

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

August 21, 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 Mitrecic, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: hiring Sierra Bloom as a part-time Document Imager II for the Treasurer's Office, Comaneisha Jones McCaskill and Dennis Dimaio as Correctional Officer Trainees for the Jail, promoting Pete Bo Webb from Roads Worker V to Roads Foreman and agreeing to post for a Roads Worker II for the Roads Division of Public Works; discussing pending litigation; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the open session minutes of their July 31, 2018 work session and the open and closed session minutes of their August 7, 2018 meeting as presented.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bunting, the Commissioners unanimously awarded the low bid for the general housing rehabilitation and lead risk reduction project located in the Town of Snow Hill to J & G Maintenance & Repair of Berlin, Maryland at a cost of \$21,950.

The Commissioners met with Budget Accountant Kim Reynolds to review 12 bids received for the eight available West Ocean City Commercial Harbor boat slips. Pursuant to the recommendation of Ms. Reynolds and upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to accept the high bids and award the eight lease agreements for two-year leases of the commercial boat slips at the West Ocean City Harbor, subject to proof of liability insurance, as follows: award of the three 100-foot slips to H. Drexel Harrington for

'Tiki XIV, Inc.' at \$11,220, Jeffrey Eutsler for 'Tony & Jan' for \$10,001.99, and Kerry Harrington for 'Integrity/Delphinus' for \$8,401.00; and award of the five 75-foot slips to Sam Martin of Martin Fish Co., LLC, FV for 'Second Wind' at \$8,700.00, Sam A. Martin of Martin Fish Co., LLC, FV for 'Atlantic Girl' at \$8,600, David Trader for 'Valerie Marie' for \$8,000, Earl R. "Sonny" Gwin for "Skilligalee, Inc." at \$6,500, and James Hahn, Stormy Seas, LLC for 'Allison' at \$6,201, for a total two-year rent of \$67,623.99.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell and Warden Bounds to sign the Worcester County Local Behavioral Health Authority Agreement for Maryland Community Criminal Justice Treatment Program Services between the Worcester County Health Department (the Local Behavioral Health Authority) and the County Commissioners for grant funds not to exceed \$20,000 annually for behavioral health programs for the County Jail inmate population.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell 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 the Agreements of Sale for the purchase of two Rural Legacy Area (RLA) easements between Regina D. and Jeffrey A. Royer (Seller) and the County Commissioners of Worcester County, Maryland (Buyer), with FY18 Dividing Creek RLA funds to cover the cost of both easements. The first easement is located on approximately 64.64 acres on the southwest side of Creek Road west of Nassawango Road in Snow Hill and identified on Tax Map 62, Grid 5, Parcel 4. This property is to be purchased at a cost of \$3,357.06 per acre for a total purchase cost of approximately \$216,999, based on total surveyed acreage. Mr. Mitchell stated that, while this property was not listed and mapped as a priority for conservation in the Dividing Creek RLA grant application, it is located adjacent to protected lands and is a waterfront parcel, which contains prime agricultural soils. The second Rural Legacy easement is located on approximately 122.25 acres on the south-west side of Nassawango Road, west of Snow Hill and identified on Tax Map 67 as Parcel 167, Lot 3. This property is to be purchased at a cost of \$1,746.42 per acre for a total purchase cost of \$213,500 based on total surveyed acreage. Mr. Mitchell stated that this property, which is located adjacent to protected lands, contains prime agricultural soils and is listed as a top-five priority for conservation in the Dividing Creek RLA grant application.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the Request for Proposals (RFP) for a consultant to update and combine the Worcester County Chesapeake Bay Critical Area Ordinance and Atlantic Coastal Bays Critical Area Law, with encumbered funds of \$20,000 from RLA matching funds available to cover this expense. Mr. Mitchell stated that the existing code has not been updated since 2002 and combining the two codes into a single ordinance will increase the public's ease of use.

Emergency Services Director Fred Webster updated the Commissioners on the status of the P25 Radio System Project, noting that the microwave radio equipment for the Mystic Harbour site arrived and will be installed between August 21-23, 2018, with site testing to be

completed thereafter by Harris officials. He also reviewed three recently-reported minor transmission issues with field radios, one involving a distorted transmission and the remaining two involving users having to press the *Push to Talk* button twice, which were likely caused by roaming issues. He also confirmed that County staff is scheduling a kick-off meeting with Federal Engineering (FE) staff who are to provide engineering consulting services to Worcester County to assist with final implementation of the Harris P25 Radio System Project.

In response to questions by Commissioner Bertino, Emergency Services Assistant Director James Hamilton stated that Harris officials are working to resolve these latest interference issues. In response to a question by Commissioner Bunting, Mr. Webster confirmed that each of the Commissioners received a slightly less expensive, lower-tier version of the same radios that were issued to the volunteer fire companies located within Worcester County. Commissioner Bunting stated that the quality of the radio issued to him has been very good and suggested that perhaps users need to be trained on proper use of the radios to resolve some of the concerns.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the purchase and installation of playground equipment to replace aged equipment at the Stockton Park. Mr. Perlozzo stated that the County was awarded FY19 Maryland Department of Natural Resources (DNR) Program Open Space (POS) funds of \$60,000 to complete this project.

