

Minutes of the County Commissioners of Worcester County, Maryland

November 20, 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 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 Jesse Bozman, Nathan Cook, and Ashley Hawk as Correctional Officer Trainees and promoting Michael Adams from Corporal to Sergeant to fill vacancies at the Jail; promoting William "Jimmy" Clarke from Roads Worker V to Traffic Control Foreman in the Roads Division and agreeing to post for a Roads Worker II; hiring John Carson as a Landfill Operator I and Robert Kennan as the Recycling Crew Leader, and denying a request to fill a vacant Recycle Worker I position in the Solid Waste 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 late morning closed session on November 7, 2018 and the morning closed session on November 20, 2018.

Commissioner Purnell congratulated Arlene Page for being appointed by Governor Larry Hogan to serve on the Worcester County Property Tax Assessment Appeal Board.

The Commissioners reviewed and approved the open and closed session minutes of their November 7, 2018 meeting as presented.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Church, the Commissioners unanimously awarded the low bid for the general rehabilitation of a single family home on White Horse Drive in Ocean Pines to Ocean Tower Construction, LLC of Ocean City, Maryland at a cost of \$30,546.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the sole bid of \$29,402 and accompanying

addendum of \$12,110 for a total bid price of \$41,512 from Poseidon Plumbing and Home Services of Ocean City, Maryland for the general rehabilitation and extensive cleaning to eliminate environmental hazards presented by waste infiltration into a single family home on Friendship Road in Berlin.

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 in Berlin, which is to be funded through the County's current Community Development Block Grant (CDBG).

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously approved an authorized over-expenditure of \$9,939.32 for sewer pump repairs and replacement and \$4,350 for ongoing maintenance in the FY19 budget and accepted the proposal from Chesapeake Environmental Services (CES) for repairs and for the removal of excess trash at a cost of \$1,450 per trip, with quarterly services. Warden Bounds advised that these services were previously provided by the Water and Wastewater Division of Public Works, but that CES is better suited to handle the large amount of trash that must be removed from the sewer station, noting that it was an unidentified inmate who flushed a sheet down one of the toilets, causing the pump to fail.

The Commissioners conducted a public hearing on the requested five-year Capital Improvement Plan (CIP) FY20 - FY24. Chief Administrative Officer Harold Higgins informed the Commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County and to identify possible funding resources; therefore, a project's inclusion in the CIP does not constitute a guarantee of future approval or funding from the County. Senior Budget Accountant Kim Reynolds reviewed the CIP and advised 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 bonds.

Commissioner Bunting stated that the \$1.6 million Central Landfill administration scale house renovation and addition project should be removed from the draft CIP at this time and perhaps be considered in the future, once the County develops a plan to address the ongoing losses in the Solid Waste operations. In response to a question by Commissioner Bunting, Public Works Director John Tustin stated that the building was constructed in the 1990s, and the proposed renovation and addition project would result in a modernized, Americans With Disabilities (ADA) Act compliant public building.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously directed staff to revise the draft FY20-FY24 CIP to eliminate the Central Landfill administration scale house renovation and addition project, and to bring the revised CIP back later in the meeting for final approval as amended.

The Commissioners conducted 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 to accommodate a proposed Residential Planned Community (RPC) to serve 59 townhouses and 24,000 square feet of commercial use. Environmental Programs Director Bob Mitchell reviewed the amendment, which would reclassify the sewer planning area for a single property located on the west side of MD Rt. 611 (Stephen Decatur Highway) and identified on Tax Map 26 as Parcel 274, Lot 3A 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. Mr. Mitchell concluded 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.

Commissioner Purnell opened the floor for public comment.

Hugh Cropper, attorney for Sea Oaks Village, LLC, requested all materials associated with this hearing be included as evidence, specifically staff's recommendations and the Planning Commission's Findings of Fact, and he asked the Commissioners to amend the Water and Sewerage Plan based on these findings.

Land Planner Robert Hand advised that the proposed project meets a growing demand in the County for more infill development, is appropriately zoned (with less than three square feet of land located within the Coastal Bays Critical Area), and is consistent with the Comprehensive Plan. Therefore, he urged the Commissioners to approve the proposed Water and Sewerage Plan amendment.

