

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

December 2, 2008

Virgil L. Shockley, outgoing President  
Louise L. Gulyas, outgoing Vice President and incoming President  
Judith O. Boggs  
Linda C. Busick  
James C. Church, incoming Vice President  
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), (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, Public Works Director; John Ross, Public Works Deputy Director; Bob Mitchell, Environmental Programs Director; Sandy Coyman, Comprehensive Planning Director; Phil Thompson, Assistant Finance Officer; and Jennifer Savage, Enterprise Funds Controller. Topics discussed and actions taken included: transferring Curtis Dickerson to Maintenance Worker II and promoting Kurt Cramer to Plant Operator Trainee within the Water and Wastewater Division of Public Works; appointing Helen Heneghan to the Commission on Aging Board; appointing Mike Diffendal and reappointing Joe Green to the Board of Zoning Appeals, and appointing Kathy Muncy and reappointing Rita Lawson to the Commission for Women; considering 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 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 November 18, 2008 meeting, as presented.

The Commissioners presented a commendation to the Pocomoke High School Boy's Soccer Team, the Warriors, including coach Alan Byrd, his assistant coaches and all team members, recognizing their hard work and dedication in attaining the Maryland Class 1A Championship Soccer Title for the fourth consecutive year.

The Commissioners presented a commendation to the Pocomoke High School Girl's

Field Hockey Team, including Head Coach Susan Pusey, her assistant coaches and all team members, recognizing their hard work and dedication in attaining the Maryland Class 1A Championship Field Hockey Title for the sixth consecutive year.

The Commissioners presented longevity bonuses to forty-nine County employees with at least 20 years of service, thirty-seven County employees with at least 25 years of service, nine employees with at least 30 years of service and five employees with 35 or more years of service. Human Resources Director George Bradley advised that these employees collectively represent 2,370 years of service to the County. Commissioner Gulyas thanked these employees for their dedicated service to Worcester County.

Commissioner Shockley announced minor amendments to the meeting agenda.

The Commissioners discussed the election of officers for 2009. Upon a nomination by Commissioner Church, the Commissioners voted 6-1, with Commissioner Boggs voting in opposition, to elect Commissioner Louise L. Gulyas as President of the Board of County Commissioners. Upon a motion by Commissioner Cowger, the Commissioners voted 6-1, with Commissioner Boggs in opposition, to elect Commissioner James C. Church as Vice President of the Board of County Commissioners. Commissioner Boggs stated that while she has full confidence in their abilities to lead the Board, she voted in opposition because both Commissioners represent only one geographic area of the County. She stated that the President and Vice President should be geographical representatives of the entire County. Commissioner Cowger disagreed, stating that both Commissioners Gulyas and Church have been very supportive of the needs of the south end of the County and congratulated them on their election. Commissioner Busick congratulated them as well, stating that though the Commissioners are elected by district they serve all of Worcester County as a whole. Commissioner Purnell thanked outgoing President Virgil L. Shockley for leading the Board in tight financial times and stated that he looked forward to working with President Gulyas and Vice President Church as they assume positions of leadership.

Pursuant to the recommendation of Finance Officer Harold Higgins at the requests of Roy Figgs, President of the Pocomoke City Chamber of Commerce, and upon a motion by Commissioner Shockley, the Commissioners unanimously passed Resolution No. 08-35, authorizing a 100% tax credit for real property owned by the Pocomoke City Chamber of Commerce for the July 1, 2008 tax year.

Pursuant to the request of George King, Agency Procurement Officer with the Health Department, and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Gulyas to sign the annual lease agreement for the second floor of the Joan W. Jenkins Foundation Building located on the north side of US Rt. 50 in West Ocean City to be utilized by Worcester Addictions Cooperative Services (WACS) from July 1, 2008 to June 30, 2009 at a cost of \$3,716 per month to facilitate outpatient addict services.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the low bid for a

general housing rehabilitation project in Pocomoke to M3 Group LLC of Berlin, Maryland at a cost of \$17,417; and the low bid for a general rehabilitation project in the Snow Hill area to Mallard Home Improvements of Hebron, Maryland at a cost of \$18,600.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for general rehabilitation and lead hazard reduction work needed at a property in the Pocomoke area, using funds from the Lead Hazard Reduction Grant and Loan Program (LHRGLP), as well as the County's current Housing rehabilitation grant MD-08-CD-23.

