

Minutes of the County Commissioners of Worcester County, Maryland

March 4, 2008

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

Following a motion by Commissioner Gulyas, 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), (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; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Director of Human Resources; John Tustin, Director of Public Works; and Sandy Coyman, Director of Comprehensive Planning. Topics discussed and actions taken included: hiring William "Jimmie" Clarke as a Roads Worker II within the Roads Division and Rex Hickman as a Maintenance Mechanic I in the Maintenance Division of Public Works, Christine Sample as a Communication Clerk I within Emergency Services and Christine Hallman as a Planner I within Comprehensive Planning; appointing Lorraine Fasciocco to the Commission for Women and reappointing Anne Hastings to the Agricultural Preservation Advisory Board and Jim Freeman, Jr. to the Drug and Alcohol Abuse Council, Mark Frostrom, Jr. to the Housing Review Board and Barbara Tull to the Tourism Advisory Committee; considering the 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 reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners discussed the election of officers for 2008. Upon a nomination by Commissioner Cowger, the Commissioners unanimously elected Commissioner Virgil L. Shockley as President of the Board of County Commissioners. Upon a motion by Commissioner Church, the Commissioners unanimously re-elected Commissioner Louise L. Gulyas as Vice President of the Board of County Commissioners. Outgoing President James L. Purnell, Jr. presented incoming President Shockley with the President's gavel and instructed him to use it wisely throughout the course of conducting County business. Commissioner Purnell asked God to bless Commissioner Shockley and then wished him well in this new leadership position. Commissioner Shockley likewise thanked Commissioner Purnell for his years of dedicated

service and for his commitment to serving the citizens of Worcester County.

The Commissioners reviewed and approved the minutes of their February 19, 2008 meeting as presented.

The Commissioners presented Merilee Horvat of the Worcester County Commission for Women (CFW) with a proclamation recognizing March as Women's History Month and encouraged citizens to recognize that women of every race, class and ethnic background have made significant contributions to the growth and strength of Worcester County and throughout the nation. Ms. Horvat introduced the new CFW President, Sharone Grant, and invited the Commissioners to attend the annual Women's History Month luncheon on March 26, 2008. Ms. Grant thanked the Commissioners and invited them to join the CFW in passing out books to students on June 2, 2008 as part of their McGuffey Book program.

Health Officer Debbie Goeller formally recognized three staff members of the Maryland Access Point (MAP) project, Ruth Briddell of the Division of Social Services, Kristy McIntyre of the Health Department and Debbie Ritter of the Commission on Aging for obtaining certification as Information and Referral Specialists through the Alliance of Information and Referral Systems (AIRS). Ms. Goeller advised that AIRS certification is a measurement of each employee's competence in the field of information and referral reflecting necessary knowledge, skills, attitudes and work related behaviors. Commissioner Gulyas acknowledged the effort that each employee put forth to earn this certification. She further advised that the MAP project is a collaborative effort between the Health Department, Social Services and Commission on Aging to serve the elderly and disabled.

Pursuant to the request of Budget Accountant Kim Johnson and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign the Maryland Department of Health and Mental Hygiene Office of Planning and Capital Financing and General Obligation Bonds Request Forms for reimbursement of \$1,910,000 for construction of the new Health Department facility in Snow Hill.

Furnace Town Executive Director Kathy Fisher met with the Commissioners to request a one-time capital grant of \$47,115.00 to help fund four projects to be completed at Furnace Town in preparation for the museum's 30th Anniversary in 2008 as follows: repointing the furnace; upgrading the pavilion; painting and lighting upgrades in the museum; and museum store POS/online store upgrades. Ms. Fisher stated that each of the four projects is under construction and all are in various stages of completion. She advised the Commissioners that Furnace Town received \$20,000 in gifts and pledges and has another \$25,000 in dedicated funds to help pay for the projects but needs support from the County to cover the remaining expenses. In response to a question from Commissioner Shockley, Ms. Fisher confirmed that the capital grant is a one-time request in addition to annual grant funds from the County. Following some discussion, the Commissioners unanimously agreed to consider the request during FY09 Budget deliberations in the next few months.

