

Minutes of the County Commissioners of Worcester County, Maryland

July 6, 2010

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

Following a motion by Commissioner Shockley, seconded by Commissioner Gulyas, 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 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; and George Bradley, Director of Human Resources. Topics discussed and actions taken included: hiring Debbie Shay as manager within the Maryland Welcome Center (MWC); approving the filling of the vacant Roads Superintendent position in Public Works, the vacant positions of Cook/Correctional Officer and Office Assistant III at the County Jail and two vacant part-time contractual positions within the MWC; 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 June 15, 2010 meeting, as presented.

The Commissioners presented a proclamation recognizing July as National Parks and Recreation Month to Recreation and Parks Director Sharon DeMar Reilly, and encouraged area residents to visit the many local and State parks and recreation areas Worcester County has to offer. Ms. Reilly shared quotes denoting the experiences of both senior citizens and youth involved in County recreation programs. She noted that these and similar statements made in the past have led her to conclude that Worcester County Recreation and Parks (WCRP) offers benefits that are unique to each age group. Specifically, recreation gives senior citizens more energy and helps little ones burn their excess energy.

The Commissioners presented years of service commendations to the following retiring employees: Bonnie Baker of Development Review and Permitting (6 years); Thomas L. Smith of the Water and Wastewater Division (15), Merrill Lockfaw of the Roads Division (19), and George Dix, of the Solid Waste Division of Public Works (26); and Betty Hayman (9), Sharon Purnell (19), Michael Holden (27), Helen Robbins (27), David B. Waters, Jr. (28) and Kim Rolley (28) of the County Jail. Commissioner Church announced that the retiring employees represent 204 years of service to the citizens of Worcester County, and expressed the Commissioners' appreciation for their contributions.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the general rehabilitation of two single family homes in the Pocomoke City area using a combination of funds from the Community Development Block Grant (CDBG) program and State Special Loans Program.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the demolition of an existing single family home and construction of a replacement home on a property in the Pocomoke City area using funds from the State Special Loans Program.

Pursuant to the recommendation of Budget Officer Kathy Whited and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Core Public Health Service Funding Agreement between the Maryland Department of Health and Mental Hygiene and Worcester County from July 1, 2010 through June 30, 2011, which certifies that Worcester County will contribute \$4,497,319 or 73.3% and the State will contribute \$354,150 or 26.7% of the FY10/11 Worcester County Health Department budget of \$4,851,469. Commissioner Shockley requested additional information on the extent of State funding cuts to the Health Department for FY10/11, which Chief Administrative Officer Gerald T. Mason agreed to provide.

Pursuant to the request of Budget Officer Kathy Whited and Mike Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore, and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Church to sign the annual lease agreement to rent office space located at 100 Pearl Street, Suite A in Snow Hill to the TCC from July 1, 2010 to June 30, 2011 at a cost of \$5,000 per year. In response to a question by Commissioner Busick, Mr. Mason advised that the facility in Salisbury currently being renovated to house the TCC will not be complete in FY11.

Pursuant to the recommendation of Finance Officer Harold Higgins at the request of Anthony Bowen, President of the Berlin Community Improvement Association (BCIA), and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Resolution No. 10-28, Authorizing a 100% Tax Credit for Real and Tangible Personal Property owned by the BCIA for such property which was

exclusively for non-profit activities of that association for the July 1, 2010 tax year.