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

Upon a motion by Commissioner Bunting, the Commissioners voted 5-0-2, with Commissioners Bertino and Elder abstaining, to adopt Resolution No. 18-23 amending the Comprehensive Water and Sewerage Plan for Worcester County to reclassify the sewer planning area of the Mystic Harbour Sanitary Service Area (SSA) for the property identified on Tax Map 26 as Parcel 274, Lot 3A and specifically to change the designation for the property from S-3 to S-1 and to amend the EDU table in the Plan to allocate 63 sewer EDUs to serve 59 townhomes and 24,000 square feet of commercial development.

The Commissioners conducted a public hearing to receive public comment on an application submitted by Attorney Hugh Cropper, IV on behalf of Sea Oaks Village, LLC to establish a Residential Planned Community (RPC) on an approximately 40-acre property located on the west side of MD Rt. 611 (Stephen Decatur Highway), north of Sinepuxent Road near West Ocean City, and more specifically identified on Tax Map 26 as Parcel 274, Lot 3A. Staff members present at the hearing were Development Review and Permitting (DRP) Director Ed Tudor and Zoning Administrator Jennifer Keener. Mr. Tudor reviewed the application, which he noted had received a favorable recommendation from the County Planning Commission. Ms. Keener entered the Planning Commission's Findings of Fact into the record and stated that the site, which is comprised of approximately 21.82 acres of uplands and 18.18 acres of non-tidal wetlands, is located within the R-3 Multi-Family Residential District, with approximately 4.22 acres located in the C-1 Neighborhood Commercial District. She then summarized the proposed project, noting that the Step I RPC plan includes the development of 59 townhouses and 24,570

square feet of mixed use, with proposed open space of 31.65 acres, consisting of 13.6 acres of uplands and 18.05 acres of non-tidal wetlands of which 1.2 acres would be set aside for active recreation and 6 acres for passive recreation. The plan identifies one point of access to the property from MD Rt. 611. Ms. Keener stated that six dwelling units per acre are permitted in the R-3 Zone, while the proposed density for this project is only 1.65 dwelling units per acre. Furthermore, the townhouse dwelling units and mixed use commercial developments are consistent with the surrounding residential and commercial developments located within this area. She advised that the Planning Commission determined that the project will have no adverse impacts on local traffic or traffic patterns, maintains sensitive non-tidal wetlands and wooded areas, will be provided with 63 equivalent dwelling units (EDUs) of sewer service from the Mystic Harbour Sanitary Service Area (SSA), and incorporates measures to improve water quality. Therefore, the Planning Commission granted a favorable recommendation to the request to establish the RPC.

Commissioner Purnell opened the floor for public comment.

Hugh Cropper, attorney for the applicant, concurred with the findings of staff and the Planning Commission, and he asked the Commissioners to accept these findings as his testimony as well.

Land Planner Robert Hand advised that the RPC met or exceeded all minimum requirements. He pointed out that the total permitted density for this project is six dwelling units per acre, and the applicant only proposes 1.65 dwelling units per acre. Furthermore, the proposed RPC is consistent with the Comprehensive Plan. He stated that the roads and public infrastructure will be completed in the first phase of this clustered-housing development, and based on the findings of a traffic analysis, they had modified the entrance location as requested by the State Highway Administration (SHA). He stated that this project complies with the spirit and intent of the Comprehensive Plan, and he asked the Commissioners to approve the requested RPC.

Environmental Consultant Chris McCabe stated that the project, which will utilize cluster development to avoid disturbing sensitive environmental areas, has received tentative approval from the Chief of Nontidal Wetlands for the Maryland Department of the Environment (MDE), and he encouraged the Commissioners to approve the project as well.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted the Planning Commission's Findings of Fact and approved the Step I RPC floating zone.

Assistant Chief Administrative Officer Kelly Shannahan recognized and commended Ms. Keener who recently achieved certification from the American Institute of Certified Planners (AICP), making her the second AICP member within County Government. Mr. Shannahan is also a certified Planner and AICP member.