As a result of recent problems in Wicomico County, Public Works Director John Tustin updated the Commissioners on current controls governing the inventory of fuel, auto parts and other supplies within Worcester County and the Public Works Department. Mr. Tustin reviewed each of the safeguards currently in place. Regarding fuel controls, Mr. Tustin stated that the County owns and operates two fueling sites, with the primary site located at Public Works in Snow Hill and the secondary site at the Ocean Pines Wastewater Treatment Plant, both of which are serviced by Commercial Fuel Systems (CFS) under a Maryland State Contract. He advised that both facilities are equipped with surveillance cameras that record all activities, and the Ocean Pines site is secured by electronic gates that are closed between the hours of 4:30 p.m. to 7:00 a.m. with access to the fuel pumps further restricted to only those using fuel cards issued by CFS. Mr. Tustin stated that the main site is not secured; however, fuel can only be accessed through the use of driver and coded vehicle cards with a set maximum fuel limit specific to that particular car. Mr. Tustin reviewed inventory controls within Fleet Management, advising that a detailed inventory list with weekly reconciliation of work orders for all repairs are required and completed by the mechanics. He advised that the work orders include all parts and supplies used and are cross-referenced to reconcile the inventory reports. He advised that this system of inventory control is not currently in place at the County Landfill, since they do not stock many parts, but the situation is closely monitored. Mr. Tustin reviewed inventory controls in place within the Maintenance Division for custodial supplies, which are inventoried and billed monthly to the appropriate departments. Mr. Tustin concluded that between the inventory controls in place and the conscientious staff within Public Works the likelihood that improprieties could occur are kept to a minimum. In response to a question by Commissioner Shockley, Mr. Tustin stated that Fleet Management maintains work orders that are charged back to each department for parts. Commissioner Purnell commended the staff of Public Works for the excellent job they do to protect the County's interests. In response to a question from Commissioner Gulyas, Mr. Tustin stated that there are several facilities throughout the state through the CFS network where Sheriff's Deputies can access fuel to eliminate the need to pay consumer fuel rates while traveling through other jurisdictions on County business. Mr. Mason confirmed that other government offices, including the State Highway Administration, have access to fuel at County sites and the charges for these fuelings are billed to the appropriate department or agency each month. Following some discussion, the Commissioners thanked Mr. Tustin for providing them with this report.

The Commissioners met with Comprehensive Planning Director Sandy Coyman to discuss staff's proposed response to the Maryland Coastal Bays Nutrient Management Strategy to reduce nutrients within the Coastal Bays. Mr. Coyman reviewed the recommendations for Point Sources, Outstanding National Resource Water Designation, and Nonpoint Sources recommendations for agriculture, septic systems, stormwater and atmospheric to reduce nutrients within the Coastal Bays. He advised that all proposed changes are meant to address current conditions and prevent additional problems. He stated that amending the Water and Sewerage Plan to include these recommendations would require formal review by the Worcester County Planning Commission and County Commissioners. In response to a question by Commissioner Gulyas regarding cover crops, Mr. Coyman stated that Best Management Practices (BMP) take into account the comparative cost per pound of pollutant with priority being given to the lowest

cost option which yields the greatest results, such as cover crops which cost \$1.50 per pound of nitrogen removal as opposed to stormwater ponds which cost \$150 per pound of nitrogen removal. Mr. Coyman confirmed that legislation being considered by the State includes stringent recommendations for farmers in the Chesapeake Bay and therefore should not negate the initiatives being undertaken to clean up the Coastal Bays. Commissioner Shockley concurred and advised that the County could consider changes locally if conflicts arise between any new State and County initiatives. In response to a question by Commissioner Busick, Mr. Coyman confirmed that most of the initiatives before the Commissioners today are either specifically addressed or implied within the Comprehensive Plan through the development of water quality standards addressing total maximum daily load (TMDL) requirements. Following some discussion, the Commissioners conceptually approved the recommendations and agreed to send a letter to the Maryland Coastal Bays Program Policy Committee for action.

