

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

January 8, 2019

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

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, with Commissioner Mitrecic absent, 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 (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were 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: rehiring Ryne Leslie as a Communications Clerk I and posting to fill an additional Communications Clerk I vacancy in Emergency Services; acknowledging the hiring of Maykel "Mike" Suarez as a Deputy Sheriff, the reposting of one Office Assistant III position, and the promotion of Christopher Buhrt from part-time Deputy Sheriff Trainee to part-time Deputy Sheriff and Kelly Riwniak from part-time Court Deputy to full-time Deputy First Class within the Sheriff's Office; approving the rehiring of Samantha Shockley as a Library Services Assistant II and the reclassification of one Library Services Assistant I position and one Library Assistant II position to Technical Services Assistant I and II, respectively, within the Library; acknowledging personnel changes within the State's Attorney's Office, to include the hiring of Jared Monteiro as an Assistant State's Attorney for the Circuit Court; receiving legal advice from counsel; and performing the following administrative functions: discussing potential board appointments; reviewing the agenda for the tour and discussion of Solid Waste operations scheduled for January 15, 2019; scheduling the Other Post Employment Benefits (OPEB) work session for March 19, 2019; and discussing sound system issues in the Commissioners Meeting Room.

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session.

Commissioner Mitrecic was absent from the meeting.  
The Commissioners reviewed and approved their December 18, 2018 closed session

minutes as presented and their open session minutes as amended. The amendments followed a motion by Commissioner Bertino, followed by a unanimous vote, to amend page 11, paragraph 6, to reflect that Commissioner Bertino voted in opposition; and a motion by Commissioner Bunting, followed by a unanimous vote, to amend the name of the Commissioner who seconded the motion on page 6, paragraph 4 from Bunting to Nordstrom, and to approve the minutes as amended.

The Commissioners presented a proclamation that was read by Commissioner Nordstrom recognizing January as National Mentoring Month to Robert McClure of Big Brothers/Big Sisters (BBBS) and encouraging those looking to make a difference in the community to become mentors. Mr. McClure advised that mentoring has been proven to work, noting that youth in the local BBBS program graduate high school and attend college at higher than national rates. He thanked the Commissioners for recognizing the value of and the need for mentoring in the community.

The Commissioners conducted a public hearing on the amended five-year Capital Improvement Plan (CIP) FY20 - FY24. Chief Administrative Officer Harold Higgins summarized the changes, which were requested by the Board of Education (BOE) with respect to the Showell Elementary School (SES) replacement project and the Stephen Decatur High School (SDHS) turf field project since adoption. Specifically the amended CIP includes additional funding of \$1 million for the SES replacement project for additional classrooms to accommodate anticipated mandatory all-day pre-kindergarten by the State and for the revised scope of the turf field project to include a running track and athletic improvements. 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. The amended CIP includes projects totaling \$91,237,085, which are proposed over the five-year period. Of the proposed projects, \$7,927,492 or 8.69% are proposed to be funded by the General Fund and \$54,418,101 or 59.6% from general bond funds. The remaining portion would be funded by grant funds, State match funds, State loans, assigned funds, and enterprise bonds.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 19-01 adopting the amended FY20-FY24 CIP as presented.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the Library to reallocate \$49,446.37 from the materials budget as follows: \$23,000 for new window coverings and \$12,000 for new carpet in the meeting and small conference rooms at the Ocean Pines Branch Library; \$7,400 for an engineering and feasibility study for the Pocomoke Branch Library; and \$7,000 for additional youth and adult library programs. Ms. Ranck advised that this savings occurred thanks to an unexpected FY19 grant from the Maryland State Library.

Colonel Doug Dods of the Sheriff's Office met with the Commissioners to seek

authorization to add one additional 4x2 Chevy Tahoe pursuit vehicle to the bid award they approved on October 23, 2018 to replace a pursuit vehicle that was totaled in a collision. Colonel Dods explained that the other driver was at fault; however, it will cost \$33,410 to purchase a new vehicle, and insurance is only expected to reimburse the County for approximately \$13,000 (the value of the totaled vehicle). He stated that, even with remaining funding for vehicles of \$11,239 and insurance funding, the Sheriff's Office anticipates exceeding available budgeted funds for the replacement vehicle by \$9,171.

Upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved an over-expenditure of approximately \$9,171 to help cover the cost of the needed replacement vehicle.

Pursuant to the request of Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Bertino, the Commissioners unanimously approved an over-expenditure of \$18,720 to add one additional 4x4 Dodge Durango to the vehicle bid award they approved on October 23, 2018 to provide a new vehicle for Development Review and Permitting (DRP). Mr. Higgins explained that DRP Director Ed Tudor's vehicle suffered a major mechanical failure and will cost \$26,298 to replace; however, there is only about \$7,300 available within the existing budget for this purchase.

