

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

April 21, 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 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; and Jerry Redden, Economic Development Director. Topics discussed and actions taken included: appointing Belle Redden to the Social Services Board and Jim Yost to the Drug and Alcohol Abuse Council; reappointing Jeff Kelchner and Emma Klein to the Social Services Board; discussing legal issues regarding a potential enterprise zone in downtown Snow Hill; 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 April 7, 2009 meeting, as amended.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to schedule a public hearing on May 5, 2009 to obtain the views of citizens on community development and housing needs and to offer citizens the opportunity to comment on an application the Commissioners propose to submit to the State on or before May 29, 2009 for Small Cities Community Development Block Grant (CDBG) funds. The proposed application calls for CDBG funding of \$300,000 with a matching fund commitment of \$75,000 in-kind services or 25% from the County to continue the Housing Rehabilitation Program, which assists low to moderate income persons and households. In response to a question by Commissioner Boggs, Mr. Mason advised that \$53,000 to be used as matching funds have been allocated within the FY10 Economic

Development budget and the remaining \$22,000 would be budgeted in FY11.

The Commissioners held a public hearing to consider a proposed amendment to the Worcester County Comprehensive Water and Sewerage Plan (the Plan) filed by Parker Family, LLC, to add the Fort Whaley Campground Sewer System to the Plan. Comprehensive Planning Director Sandy Coyman explained that the Fort Whaley Campground is located on a 72.5 acre parcel at the southeast corner of US Rt. 50 and Dale Road near Whaleyville and identified on Tax Map 18 as Parcel 20, Lot A. He advised that the applicant seeks to provide sanitary service by the existing septic systems, which currently serve 177 campsites and have capacity to serve 210 campsites at 150 gallons per day (gpd) per campsite with a total capacity of 31,500 gpd. Mr. Coyman noted that the applicant seeks to have the service area designated S-1, which implies sanitary sewer services either exist or would be provided within the next two years. He stated that portions of the parcel contain large forested areas and/or other wetlands, which are proposed to be designated S-6, which implies that no service will be provided to those areas, at the recommendation of the Maryland Department of Planning to protect valuable habitat and wetlands. Mr. Coyman stated that the reason for the applicant's request was not to increase capacity, but rather to relocate the drainfields to an area on the property with better soils. Environmental Programs Director Bob Mitchell concurred with the proposal.

Commissioner Gulyas opened the floor to receive public comment.

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

Following some discussion and upon a motion by Commissioner Busick, the Commissioners unanimously adopted Resolution No. 09-6 amending the Comprehensive Water and Sewerage Plan for Worcester County to add the Fort Whaley Campground Sewer System.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Boggs, the Commissioners voted 6-1, with Commissioner Gulyas voting in opposition, to authorize Commission President Gulyas to sign an application for FY10 Coastal Bays Rural Legacy funds from the State in the amount of \$500,000, with the County to provide a local match including in-kind services of up to \$100,000 and not to exceed 20% of the grant amount as in past years. Mr. Coyman explained that applying for Rural Legacy funds does not obligate the County to participate in the program, it only helps them to secure funding for that purpose if those funds are available. He stated that \$100,000 has been allocated within the FY09 budget to fund a match in the event that the County chooses to participate in the program. He explained that in order to be eligible for funding for each new fiscal year, the State reviews the amount of County match funds that were allocated during the prior fiscal year. Therefore, the County remains eligible to receive FY10 Rural Legacy funds, since match funds of \$100,000 were allocated by the County in FY09. However, if the County does not allocate those funds for this purpose, they may not be able to qualify for grant funds to purchase easements in FY11. In response to a question by Commissioner Boggs, Mr. Coyman advised that the County protected 450 acres last year through easement purchases. He stated that to date Worcester County leads the state in land protection, having purchased nearly 6,000 acres since the program's inception. Commissioner Gulyas stated that given the County's existing fiscal deficit she could not support

the expenditure of funds unless absolutely necessary.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Boggs, the Commissioners voted 6-1, with Commissioner Gulyas voting in opposition to authorize Commission President Gulyas to sign a joint application between Worcester and Somerset Counties for FY10 Dividing Creek Rural Legacy funds from the State in the amount of \$1,000,000, with a local match including in-kind services of up to \$100,000 that has been designated in prior years. In response to a question by Commissioner Boggs, County Attorney Sonny Bloxom advised that the Somerset County Council has already approved the grant application.

