

Minutes of the County Commissioners of Worcester County, Maryland

September 16, 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 Gulyas, 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; and George Bradley, Director of Human Resources. Topics discussed and actions taken included: hiring Lamont Smith and Roland Hutchinson as Correctional Officers within the County Jail; 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 September 2, 2008 meeting, as presented.

The Commissioners presented a proclamation recognizing September 17 - 23, 2008 as Constitution Week to Kathy Muncy, chair of Constitution Week for the Daughters of the American Revolution, and encouraged residents to remember those who sacrificed their lives to establish the freedoms guaranteed to us by the Constitution of the United States of America.

Pursuant to the recommendation 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 Human Resources (DHR) Community Services Administration Office of Transitional Services Standard Contract Modification Form, awarding the Emergency Food Assistance Program funding of \$6,000 from October 1, 2008 through September 30, 2011.

At the request of Assistant Chief Administrative Officer Kelly Shannahan and

recommendation of Robert Doory, Bond Counsel with Miles & Stockbridge, P.C., and upon a motion by Commissioner Purnell, the Commissioners unanimously approved Resolution No. 08-26, constituting an "official intent resolution" for the purpose of reimbursing expenditures paid prior to the issuance and sale by the County Commissioners of Worcester County, Maryland of one or more series of its General Obligation Bonds in an amount not to exceed \$15,000,000 for the purpose of financing construction and improvements to the Berlin Senior Center, a Newark Spray Irrigation System (to serve the Worcester Technical High School) and the Mystic Harbour Wastewater Treatment Plant.

Pursuant to the request of Finance Officer Harold Higgins and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and declared New World Systems to be the sole source for the purchase of financial software, including general ledger, payroll and budget modules, at a cost of \$369,500.

The Commissioners met with Kathy Whited, Budget Officer, to review the requested 10-year Capital Improvement Plan (CIP) FY2010 - FY2019. Ms. Whited advised the Commissioners that projects totaling \$335,084,083 are proposed over the 10-year period. Of the proposed projects, \$13,702,142 or 4.0% is proposed to come from the General Fund and \$193,580,814 or 57.7% from Bond funds. The remaining portion would come from user fees, grant funds, state match funds, state loans or enterprise fund bonds. Ms. Whited stated that the Commissioners might want to consider pushing some of the projects back due to concerns regarding the availability of State funding and other economic concerns. The Commissioners concurred and directed staff to cull down the list of proposed projects within the CIP. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing for November 18, 2008 to receive public comment on the proposed CIP.

The Commissioners reviewed a memo from Library Director Mark Thomas advising that the library has received grant funds from the Eastern Shore Regional Library (ESRL) to lease approximately 2,000 square feet of space in the building currently occupied by the Health Department for Prevention Services. In his memo, Mr. Thomas advised that the space would be used to house Technical Services staff, Community Service Coordinator, Youth Services Manager, and the County Information Technology employee assigned to the Library, and remaining space would be used as storage. The Commissioners advised that County funding would not be available for this purpose if the grant expires in the future.

The Commissioners reviewed a letter from Okey I. Odinammadu, Accounting Operations Division Manager for the State Highway Administration's (SHA) Office of Finance, advising that the SHA had revised its estimate of FY09 Highway User Revenues. Worcester County will receive \$301,000 less than budgeted for FY09. Public Works Director John Tustin advised that the shortfall was due primarily to reduced gas taxes based on titling fees, gas uses, etc. He stated that Public Works would defer capital equipment purchases rather than postpone the paving of County roads to defray this reduction in funding. The Commissioners concurred.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission

President Shockley to sign Addendum #1 to the Terms of the Memorandum of Understanding Between the Maryland Department of the Environment (MDE) and Worcester County to provide a no cost extension to the duration of the MOU from September 30, 2008 to September 30, 2009. In response to a question by Commissioner Shockley, Mr. Coyman stated that the extension is needed due to the EPA's delay in developing standards. He stated that he felt confident that the work on this project could be completed by September 30, 2009.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for the purchase of one off road dump truck to be utilized by the Solid Waste Division of Public Works.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for the purchase of one hydraulic crawler excavator to be utilized by the Solid Waste Division of Public Works.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously accepted the proposal from EA Engineering of Ocean Pines, Maryland, in the amount of \$95,801.70 to provide engineering design services for the Berlin Rubble Fill Closure project. In response to a question by Commissioner Gulyas, Mr. Tustin stated that funds were approved in the FY09 Operating budget to cover the cost of design plans. He advised that staff had applied to the Maryland Department of the Environment (MDE) for \$4.2 million for this project, though MDE had ranked the project a low priority. Mr. Tustin concluded that once funding becomes available, the project could move forward.

