

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

February 5, 2019

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

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, 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 Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: discussing interviewing for an Economic Development Director; hiring a Recycle Worker I, a Transfer Station Attendant and considering a salary adjustment in the Solid Waste Division and Maintenance Division of Public Works; considering maintenance on call pay at the Jail; and reviewing personnel matters in the Sheriff's Office and State's Attorney's Office; receiving legal advice from counsel; and performing administrative functions, including: discussing potential board appointments; reviewing new online procedures for filing State ethics forms; and confirming plans to attend the annual Wor-Wic Community College Board of Trustees meeting on February 28 and their annual breakfast meeting with Maryland Association of Counties (MACo) President Barry Glassman and Executive Director Michael Sanderson on June 25 during the Maryland Municipal League Conference.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 10:02 a.m.

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.

The Commissioners reviewed and approved the open and closed session minutes of their January 22, 2019 meeting as presented.

The Commissioners presented a proclamation to Jesse Ballard, founder and chair of the Tri-County MLK Coalition, Inc., recognizing February as Black History Month in Worcester County and recognizing Eastern Shore natives who champion human rights and unity, historic

individuals like Reverend Charles A. Tindley who penned the Civil Rights Movement anthem *We Shall Overcome*; and those bridging gaps in our community today, individuals like Mr. Ballard who served on a State commission that campaigned for the creation of a U.S. federal holiday honoring Martin Luther King, Jr. and whose work with the Tri-County MLK Coalition, Inc. has helped to promote unity through the community with the annual MLK birthday celebration and commemoration banquet for 34 years.

The Commissioners received objections and other public comments on the proposed disposal of the old swing set at the Stockton Playground, which is in the process of being replaced with new playground equipment, by gifting it to the Town of Pocomoke City to be used at Cypress Park in Pocomoke City. There being no objections, upon a motion by Commissioner Nordstrom, the Commissioners unanimously declared the swing set to be surplus property and agreed to gift it to the Town of Pocomoke City.

Ocean City Development Corporation (OCDC) Executive Director Glenn Irwin and OCDC Board of Directors President Blaine Smith provided the Commissioners with an update about the OCDC's revitalization efforts, which included the following: Facade Program, which includes having renovated 217 buildings to date, three projects underway, \$6.4 million in private sector investment, and 6:1 leveraging of private to public funds; Green Building Initiatives Program, with 57 projects completed and five underway, and \$950,000 in private sector investment; Business Assistance Program, with fixed interior improvements to 24 new or expanding businesses and \$1.6 million in private investment; New Construction, including the new Cambria Hotel underway at the site of the former Cropper concrete property; Strategic Demolition Program, Light Up Alley Program; Special Events; and Upcoming OCDC Items. The Commissioners thanked Mr. Smith and Mr. Irwin for the outstanding projects the OCDC undertakes to revitalize the downtown area of Ocean City. Mr. Smith and Mr. Irwin recognized that much of the OCDC's accomplishments would not be possible without the dedicated efforts of the 15 board members and 164 volunteer members who serve on 14 separate OCDC committees.

The Commissioners conducted a hearing on Nuisance Abatement Order No. 18-4 on property located at 10720 St. Martins Neck Road in Bishopville, and more specifically identified on Tax Map 9 as Parcel 153, which consist of a two-story dwelling built in the 1920s, which some years ago was stripped and gutted with apparent intentions of fixing it up, and a somewhat later single-story addition. Development Review and Permitting Director Ed Tudor stated that the specific nature of the nuisance is the property in general, which includes the unattended and uninhabitable dilapidated portion of the structure, which is beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance under the provisions of Subsection PH 1-101(a)(11) and (14) of the County Code.

Property owner Vincent Lynch stated that this property has been in his wife, Denise Lynch's, family for many years, and he and his wife took over ownership of the property 15 years ago. He reviewed the improvements that he has attempted to make since receiving notification from the County regarding the nuisance conditions. He asked for one year of additional time to address the nuisance and offered to give the County his property if he is unable to meet this deadline. The Commissioners confirmed that they do not want to take ownership of

the property, but would rather see that the nuisance is abated.