Tourism Director Lisa Challenger, Tourism Advisory Committee member Ann Marie Dickerson and County resident Charles Petrocci met with the Commissioners to request the use of the West Ocean City boat ramp for a special event, "A Day at the Docks", on Sunday, October 12, 2008 from 10:00 a.m. to 5:00 p.m. Ms. Challenger explained that this new festival would celebrate the County's maritime heritage, including commercial and sport fishing, lifesaving and seafood. She further advised that the event would feature educational displays, demonstrations of traditional crafts, contests, fish cleaning demonstrations, seafood cooking contests, a possible appearance from hosts of the television show "The Deadliest Catch" and a blessing of the commercial fishing fleet. In response to questions by Commissioner Gulyas, Ms. Dickerson advised that details of the event are still being ironed out; however, they would need to reserve the use of the entire West Ocean City Harbor parking lot, as well as some space in the West Ocean City Park n' Ride lot for attendees, and also propose to block public access to the boat ramps throughout the event. Ms. Dickerson advised that all of the commercial fishermen will be invited to participate and display their vessels during the festival. She further suggested that an electronic sign be posted to inform boaters that they could load and offload their boats at the Assateague Island National Seashore boat ramp on MD Rt. 611. Ms. Dickerson advised that area businesses support the proposed festival and believe it will help to boost heritage tourism and educate residents about their maritime heritage. She advised that event coordinators need the Commissioners' approval before developing detailed event plans, but agreed to return at a later date to provide them with a full outline of events for the festival. In response to a question by Commissioner Busick, Mr. Petrocci advised that he previously organized a similar event annually in Cape Hatteras, which attracted over 9,000 people. He stated that the event creates a trickle-down effect by benefitting restaurants, hotels and other businesses that all benefit from the increase in visitors to the area. In response to a question from Commissioner Shockley, Public Works Director John Tustin stated that he just recently learned of the proposal and has some concerns with the logistics and the impact on this public facility and the commercial fishermen who lease dock space at the West Ocean City Harbor. However, he agreed to work with Ms. Challenger to address these concerns. Following some discussion and upon a motion by Commissioner Church, the Commissioners conceptually supported the event subject to their working with Mr. Tustin to address logistical concerns.

Diakonia Board President Harry Howe, Vice President and Treasurer Roy Frick and Executive Director Claudia Nagle met with the Commissioners to inform them that the homeless shelter is facing a critical funding shortage and requested \$65,000 from the County to continue operating for the period from March 1 to June 30, 2008. Ms. Nagle advised that Diakonia has responded to the needs of the community for 35 years and now find themselves in a position of need. She stated that the shelter has exhausted its efforts to cut expenses and find the funding needed to continue operating. She stated that Diakonia provides three core services to those in need: food, shelter and transitional housing to help them build a foundation and change their circumstances. Ms. Nagel stated that the cause of this current funding shortage is due to a shortfall in projected revenues. She stated that the shelter receives between \$200,000 and \$300,000 of in-kind donated goods and services from the community each year, but has received only \$20,000 of the projected \$100,000 in monetary contributions, which she attributed to the declining economy. Commissioner Church noted that staff salaries account for 68% of the budget, and he asked why Ms. Nagel was requesting \$65,000 from the County when the actual budget deficit appeared to be \$38,100. In response, Ms. Nagel stated that the Board has “robbed Peter to pay Paul” in a variety of categories to assure that the bills are paid. She advised that the shelter employs 4 full-time staff and 11 part-time staff and volunteers, with two people working on each shift to provide the needed supervision of the guests. She stated that volunteers are not able to perform the staff functions. Mr. Frick explained that the Board has changed its medical coverage, opting for higher deductibles to bring down costs, but there is no more fat to cut from the budget. Mr. Howe advised that inflating costs, including power, fuel and insurance, have all increased dramatically while financial donations to the shelter have fallen significantly.