The Commissioners met with Recreation and Parks Director Sharon DeMar Reilly and Parks Superintendent Bill Rodriguez to review bids for the purchase of a 72" front mounted mower to be used by Recreation and Parks to cut grass in County parks and recreational areas. Ms. Reilly reviewed the bids and recommended awarding the second lowest bid which met all specifications from Burke Equipment Co. of Salisbury, Maryland for Option 3 for a 36 horsepower Kubota mower at a cost of \$16,333.54 rather than the low bid which met all specifications from Burke for Option 2 for a 30 horsepower Kubota unit at a cost of \$15,760. Commissioner Shockley expressed concern with staff's recommendation not to go with the low bid that met all bid specifications, noting specifically that a 30 horsepower mower was more than adequate to meet the County's needs. In response to a question by Commissioner Shockley, Mr. Rodriguez stated that staff recommended the purchase of Option 3 rather than Option 2 due to the greater value of the unit for the marginal cost difference of \$573.54. Commissioner Cowger questioned whether the existing mowers were still operational and sufficient for the intended purpose and noted that due to the tight budget, staff should use and maintain existing equipment rather than buying new. In response to comments by Commissioner Cowger, Mr. Rodriguez stated that the model to be replaced has operated for well over 4,000 hours, but staff intentionally delayed purchasing a new unit until the grass cutting season had ended to get a better price on a new mower. Commissioner Boggs stated that departments had been asked to set aside 2% of their current budget to cover possible shortfalls, and she trusted them to be responsible in their decisions. A motion by Commissioner Boggs to award the bid from Burke Equipment Co. for Option 3 in the amount of \$16,333.54 as recommended failed for lack of a second. A motion by Commissioner Cowger to postpone the purchase of a new 72" front mounted mower until spring 2009 passed 5-2, with Commissioners Boggs and Church voting in opposition.

The Commissioners met with Public Works Director John Tustin regarding the rehabilitation of Pump Station No. 1 in West Ocean City. Mr. Tustin stated that on June 18, 2007 the County rejected the sole bid for the project in the amount of \$574,860 as it did not accurately represent the level of effort required to complete the work. He stated that since that time, the Water and Wastewater Division of Public Works has been securing smaller, local contractors to complete the work described in the original bid documents as well as adding some minor system enhancements in house. He concluded that by taking these steps staff members helped to complete the project at a total cost of only \$332,550, saving the County \$242,310. The Commissioners publicly thanked the following staff members for their outstanding efforts to save precious County resources: Service Area Supervisor Gary Serman, Construction Technician

Michael McCabe, and Electrician Michael Henderson. They also recognized consulting engineers Darl Kolar and Danny Yue of EA Engineering for helping the County reduce the cost of this project.

Kate Patton, Executive Director of the Lower Shore Land Trust (LSLT) updated the Commissioners on the efforts of the LSLT to protect forest and agricultural lands in Worcester County. Ms. Patton presented a PowerPoint presentation outlining the LSLT Board of Directors, mission, donated conservation easements, environmental benefits of conservation easements, events, outreach, partnerships, and other aspects of the LSLT. She advised that the LSLT had set a goal of protecting 15,000 acres of land on the Eastern Shore by 2010, and so far has helped to protect 14,625 acres of land as follows: 8,761.50 in Worcester County; 3,015 in Wicomico County; and 2,848.95 in Somerset County. In response to a question by Commissioner Busick, Ms. Patton stated that donated funds are used to preserve land in Somerset, Wicomico and Worcester Counties. She further stated that donated lands could be used for spray irrigation. Commissioner Boggs stated that she was impressed by the LSLT's progress. Following some discussion, the Commissioners thanked Ms. Patton for her presentation.

The Commissioners answered questions from the press and then adjourned to assist clients of the Worcester County Developmental Center in decorating the County Christmas Tree in the atrium of the Worcester County Government Center and afterward adjourned for lunch.

After lunch, the Commissioners reconvened in open session.

The Commissioners met with Dave Wilson, Executive Director of the Maryland Coastal Bays Program (MCBP), to review the topics for discussion at the next Maryland Coastal Bays Foundation Policy Committee meeting scheduled at the Roland E. Powell Convention Center in Ocean City on December 12, 2008 from 1:00-4:00 p.m. Mr. Wilson reviewed the topics for discussion as follows: Nutrient Reduction Strategy Plan (NRSP); Chincoteague Bay Trends update; Establishment of Newport-Chincoteague Land Conservation Target Area; Delmarva Atlantic Watershed Network update; and Diversity Advisory Committee proposal.