Commissioner Bunting stated that the Lynchs have had 60 days to make improvements, and it does not appear that they have made any substantial progress during that period of time. In response to a question by Commissioner Bunting regarding the use of these premises as a rental property, Mr. Tudor confirmed that it would not be safe for the current renter to remain on the premises while improvements are made to the property, specifically the demolition of the attached two-story structure. Commissioner Mitrecic stated that he understood that this property has been in Mrs. Lynch's family for some time, but as a builder himself he sees nothing salvageable in the structure. He stated that he is inclined to grant a request for additional time provided the property owners are required to adhere to a set of deadlines that will assure the nuisance conditions are abated within one year. Commissioner Church concurred. In response to a question by Commissioner Church, Mr. Tudor reviewed a proposed schedule that Mr. and Mrs. Lynch should follow to abate the nuisance conditions within one year. Commissioner Bunting stated that he could support granting the Lynches one additional year, provided they are required to meet the timetable outlined by Mr. Tudor.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to grant Mr. and Mrs. Lynch an extension, provided they meet the following deadlines: file an application with the Board of Zoning Appeals (BZA) for a special exception seeking approval for the reconstruction or structural alteration of this nonconforming building within 14-days; apply for a demolition permit from Development Review & Permitting for the removal of all or the two-story portion of the structure within 30-days; submit signed and sealed architectural plans and all required permit applications for the proposed improvements to their property within 60-days; and begin construction on the improvements to the property in accordance with all approved permits or have removed the structure from the property within 6-months. 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.

Joan Roache, co-coordinator of Your Vote, Your Voice, presented a petition to establish a second early voting site in Pocomoke City. In addition to the petition, the Commissioners reviewed an email from Board of Elections Director Patricia Jackson, which included an itemized expense report of \$116,709 for the additional staff, equipment, and rent for a second site. Ms. Roache recognized the 14 members of Your Vote, Your Voice in attendance and stated that it is a hardship for many residents of Pocomoke who either have limited transportation or work multiple jobs and cannot commute 29 minutes each way from Pocomoke to the Gull Creek Nursing Home in Berlin to participate in early voting. In response to a question by Commissioner Church, Ms. Roache advised that the Board of Elections advised her that they were not opposed to the idea, but that funding is not available in their budget to staff a second early voting site. Therefore, Ms. Roache urged the Commissioners to provide funding for the additional site.

Commissioner Nordstrom thanked Ms. Roache and stated that many Pocomoke residents work two or more jobs, so they cannot get to the polls on election day, and often these same individuals lack the transportation needed to drive to Berlin for early voting. Thus, he noted that today's discussion is a great first step to taking a larger look into the requirements involved in adding a second early-voting site in Worcester County. In response to a question by

Commissioner Mitrecic, County Attorney Maureen Howarth advised that State law requires early voting sites to be open to the public for a full seven days. Commissioner Mitrecic agreed that it is important that everyone votes; however, he stated that other alternatives may be available, such as relocating the early voting location to Snow Hill or increasing the number of bus runs from Pocomoke to Gull Creek during early voting, which would not incur significant additional costs. Commissioner Elder concurred, noting that those residing on St. Luke's Road and other outlying areas close to the Wicomico County line face the same commuting hardships when it comes to early voting. He stated that moving early voting to a central location, like Snow Hill, may be a better alternative. He also pointed out that the Commissioners are tasked with controlling costs, and it could be difficult to identify a funding source to cover the additional expenses involved in opening a second early voting site.

Commissioner Bunting stated that a central location may be the best solution. Board of Elections President Lou Ann Trummel stated that in a 3-2 vote the board voted down the request to add a second site. She stated that any additional early voting site must be secured by September 2019 for the next election. Following some discussion, the Commissioners thanked Ms. Roache and the other members of Your Vote, Your Voice for meeting with them.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from Johnson Controls Fire Protection LP of New Castle, Delaware at a total cost of \$22,089.68 to repair the fire alarm system in both the old and new sections of the County Jail, which were damaged due to leaks in the roof. In response to a question by Commissioner Nordstrom, Warden Bounds stated that she will work with Johnson Controls to determine whether the contractors were at fault for the section of roof installed in the new section of the Jail in 2009, which might still be under warranty, to potentially recoup some of those costs.

Pursuant to a request from Circuit Court Administrator Michael Howard and upon a motion by Commissioner Church, the Commissioners unanimously approved out-of-state travel for Circuit Court Administrative Judge Brian D. Shockley to attend Advanced Evidence Training conducted by the National Judicial College in Bar Harbor, Maine from June 24-27, 2019 at a cost of \$2,114, after applying a \$500 scholarship.

