for the SHHS project to FY11/FY12.

Public Works Director John Tustin proposed two changes to public works projects as follows: delaying the Central Site Cell #1 Cap and Closure project from FY08 to FY10; and accelerating the Central Site Cell #5 Construction from FY11/FY12 to FY09/FY10.

Commissioner Busick stated that she could not support the construction of a new performing arts center ahead of needed renovations and additions to Showell Elementary School (SES) and other education projects.

Following much conversation and upon a motion by Commissioner Shockley, the Commissioners approved the proposed changes to the CIP. Ms. Whited agreed to make the amendments and bring the revised CIP back later in the day for signing.

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously approved Resolution No. 07-5, approving and adopting the revised Worcester County Ten-Year CIP - FY2008 to FY2017.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bids for two replacement homes in the Pocomoke and Whaleyville areas to Kilmon's Construction of Pocomoke City, Maryland at a cost of \$106,200.15 and \$109,234.44, respectively.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the bid for the general rehabilitation and lead abatement project for a home in the Snow Hill area to J&G Maintenance and Repair, Inc. in the amount of \$67,427.20.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the bid for the general rehabilitation and lead abatement project for a home in the Berlin area to Thermal Exteriors of Westover, Maryland, in the amount of \$50,650.00. Ms. Bynum reminded the Commissioners that the only timely bid for this project did not meet the budget, so the Commissioners had agreed to accept the late bid from Thermal Exteriors, which meets the budget.

The Commissioners met with Comprehensive Planning Director Sandy Coyman to discuss a proposal for using \$13,000 in Forest Conservation Program (FCP) fees-in-lieu for two requested tree planting projects. Mr. Coyman reviewed the proposed projects as follows: \$5,000 for large trees, understory trees/shrubs and seedlings at Swindler Park on South Point; and \$8,000 for large trees, conifers, shrubs and seedlings at Berlin Intermediate School (BIS). Mr. Coyman stated that there were still many details to work out regarding the type of trees to plant and where to locate them in order to meet Forest Conservation Act requirements for use of FCP funds. In response to a question from Commissioner Church, Mr. Coyman stated that the County is in the process of securing an easement, which is needed to assure the continued protection of the large trees to be planted at Swindler Park. He stated that the South Point Homeowners Association is hopefully willing to donate land for the easement. Following some discussion and upon a motion by Commissioner Church, the Commissioners conceptually approved the tree planting project at Swindler Park, subject to acquisition of the proposed easement.

In response to a question from Commissioner Shockley, Mr. Coyman stated that BIS would like to plant approximately 25 trees alongside the building as shading to help reduce energy costs. He explained that this type of planting is considered landscaping under the Forest Conservation Program and may not be eligible for funding. Mr. Coyman stated that the Maryland Coastal Bays Program (MCBP) has agreed to donate \$1,000 to the BIS planting, and they may be able to use Critical Area fees-in-lieu to cover a portion of the costs as well. Development Review and Permitting Director Ed Tudor stated that the County should be able to work out the details of the planting to be sure that the County receives proper credit from the State for use of the funding from the FCP. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners conceptually approved the project, subject to working out the details on funding.

Pursuant to the request of Human Resources Director Deedee Rouse and upon a motion

by Commissioner Shockley, the Commissioners unanimously approved two fundraising events for the March of Dimes in addition to the County Employee Team's participation in the Annual March of Dimes Walk at Assateague on Saturday, April 21. The first is the sale of box lunches of a chicken quarter, two sides and bread with cookies baked by the Volunteer Site Coordinators on Thursday, April 19, and the second is a photo contest in which County employees will attempt to determine the identity of various department heads, supervisors and County Commissioners' baby photos.