Dave Wilson, Executive Director of the Maryland Coastal Bays Program (MCBP), met with the Commissioners to review the Coastal Bays Report Card 2009, which reports the health of the waterways that comprise the Atlantic Coastal Bays (ACB), and discuss ongoing MCBP initiatives. The grades are based on the progress of four water quality indicators (total nitrogen, total phosphorus, chlorophyll a, and dissolved oxygen) and two biotic indicators (seagrass and hard clams) toward scientifically derived ecological thresholds or goals. Mr. Wilson reviewed the health of each of the areas of the ACB (C+) as follows: small water quality improvements are taking place in the Assawoman Bay (C+); upland runoff has increased phosphorus and nitrogen levels in the Newport Bay (D+), causing water quality there to gradually decline since 2002; water quality in the St. Martin River (D+) has improved slightly due to the growth of seagrasses; water quality remains the highest in the Sinepuxent Bay (B); the Chincoteague Bay (B-) has seen a marked decrease in dissolved oxygen due to the ongoing flushing of the inlet; and hard shell clam numbers continue to climb in the Isle of Wight Bay (C+). Mr. Wilson reported that the MCBP awarded more than \$100,000 in mini-grant funds to the County in recent years for shoreline restoration and eco-tourism projects and landowner workshops. He then reviewed Best Management Practices (BMPs) for improving water quality and the status of MCBP initiatives, including the ongoing horseshoe crab monitoring program, Coastal Stewards and biodiversity programs and the Hudson Branch cleanup in Berlin and a future permanent ACB display at the Baltimore Aquarium.

Commissioner Gulyas thanked Mr. Wilson, his staff and volunteers for their work to improve water quality in the ACB. In response to a question by Commissioner Gulyas about the recent sighting of a large mass of algae in the Sinepuxent Bay, Mr. Wilson advised that large blooms of macro-algae grow rapidly in the bay and are later released into the ocean during outgoing tides. He stated that these large masses are less harmful to the ACB than micro-algae, which clouds the water and is a factor responsible for poor water quality in the Chesapeake Bay.

In response to a question by Commissioner Boggs, Mr. Wilson advised that 34 testing sites in the St. Martin River are used to accurately gauge water quality in the area. He confirmed that readings are taken in small areas, such as the Bishopville Prong and Shingle Landing Prong that are unable to support sea grasses and hard clams, as well as open waterways where marine life is more prolific.

In response to a question by Commissioner Busick, Mr. Wilson advised that water quality at the Bishopville pond would be enhanced tremendously by the completion of a stabilization project. However, dedicated State Highway Administration (SHA) funds were diverted away from the project to cover State budget shortfalls, and the project cannot move forward until additional funding sources can be identified. He further advised that water tests do not yet reflect the improvement that will result from the upgrade of 100 septic systems to include nutrient removal, as it will take time for the overall impact to be detected.

In response to questions by Commissioner Shockley, Mr. Wilson advised that test results that are skewed by rain events are addressed by using the median test results which eliminates such spikes.

Following much discussion, Commissioner Church thanked Mr. Wilson for meeting with

them and advised that the County will continue to partner with the MCBP to improve the quality of water and life in Worcester County.

Pursuant to the recommendation of Enterprise Fund Controller Jennifer Savage and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the issuance of taxable Build America Bonds through the Rural Utilities Service (RUS) and the United States Department of Agriculture (USDA) to fund the Mystic Harbour Wastewater Treatment Plant (MHWWT) replacement project. Ms. Savage advised that by going with the taxable bonds instead of nontaxable bonds, the Federal government will grant the County a 35% credit on loan interest (a savings from 2.625% to 1.7%) for issues before December 31, 2010. She stated that the terms of the 40-year financing agreement between the County and RUS/USDA will not change, and other than the possibility of reverting back to the original interest rate of 2.625% if the program ends before the bonds are repaid in full there would be no adverse affect on the County.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Busick, the Commissioners unanimously authorized staff to sign the Maryland Department of Natural Resources (DNR) Waterway Improvement Fund Application & Project Agreement in the amount of \$25,000 for sanitary services and trash removal at all Worcester County boating facilities.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff to sign the DNR Waterway Improvement Fund Application & Project Agreement for \$15,000 and \$10,000 respectively for the removal of abandoned vessels and debris from all County waterways.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the list of Waterway Improvement Project Grant applications for the FY12 budget in the following order of priority: \$99,000 for the replacement of bulkhead and slips at Public Landing; \$99,000 for relocation of finger piers and ramp at South Point Landing; \$99,000 for replacement of existing finger piers and ramps at Cedar Hall Landing; \$49,000 for general repairs at all locations; \$50,000 to resurface the existing parking lot at Shell Mill Landing; \$25,000 to resurface the existing parking lot at Mason Landing; and \$25,000 for sanitary services and trash removal at all locations. Mr. Tustin advised that the County received only \$50,000 from DNR for 2011, so the list of project priorities has not changed from the prior year.