Commissioner Boggs acknowledged that emotionally the Commissioners understand the shelter’s plight and recognize the assistance they provide to the most vulnerable in the community; however, the Commissioners had just received their request for additional funding along with the shelter’s financial statements that day and would need time to look into the matter in order to make an informed decision. In response to comments from Commissioner Boggs, Mr. Frick asked the Commissioners to provide the Board with a list of questions for them to address. He advised that the shelter operates on the calendar year, and the FY07 audit should be complete soon. Commissioner Cowger stated that he was not surprised by this request, since Diakonia told the Commissioners last year during the budget deliberations that they would run out of funds if the County did not fully fund their request. He stated that it would be difficult for Diakonia to rehire the staff needed if the shelter closes temporarily and therefore suggested that the County should step up to the plate and offer the needed assistance. Commissioners Gulyas and Purnell agreed. In response to a question by Commissioner Busick, regarding whether this would be a one-time only request for funding, Mr. Frick stated that the Board would not be here before the Commissioners today if the County had granted their original request for funding last year. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners voted unanimously to have staff review the shelter’s budget and financial reports and provide the Commissioners with recommendations at their March 18, 2008 meeting.

The Commissioners met with Public Works Director John Tustin to discuss a letter from Walid M. Saffouri, P.E., Bay Restoration Fund Division Chief for the Maryland Department of the Environment, informing the County that the Ocean Pines Wastewater Treatment Plant

(OPWWTP) facility is no longer meeting the requirements that would permit those living in the Ocean Pines Sanitary Service Area (OPSSA) to be exempt from paying the annual Bay Restoration Fund (BRF) fee. The letter stated that while the total phosphorus has averaged below 0.3 milligrams per liter (mg/l) during the past calendar year, the total nitrogen has exceeded the required 3.0 mg/l and averaged at 3.5 mg/l. The letter went on to advise that to be considered for future exemption the County must submit a full calendar year's worth of data showing that the OPWWTP achieved 3.0 gm/l of nitrogen and 0.3 mg/l of total phosphorus concentrations as calculated on an annually averaged basis. Mr. Tustin stated that the OPWWTP has met the requirements for exemption for the first two years of the BRF program, and remains the only plant in the state to be exempt from the BRF fee. He explained that two extraordinary events coincided with one another in February 2007 that resulted in the temporary overage: there was a mechanical breakdown at the plant, and the area experienced exceptionally low temperatures during that same period. He stated that the combined events caused the average nitrogen level to increase to 8.75 mg/l in February and 5.76 mg/l in March 2007. Mr. Tustin further advised that the equipment had been repaired and the nitrogen levels were again at lower levels averaging 2.3 mg/l in January 2008 and 2.9 mg/l in February 2008. Commissioner Boggs stated that the Commissioners should exhaust all options to retain the exemption from the BRF, since the OPWWTP is a model facility. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to send a letter to the State asking them to re-examine their findings.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the Request for Proposals (RFP) for consultant services for the Sea Level Rise Planning and Code Response. Mr. Coyman advised that the Sea Level Rise Study performed by the Maryland Department of Natural Resources (DNR) shows that Worcester County has experienced a one-foot rise in sea level during the past century, and the State has provided grant funding to hire a consultant to assist County staff in assessing their options in response to the sea level rise. In response to a question from Commissioner Busick, Mr. Coyman confirmed that the State is not requiring the County to provide matching funds for the consultant.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Boggs, the Commissioners voted 5-2, with Commissioners Church and Cowger voting in opposition, to adopt the Findings of Fact regarding denial of Rezoning Case No. 389, submitted by Sunwoo and Kyunghi Nam to rezone a parcel of land located on the northwesterly side of Market Street (MD Rt. 394) just to the west of the junction with US Rt. 113 and east and north of the corporate limits of the Town of Snow Hill and totaling approximately 8.56 acres in size from M-1 Light Industrial District to B-2 General Business District. Rezoning Case No. 389 was heard by the County Commissioners on December 4, 2007 and a decision made on February 19, 2008 not to rezone the property as a majority of the Commissioners found that there was neither a change in the character of the neighborhood nor a mistake in the original zoning classification.