The Commissioners met with Finance Officer Harold Higgins to review and discuss three energy procurement options in an effort to control and decrease steadily rising energy and utility costs as follows: continue on the Standard Offer Service Provided by Delmarva Power; enter into a fixed price supply agreement with a retail supplier at current market rates; or join the Eastern Shore of Maryland Educational Consortium Energy Trust (ESMEC). Mr. Higgins stated that the most cost effective approach would be for the County to join the ESMEC. In response to a question from Commissioner Boggs, Mr. Higgins stated that the Worcester County Board of Education is part of ESMEC and have been pleased with its performance. He likened ESMEC to that of a hedge surrounding the energy market that could protect the County from rate hikes brought about by extraordinary circumstances. In response to a question from Commissioner Shockley, Mr. Higgins stated that ESMEC has been in existence since May, 21, 2001. He stated that if the County chose to go with ESMEC, they would be required to participate in the program for the remainder of FY07 and throughout FY08, with the option to renew each year thereafter. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously agreed to join ESMEC on a trial basis through the end of FY08.

The Commissioners answered questions from the press, after which they adjourned for lunch at the County Jail with Dr. Andes and members of the Board of Education.

Topics discussed during lunch included signing bonuses and starting salaries for new teachers; renovations and additions to Pocomoke High School (PHS) and Snow Hill High School (SHHS); issues related to students' behavior; number of new and experienced teachers the Board plans to hire in the coming school year; Advanced Placement vs. Wor-Wic Community College credits for seniors; properly identifying Thornton funding; student population; and retirees. In response to a question from Commissioner Boggs, Dr. Andes stated that the BOE hired 68 teachers for the 2006-2007 school year and plans to hire between 60 to 70 new teachers for the 2007-2008 school year. He stated that about 20 teachers may retire at the end of this year. Budgeted funds from the payroll account that were previously used to cover their salaries would then be allocated toward other uses within that budget category, such as the cost of substitute teachers. He explained that the BOE used such funds to hire a special needs teacher at Showell Elementary School this past year, rather than including that need in the following year's requested budget. In response to a request from Commissioner Boggs, Dr. Andes stated that he would provide the Commissioners with a report outlining the number of teachers retiring at the end of the year, the number of new teachers the BOE plans to hire, and the difference between the retiring teachers' salaries and that of the new teachers' salaries. Commissioner Boggs stated concern that Worcester County is losing highly qualified teachers who retire and then seek employment in other counties. BOE member Bob Hulburd explained that State law only permits

teachers working in Title One schools to continue working in their present school district upon retirement. In response to an additional question from Commissioner Boggs, Dr. Andes stated that the BOE is requesting a 5% Cost of Living Increase (COLA) plus a Step increase for eligible employees in the FY08 budget. In response to questions from Commissioner Busick, Chief Financial Officer Vince Tolbert stated that the starting salary for new teachers in Worcester County is \$38,086, which ranks 15th in the State. Dr. Andes advised that most new teachers find it more affordable to rent apartments in Wicomico County and commute to work. In response to a question from Commissioner Boggs, Dr. Andes stated that the number of behavioral problems is decreasing in schools throughout the County, though the issues they experience are more intense. He stated that enrollment throughout the County is expected to increase during the 2007-2008 school year by 100 students.

In response to a comment from Commissioner Shockley, Dr. Andes agreed that it would not be feasible to begin the PHS and SHHS addition and renovation projects at the same time. In response to a question from Commissioner Boggs, Dr. Andes stated that the State school funding formula had increased from \$147 per square foot to \$215 per square foot. He stated that this new allocation was based on increases in anticipated construction costs, but is now locked in for the PHS construction and renovation project and will not be increased further. Dr. Andes informed the Commissioners and BOE members that the Interagency on School Construction (IAC) is recalculating funding for the PHS project based on its determination that a partial renovation and addition to the school in 1984 constitutes a full scale renovation project, making the school only 23 years old in the eyes of the State, instead of 50 years old. He stated that the work done in 1984 was only a partial renovation, and the IAC's new finding is not acceptable. He stated that the BOE will meet with the IAC on April 19, 2007 to appeal their decision, and he asked the Commissioners for their support. The Commissioners agreed to support the BOE and to write a letter to the IAC and copy the local delegation. Following much discussion, the Commissioners thanked BOE officials for meeting with them.