In a related matter, Commissioner Church praised the efforts of attendants at the Berlin Transfer Station for their ongoing professional and courteous treatment of area residents. Commissioner Cowger recognized those working at the Pocomoke Transfer Station for also providing outstanding service.

The Commissioners met with Environmental Programs Director Bob Mitchell to review and discuss an application for a Shared Sanitary Facility serving lots owned by Taylorville Center, LLC and Donald L. and Mabel L. Rogers as shown on Worcester County Tax Map 21, Parcels 107 and 205 for a well to serve the two properties. Mr. Mitchell reviewed the proposed Shared Facility Agreement, stating that the proposed expansion would be desirable for the comfort, convenience, health, safety and welfare of the people who will be served by the proposed shared facility; the operation and construction is feasible from both the engineering and economic standpoints; the proposal is in the best interest of the public health, safety and welfare of area residents; the proposal will not be unduly detrimental to the environment of the County; and the design and operation of the facility was completed according to State and County guidelines. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 08-27 establishing a Shared Sanitary Facility serving lots owned by Taylorville Center, LLC and Donald L. and Mabel L. Rogers as shown on Worcester County Tax Map 21, Parcels 107 and 205.

The Commissioners met with Mr. Mitchell to review and discuss an application for a

Shared Sanitary Facility serving lots owned by Larry G. and Rebecca C. Shockley, Trustees (The A-1 Mini Storage Property) and Ornelda C. Carey as shown on Worcester County Tax Map 63, Parcel 186 (Lot 1) and Parcel 1, allowing A-1 Mini Storage, LLC to connect their sanitary facilities to their neighbor's system. Mr. Mitchell reviewed the proposed Shared Facility Agreement, stating that the proposed expansion would be desirable for the comfort, convenience, health, safety and welfare of the people who will be served by the proposed shared facility; the operation and construction is feasible from both the engineering and economic standpoints; the proposal is in the best interest of the public health, safety and welfare of area residents; the proposal will not be unduly detrimental to the environment of the County; and the design and operation of the facility was completed according to State and County guidelines. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 08-28 establishing a Shared Sanitary Facility serving lots owned by Larry G. and Rebecca C. Shockley, Trustees (The A-1 Mini Storage Property) and Ornelda C. Carey as shown on Worcester County Tax Map 63, Parcel 186 (Lot 1) and Parcel 1.

The Commissioners met with Edward A. Tudor, Director of Development Review & Permitting (DRP), to review the Planning Commission's recommendations regarding the 30% design drawings for the proposed Homeowner's Drop-Off Facility in Bishopville as well as the memorandum indicating the Commissioners' intention to exempt the project from the terms of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland. Mr. Tudor advised that the Planning Commission had no objections to the declaration of the proposal as a County project, but had three comments with regard to the site plan as follows: heavy landscaping or a landscape screen was recommended to be provided to the exterior side of the proposed chainlink fence along the east, west and southerly property lines in order to screen the site from U.S. Rt. 113 (Worcester Highway), MD Rt. 367 (Bishopville Road) and the adjoining residence; the proposed and existing lighting should be provided on site for safety and security measures; and though a chainlink fence will be erected, loose trash would still have the potential to blow away and it should be reiterated that it is the responsibility of the attendants to clean it up. Mr. Tustin agreed to comply with the Planning Commission's recommendations. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 08-29, exempting the Homeowner Drop-off Facility in Bishopville as a County Project Under the Worcester County Zoning Ordinance.

In response to a request by Mr. Tustin and upon a motion by Commissioner Busick, the Commissioners unanimously agreed to discontinue the use of the current recycling containers in Bishopville as of October 1, 2008 due to the heavy dumping of trash and general misuse of the existing recycling containers primarily by Delaware residents. Mr. Tustin explained that residents would be directed to use the recycling facilities in Whaleyville or Berlin.

In light of pending State cuts as well as the general state of the economy, Chief Administrative Officer Gerald T. Mason suggested that it would be prudent for the Commissioners to entertain the following: an immediate hiring freeze for all but public safety personnel, which includes Sheriff's Deputies, Correctional Officers, and Emergency Services

personnel; and directing all departments and agencies to set aside 2% within their current FY09 budgets in preparation for possible State cuts following next year's General Assembly Session. He advised that the State is likely to consider transferring responsibility for Other Post Employment Benefits (OPEB) for the Health Department employees and teacher retirement, which would cost the County many millions of dollars in additional expenses annually. He advised that implementing the two proposed steps would allow the County to slow down its growth and prepare for pending State budget cuts.

