

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

July 2, 2019

Diana Purnell, President  
Joseph M. Mitrecic, Vice President  
Anthony W. Bertino, Jr.  
Madison J. Bunting, Jr.  
James C. Church  
Theodore J. Elder  
Joshua C. Nordstrom

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bunting, with Commissioner Mitrecic 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 3-305(b)(1), (7), and (8) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and State's Attorney Kristin Heiser. Topics discussed and actions taken included: posting to fill a vacancy for IT Database Administrator/Programming Trainee for Information Technology, discussing the approved FY20 personnel budget with the State's Attorney; reviewing personnel changes in the Circuit Court and County Library; receiving legal advice from the County Attorney; reviewing pending litigation with the County Attorney; and performing administrative functions, including: discussing potential board appointments; FY19 monthly financial update; and employee appreciation letter from former Sheriff Chuck Martin.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 9:50 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the June 18, 2019 open session meeting minutes as amended and closed session minutes as presented.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, the Commissioners voted 6-0-1, with Commissioner Church recusing himself due to a potential conflict of interest, to schedule a public hearing on Tuesday, August 6, 2019, to receive public comment on the progress of the Community Development Block Grant (CDBG) awarded to the County Commissioners and sub-awarded to Diakonia for the Shelter Renovation Project.

Pursuant to the request of Ms. Reynolds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the Maryland Department of Aging FY20 Grant Application for funding of \$54,608 to provide services for senior citizens activities in Senior Centers in the County. Ms. Reynolds advised that no County match is required.

Pursuant to the recommendation of Budget Officer Kathy Whited and the written request of Wor-Wic Community College (WWCC) President Dr. Murray K. Hoy and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Letter of Intent confirming Worcester County's matching funding of \$2.6 million or 7% for the \$36 million project to construct the new 40,000-square-foot Applied Technology Building, with Wicomico County to fund \$6.4 million, and the State to fund 75% or \$26.8 million.

Pursuant to the request of Local Management Board (LMB) Director Jessica Sexauer and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Request for Proposals (RFP) for four programs to be implemented in FY20, and with a possible extension through FY21 as follows: WE3: Worcester Employment, Education, and Empowerment Program; Building Bridges to Stable Families; Worcester Connects - Mentoring Services; and Growing a Healthy Community.

Commissioner Bertino pointed to data in the RFP, which identifies that 42% of all County public school children were on free and reduced meals in 2018, while in 2017 a full 16% of all County children were considered to be below the federal poverty level and 3.47% were homeless, which is higher than the State homelessness average for children of 1.5%. He stated that these statistics directly contradict the State's position that Worcester County is a wealthy county and, therefore, does not qualify for additional education funding according to the State formula for school funding.

The Commissioners met with Economic Development (WCED) Director Kathryn Gordon to discuss providing County match funds of \$10,000 for the purchase of a track mobile for use by the Tyson Feed Mill in Snow Hill, Maryland for grain loading. The Commissioners conceptually approved this proposal during their June 18, 2019 closed session meeting. Ms. Gordon reviewed the project, noting that the Maryland Department of Commerce (MDC) has agreed to award a \$100,000 Maryland Economic Development Assistance and Authority Fund (MEDAAF) grant to Tyson Foods of Snow Hill to purchase a used track mobile, contingent upon the County providing a \$10,000 matching grant. She then provided background information regarding the history of the Tyson feed mill in Snow Hill, and she advised that the track mobile would allow Tyson workers to move freight cars after loading or unloading grain from the feed mill, and a new agreement between Tyson and the Maryland and Delaware Railroad Company (MDDE) will allow Tyson to resume freight shipments by rail to and from that location and restore local jobs. She confirmed that the MDDE secured a \$2 million Maryland Department of Transportation (MDOT) grant to support track improvements, and MDDE committed to provide matching funds of \$1 million toward the project. Commissioner Elder stated that this is a great moment for the Town of Snow Hill, and he thanked Ms. Gordon for her efforts to help protect local jobs.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 19-24 endorsing the filing of a MEDAAF application to fund the Tyson Feed Mill purchase of a track mobile for grain loading in Snow Hill and authorized Commission President Purnell to sign a grant application for a Community Legacy grant from the Maryland Department of Housing and Community Development (DHCD), with Tyson Foods as a subrecipient of the grant, in the amount of \$100,000 through the Community Legacy Program.

