

## Minutes of the County Commissioners of Worcester County, Maryland

April 8, 2008

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

Following a motion by Commissioner Purnell, 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; George Bradley, Director of Human Resources; Bob Mitchell, Director of Environmental Programs; Ed Tudor, Director of Development Review and Permitting; and John Tustin, Director of Public Works. Topics discussed and actions taken included: promoting Kurt Cramer to Maintenance Worker II within the Water and Wastewater Division of Public Works; reappointing Dominic Brunori to the Building Code Appeals Board; nominating Howard G. Jenkins, Joseph A. Calogero and Deborah Maphis for the Governor's consideration in filling upcoming vacancies on the Property Tax Assessment Appeal 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 Shockley 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 18, 2008 meeting, as presented.

Commissioner Shockley recognized the efforts of each of the volunteer fire companies that responded to a fire at the Dough Roller Restaurant on 604 South Atlantic Avenue on the Boardwalk in Ocean City on March 30 as follows: Ocean City, Berlin, Showell, Bishopville, Ocean Pines, Newark Volunteer Fire Companies in Worcester County; Parsonsburg, Pittsville, Willards and Powellville Volunteer Fire Companies from Wicomico County; and Bethany Beach, Dagsboro, Frankford, Georgetown, Lewes, Millsboro, Millville, Rehoboth Beach, Selbyville, Roxana Volunteer Fire Companies from Sussex County, Delaware. Transfers on standby to assist included Salisbury and Sharptown Volunteer Fire Companies from Wicomico County; and Blades, Delmar, Ellendale, Gumboro, Indian River, Laurel, Milton, and Seaford

Volunteer Fire Companies, and Sussex County Emergency Medical Services. Commissioner Shockley expressed the Commissioners' heartfelt appreciation to each of these departments for mobilizing to bring the fire under control and protect the surrounding Boardwalk businesses from further damage or destruction.

The Commissioners presented a proclamation recognizing April as Fair Housing Month to Tom Davis, Sr. of the Shore Housing Resource Board and reminded residents that fair housing is a right promised to all Americans regardless of their race, color, religion, national origin, sex, familial status or disability. Mr. Davis asked the Commissioners to join the SHRB in promoting workforce housing in Worcester County to assure that affordable housing is available to all Maryland citizens at all income levels.

Pursuant to the request of Finance Officer Harold Higgins and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the recommended 2008/2009 Tax Ditch rates and Managers for all Tax Ditches in the County. Mr. Higgins stated that, as requested by the individual Tax Ditch Associations, a rate increase was adopted for the Birch Branch and Goodwill Branch Tax Ditch Areas to cover increased fuel and maintenance costs, and a rate reduction was adopted for the Nassawango Branch Tax Ditch Association.

Pursuant to the request of Emergency Services Director Teresa Owens and upon a motion by Commissioner Purnell, the Commissioners unanimously approved out-of-state travel for Emergency Management Planner David Fitzgerald to attend the Sungard-Open Software Solutions, Inc. computer aided dispatch software training in High Point, NC from May 20-24, 2008.

Recreation and Parks Director Sharon DeMar Reilly invited the Commissioners to attend the Annual Worcester County Arbor Day Celebration, which will be held at Buckingham Elementary School on Wednesday, April 30, at 9:00 a.m.

Pursuant to the request of Ms. Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to name the newest Worcester County Park, a 674+ acre parcel formerly owned by Douglas Weidman in northeastern Worcester County adjacent to the Hidden Harbor subdivision, the "Greys Creek Nature Park."

The Commissioners met with Dr. Jon Andes, Superintendent of Schools and Board of Education (BOE) President Garry Mumford, Vice President Bob Hulburd, and members Douglas Dryden and Bob Rothermel to review and discuss the BOE's FY09 requested budget. Chief Administrative Officer Gerald T. Mason stated that the requested budget understates the cost of health insurance, assuming a 5% increase while the recently negotiated health insurance renewal will increase by 17% this year. Mr. Mason explained that this increase will result in an additional \$1,250,298 for health care for all BOE employees and retirees. Mr. Mumford thanked the Commissioners for their support of education within the County and asserted that the Board's FY09 budget reflects the needs of the County's children and asked them to fully fund the FY09 requested budget, which included a 3.5% Cost of Living Adjustment (COLA) and a step increase

