

Minutes of the County Commissioners of Worcester County, Maryland

August 16, 2016

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

Following a motion by Commissioner Lockfaw, seconded by Commissioner Purnell, 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), (3), and (7) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: hiring Stephanie Hall as an Accounting Clerk II and Shannon Moyer as an Accounting Clerk I within the Treasurer's Office, Matthew Heritage as a Maintenance Worker I and Seth Nelson as a Maintenance Worker III within the Maintenance Division, Brian Daye as a Roads Worker II within the Roads Division and Jawan Golphin as a Plant Operator Trainee within the Water and Wastewater Division of Public Works, and Damian Priznar, Rhonda Williams, Adhana Howard, Lamar White and Shaun Polk as Correctional Officer Trainees and posting to fill another vacancy within the County Jail; acknowledging the hiring of Timothy Sponagle to fill the full-time, grant-funded position of Heroin Coordinator-Analyst within the Sheriff's Office; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their August 2, 2016 closed and open session meetings as presented.

Pursuant to the request of Heather Barton, Director of Administrative Services for the Health Department, and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the contract to OC Solutions, LLC of Ocean City, Maryland for cleaning services for the condominium at 12 43rd Street, Unit No. 5 in Ocean City utilized by Health Department Environmental Health Specialists and seasonal Sanitarians for the sum of \$60 per cleaning. In her memo, Ms. Barton explained that OC Solutions has provided satisfactory

cleaning services for the County in past years, and although other vendors offered the same rate, the Health Department preferred to work with the known vendor.

Pursuant to the recommendation of Finance Officer Phil Thompson at the written request of Melanie A. Pursel, Executive Director of The Greater Ocean City, Maryland Chamber of Commerce, Inc. and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to adopt a resolution at a future meeting authorizing a 100% tax credit in the amount of \$12,885.45 for real property owned by The Greater Ocean City, Maryland Chamber of Commerce, Inc. for the July 1, 2016 tax year. In response to a question by Commissioner Lockfaw, Mr. Thompson advised that both the Greater Ocean City Chamber of Commerce and the Berlin Community Improvement Association meet the State regulations required to qualify for a 100% tax credit. He stated that State legislation would have to be passed to add another organization.

Pursuant to the recommendation of Budget Accountant Kim Watts and a request from Mary Beth Quillen, Assistant Director of Administration within Social Services, and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the FY17 Maryland Department of Housing and Community Development (DHCD) Rental Allowance Program (RAP) grant application and agreement for a grant of \$40,000.

Pursuant to the request of Ms. Watts and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Bunting to sign a Maryland Department of Transportation (MDOT) Grant Application for a portion of a grant of \$4 million to be allocated to Maryland counties as provided in Section 8-405 of the State Transportation Article to repair and invest in local roads, as authorized by Governor Larry Hogan.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the proposal from Vision Forestry, LLC of Salisbury, Maryland, in the amount of \$2,800 to prepare a Forest Stewardship Plan (FSP) for the County-owned Iliia Fehrer Nature Preserve, a 430-acre property on Ayres Creek, with the FSP to be used for planning, inventory and applying for various funding programs to implement restoration activities on the property. Mr. Mitchell advised that a portion of the \$8,000 revenue generated from a recent timber harvest on the property will be used to fund the cost of the FSP, with no County financial interest whatsoever to be used in the management of the property. In response to a question by Commissioner Elder, Mr. Mitchell stated that the County does not currently receive any revenue from the property, as it is a passive park, but staff could look into possible opportunities.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously agreed to schedule a public hearing on September 6, 2016 to consider 10 applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY16/17 on properties in alphabetical order as follows: a 79.5-acre property owned by Adams and located at 5793 Worcester Highway, Snow Hill and

more specifically identified on Tax Map 52 as Parcel 32; a 54-acre property owned by Aydelotte and located at Brantley Road in Pocomoke City and more specifically identified on Tax Map 92 as Parcel 28; a 178-acre property owned by Corbin and located at 2247 Dividing Creek Road in Pocomoke City and more specifically identified on Tax Map 69 as Parcels 22 and 66; a 102-acre property owned by 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 338.7-acre property owned by Jones and located at Cedar Hall and Hickory Point Road in Pocomoke City and more specifically identified on Tax Maps 91 and 99 as, Parcels 1, 3 and 26; and a 178.2-acre property owned by Porter Mill Properties, LLC and located at 809 Snow Hill Road in Stockton and more specifically identified on Tax Map 94 as Parcel 174; a 281.2-acre property owned by Powell and located at Timmons Road in Snow Hill and more specifically identified on Tax Map 56 as Parcel 25; a 123.7-acre property owned by Red Eye, LLC and located at 8416 Burbage Road in Berlin and more specifically identified on Tax Map 33 as Parcel 185; an 80-acre property owned by Shockley and located at Davis Branch Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 26; a 276.7-acre property owned by Sterling and located on the east and west sides of U.S. Rt. 13 in Pocomoke City and more specifically identified on Tax Map 92 as Parcel 71.