The Commissioners conducted a public hearing on Rezoning Case No. 420, for an application submitted by Attorney Hugh Cropper, IV, on behalf of Ocean Tower Investment, LLC, property owners, which seeks to rezone 2.22 acres of a 2.6-acre site 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. Staff

members present at the hearing were Mr. Tudor and Ms. Keener. County Attorney Maureen Howarth swore in those individuals who planned to give testimony during the hearing. Mr. Tudor reviewed the application, which received a favorable recommendation from the Planning Commission. Ms. Keener entered the Planning Commission's Findings of Fact into the record and stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. She stated that the petitioned area was originally zoned A-1 Agricultural District in the 1960s and then rezoned to E-1 Estate District during the 1992 Comprehensive Rezoning, and that designation was retained until the 2009 Comprehensive Rezoning, when the westerly portion of the subject property was rezoned RP Resource Protection District, though that portion of the property is not included in the rezoning request. Ms. Keener advised that almost all adjoining and nearby properties to the south of St. Martins Neck Road, to the west and to the east are also zoned E-1, except for the environmentally sensitive properties, which are zoned RP. Properties on the northerly side of St. Martins Neck Road are generally zoned A-1, while properties within the Todd Industrial Park on the northerly side of St. Martins Neck Road opposite the petitioned area are zoned I-1 Light Industrial District. Based on this review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 420, seeking a rezoning of the petitioned area from E-1 to A-2, subject to a metes and bounds legal description of the petitioned area being provided if the rezoning is approved by the County Commissioners.

Mr. Cropper, attorney for the applicant, concurred with the Planning Commission and staff's assessment, and he advised that the basis for the rezoning is that there was a mistake in the existing zoning. He noted that the entrance/exit to the Todd Industrial Park is located directly across from the petitioned area, thus the petitioned area is not conducive to residential use based on the constant noise and the headlights, which would shine directly on any house that could be developed on said lot. He pointed out that the Comprehensive Plan calls for the elimination of E-1 zoning. He stated that the E-1 zoning was to be replaced during the next comprehensive rezoning; therefore, the E-1 zone is a mistake, and the applicant believes that A-2 zoning is more appropriate for this lot. In closing, he asked the Commissioners to support the Planning Commission's Finding of Fact and recommendation for rezoning.

Professional Land Surveyor Gregory P. Wilkins stated that he prepared the survey work and subdivision plat that created the subject property and three other lots in 2011, and RP zoning and the Atlantic Coastal Bays Critical Area line divides lots three and four. He agreed that the placement of the industrial park and its entrance opposite the petitioned area makes the subject property inappropriate for residential use due to the light and noise emanating from the park. Therefore, the property, which was previously zoned A-1, is more agricultural than residential in nature, with farmland and agricultural outbuildings being predominant in the area, and with a boat storage yard located to the east of the petitioned property.

Timothy Grace of Middle River, Maryland stated that he purchased lot two, adjacent to the subject property, to build a home where he can retire, and rezoning the petitioned property to A-2, which is too small to be farmed, would adversely affect his property because he understands that the applicant is planning to develop a contractor shop on the property. He concluded that most of the area is in fact residential in nature and not industrial. Therefore, he urged the Commissioners to deny the rezoning request.

Paul Till of Bishopville and adjacent property owner, stated that he has no real objection

to the rezoning request; however, he stated that information provided earlier in the hearing regarding commercial properties west of the petitioned site was incorrect, noting the area in question is zoned residential and not developed commercially. He asked the Commissioners to put restrictions in place to protect the residential community if they chose to approve the rezoning request.

Ralph Gallo of Bishopville stated that nearby property owners know full well that industrial park traffic is loud, but they deal with it. However, rezoning the subject property across the street from the Todd Industrial Park to A-2, which would allow the property owner to develop a commercial operation 500 feet closer to the surrounding homes, would be crazy because the applicant's property value would immediately go up, while the value of the surrounding homes would immediately go down. Therefore, he urged the Commissioners to deny the rezoning request.

James Garratt of Millville, Delaware and owner of lot four next to this property, presented a copy of the original plat, noting that the industrial park is contained with a natural buffer, the road, while the construction shops to be developed would be located immediately adjacent to residential homes. He further stated that the applicant began construction prior to receiving permit approval, removed forest retention signs, and pushed back the soil in that area. He concluded that it appears the applicant purchased a residential property with the intent to develop it for commercial use, and approving the rezoning application would set a precedent that would impact all surrounding residents. Therefore, he asked the Commissioners to retain the existing zoning to protect the rural-residential nature of the area.

