

Minutes of the County Commissioners of Worcester County, Maryland

October 23, 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 Mitrecic, seconded by Commissioner Bertino, 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 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 Jacob Gross, Paul Leimbach, Catherine Stromberger, and Kallie Speta as Communications Clerk Trainees for Emergency Services, Kevin Candy as a Safety Coordinator for Human Resources, and John Partridge as a Maintenance Worker I for the Water and Wastewater Division, and Shawn Warren as a Roads Worker I for the Roads Division of Public Works; posting to fill the position of Roads Worker II and Traffic Control Foreman in the Roads Division, and a Recycling Crew Leader and a Recycling Worker I for the Solid Waste Division of Public Works; temporarily promoting Michael Adams from Corporal to Sergeant within the Jail; discussing potential and pending litigation and 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.

Superintendent Lou Taylor informed the Commissioners about the death of a 19-year-old Cedar Chapel Special School student following multiple seizures, advised that grief counseling is being provided at the school, and asked them to keep the school faculty, students, and parents in their thoughts and prayers.

The Commissioners reviewed and approved the October 2, 2018 open session meeting minutes as revised and closed session meeting minutes as presented.

The Commissioners presented commendations to Worcester Technical High School (WTHS) teachers and students who are ranked as top performing career and educational students nationally and who performed with excellence during the 54th annual SkillsUSA National

Leadership and Skills Conference in June 2018 as follows: Kaleb Schmucki and Maggie Kemp took 4th place in Mobile Robotic Technology; Helen Odenwald, Anastacia Elbert, Mia Dill, and Jessica Wynne took 6th place in Career Pathways-Human Services; Makayla Zajdel, Sierra Payne, and Danielle Munn took 6th place in Career Pathways-Health Services; DJ Taylor, Harley Elsner, and Zach Moats took 6th place in Occupational Health and Safety/Single; Rebecca Staines, Chase Farlow, and Daniel Outten took 6th place in Team Engineering Challenge-Middle School; Shea Griffin took 7th place in Related Technical Math; Eric Taylor took 9th place in Building Maintenance; and DeShawn Collick and Adam Taylor took 10th place in Community Action Project.

The Commissioners also commended WTHS instructors and students for representing Worcester County across the State of Maryland and the nation with such excellence that WTHS was honored with a gold award during the conference.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to subordinate the County's 2013 Housing Rehabilitation 10-Year Loan/Conditional Grant Agreement with Lorraine A. Fasciocco, in the original amount of \$19,520 and with a remaining balance of \$9,760, to Provident Funding Associates, L.P. Ms. Bynum reviewed the request, noting that Ms. Fasciocco is refinancing her mortgage to reduce her interest rate and monthly payments.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the general rehabilitation of an owner-occupied home on Friendship Road in Berlin, which is to be funded through the County's current Housing Rehabilitation Grant under the Community Development Block Grant (CDBG) program.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the general rehabilitation of an owner-occupied home on White Horse Drive in Berlin, which is to be funded through the County's current Housing Rehabilitation Grant under the CDBG program.

Pursuant to the request of Economic Development Deputy Director Kathryn Gordon and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Purnell to sign the Independent Contractor's Agreement between the County Commissioners of Worcester County, Maryland and Fawn Mete of Sinepuxent Group, LLC for the 2019 Summer Step Up and Reach for the Stars STEM Camp and Internship Program. Ms. Gordon advised that since 2013 up to 60 students have been selected to serve in the program each summer. She stated that with the approved budget increase of \$100,000, along with additional funding of \$10,000 from the Tri-County Council of the Lower Eastern Shore (TCC) Rural Maryland Development Fund, they are working to strengthen the NASA Wallops Flight Facility partnership, increase the number of students served, and focus recruitment on college interns approaching graduation.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the best bid for the

design, supply, and installation of playground equipment at Stockton Park to Cunningham Recreation of Queenstown, Maryland at a total cost of \$53,958.92. Mr. Perlozzo explained that while the four bids received were all within a few dollars of each other, only Cunningham Recreation offers a lifetime warranty on the posts while also offering the greatest play value in terms of elevated and ground-level component parts, making Cunningham the best value.