Commissioner Boggs agreed that instituting the proposed hiring freeze would be a prudent first step for the County, but that the Commissioners should be willing to replace key staff in the event that they retire or leave County employment. Mr. Mason assured the Commissioners that such instances could be reviewed on a case by case basis. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously implemented an immediate hiring freeze for all but public safety personnel.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to have each County department and agency, including the Board of Education, Health Department and Library, set aside 2% of their entire budget in anticipation of future State budget cuts. The situation will be reviewed at the end of April 2009.

Commissioner Gulyas recommended the Commissioners temporarily suspend all out-of-state travel except when that travel was needed to maintain certification or complete vital training. Commissioner Cowger stated that such a cut should extend to the Commissioners as well. Commissioner Boggs stated that travel is a very small percentage of the departments' budgets, and the Commissioners should allow department heads to review their budgets as a whole and determine whether to cut travel or other expenses to arrive at the required 2% budget reduction. Commissioner Busick stated that it would be more prudent to require the departments and agencies to cut 2% from their budgets along with out-of-state travel. Following some discussion and upon a motion by Commissioner Church, the Commissioners voted unanimously to suspend out-of-state travel until further notice.

Commissioner Cowger stated that the Commissioners should look at the County's overall operations and consider making additional cuts in the near future. Commissioner Gulyas concurred, stating that the Commissioners were not willing to entertain the notion of increasing taxes to recoup reductions in State funding and flat assessments. Commissioner Boggs stated that the steps taken by the Commissioners send a clear message to the community that the County is committed to immediate as well as long-term fiscal responsibility.

The Commissioners recessed until 11:00 a.m.

Commissioner Boggs was temporarily absent from the meeting.

The Commissioners met with County Attorney Sonny Bloxom to review the draft Worcester County Newark Sanitary Service Area (NSSA) Sewage Collection and Treatment Agreement between the County Commissioners of Worcester County, Maryland in its capacity as the governing body of the NSSA and the Board of Education (Customer) for the collection and treatment of sewage from the Worcester Technology High School. Upon a motion by Commissioner Purnell, the Commissioners voted 6-0, with Commissioner Boggs temporarily

absent, to approve the agreement as presented.

Commissioner Boggs returned to the meeting.

The Commissioners met in Legislative Session.

The Commissioners conducted a public hearing on proposed Bill 08-7 (Building Regulations - Electrical Standards), which was introduced by Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley on August 19, 2008. Mr. Tudor reviewed the proposed bill, which would amend the Building Regulations Article to modify the definition of "Electrician General" as a person authorized by license to engage only in single phase residential house wiring of four hundred amperes or less, limited to a structure containing no more than four single family units, and commercial wiring limited to the installation of single phase circuits of one hundred amperes or less in an existing commercial structure; and an "Electrician General" may work on single phase-circuits in agricultural structures.

Commissioner Shockley opened the floor to receive public comment.

Kenneth Lambertson, Chair of the Worcester County Board of Electrical Examiners, stated that the Board recommended redefining "Electrician General" to address safety concerns resulting from the increase in size and complexity of residential wiring, particularly as some of today's homes are now equipped with wiring for items such as elevators, commercial kitchens, generators and services over 400 amps, which in the past had been limited to commercial structures. He supported the proposed bill, but requested the following change: an Electrician General may work on two single phase-circuits of 400 amps each in agricultural structures. In response to a question by Commissioner Busick, Mr. Lambertson stated that Talbot, Harford and other counties on the Western Shore have already limited General Electrician's work to 400 amps or less, while Somerset and Wicomico Counties' regulations mirror Worcester County's existing regulations. In response to a question by Commissioner Boggs, Mr. Lambertson advised that a general electrician in private practice for himself could hire a Master Electrician to work for him, thereby training with him, for seven years to earn his Master Electrician Certification.

Scott Terry, of West Ocean City and a General Electrician with 10 years experience, strongly opposed the proposed bill, stating that all electricians work from the same electrical standards book. He stated that the only change that would be accomplished by passing this bill would be to take work that had once belonged to General Electricians and giving it to Master Electricians. He stated that if the Electrical Board is truly interested in improving safety, they should increase the training requirements for Electrician General rather than limiting their scope of work. In response to a question by Commissioner Gulyas, Mr. Terry stated that the training requirements to become an Electrician General should be increased from two years to a minimum of three to four years. In response to a question by Commissioner Cowger, Mr. Terry stated that the proposed legislation would compromise his ability to earn a living.

