

Minutes of the County Commissioners of Worcester County, Maryland

January 19, 2010

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

Following a motion by Commissioner Shockley, seconded by Commissioner Purnell, with Commissioner Busick 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 administrative functions. 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 Warden Ira F. "Buck" Shockley. Topics discussed and actions taken included: hiring Stanley Milbourne, Stephanie Boyer, Frank Candeloro, Karen Ross, Andrew Riggin, Blair Hall, Dorran Smith, Pete Mueller, Johnathan Wharton, Christopher Snader, James Bowman, Keith Collick, Ronsha Satchell, Duane Bias, Nicole Tucker, and Tracy Belmont as Correctional Officers within the Worcester County Jail; appointing Wayne A. Hartman to the Planning Commission; reappointing Colleen Wareing to the Drug and Alcohol Abuse Council, W. Charles Friesen to the Water and Sewer Advisory Council (WSAC) for the Mystic Harbour Service Area and Whaley Brittingham to the WSAC for the West Ocean City Service Area; considered appointments to the Local Development Council; reviewing a personnel disciplinary matter; reviewing potential and pending litigation; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Church called the meeting to order and announced the topics discussed during the morning closed session.

Commissioner Church advised that Commissioner Busick was absent due to her husband's illness. He asked all in attendance to keep the Busick's in their prayers.

The Commissioners reviewed and approved the minutes of their January 5, 2010 meeting, as amended.

The Commissioners presented a retirement commendation to Corporal Oscar Shockley for 15 years of dedicated service as a Correctional Officer within the Worcester County Jail.

The Commissioners presented a commendation to honor Dena Holloway of the Sheriff's Office who was named a WBOC News Jefferson Award Winner for making a difference in the lives of some 400 area families consisting of upwards of 1,400 children in need through the 2009 Christmas Needy Program.

Captain Doug Dods introduced seniors Chris Parr of Snow Hill High School and Josh Tyndell of Stephen Decatur High School who, thanks to a partnership between the Board of Education (BOE) and the Sheriff's Office, have been enrolled in a law enforcement class at Worcester Technical High School and an internship with the Sheriff's Office throughout the first semester of the 2009-2010 school year. Captain Dods explained that the two spent their time both in a classroom environment and as interns within the Sheriff's Office. He advised that both students have done an outstanding job and represent the future of law enforcement in the County. In response to a question by Commissioner Boggs, Mr. Parr advised that he plans to join the U.S. Marine Corps in July 2010 and upon completion of his service to the nation would like to join the Worcester County Sheriff's Office. Mr. Tyndell stated that he plans to attend college and afterward complete training to become a police officer. The Commissioners commended them for their participation in the law enforcement internship program.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review two draft resolutions regarding the following issues: approved private roads with an access gate in the proposed 15-lot Aramis subdivision on the south side of St. Martins Neck Road; and guidelines prepared by DRP staff to address the use of access gates on private roads. On January 5, 2010 the Commissioners reviewed both of these issues and agreed to formally adopt resolutions on these matters during a future meeting.

Upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to adopt Resolution No. 10-2 approving a proposal for approved private roads, including a private access gate, in the Aramis subdivision south of St. Martins Neck Road.

Upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to adopt Resolution No. 10-3 establishing construction standards for access gates on approved private roads in Worcester County, Maryland.

The Commissioners met with Mr. Tudor to review a Memorandum of Understanding (MOU) between the Maryland Department of Natural Resources (DNR) and the County Commissioners with regard to implementation of the easement component of the Conservation Reserve Enhancement Program (CREP). Mr. Tudor reminded the Commissioners that the CREP was discussed by the Commissioners when they learned that there would be no State funding for the Maryland Agricultural Land Preservation Foundation (MALPF) in the FY10 budget, and reductions in other programs may be expected as well. However, it was noted at that time that funds may be available through the CREP, which pays landowners land rent to protect environmentally sensitive areas on their property. At that time, the Commissioners unanimously authorized staff to pursue this land preservation funding opportunity.

With regard to the proposed MOU, Mr. Tudor advised that approximately \$12.5 million in CREP funding will be available to nine counties, including Worcester County, for the next

five years. He advised that participation in the program would require no financial outlay by the County and all of the administrative functions of the program can be provided within the County's existing land preservation programs. He noted that the County will be reimbursed for this work at a rate of 3% of the value of each transaction, and the program could potentially generate up to \$12,000 per year in revenue. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the MOU.

The Commissioners conducted a public hearing to receive public comment on the proposed inclusion into the Inventory of County Roads of the following public easement roads, all of which are located in the Third Tax District of Worcester County as shown on Worcester County Tax Map 16 in the Ocean Pines community and all of which are to be maintained by the Ocean Pines Association (OPA): bridge on Clubhouse Drive; bridge on Ocean Parkway, just south of the intersection with Clubhouse Drive; and North Gate Bridge. Public Works Director John Tustin reviewed the proposal and noted that the Commissioners held a public hearing on November 17, 2009 and unanimously adopted Bill 09-8 to expand the definition of a Public Easement Road to place any bridge or bridges that the road crosses over, including these bridges located within Ocean Pines, within the classification of "public easement road" in the Inventory of Public Roads of Worcester County, thereafter making the OPA eligible to receive federal and/or State funds to repair or replace these bridges.