After lunch, the Commissioners reconvened in open session.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign the FY07 Rural Legacy Grant Agreement between the State of Maryland and the Worcester County Commissioners, awarding the County \$250,000 from FY07 Rural Legacy funds, with no local matching funds required. Mr. Coyman stated that the County's original priority regarding the preservation of properties using Rural Legacy Funds focused on securing easements in coastal areas. He explained that now the County is focusing on trying to tie in intervening properties and connect the coastal areas to the protected lands in the Pocomoke Forest. Mr. Coyman stated that Comprehensive Planning has been successful in accommodating all who are interested in participating in the program with priority being granted on a first come, first served basis.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing on April 17, 2007 to receive comments on a petition requesting the establishment of a Maryland Agricultural Land Preservation Foundation (MALPF) District in Worcester County on a property owned by Eric

and James Bounds and located on Five Mile Branch Road and the Pocomoke River and shown on Tax Map 48 as Parcel 23, and consisting of 315 acres.

Pursuant to the recommendation of Mr. Coyman and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the allocation of \$230,877.60 from Agricultural Land Transfer Tax (ALTT) revenues to cover a portion of the \$461,020 cost of two easement purchases through the Maryland Agricultural Land Preservation Foundation (MALPF). Mr. Coyman stated that the easements would be located on the Margaret J. Brittingham property consisting of \pm 161.26 acres located at 3218 Stockton Road and shown on Worcester County Tax Map 84 as Parcel 56; and the Joseph M. Holland property consisting of \pm 271 acres located at 3804 Redden Road and shown on Worcester County Tax Map 85 as Parcels 13 and 73 and Tax Map 93 as Parcel 61. He explained that the County's total local matching fund requirement of \$230,877.60 would be derived from the locally retained ALTT funds of \$150,000 in FY06, unencumbered retained ALTT funds of \$600,000 collected in previous years and \$41,000 in non-Transfer Tax match funds for FY06.

Mr. Coyman reminded and invited the Commissioners to attend the Smart Growth presentation to be held in Snow Hill at 3:00 p.m. and in Berlin at 7:00 p.m. later in the day.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for a two-year contract for the purchase of petroleum products including fuel oil for several County Government buildings, and high sulfur diesel fuel for Animal Control, Solid Waste, and County generators.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved revised bid specifications for the construction of the burn tower stairs located at the Fire Training Center.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign the GovDeals, Inc. Sellers Agreement to sell surplus vehicles and equipment online. The Commissioners further declared the proposed list of County vehicles and equipment to be surplus property and agreed to advertise the proposed disposal by auction on GovDeals.com.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to waive the standard bid process and awarded the contract for Cell 4 Construction Oversight to EA Engineering, Science and Technology of Sparks, Maryland in the amount of \$63,961. Mr. Tustin explained that EA Engineering was taking over for G. W. Griffin & Associates, which is no longer in business due to the passing of company founder Gerv Griffin.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the installation of a

waterline along Sunset Avenue in West Ocean City.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to waive the standard bid process and award the proposal from Billbrough's Electric of Denton, Maryland in the amount of \$34,750 for the installation of new electrical equipment and modifications to existing equipment within Well House 10 in Ocean Pines to allow the well house to operate in a manner consistent with the recently upgraded Well Houses 2, 3, 4, and 5, including remote monitoring.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the Request for Proposals (RFP) for an engineering analysis to determine the conceptual routing plan and cost estimate of sewage facilities in the Greater Ocean Pines area, including locating proposed sewer lines and pump stations, to provide future sewer service to existing homes and businesses as well as for new developments proposed for the area.

In response to a question from Commissioner Shockley, Mr. Tustin agreed to draft a proposed policy to prevent County roads from being damaged by logging trucks entering the road from the site of timbering operations. Mr. Tustin stated that a County permit may be necessary and/or bonding to ensure repair of damaged County roads.

Pursuant to the recommendation of Gerald T. Mason, Chief Administrative Officer, and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign the contract between Worcester County and SPN for construction management and supervision services for the Worcester County Jail project for professional services at a total cost of \$1,111,294, which is approximately 4% of the anticipated project construction costs of \$20,165,791.

Following a motion by Commissioner Shockley, seconded by Commissioner Church, with Commissioner Gulyas absent, the Commissioners unanimously voted to meet in closed session at 2:12 p.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(7) 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 Ed Tudor, Director of Development Review and Permitting. Topics discussed and actions taken included consulting with counsel to obtain legal advice and performing executive actions.

The board adjourned to meet again on April 3, 2007.