Pursuant to the recommendation of Finance Officer Harold Higgins and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to adopt a service charge of 0% on semiannual property tax payments. Mr. Higgins advised that the County is required to provide information that substantiates the proposed service charge for the mandatory semiannual tax payment to the Department of Assessments and Taxation for their approval by May 1, 2009. He advised that the maximum service charge cannot exceed 1.65%; and, based upon the State formula, the County could justify a service charge of up to 0.55%. However, he recommended a 0% charge as a small benefit to Worcester County property owners and to be consistent with last year's charge.

Pursuant to the request of Mr. Higgins and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to engage the professional services of Whiteford, Taylor and Preston (WTP) of Baltimore, Maryland at an estimated cost of \$19,000 to establish an Other Post Employment Benefits (OPEB) Trust and accompanying documentation to be in place before June 30, 2009 to comply with the requirements of the Governmental Accounting Standards Board (GASB). Mr. Higgins stated that the County must also pay an additional fee of \$11,500 to the Internal Revenue Service (IRS) for their review of a private letter ruling request to guarantee the County tax exempt status of the Trust and provide peace of mind to the County in the future.

Pursuant to the request of Mr. Higgins and upon a motion by Commissioner Boggs, the Commissioners conceptually agreed to contract with an investment management firm that possesses the specialized research facilities and skilled manpower to assist the OPEB Trustees with the investments of the OPEB Trust as outlined in the preliminary Worcester County OPEB Trust Investment Policy Statement. Mr. Higgins stated that the County's current investment policies do not meet the needs of OPEB, and the investment management firm will be tasked with stewarding the investment policy to help secure an 8-12% yield on the Trust funds and to approve any and all modifications to finalize the draft investment policy.

The Commissioners conducted a public hearing on the adoption of the 10-Year Comprehensive Solid Waste Management Plan for Worcester County (the Plan) for the planning period of 2006 through 2016 as prepared by EA Engineering, Science and Technology, Inc. Public Works Director John Tustin advised that the Plan has been prepared in accordance with the Code of Maryland Regulations (COMAR) 26.03.03 and as required by Section 9-503(b) of

the Environment Article of the Annotated Code of Maryland. He stated that the overall goal of the Plan is to provide for a system of solid waste management and resource recovery that will handle the County's current and anticipated future volume of solid waste. The Plan addresses solid waste collections systems and recyclable materials collection, assessment of County needs, and a plan of action to address those needs. He advised that the current Plan was originally developed in 1990 and updated by EA Engineering in 1999. Mr. Tustin advised that the current update includes new data from the latest period, incorporates changes in operations and addresses the Maryland Department of the Environment (MDE) comments on the latest update to the Plan. Mr. Tustin reviewed the goals of the Plan, explaining that its key components include the design and permitting of Cell 5 and reclamation and mining of Cell 1 at the Central Landfill facility and increasing the rate of voluntary recycling throughout the County. He stated that the current voluntary recycling rate is 34%, which includes the recycling of manure for use on agricultural lands.

