

Minutes of the County Commissioners of Worcester County, Maryland

October 18, 2022

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

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) 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 Weston Young, Deputy Chief Administrative Officer Candace Savage (press release for her and Kim Reynolds), County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton, Brian Jones and Lance Thomas. Topics discussed and actions taken included the following: promoting Budget Officer Candace Savage to deputy chief administrative officer and Senior Budget Accountant Kim Reynolds to budget officer in County Administration, transferring Emergency Communications Specialist II Mae Mills to office assistant IV in Emergency Services, and hiring Allen Olsen as a landfill operator II in the Solid Waste Division of Public Works; reviewing a personnel summary update and certain personnel matters with Human Resources; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments and data storage.

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the commissioners unanimously voted to adjourn their closed session at 9:40 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Reverend Dale Brown, of the Snow Hill/Newark United Methodist Church circuit, and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners paused for a moment of silence to honor long-time business leader Hale Harrison who passed away October 17, 2022.

The commissioners reviewed and approved the open and closed session minutes of their October 4, 2022 meeting as presented.

The commissioners presented commendations to Corporal Alisha Morton and Sergeant Eric Elliott, who have been named the Worcester County Correctional Officers of the Year for 2022 for their distinguished service to the Worcester County Jail.

The commissioners presented commendations to the 2022 Volunteer Spirit of Worcester County awards recipients. They include Individual Spirit Award recipients Andy Blizzard, Larry Batis, and Belinda Rose Bender; Emerging Leader Spirit Award recipients Gabe and Graham Geiser, and Katie, Corey, and Eric Rimel; Group/Team Spirit Award recipients Berlin Branch Library Gardeners, and Ocean City Chamber of Commerce Young Professionals Group; and Lifetime Achievement Spirit Award recipient Ron Pilling.

The commissioners presented a proclamation recognizing October 24-28, 2022 as Economic Development Week to Tourism and Economic Development Director Melanie Pursel and other economic development professionals from across the County. The commissioners highlighted the County's membership with the Maryland Economic Development Association (MEDA) and partnerships with the area chambers of commerce to bring jobs and capital and to promote economic development as an investment in the region and throughout all of Maryland.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 4-7 as follows: out-of-state travel for one individual in Emergency Services to attend the 2022 APCO Nexus 360 conference in Arlington, Virginia from November 1-3, 2022; a Local Management Board (LMB) Community Partnership Agreement for grant funds of \$927,531 for FY23 LMB programs and strategies; a track equipment donation from Recreation and Parks to Stephen Decatur High School; and bid documents for dirt hauling from the Langmaid Road borrow pit to the Central Landfill.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Bertino, the commissioners unanimously approved the State Homeland Security Program 2022 Sub-Recipient Grant Agreement administered by the Maryland Department of Emergency Management for the Department of Homeland Security awarding Worcester County Emergency Services a total of \$74,876.33 for staff training and \$87,467 for programs, such as cyber security within the County.

Pursuant to the request of Budget Officer Candace Savage and upon a motion by Commissioner Bertino, the commissioners unanimously approved budget transfers within the Sheriff's Office of \$82,017 for fuel and within the Roads Division of Public Works of \$60,825 for fuel and \$14,920 for vehicle maintenance. In response to a question by Commissioner Bertino, Ms. Savage advised that these funds would come from the County fund-balance.

Sheriff Matthew Crisafulli and Colonel Doug Dods presented a request to convert nine vacant positions from part-time to full-time at an additional cost of \$235,000 for the remainder of FY23 and \$387,353.57 annually. In response to questions by Commissioner Bertino, Sheriff Crisafulli advised that he has received no applications to fill the seven part-time vacancies within the courts and one part-time vacancy within the public schools. He further confirmed that he is not seeking to purchase additional vehicles for these positions at this time, but rather would hold back vehicles that were being transitioned.

In response to questions by Commissioner Elder, Sheriff Crisafulli stated that he is working to convert all part-time deputy positions to full-time (2,080 hours annually) to recruit and retain deputies, which will help to alleviate some of the existing over-time. He further

confirmed that there are 88 deputies, which after accounting for mandatory trainings, office hours, and vacations, a full-time deputy is only working in the field 1,660 hours annually.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to convert nine positions within the Sheriff's Office from part-time to full-time.

The commissioners met in legislative session.