Mr. Wilson reviewed the NRSP recommendations. In response to a comment by Commissioner Shockley concerning Agricultural Recommendation No. 5 - study of impact of nutrients from confined animal feeding operations (CAFO) - that this issue is being addressed at the State level, Comprehensive Planning Director Sandy Coyman stated that these were local recommendations only and could be set aside if the State implements initiatives. In response to comments by Commissioner Shockley and Mr. Coyman, Mr. Wilson stated that Recommendation No. 5 could be revised to state that the County would cooperate with the State on any CAFO regulations. In response to a question by Commissioner Boggs regarding Septic Recommendations, Environmental Programs Director Bob Mitchell stated that Bay Restoration Funds would continue to be available to upgrade septic systems in the Area of Special Concern. Mr. Wilson agreed to include language in Septic Recommendation No. 1 that Worcester County should fully adopt and implement the Area of Special Concern Plan into the County Water and Sewerage Plan, "provided State funding is available for implementation." Commissioner Boggs opposed Stormwater Recommendation No. 3, which calls for the municipalities to develop a

utility fee to fund retrofits, storm drain cleaning, education, personnel for inspection, enforcement, and maintenance as well as equipment needs. Commissioner Gulyas concurred, stating that now is not the time to institute additional fees or taxes. The Commissioners concurred with proposed language to only encourage municipalities to consider such a program.

Mr. Wilson reviewed the proposal for establishment of a Diversity Advisory Committee of the MCBP. Mr. Mason questioned why the Chair of the committee was proposed to have a seat on the Policy Committee, which was originally established to consist only of the Federal, State, Local and Municipal elected/appointed officials in the Coastal Bays watershed. Mr. Wilson explained that the Policy Committee membership had grown to include the Chairs of other MCBP committees, including the Citizens Advisory Committee, Fundraising Committee, and Scientific and Technical Advisory Committee. Following much discussion, the Commissioners thanked Mr. Wilson for meeting with them.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor, DRP Natural Resources Administrator Chris McCabe and Environmental Programs Director Bob Mitchell to review staff's findings with regard to the potential for development of lots in the E-1 Estate zoning district. Mr. Mitchell presented a PowerPoint presentation outlining the number of remaining E-1 acres in the study area, which includes Public Landing, South Point, Assateague Road/Trappe Creek, Taylorville, Shingle Landing, St. Martins Neck/Piney Island and Muskrattown. Mr. Mitchell concluded that there are 1,417 existing E-1 developed or platted lots for development, with 908 lots located in the Critical Area and 509 lots outside. He stated that there are 70 E-1 lots in the Critical Area with another 643 E-1 lots outside of the critical area that could potentially be developed. In conclusion, Mr. Tudor stated that there has been much discussion concerning the alleged potential for rampant development of the remaining E-1 parcels in the County, which staff believes to be unfounded. He advised that the presentation provides a snapshot of the existing E-1 parcels in the County and projects their true development potential. The Commissioners thanked staff for the report.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for portalet service for a period of two years at the boat landings, solid waste sites, firing range and recreational parks.

Mr. Tustin updated the Commissioners on the recent project and cost overruns to construct shoreline stabilization and bio-retention at the Public Landing Marina. Mr. Tustin stated that the project was completed by Ray Nornes, Inc. of Berlin, Maryland. He advised that the original contract amount was \$411,000, but had increased to \$9,998.75 due to cost overruns that were approved by the Maryland Department of Natural Resources (DNR) for completion of the timber boardwalk, lighting, shoreline stabilization, bio-retention, swale utilities and landscaping. He further advised that all cost overruns would be paid with State Waterway Improvement Funds at no cost to the County. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Gulyas to sign the Change Order as presented.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the

Commissioners unanimously agreed to hold the next E-Cycle (Electronics Recycling) and Household Hazardous Waste Collection Day on April 25, 2009 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 program.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to schedule the annual Citizen Scrap Tire Drop-Off Day on May 9, 2009 at the Worcester County Central Landfill. County residents will be able to drop off up to 10 tires each between the hours of 9:00 a.m. and 2:00 p.m. This event is not open to any area businesses or for commercial tires.

The board adjourned to meet again on December 16, 2008.