

Minutes of the County Commissioners of Worcester County, Maryland

February 5, 2008

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 Shockley, seconded by Commissioner Boggs, 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), (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; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; Deedee Rouse, Director of Human Resources; and George Bradley, incoming Human Resources Director. Topics discussed and actions taken included: hiring Raymond Carrow as a Correctional Officer within the County Jail and James Dooling as Risk Manager within Human Resources; reappointing Brooks Clayville to the Planning Commission; appointing Gail Blazer to the Water and Sewer Advisory Council for the Ocean Pines Service Area, and Barbara Witherow, Doris Moxley, Evelyne Tyndall, Angela Hayes and Diane McGraw to the Commission for Women; 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 January 15, 2008 meeting, as presented.

Commissioner Purnell welcomed Sonny Bloxom as the new County Attorney following the retirement of past County Attorney Edward H. Hammond, Jr. on January 31, 2008 and stated that the Commissioners look forward to working together with him to serve the citizens of Worcester County.

The Commissioners presented a proclamation to Barbara Purnell of the Germantown School Heritage Center recognizing February as Black History Month and honoring several Worcester County residents of African American descent who helped further the cause of justice in our county, state and nation.

Pursuant to the request of Human Resources Director Deedee Rouse and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 08-4 amending the Worcester County Employees Deferred Compensation Plan, which clarifies the County's compliance with Internal Revenue Service guidelines for plan termination and the rollover of assets.

Pursuant to the request of Ms. Rouse and Volunteer Services Manager Cyndy Howell and upon a motion by Commissioner Boggs, the Commissioners unanimously approved two chicken barbeque fundraising events to be organized by County employees to benefit the March of Dimes. Ms. Howell explained that these fundraisers were in addition to the County Employee Team's participation in the Annual March of Dimes Walk at Assateague on Saturday, May 3. The first sale of box lunches of a chicken quarter, two sides and bread with cookies baked by the Volunteer Site Coordinators is scheduled for Thursday, February 21, with the second to be held on April 24.

Pursuant to the written request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign Grant No. MD-02-CD-37, Maryland Community Development Block Grant Program Close Out Agreement, following the final audit covering the \$300,000 grant from the Department of Housing and Community Development (DHCD) for Housing Rehabilitation, which was awarded to the County on May 29, 2002.

Pursuant to the written request of Economic Development Director Jerry Redden and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign Grant No. MD-03-ED-73, Maryland Community Development Block Grant Program Close Out Agreement, following the final audit covering the \$255,000 grant from the DHCD for the cleanup of the former Duncan Building property located at 2 Market Street in Pocomoke and now known as the Discovery Center.

The Commissioners reviewed a request from Board of Elections Director Patricia Jackson for out-of-state travel for her and another employee to attend the Election Training workshop in Minneapolis, Minnesota from April 15 - 21, 2008 at a cost of \$4,157.28, which includes \$200 per day for meals and other expenses. Chief Administrative Officer Gerald T. Mason advised that the \$200 per day exceeded State guidelines. The normal reimbursement for meals in this part of the country is up to \$43 per day. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the request at a revised meal cost of \$43 per day for a total amended travel cost of \$3,559.28.

Pursuant to the request of Chief Deputy Doug Dods and Captain Stuart Murray of the Sheriff's Office and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid requirement and authorized the purchase of a narcotics canine for \$4,000, training equipment for \$2,000 and a 2004 Intrepid K-9 sedan for \$5,000 from the La Crosse Police Department of Virginia at a total cost of \$11,000. Chief Deputy Dods advised that

funds were available in the Sheriff's Office's current year budget for the purchase of the K-9 and equipment which is valued at \$35,000. He further explained that La Crosse offered the dog and equipment due to the departure of the dog's handler and Worcester County was the first of 50 police agencies to inquire and was therefore given first option.

Pursuant to the written 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 (MEMA) and Worcester County Emergency Services for a FY08 Hazardous Materials Emergency Preparedness Training Grant in the amount of \$1,500.

Pursuant to the request of River Run Golf Course, the recommendation of Ms. Owens and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized the naming of two private lanes located in River Run as Carnoustie Lane and Medinah Lane.

Pursuant to the request of Budget Accountant Kim Johnson and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the State of Maryland Capital Projects Grant Agreement in the amount of \$1,500,000 for the construction of the new Worcester County Developmental Center (WCDC) in Newark.