Pursuant to the request of Enterprise Fund Controller Jennifer Wilson, speaking on behalf of the Water and Sewer Committee, and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the updated Mystic Harbour Sewer Service Application, which includes the provision to include collecting future capital improvement (FCI) charges at the time equivalent dwelling units (EDUs) are sold and assigned to each property. Ms. Wilson explained that previously FCI charges were collected when plumbing permits were pulled; however, in some instances plumbing permits have not been pulled, leaving FCI charges uncollected. She confirmed that County staff will continue collecting FCI charges when plumbing permits are pulled for EDUs sold previously but not yet placed in service.

Environmental Programs Director Bob Mitchell and Public Works Deputy Director John Ross provided a status update on the Lewis Road Sewer Extension Project to connect this community to The Landings Wastewater Treatment Plant (WWTP), which has wastewater capacity reserved for existing uses on the subject properties. Mr. Mitchell reviewed the history of the project, noting that on January 16, 2018 the Commissioners reviewed a Preliminary Engineering Report (PER) for the potential connection project and authorized staff to begin investigating funding options for Alternative I to install a gravity sewer system and central pump station. Then in May 2018, Environmental Programs requested approval from the Maryland Department of the Environment (MDE) for a Priority Funding Area (PFA) exemption to utilize funds from the Bay Restoration Fund (BRF) for a portion of the project, and County staff are currently working to address State concerns. In June 2018, the Maryland Water Quality Financing Administration informed Public Works that the County's ranking did not qualify for funding under this very competitive program. Mr. Mitchell stated that, even if the County is awarded PFA exemption status, the available funding from the BRF will not be enough to cover all project costs. He further advised that additional low interest loan and grant funding may be available to fund the remaining project costs through the United States Department of

Agriculture (USDA) Rural Development program; however, the USDA requires a full engineering report from the County to identify any potential environmental impacts that may be generated by the proposed project. He stated the engineering firm that prepared the PER report proposes to prepare the full report at a cost of \$6,500. Mr. Mitchell concluded that once project funding has been identified, staff will present all project costs and repayment options available to those residing in the Lewis Road project area within The Landings Sanitary Service Area (SSA) for the Commissioners' consideration at that time.

In response to a question by Commissioner Bertino, Mr. Ross advised that funds for the engineering report would come from The Landings SSA, though project funding is not available from the source. Chief Administrative Officer Harold Higgins advised that, while long-term funding is being secured, project costs could initially be covered by a low interest loan from the County's Fund Balance to be reimbursed in the future.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved funding of \$6,500 to complete the engineering report to submit to the USDA for funding consideration.

The Commissioners met with Mr. Ross to discuss options available to correct ongoing operational issues at the Riddle Farm WWTP, which was the first plant in the County to be built to utilize the then new membrane technology. These issues include leaking in the upper portion of the flow equalization tank, which has reduced the capacity and hindered staff's ability to complete needed plant maintenance. Mr. Ross explained that, while this problem alone could have been managed, other problems lead staff to add temporary holding tanks to the site to make up for the lost capacity, and the long term solution to repair/replace the flow equalization tank is now underway. The second issue involves screening. Mr. Ross explained that aggressively screening influent down to one millimeter in size will extend the life of the plant membranes; however, the current screen can only screen down to three millimeters. He stated that both The Landings and the new Mystic Harbour WWTPs have influent screening to one millimeter, and staff has acquired a new one millimeter screen for the Riddle Farm WWTP for trial use over the next several months to determine its performance capabilities prior to making any recommendations regarding a permanent purchase. The third and primary issue involves membranes, which were installed during the recent WWTP upgrade. Mr. Ross explained that these membranes (which were covered by warranty) are not the same as the original plant membranes. Though they were substitutes that were promised to be just as good as the original membranes, these substitutes are clogging, causing WWTP performance to deteriorate. Furthermore, the hoist needed to lift the membranes for cleaning is not functioning properly and must soon be replaced. Mr. Ross advised that the membrane manufacturer has been working with the County, and new membranes are now in service for one-half of the WWTP. He noted that several problems that could have contributed to the membrane failure were corrected during installation, and while County staff have kept the Maryland Department of the Environment (MDE) informed of these problems, there have been no reportable overflows or violations to date that would result in fines being assessed. Mr. Ross concluded that, even with the membranes being replaced at the manufacturer's expense, the SSA has incurred unbudgeted expenses for hauling wastewater to the Ocean Pines and Ocean City WWTPs for processing during the last several months that could exceed \$100,000; however, since they have sold fewer commercial sewer equivalent dwelling units (EDUs) than anticipated, the SSA does not have enough reserve

funding available to cover these unanticipated costs. Therefore, it may be necessary to obtain a short term loan from the General Fund to cover these costs.