In response to a prior request by the Commissioners to monitor table games revenues from the Casino at Ocean Downs to determine whether to allocate a portion of those additional revenues to the local municipalities to address the casino's impact to the towns, Finance Officer Phil Thompson presented the most current Video Lottery Terminal (VLT) revenue report, which outlines Local Impact Grant (LIG) funds, which includes table games revenues, from the casino's opening through December 2018. Mr. Thompson advised that in 2011 the Commissioners opted to allocate LIG funds to retire the annual debt service for the \$28.1 million Worcester Technical High School (WTHS), which was built in 2008. He stated that annual LIG funds are not sufficient to fully fund the annual debt service. Therefore, he recommended the Commissioners continue to allocate LIG revenues, which include table games, to retire the WTHS debt service in four years, after which the Commissioners will have the opportunity to re-evaluate how these funds should be spent moving forward, in accordance with the multi-year plan for the expenditure of LIG funds.

Commissioner Bunting supported allocating table games revenues to help the fire companies and the towns that do not receive LIG funds (Pocomoke and Snow Hill). Commissioner Nordstrom suggested conducting a work session to consider how to allocate future LIG funds. In response to questions from Commissioner Nordstrom, Mr. Thompson confirmed that the County is on schedule to repay the WTHS debt in four years; however, annual LIG revenues fall short of covering the annual \$2.5 million debt service payment, so the County augments the payment with General Fund revenues. In response to comments by Commissioner Purnell, Mr. Thompson confirmed that Berlin, Ocean City, Ocean Pines, and the County receive and allocate LIG funds for infrastructure uses, which is one of the State-approved uses of these revenues. Mr. Shannahan stated that, once the WTHS debt is paid, the Commissioners could reassess their multi-year plan and allocate the funds to address any of the six areas established by State law for use of the funds. Commissioner Nordstrom stated that he hoped the debt could be paid off sooner than four years through accelerated payments.

The Commissioners met with Environmental Programs Director Bob Mitchell and Katherine Munson, Planner V within Environmental Programs, to review two FY20 Rural Legacy Area (RLA) grant applications for the Dividing Creek RLA and the Coastal Bays RLA. Mr. Mitchell explained that, because the County has two RLAs, they are required to indicate which area is preferred for the funding applications, so they alternate preference between the two areas each year. He stated that this year's application process follows that same pattern, stating a preference for the Coastal Bays RLA, as it has not received funding since FY17. He stated that the program is funded through a combination of Department of Natural Resources (DNR) Program Open Space (POS) funds and general obligation bonds and require no County match. These funds are used to purchase perpetual easements, which provide water quality benefits to the Coastal and Chesapeake Bays and the local watersheds. Following some discussion and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Elder voting in opposition to authorize Commission President Purnell to sign both the Dividing Creek RLA and the Coastal Bays RLA grant applications, which include a combined total of \$6,046,000 in grant requests, and stating a preference for the Coastal Bays RLA in FY20.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Purnell to sign the Memorandum of Understanding (MOU) between the Maryland Coastal Bays Program (MCBP) and Worcester County Department of Environmental Programs (WCDEP), authorizing the use of WCDEP discretionary funds of \$20,000 for tasks associated with the Center for Watershed Protection's Scope of Work (SOW) for the Coastal Watershed Planning a through i Plans. Mr. Mitchell stated that program partners are working with the Maryland Department of the Environment (MDE) and the Environmental Protection Agency (EPA) regional office to review and revise the a through i Plans.

The Commissioners met with Mr. Mitchell to resume their January 22, 2019 discussions regarding the revised Section 107, Navigation Improvement Project Partnership Agreement (PPA) between the U.S. Army Corps of Engineers (COE) and the Maryland Department of Natural Resources (DNR), and Worcester County, Maryland for Ocean City Harbor and Inlet Navigation Improvements at the Ocean City Inlet. This item was previously tabled and now

includes the changes requested by County Attorney Maureen Howarth. Mr. Mitchell stated that the local project partner funding for the PPA will be derived from DNR Waterway Improvement Funds of \$300,000 and matching County funds of \$300,000 to assist with the project to deepen the Ocean City channel inlet to 16 feet mean low water and the harbor channel to 14 feet mean lower water, and depositing dredged material to an approved nearshore location for the Assateague Island restoration project and placing material dredged from the harbor into a land-based site that the County must first identify. Mr. Mitchell noted that Article IV, Paragraph A of the PPA details the non-federal sponsor share of the project budget of \$1,704,360 and also payment of funds by the non-federal sponsors (State and County) in the event that project costs exceed the Army Corps of Engineers' \$10 million project limit. He concluded that the first installment of \$222,180 in non-federal match funds is due by February 13, 2019.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the revised PPA.

