

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

January 20, 2009

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

The Commissioner met at the Board of Education (BOE) at 9:00 a.m. to witness the swearing in of the new BOE members. The Commissioners then convened in open session at 10:00 a.m. Commissioner Gulyas called the meeting to order and informed those in attendance that Commissioner Purnell was attending the historic inauguration of Barack Obama as the 44<sup>th</sup> President of the United States and the country's first African American President, and, therefore, he would not be in attendance at the Commissioners' meeting.

The Commissioners reviewed and approved the minutes of their January 6, 2009 meeting, as presented.

Pursuant to the request of George King, Agency Procurement Specialist for the Health Department, and upon a motion by Commissioner Cowger, the Commissioners unanimously awarded the bid for the production and distribution of the 2009 Play It Safe in Ocean City Senior Guide booklets and posters to Delmarva Printing of Salisbury, Maryland at a cost of \$10,945 for 75,000 booklets and \$265 for 500 posters for a total cost of \$11,210.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Cowger, the Commissioners unanimously approved bid specifications for refuse collection at 17 County buildings located throughout the County for a period of two years commencing with the date of award and ending February 1, 2011.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for pest control services in 35 County buildings for a period of two years beginning with the date the bid is awarded and ending February 1, 2011.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Cowger, the Commissioners unanimously approved bid specifications for the replacement of windows at the Worcester County Circuit Court House. In response to concerns raised by Commissioner Gulyas, Mr. Tustin advised that the County could auction the old windows on GovDeals provided they were salvageable.

Mr. Tustin informed the Commissioners that the County could be ready to move forward

with the following projects, listed in order of priority, by the September 2009 deadline for projects to be considered for construction under the proposed federal stimulus package: replacement of the Mystic Harbour Wastewater Treatment Plant (MHWWT) at an estimated design and construction cost of \$8,800,000; Berlin Rubblefill Cap and Closure with design plans to be completed at a cost of \$400,000 within the next four months and at an estimated construction cost of \$2,400,000, U.S. Rt. 50 Service Road with design plans for Phase I complete and Phase II design plans to be completed within the next four months the project could be constructed at an estimated cost of \$4,000,000 and right-of-way acquisition at an approximate cost of \$2,000,000; Mystic Water Tower with design efforts 95% complete and an estimated construction cost of \$1,400,000; water main interconnection between Ocean Pines and Riddle Farm, with project design complete and awaiting issuance of permits from the Maryland Department of the Environment (MDE) and the Corps of Engineers (COE), with an estimated construction cost of \$400,000.

Commissioner Boggs commended staff for their efforts in preparing these projects for consideration for federal stimulus funding. Commissioner Church advised that Governor Martin O'Malley, the Eastern Shore Delegation and United States Senators Ben Cardin and Barbara Mikulski should be advised of the projects for which the County plans to seek federal stimulus funding. In response to a question by Commissioner Shockley regarding the Berlin Rubblefill Cap and Closure project, Chief Administrative Officer Gerald T. Mason advised that any funding the County would receive from MDE would be in the form of a low-interest loan, not a grant. Mr. Tustin stated that this project fits all the federal stimulus funding requirements as it is designed specifically to protect groundwater and MDE has indicated that funding will be available for this project.

Mr. Tustin reviewed the following four projects, which he explained are anticipated to be completed in the future, but are not under design at this time and therefore not eligible for federal stimulus funds: Ocean Pines third water tank at an estimated cost of \$2,000,000; Oyster Harbor Water Plant rehabilitation at an estimated cost of \$500,000; Assateague Pointe and The Landings water system interconnection at an estimated cost of \$100,000; and Showell Elementary School (SES) Wastewater Pump Station at an estimated cost of \$1,400,000. Commissioner Busick advised that the SES project should be first in order of priority. Commissioner Gulyas agreed, and suggested the Assateague Pointe and The Landings interconnection project be placed second in keeping with the goals and objectives of the Comprehensive Plan. In response to a question by Commissioner Boggs, Mr. Tustin advised that a third tank was needed in Ocean Pines to meet the future water needs of the community. He explained that the Ocean Pines and Riddle Farm interconnection would provide redundancy, which was needed for maintenance, but would not provide additional capacity to meet those water needs. In response to a question by Commissioner Busick, Mr. Tustin stated that it may be possible to complete design plans for SES within the next six months to meet the deadline for federal stimulus funds. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously approved the list of federal stimulus fund projects as proposed and to forward this list to Governor O'Malley, the Eastern Shore Delegation and U.S. Senators Cardin and Mikulski. The Commissioners further directed staff to revise the list of proposed future projects, which are not under design at this time, in priority order as follows: SES Pump Station, Assateague Pointe and The Landings interconnection, Oyster Harbor Water Plant rehabilitation; and Ocean Pines third