In response to a question by Commissioner Bertino, Mr. Ross confirmed that by the time this issue is fully resolved the SSA could incur costs of more than \$100,000; however, the specific cost cannot be determined at this time. Mr. Higgins stated that the General Fund could provide a short-term, low-interest loan to the Riddle Farm SSA and recommended approving an amount of up to \$150,000. Commissioner Bunting suggested postponing any funding decision until the Commissioners know the actual costs. Commissioner Nordstrom stated that these costs place an undue burden on the taxpayers. In response to a comment by Commissioner Nordstrom regarding consulting with counsel to determine the manufacturer's liability for membrane failures, Mr. Ross stated that the manufacturer likely bears responsibility for at least a portion of the incurred costs associated with hauling wastewater for treatment at other WWTPs in the area.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously directed staff to consult with County Attorney Maureen Howarth and explore the manufacturer's liability for failure of the membranes at the Riddle Farm WWTP that extend beyond the scope of replacing the defective membranes at no cost to the County, and determine if the manufacturer will share the additional operational cost that the County has incurred as a direct result of their faulty membranes.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously awarded the bid for the Courthouse heating, ventilation, and air conditioning (HVAC) Renovation Project to Hancock & Son Plumbing, LLC with acceptance of their base bid of \$430,000, plus Alternate No. 1 (two-year warranty) for \$5,400, Alternate No. 2 (PVC jacketing) for \$3,500, Alternate No. 3 (ATC system by Modern Controls) for \$14,000, and Alternate No. 5 (VRV system by Daikin) for \$12,950 for a total cost of \$465,850. Mr. Tustin advised that funds of \$575,000 are available in the Assigned Fund Balance for this project. In response to a question by Commissioner Bertino, Mr. Tustin explained that Alternative No. 3 is a monitor control from the same vendor, which has installed the controls in several County buildings, allowing County staff to remotely monitor the VAC. systems.

Upon a motion by Commissioner Bunting, the Commissioners voted 5-1, with Commissioner Bertino voting in opposition, to adopt Resolution No. 19-2 for the Sectional Rezoning of the Maryland Rt. 589 Area north of U.S. Rt. 50 and the accompanying map showing the C-2 General Commercial zoning, as approved by the Commissioners following a public hearing on December 18, 2018.

The Commissioners met with Information Technology Director Brian Jones to review a Request for Proposals (RFP) for a broadband feasibility study to determine the primary needs and expectations of the residents of Worcester County with regard to data consumption for the Commissioners review and approval at a future meeting. Mr. Jones advised that funding was not allocated within the FY19 budget for this purpose, though similar studies undertaken by counties of comparable size cost roughly \$30,000.

In response to a question by Commissioner Bertino, Mr. Jones advised that he has the expertise needed to evaluate the anticipated bids.

Commissioner Bunting stated that it will not be financially feasible for the County to extend broadband Countywide, so they should look closely at the three broadband options available to them before hiring a consultant; therefore, he could not support hiring a consultant at this time. Mr. Jones assured the Commissioners that a consultant will help the County determine which broadband options are appropriate for residents in diverse locations and identify the associated costs. He further confirmed that the study to be assembled by the consultant will be a prerequisite for applying for any potential State or federal grant funding to help subsidize any, as yet, undetermined project costs.

Commissioner Nordstrom commended Mr. Jones and his staff for the tremendous effort that went into preparing the RFP before them today. In response to a question by Commissioner Nordstrom, Mr. Jones advised that the consultant will work with the County through the entire process, from start to finish, and will be able to determine whether a fiber backbone, wireless, or microwave system may be most appropriate to address geographic limitations unique to the Eastern Shore. Commissioner Elder thanked Mr. Jones as well, noting that the County needs to take this first step to move into the 21<sup>st</sup> Century. Commissioner Church concurred.

Following some discussion and upon a motion by Commissioner Church, the Commissioners voted 5-1, with Commissioner Bunting voting in opposition, to approve the RFP for a broadband feasibility study as presented.

Assistant Chief Administrative Officer Kelly Shannahan met with the Commissioners to discuss establishing the asking price for the future sale of the former Liquor Control warehouse property at 5363 Snow Hill Road in Snow Hill to begin the process of selling the facility. On December 18, 2018, the Commissioners directed staff to begin the process of selling the warehouse in as-is condition, to include a recommendation on the proposed asking price for this 7.96 acre commercial site, which is presently improved with a 47,575 square foot warehouse building, with partial office fit-out and one out-building. Mr. Shannahan advised that the recent appraisal performed by Lefort Appraisal & Consulting, Inc. identified the as-is, fair market value of the property at \$990,000. Therefore, he suggested setting an asking price of \$990,000 and either advertising to accept sealed bids for the property, listing the property with a real estate agent, or soliciting the services of an auctioneer to sell the property to the highest bidder. He also stated that a potential buyer will be touring this facility with Economic Development Deputy Director Kathryn Gordon in the near future and could make an offer on the property.