In response to a question by Commissioner Bertino, Mr. Tudor confirmed that the County did have to intervene when the applicant began construction before the proper permits had been issued.

In response to a question by Commissioner Mitrecic, Mr. Tudor stated that the only consideration before the Commissioners today is whether to rezone the property. He stated that any proposed use of this property requiring a special exception would be heard by the Board of Zoning Appeals (BZA) at a later date. Commissioner Mitrecic stated that he has been told there was to be no more contractor shops or industrial parks in that area. He noted that, while the zoning request before them today does line up with the goals and objectives of the Comprehensive Plan, and he plans to vote for the rezoning for that reason, he urged the surrounding residents to remain informed and involved and to voice their concerns if the property owner seeks a special exception from the BZA for a contractor's shop at a future date.

Commissioner Bunting concurred with Commissioner Mitrecic's recommendation to adjoining property owners. In response to a question by Commissioner Bunting, Mr. Tudor reviewed the principal permitted uses and uses that could be permitted by special exception in the E-1 zone.

Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously approved the rezoning from E-1 to A-2, based on the Planning Commission's Findings of Fact and based on a mistake in the existing zoning since the last comprehensive rezoning on November 3, 2009. Commissioner Bunting commented that Mr. Cropper had done his job proving a mistake in the current zoning, and A-2 is a downzoning. But, he encouraged the protestants to attend the BZA hearing to express their concerns about any future use of the property requiring a special exception.

The Commissioners met in legislative session.

The Commissioners met with Mr. Tudor to review a proposed text amendment application submitted by Mark S. Cropper, which seeks to amend the Zoning and Subdivision Control Article to provide to remove the standard angle of access and egress for pull-through campsites in rental and membership campgrounds. Mr. Tudor explained that the current language requires an angle of between 120 and 135 degrees, which may not be appropriate in all cases and is better self-regulated by the owner of the campground.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 18-7 (Zoning - Campgrounds - Recreational Vehicle Camping Areas) and scheduled a public hearing on the bill for December 18, 2018.

Commissioner Purnell closed the legislative session.

The Commissioners met with Mr. Tudor to review a request from Colleen Deptula of Beach Construction, seeking to convert an area, located in one of the dockmaster buildings in the Innerlinks-Mumfords Landing Planned Unit Development (PUD) in Ocean Pines and currently approved for storage and light maintenance uses for the marina into a dwelling unit for on-site management. Mr. Tudor stated that staff considers the requested change to be very minor in nature, and staff supports the request. However, because the Commissioners approved the original Step I plan for the PUD and the Planning Commission approved the original Step II plan for the PUD, the Commissioners should make a determination with respect to the current proposal's impact and its consistency with the original Step I proposal.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved the request to convert a portion of the dockmaster building into a dwelling unit for on-site management, as a minor revision to the originally approved PUD for this project, which does not require any additional formal applications or approvals.

Senior Budget Accountant Kim Reynolds returned with the amended five-year CIP for FY20-FY24 to remove the Landfill Administration Scale House Renovation and Addition project, thereby, reducing the total of all projects to \$90,237,085. Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 18-24 approving and adopting the Worcester County Five-Year Capital Improvement Plan - FY20 to FY24 as amended.

Pursuant to the request of Enterprise Fund Controller Jessica Wilson and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Mystic Harbour Effluent Disposal Project Loan Resolution and United States Department of Agriculture (USDA) Rural Utilities Service Grant Agreement to provide additional funding to complete the project. Ms. Wilson stated that the project has reached approximately 85% completion, and \$2,943,889 of the \$3,450,000 total project costs have been incurred. The USDA provided original grant and loan funding in the amount of \$3.2 million, and this additional funding will provide another \$250,000 to complete the project. She outlined USDA project funding as follows: \$2,450,000 for loan #1 and \$750,000 for grant #1, and \$170,000 for loan #2 and \$80,000 for grant #2.

