

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

October 2, 2018

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

Following a motion by Commissioner Bertino, seconded by Commissioner Bunting, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal advice and personnel matters permitted under the provisions of Section 3-305(b)(1) 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 Elwood Collins as a Maintenance Worker II for Recreation and Parks, Anthony Ruggiero as a Roads Worker II for the Roads Division of Public Works, and Christina "Tina" Vickers as the Emergency Management Planner for Emergency Services; and posting to fill vacancies for a Communications Clerk Trainee and a Communications Clerk I for Emergency Services, and a Building Maintenance Mechanic III for the Maintenance Division of Public Works; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the September 18, 2018 open session minutes as presented and closed session minutes as revised.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the Memorandum of Understanding (MOU) between the Maryland State Police (MSP) Forensic Sciences Division (FSD) and the County Commissioners on behalf of the Worcester County Jail, for the collection of DNA samples under Maryland law. The MOU shall be deemed in effect until terminated by one or both of the parties or the law no longer requires the DNA collection. In response to a question by Commissioner Bertino, Warden Bounds advised that State law requires the collection of DNA samples from individuals charged with certain crimes.

Pursuant to the recommendation of Warden Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and accepted

the best proposal from Atlantic Tractor, LLC of Salisbury, Maryland at a total cost of \$25,152.24 for the purchase of one John Deere 3038E tractor, with Frontier GM 1660E Discharging Grooming Mower, for use at the County Jail. Warden Bounds advised that her recommendation was based upon anticipated reliability, the availability of a local service dealer in Salisbury, and the County's prior positive experience with John Deere products. In response to a question by Commissioner Bertino regarding the three solicited proposals, Public Works Director John Tustin stated that the County has no experience with the Kioti Model CK3510H tractor included in the low bid of \$22,300 from Burke Equipment Company of Delmar, Delaware, and Kioti product reviews have been mixed.

Pursuant to the request of Warden Bounds and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the Public Performance Licensing Agreement between the County Commissioners, on behalf of the Worcester County Jail (Licensee), and Swank Motion Pictures, Inc. for DVD broadcasts at the Jail. The Commissioners further authorized this request to be approved administratively in the future, as long as the contract does not change substantially. Warden Bounds advised that this license is needed to run public performances of informational DVDs, such as "Know Your Rights."

Chief Administrative Harold Higgins introduced Billy Birch, the incoming Emergency Services Director. Mr. Birch will step into his new position following the retirement of Fred Webster. Mr. Birch thanked the Commissioners for the opportunity to serve the County in this new role, and he turned the discussion over to Emergency Services Assistant Director James Hamilton, who provided an update on the status of the new P25 Radio System. Mr. Hamilton advised that Harris Corporation provided Worcester County with the results of the Coverage Acceptance Testing, which was performed from late August through the first week of September, and it appears that Harris has met the contractual requirements for coverage, as defined within the system purchase agreement. However, County staff and Federal Engineering (FE) representatives are currently evaluating the test results, and they will report their findings to the Commissioners prior to executing a conditional acceptance document with Harris Corporation. Mr. Hamilton further advised that, under the terms of the current contract, Harris Corporation replaced commercial-grade generators at two radio system tower sites with industrial strength generators at no additional cost to the County.

In response to a question by Commissioner Bertino, Mr. Hamilton stated that the Ocean Pines Volunteer Fire Company and law enforcement officials have reported no new radio transmission issues, and he advised that the Mystic Harbour tower site appears to have played a role in improving transmission issues. In response to a question by Commissioner Mitrecic, Mr. Hamilton stated that the Town of Ocean City has not announced when fire and public safety divisions within the town will transition from the existing system to the new P25 Radio System. In response to a question by Commissioner Church, Mr. Hamilton advised that there may be space available on the tower in Mystic Harbour for Verizon Wireless to place a transmitter; however, that site is likely too distant from South Point to improve wireless reception in that community.

The Commissioners met with Maryland Department of Transportation (MDOT) officials, including Secretary Pete K. Rahn, Motor Vehicle Association (MVA) Field Operations Director

Rhashad Johnson, Maryland Transportation Administration Planning and Programming Director Holly Arnold, State Highway Administration (SHA) Office of Planning and Preliminary Engineering Director Greg Slater; SHA District #1 Engineer Jay Meredith; Maryland Aviation Administration Regional Aviation Assistant Director Ashish Solanki, A.A.E., MTA Planning and Program Development Director Melissa Williams to discuss the draft FY19 - FY24 Maryland Consolidated Transportation Program (CTP), as part of the MDOT/SHA Annual Capital Program Tour Meeting.