The commissioners conducted a public hearing on Bill 22-18 (Zoning – Food Waste Composting Facilities), which was introduced by Commissioners Bertino, Bunting, Church, Mitrecic, Nordstrom, and Purnell on September 20, 2022. Development Review and Permitting (DRP) Director Jennifer Keener stated that this bill would amend the Zoning Ordinance to allow food waste composting facilities for agricultural and commercial purposes by special exception in the A-1 and A-2 Agricultural Districts, the I-1 Light Industrial District, and the I-2 Heavy Industrial District; add definitions related to food waste composting; and add standards for food waste composting. She advised that this would allow the use of food waste that has been composted on a farm to be used on a farm and would allow commercial facilities to sell the finished product to the public. Ms. Keener advised that the setbacks mirror those of the State, with a twist on it to meet the County's agricultural standards. She concluded that the Assateague Coastal Trust submitted a letter supporting the draft bill, and the Planning Commission gave a favorable recommendation to the amendment.

Commissioner Mitrecic opened the floor to receive public comment.

Thomas Garvey Heiderman of Ocean Compost and The Hobbit Restaurant urged the commissioners to adopt Bill 22-18 to create a consistent path for people to be able to operate composting sites. He stated that he has been operating a compost pile in Bishopville with zero complaints and has voluntarily had the Maryland Department of the Environment (MDE) onsite. Furthermore, he thanked DRP staff for their efforts to work with him to create a streamlined process for anyone seeking to operate an agricultural or commercial composting site. In response to questions raised by Commissioner Elder, Mr. Heiderman advised that a properly-maintained compost pile does not smell. Ms. Keener confirmed that any potential issues could be addressed through the proposed nuisance plan to be included as part of the application process, and the bill includes setback requirements for compost piles of 100 feet from property lines and 300 feet from houses, and screening requirements. In response to questions by Commissioner Mitrecic, Mr. Heiderman confirmed that he removed six tons of waste from the stream the first year, 40 tons the second year, and expects to remove about 105 tons this year. He advised that this indirectly benefits Worcester County, as the tonnage can be credited toward the County's recycling efforts.

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

Upon a motion by Commissioner Nordstrom, the commissioners unanimously adopted Bill 22-18 as presented.

The commissioners conducted a public hearing on a Comprehensive Water and Sewerage Plan amendment submitted by Mark Cropper, on behalf of Royal Farms, for a proposed amendment to the Water and Sewerage Plan to expand the sewer planning area for Pocomoke City to add the Royal Farms store located at 2497 Lankford Highway in New Church, Virginia.

Following a January 18, 2022 public hearing, a similar amendment filed by Pocomoke City Manager Jeremy Mason failed 3-3, with Commissioners Mitrecic, Nordstrom, and Purnell voting in favor, Commissioners Bertino, Bunting, and Elder voting in opposition, and Commissioner Church absent. Then on March 15, 2022, Commissioner Church made a motion, which passed 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to revisit the proposed amendment to the Water and Sewerage Plan to expand the sewer planning area for the Town of Pocomoke City to serve the Royal Farms.

Environmental Programs Director Bob Mitchell reviewed the amendment, which would allow the Royal Farms to connect to an existing sewer line that runs from the corporate limits of Pocomoke City to the Virginia Line, where it serves the Virginia Welcome Center. He advised that this potential new customer would add nine equivalent dwelling units (EDUs) of flow, according to Pocomoke City officials, with Royal Farms to prepay a one-time, \$300,000 flat fee for metered sewer usage for the period beginning in 2021 and extending through December 31, 2026, as well as the tie-in/hook up, and permit fees. Mr. Mitchell concluded that the Planning Commission granted a favorable recommendation to the amendment.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper reviewed the history of the store's failing septic, recognized that past efforts to tie into Pocomoke City's Wastewater Treatment Plant (WWTP) have been controversial, and noted that, without service from Pocomoke City, the store could be forced to cease operating. He advised, however, that similar situations exist in Worcester County. Specifically, 240 northern Worcester County properties assessed at \$78 million receive public services from Delaware. He noted that the most of the 34-40 Royal Farms' employees and the store's customers reside in Worcester County, making the store a direct economic benefit to the town and County. Mr. Cropper concluded that the town is already treating the sewage from the Royal Farms by way of pumping and hauling, and he asked the commissioners to approve the amendment to allow the sewage to continue to be treated by Pocomoke by hooking into the sewage line, a move that would keep the Royal Farms in New Church alive. In response to questions by Commissioner Bunting, Mr. Cropper reviewed the streets in northern Worcester County where homes receive public services from Delaware.

Chris Bollino, of Severna Park and construction manager for Royal Farms, concurred with the staff report and the Planning Commission's findings that the amendment is consistent with the County's comprehensive plan. He stated that the septic system at this location has already been replaced once, and the only way for the store to continue to operate will be to connect to public sewer from Pocomoke City.

Jeff Harmon, a professional civil engineer with the Becker Morgan Group of Salisbury, adopted the staff report and Planning Commission's findings as part of his testimony. He advised that runoff from the store flows north toward the Pocomoke City watershed, and allowing this location to tie into public sewer would eliminate the possibility of septic overages flowing into the watershed.