Commissioner Church opened the floor to receive public comment.

Robert Harden of Ocean Pines explained that several of the bridges have been involved in and possibly damaged following vehicle accidents, and he espoused his support to include the bridges within the Inventory of County Roads, so that funding could be secured for future repairs and improvements.

OPA President Bill Rakow assured those in attendance that the bridges in Ocean Pines are sound. He thanked Mr. Tustin for working with OPA staff to secure their ability to apply for federal funds to repair these bridges as need arises in the future.

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

Upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 10-4 amending the Inventory of Public Roads of Worcester County, Maryland to add various bridges in Ocean Pines and authorized Commission President Church to sign the Amendment to Public Easement Agreement between the County Commissioners and OPA.

The Commissioners met in Legislative Session.

The Commissioners met with Mr. Tudor to review proposed legislation, which was drafted in response to Senate Bill 666 - Natural Resources - No Net Loss of Forestry Policy - Forest Conservation Act, which amends the requirements of the State Forest Conservation Law. Mr. Tudor stated that the County has been applying the new standards since October 1, 2009 as required, but explained it would be advantageous to amend the County's local Forest Conservation Law to be consistent with State law. Following some discussion, Commissioners Boggs, Church, Cowger, Gulyas, and Purnell introduced the aforementioned proposed bill as Bill 10-1 (Natural Resources - Forest Conservation) and agreed to hold the public hearing on the bill on February 16, 2010. Upon a suggestion by Commissioner Shockley, the Commissioners agreed

to send a copy of the bill to the Worcester County Forestry Board.

The Commissioners met with Mr. Tudor to review draft legislation on stormwater management. Mr. Tudor advised that House Bill 786 - Stormwater Management Act of 2007 - resulted in many changes to State law, including the promulgation of a new set of stormwater management regulations as well as the requirement that local jurisdictions amend their laws and programs to reflect the new requirements. Mr. Tudor recommended the Commissioners introduce the bill today and adopt the proposed bill at their next legislative session but to postpone the effective date for 60 days following its passage rather than the standard 45 days to provide DRP staff with the additional time needed to hold informative workshops and discussion sessions with the development design community to make them aware of the implications of the law prior to its effective date. Mr. Tudor concluded that staff has contacted the Department of Natural Resources (DNR) about providing staff to assist the County with this outreach. Commissioner Cowger stated that local farmers would be upset that the new regulations now apply to agricultural buildings, including chicken houses, manure sheds and barns. In response to a question by Commissioner Cowger, Mr. Tudor stated that, if the County refuses to enforce the new regulations, residents would be forced to drive to Annapolis for plan review and approval as the new regulations would then be enforced by the State. Following some discussion, Commissioners Boggs, Cowger and Gulyas introduced the aforementioned bill as Bill 10-2 (Natural Resources - Stormwater Management) and agreed to hold the public hearing on February 16, 2010. As suggested by Commissioner Shockley, the Commissioners directed staff to inform members of the Worcester County Farm Bureau of the proposed bill and Forestry Board of the pending hearing.

Commissioner Church closed the legislative session.

Pursuant to the recommendation of Mr. Tustin in response to the written request of Dave Wilson, Executive Director of the Maryland Coastal Bays Program (MCBP), and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved MCBP's request to hold the 11th Annual Osprey Sprint Triathlon at Public Landing on Saturday, October 2, 2010 and authorizing assistance from several County agencies, including Public Works, Tourism and Recreation and Parks. The event will include swimming, bicycling and running, and it will begin and end at the boat ramp at Public Landing.

Pursuant to the request of Emergency Services Director Teresa Owens and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Memorandum of Agreement (MOA) between Maryland Emergency Management Agency and Worcester County Regarding FFY 2008 Interoperable Emergency Communications Grant Program (IECGP), which reduces the Award of Funds to the County from \$310,500 to \$19,371.60 and an FFY09 Sub-Recipient Agreement awarding Worcester County \$291,128.40. Ms. Owens explained that Worcester County received the FFY08 IECGP in the amount of \$310,500 and Queen Anne's County originally received the FFY09 IECGP. However, the counties needed to switch the grants between themselves due to usage requirements, resulting in a difference of \$19,371.60 between the two grants that must be reallocated to Worcester County for training purposes.

Pursuant to the recommendation of Budget Accountant Kim Johnson and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the Emergency Shelter Grant (ESG) Program Agreement from the Maryland Department of Housing and Community Development (DHCD) to provide funding in the amount of \$30,890 for a one-year period beginning October 31, 2009 to help support emergency shelter programs as follows: \$18,300 to Diakonia; and \$12,590 to the Samaritan Industries. Ms. Johnson advised the Commissioners that the Division of Social Services was not approved to receive a portion of the grant funds as it had been in past years. In response to a question by Commissioner Boggs, Ms. Johnson advised that the grant amount had increased for the coming period, with the two homeless shelters to receive funding increases.