Secretary Rahn thanked the Commissioners for meeting with them and provided an update on the \$16 billion transportation budget over the next six years, with 53% of the budget going to roads and bridges, and an additional \$3.3 billion going to toll roads and bridges. Nine major roads and bridges projects totaling \$462 million have been completed to date and another 17 projects totaling \$1.2 billion are underway. Since 2015, when Governor Hogan committed to fixing every structurally-deficient bridge, all 69 bridges identified have been repaired, replaced, or advertised for construction. MDOT currently has a total of 816 projects under construction, including airport, highways, transit, port, and bicycles lanes a total cost of \$8.8 billion. Secretary Rahn stated that Maryland drivers have saved \$186 million following the institution of toll reductions in 2015, which does not include the \$46 million Marylanders will save over the next five years from making E-ZPass transponders free.

Mr. Slater stated that SHA recently completed the dualization of 4.6 miles of U.S. 113 from Massey Branch to Five Mile Branch (Phase 3) in July 2018 at a cost of \$52 million; and the final phase to dualize the remaining 4.3 miles from Public Landing Road to Five Mile Branch is under construction and should be completed by fall 2019 at a cost of \$74 million. Secondary development projects include a feasibility study to replace the U.S. Rt. 50 Bridge into Ocean City (with options to eliminate/upgrade the drawspan structure), and a study for improvements to the existing MD Rt. 589 corridor from U.S. Rt. 50 to U.S. Rt. 113 (4.7 miles). He advised that the budget includes \$31 million for local resurfacing projects, including the recently-completed resurfacing of Coastal Highway and installation of a median fence to improve pedestrian safety in Ocean City; adding a second right-turn lane on U.S. Rt. 50 to MD Rt. 589 northbound, with construction to begin 2019; MD Rt. 589 slope repairs to be completed by the end of 2018; a concept study, which is being developed in partnership with Peninsula Regional Medical Center, for a roundabout at the north gate of Ocean Pines to improve this intersection; and design plans for a drainage project on U.S. Rt. 13 Business in downtown Pocomoke. Mr. Slater further advised that this budget includes returning \$14 million in Highway User Revenues (HUR), which includes an additional \$1.3 million in grants awarded by the Governor recently, to Worcester County and the municipalities therein over the next six years.

Commissioner Bertino requested and Mr. Slater agreed that SHA will continue to update the Commissioners on any developments pertaining to the Ocean Pines roundabout.

Mr. Johnson advised that the MVA introduced new online services and kiosks in 2014 that have reduced customer wait times by 41% for an average wait time just under 14 minutes at the MVA office in Salisbury. He advised that in 2017 MVA began notifying Marylanders licensees and identification card holders that they may need to provide new documentation to process their renewals, as required by Homeland Security to maintain compliance with the Federal Real ID Act. He advised that Marylanders can access the complete list of acceptable documents online at [www.mva.maryland.gov](http://www.mva.maryland.gov). Mr. Johnson concluded that there were 558 fatalities on Maryland roadways in 2017, and MVA has been working with local, state, and

federal partners to develop safety solutions that will save lives. However, everyone must do his or her part to wear seatbelts, end impaired and distracted driving, and improve pedestrian behaviors. He urged everyone to take the 30-day MDOT Traffic Safety Pledge, to commit to safe driving behaviors. Secretary Rahn asked the Commissioners to share the pledge with the Board of Education and other agencies to spread the word to establish good driving behaviors. Mr. Johnson stated that MVA looks forward to working with local officials on the development of the Worcester County Highway Safety Plan to reduce fatalities. He advised that Governor Hogan has awarded highway safety grants of \$30,000 to the Ocean City Police Department (OCPD), \$3,600 to the Health Department, \$2,000 to the Sheriff's Office, and \$2,000 to the Ocean Pines Police Department.

Ms. Williams advised that in FY19 MTA is providing \$3.8 million in operating and capital grants to Shore Transit for two medium duty buses, one small bus for mobility management, and ongoing preventive maintenance; and \$7.7 million in operating and capital grants to Ocean City Transit, including \$6 million for Phase 2 of the new transit facility. Furthermore, MTA is committing \$88,000 in FY18/19 to the Commission on Aging (COA) for the new Community for Life program in Ocean Pines.