Pursuant to the request of Mr. Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the request for proposals (RFP), which was developed in conjunction with the Maryland Department of the Environment (MDE) and the Maryland Department of Natural Resources (DNR), to complete engineering services for the Public Landing Dredging Project. Mr. Perlozzo advised that funds of \$80,000 are available within the FY19 budget for this Public Landing improvement.

The Commissioners met with Mr. Tustin to review a proposed five-year Land Lease Agreement between Worcester County (Lessor) and Verizon Wireless (Lessee) to permit Verizon to construct a free-standing communications tower on a 50' x 50' area of County-property at the Ocean Pines Wastewater Treatment Plant (WWTP) identified on Tax Map 16 as Parcel 78 for which they will pay the County \$20,000 annually, with 2% increases annually for the duration of the agreement. Mr. Tustin explained that this five-year lease includes a provision that would potentially permit four additional five-year renewals.

In response to a question by Commissioner Mitrecic, Mr. Tustin advised that the County had done its due diligence to compare like lease pricing, and he further agreed to speak with Ocean City officials regarding similar lease rates.

In response to a question by Commissioner Bertino, County Attorney Maureen Howarth advised that Verizon has authorization to build the tower up to 199 feet; however, the plans for this tower are to build a 127-foot tower. She further advised that, while the County has no foreseeable need for space for Emergency Services or broadband on this specific tower, requests such as these should be reviewed on a case by case basis to determine whether future lease agreements should include a clause allowing the County access to tower space.

Commissioner Bunting stated that technological advances make it difficult to determine what the needs of the County will be for tower space tomorrow; therefore, he urged that this lease agreement be amended to include a provision of County space on the tower at no cost to the County.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the five-year Land Lease Agreement between Worcester County (Lessor) and Verizon Wireless (Lessee) for construction of a free-standing communications tower on a 50' x 50' area of County-property at the Ocean Pines Wastewater Treatment Plant (WWTP) identified on Tax Map 16 as Parcel 78, with an annual lease payment of \$20,000, with 2% increases annually for the duration of the agreement, as amended to include a provision to allot space for the County on the tower at no cost to the County.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to award the low bid for the purchase of two International Model MV HV 507 Dump Trucks to

Baylor, Inc. DBA International of Delmarva of Salisbury, Maryland at a total delivered price of \$265,964, including options for pre-trip inspection and alarm sound.

Commissioner Elder stated that Baylor, Inc. recently lost mechanics and was worried they may not be able to perform warranty work, so he preferred the bid from Western Star Trucks of Delmarva at a cost of \$271,114.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously rejected all three bids for the purchase of a trailer with hydraulic gate for the Roads Division of Public Works, as none of the bids received met the required specifications. The Commissioners further authorized staff to solicit pricing from various vendors in lieu of absorbing re-advertising costs and competitive bid processing time.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Mitreic, the Commissioners unanimously awarded bids to purchase 36 vehicles, as approved in the FY19 County Operating Budget as follows: one 2019 Dodge Durango SXT AWD mid-size SUV 4X4 at \$26,298.00, and five 2019 Ram 1500 Regular Cab full-size pickup trucks 2WD at \$18,275.00 each to IG Burton and Company, Inc. of Milford, Delaware; and two 2019 Ram 1500 Regular Cab 4X4 full size pickup trucks at \$21,196.00 each, one 2019 Chevy Cruze LS Standard Sedan at \$15,997.00, three 2019 Ram 1500 Regular Cab 2WD full size pickup trucks at \$17,474.00 each, one 2019 Chevy 3500 Express Cargo Van 2WD at \$25,824.00, one 2019 Ram 1500 Classic Quad Cab 4X4 pickup truck at \$23,564.00, two 2019 Ford F250 Regular Cab 4X4 pickup trucks at \$27,251.00 each, three 2019 Chevy Colorado Extended Cab 2WD pickup trucks at \$21,744.00 each, two 2019 Ram 1500 Regular Cab 2WD pickup trucks at \$17,474.00 each, two 2019 Ram 1500 Regular Cab 2WD pickup trucks at 17,620.00 each, one 2019 Chevy Impala LS W/IFL full-size four-door at \$23,194.00, two 2019 Chevy Tahoe Police Package SUV full-size SUV 4X4 unmarked at \$35,946.00 each, three 2019 Chevy Tahoe Police Package SUV full-size 4X4 at \$36,329.00 each, five 2019 Chevy Tahoe Police Package 2WD full-size SUVs at \$33,410.00 each, and two 2019 Chevy Silverado 1500 Double Cab 4X4 pickup trucks at \$26,227.00 each to Hertrich Fleet Services of Milford, Delaware.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the bid for the purchase of one 2019 Caterpillar Model 725 C2 off-road dump truck for use within the Solid Waste Division of Public Works to Alban Tractor of Baltimore, Maryland at an acquisition cost of \$416,186, less guaranteed buyback at the end of seven years of \$115,000, for a net adjusted price of \$301,186 and a monthly lease payment of \$5,955.66 over 84 months at an interest rate of 5.35%.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Purnell to sign the Sandpiper Energy Commercial Application for Gas Service for the Boiler Gas Conversion Project at the County Health Department in Berlin to include assigning a temporary right-of-way (ROW) on the County's property during the installation of the gas line. With this application, the Health Department office in Berlin will be converted from fuel oil to natural gas, at a total estimated cost of \$19,749, which includes the following: extending natural gas supply line from the street to the building at no cost; labor and materials to purchase and install new natural gas burners, all gas lines, gas permit, start up and calibration at a cost of \$9,854; removal and disposal of the