The Commissioners met with Environmental Programs Director Bob Mitchell to schedule

a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Attorney Hugh Cropper, IV, on behalf of Atlantic General Hospital (AGH), to reclassify the sewer and water planning areas for two adjacent properties from S-6 (no planned service) to S-1 (service to be provided within two years) to be served by the Ocean Pines Sanitary Service Area (SSA). The applicant is requesting a change in the water and sewer service classifications to serve a proposed AGH Outpatient Center, consisting of 98,964 square feet of medical offices located on MD Rt. 589 (Racetrack Road), south of the Ocean Pines South Gate entrance, and more specifically identified on Tax Map 21 as Parcels 66A and 66B. Mr. Mitchell 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 December 18, 2018 to receive public comment on the proposed amendment to the Worcester County Water and Sewerage Plan as requested.

The Commissioners met with Recreation and Parks Director Tom Perlozzo to discuss a proposed Joint Use Agreement between the County Commissioners and the Board of Education (BOE) for the use of recreation facilities. Mr. Perlozzo explained that to meet the Department of Natural Resources (DNR) Program Open Space (POS) requirements for the current amount of recreational facilities available in the County as identified in the Land Preservation, Parks and Recreation Plan, County staff worked to address and include the existing BOE facilities in the amended plan to ensure the County will continue to qualify for POS funds with a reimbursement rate of 90% State and 10% County for the development of future recreation projects. In response to a question by Commissioner Bunting, Mr. Perlozzo explained that the State requires Maryland jurisdictions to update their plans every five years, and after the County adopted the most recent plan, State officials advised them that the County did not meet the minimum requirement of recreational facilities, which reduced the State/County POS cost share from 90/10 to 75/25. However, he stated that entering into the Joint Use Agreement with the BOE gives the County credit for their facilities and, therefore, makes it possible for the County to meet the State's minimum facility requirements. Mr. Mitchell advised that prior to adopting the latest plan, he was not aware of the impact on POS funding. However, he later learned that, based on the population in the northern area of the County, the County was deficient by four fields to qualify for a POS cost share of 90/10 for future development projects, and the proposed Joint Use Agreement will satisfy the deficit.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved and authorized Commission President Purnell to sign the Joint Use Agreement as presented.

The Commissioners conducted a hearing on Nuisance Abatement Order No. 18-2, pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland for a property in Bishopville, which is identified on Tax Map 9 as Parcel 194 and located at 10646 Bishopville Road. The specific nature of the nuisance is identified within the provisions of Subsections PH 1-101(a)(3), (5), (8), (10), and (14) of the County Code and include the accumulation of rubbish, household trash or junk; garbage; trash; rubbish or other offensive matter upon the ground surface or upon the sewage system; accumulation of garbage; unsafe sewage system; and similar conditions prejudicial or dangerous

to the health or safety of the people of the County or prejudicial to property values in the County.

Edward L. Cioffioni, Jr., the property owner, disputed that the accumulation of personal property is not a nuisance, but are items he sells online. He further stated that he is in the process of moving said items off the sewage drainfield on his property. He requested an additional 90 days to correct the problem.

In response to a question by Commissioner Bertino, Mr. Cioffioni advised that he received a notice from the County in June 2018 informing him that the excessive accumulation of personal property may be causing his drainfield to fail. In response to a question by Commissioner Mitrecic, Mr. Cioffioni advised that his last online sale occurred two years ago, but prior to that he had been selling consistently for the past 15 years. Commissioner Bunting stated that it is not permissible to accumulate items on the drainfield. He then expressed concern that the weight of accumulated personal property could be prejudicial to the field and could cause the drainfield to fail, and those items on the drainfield are not permitted.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to grant Mr. Cioffioni a 90-day extension, with an inspection to be performed by County Staff after the first 60 days to determine whether substantial progress is being made to abate the nuisance conditions on his property. In accordance with the Nuisance Abatement Order, failure to abate the nuisance would result in County resources being used to abate the nuisance at the property owner's expense, as referenced in Section PH 1-102(d) and (e) of the County Code.

Pursuant to the recommendation of Emergency Services Director Billy Birch and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized staff to apply for a Local Government Insurance Trust (LGIT) grant in the amount of \$3,914 to cover all expenses associated with sending two Emergency Services staff members to the National Hurricane Conference from April 22-25, 2019 in New Orleans, Louisiana.

