

Minutes of the County Commissioners of Worcester County, Maryland

February 2, 2010

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

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), (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; Brian Sturgeon, Executive Director of the Worcester County Liquor Control Board (LCB) and LCB members Donald Hastings, Joe Jackson and Larry Wilkinson as well as Auditor Chris Hall from TGM Group, LLC. Topics discussed and actions taken included: hiring Oscar Arce; Brian Lankford; Sarah Tyler; Terry McBride; Jay Schiner; Thomas Webb, Jr.; and James Sterling as Correctional Officers within the Worcester County Jail; reappointing Melissa Banks and Roberta Baldwin to the Adult Public Guardianship Board; appointing Howard Sriebnick to the Solid Waste Advisory Committee; discussing personnel matters with the Liquor Control Board; discussing Sheriff's Office vacancies; 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.

The Commissioners reviewed and approved the minutes of their January 19, 2010 meeting, as amended.

The Commissioners presented a proclamation recognizing the efforts of Maryland Mentoring Partnership of the Eastern Shore and mentors everywhere for their investment in the lives of young people. In attendance were Volunteer Services Manager Cyndy Howell, Andrew Warner and Joann Bailey representing the Worcester County Health Department, Cash Almond of Stephen Decatur High School who receives mentor services; John Anello of Salisbury's Promise and Linda Franklin of the Worcester County Local Management Board.

The Commissioners presented a proclamation to Barbara Purnell of the Germantown School Heritage Center recognizing February as Black History Month and honoring several Worcester County residents of African American descent who helped further the cause of justice in our county, state and nation.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 10-6 affirming the Worcester County Commissioners' support of and partnership with the 2010 Census, and approving a partnership agreement between the County and the US Census Bureau.

Pursuant to the request of Shore Transit Director Riffin Johnson and upon a motion by Commissioner Gulyas, the Commissioners unanimously endorsed an application from the Tri-County Council (TCC) for the Lower Eastern Shore on behalf of Shore Transit for grant funds from the Maryland Department of Transportation for the FY11 Statewide Special Transportation Assistance Program (SSTAP). The funds are used to provide transportation services to the elderly and persons with disabilities in Wicomico and Worcester Counties. In response to a question by Commissioner Shockley, Mr. Johnson advised that while transportation grants from the County arrive on schedule, State funding has slowed.

Finance Officer Harold Higgins met with the Commissioners to propose reducing the discount for early payment of property taxes from 1% to 0.5%. Mr. Higgins advised that by December 31, 2009 the County had issued \$900,000 in discounts for early payment. Mr. Higgins advised that in light of declining revenues the County could save \$400,000 to \$500,000 annually by reducing the early discount as proposed. Commissioner Gulyas opposed the proposed reduction due to the financial hardship many residents are experiencing. Commissioner Cowger concurred, stating that reducing the discount is tantamount to a tax increase. Commissioner Church disagreed, stating that the financial health of the County must be taken into account. Commissioner Boggs supported the proposal to reduce the discount, calling it a prudent measure for the County to consider. In response to a question by Commissioner Gulyas, Mr. Higgins stated that if the discount is reduced the change would not take effect until July 1, 2010. Following some discussion and upon a motion by Commissioner Cowger, the Commissioners unanimously agreed to postpone consideration of the issue until FY11 budget deliberations later this spring. Commissioner Church thanked Mr. Higgins for his efforts to reduce County expenditures.

The Commissioners reviewed a summary of FY10 County Budget Actions taken by the 23 Maryland counties and Baltimore City as follows: 18 counties gave no general Cost of Living Adjustment (COLA) to employees; 18 counties eliminated vacant positions; 12 counties enacted layoffs; 9 counties enacted furloughs or salary reductions; 16 counties dipped into Rainy Day and/or Reserve Funds; 11 counties increased service fees; every county except Baltimore City, Carroll, Garrett and Queen Anne's Counties made across the board department cuts; and every county except Baltimore City, Somerset and Wicomico Counties either delayed or cut capital projects. Chief Administrative Officer Gerald T. Mason advised that the County will face similar

financial hurdles in FY11 that necessitated deep cuts in FY10.