underground oil storage tank at a cost of \$9,500; excavated soil testing at a cost of \$395; and fill dirt for excavation at no cost. Mr. Tustin stated that this office is one of four County facilities that still utilize fuel oil for heating, and replacing the fuel oil lines will eliminate the risk of leaks that can contaminate the soil, while also providing cleaner emissions from the boilers.

In response to a question by Commissioner Bertino, Mr. Tustin advised that the Court House, Jail, and Pocomoke Branch Library are also served by fuel oil.

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the sole bid for the demolition and disposal of the structure at 13412 Madison Avenue in Ocean City, Maryland at a total cost of \$25,300 to Delmarva Arborists, LLC of Salisbury, Maryland. In response to a question by Commissioner Bunting, Mr. Tudor advised that the bid includes testing for asbestos; however, if asbestos is detected there will be an additional expense to properly dispose of the materials.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on November 20, 2018 to receive public comment on an application submitted by Hugh Cropper, IV on behalf of Sea Oaks Village, LLC to establish a Residential Planned Community (RPC) floating zone on the property known as Sea Oaks, located on the westerly side of MD Rt. 611 (Stephen Decatur Highway), north of Sinepuxent Road, and more specifically identified on Tax Map 26 as Parcel 274, Lot 3A, which is proposed for the development of 59 townhouses and two commercial buildings consisting of 24,570 square feet of mixed use. Mr. Tudor advised that the proposal will be reviewed by the Planning Commission on November 1, 2018.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on November 20, 2018 for Rezoning case No. 420. This application was submitted by Attorney Hugh Cropper, IV, on behalf of Ocean Tower Investment, LLC, property owners, and seeks to rezone 2.22 acres of land located on the south side of St. Martins Neck Road, directly opposite the entrance to the Todd Industrial Park, and more specifically identified on Tax Map 10 as Parcel 27, Lot 1 in the Fifth Tax District of Worcester County, Maryland, from E-1 Estate District to A-2 Agricultural District. Mr. Tudor advised that the application received a favorable recommendation from the County Planning Commission.

Pursuant to the written recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the sole proposal from Peter Johnston & Associates, LLC to update the Worcester County Atlantic Coastal Bays Critical Area Law and the Worcester County Chesapeake Bay Critical Area Ordinance at a cost of \$9,750.00 and a lump sum cost of \$375.00 for each additional meeting attended in Worcester County at the request of the County that is not specifically included in the Request for Proposals. Environmental Programs Deputy Director David Bradford advised that the work is scheduled to start November 1, 2018 and should be complete by March 2019.