WCDC Executive Director June Walker thanked the Commissioners for their support following the fire that destroyed the Developmental Center and updated them on plans to rebuild the new facility at the site of the former building in Newark. She advised that the new facility could not be built on WCDC property located on U.S. Rt. 113 and Germantown Road in Berlin because it did not have sufficient sewer capacity needed for the proposed use of the property. Ms. Walker stated that the WCDC Board plans to sell the property and apply the proceeds toward construction of the new facility, although the prior owner has the first right of refusal. She advised that progress of the WCDC capital campaign is on schedule and she presented the Commissioners with a revised site plan and capital campaign budget. She further stated that following the much publicized tragic fire that destroyed the former building, the community has become aware of the needs of the WCDC and has lent its support to the capital campaign. Commissioner Gulyas commended Ms. Walker for choosing to build the new facility in Newark. In response to a question from Commissioner Cowger, Ms. Walker stated that the sale of the property in Berlin would be based on appraisals of the property if a fair price was not offered by the former owner. Following some discussion, the Commissioners thanked Ms. Walker for updating them on the status of the new WCDC.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Gulyas, the Commissioners agreed to commit \$539,267.65 in County match funds for FY08 (Worcester County's FY09 budget) for the Maryland Agricultural Land Preservation Foundation (MALPF) Agricultural Preservation Easement Acquisition Program, which shall comprise the following funding sources: an estimated retained Agricultural Land Transfer Tax (ALTT) for FY08 of 27,000.00; unencumbered retained ALTT collected in previous years of \$509,767.65; and the minimum amount of non-Transfer Tax match required of

certified counties estimated at \$2,500 for FY08. Mr. Coyman advised that the County has 16 applicants who own a total of 2,400 acres, and he anticipates that the purchase of easements on all of these properties would cost between \$9.6 and \$13 million. Therefore, it is reasonable to expect that only two to four easements could be purchased with the currently available funds.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the County's match of up to \$100,000 but not to exceed 20% of the Rural Legacy Program Grant for the FY09 Maryland Coastal Bays Rural Legacy Program application.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign a joint Rural Legacy Grant Application filed by Worcester County in collaboration with Somerset County and the Nature Conservancy, committing local match funds of up to \$100,000. Mr. Coyman advised that Worcester County's local matching funds would be used only to purchase easements within Worcester County.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to hold the annual E-Cycle Program and Household Hazardous Waste Collection Day on April 26, 2008 from 10:00 a.m. to 2:00 p.m. at the West Ocean City Park and Ride. The County, in cooperation with the Maryland Department of the Environment (MDE) and Maryland Environmental Service (MES), sponsors this annual program.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for the purchase of one tub grinder to be utilized by the Solid Waste Division of Public Works to Standard Equipment Company of Baltimore, Maryland at a total net adjusted price of \$318,000, with a quoted monthly price of \$8,258.86 for a period of 60 months under the lease purchase option.

Pursuant to a recommendation by Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded a two-year contract for calendar years 2008-2009 for professional services for providing groundwater monitoring and analytical services at the three closed landfills in Pocomoke, Berlin and Snow Hill to EA Engineering, of Sparks, Md., at a total lump sum cost of \$36,584.48.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Purnell to sign the State Aid Program Data Form recognizing that funds are available on the local level for the replacement of the Blake Road Bridge over Campground Branch. Mr. Tustin stated that construction costs were estimated at \$143,750 in 2006. However, due to the lengthy permitting process and inflation, bridge construction was delayed causing costs to escalate by \$8,050 for a total revised cost of \$151,800.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved the Request for Proposals for design of the new elevated water tower within the Mystic Harbour Service Area (MHSA) to be constructed on the north side of U.S. Rt. 50.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved the Request for Proposals for consulting services to evaluate the Oyster Harbor Water Plant and develop a revised rehabilitation design and cost estimate for the purpose of providing a backup water system and increased capacity in the MHSA.