The Commissioners met with County Attorney Sonny Bloxom to review his analysis of House Bill 13 - Criminal Law - Salvia Divinorum and Salvinorin A - Distribution to and Possession by Individual Under 21 Years of Age. Mr. Bloxom recalled that the evidence presented to the Commissioners during a public hearing on September 1, 2009 on Emergency Bill 09-5 Criminal Law - Salvia (which was modeled after Ocean City Ordinance 2009-19) made it clear that this substance has serious public health and safety issues and should be banned for all age groups, while the State legislation only proposes to handle the issue similar to that of underage possession of alcoholic beverages instead of as a harmful drug. He stated that if the proposed State law is enacted it will supersede the County law, which is more stringent, and allow area stores to again market Salvia with little or no control over who is really purchasing it. Therefore, Mr. Bloxom advised that the Commissioners may want to contact the local Delegation and advise them of the County's position, which is a complete ban on sale and possession of Salvia, regardless of age. Commissioner Busick stated that the use of Salvia warrants far more serious regulation than limiting its sale to adults, and reminded those in attendance that this substance has already been banned in many states and countries. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to contact State officials to request that HB 13 be amended to mirror the County and Ocean City law as follows: to completely ban the use, possession and sale of salvia and related paraphernalia in Maryland for all age groups and make it a criminal offense; and to clearly state that local jurisdictions are not preempted by this legislation and may enact local laws that are more stringent regarding salvia use, possession and sale.

Pursuant to the recommendation of Recreation and Parks Director Sharon DeMar Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for the purchase and installation of two sets of cantilevered post, backboards with goals and nets to Playground Specialists, Inc. of Thurmont, Maryland at a cost of \$5,996.00 to repair the basketball courts at Showell Park. The Commissioners expressed concern that this bidder's estimate was substantially lower than the other three project bids of \$9,020.00, \$10,537.42, and \$10,200.00. In response to their concerns, Parks Superintendent Bill Rodriguez advised that the County has contacted Playground Specialists and feels confident that they can complete the work for the specified price.

Pursuant to the recommendation of County Engineer Bill Bradshaw and Health Officer Debbie Goeller and upon a motion by Commissioner Busick, the Commissioners unanimously awarded the low bid to renovate the former Berlin Senior Center to become the Worcester County Dental Clinic to Mervin L. Blades & Son, Inc. of Pocomoke City, Maryland at a cost of \$326,500, which include alternates 1 - demolition, 2 - new windows, 4 - new front doors, and 5 - single color floor. Mr. Bradshaw advised that upon approval by the Commissioners, the bid recommendation must be sent to the State Board of Public Works for their approval. Ms. Goeller advised that State funding will not cover the entire cost of the project; therefore, the Health Department must supplement \$39,000 to cover remaining expenses. However, the State is a big proponent of this project and has provided funds to install four dental chairs rather than only the

original three chairs, which will help to substantially increase office efficiency.

Development Review and Permitting Director Ed Tudor met with the Commissioners to review and discuss two proposed Rural Legacy Area (RLA) Grant Renewal Applications for FY 2011. Mr. Tudor explained that the County is seeking a \$1,000,000 grant for the Coastal Bays RLA and \$1,800,000 for the Dividing Creek RLA in coordination with Somerset County. Mr. Tudor stated that currently DRP is in negotiation with three landowners in the Coastal Bays RLA and two in the Dividing Creek RLA, and while both programs are successful, the greater interest appears to lie with the Coastal Bays RLA. Therefore, he recommended indicating a funding preference for the Coastal Bays RLA, as a preference must be indicated when multiple applications are submitted. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the FY2011 RLA applications as recommended by staff.

