

Minutes of the County Commissioners of Worcester County, Maryland

January 6, 2009

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

Following a motion by Commissioner Boggs, seconded by Commissioner Shockley, with Commissioner Purnell temporarily absent, 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; and Jerry Redden, Director of Economic Development. Topics discussed and actions taken included: reappointing John Glorioso to the Housing Review Board, Sandra Frazier to the Agricultural Preservation Advisory Board, William Breedlove and Hank Westfall to the Solid Waste Advisory Committee, and Chris Smack to the Water and Sewer Advisory Council for the West Ocean City Service Area; appointing Kay Cardinale and Jennie F. Owen to the Commission for Women, and appointing Emily Cieri, Rachel Thompson, Mike Guerrieri, Brett Oliver and Andrew VanBruggen to the Youth Council for Worcester County; 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 Gulyas called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their December 16, 2008 meeting, as amended.

The Commissioners presented a proclamation recognizing January as National Mentoring Month to Robin Neely of the Maryland Mentoring Partnership's Eastern Shore Satellite Office. During the presentation, the Commissioners invited representatives from area mentoring groups, including the Health Department, Americorps in association with the Local Management Board, Big Brothers/Big Sisters, Salisbury's Promise and Junior Achievement to join them and area students as they acknowledged the positive impact mentors make on the lives of area youth.

Worcester County Recreation and Parks (WCRP) Director Sharon DeMar Reilly and Program Manager Steve Miller joined with the Commissioners to present 10 area youth athletes with 2008 SportingKid Sportsmanship Awards. Award recipients were as follows: Worcester County Recreation Winter Youth Basketball League player Gionni Murph, Indoor Youth Soccer League players Shannon Mowbray and James Hillyer, Girls Softball players Skylar Nock and Ashley Ross, Fall Youth Basketball League players Decklan Fischer and Kayla Purnell, Outdoor Youth Soccer League players Julian Meza-Shockley and Kelsey Bassett, and Pocomoke Little League player Noah King. Ms. Reilly stated that these players have been honored for their sportsmanship-like attitudes, which include helping teammates succeed, congratulating opposing team members on a good play, thanking officials and displaying respect toward their coaches. She further advised that the SportingKid Sportsmanship Award program, which is sponsored by the National Alliance for Youth Sports (NAYS), and in partnership with www.trophy.com, was designed to recognize young athletes like these children who demonstrate continuous sportsmanship during athletic competitions. She further stated that all youth sports organizations in Worcester County were invited to participate in this first-year award program, which was facilitated through WCRP. Award winners were nominated by their coaches and selected by league directors for demonstrating the qualities associated with good sportsmanship.

The Commissioners held a public hearing to receive public comment on the proposed inclusion into the Inventory of Public Roads of Worcester County of the following public roads, all of which are located in the Tenth Tax District of Worcester County as shown on Worcester County Tax Map 33 as Parcels 159 and 281 and known as The Landings, Residential Planned Community (Bayside at Ocean City): Landings Boulevard being approximately 0.39 mile in length; Hidden Bay Drive being approximately 0.92 mile in length; Ocean Vista Drive being approximately 0.13 mile in length; Coastal Marsh Drive being approximately 0.46 mile in length; Wildlife Drive being approximately 0.03 mile in length; North Park Drive being approximately 0.10 mile in length; South Park Drive being approximately 0.11 mile in length; Bayscape Drive being approximately 0.06 mile in length; and Habitat Court being approximately 0.06 mile in length.

Commissioner Gulyas opened the floor to receive public comment.

Ellie Diegelman of Ocean City asked various questions regarding the process for accepting roads into the Inventory of County Roads. Commissioner Cowger explained that funds to maintain public roads in Worcester County come directly from road tax revenues rather than from the General Fund.

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

Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 09-1 amending the Inventory of Public Roads of Worcester County, Maryland to add Landings Boulevard; Hidden Bay Drive; Ocean Vista Drive; Coastal Marsh Drive; Wildlife Drive; North Park Drive; South Park Drive; Bayscape Drive; and Habitat Court.