Emergency Services Deputy Director James Hamilton provided the Commissioners with a P25 Radio System status update, noting that no significant issues have been reported regarding the system since his last update on November 7, 2018. He stated that Federal Engineering (FE) has reviewed the Coverage Acceptance Testing results and determined that Harris has met the minimum contractual obligations; however, FE has concerns regarding certain other areas of performance related to discrepancies between the purchase agreement, Coverage Acceptance Test Plan (CATP), and other contractual documents. Additionally, staff has been working with Harris to identify a path toward project closure that supports the Town of Ocean City's migration timetable to their new P25 radio system. Until then, the current Enhanced Digital Access Communications System (EDACS) cannot be decommissioned as planned. To this effort, he outlined four specific actions the County should take to meet these goals.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the execution of the CATP affirming acceptance of the test results as presented.

Upon a second motion by Commissioner Bertino, the Commissioners unanimously acknowledged that the Mystic Harbour tower site has been completed and entered warranty status.

Upon a final motion by Commissioner Bertino, the Commissioners unanimously agreed to remove EDACS decommissioning and radio software updates from the contracted scope of

work in exchange for a monetary credit of \$36,000; and concurred with County staff and FE officials that contractual concerns raised by FE are to be resolved with Harris Corporation prior to final acceptance of the system.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review and discuss a resolution confirming the salary of the Worcester County State's Attorney for the 2018-2022 term. Mr. Shannahan advised that, in accordance with Section 15-424 of the Criminal Procedure Article of the Annotated Code of Maryland, the salary of the Worcester County State's Attorney is 90% of the salary of a judge of the District Court of Maryland. He further stated that earlier this year the Maryland Legislature established the salary of a judge of the District Court of Maryland at \$146,333 beginning July 1, 2018, and the salary is scheduled to increase by \$5,000 each year through 2021 to \$151,333 as of July 1, 2019, \$156,333 as of July 1, 2020, and \$161,333 as of July 1, 2021. As a result, the Worcester County State's Attorney's salary is, therefore, set at \$131,700 and will increase to \$136,200 as of July 1, 2019, to \$140,700 as of July 1, 2020 and to \$145,200 as of July 1, 2021.

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 18-25 establishing salary and allowances for the Worcester County State's Attorney for the 2018-2022 term as presented.

The Commissioners and County staff shared remarks about outgoing Commissioner Merrill Lockfaw.

Commissioner Purnell thanked him for his service to Worcester County and for his wisdom.

Commissioner Elder concurred, stating he appreciated serving next to him during the past four years.

Commissioner Mitrecic thanked Commissioner Lockfaw for serving as a voice of reason and common sense when addressing contentious topics, and he recognized him as a wealth of knowledge regarding County government operations.

Commissioner Church thanked Commissioner Lockfaw for being a great friend and County Commissioner and wished him good health and happiness as he enters retirement.

Commissioner Bunting recognized Commissioner Lockfaw as a gentleman, noting that it has been a pleasure to serve alongside him for two consecutive terms.

Commissioner Bertino recognized Commissioner Lockfaw for remaining level headed in otherwise tumultuous meetings, and he honored him for being the catalyst for the Pocomoke Middle School After School Program.

Development Review and Permitting Director Ed Tudor stated that it has been a pleasure to serve with Commissioner Lockfaw when he was the Roads Superintendent and for him during his years as a County Commissioner, and he wished him well.

Public Works Director John Tustin stated that he has known Commissioner Lockfaw for 27 years, and though at times their relationship has been contentious, he could not have asked for a better Roads Superintendent. He congratulated him on his retirement from public service and wished him well.

Environmental Programs Director Bob Mitchell thanked Commissioner Lockfaw for taking the time to work with him and his staff to address numerous issues throughout the years, noting that his engagement with County staff has meant a lot to all.

Budget Officer Kathy Whited stated that she worked with Commissioner Lockfaw for almost 20 years, and most of what she learned about County roads and equipment she learned from him, and she thanked him for everything he has done for the County.

Chief Administrative Officer Harold Higgins offered Commissioner Lockfaw an Irish Blessing, and Human Resources Director Stacey Norton thanked Commissioner Lockfaw for his leadership, advice, and compassion over the years.

Commissioner Lockfaw thanked all for their kind words, noting that it has been a true privilege to work together for the residents of Worcester County. He urged them to continue to work together to address items of importance to the County.

The Commissioners answered questions from the press, after which they adjourned for lunch at the County Jail.

The Commissioners adjourned to meet again on December 4, 2018.