The Commissioners met with Public Works Director John Tustin to review a request from the Newark Volunteer Fire Company to have the word "NEWARK" painted on the new water tower on Mill Street. Mr. Tustin stated that Utility Service Company, Inc. of Elkton, Maryland, the contractor for the installation of the water tower, provided a verbal quote of \$4,500.00 to paint the word "NEWARK" on the side of the tank. Mr. Tustin cautioned that the County has denied similar requests to identify water towers in other communities. Commissioner Boggs stated that it was unwise to approve an additional project cost given the current economic climate. Commissioner Cowger disagreed and instead supported identifying community names on water towers. Mr. Tustin confirmed that project funding was available to cover this cost. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized the word "NEWARK" to be painted on the side of the water tower at a cost not to exceed \$4,500.

Mr. Tustin sought direction from the Commissioners with regard to whether to continue maintaining a 1998 Thomas bus with over 300,000 miles, which was set aside for use by the Commissioners after being returned to County ownership by Shore Transit but was utilized only once in 2009 and twice in 2008. He advised that the maintenance and inspection cost in 2008 was \$680.00 and in 2009 it was \$341.64. However, the estimated maintenance and inspection cost for 2010 will exceed \$1,500. Upon a motion by Commissioner Cowger, the Commissioners unanimously declared the bus to be surplus property and agreed to advertise the proposed disposal by auction on GovDeals.com.

Mr. Tustin informed the Commissioners that the next E-Cycle and Household Hazardous Waste Collection Day would take place on Saturday, April 24, 2010 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 annual program. Mr. Tustin advised that \$50,000 has been allotted within the FY10 budget to fund the semi-annual recycling events, and the anticipated cost for this event is between \$18,000 to \$20,000. However, the final cost depends on the amount of recycled items collected. Upon a motion by Commissioner Gulyas, the Commissioners unanimously approved scheduling

the E-Cycle and Household Hazardous Waste Collection Day on April 24, 2010 as proposed.

Mr. Tustin outlined the proposed schedule for the Cell 1 reclamation plan for the Commissioners, which has been approved by the Department of the Environment (MDE) and is set to begin in early 2010. Mr. Tustin advised that this two-year project would be completed using in-house labor and equipment at a cost of \$2,175,000, which includes \$538,960 to rent equipment to perform this work. Mr. Tustin stated the County plans to utilize six landfill employees along with oversight and monitoring from EA Engineering throughout the operation and should be able to successfully reclaim the footprint of Cell 1 at less than one-third of the cost to construct a new cell. Commissioner Boggs congratulated staff on this innovative project. In response to a question by Commissioner Boggs, Mr. Tustin advised that it would cost approximately \$9.1 million to build a new cell at the Landfill. In response to a question by Commissioner Gulyas, Landfill Superintendent George Dix advised that staff visited the Ritchie Land Reclamation Rubble Fill in Clarksburg, Maryland, which has been successful in reclaiming cell space. In response to a question by Commissioner Cowger, Mr. Tustin confirmed that staff had considered the cost to rent versus purchase or lease the power screen equipment, but felt it would be better to rent. Following some discussion and upon a motion by Commissioner Cowger, the Commissioners unanimously authorized staff to move forward with the project subject to further research for purchasing rather than renting the necessary equipment.

Mr. Tustin updated the Commissioners on the County's efforts to clean up following the major snow storm that hit the Mid Atlantic States during the weekend. He advised that whiteout conditions on Saturday made cleanup efforts difficult, but that the Roads and Maintenance Division of Public Works remained out in force on Saturday and again on Sunday to assure that all County facilities and roads in the County were passable with the exception of areas on Keyser Point and Ayres Roads where crews were continuing to focus their snow removal efforts. In response to a question by Commissioner Gulyas, Mr. Tustin stated that \$20,000 has been allotted in the budget to cover overtime expenses related to snow removal, with about half of those funds being expended during the recent snow storm.

The Commissioners answered questions from the press, after which they adjourned to meet again on February 16, 2010.