Atlantic General Hospital (AGH) President and Chief Executive Officer Michael Franklin updated the Commissioners on the progress of the Atlantic Health Center expansion and renovation project, which is expected to be complete by May 20, 2009 as well as AGH's standing in the Health Services industry. Mr. Franklin presented a PowerPoint outlining the AGH/Health System Community Annual Report which included the following information: Emergency Room Visits, Admissions, Surgical Case Volumes, Financial Performance, Community Benefits and Economic Impact. He thanked the Commissioners for contributing \$250,000 to help with the expansion project, and reviewed future challenges facing the hospital, which include implementing the 16 new FY09 strategic plan projects, such as moving toward a fully integrated electronic medical records system. In response to a question by Commissioner Boggs, Mr. Franklin advised that the new comprehensive electronic medical system would cost approximately \$500,000 to purchase and install but would substantially improve patient care. He advised that currently this type of system is used by only 12% of office-based physicians. He further stated that this upgrade would equip health care providers with the information they need to protect their patients and provide enhanced care. He advised that one such benefit of the system will be to inform health providers of medications being taken by their patients to ensure that further prescriptions do not interact negatively with existing prescriptions. In response to a question by Commissioner Shockley regarding security issues associated with the electronic medical system, Mr. Franklin advised that AGH maintains its own firewall and will closely monitor all use of the new system. He advised that transaction records will identify those who access the files and the information they obtained during their searches to prevent misuse. In response to a question by Commissioner Gulyas, Mr. Franklin stated that AGH is in the process of developing an offsite computer data center as a part of its disaster plan. Following some discussion, the Commissioners thanked Mr. Franklin for his presentation.

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 housing rehabilitation and lead abatement work to be done at a property in the Pocomoke area to Thermal Exteriors, Inc. of Hebron, Maryland at a cost of \$29,970.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously approved bid specifications for general rehabilitation and lead risk reduction work to be performed on two single family homes in the Stockton and Snow Hill areas, using a combination of funds from the Community Development Block Grant program, State Special Loans Program and Lead Hazard Reduction Grant and Loan Program.

Pursuant to the request of Emergency Services Director Teresa Owens and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Gulyas to sign a Memorandum of Agreement from the Maryland Emergency Management Agency to accept a \$310,500 grant for the purpose of providing a structured and formal training program for the Maryland Eastern shore Interoperability Network. In response to a question by Commissioner Gulyas, Ms. Owens stated that the funding would serve all nine lower Eastern Shore Counties involved in the Interoperability Network.

The Commissioners met with Budget Officer Kathy Whited to review the revised Requested Ten-Year Capital Improvement Plan (CIP) for FY2010 through FY2019. For the benefit of those in the audience, Ms. Whited recalled that the Commissioners held a public hearing on the original requested CIP and the Board of Education's (BOE) CIP on November 18, 2008, at which time the Commissioners directed staff to amend the CIP to reflect the revised scheduling of projects. She stated that the plan before the Commissioners today had been revised to reflect the delay of certain County Government and Board of Education projects due to the uncertain economic outlook. Ms. Whited reviewed the revised plan, noting that the County's original CIP, which included projects totaling \$335,084,083 over the ten-year period, had been culled back by 47.4% to only \$176,296,935. She stated that projects are still listed in the CIP but some do not anticipate funding during this planning period. Furthermore, she explained that inclusion in the CIP does not guarantee funding. Following some discussion and upon a motion by Commissioner Busick, the Commissioners unanimously adopted Resolution No. 09-2 approving and adopting the revised Worcester County 10-Year Capital Improvement Plan - FY 2010 to FY 2019.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing on January 20, 2009 to receive comments on four applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY09 as follows: a property owned by Louis and Willard Outten and located at 3615 Johnson Road; a property owned by Laura and Walter Widgeon and located at 8613 Cedar Lane Road; a property owned by Howard Malone and located on Sand Road, west of Snow Hill; and a property owned by Joseph Holland and located on the north side of Jones Road, southeast of Pocomoke City.