The Commissioners met with Sheriff Matt Crisafulli to review a proposed Addendum to the Public Safety Mutual Aid Agreement between the County Commissioners, the Worcester County Sheriff, and the Town of Snow Hill, for the purpose of providing a temporary agreement as to the authority and terms whereby the Sheriff may appoint an Interim Police Chief of the Snow Hill Police Department (SHPD). Sheriff Crisafulli stated that he has assigned Lieutenant Edward Schreier to serve as SHPD Interim Police Chief for a period of 60 days, from February 4 to April 5, 2019, to cover the absence created by the resignation of former Chief Tom Davis until the Town hires a new full-time Police Chief. He advised that both the Sheriff's Office and Maryland State Police (MSP) have previously appointed Interim Police Chiefs to assist both the Pocomoke Police Department and SHPD. He advised that Lt. Schreier will remain under his authority while serving as Interim Police Chief. He stated that the cost of these services for the base salary of Lt. Schreier is \$16,761.63, which does not include any potential overtime that may be incurred, but that cost will be covered by the Sheriff's Department budget.

In response to a question by Commissioner Church, Sheriff Crisafulli stated that neither the MSP nor the Sheriff's Office have required reimbursement from the requesting agencies in the past, and that he does not recommend doing so in this instance either, as Lt. Schreier will remain under his direct authority and be tasked with Sheriff's Office assignments as well. Commissioner Bunting stated that he could not support the temporary agreement, as it does not include reimbursement from the Town of Snow Hill for this expense. In response to a question by Commissioner Nordstrom, Sheriff Crisafulli explained that the temporary agreement before them today is not precedent setting, as these services have been provided by the MSP and Sheriff's Office to other police agencies in the past. However, he limited the assignment to 60 days to encourage the Town of Snow Hill to seek a replacement in a timely manner. In response to a question by Commissioner Bertino, Sheriff Crisafulli confirmed that this temporary agreement is in the best interest of the Sheriff's Office because the SHPD is an allied agency. Ms. Howarth confirmed that the temporary agreement is the best course of action to take to protect the County and County employees from potential liability issues.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to authorize Commission President Purnell to sign the Addendum to the Public Safety Mutual Aid Agreement with the Town of Snow Hill as presented.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for bituminous concrete for resurfacing approximately 13.59 miles of County roadway, to furnish and apply roughly 12,220 square yards of paving fabric to approximately 1.02 miles of County roadway, and for resurfacing approximately 1.9 miles for the Solid Waste Division, with funds of \$1 million available within the FY19 budget and \$500,000 available in the Assigned Fund Balance, with separate funding of \$175,000 available for resurfacing Central Site Lane for the Solid Waste Division. At Commissioner Mitrecic's request, Mr. Tustin agreed to look at Back Creek Road and Caterpillar Road to be sure these are the roads most in need of repaving.

Commissioners Bunting and Nordstrom temporarily left the meeting.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the application of slurry seal for resurfacing approximately 12.73 miles of County Roadway. Mr. Tustin advised that funds are available as previously outlined for this expense.

Commissioners Bunting and Nordstrom returned to the meeting.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously agreed to schedule a public hearing on March 5, 2019 to receive public comment on dissolving the Sunset Village Sanitary Service Area (SSA), which has been receiving water service from the Mystic Harbour SSA since obtaining bond funding to connect to Mystic Harbour in 2003. Mr. Tustin advised that the Sunset Village water plant is in excellent condition and produces nearly 100,000 gallons per day (gpd); however, the debt service has been repaid and there is no longer a need for the Sunset Village SSA, and the water treatment facilities are no longer in regular use, but do serve as a backup during periods of high water consumption. Therefore, staff now recommends dissolving the former SSA, while keeping the water plant as an asset of the Mystic Harbour SSA.

The Commissioners met with Mr. Tustin to discuss a proposal to dispose of the Briddletown water plant building. Mr. Tustin reviewed the history of the Briddletown SSA, which has been purchasing bulk water from the Town of Berlin to supply customers since 2012 to address water quality issues. Since the water plant building has remained idles since that time, Mr. Tustin recommended removing it from the County inventory by either turning it over to the Board of Education (BOE) or demolishing it to reduce the SSA's annual operating costs. Upon a motion by Commissioner Bertino, the Commissioners unanimously declared the building to be surplus property and to dispose of this item for other public purposes by gifting it to the BOE or by demolishing it. Assistant Chief Administrative Officer Kelly Shannahan advised that staff will schedule a public hearing to receive objections, in accordance with County law, if the BOE is interested in acquiring the building.