The Commissioners met with Mr. Tustin to review and discuss a report from Barry Isett and Associates outlining a master plan for sewage facilities in the Greater Ocean Pines Service Area (GOPSA), which Mr. Tustin advised was a reasonable plan for the future extension of sewerage service to facilitate the removal of septic systems in the area designated as the GOPSA. Mr. Tustin reviewed the raw costs per equivalent dwelling unit (EDU) for each of the designated sub-areas as follows: \$2,418,000 for 125 EDUs within the St. Martins area for a total cost of \$19,350 per EDU; \$2,394,000 for 94 EDUs within the northwest MD Rt. 589 area for a total cost of \$25,470 per EDU; \$1,482,000 for 117 EDUs within the MD Rt. 589 Commercial District for a total cost of \$12,670 per EDU; and \$2,392,000 for 113 EDUs within the Turville Creek area for a total cost per EDU of \$21,170. Mr. Tustin advised that these figures reflect the cost of construction of the collection and distribution infrastructure only. When the cost of the equity contribution is added for wastewater treatment by the Ocean Pines Wastewater Treatment Plant (OPWWTP) and the annual operating costs are included, the average annual cost for all customers in the service area would exceed \$1,500, a cost significantly higher than any other service area in the County. He stated that for this reason he could not recommend forming the GOPSA, which would result in an annual fee that is not affordable for many of the residents. However, he stated that there are a number of commercial establishments that would be willing to provide the needed infrastructure independently to resolve ongoing sewage issues and therefore recommended the following activities: adopt the sewer layout system from the Isett Report as the master plan for the future service area to insure that future construction is compatible with a master plan for the region; allow existing commercial properties to be served by contract from the Ocean Pines Service Area (OPSA) up to the flows currently permitted for their individual properties; begin investigating available funding alternatives that could provide grant and/or low interest loan funding to reduce the overall cost of the project; and return to the Commissioners in the future if funding sources are available to construct the balance of the facilities. After much discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously endorsed Mr. Tustin's recommendations provided that sufficient capacity was allocated to serve Showell Elementary School (SES) including future growth and advising staff to pursue the design and installation of a pump station to serve SES in the near future.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the River Run Sewer Agreement for the expansion of the sewer facility, allowing for the increased

treatment and storage of 43,000 gallons per day (gpd) of wastewater in addition to the current capacity of 69,000 gpd for a revised total capacity of 112,000 gpd as permitted by the Maryland Department of the Environment (MDE) Groundwater Discharge Permit. In response to a question from Commissioner Boggs, Mr. Tustin stated that the developer will be required to provide the additional spray fields as needed to treat this increased capacity.

The Commissioners met with Mr. Bloxom to discuss the disposal of the house on a County-owned property located at 107 Franklin Street in Snow Hill and identified on Worcester County Tax Map 200 as Parcel 587, which was purchased for the primary purpose of expanding the parking facilities adjacent to the Worcester County Government Office. Mr. Bloxom stated that the Commissioners hold a permit from the Snow Hill Historic District Commission for demolition of the house contingent upon their offering it to a third party for relocation to "another location in the Snow Hill area." Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously declared the house to be surplus property and approved bid specifications for the acquisition and relocation of the house.

The Commissioners reviewed a draft State bill in response to the request of Trimper Rides that would enable the County and the Town of Ocean City to issue a tax credit for specific properties that meet the definition of "Historically operated Amusement Parks." Mr. Bloxom stated that the bill would allow the County and town to evaluate the merits of granting tax relief to the various Trimper Rides properties individually each year, which was a good provision. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to send a letter supporting the bill with a minor revision to clarify that the "boardwalk" referenced in the bill is the "boardwalk in Ocean City, Maryland."

The Commissioners met with Mr. Bloxom to review draft State legislation to permit slot machines in nonprofit organizations in Worcester County. Mr. Bloxom stated that the bill adds Worcester County to the list of counties in which certain nonprofit fraternal, religious, and war veterans' organizations may own and operate a certain number of slot machines under certain circumstances; and generally relating to slot machines in Worcester County. Commissioner Gulyas stated that she adamantly opposes gambling in the form of slot machines in Worcester County; however, she will support the bill since her constituents have asked her to do so and the Mayor and Council of Ocean City recently voted to support the proposal. In response to a question from Commissioner Cowger, Mr. Bloxom stated that the Sheriff's Offices in each county are responsible for oversight and enforcement of the law. In response to a question from Commissioner Busick, Chief Deputy Doug Dods advised that the County Sheriff's Office is prepared to assume these responsibilities and added that the various local nonprofit organizations are heavily policed by their parent organizations to assure compliance with regulations regarding membership and guests. Following some discussion and upon a motion by Commissioner Cowger, the Commissioners unanimously agreed to support the proposed legislation.

The Commissioners answered questions from the press, after which the board adjourned to meet again on February 19, 2008.