Jerry Welch, of Salisbury and a General Electrician with 45 years of experience, stated that part of his job is to adapt to changing technology and stated that Master Electricians and General Electricians are equally capable of completing intricate work. He requested the Commissioners oppose the bill.

Norm Gambrill, of Salisbury and a General Electrician with 30 years of experience, stated that experienced General Electricians like himself have paid their dues and can handle any

job placed before them. He stated that the proposed bill is demeaning and unnecessary. In response to a question by Commissioner Cowger, Mr. Gambrill stated that he had not pursued certification as a Master Electrician because the only benefit to doing so would be to secure larger projects, which typically have bonding requirements that he could not meet.

Dan Duvall, of Bishopville and an electrician with 12 years of experience, opposed the proposed bill.

Greg Turner, a general contractor residing in Ocean Pines, stated that the bill was developed by individuals with too much time on their hands who had effectively devised a strategy to open up a new source of revenue for themselves by closing the doors of opportunity on those who are certified as General Electricians. He asked the Commissioners to oppose the legislation. In response to a question by Commissioner Gulyas, Mr. Turner stated that Master Electricians typically send employees working under them to complete commercial wiring jobs. In response to a question by Commissioner Church, Mr. Lambertson stated that there have been no reported problems involving work completed by General Electricians since 1977; however, the new legislation was proposed to head off potential safety problems that could develop due to the increased amperes being placed in residential housing.

Jeff Novack, of Ocean Pines and a member of the Electrical Board, stated that the law should be amended due to the increasing demand for commercial products, generators and increased wiring requirements for chicken houses.

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

Commissioner Shockley stated that the issue was too technical to be decided by the Commissioners today. Commissioner Gulyas concurred. Commissioner Boggs recommended deferring further discussion on the bill until the Electrical Board and General Electricians could meet to resolve their concerns. Commissioners Gulyas and Shockley proposed taking no action on the bill and developing new legislation that more closely reflects the concerns addressed by the General Electricians. Following much discussion and upon a motion by Commissioner Boggs, the Commissioners voted 5-2, with Commissioners Gulyas and Shockley voting in opposition, to table the issue to allow the two parties to meet and discuss their concerns.

Commissioner Shockley closed the legislative session.

The Commissioners answered questions from the press, after which they adjourned to tour the new Worcester Technical High School and meet for lunch with the Board of Education (BOE).

The Commissioners met with BOE President Garry Mumford, Vice President Bob Hulburd, and members Jonathan Cook, J. Douglas Dryden, Bob Rothermel, Donnie Shockley and Sara Thompson, Superintendent of Schools Dr. Jon Andes and various BOE staff to discuss school construction projects. Commissioner Shockley updated the BOE on some recent events affecting the County. He stated that the Commissioners had just been informed that the State Highway Administration had revised its estimate of Highway User Revenues, which will result in Worcester County receiving \$301,000 less than the amount originally budgeted for FY09, and the State has immediate plans to cut an additional \$432 million from this year's budget. He informed the BOE that the Commissioners have taken several

proactive steps to help buffer the County from the affects of the pending state cuts as well as reduced tax revenues. He advised that the Commissioners enacted an immediate hiring freeze for non public safety personnel, suspended all non essential out-of-state travel for County employees, and are requesting that all County departments and agencies, including the Board of Education, Health Department, Library and others, set aside 2% of their total 2008/2009 operating budgets to meet the cuts that are expected to be passed down to the County from the State, with the Commissioners to review the situation at the close of the General Assembly Session at the end of April 2009. Commissioner Shockley stated that the Commissioners remain committed to providing needed services, including education, but in the face of decreasing revenues they may be tasked with making some very difficult funding choices in the immediate future. He concluded that the Commissioners plan to push back several projects included in the proposed \$326 million Capital Improvement Plan (CIP).

Dr. Andes advised that the Worcester Technical High School project is nearing completion, and classes are scheduled to begin at the new facility in October 2008. It was further noted that renovations and additions to Pocomoke High School (PHS) are underway, and renovations and additions to Snow Hill High School are scheduled to proceed in FY2012/2013 once the PHS project is complete. Following some discussion, Commissioner Shockley thanked the BOE members and Dr. Andes for meeting with them.

The Commissioners adjourned to meet again on October 7, 2008.