The Commissioners met with Development Review and Permitting (DRP) Deputy Director Phyllis Wimbrow to review the Nuisance Abatement request for the property located at 13034 Riggan Ridge Road in West Ocean City and identified on Tax Map 22, Parcel 397, Block 8, Lot 5. Ms. Wimbrow explained that staff has dealt with this particular property for years, declaring it a public nuisance in 2002 and again in 2005. She further explained that despite these previous efforts to clean-up this property and ongoing correspondence from various staff members, the property has again returned to its previous condition, which consists of the accumulation of personal property, including various unlicensed and inoperable motor vehicles, recreational vehicles, boats and various other forms of personal property exceeding 100 square feet in area and being a detriment to property values in the area. Therefore, she recommended the Commissioners once again initiate the nuisance abatement process contained in the law to remedy the situation, stating that history has shown it to be the only effective means of handling the situation. Upon a motion by Commissioner Boggs, the Commissioners unanimously declared the property a public nuisance and ordered the abatement of such nuisance pursuant to Section PH 1-101(a)(3) and (4) of the County code.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Busick, the Commissioners unanimously authorized Commission

President Gulyas to sign the following two change orders, both of which are under separate contracts, as they relate to the waterline work in the Newark Service Area: Newark Water Tower Waterline Change Order No. 1 for a net increase of \$8,449.55 to reflect additional expenses for providing suitable fill material and removal, hauling and disposal of unsuitable materials and adjustment of the final quantities in the unit-price project due to the need to move a portion of the pipeline in the road; and Newark Water Tower Waterline - Developmental Center Waterline Change Order No. 1 for a net increase of \$7,398.48, which is similar to the first change order and includes supplying backfill material and final quantity adjustments.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the best value bid for the purchase of membrane bioreactor equipment for the proposed new Mystic Harbour Wastewater Treatment Plant (MHWWT) to G.E. Water and Process Technologies, Zenon Environmental Corporation, of Oakville, Ontario, Canada at a cost of \$1,298,018. Mr. Tustin advised that long-term project funding will be included in the total capital funding package for the MHWWT. He informed them that the County has a strong possibility of being awarded federal pass through funds by the Maryland Department of the Environment (MDE) to help cover a substantial portion of the cost of the project, as the federal government, under the leadership of incoming President Barack Obama is looking to award stimulus funds to “shovel-ready” projects getting underway no later than September 2009. He stated that today’s commitment to purchase the membrane equipment serves as the County’s final green light to move forward with the project.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for portalet service to Atlantic Pumping, Inc. of Ocean City, Maryland at a yearly cost of \$13,504 for Part A (boat landings, solid waste transfer stations and firing range) and \$12,360 for Part B (passive and active parks) for a period of two years ending December 31, 2010.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the proposal for architectural/design services at the proposed Berlin Senior Center to Becker Morgan Group of Salisbury, Maryland at a contract cost of \$26,250. In response to a question by Commissioner Boggs, Mr. Tustin confirmed that hiring Becker Morgan to complete design plans does not obligate the County to move forward with the project in the immediate future.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the purchase of a trailer mounted, self-contained debris collector for the purpose of cleaning up debris at the Central Landfill in Newark as required by the permit from the Maryland Department of the Environment.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan and Local Management Board (LMB) Executive Director Mike Dyer to review a proposed resolution amending the provisions for the LMB. Mr. Shannahan stated that since the adoption of Resolution No. 05-32 on November 15, 2005 re-establishing and reconstituting Worcester

County's LMB, the provisions of the State law regarding the LMB have been moved from Article 49D to Title 8, Subtitle 3 of the Human Services Article of the Annotated Code of Maryland. In addition, the State of Maryland Policies and Procedures Manual for LMBs has been revised, and the Worcester County LMB Board of Directors is in the process of drafting revised bylaws that will need to be reviewed and approved by the Commissioners. Mr. Shannahan and Mr. Dyer proposed that before changes are made to the LMB Bylaws that a new resolution be adopted to reflect the current provisions in the State Law and the Policies and Procedures Manual. The Commissioners concurred. Upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution 09-3 amending the provisions for the Local Management Board for Children's and Family Services of Worcester County, Maryland.

The Commissioners approved a lease agreement for the Board of Elections regarding storage of voting units.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 20, 2009.