The Commissioners reviewed a draft State bill in response to the request of Bay Shore

Development Corporation that would enable the governing body of Ocean City and Worcester County to grant, by law, a property tax credit for specified real property known as the Ocean City Amusement Park and Fishing Pier, as well as specified real property used for the operation of an amusement park in Ocean City applying to tax years beginning after June 30, 2008. County Attorney Sonny Bloxom stated that the bill would allow the County and town to evaluate the merits of granting tax relief to specific amusement parks located within the corporate limits of Ocean City individually each year. Commissioner Boggs stated that the County must be prepared to address State cuts in the FY09 budget and stated that it was the wrong time to consider such a bill. She stated that if the Commissioners support this bill many other amusement parks will begin seeking tax relief as well. Commissioner Shockley stated that the Town of Ocean City supported the request of Charles R. "Buddy" Jenkins for tax relief and without this bill the town will not be able to provide the requested relief. In response to a question by Commissioner Shockley, Mr. Bloxom stated that if this bill (HB 1572) does not pass, the town could still provide relief for the Ocean City Amusement Park and Fishing Pier by reducing the cost of rent. In response to concerns from Commissioner Church that the County was providing the opportunity for tax relief only to amusement parks located within Ocean City rather than the entire County, Mr. Bloxom advised that this legislation was drafted in response to the request of Mr. Jenkins, and at the Commissioners' request was narrowly drafted to apply only to such parks which are located in Ocean City. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners voted 6-1, with Commissioner Boggs voting in opposition, to send a letter supporting HB 1572.

The Commissioners reviewed and discussed a letter from the Carroll County Commissioners to Delegate Maggie McIntosh, Chair of Environmental Matters, opposing House Bill 1135, an Emergency Bill entitled "Carroll County - Local Ordinance Creating a County Police Department - Submission to Local Referendum" and its companion, Senate Bill 659. Chief Administrative Officer Gerald T. Mason advised that this State bill would erode Carroll County's authority by requiring a referendum on a purely local matter. He stated that even though the bill does not affect Worcester County, it was a dangerous erosion of County authority and interferes into local statutory authority and responsibility. He, therefore, recommended the Commissioners support Carroll County in its opposition of HB 1135 and SB 659. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to send a letter to our local delegation and appropriate State officials opposing HB 1135 and SB 659.

Pursuant to the request of Recreation and Parks Director Sharon DeMar Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the proposed fee schedule for Recreation and Parks for FY08/09. Commissioner Boggs commended Ms. Reilly on the remarkable list of programs and camp offerings available through her department.

Pursuant to the recommendation of Recreation and Parks Director Sharon DeMar Reilly and the Worcester County Recreation Advisory Board and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the FY2009 Worcester County Program Open Space (POS) Annual Program for Acquisition and Development. Projects included in the

report represent requests from the County and each of the incorporated municipalities of Ocean City, Berlin, Snow Hill and Pocomoke. In response to a question from Commissioner Shockley, Commissioner Boggs explained that the State plans to reduce POS funds by 75% in FY09. Ms. Reilly stated that POS funds awarded but not spent in prior fiscal years can be used to help fund upcoming projects. She advised that Berlin has \$200,000 in POS funds awarded in previous years that it plans to apply toward upcoming projects. Likewise, Snow Hill has \$90,000 and Pocomoke has \$80,000.

The Commissioners answered questions from the press, after which they adjourned to meet for lunch with the Board of Education.