The Commissioners met with Mr. Tustin to discuss a proposal to dispose of the Nantucket Point/Edgewater Acres water plant building. Mr. Tustin reviewed the history of the

SSA, which has been purchasing bulk water from Artesian Water Company in Delaware since 2002. Since the water plant building has only been used for storage, Mr. Tustin recommended removing it from the County inventory by declaring it to be surplus property and offering it for sale.

After some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously directed staff to first contact Artesian Water Company to inquire about a long-term contract for service of the properties within the Nantucket Point/Edgewater Acres SSA and to investigate the value and potential use of the County property before the Commissioners give further consideration to declaring this property to be surplus property.

The Commissioners reviewed a letter from Walid Saffouri, Program Administrator for the Engineering and Capital Projects Program, Office of Budget and Infrastructure Financing for the Maryland Department of the Environment (MDE), announcing that the Ocean Pines Wastewater Treatment Plant is exempt from paying into the Bay Restoration Fund (BRF) during the calendar year 2019. Mr. Tustin advised that this exempts residents in the Ocean Pines Sanitary Service Area (SSA) from paying the monthly \$5.00 charge into the BRF and has saved the SSA and Ocean Pines ratepayers roughly \$5 million since the fee was first exempted in 2005.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Mitrecic, the Commissioners unanimously agreed to appoint Kimberly List to the Commission for Women for a three-year term expiring December 31, 2021, to replace Nancy Fortney whose term expired.

Upon a nomination by the Library Board of Trustees and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to reappoint Leslie Mulligan to the Library Board of Trustees for an additional five-year term expiring December 31, 2023.

The Commissioners met with Mr. Shannahan to discuss a proposal to send up to 14 staff members and County Commissioners to the National Hurricane Conference in New Orleans, Louisiana from April 22-25, 2019. Mr. Shannahan stated that the regular early registration fee is \$350 per person; however, he hopes to negotiate a group discount of \$50 per person, provided at least 10 County staff are registered. Therefore, the estimated cost of registration, travel, lodging, and meals is \$2,250 per person for 2019. Mr. Shannahan stated that funding is available in the Travel and Training Account to allow up to 14 staff and Commissioners to attend the conference.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved out-of-state travel with funding in the Travel and Training Account to send up to 14 staff members and County Commissioners to the 2019 Hurricane Conference, with a final list of staff members and Commissioners to be determined at a later date.

Ms. Howarth updated the Commissioners on requests staff have received from several community members to make further revisions to the recently revised Animal Control Ordinance to require pet owners to bring their animals indoors at certain temperatures regardless of whether suitable shelter is available. Ms. Howarth advised that the current law allows animals to be kept outside in cold weather based on certain criteria, such as size and type of fur, and if there is suitable shelter, as defined in the law. She noted that, if suitable shelter is not available and the weather is below 32 degrees Fahrenheit, the animal must be brought indoors. Ms. Howarth stated

that, since the new law took effect, Animal Control Officers have responded to 17 complaints for sheltering and tethering. Of those, 15 pet owners complied with the new law and the animals were seized in the other two cases. Chief Animal Control Officer Glen Grandstaff stated that, with all new legislation it took a little time to educate the public to help pet owners better understand and comply with the law. He agreed that the new law as written provides his officers with the language they need to better protect animals. In response to a question by Commissioner Elder, Mr. Grandstaff stated that the language regarding coat requirements was broad enough for them to explain to a pet owner why his rat terrier mix could not be left outside in cold weather and to have that owner willingly comply. Commissioner Bunting thanked Mr. Grandstaff and his staff for the great job they are doing.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed that they were satisfied with the new law and further changes were not needed.

The Commissioners answered questions from the press, after which they adjourned to attend lunch at Worcester Technical High School with members of the Board of Education (BOE) and staff, including Superintendent of Schools Louis H. Taylor, who provided them with the State of Our Schools report.

The Commissioners recessed until 6:00 p.m. for their annual dinner meeting with Worcester County volunteer fire company presidents, chiefs, and ambulance captains at the Girdletree Volunteer Fire Company (GVFC).

The Commissioners adjourned to meet again on February 19, 2019.