Mr. Mitchell stated that the 10 easement applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board and the Worcester County Planning Commission, which had declared that all 10 applications are consistent with the 2006 County Comprehensive Plan. He further explained that FY17 funding is limited, so the MALPF board has combined FY17/18 into one funding cycle.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Lockfaw, the Commissioners voted 6-0-1, with Commissioner Mitrecic abstaining from the vote due to a potential conflict of interest, to award the low bid to Hi-Tide Marine Construction, LLC of Ocean City, Maryland in the amount of \$35,975 for the construction of a fishing and crabbing pier at Taylor Landing. Mr. Tustin advised that funds are available within the FY16 budget for this project.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved an over expenditure of \$81,464 and awarded the low bid to Murtech Marine Division of Salisbury, Maryland in the amount of \$329,264 for the Five Mile Branch Road Bridge Replacement Project. Mr. Tustin stated that funding of \$274,212 was approved in the FY16 budget for the project, and the low bid received reflects an increased structure cost of \$81,464, which is over the amount authorized with State aid of \$65,171 or 80% and County funding of \$16,293 or 20%. Mr. Tustin explained that he would apply to the State to cover 80% of the over-expenditure for a net increased cost to the County of \$16,293.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the low bid to Vermeer Mid-Atlantic, Inc. of Annapolis Junction, Maryland in the amount of \$53,898 for the purchase of a new vacuum trailer for the Water and Wastewater Division of Public Works.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the following vehicles, which were approved for purchase in the FY17 budget: one full size 4x4 SUV for the Commissioners Office; one 1-ton 4x2 stake body truck, and one 1-ton 4x4 utility body truck for use within the Solid Waste Division of Public Works; one ½-ton 4x2 pickup truck, one ¾-ton 4x2 truck, one 1-ton 4x2 utility body truck, and one 1½-ton 4x2 crew cab utility body truck for use within the Water and Wastewater Division of Public Works; one compact 4x2 cargo van for use within Emergency Services; one 1-ton 4x2 cargo van for use within the County Jail; and one full size 4x4 SUV (transport), one full size 4x4 SUV (patrol), and six full size 4x2 police pursuit SUVs for use within the Sheriff's Office.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously accepted the proposal from EA Engineering of Ocean Pines, Maryland for construction management, construction inspection, and engineering services during the construction of the Berlin Rubblefill Cap and Closure Project at an estimated cost of \$152,949.92 or 5.6% of the total construction cost. In response to a question by Commissioner Bertino, Mr. Tustin stated that EA Engineering has completed all prior County cap and closure projects and compiled all historic data pertaining to the landfills, thus making them the most qualified engineering service to administer inspection services on behalf of the County.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitreicic, the Commissioners unanimously agreed to accept a utility easement on land at 12724 Airport Road in Berlin and more specifically identified on Tax Map 33 as Parcel 14 that has been granted to the County by the Town of Ocean City to allow County staff to maintain a water meter on the property that was installed as part of the water connection project from the Mystic Harbour water system to the Ocean City Airport. Commissioner Bunting requested that the plat be sealed by a surveyor prior to recording.

The Commissioners met with Mr. Tustin to review and discuss an offer from the Maryland Department of the Environment (MDE) to provide funding to complete the \$2.3 million Newark Spray Irrigation Project through the Water Quality Revolving Loan Fund using a combination of a 50% low interest loan for approximately \$1 million, with a low interest rate currently offered at 1.2% per year fixed rate including fees for a term of up to 30-years, and a 50% loan forgiveness (grant) for approximately \$1 million. Mr. Tustin noted that this offer was received in response to a letter from the Commissioners to MDE Secretary Ben Grumbles on June 21, 2016 addressing concerns that a lack of funding will cause delays with meeting deadlines identified in the Consent Order and Agreement for removal of the Newark outfall from Marshall Creek. He further advised that additional project funding may be available through the U.S. Department of Agriculture (USDA) Rural Utilities, as MDE funding does not preclude the County from being eligible for USDA project funding. Upon a motion by Commissioner Elder, the Commissioners unanimously agreed to accept the offer of financial assistance from MDE as presented.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the

Commissioners unanimously approved reallocating \$300,000 in remaining 2015 Bond Funds to rehabilitate the Mystic Harbour water tower, now that the waterline interconnections between the Mystic Harbour, The Landings, and Assateague Pointe Sanitary Service Areas have been completed.