In response to a question by Commissioner Boggs, Mr. Tustin advised that revenue from recycling has declined by \$250,000 this year and is expected to dip another \$135,000 next year. He stated that it costs the County approximately \$1.1 million annually for recycling operations. Mr. Tustin stated that overall revenues generated by Solid Waste are down by 25% in FY09 due to the downturn in the economy. In response to a comment by Commissioner Gulyas, Mr. Tustin reminded those in attendance at the meeting that the County would conduct its next Household Hazardous Waste and E-Cycling Day event in West Ocean City on Saturday, April 25, 2009 from 10:00 a.m. to 2:00 p.m. and Scrap Tire Recycling Day on May 9. Mr. Tustin advised that Recycling Coordinator Ron Taylor and his staff have instituted a recycling program in each of the County government buildings and the public schools, and recyclable materials include textbooks and cardboard, computers and electronics, paper, glass and plastic. He stated that while it costs the County \$0.33 a pound to recycle these items, the real savings is in the space saved by keeping these items out of the landfill.

In response to a question by Commissioner Shockley, Mr. Tustin stated that the County will be ready to mine Cell 1 once the construction of Cell 5 is complete. He advised that the Cell 5 project design is nearing completion, and as part of the new Plan, he and his staff have completed a significant analysis of the County's recycling efforts, which include the landfill methane gas project, recycling program and other projects. In response to a question by Commissioner Boggs, Mr. Tustin stated that Worcester County is the only county in Maryland to propose mining its landfills thus far. However, several Florida counties have instituted landfill reclamation projects that are similar to those planned in Worcester County.

Commissioner Gulyas opened the floor to receive public comment.

Pocomoke High School (PHS) teacher Meme Suznavick and PHS students Trey Lynch, Taylor Morrison and Jennifer Weaver presented a PowerPoint presentation entitled *Reduce Reuse and Recycle-Waste Management Proposal for Worcester County, Maryland*. Mr. Lynch reviewed facts on recycling in Maryland and reasons that residents should recycle. Miss Weaver reviewed the County's current recycling program and suggested a countywide curb-side recycling program while acknowledging that as yet funds do not exist for such a program. Mr. Morrison reviewed the advantages and disadvantages of increasing the number of recycling drop off facilities in the County and suggested steps for developing a mandatory recycling program in all public school facilities as well as encouraging the Town of Pocomoke City to institute a

curb-side recycling program. The Commissioners commended the students on their presentation. Commissioner Gulyas stated that the County had implemented a pilot curb-side recycling program in West Ocean City; however, such a program is too costly for the County to maintain due to the large area and rural nature of the County, but could be successful in the towns. Commissioner Boggs noted that the students' presentation was well researched and included many good suggestions. Mr. Taylor answered several questions raised by the students in their presentation, noting that recycling is available in all of the schools. However, recycling efforts have been temporarily suspended at PHS due to school construction at that site. He advised that recyclable materials are collected three times a week at the public schools and once a week at County government buildings. He stated that some schools and County facilities are clearly more committed to recycling than others, and the Recycling Division of Public Works is trying to address the disparities that exist. He informed those in attendance that 216,000 pounds of recyclable materials were collected from the public schools and 260,000 from County government buildings last year alone. Ms. Suznavick stated that Worcester County's recycling program could serve as a model statewide. The Commissioners concurred and directed staff to provide the students with materials on the West Ocean City pilot recycling program as well as recycling statistics throughout the County to help them pursue such a project. They also expressed support for the students to encourage curb-side recycling in Pocomoke City. The Commissioners further encouraged the students to institute a competition to see which of the public schools can collect the most recyclable materials throughout the school year. Following much discussion, the Commissioners thank Ms. Suznavick and the students for their presentation.

Ellie Diegelman of Ocean City advised that the Town of Ocean City was attempting to reduce costs by soliciting proposals for the removal of solid waste materials to independent companies located out of State.

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

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 09-7 adopting the Comprehensive Solid Waste Management Plan for Worcester County, Maryland for 2006-2016 as presented.

The Commissioners met in Legislative Session.