Commissioner Church made a motion to advertise to bid the sale of the property rather than list it with a realtor.

In response to a question by Commissioner Nordstrom, Ms. Shannahan advised that the bid documents will state that the County is not obligated to accept any bids if the Commissioners are not satisfied with the offers. In response to a question by Commissioner Bertino, Finance Officer Phil Thompson advised that there is an outstanding mortgage of approximately \$400,000 on the property.

Following further discussion and upon an amended motion by Commissioner Church to include an asking price of \$990,000 in the bid documents the Commissioners unanimously authorized staff to advertise to accept sealed bids for the sale of the former Liquor Control warehouse property in Snow Hill.

Pursuant to the recommendation of Mr. Shannahan in response to a request from

Pocomoke City Manager Bobby Cowger and upon a motion by Commissioner Bertino, the Commissioners unanimously declared the old swing set at the Stockton Playground, which is in the process of being replaced with new playground equipment, to be surplus property and agreed to notify the public of their intent to dispose of this item for other public purposes by gifting it to the Town of Pocomoke City to be used at Cypress Park in Pocomoke City. The swing set is proposed to be gifted in as-is condition and subject to releasing the County of any future liability associated with its use. Mr. Shannahan agreed to advertise for the disposal of this property, as required by County law.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Marc Scher to the Economic Development Advisory Board for the remainder of a four-year term expiring December 31, 2020 to replace William Sparrow.

Upon nominations by Commission on Aging (COA) Executive Director Rob Hart and a motion by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Tommy Mason, Tommy Tucker, and Helen Whaley to the COA Board of Directors for additional three-year terms each expiring September 30, 2021.

Upon nominations by Colonel Doug Dods of the Sheriff's Office and chair of the Drug and Alcohol Abuse Council (DAAC) and a motion by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Eric Gray, Sue Abell-Rodden, and Colonel Dods to the DAAC for additional four-year terms each expiring December 31, 2022.

Upon the recommendation of the Worcester County Youth Council and upon motions by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Liam Hammond of Worcester Preparatory School (WPS) to an additional one-year term expiring April 30, 2019; to reappoint Chloe Goddard of Snow Hill High School (SHHS) and McCammon Mottley of Pocomoke High School (PHS) to additional two-year terms each expiring April 30, 2020; and to appoint Abby Boyce and Tamari Cutler of PHS and Aaron Cohen of Stephen Decatur High School (SDHS) to two-year terms each expiring April 30, 2020 on the Worcester County Youth Council.

Pursuant to the recommendation of Office Assistant IV Karen Hammer and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the following Worcester County Government Employee Appreciation events and programs for 2019: Night at The Shorebirds on Friday, June 7, at 7:05 p.m., with free tickets available for each employee and additional tickets for family and friends sold for \$5 each, at a total County cost of \$1,000 (for 200 tickets), less income from ticket sales; and Jolly Roger Day on an as-yet to be determined Saturday in August, from 10:00 a.m. until 6:00 p.m., at no cost to the County, with wristbands available for purchase to County employees and their family and friends at \$12 per person for the day at Splash Mountain, with add-ons available, including 2-hour Go-Kart rides (\$12), Extreme Rides (\$12), Amusement Rides and Mini Golf (\$7) and/or Mini Golf (\$3). These events, which have been conducted over the past several years to improve morale and demonstrate the Commissioners' support and appreciation of County staff, have been extremely successful and sincerely appreciated by County employees.

Pursuant to the request of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Elder, the Commissioners unanimously adopted Resolution No. 19-3 amending Worcester County Government Personnel Rules and Regulations regarding County holidays. Mr. Shannahan noted that Resolution No. 18- 28, which the Commissioners signed on December 18, 2018 to add the full-day Christmas Eve holiday to the list of County holidays in the Personnel Rules and Regulations mistakenly omitted the day after Thanksgiving holiday, and Resolution No. 19-3 corrects that error.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Bunting, seconded by Commissioner Church, with Commissioner Mitrecic absent, the Commissioners unanimously voted to meet in closed session at 11:05 a.m. in the Commissioners' Conference Room to perform administrative functions, permitted under the provisions of Section GP 3-104 of the General Provisions Article of the Annotated Code of Maryland. 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. Topics discussed and actions taken included performing the following administrative functions: reviewing the Ocean Pines Association's (OPA) Local Impact Grant itemization report, and discussing new procedures for providing daily updates to the Commissioners.

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session.

The Commissioners adjourned to meet again on January 22, 2019.