The Commissioners met with Mr. Bradford to schedule a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Attorney Hugh Cropper, IV, on behalf of Sea Oaks Village, LLC, to reclassify the sewer planning area for a single property from S-3 (service to be provided within six to 10 years) to S-1 (service to be provided within two years) and to include it in the Mystic Harbour Sanitary Service Area (SSA), to include a revised equivalent dwelling unit (EDU) table that will accurately reflect the planning and connection activities in the SSA. The applicant has requested the change in sewer service classification to serve a proposed RPC on the west side of MD Rt. 611 (Stephen Decatur Highway), as previously referenced by Mr. Tudor in scheduling the public hearing on the RPC application. Mr. Bradford advised that the Planning Commission found the proposed amendments to be consistent with the County's Comprehensive Development Plan and granted the application a favorable recommendation.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on November 20, 2018 to receive public comment on the proposed amendments to the Worcester County Water and Sewerage Plan as requested.

Pursuant to the request of Fire Marshal Jeff McMahan and upon a motion by Commissioner Elder, the Commissioners unanimously approved an over-expenditure of \$2,320 in the FY19 budget to cover the cost of unplanned repairs for a vehicle involved in an accident on September 5, 2018. Mr. McMahan advised that most of the available funding in the vehicle expense account has been used to fund unanticipated vehicle expenses, leaving a current balance of only \$1,431.60, which is not enough to cover this additional expense.

The Commissioners reviewed the written request of Budget Officer Kathy Whited to transfer FY19 budgeted funds of \$478,870 from the former Information Technology Division of Emergency Services to the stand-alone Information Technology Department. Chief Administrative Officer Harold Higgins reviewed this housekeeping matter to establish Information Technology as a new department. In response to a question by Commissioner Mitrecic, Mr. Higgins stated that there are now 18 County departments and offices, with 12 reporting directly to County Administration.

The Commissioners met with Budget Accountant Kim Reynolds to review and consider scheduling a public hearing on the requested five-year Capital Improvement Plan (CIP) FY20 - FY24. Ms. Reynolds advised the Commissioners that projects totaling \$91,867,085 are proposed over the five-year period. She stated that, of the proposed projects, \$7,927,492 or 8.63% are proposed to be funded by the General Fund and \$53,418,101 or 58.15% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, assigned funds, and enterprise fund bonds. She reminded the Commissioners that the CIP is strictly a planning document, and a project's inclusion in the CIP does not constitute funding approval. Rather, each project will be considered and if approved would be refined as details come to light and as projected revenues are known. Priority projects would be given approval to move forward with more detailed planning.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on November 20, 2018 to receive public comment on the requested five-year CIP FY20 - FY24 as presented.

Pursuant to the request of County Engineer Bill Bradshaw and Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the contract for general construction of the County Jail HVAC Renovation Project to Bancroft Construction Company of Wilmington, Delaware at a base bid of \$2,970,000, and including alternate numbers 1 - AHU-4 cooling system at an additional cost of \$75,000, 5 - PVC jacketing, for an additional cost of \$7,000, and both 4 - ATC System by Modern Controls and 6 - High Efficiency Unit at no additional cost, for a total project cost of \$3,052,000. In addition, the Commissioners approved rental of a temporary kitchen from Rental Solutions for \$21,528¹ and commissioning of equipment by Gipe Engineering for \$16,000, and other project expenses for a total project cost of \$3,495,820. Mr. Bradshaw advised that, while the most recent Jail addition was built in 2008, bringing the facility to 135,000 square feet. The original 47,000-square-foot facility built in 1980 is still being served by the original failing HVAC system and equipment.

In response to a question by Commissioner Bertino, Mr. Bradshaw confirmed that project costs exceed budgeted funds of \$2.7 million for this project; however, he understands that funds will be available within the FY19 budget through the Assigned Fund Balance to cover this deficit. He confirmed that the overage was due to increasing market prices and advised that rebidding the project without reducing the scope of work would likely result in even higher bid prices.

In a related matter and in response to a question by Commissioner Elder, Mr. Bradshaw advised that any plans to develop a Central Booking facility at the Jail would need to be addressed independent of this specific project, since such a facility would not be located in the region of the Jail currently planned for rehabilitation.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comment on Bill 18-4 (Public Safety - Animal Control), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on September 18, 2018. County Attorney Maureen Howarth reviewed the bill, which adds definitions to the Animal Control laws requiring that an animal that is not kept inside a home or building be brought indoors under certain conditions; specifying the type of outdoor shelter that must be provided for an animal that is not kept indoors, including the space available to the animal, the cleanliness, the size and maintenance of the shelter, and its ventilation; prohibiting the use of certain types of structures as animal shelters; restricting certain types of restraints; and generally relating to Animal Control laws. Ms. Howarth stated that the bill amends Subsection PS 2-101(b) to include definitions of the terms suitable shelter, tethered, restraints, and unsafe weather conditions and adds new Subsections PS 2-101(v) establishing standards for tethering an animal, PS 2-101(w) establishing suitable tiered shelter of animals if left outdoors and unattended, and PS 2-101(x) establishing that shade must be provided if an animal is to be left outdoors and unattended and the forecasted weather is 85 degrees Fahrenheit or higher.