Development Review and Permitting (DRP) Director Ed Tudor and Deputy Director Phyllis Wimbrow met with the Commissioners to review the draft legislation to repeal and re-enact the Zoning and Subdivision Control Article to implement provisions of the County Comprehensive Plan. Mr. Tudor provided a rundown on the workshops being hosted by DRP throughout the County to address resident inquiries. He advised that staff have developed a series of brochures that highlight specific changes to sections of the Zoning and Subdivision Control Article, such as wind regulations, developed a disk containing the draft legislation and set up an email account to respond to questions from the public. He stated that DRP has already received some positive responses on the draft legislation. In response to a question by Commissioner Shockley regarding automotive repair shops in rural areas, Mr. Tudor stated that such existing home businesses located in the A-1 Agricultural Zoning district are addressed as non-conforming uses, but new repair shops are not permitted in the A-1 district. In response to a question by Commissioner Church, Ms. Wimbrow assured that such businesses could continue

to operate by the existing or new owners provided they do not cease to operate in their existing capacity.

Commissioner Church recommended postponing the hearing on the proposed bill until July to notify property owners who reside outside of the County about the draft Zoning and Subdivision Control Article and Comprehensive Rezoning Maps. In response to concerns raised by Commissioner Church, Mr. Tudor stated that the County has faced such challenges in the past and explained that the law requires the hearing to be advertised in local newspapers, but does not require the County to make special arrangements to provide specific notification to non-local property owners outside of the boundaries of Worcester County due to the labor intensive nature and high cost involved in such an endeavor. Mr. Bloxom concurred. In response to a question by Commissioner Cowger, Mr. Higgins advised that the County could send out notification of the hearing with the tax bills to save money. However, doing so would preclude the County from including the annual budget pamphlet in the mailing. Commissioner Gulyas noted that it would cost the County approximately \$75,000 to mail notifications of the hearing on the proposed bill to all property owners, and stated that such an expense was too high given the current economic conditions. Following much discussion, a motion by Commissioner Purnell to postpone the hearing to notify property owners via their tax statements failed 2-5, with Commissioners Church and Purnell voting in favor and Commissioners Boggs, Busick, Cowger, Gulyas and Shockley voting in opposition. Following further discussion, Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley introduced the aforementioned proposed bill as Emergency Bill 09-1 (Zoning and Subdivision Control Article) and agreed to hold the public hearing on the bill during their special legislative session on June 2, 2009.

Commissioner Gulyas closed the Legislative Session.

The Commissioners met with Chief Administrative Officer Gerald T. Mason and Budget Officer Kathy Whited to review the requested Worcester County Departmental Operating Expense Requests for Fiscal Year 2009/2010. Mr. Mason provided a summary of the requested operating budget, and stressed that this is only the requested budget. He stated that the estimated general fund revenues based on current tax rates are \$175,608,553. The requested general fund operating expenditures total \$181,794,045. The difference of \$6,185,492 must be reconciled by either reductions in expenditures, additional revenues or a combination of the two. Mr. Mason reviewed with the Commissioners the anticipated general fund revenues, requested general fund expenditures and general fund issues to be resolved, noting that for the first time he could recall estimated revenues for FY10 are anticipated to decrease by \$13,918,367 or 7.3% over the current year revenues. He stated that the reduction in real property taxes is \$2,867,689 due to the decreased assessments in certain tax districts and reduced new construction in the County. Mr. Mason advised that County departments and agencies, excluding the Board of Education (BOE), cut \$7.7 million from their budgets for a total budget reduction of 4.3% from FY09. He stated that this budget does not include furloughs or layoffs, which may be considered during budget work sessions. Mr. Mason advised that the BOE has presented a Maintenance of Effort (MOE) budget of \$75,467,697, which reflects a reduction of 0.6% from the FY09 budget. In response to a question by Commissioner Gulyas, Ms. Whited advised that the BOE was asked to reduce their budget request by 3% or approximately \$2.2

million from the prior year. In response to questions by Commissioners Gulyas and Shockley, Mr. Mason explained that each County department and agency was also required to set aside 2% within their FY09 budgets; however, revenues during that same time period fell by more than 2%. Mr. Mason reiterated that revenues are down in all categories, a situation that the County has not faced in prior years. He advised that on top of decreased revenues the County is facing an unemployment rate of 16.9%. He advised that staff is continuing to monitor the County's financial picture and adjust spending accordingly.