Mr. Solanki advised that as of January 2018 BWI Marshal Airport produced a total economic impact of \$9.3 billion and supports 106,000 jobs, and traffic continues to grow. BWI set new passenger records in 36 out of the last 37 months, and upgrades continue to be made to improve the customer experience. He stated that the Statewide Aviation Grant Program will provide \$1.5 million for safety funding for obstruction renewal and \$28,000 for design of runway rehabilitation at the Ocean City Municipal Airport.

Ms. Arnold stated that Marylanders will save \$46 million over the next five years thanks to the elimination of the E-ZPass transponder replacement fee and credits being assessed to those who had already purchased transponders in 2018. The 2015 Toll Rollback Plan eliminated the \$1.50 monthly E-ZPass account maintenance fee, and in February 2018 the State unveiled the new E-ZPass mobile website at [www.ezpassmd.com](http://www.ezpassmd.com) to improve customer convenience. She stated that as of FY18 E-ZPass use by Worcester County residents increased by 11% to 8,154 users. She concluded that progress continues on the third Chesapeake Bay Crossing Study, which began in January 2017 and should be completed by summer 2020.

Mr. Rahn thanked the Commissioners for hosting them and invited them to take part in the 20-Year Maryland Transportation Plan's 60-day public comment period, which runs through November 20, 2018.

Commissioner Purnell thanked MDOT officials for their commitment to improving and maintaining Worcester County Roads, and she asked them to provide the Commissioners with additional Traffic Safety Pledge forms. In response to a question by Commissioner Purnell, Secretary Rahn stated that the State is working to reroute Maryland residents and visitors from GPS mapping routes that send them by schools, parks, and residential neighborhoods where they do not belong and back onto state-preferred travel routes.

Commissioner Mitrecic expressed concern that the MD Rt. 90 dualization project is not listed in the CTP. He noted that the Commissioners support Ocean City officials who have made this project a priority over replacing the U.S. Rt. 50 bridge, as MD Rt. 90 is woefully unprepared to handle the traffic and public safety needs that will be created if the U.S. Rt. 50 bridge is shut down for any period of time. Secretary Rahn concurred that this is an important project, but that it is highly expensive and is not included in the CTP. However, MDOT will continue to look at

innovative approaches to address safety improvements.

Commissioner Bunting concurred with Commissioner Mitrecic, noting that the Commissioners have agreed to make the dualization of MD Rt. 90 a top priority project. Furthermore, he asked SHA to construct a permanent right lane on St. Martin's Neck Road at the intersection of MD Rt. 90 to help alleviate traffic backups.

In response to a question by Commissioner Lockfaw, Mr. Slater advised that construction for the lighting project on the U.S. Rt. 13 bridge in Pocomoke should be complete in early 2019. He further advised that SHA works with the Maryland Farm Bureau to provide project notices to the farming community, and he agreed to place a variable message board in advance of the MD Rt. 13 bridge in Pocomoke to provide those operating farm equipment with enough distance to turn around when bridgework would prohibit their crossing.

In response to concerns raised by Commissioner Bertino about GPS mapping programs routing travelers away from MD Rt. 113 or U.S. Rt. 50 by way of MD Rt. 589, Secretary Rahn stated that this is a nationwide trend, and MDOT has begun to see some success combating this trend by posting message boards that urge motorists to adhere to certain routes.

Delegate Charles Otto thanked MDOT officials for their efforts to complete the Chesapeake Bay Crossing Study and preservation projects and for their commitment to funding Shore Transit to address transportation challenges that are unique to rural areas.

Ocean City Councilman Wayne Hartman, speaking on behalf of the Mayor and Council, reiterated that the town's priority transportation project remains the dualization of MD Rt. 90. He stated that this is a dire safety need, noting that if it would be a detriment to public safety to attempt to evacuate the town via the single-lane MD Rt. 90 bridge in the event that the U.S. Rt. 50 bridge is down during an emergency or an evacuation.

Pat Shrawder, spokesperson for Delegate Mary Beth Carozza, thanked Mr. Slater for being responsive when Delegate Carozza's office contacts him with concerns raised by area residents.