water tank.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Busick, the Commissioners agreed to commit \$11,200 in County match funds for FY09 (Worcester County's FY10 budget) for the Maryland Agricultural Land Preservation Foundation (MALPF) Agricultural Preservation Easement Acquisition Program, which qualifies the County to receive a 60% or more state match for easement purchases. Mr. Coyman advised that Worcester County's Agricultural Land Preservation Program was certified, effective as of July 1, 2004, entitling the County to retain 75% instead of 33% of the Agricultural Land Transfer Tax (ALTT) and to be eligible for additional matching funds as available. He advised that this requires the County to contribute qualifying expenditures from a County source other than ALTT, equal to roughly 9% of the ALTT collected annually in the County. He proposed the County's required match comprise the following funding sources: an estimated retained ALTT for FY09 of \$10,000.00; and the minimum amount of non-Transfer Tax match required of certified counties estimated at \$1,200 for FY09. In response to a question by Commissioner Boggs, Mr. Coyman stated he anticipates the State to approve one of the four properties in Worcester County applying for an easement, and likely resulting in the protection of an additional 141 acres of County farmland this year. He stated that those not accepted into the program this year may still be eligible for future funding if it becomes available.

The Commissioners held a public hearing to receive public comment on four applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY09. Mr. Coyman informed the Commissioners and the public that the petitions are for the purchase of Agricultural Land Preservation easements on the following properties in order of priority: a property owned by Louise 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.

Commissioner Gulyas opened the floor to receive public comment.

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

Upon a motion by Commissioner Shockley, the Commissioners unanimously approved the aforementioned petitions and agreed to forward a favorable recommendation on these petitions in order of priority to the State for their consideration.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Boggs, seconded by Commissioner Church, with Commissioner Purnell absent, the Commissioners unanimously voted to meet in closed session at 10:40 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; John Tustin, Director of Public Works; John Ross, Deputy Director of Public Works; and Harold Higgins, Finance Officer. Topics discussed and actions taken included: reappointing Edward S. Lee, L. Eloise Henry-Gordy, Dr. Ethel Hines and W. Ed Montgomery and appointing State's Attorney Joel Todd as a public sector representative indefinitely; Diakonia Executive Director Claudia Nagel as a private sector representative; Jordan Taylor and Aaron Marshall as youth members and Allen Bunting and Latrelle Crawford as alternate youth members to Worcester County's Initiative to Preserve Families Board (formerly known as the Local Management Board); reappointing Lee Trice and appointing Gerri Moler to the Water and Sewer Advisory Council for the Mystic Harbour Service Area; appointing Marlene Ott to the Planning Commission, and Linda Glorioso to the Tourism Advisory Committee; appointing Marie Buley and reappointing Gloria Bassich, Audrey Wahl, Mary Stevens, Douglas Wilson, Kim Justice, Rob Hart, and Shirlene Church to the Health Planning Advisory Council; reappointing Richard G. Holland, Sr. to the Agricultural Reconciliation Board; reappointing Kevin Holland to the Building Code Appeal Board, Mickey Ashby to the Economic Development Advisory Board and Kenneth Lambertson to the Board of Electrical Examiners; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

After the closed session, Commission President Gulyas announced the topics discussed during the closed session, after which the board adjourned to meet again on February 3, 2009.