for qualified employees along with a scale adjustment for others and an extra ½ percent for support staff, which includes janitors, custodians and secretaries as well as additional funding for bus contractors. Dr. Andes reviewed the BOE's FY09 budget goals as follows: maintain small class sizes, recruit and retain highly qualified instructors, provide educational services to support students and staff, increase student access to the latest technology, provide materials and equipment needed to support strong instructional programs; provide and maintain safe, efficient and clean school buildings, adequate playgrounds and athletic fields; and provide employees with ongoing training to improve teaching and learning. He stated that funding priorities include the following: provide a pay increase to fund the negotiated agreements to recruit, hire and retain the most highly qualified teachers and staff; utilize \$200,000 in additional "Thornton" State funding to continue after-school programs, meet the needs of special education students, and off-set reductions in grant funding; provide additional staff for the new Worcester Technical High School (WTHS); provide funding to address the increased costs required to transport students and maintain and operate facilities; and extend the foreign language program to help students compete in a global economy. Dr. Andes stated that the BOE is working to address upcoming challenges, which include recruiting, hiring and retaining highly qualified teachers and staff; meeting and exceeding the challenges of No Child Left Behind; addressing the unique needs of special education students; helping students pass the High School Assessments; closing the achievement gap; helping English language learners to transition to English; increasing access to technology; and improving and maintaining aging school facilities.

Dr. Andes provided a power point presentation outlining basic facts regarding the County's schools, including current enrollment, growth, programs to meet special needs, and school achievements. Dr. Andes reviewed student successes on the Maryland School Assessments as follows: third and eighth grade students placed first in the state in both reading and mathematics; third and eighth grade students from households of poverty (FARMS) scored first in the state in both reading and mathematics; third and eighth grade special education students scored first in the state in reading and mathematics; sixth grade African American students and FARMS scored first in the state in mathematics; seventh grade African American students scored first in the state in reading and mathematics. Overall, Worcester County students ranked first in mathematics and fourth in reading. Dr. Andes summarized the proposed total revised budget request of \$94,553,519, which includes the following: \$88,678,611 for General Operating Expenses including Administration, Instructional Support Services, Instructional Salaries, Textbooks and Classroom Supplies, other Instructional Costs, Special Education, Student Personnel Services, Health Services, Student Transportation, Operation of Plant, Maintenance of Plant, Fixed Charges and Capital Planning; \$998,975 for Technology Program, \$509,515 for Capital Outlay; \$250,000 for School Construction; \$2,448,734 for Retirees Medical Insurance and \$417,386 for Retirement Expenses. The Board of Education requested a total County appropriation of \$77,790,109, which is \$8,245,211 more than the current year. He stated that the requested budget includes \$2,668,511 for salary increases for certificated staff; \$712,945 for salary increases for support staff; and \$354,076 increase for bus contractors.

At the request of Commissioner Boggs, Dr. Andes agreed to provide information on all anticipated grant funding. He also confirmed that there were 83 less students than last year and explained that the requested new teachers were to address needs rather than growth. Mr. Mumford advised that construction of WTHS is behind schedule and the school is expected to

open in October 2008. In response to a question from Commissioner Shockley, Dr. Andes stated that the BOE had budgeted a 5% increase in health insurance, as it provided an easy multiplier if costs were actually 10% or 15% higher. He explained that he was informed last week that this cost would increase by 17%. Following much discussion, the Commissioners thanked Dr. Andes and the BOE for their presentation and agreed to discuss their requests in further detail at their budget work session on April 23, 2008.

The Commissioners reviewed a memo from Assistant Chief Administrative Officer Kelly Shannahan advising that the County received no bids for the relocation of the dwelling house presently located at 107 Franklin Street in Snow Hill as of the bid deadline of 1:00 p.m. on Monday, March 24, 2008. The County recently purchased the property, and as requested by the Snow Hill Historic District Commission, posted notice requesting competitive bids to relocate the home. There being no bids, the house has been declared surplus property and is proposed to be demolished.

Commissioner Shockley opened the floor for objections to the proposed disposal/demolition of this house. There being no objections, Commissioner Shockley closed the hearing.

Following some discussion and upon a motion by Commissioner Boggs, the Commissioners agreed to solicit proposals for demolition and removal of the house at an undetermined future date, once the lot is needed for expansion of the Franklin Street parking lot.

The Commissioners met with representatives from each municipality and Ocean Pines to discuss their grant requests from the County. Representatives from Ocean City were unable to attend and will meet with the Commissioners at their next meeting on April 22, 2008.