Pursuant to the written request of Budget Officer Kathy Whited and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved FY18 Year-End Budget Transfers totaling \$310,952, which include \$48,609 (mainly in the Sheriff's Office to cover the vehicle bid from September 4, 2018) to be included in the encumbrance request. Chief Administrative Officer Harold Higgins explained that the Year End Budget Transfers are a housekeeping measure included in the annual audit process, whereby budgeted funds are redirected to cover unanticipated expenses in other line items. Mr. Higgins advised that there will still be savings for the County after these transfers have been completed.

Pursuant to the written request of Ms. Whited and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the proposed Year End Reserve for Assigned Encumbrances in the amount of \$1,726,631. Mr. Higgins explained that these funds have been set aside in three separate categories: Currently Approved Projects not Completed by June 30, 2018 (\$380,023), Grant Funds Appropriated but Unobligated (\$673,678), and Other Projects and Programs (\$672,930). Mr. Higgins explained that all encumbrances are for contracts and purchase orders that will be fulfilled in a subsequent fiscal year. Commissioner Mitrecic requested staff provide the Commissioners with a comprehensive list identifying the number of vehicles within the Sheriff's Office involved in wrecks in FY18.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review the Nuisance Abatement request for the old Bishopville movie theater, which is identified on Tax Map 9 as Parcel 194 and located at 10646 Bishopville Road. Mr. Tudor stated that for the last several years this property, which is posted with a No Trespassing sign, has been the source of numerous complaints about the alleged presence of rats on the property due to a variety of accumulated personal property. He stated that the property is fenced, and DRP has previously addressed issues regarding the quality of that fencing at times, and complaints of rats and vermin running off the site are handled by the Health Department. Mr. Tudor further advised that Environmental Programs Director Bob Mitchell contacted the property owner to address the accumulation of heavy personal property on top of the sewerage system, but he was not granted access to inspect the site. Mr. Tudor advised that Section PH 1-101(a)(4) of the Public Health Article of the County Code prohibits the outdoor accumulation of personal property unless it is visually screened from the public road and adjoining properties. He stated that the only alternative for a more permanent solution would be with regard to the provisions of Section PH1-1-1(a)(14), which is basically a catch-all provision that states, "Such other similar conditions as the County Commissioners may determine to be prejudicial to property values in the County." However, he cautioned the Commissioners that this determination should not be taken lightly, as without supporting evidence from the Health Department that the property is dangerous to public health, their decision could be challenged in court. With regard to the nuisance being detrimental to property values, Mr. Tudor stated that the County has no hard evidence to that effect. He further expressed concern about DRP's ability to manage multiple, complex abatements should there be a proliferation of complaints that other structures or properties are detrimental to property values in the County.

Bart Dorsh of the Health Department stated that he conducted a site visit to this property, which was posted with a "No Trespassing" sign, and no one answered the door. He stated that he visually inspected the property from the public right-of-way, and overall the property appeared to have been cleaned up since his last site visit in fall 2016, and there was no evidence of rats or a food source on the property. In response to a question by Commissioner Bunting, Mr. Dorsh confirmed that he could not view the conditions underneath the numerous, leaking tarps used to cover some of the personal property, so he could not say what activity may be taking place under those tarps.

Commissioner Bunting stated that it would be wrong to permit this nuisance to remain unabated. He pointed out that he has received two to three complaints each month during the past two years from area residents concerned about the nuisance conditions on this property, including the accumulation of stagnant water, which serves as a breeding ground for mosquitos and runs into the Bishopville Pond, and sightings of rats running off the property. Furthermore, in follow up to these complaints, he had observed the property and seen rats traveling from the site. Therefore, he concluded that this property poses serious health and safety risks to the public. He also noted that the building itself is dilapidated, and the second story porch appears ready to fall into the street, which the County should address separately in the near future.

In response to a question by Commissioner Bertino, Mr. Mitchell stated, while staff's inspections are limited to what they can observe from the property line, it appears that heavy items, which are piled sideways and upside down, are sitting on top of the septic system. However, the property owner will not permit them to sample his well, and the only way to assess

the condition of the septic system would be to request that the owner have the system assessed or allow Environmental Programs staff to complete this task. In response to a question by Commissioner Bunting, Mr. Mitchell stated that the County would need to clear away the personal property before they could evaluate the well and septic. In response to an additional question by Commissioner Bunting, Mr. Tudor confirmed that the County Code does not permit junk yards in Village Zoning.