Commissioner Purnell opened the floor to receive public comments.

Heather Bahrami, of the Worcester County Humane Society Board of Directors, stated

¹Revised with Commissioners' approval on December 4, 2018 from \$215,528 to reflect the correct cost.

that she felt frustrated and helpless when coming into contact with animals left out in the snow or tethered to tiny dog houses, and for that reason last year she asked Commissioner Church to introduce legislation to give the existing laws the teeth needed for Animal Control Officers to intervene when pets are subjected to inhumane conditions. She advised that a petition she introduced online recently advocating for legislation to help and protect animals has already garnered more than 1,900 signatures, with hundreds of positive comments and zero negative comments. She therefore encouraged the Commissioners to adopt Bill 18-4 as presented.

Judith Galuardi of Berlin advised that living, breathing animals deserve to be treated humanely, and she asked the Commissioners to support Bill 18-4.

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

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Bill 18-4 (Public Safety - Animal Control) as presented. Commissioner Church thanked the Commissioners and the public for their support.

The Commissioners conducted a public hearing to receive public comment on Bill 18-5 (Zoning - Surface Mining), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on September 18, 2018. Assistant Chief Administrative Officer Kelly Shannahan reviewed the bill, which he advised is a housekeeping measure that addresses standards for reclamation of County-owned surface mining operations and is required for the County to qualify for an exemption to the Maryland Surface Mining Law of 1977 by the Maryland Department of the Environment (MDE) for continued use of the County's Langmaid Road Borrow Pit by the Roads Division of Public Works. Specifically, this bill adds a new Subparagraph ZS 1-330(c)(24) to provide that the Commissioners may, by resolution, adopt further standards for reclamation of County-owned surface mining operations.

Commissioner Purnell opened the floor to receive public comments.

There being no public comment, Commissioner Purnell closed the public hearing.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Bill 18-5 (Zoning - Surface Mining) as presented.

The Commissioners conducted a public hearing to receive public comment on Bill 18-6 (County Government - Competitive Bidding Threshold), which was introduced by Commissioners Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on September 18, 2018. Mr. Shannahan reviewed the bill, which repeals and reenacts CG 4-202(a) to revise the threshold requiring competitive bidding for any single purchase by the County from \$10,000 to \$25,000, to reflect changes recently adopted by the County Commissioners in Resolution No. 18-19, Revising and Rezoning Financial Management Rules and Procedures for County Departments.

Commissioner Purnell opened the floor to receive public comments.

There being no public comment, Commissioner Purnell closed the public hearing.

Upon a motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Bertino voting in opposition, to adopt Bill 18-6 (County Government - Competitive Bidding Threshold) as presented.

Commissioner Purnell closed the legislative session.

Commissioner Bunting temporarily left the meeting.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the State Homeland Security Program 2018 Sub-Recipient Grant Agreement administered by the Maryland Emergency Management Agency (MEMA) for the Department of Homeland Security awarding Worcester County Emergency Services a total of \$74,651.35 to support State and local preparedness efforts.

Pursuant to the request of Mr. Webster and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Memorandum of Understanding (MOU) between Maryland Department of Information Technology (DoIT), the Maryland Statewide Interoperability Radio Control Board, and the County Commissioners on behalf of Emergency Services for use of radio talk groups from the Maryland 700 MHZ radio system, and allowing State agencies to program talk groups from the County's P25 800 MHZ radio system into their radios for interoperable communications.

Commissioner Bunting returned to the meeting.