The Commissioners met with Berlin Mayor Thomas Cardinale, Council member Elroy Brittingham and Town Manager Linda Bambarly to discuss the town's grant requests for FY08/09. Mayor Cardinale thanked the Commissioners for their past support. He advised that the town was asking for the following assistance: \$25,000 to fund the third year of a three-year project to retain the services of a Downtown Main Street Coordinator (which is shared with Pocomoke); \$99,120 in Program Open Space (POS) funds for park development; \$1,047,000 for street rehabilitation and resurfacing of several streets in Berlin. Mayor Cardinale also asked the Commissioners consideration for an unrestricted grant of \$1 million to continue sidewalk programs. The Commissioners thanked Mayor Cardinale for meeting with them. Commissioner Boggs advised that POS funds had been cut significantly by the State. Councilman Brittingham stated that the town recently constructed a sidewalk on Flower Street that has made pedestrian travel safe on this heavily traveled roadway, and stated that the town plans to use any additional unrestricted grant funds to construct another sidewalk on the opposite side of the street. He asked the Commissioners to consider supporting this important project.

The Commissioners met with Snow Hill Mayor Stephen R. Mathews, Council member Eric Mullins and Town Manager Kelly Brewington to discuss the town's grant requests for FY08/09. Mayor Mathews thanked the Commissioners for their previous assistance through the County Grant Program and invited them to join the town for a parade on May 2, 2008 to honor the Snow Hill boys basketball team for winning the 2008 Maryland Class 1A State Basketball Championship. He stated that the town is striving to accomplish the goals and objectives of its

2003 Strategic Plan by working to upgrade the inflow and infiltration (I&I) system associated with the Snow Hill Wastewater Treatment Plant, attracting new business and boosting tourism in the area. He advised that the town was seeking assistance for the following items: non-categorized grants totaling \$2,627,908, which includes the aforementioned inflow and infiltration project to remove stormwater from the wastewater collection system in the amount of \$2,321,600; downtown beautification in the amount of \$15,000; permanent generators in the amount of \$60,000; a bandstand at Byrd Park in the amount of \$186,108; police protection in the amount of \$15,000 and police tasers in the amount of \$5,200; wall restoration at Sturgis Park in the amount of \$7,000; and a street grant in the amount of \$18,000. Mayor Mathews stated that they had applied for grants for the I&I project but were not successful. He explained that they plan to apply again. The Commissioners thanked the representatives from Snow Hill for meeting with them.

The Commissioners met with Pocomoke Mayor Michael McDermott, City Council member Robert Hawkins and Town Manager Russell Blake to discuss the city's grant requests for FY08/09. Mayor McDermott thanked the Commissioners for their past support and stated that he hoped Pocomoke would continue to receive certain pass-through and other funds from the county including a share of the state supplemental police aid grant; the financial corporation tax loss payment; street improvement grants; liquor license fees; 50% of the Pocomoke Dispensary profits; a 15% credit against tipping fees for recycling; non-categorical grant assistance of \$350,000 or more, ambulance service support; and other miscellaneous revenues. He asked the Commissioners to consider recalculating the standard formula for ambulance service to account for the rising cost of fuel and the distance from Pocomoke to the nearest hospital facility. He further requested funding for special projects as follows: \$75,000 to cover 50% of the cost of a new ambulance; \$25,000 for the third year of a three-year project to assist Berlin and Pocomoke to retain the services of the Downtown Main Street Coordinator, Michael Day; \$500,000 for acquisition of two vacant industrial parcels; \$300,000 to redevelop the Community Center building to be located in the former drug store space adjacent to the fire station; \$50,000 for a feasibility and use study for the historic fire house previously located on Fifth Street; \$200,000 for street improvements; \$550,000 for water and sewer system improvements in several neighborhoods; \$100,000 for Phase II of the Armory Renovations; \$120,000 for the Public Works Department to hire a contractor to clean water lines in one area of town and to purchase a used bucket truck; \$20,000 additional operating expenses for the Pocomoke Fair; \$20,000 for a new tent; \$50,000 for storm drainage pipes; \$83,500 to retire loans and hire a new theater manager at the MarVa Theater; and continued support of the Discovery Center project. After some discussion, the Commissioners thanked the representatives from Pocomoke for meeting with them.