In response to a question by Commissioner Purnell, Mr. Mitchell stated that the drain field for the old septic system on this property comprises the entire backyard, so the heavy items piled up on the property are likely crushing the system and creating an impermeable surface. In response to a question by Commissioner Mitrecic, Mr. Mitchell confirmed that the damage caused to the drainfield could result in sewage flowing off the property, across the road, and into the Bishopville Pond.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously declared the property to be a public nuisance under the provisions of Subsections PH 1-101(a)(3), (5), (8), (10), and (14) of the County Code and agreed to send a letter to the property owner ordering the nuisance to be abated by October 28, 2018, with the property owner to contact the County no later than 15 days following receipt of said letter to request a hearing before the Commissioners on this matter.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the Request for Proposals (RFP) for Consultant Services to update the Worcester County Water and Sewerage Plan. Mr. Mitchell advised that the last plan update took place in 1994, and he advised that funding is available within the FY18 budget for this purpose.

The Commissioners met with Public Works Director John Tustin to review bids for the purchase of corrugated metal pipe for the Roads Division of Public Works, with the low bid from Chemung Supply Corp of Elmira, NY in the amount of \$34,660. In response to questions by Commissioner Lockfaw, Mr. Tustin stated that Lane Enterprises of Bealton, VA has been the County's supplier of corrugated metal pipe for the last 10 years. However, if the Commissioners opt to go with the low bid, County staff will work to accommodate any differences in pipe sizing that may exist between the two companies' products.

Upon some discussion and a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the best bid to Lane Enterprises, Inc. of Bealton, Virginia at a total cost of \$36,265.

Mr. Tustin presented the Commissioners with the results of a speed study on Holly Grove Road, which was conducted from June 14-21, 2018 at the request of an area resident to address speeding vehicles and safety concerns and to request a speed limit sign be posted. Mr. Tustin reviewed the results and noted that the average speed of vehicles was 37 miles per hour on this currently unposted road, which allows a speed limit of 50 mph. Furthermore, roughly 40.3% of all traffic traveled less than 36 mph, and 59.7% of all traffic traveled more than 35 mph. He stated that Samuel Bowen Boulevard, which is located on the north end of Holly Grove Road, has a posted speed of 35 mph, and Sinepuxent Road to the south is posted at 40 mph, and he recommended posting a speed limit of 40 mph on Holly Grove Road to provide a more uniform

speed limit throughout this geographical area.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to post the new speed limit of 40 mph and afterward to request that the Sheriff's Office begin enforcing the new speed limit.

Following a motion by Commissioner Bertino, seconded by Commissioner Mitrecic, the Commissioners unanimously voted to meet in closed session at 11:11 a.m. in the Commissioners' Conference Room 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; and Kim Moses, Public Information Officer.

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

The Commissioners presented a proclamation to Worcester County Fire Marshal Jeff McMahan recognizing October 7-13, 2018, as Worcester County Fire Prevention Week and October as National Fire Prevention Month, with the theme *Look. Listen. Learn. Be Aware - fire can happen anywhere.*

The Commissioners conducted a public hearing on nine petitions to sell agricultural easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY19 on properties in Worcester County. Also present at the meeting were Environmental Programs Director Bob Mitchell and Katherine Munson, Environmental Programs Planner IV. Mr. Mitchell reviewed the nine properties, which are listed in their entirety in the Commissioners' meeting minutes of September 18, 2018. He stated that the applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting all nine applications to MALPF for appraisal, and the Worcester County Planning Commission, which declared all nine applications to be consistent with the 2006 County Comprehensive Plan.

Commissioner Purnell opened the floor to receive public comment.

Hugh Cropper, representing Mr. Gross, who owns a 210.13-acre property on Harrison Road in Berlin and more specifically identified on Tax Map 32 as Parcel 217, where it abuts 2,000 acres of land protected by a MALPF easement on one side and a developed area to the other side. He advised the Commissioners that Mr. Gross's farm has good soils and cautioned that there could be pressure to develop this property in the future. For these reasons, he urged the Commissioners to support his client's application.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-0-1, with Commissioner Elder abstaining, to approve the recommendation of the Worcester County Agricultural Land Preservation Advisory Board, which recommended all nine applications be submitted to MALPF for appraisal and further consideration for purchase of agricultural easements.

At the request of Commissioner Mitrecic, the Commissioners agreed to work with staff to

develop hallmarks upon which to conduct annual staff evaluations of the Chief Administrative Officer (CAO) and the Assistant Chief Administrative Officer (ACAO).

The Commissioners answered questions from the press, after which they adjourned to meet again on October 23, 2018.