Mr. Webster provided the Commissioners with details about Operation Tourist Boom on the beach in Ocean City from November 2-3, 2018, an emergency preparedness exercise being hosted by the Maryland Army National Guard in cooperation with the Town of Ocean City. Mr. Webster advised that the exercise will include local and state agencies responding to a simulated chemical, biological, radiological, nuclear, explosive (CBRNE) and active shooter incidents. He advised that a number of County departments and agencies will assist with the exercise.

In response to concerns raised by Commissioner Church, Mr. Webster advised that public service announcements are being published on television, radio, and print news outlets as well as Maryland State Highway Administration (SHA) message boards to inform residents and visitors about the exercise.

Mr. Webster and Assistant Director James Hamilton provided the Commissioners with a P25 Radio System status update. Mr. Webster stated that the County, with support from Federal Engineering (FE), continues to work with Harris Corporation on final acceptance of the P25 Radio System. He noted that FE is completing an independent analysis of the Bit Error Rate (BER) testing received by Harris on October 12, 2018. He advised that there have been no reports of radio transmission issues since August 20, 2018. He concluded that staff is aware of one radio transmission issue that occurred while scanning in an ambulance; however staff and Harris are working with the reporting party to determine if there is a technical or operational issue related to this report. Mr. Shannahan advised that once staff receives the analysis from FE they will forward it to the Commissioners.

Ms. Howarth reviewed a request from Richard Smith, who subleases the County-owned premises known as Stores No. 2 and 3 (former 16th Street Liquor Store) in the Layton Plaza Shopping Center in Ocean City from the County, to sub-sublease stores 2 and 3 to OC Freddie's, LLC. Ms. Howarth advised that she has reviewed and approves of the sub-sublease, which has also been approved by the landlord, Layton Plaza, LLC (Tony Christ). Upon a motion by Commissioner Church, the Commissioners unanimously approved the proposed sub-sublease for

the former 16th Street Liquor Store in Ocean City.

The Commissioners met with Mr. Shannahan on behalf of the Worcester County Sewer Committee to discuss a request from Hugh Cropper, IV, attorney for ODIE-1, LLC, Mark R. Odachowski (the applicant) to allocate 45 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve two proposed restaurants, with 23 EDUs for a 276-seat restaurant and 22 EDUs for a 256-seat restaurant on an approximately 1.82-acre property located on the west side of Ocean Gateway (U.S. Rt. 50), west of Stephen Decatur Highway (MD Rt. 611) in West Ocean City (WOC), and more specifically identified on Tax Map 27 as Parcel 137 (current site of the Alamo Motel). Mr. Shannahan advised that the subject property is currently served by 11 EDUs of sewer capacity in the WOC Sanitary Service Area (SSA). Since the property cannot be served by sewer from two different sanitary districts on the same account, the applicant can sell and transfer those 11 WOC EDUs to other properties in the WOC SSA, in accordance with the provisions of Resolution No. 97-1. He stated that approval of Mystic Harbour EDUs for the subject property should, therefore, be conditioned upon acknowledgment by the owner that the 11 West Ocean City EDUs cannot be mixed with the Mystic Harbour EDUs.

Mr. Shannahan outlined the 161 EDUs currently available in Area 1 - North of the Airport for the following uses: 58 EDUs (Infill and Intensification), 50 EDUs (Vacant or Multi-Lot properties), 17 EDUs (Single Family Dwellings), and 36 EDUs (Commercial). He concluded that either the Infill and Intensification category or the Commercial category would be the most appropriate categories from which to consider assigning these EDUs if the Commissioners are inclined to approve Mr. Cropper's request.

Mr. Shannahan advised that the approved expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP) and project funding from the United States Department of Agriculture (USDA) were predicated on the need for infill and intensification of properties along the U.S. Rt. 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. Furthermore, the Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority to (1) infill lots, then (2) expansion of existing facilities, then (3) replacement of septic tanks, and last (4) new developments.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved Option 1, approving the request for 45 EDUs of sewer services from Area 1 to serve the ODIE-1, LLC property subject to the owner's acknowledgment that the 11 WOC EDUs cannot be mixed with the Mystic Harbour EDUs, and with Mystic Harbour EDUs allocated as follows: 20 EDUs from Commercial and 25 EDUs from Infill and Intensification.

The Commissioners answered questions from the press, after which they adjourned to meet again on November 7, 2018.