Pursuant to the request of Mr. Perlozzo and the Worcester County Recreation and Parks (WCRP) Advisory Board and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the formation of the WCRP Boosters, a 501(c)(3) organization, to help finance, publicize, promote, evaluate, and recommend relevant programs, maintenance and facilities within WCRP. The boosters will seek sponsorships and non-profit grants and raise funds to help cover registration fees for County residents who may not otherwise be able to afford to participate in County recreation programs.

In response to concerns raised by Commissioner Church, the Commissioners met with Public Works Director John Tustin, Mr. Perlozzo, and Sheriff's Office Sergeant Robert Trautman to discuss options to address uncontrolled parking along Old Bridge Road, including the cul-de-sac, and excessive noise, bonfires, and parties during late night hours from patrons at Homer Gudelsky Park in West Ocean City (WOC). Mr. Tustin advised that there is space for seven to 10 cars within the cul-de-sac, and County staff recently refreshed the "No Parking" signs in other areas; however, visitors continue to ignore the signs and double park. Sergeant Trautman advised that the Sheriff's Office has been actively patrolling and enforcing parking violations, though such violations are not towable offenses. He supported Mr. Tustin's recommendation to post "No Double Parking, Towing Enforced" signs.

Mr. Perlozzo stated that bonfires are typically prohibited in the park, without a special permit, and signs are clearly posted at the park entrance that the park closes from dusk or one hour after the last activity until 6:00 a.m. He suggested asking the Sheriff's Office to increase enforcement of park operating hours.

Commissioner Church thanked his fellow Commissioners and staff for working to address this issue, noting that cars are double and triple parking in the cul-de-sac, and in many

cases blocking residents' driveways, and in the event of an emergency would impede public safety officials from accessing the area.

Fritz Pielert of Old Bridge Road stated that limited parking and public facilities has resulted in unsafe and unsanitary conditions, with visitors parking two and three cars deep, blocking driveways, leaving trash behind, and urinating in public. He stated that some visitors have even become belligerent when asked to move vehicles that were blocking residents' driveways, and he asked the Commissioners to adopt enforceable nuisance regulations that have some teeth.

In response to a question by Commissioner Elder, Sergeant Trautman advised that the existing Code of Maryland Uniform Traffic Control Devices only permits the towing of vehicles impeding public safety.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously directed staff to install "No Double Parking" signs and "No Parking, Towing Enforced" signs, to paint no parking areas in front of fire hydrants, and they further directed staff to stripe and paint the available parking spots, with the Sheriff's Office to enforce violations of the parking restriction and complaints regarding after-hours use of the park and disturbing the peace.

Mr. Tustin informed the Commissioners that the next Household Hazardous Waste Collection Day will take place Saturday, September 22, 2018, from 10:00 a.m. to 2:00 p.m. at the Showell Elementary School on MD Rt. 589. Mr. Tustin advised that the towns of Ocean City, Berlin, Snow Hill, and Pocomoke will be notified and invited to participate in this event.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of one off-road dump truck for use within the Solid Waste Division of Public Works.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the proposal from EA Engineering in the amount of \$3,132.35 to perform engineering services for the preparation of a Surface Mining Permit County Exemption Application associated with the County-owned Langmaid Road Borrow Pit. Mr. Tustin advised that the County has been operating the borrow pit since the early 1970s, and recently Maryland Department of the Environment (MDE) officials requested the County to make said application for a County exemption to the Surface Mining Law of 1977, a law that does not apply to activities for the State Highway Administration (SHA) or the Roads Division of Public Works. In response to a question by Commissioner Lockfaw regarding what prompted this action by MDE, Mr. Tustin advised that Roads Division personnel periodically utilize the borrow pit to retrieve materials for related construction activities in the County, and such activities recently occurred at times when MDE officials were visiting the site, which created the false impression by State officials that the site was being utilized regularly rather than infrequently. He stated that the County was operating under the assumption that the exemption had been granted many years ago, but MDE officials were not able to substantiate that claim. Mr. Tustin concluded that funds are available within the FY19 budget to cover this expense.

Pursuant to the recommendation of Mr. Tustin in response to a request from Berlin Public

Works Director Jane Kreiter, made on behalf of the Town of Berlin, and upon a motion by Commissioner Church, the Commissioners unanimously approved the town's request to place a six-cubic-yard dumpster in place of the County's two-cubic-yard dumpster at the County-owned property in Berlin where the Worcester County Dental Clinic is located. Mr. Tustin stated that the dumpster will serve several residents and businesses in the area, including the dental clinic. In response to a question by Commissioner Lockfaw, Mr. Tustin explained that the town will pay for all expenses associated with trash collection for the new container.

Commissioner Mitrecic requested to present an issue to the County Commissioners. Commissioner Purnell reminded Commissioner Mitrecic that all issues need to be presented prior to the meeting to allow staff time to provide background information and for other Commissioners to be aware of the issue in advance.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 10:43 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included receiving legal advice from counsel and conducting interviews with candidates for the position of Emergency Services Director. The Commissioners hired John "Billy" Birch as Emergency Services Director to succeed Fred Webster upon his retirement.

After the closed session, the Commissioners adjourned to meet again on September 4, 2018.