Retired Environmental Programs Director and Planning Commission member Rick Wells of Bishopville stated that he voted against the amendment when it came before the Planning Commission because there is no benefit to the County in such an arrangement. Furthermore, if the commissioners were to consider such a request, the necessary amendment should be between the County and another government entity, not a for-profit business.

Stephen Katsanos of South Point concurred with comments made by Mr. Wells. He also express concerns regarding the fee structure. In response to his concerns, Mr. Mitchell advised that the hook up and monthly rate charges are included in the \$300,000 prepayment from Royal Farms to the town.

Mr. Mason advised that Pocomoke City owns the WWTP, and the \$300,000 pre-payment will make it possible for the town to make improvements to that facility. In response to concerns raised by Commissioners Bertino and Bunting, Mr. Harmon advised that the Virginia Department of Transportation (VDOT) had approved the project. Commissioner Nordstrom stressed that this hookup is needed to address environmental and concerns and to help the town pay for much-needed infrastructure improvements.

Commissioner Bertino stated that the issue today is about economics, the cost involved to pump and haul waste verses tying directly into a sewer line to the Pocomoke WWTP. He warned that approving this amendment would set a precedent for the County to subsidize growth in Accomack County, but receive no benefit from property tax revenues in return. He suggested that similar requests in the future should be submitted within the framework of an agreement between the County and Accomack County and/or the State of Virginia. Commissioner Elder concurred. Commissioner Church disagreed. He likened the amendment to a good neighbor policy, with benefits on both sides.

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

Following much discussion, a motion by Commissioner Bertino to deny the Water and Sewerage Plan amendment submitted by Royal Farms and to potentially consider such an amendment in the future in cooperation with Accomack County and/or the State of Virginia failed 3-4, with Commissioners Bertino, Bunting, and Elder voting in favor of the motion and Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in opposition.

Following continued discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to approve the amendment to the Water and Sewerage Plan and expansion of the Pocomoke City sewer planning area to include the Royal Farms store in New Church, Virginia, contingent upon Pocomoke City entering into an agreement with the Virginia Department of Transportation. The commissioners further agreed to schedule a meeting with Accomack County officials to discuss issues that include public sewer, fire, and emergency medical services.

The commissioners recessed for 10 minutes.

The commissioners conducted a hearing on Nuisance Abatement Order No. 22-1, pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland for a property located at 10130 Silver Point Lane in West Ocean City. Property owner Sharon Brown advised that her family has made substantial progress to abate the nuisance by having two sailboats on the property removed, but needs more time to have another moved. Therefore, she requested a 30-day extension to the nuisance abatement order.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners agreed to grant Ms. Brown a 60-day extension.

Commissioner Mitrecic closed the legislative session.

Pursuant to the request of Budget Officer Candace Savage and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved FY22 year-end budget transfers totaling \$339,698.

Pursuant to the request of Ms. Savage and upon a motion by Commissioner Bertino, the commissioners unanimously approved the FY22 Reserve for Assigned Encumbrances totaling \$2,630,080.

The commissioners agreed to postpone discussions regarding appointments to the Tri-County Council for the Lower Eastern Shore until their November 15, 2022 meeting.

The commissioners conducted a work session with lobbyist Paul Ellington of State and Local Advisors to identify the County's legislative priorities ahead of the 2023 Maryland General Assembly session in Annapolis January 11 – April 10, 2023. Mr. Ellington reviewed general information about the dynamics of the General Assembly, which he noted will have a new administration for the first time in eight years. He stated that it will be important to introduce the State legislators to the unique challenges the County faces, challenges that often conflict between the needs and interests of urban and rural counties. For example, he noted that the top for initiatives of the Maryland Association of Counties are not bad for Worcester, but they do not reflect any of the initiatives that the County is seeking to address. Therefore, he noted that it will be important to bring the State and federal representatives together to be proactive and speak on the County's needs with one voice. Top initiatives considered during the work session include but are not limited to broadband, the wealth formula, and bond money.

Following some discussion, the commissioners thanked Mr. Ellington for meeting with them and agreed to schedule a legislative priorities luncheon with him and the State and federal Eastern Shore delegates.

Commissioner Nordstrom extended his thanks to personnel in the Roads Division of Public Works for installing rumble strips on Bayside Road in the area of Public Landing to address speeding and public safety concerns.

The commissioners paused for a moment of silence to honor Stockton Volunteer Fire Company Chief Neil Payne who passed away October 16, 2022.

The commissioners answered questions from the press, after which they adjourned to meet again on March 1, 2021.