Pursuant to the request of Ms. Gordon and upon a motion by Commissioner Bertino, the Commissioners unanimously approved out-of-state travel for her to attend the International Economic Development Council (IEDC) conference in Indianapolis, Indiana from October 13-16, 2019, where she will both attend the conference and serve on the IEDC Sustainability Advisory Committee. Ms. Gordon stated that funds of \$2,081 to cover the conference, hotel, meal and mileage costs are available within the FY20 budget.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to schedule a public hearing on August 6, 2019 to consider 11 applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY20 on the following properties: a 102-acre property owned by Freddie and Fay Fair and located on the west side of Steel Pond Road in Stockton and more specifically identified on Tax Map 93 as Parcel 41; a 210.13-acre property owned by Mark Gross on Harrison Road in Berlin and more specifically identified on Tax Map 32 as Parcel 217; a 153.9-acre property owned by Glenn and Everett Holland at 1975 Colona Road in Pocomoke and more specifically identified on Tax Map 99 as Parcel 35; a 199.12-acre property owned by Everett Holland and Mark Holland at 1546 Colona Road in Pocomoke and more specifically identified on Tax Map 99 as Parcel 39; a 153.9-acre property owned by Samuel (Glenn) and Brenda Shockley at 5910 Laws Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 4; a 91.3-acre property owned by Stephen and Joanne Shockley and located on Davis Branch Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 26; a 136-acre property owned by Annette and Brooks Aydelotte located on Payne and Johnson Roads and more specifically identified on Tax Map 100 as Parcels 16, 17, 34, and 147; a 283.69-acre property owned by Bill Blank, Jr. located at 7440 Public Landing Road and more specifically identified on Tax Map 64 as Parcel 112; a 95-acre property owned by Dean and Deborah Guy located on Hall Road and more specifically identified on Tax Map 99 as Parcel 27; a 32.14-acre property owned by Glenn and Jean Holland located on Colona and New Bridge Roads and more specifically identified on Tax Map 100 as Parcels 6, 55, and 84; and a 139.9713-acre property owned by Tom Wilkins et al. located on MD Rt. 364 and more specifically identified on Tax Map 77 as Parcel 102.

Commissioner Elder stated that he would prefer the State redirect tax dollars currently used to purchase MALPF easements on private lands, which are not open to the public, to Program Open Space (POS) to purchase public lands for public purposes that can be enjoyed by all.

Pursuant to the request of County Engineer Bill Bradshaw and upon a motion by Commissioner Elder, the Commissioners unanimously approved an addendum to the contract

with Scarborough Oil Co., Inc. of Snow Hill, Maryland for petroleum products through April 2022 for the provision of tank wagon loads of Ultra Dyed Low Sulfur Diesel Fuel to County facilities at a total markup price per gallon of \$0.1375 to add service for a new 1,910-gallon tank at the County Jail, which serves the new generator at the Jail.

Pursuant to the recommendation of Public Works Director John Tustin in response to a request by Stephen Decatur High School (SDHS) Cross Country Coach Joseph Stigler and Principal Thomas Sites and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the SDHS Cross Country Team to use the Berlin Landfill from early September through mid-October 2019 for cross country training and as part of their home cross country course on Wednesdays when the Homeowner Convenience Center is closed. In response to a question by Commissioner Nordstrom, Mr. Tustin advised that the team has utilized a portion of the capped and closed Berlin landfill mound in a very limited capacity and under tightly controlled circumstances in the past, and there is very little disruption to the surrounding neighborhood. Training and meets are supervised at all times to protect the landfill facility, and no smoking is allowed by spectators during meets. In contrast, the request by the YMCA to use the closed landfill in Pocomoke for a bike trail was denied, given that the trails would have been accessible 24/7 and not controlled or monitored during use, as is the case in Berlin.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and approved the contract from Sherwood-Logan & Associates of Annapolis, Maryland for the provision of two new Flygt NP 3153.185 Submersible Pumps to be installed at Pump Station P in the Ocean Pines Sanitary Service Area (SSA) at a total cost of \$34,396.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved bid specifications for the replacement of a wastewater equalization tank in the Riddle Farm SSA. Mr. Tustin advised that funds of \$250,000 are available within the FY2019 bond issue for this purchase.