Finance Officer Harold Higgins updated the Commissioners on FY10/11 Property Tax Assessments. Mr. Higgins advised that the State of Maryland Department of Assessment and Taxation has finalized assessments for Area 1, the Greater Ocean Pines area, which shows a projected decline of 20%. He advised that of the 13,826 residential improved properties, 13,673 or 98.89% of the properties decreased in value. Mr. Higgins explained that out of cycle appeals from Area 3 - Ocean City, reduced assessments for Ocean City properties, which further reduced total assessments for July 1, 2009 and July 1, 2010. He concluded that the Net Assessed Value had declined from \$17,457,230,480 in FY09/10 to \$16,200,817,934 in FY10/11, with a total projected loss of revenue of \$10,366,258 for the FY11 County Operating Budget. Commissioner Boggs noted that homes in Ocean Pines declined in value from 12.6% to as much as 32% with seemingly no rhyme or reason. Following some discussion, the Commissioners thanked Mr. Higgins for the update.

The Commissioners reviewed a draft resolution waiving the County Commissioners' scheduled salary increase for the 2010-2014 term due to current economic conditions. Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 10-5 waiving the County Commissioners scheduled salary increase for the 2010-2014 term. Commissioner Boggs explained to those in attendance that the Commissioners' salaries were reviewed by an independent committee in 2005, which proposed a salary of \$25,000 to be automatically increased before each successive term equivalent to the cost-of-living increases awarded to County employees during the prior term. Although cost-of-living adjustments totaling 12.5% had been awarded to County staff since 2005, due to the troubling economic times the Commissioners are not considering any salary increase for the upcoming term. Commissioner Gulyas advised that because staff will not be receiving raises in the upcoming fiscal year the Commissioners should not receive an increase either.

The Commissioners recessed until 11:30 a.m.

Jacqueline Lisjuan of the U.S. Census Bureau met with the Commissioners to ask for their partnership with the U.S. Census Bureau by providing an individual or group to act as a liaison for the 2010 Census. She further stressed that the Commissioners could assist the U.S. Census Bureau by helping to spread the word to the community that participation in the Census 2010 is easy, safe and important. She advised that the Census 2010 form is the simplest form to

fill out since 1790; asks only name, sex, age, race, ethnic origin, relationship, and whether you rent or own your home; takes only 10 minutes to complete; and is available in 6 languages. She stated that the U.S. Constitution requires a Census to be taken every 10 years to assure that communities receive their fair share of representation and funding of over \$400 billion to local governments, states and tribes. She stated that Census information is used to track new businesses, recognize future transportation needs, provide services for persons in poverty, analyze trends, deliver goods and services to local markets, design adequate facilities for children, seniors and those with disabilities, publish economic and statistical reports, plant new churches and determine labor supply. She asked the Commissioners to stress to their constituents that their answers are protected under Title 13 of the U.S. Code, Section 9, which states that all Federal Census employees have taken an oath to protect personal information. She stated that Worcester County Government can partner with the U.S. Census Bureau in a variety of ways, including distributing printed Census materials, helping with recruiting by providing testing and training sites, hosting Census events and activities or inviting U.S. Census Bureau workers to County events. Ms. Lisjuan informed the Commissioners that information gleaned from the U.S. Census helped Worcester County secure \$63 million in Federal funding in FY07. She stated that if Worcester County was successful in obtaining 100% participation in the 2010 Census the County would be eligible for a great deal more. Commissioner Boggs noted that due to the unique nature of the ocean resort an incalculable number of area residents depend on friends and family to house them intermittently, but are still homeless and difficult to locate. Ms. Lisjuan advised that every U.S. resident must be counted somewhere, either at their home of residence or elsewhere, and Census Bureau representatives would be visiting every property if necessary to assure 100% participation. In response to a question by Commissioner Boggs, Ms. Lisjuan advised that the Census Bureau is hiring hundreds of area residents for temporary positions to assist with the Census. In closing, Ms. Lisjuan reviewed the Census 2010 form, advised that Census officials are not permitted to provide any of the corresponding information on completed forms to anyone, including immigration officials or local authorities, and stressed the importance of filling out the forms on Census Day, April 1, 2010, and returning them to the U.S. Census Bureau to be counted. Following some discussion, the Commissioners thanked Ms. Lisjuan and agreed to appoint a liaison from Development Review and Permitting to assist with the Census 2010 and to adopt a resolution and sign a Partnership Agreement with the U.S. Census Bureau at their next meeting on February 2, 2010.

The Commissioners answered questions from the press.

Following a motion by Commissioner Gulyas, seconded by Commissioner Cowger, with Commissioner Busick absent, the Commissioners unanimously voted to meet in closed session at 12:00 p.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Gerald T. Mason, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; and Kim Moses, Public Information Officer. Topics discussed and actions taken included a personnel matter.

After the closed session, Commissioner Church announced the topics discussed during the afternoon closed session, after which the Commissioners adjourned to meet again on February 2, 2010.