Following much discussion, the Commissioners informed the audience of the public hearing on the budget scheduled for May 5, 2009 at 7:00 p.m. in the Snow Hill High School auditorium, as well as the upcoming budget work sessions, and advised that these sessions are open to the public.

The Commissioners reviewed the County's response to the Worcester County Board of Education (BOE) opposition for MOE Waiver. The response addressed past funding for the BOE well above the MOE level, which has led to the highest per pupil costs of any County in the State, hiring of new teachers even in the face of declining student enrollment, and significant County funding for new school construction in support of the BOE and the school system. However, given the current economic crisis a structural change to the budgets of all County departments and agencies, including the BOE, is necessary. Mr. Mason advised that the hearing on the waiver is scheduled for Monday, April 27, 2009 with the State BOE.

The Commissioners reviewed a letter from Stephen A. Brooks, Assistant State Superintendent for the Maryland State Department of Education, advising that the County's request for one-time nonrecurring cost exclusions from the Worcester County BOE's MOE for FY2010 had been denied. Mr. Mason stated it was apparent the State spent little time examining the request as the letter was clearly a form letter, and its originator had failed to replace the name of Montgomery County with Worcester County when denying the request.

The Commissioners answered questions from the press, after which they recessed for lunch.

After lunch, the Commissioners reconvened in open session.

The Commissioners conducted a public hearing in accordance with Section TR 1-901 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland and Section 13H of Article 25B of the Annotated Code of Maryland, and at the request of the Mayor and City Council of Ocean City, Maryland, to consider adopting a resolution to decrease the tax rate on the sale of food and beverages within Ocean City from 1.0% to 0.5%, effective June 1, 2009. The County passed a Taxing Resolution in 1995 establishing a 1% food and beverage tax to be used to repay the principal and interest on bonds for the Roland E. Powell Convention Center expansion.

Commissioner Gulyas opened the floor to receive public comment.

Ocean City Mayor Rick Meehan asked the Commissioners to adopt the proposed resolution to decrease the tax rate, stating that it was always the intention of the Town to reduce

the tax once sufficient funds became available to pay down the loan. He stated that the Town is planning a moderate 20,000 square-foot expansion of the convention center at an approximate cost of \$10,000,000. He advised that the expansion will include a new cultural arts center and allow the Town to host larger events in the future. He advised that the Town's portion of the project will cost about \$5,000,000, and the new tax rate will help them to retire that debt in about 10 years.

Leighton Moore of Seacrets asked the Commissioners to support the proposed tax decrease, noting that the original tax of 1% was set to sunset when the original bond expired. He further stated that the reduction should not preclude increasing the rate back to 1% in the future if needed for a larger expansion of the convention center.

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

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 09-8 revising the tax imposed within the Town of Ocean City on the sale of food and beverages from 1% to 0.5% effective June 1, 2009 as requested.

The Commissioners met with Mr. Tudor for a hearing on Nuisance Abatement Order No. 09-4, pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland. Mr. Tudor provided background information on the condition of the property owned by the late Oneida L. Elliott and located at 12107 Ocean Gateway immediately adjacent to the easternmost entrance of the Riddle Farm development on the north side of US Rt. 50 and shown on Worcester County Tax Map 26 as Parcel 38, Block B, Lot 41. Mr. Tudor stated that the property contains the outdoor accumulation of personal property occupying greater than 100 square feet of land area, including numerous junk vehicles and parts thereof. He noted that this particular property has been an ongoing problem for DRP for several years.