In response to a recent request from the Commissioners to provide designated parking spots for elected officials in the State's Attorney's Office, Circuit Court, and Government Center, Chief Administrative Officer Harold Higgins updated the Commissioners on progress being made to provide said space in the Franklin Street parking lot. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to designate two additional parking spaces for the Clerk of Court and the Register of Wills. Mr. Higgins stated that each local elected official will be designated a numbered rather than named parking space for security purposes. The Commissioners further agreed that Mr. Higgins could designate additional spaces in the Franklin Street parking lot for other department staff, as he determines necessary without further approval by the Commissioners.

Pursuant to the recommendation of Human Resources Director Stacey Norton and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposed agreement with LabCorp for testing products and services for non DOT drug tests at a cost of \$12 per test and lab confirmation fee for a total cost of \$26 if the test is positive and needs to be

confirmed by a Medical Review Officer. Ms. Norton stated that utilizing LabCorp for non DOT drug testing will help the County reduce expenses and get faster results for drug testing that is currently being completed at the West Ocean City (WOC) Injury and Illness Center at a cost of \$40 per test and Your Doc's In at a cost of \$36 per test. At the Commissioners' direction, Ms. Norton agreed to present this pricing information to the Board of Education (BOE) for their consideration as well.

The Commissioners met with Mr. Higgins to review and discuss his FY20 budget request to transfer the County Engineer from Development Review and Permitting (DRP) to County Administration. Mr. Higgins stated that this budget-neutral request was not specifically discussed or approved at their May 14, 2019 budget work session. He advised that the County Engineer workload needs to be re-evaluated and his focus and responsibility should be directed to County projects, as was the original intent of creating this position, and away from DRP plan reviews to which the position was reassigned during the recession. He then reviewed County projects requiring the County Engineer's full attention as follows: heating, ventilation, and air conditioning (HVAC) automation system controls in County buildings; building controls and locking systems; Court House HVAC replacement; Government Center ventilation and building repairs; Sheriff's evidence room; Isle of Wight building improvements; major renovations and repairs at the County Jail; Ocean Pines Branch Library improvements; parking lot improvements; Pearl Street building repairs; building upgrades to the Health Department facility in Pocomoke; and building improvements to the Pocomoke Branch Library.

Commissioner Bunting stated that the services of the County Engineer are more valuable in DRP. In response to a question by Commissioner Elder, Mr. Higgins provided background on this position and advised that over the years the need for plan reviews has increased, as has the demand for his services to oversee capital improvements at County buildings and new facility projects, as he was originally hired to manage. Commissioner Church stated that Mr. Higgins understands where the County Engineer's services can best be utilized and supported reassigning the position to County Administration. Commissioner Mitrecic concurred, noting that neither Ocean City or Sussex County have engineers in their planning and zoning divisions.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 4-3, with Commissioners Bertino, Bunting, Elder, and Nordstrom voting in favor of the motion and Commissioners Church, Mitrecic, and Purnell voting in opposition to the motion, to deny the request to reassign the County Engineer from DRP to County Administration.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Church, the Commissioners unanimously agreed to appoint Joseph Schanno to the Economic Development Advisory Board for the remainder of a four-year term expiring December 31, 2020 to replace John Glorioso who resigned.

Upon nominations by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Vonceilia S. Brown and Mary White to the Social Services Board for additional three-year terms each expiring June 30, 2022.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to reappoint George Dix to the Solid Waste Advisory Committee for an additional four-year term expiring December 31, 2022.

The Commissioners answered questions from the press, after which they adjourned until 11:00 a.m. at which time they reconvened to conduct a work session on the proposed Countywide Rental License Program and to review proposed Standard Sewer Flow Calculations.