The Commissioners met with Ocean Pines Association (OPA) General Manager Tomas J. Olson and Board President Bill Zawacki to discuss the OPA's grant request for FY08/09. Mr. Olson thanked the Commissioners for their pass through grants to support the volunteer fire and ambulance company in Ocean Pines. He advised the Commissioners that the OPA provides enhanced service to its 12,000 full-time residents, which accounts for almost 19% of the County's total assessed value. He stated that the OPA's 2008-2009 operating budget for the Police Department is \$1.4 million. He asked the Commissioners to provide them with a grant of at least \$400,000, which is equal to 30% of the OPA's operating costs for police services. He

stated that in 2006 the Ocean Pines Police Department assisted the Worcester County Sheriff's Office in 68 cases, and that number grew by 23% to 88 cases in 2007. The Commissioners thanked the representatives from Ocean Pines for meeting with them.

Commissioner Shockley advised those in attendance that yesterday was the last day of the Maryland General Assembly's legislative session for 2008, and although the Commissioners sent a letter to Senate President Thomas V. Mike Miller, Jr. requesting the Senate take action on House Bill 1008 Worcester County - Slot Machines for Nonprofit Organizations prior to its close, the Senate chose to take no action on the bill.

The Commissioners answered questions from the press, after which they adjourned for lunch with representatives from the towns of Berlin, Snow Hill and Pocomoke and Ocean Pines.

After lunch, the Commissioners reconvened in open session.

The Commissioners met with Budget Officer Kathy Whited and David A. Schofield, Assistant Chief of the Mosquito Control Section of the Maryland Department of Agriculture, to review and discuss the proposed Mosquito Control Budget and Resolution for FY09. Ms. Whited reviewed the \$519,500 budget and changes in the funding formula as follows: 45% State share of \$237,780; 25% County share of \$183,340, an increase of \$13,140; and 30% local share of \$98,380. She also requested the Commissioners update Resolution No. 02-13 formalizing existing adult mosquito control procedures in Worcester County, Maryland to reflect the recent change in the cost share percentages. In response to a question from Commissioner Boggs, Mr. Schofield stated that the proposed budget increased due to rising costs and a growing demand for the program. He stated that due to State budget cuts, MDA could not absorb these increases and therefore required either the County or the local neighborhood groups who benefit from the program to cover this cost. In response to a question by Commissioner Shockley, Mr. Schofield stated that the funds from last year's budget were primarily used to kill mosquitos living in salt marsh habitats, which can fly 15 to 20 miles and can carry disease. Mr. Schofield explained that these mosquitoes were unaffected by the drought conditions. He reviewed the mosquito monitoring process and stated that each area is monitored on a weekly basis and sprayed once the threshold number is reached. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the proposed budget. Upon a second motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 08-5 amending adult mosquito control procedures in Worcester County, Maryland to reflect a 45% cost share from the state, 25% cost share from the County and 30% cost share from participating communities.

The Commissioners met with Comprehensive Planning Director Sandy Coyman to discuss whether to accept a proposal from Davis, Bowen & Friedel, Inc. for the Sea Level Rise Local Response Study, which was delivered to the Comprehensive Planning Office at 2:40 p.m. on Friday, March 28, 2008 prior to the 4:00 p.m. deadline, but not in the County Commissioners Office where proposals were required to be submitted. Commissioner Cowger stated that the Request for Proposals (RFP) clearly stated that sealed proposals were to be delivered to the

Office of the County Commissioners in Room 1103 and, therefore, should not be accepted. Following some discussion and upon a motion by Commissioner Cowger, the Commissioners unanimously rejected the late bid. Mr. Coyman stated that staff would review the other five proposals and provide the Commissioners with their recommendation in the near future.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign Addendum #3 to the Terms of the Memorandum of Understanding (MOU) between the Maryland Department of the Environment (MDE) and Worcester County for the Assawoman Bay Watershed Restoration Action Strategy (WRAS) FFY2005 Incremental Grant to transfer \$9,407 from salaries, fringe, travel, supplies, and other/training to contractual services to hire the Town of Ocean City to design and print a "How-to Manual for Homeowners Rain Gardens." Commissioner Gulyas requested to see the manual before it is printed.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Shockley to sign a Rural Legacy Agreement of Sale between Betty A. Daugherty and Wilson K. Payne, Jr. (Sellers), and Worcester County Commissioners (Buyer), for the purchase of a Rural Legacy conservation easement on a 40.432-acre property on the northwest side of Dukes Road in Girdletree at a cost of \$80,864.00 using FY06 State Rural Legacy Program grant funds.