James Elliot, of Ocean Gateway and heir to Ms. Elliott's property, acknowledged the condition of the property and stated that his mother recently died of a stroke and everything has fallen on his shoulders. He asked the Commissioners for an additional 60 days to clean up the property. Commissioner Church stated that he has received many calls about the condition of this property. He stated that he was sympathetic to Mr. Elliot's plight, but expressed concern that he would not be able to comply with the County's request even if given additional time. Mr. Elliot stated that he was in the process of applying for a dump permit and has enlisted the help of friends to clear the more than 120 tires and other accumulated items from his property.

Following much discussion and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Gulyas voting in opposition, to postpone enforcement of the nuisance abatement for 40 days until May 31, 2009 in order to provide Mr. Elliot with time to make substantial progress on the clean up of his property. Commissioner Church advised Mr. Elliot that if he failed to make substantial progress to clean up the property within that 40 days the County would take immediate action to abate the nuisance condition, and the cost of the abatement would be charged to him as the property owner and shall become a lien on the property.

Pursuant to the recommendation of Economic Development Director Jerry Redden and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to adopt

Resolution No. 09-9 supporting a grant from the Department of Business and Economic Development of the State of Maryland (DBED) and Maryland Economic Development Assistance Authority Fund (MEDAAF) in the amount of \$50,000 for the expansion of Bel Art Products in Pocomoke City, Worcester County, Maryland. Mr. Redden noted that the \$25,000 County match would be derived from the Economic Development Energy Fund.

Pursuant to the request of Doris Moxley, Director of Addiction Services for the Health Department, and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the Request for Proposals (RFP) for halfway house services beginning July 2009 for homeless men who are treated by Worcester County. Ms. Moxley advised that the program is funded through a \$24,000 Alcohol and Drug Abuse Administration grant and provides services in the tri-county area of Worcester, Wicomico and Somerset Counties. In response to a question by Commissioner Boggs, Ms. Moxley stated that two to three individuals will reside in the halfway house at a time. She stated that the program itself can accommodate 75 people, though typically the demand is so high that they permit 100 program participants. She advised that currently there is a three-week waiting period to get into the program. In response to a question by Commissioner Gulyas, Ms. Moxley stated that both men and women participate in the program; and, women are generally not eligible for housing at the men's halfway house, but would not be turned away.

Pursuant to the recommendation of Recreation and Parks Director Sharon DeMar Reilly and the Worcester County Recreation Advisory Board and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the FY2010 Worcester County Program Open Space (POS) Annual Program for Acquisition and Development. Ms. Reilly stated that the County and towns requested \$8,264,641 in POS funds, though the County has only been awarded \$84,958, a funding reduction of 42.5% from FY09.

In a related matter and in response to a question by Commissioner Cowger, Mr. Bloxom stated that the Girdletree Volunteer Fire Department is in the process of completing a survey, which must be completed before a portion of their property can be transferred to the County for use as a park.

Pursuant to the recommendation of Ms. Reilly and the Worcester County Recreation Advisory Board and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the proposed allocation for FY2010 Worcester County Program Open Space (POS) funds of \$84,958 as follows: \$21,258 for acquisition and \$63,700 for park development to Worcester County. Ms. Reilly stated that the following municipalities have applied for Community Parks and Playground grants: \$80,000 request from Ocean City; \$91,000 from Pocomoke City; and \$22,000 from Berlin.

Pursuant to the request of County Engineer Bill Bradshaw and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Telewire for the purchase and installation of telephone

equipment in the new Worcester County State's Attorney Office in the amount of \$26,702.12. Mr. Bradshaw advised that Telewire is the current provider of the County's phone system, and extending that system to the new building and installing a Voice Over Internet Protocol (VOIP) system is expected to result in an annual savings of approximately \$1,100. In response to a question by Commissioner Boggs, Mr. Bradshaw stated that the contractor, Southern Builders, is expected to complete construction in about two weeks with computer and phone network installations to be complete within six weeks before the new building can be occupied.