The Commissioners met in legislative session.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review a text amendment application submitted by Brian Peter Cosby on behalf of Dan Torino, trading as Dimensions, seeking to add two new subsections to Section PH 1-107(c), which would prohibit any body piercer or employee of a body piercing studio from soliciting business off the premises of any body piercing establishment and also prohibit the payment of referral fees to any individual or establishment for the referral of potential clients. Furthermore, it would modify the requirements for certain documentation before the piercing of a minor, by deleting the requirement for notarization of the written parental authority and proof of parental status. Mr. Tudor pointed to written comments from Health Officer Debbie Goeller that express concern that these regulations are more of a zoning regulation than a health regulation and strong concern with regard to eliminating the requirement for notarized proof of parentage and providing evidence of the proof itself.

Following some discussion, Commissioner Mitrecic introduced the aforementioned legislation as Bill 16-5 and scheduled a public hearing on September 20, 2016 to receive comments on the bill.

Commissioner Bunting closed the legislative session.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Zoning Reclassification Resolution No. 16-05, regarding Rezoning Case No. 403, filed by Attorney Mark S. Cropper, on behalf of Nichols-Neff Properties, LLC, for an amendment to the Official Zoning Maps to rezone approximately 95 acres of land formerly known as the Pine Shore Golf property and located on the northwesterly side of Beauchamp Road to the northeast of the junction with MD Rt. 589, and more specifically identified on Tax Map 15 as Parcels 127 (25.08 acres) and 259 (70 acres) in the Third Tax District of Worcester County, Maryland, from E-1 Estate District to R-1 Rural Residential District.

County Engineer Bill Bradshaw updated the Commissioners on the status of improvements to the Government Center Evidence Storage Room ventilation, noting that Gipe Engineering's current design is 90% complete. He advised that the segregation of the evidence room has developed into a complex project that requires significant demolition and construction in both the evidence room and adjacent basement spaces at a preliminary cost estimate of \$120,000; however, this does not address ventilation issues in the adjacent space. Therefore, he recommended contracting with Gipe Engineering to complete a feasibility study that could be used to help budget for future ventilation system improvements for both the evidence room segregation and office areas combined. In addition, Mr. Bradshaw recommended the purchase of a biological controls filtration unit for the evidence room to reduce vapors and particulate contaminants at a cost of \$3,200. Upon a motion by Commissioner Lockfaw, the Commissioners

unanimously accepted the proposal from Gipe Engineering in the amount of \$5,600 to complete the proposed feasibility study and to authorize the purchase of the filtration unit at a cost of \$3,200.

Pursuant to the request of Mr. Bradshaw and upon a motion by Commissioner Elder, the Commissioners unanimously approved a Request for Proposals (RFP) for demolition services for the structure at 110 North Washington Street. This property was acquired by the County with the intent to expand the existing Washington Street parking lot to provide additional parking for the Government Center, Court House and State's Attorney's Office. Mr. Bradshaw stated that the Snow Hill Historical Commission has approved the house demolition and parking lot expansion, and funding is available for this project.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Mitrecic, the Commissioners unanimously agreed to appoint Maria Campione-Lawrence to the Social Services Board for a three-year term expiring June 30, 2019 to replace Nancy Howard whose term expired.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review and discuss proposals to install an audio visual (AV) system in the County Commissioners Meeting Room to provide video access of their meetings on the County website at www.co.worcester.md.us. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously accepted the proposal from ePlus to install a fully automated audio visual system in the Commissioners' Meeting Room in the Worcester County Government Center in Snow Hill at a total installed cost of \$24,509 and an annual maintenance cost of approximately \$4,000. Mr. Shannahan further stated that ePlus has agreed to install the system for a 60-day trial period at no obligation. He concluded that this audio visual package is far less costly than recording options the Commissioners had considered in the past, some of which were estimated to cost upwards of \$200,000.

Commissioner Mitrecic thanked staff and noted that this is a small fee to pay to assure that County residents can keep current with County business at their convenience, rather than taking time off from their jobs to attend the meetings. Commissioner Elder concurred and thanked his fellow Commissioners for having declined an earlier option to install a more expensive system in favor of identifying a cost-effective means of providing constituents with access to their meetings. In response to a question by Commissioner Bertino, Information Technology Manager Brian Jones advised that IT staff will be able to track the number of times each video is viewed on the County website. County Attorney Maureen Howarth advised that the contract with ePlus includes a retention plan of 90 days, but that plan can be altered, and the Commissioners should develop a policy that identifies the length of time the videos will be retained, which can then be approved by the State Archivist.

The Commissioners recessed for 30 minutes.

The Commissioners presented a commendation to members of the Berlin Little League Senior All Stars for winning the Maryland District 8 Tournament Play and going on to win the

2016 Maryland State Championship for their age division.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 6, 2016.