Public Works Director John Tustin presented the Commissioners with the Maryland Recycling Act (MRA) Tonnage Reporting Survey, Form A - County Solid Waste Accounting Form for 2007, which shows an increase in recycling in 2007 to 34.07% from 32.5% in 2006. Mr. Tustin stated the recycling of chicken manure has increased to 21,300 tons, and other increases include cardboard, plastic, and newspaper. Recycling Coordinator Ron Taylor stated that the County had already generated \$85,000 in revenue this year from the sale of recyclable materials. Commissioner Shockley thanked Mr. Tustin and Mr. Taylor for their good work.

The Commissioners met with Mr. Tustin to discuss the proposed replacement of the Mystic Harbour Wastewater Treatment Plant (MHWWTTP). Mr. Tustin stated that in response to the Commissioners' request during their March 18, 2008 meeting, he and Deputy Director John Ross had looked into the possibility of acquiring Parcel 361 on Tax Map 26, which is located directly across MD Rt. 611 from the existing Mystic Harbour facilities, as the site of the new plant. They found that to do so would increase costs by \$155,000 to run 2,500 linear feet of piping for the force main from the existing Mystic Pump Station A across MD Rt. 611, \$120,000 to acquire 600 linear feet of access road and additional funds to purchase the property. He, therefore, concluded that it would be more cost effective to build the new facility on the existing County-owned site within close proximity to the original plant which could continue to operate while the new plant is constructed. Mr. Tustin reminded everyone the discharge method using the existing injection wells was not proposed to be changed. In response to a question by Commissioner Church, Mr. Tustin stated that it could take up to 2 years to acquire the permits needed to build the new MHWWTTP on Parcel 361. He also advised that the Water and Sewer Advisory Council for the Mystic Harbour Service Area favorably recommended the proposal to

build a new facility on the existing site. In response to a question by Commissioner Shockley, Mr. Tustin stated that the plant could be designed for a capacity of 450,000 gallons per day (GPD), which would generate at least an additional 400 equivalent dwelling units (EDUs) which could be sold to help recoup a portion of the cost of building the new plant, which would reduce the impact on existing ratepayers. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized staff move forward with plans to replace the existing MHWWTWP on the current site.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff to design plans for the new MHWWTWP with a capacity of 450,000 gpd, which would generate at least an additional 400 EDUs which could then be sold to generate \$3 to \$5 million to offset the plant cost and reduce the annual EDU charge to between \$150 and \$170 per customer.

Mr. Tustin met with the Commissioners to review the proposed scope of work and cost proposal for preliminary design of the MHWWTWP. Mr. Tustin stated that the cost proposal provides an estimate of \$173,113 from Johnson, Mirmiran & Thompson (JMT) of Sparks, Maryland for this work. Mr. Tustin stated that funds are available in system reserves for this work; however, the funds must be repaid once bond funding becomes available and a reimbursement resolution will be necessary to ensure payment of these costs from the bond funds. In response to a question by Commissioner Gulyas, Mr. Tustin stated that engineering documents for the construction of the MHWWTWP could be completed and ready for bidding by early 2009. Following some discussion, the Commissioners approved the scope of work for professional services from JMT as presented.

Chief Administrative Officer Gerald T. Mason informed those in attendance that Commissioner Busick was being recognized by Governor Martin O'Malley with the 2008 Governor's Volunteerism Award on April 22, 2008 for having served the State on the Maryland Commission for Women, Maryland's Women's Heritage Center and Community Outreach, which includes her work with the Domestic Violence Coalition.

Mr. Mason stated that a group of citizens has requested to meet with the Commissioners seeking support for the proposed Berlin Performing Arts Center. Commissioner Shockley stated that since it was a budget request, it should be discussed at a Budget Work Session.

In response to concerns raised by Commissioner Shockley and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to request that the State conduct a public information meeting on pending Water Appropriation Permits, as Commissioner Shockley was concerned that these large production wells may adversely impact residential wells in the vicinity as was the case last summer in the Eden area of Wicomico County.

Following a motion by Commissioner Boggs, seconded by Commissioner Busick, the Commissioners unanimously voted to meet in closed session at 2:20 p.m. in the Commissioners' Conference Room 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; and Bob

Mitchell, Director of Environmental Programs. Topics discussed and actions taken included: performing executive actions and consulting with counsel to obtain legal advice.

The board adjourned to meet again on April 22, 2008.