Pursuant to the request of Mr. Bradshaw and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Price Modern of Baltimore in the amount of \$157,119.21 under the US Communities contract and GSA contracts for office furnishings and equipment in the new State's Attorney Building. Mr. Bradshaw advised that conference chairs will be purchased separately from Staples at a cost of \$4,698.63, while other appliances and machines will be purchased locally at a cost of approximately \$2,269.00 for a total cost of \$164,086.85. He advised that \$160,000 has been allocated for this project. However, the Court Bar Library has agreed to pay \$18,832.48 of the total cost for upgraded library shelving, reducing the net cost to \$145,254.36. In response to a question by Commissioner Church, Assistant Chief Administrative Officer Kelly Shannahan stated that the County piggybacked off the bid from the National Association of Counties (NACo) under the US Communities contract and GSA contracts to obtain the best possible pricing for the furniture and equipment.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the contracts for the purchase of petroleum products consisting of high sulfur diesel fuel and dyed kerosene for equipment and No. 2 fuel oil for several County facilities as follows: Ocean Petroleum of Newark, Maryland with a mark-up per gallon of \$0.0225 for bulk delivered No. 2 fuel oil; CATO Gas & Oil of Salisbury, Maryland with a mark-up per gallon of \$0.1497 for jobber delivered No. 2 fuel oil; and Peninsula Oil & Propane of Fruitland, Maryland with a mark-up per gallon of \$0.07 for delivery of high sulfur diesel fuel and dyed kerosene for a period of two years beginning May 1, 2009 and ending April 30, 2011.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to waive the standard bid process and award the contract for the purchase and emergency repair of the sprinkler system at the Ocean City Senior Center to Sure Fire Protection, Inc. of Salisbury, Maryland at a cost of \$39,800. Mr. Tustin explained that salt air had corroded the existing system, which has only been in place since 1992, and the pipes are showing signs of failure. He further explained that the pipes would be replaced with corrosion-resistant piping to avoid future problems.

The Commissioners met with Mr. Bradshaw to review and discuss bid specifications for the renovation of the Tyson building in Berlin, which was recently purchased by the County to serve as the new site for the Berlin Senior Center, with the existing Berlin Senior Center to be converted for use as a dental clinic to provide restorative and preventative dental services to

Medical Assistance (MA) eligible and uninsured children ages 1 to 18. In response to a question by Commissioner Cowger, Mr. Mason advised that it will cost approximately \$300,000 to renovate the Tyson building, with funds already allocated in the budget to cover these costs. Commissioner Cowger questioned the need to relocate the facility given the fact that the County is facing a \$6 million budget shortfall in the coming year. Mr. Tustin stated that the Berlin Senior Center must relocate to make room for the dental clinic, which is fully State funded. He further explained that the County has been successful in keeping renovations of the Tyson building to a minimum, providing only bare-bones essentials in the kitchen and elsewhere. In response to a question by Commissioner Shockley, Mr. Tustin stated that the senior center is on track to relocate to the new facility in October with renovations to the dental clinic to get underway by November and operations up and running by March in order to comply with the provisions of the State grant. Commissioner Church recommended relocating the dental clinic to the new Worcester Technical High School to eliminate the need to renovate a second facility. Commissioner Boggs expressed concern that such a move might negate the availability of State funds for the dental clinic. In response to concerns raised by Commissioner Boggs, Mr. Mason stated that the County may have to reapply for the State grant if they choose to relocate the facility elsewhere, which may jeopardize funding. Following much discussion and upon a motion by Commissioner Shockley, the Commissioners voted 4-3, with Commissioners Boggs, Busick, Gulyas and Shockley voting in favor and Commissioners Church, Cowger and Purnell voting in opposition, to approve the bid specifications for the renovation of the Tyson building in Berlin.

The board adjourned to meet again on May 5, 2009.