The Commissioners met with Board of Education (BOE) President Garry Mumford, Vice President Bob Hulburd, Jonathan Cook, J. Douglas Dryden, Bob Rothermel, Donnie Shockley and Sara Thompson, Superintendent of Schools Dr. Jon Andes and various BOE staff members to discuss the upcoming County budget as well as the State budget deficit and its possible impact on the County. Chief Administrative Officer Gerald T. Mason introduced the new President, Virgil L. Shockley, and Vice President, Louise L. Gulyas, to the BOE. Commissioner Shockley stated that the Commissioners are very concerned about pending State cuts. He reminded the BOE that in years of plenty the County had shared its wealth with the BOE, increased teachers' salaries to remain competitive and provided funding for many new programs. He reiterated that the County remains committed to funding additions and renovations at Pocomoke and Snow Hill High Schools. However, he stated that this would be a lean year and stressed the importance of keeping an open dialog with one another as they work through budget issues.

Commissioner Boggs provided BOE officials with some details of the projected State budget as follows: the State will try to give a 2% Cost of Living Adjustment (COLA) if possible; cut \$3.4 million to Libraries; possibly transfer responsibility for Other Post Employment Benefits (OPEB) for Health Department employees to the counties, which would translate to a new \$1.5 million obligation for Worcester County; reduce county and municipal aid by 13%; and cut Program Open Space (POS) funding by 77% and Environmental Programs by 91.4%. She stated that new State initiatives proposed by Governor Martin O'Malley include creating 976 new State positions as follows: 210 Department of Transportation positions; 209 Public Safety and Corrections positions; 75 Juvenile Services positions; 61 Department of Natural Resources positions; 34 Health positions, 20 of which are to bolster the Health Occupations Boards and Commissions; 22 Financial and Administration positions; 21 Executive and Administrative Agency positions; 158 criminal, civil, and traffic clerks for the Judiciary and law clerks and commissioners for the District Court. Commissioner Boggs stated that education is to comprise 41% of the total capital budget, a \$184 million increase which includes \$75.8 million for funding the Geographic Cost of Education Index, which benefits Montgomery, Prince George's, Frederick and 10 other Counties, but excludes Worcester County; \$2 million for a new Seed School in Baltimore City, which is a residential boarding school for at-risk children; and \$55.3 million to increase retirement payments to teachers. Commissioner Boggs stated that despite the General Assembly's Special Session, legislators were unable to completely close the \$1.7 Billion deficit by raising sales tax due to the sagging economy. She stated that the deficit was approximately \$300 million in January and is now at about \$400 million and growing.

Mr. Mumford thanked the Commissioners for their past support and recognized the financial situation on the State level. He explained that the BOE is committed to providing an effective education to students and will submit a reasonable budget request. Mr. Hulburd stated that not too many years ago Baltimore County was one of the top school districts in the State, but now Worcester County is among the top. He asked the Commissioners to continue to focus on achievement and retaining quality teachers. Mr. Cook stated that skilled people is what makes the system successful, and those people need to be retained. Dr. Andes stated that the Board faces an annual dilemma of addressing State and Federal mandates while also cutting funding. He credited Worcester County's position as the top school board in the State to the leadership of the Board of Education and the County Commissioners. Commissioner Cowger stated that the County has no plans to increase taxes to make up for budget shortfalls and must work hard to live within its means. In response to a question from Commissioner Boggs, Dr. Andes stated that school enrollment remains steady at about 6,847 students with no projected growth at this time. Mr. Hulburd stated that the school's greatest concern will be to provide the staff and mentors needed to help high school students meet the new test requirements for graduation. Donnie Shockley stated that the BOE strives to be conservative with its budget. Following much discussion, Commissioner Shockley thanked the BOE for meeting with them and again expressed the Commissioners' desire for open dialog and to work with the BOE as they strive to develop a budget that addresses the needs of the County.

The board adjourned to meet again on March 18, 2008.