Mr. Tustin updated the Commissioners on the success of the recent online sale of surplus vehicles, equipment, tools and office furniture through GovDeals. Mr. Tustin stated that 18 vehicles, 12 pieces of equipment and numerous miscellaneous items sold for \$40,701.28. He further stated that the commission to GovDeals totaled \$3,139.91, leaving the County with a net profit of \$37,561.37. He advised that 24 vehicles, 22 pieces of equipment and numerous miscellaneous items were sold on GovDeals in 2009 for \$99,666.71, with a commission cost of \$7,572.00, leaving a net

profit of \$92,094.71. He concluded that even though the County had fewer items to auction this year, GovDeals' auction continues to be a very successful and profitable endeavor.

Pursuant to the request of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Purnell, the Commissioners voted 6-0-1, with Commissioner Shockley abstaining due to a potential conflict of interest, to renew the Independent Contractor's Agreement between Shockley Environmental Services (Bobby Shockley) and Worcester County for the review and recommendation of approval, denial or revision of Stormwater Management Plans and applications for exceptions and waivers through June 30, 2011.

The Commissioners met with Mr. Tudor and Environmental Programs Administrator Bob Mitchell to review the Bay Restoration Fund Grant Award of \$113,500 for FY11. Mr. Tudor advised that the County applied for funds to cover upgrades of existing septic systems and replacement of failing septic systems in the amount of \$757,265 for FY11 and \$652,955 for FY12 to upgrade 116 septic systems during the next two years. However, the County was awarded only \$113,500 for the period of July 1, 2010 through December 31, 2010, which would be used to cover the cost of upgrading 10 septic systems, with additional funding to be awarded in January 2011. He advised that legislative changes in the Maryland General Assembly have impacted the awarding of funds for septic upgrades. He advised that even with diminished resources, administration of the program will continue to be carried out as it has in prior years, with the exception that funding is no longer available for voluntary septic system upgrades. He also advised that the Maryland Department of the Environment (MDE) has asked Mr. Mitchell to assist Somerset County with inspection services on the installation of up to 10 upgrades within that jurisdiction, with the County to be reimbursed for mileage and \$1,530 per upgrade for administrative costs. He stated the County would also be eligible for reimbursement of any costs associated with coordination with the Somerset County Health Department in the process. Mr. Tudor advised that Mr. Mitchell has indicated his willingness to assist with said services. In response to a question by Commissioner Boggs, Mr. Mitchell stated that the County has removed one large septic system that served a campground as well as 100 private septic systems from the Atlantic Coastal Bays Critical Areas within the last two years. He stated that through the process of upgrading these systems more than \$400,000 was pumped into the local economy. Following much discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the continuation of the Bay Restoration Grant Fund Program for Worcester County and lending the limited amount of assistance requested to Somerset County.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Busick, the Commissioners unanimously authorized staff to apply for mini grants from the Maryland Coastal Bays Program (MCBP) for \$2,630 to fund a Land Stewardship Education Series that will educate citizens on issues pertaining to water quality habitat management and more; and for \$5,000 to fund the creation of five soft shoreline projects throughout the County to help with erosion issues in the County roads right-of-way. Mr. Tudor advised that staff time will be used as an in-kind match toward the Land Stewardship Education Series along with approximately \$585.00 from the Critical Area Mitigation Fund.

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

Following a motion by Commissioner Purnell, seconded by Commissioner Gulyas, the Commissioners unanimously voted to meet in closed session at 11:20 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland. 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 legal matters.

After the closed session, the board adjourned to meet again on July 20, 2010.