

Minutes of the County Commissioners of Worcester County, Maryland

June 6, 2023

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Elder, 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 (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 Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: a personnel update, hiring David Bozman as a transfer station attendant and Andrew Timko as a plant operator trainee, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Fiori, the commissioners unanimously voted to adjourn their closed session at 9:34 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Davida Washington of Development Review and Permitting 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 May 9, 2023 budget work session and May 16 meeting as presented.

The commissioners presented a proclamation to Department of Social Services professionals recognizing June 2023 as Elder Abuse Awareness Month and June 15 as Elder Abuse Awareness Day in Worcester County.

The commissioners presented commendations to middle and high school students involved in the SkillsUSA program at Worcester Technical High School (WTHS) who placed first in their fields during the 2023 Skills USA Maryland State Championships in Baltimore. These students include Yurani Vargas Francisco in the Pastry Arts category; Christofer Villarreal in the Computer Programming category; Ashley Carcamo-Diaz in the Health Occupations Professional Portfolio category; Briggs Pugner and David Janney in the Mobile Robotics

Technology category; Cecilia Diehlmann and Catrina Donmoyer in the Mobile Robotics Technology middle school category; Mia Cropper, Kayden Hamby, and Jacob Payne in the Occupational Health and Safety – Single category; Aaliyah Drummond in the Pin Design middle school category; Matthew Beck in the Principles of Engineering-Technology category; Brandon Miller and Chase Ponton in the Robotics: Urban Search & Rescue category; Asher Nichols and Nidhish Gupta in the Robotics: Urban Search & Rescue middle school category; and Giana Thomas in the T-Shirt Design middle school category. The commissioners also presented a commendation honoring the students and instructors for their exemplary program performance, which earned WTHS recognition as a Golden Chapter of Excellence award and a Silver National Chapter of Excellence during State Championships.

Upon a motion by Commissioner Elder, the commissioners unanimously approved by consent agenda item numbers 2-7 as follows: bid specifications for design services for the Ocean Pines biosolids dewatering equipment and building design and for Public Landing beach engineering services; the acceptance of three grant awards for the Sheriff's Office of \$27,623 for police recruitment and retention, \$9,696 for gun violence reduction, and \$16,456 for body worn camera single bay docks; a Musco Sports Lighting Soccer Fund grant of up to \$10,000 to create a multi-sport court as part of the Pocomoke Middle School basketball court revitalization project; a request from the Town of Berlin to encumber prior matching funds for use in the Rails to Trails project; and an over-expenditure of \$16,561.42 in propane within Recreation and Parks.

The commissioners met with Budget Officer Kim Reynolds to adopt the final proposed FY24 Operating Budget totaling \$235,890,227, which maintains the current property tax rate of \$0.845 and local income tax rate of 2.25%. Section 4-201 of the County Government Article of the Code of Public Local Laws of Worcester County requires that the commissioners adopt an expense budget and tax rates on or before the first Tuesday in June. Ms. Reynolds reviewed the budget, which includes a 2% cost of living adjustment (COLA) and one step increase for eligible employees and fringe benefits, with the remaining surplus of \$385,818 being added to Other Post Employment Benefits (OPEB) for the Board of Education (BOE).

Upon a motion by Commissioner Bunting, the commissioners voted 5-2, with Commissioners Mitrecic and Purnell voting in opposition, to approve the BOE budget, which includes maintenance of effort (MOE) funding of \$100,006,640.

Commissioner Mitrecic disagreed with requiring the BOE to present additional financial records, as part of the budget process. He stated that an MOE budget ignores State unfunded mandates and will impact raises and school programs. Commissioner Bertino disagreed, noting that the budget process this year will put the County in a much better position to handle the mandates for the Blueprint for Maryland in the future. Commissioner Fiori stated that budgets are the framework needed to make wise financial decisions, and having transparent financials will make it possible for the BOE to make wise financial decisions to assure that teachers, support staff, and bus contractors are able to receive raises and that children receive a wonderful education. Commissioner Bertino noted that last Friday around 4 p.m. a number of financial documents were received from the BOE; however, staff has not yet been able to review, but which are available for the public to review. Commissioner Abbott stated that it was wrong for the BOE to spend so much time trying to convince the taxpayers that the commissioners had no right to a line-item budget and were somehow wrong to want transparency. She stated her hope

that this year will be the start of positive change. Commissioner Purnell stated that she does not necessarily agree with the decision reached today, but expressed her hope that the commissioners and BOE could be in one accord going forward to continue to have great schools.

Following further discussion and upon a motion by Commissioner Abbott, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to adopt the FY24 County Operating Budget. Commissioner Mitrecic reviewed certain cuts and explained that he could not support this budget, which does not meet the needs of County employees or the BOE. Commissioner Bertino thanked members of the financial team, noting that this is a responsible budget that is in the best interest of taxpayers. He stated that this is the first time in roughly 10 years that the budget has been balanced without using surplus funds from the current fiscal year. Instead, the surplus at the end of this year will be allocated to other post-employment benefits (OPEB) for the BOE to ensure that their retirement for current and past employees is secure.

The commissioners conducted a public hearing on the proposed FY24 Water and Wastewater Enterprise Fund operating budgets, assessments, user charges, and other charges for each of the 11 Sanitary Service Areas (SSA) and sub-areas operated by the Worcester County Department of Public Works, Water & Wastewater (W&WW) Division. Enterprise Fund Controller Barbara Hitch reviewed the proposed budgets for the County's various service areas. She advised that, in addition to user fees, a debt service assessment is levied to repay bonds and loans for capital improvements to the water and sewer infrastructure that is financed by the County, and all assessments are based per equivalent dwelling unit (EDU), with debt service charges in the Assateague Point, Briddletown, Edgewater Acres, The Landings, Lighthouse Sound, Mystic Harbour, Newark, Ocean Pines, Riddle Farm, River Run, and Snug Harbour service areas or sub-areas.

Commissioner Bertino opened the public hearing.

Pat Barbely of Newark expressed concern regarding the high rates being charged in the Newark Sanitary Service Area and asked if the County could rectify that situation. Chief Administrative Officer Weston Young advised that the rates are spread out among a small population, which results in higher costs than other areas where costs are shared by much larger populations. He stated that most counties include all water and wastewater operations under one account and County staff are looking at equitable options for the commissioners to consider at a future date.

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

The commissioners conceptually approved the proposed FY24 W&WW Enterprise Fund operating budgets, assessments, user charges, and other charges, and agreed to adopt the formal resolution at their next meeting on June 20, 2023.

The commissioners conducted a public hearing on the Solid Waste Enterprise Fund FY24 Requested Operating Budget of \$4,644,738 for the Central Landfill in Newark (this budget does not represent operating costs for the homeowner convenience centers and Recycling, which were previously transferred from the Solid Waste Enterprise Fund to the General Fund). Ms. Hitch stated that this budget includes maintaining the current solid waste tipping fee of \$75 per ton for municipal waste and \$80 per ton for construction and demolition debris.

Commissioner Bertino opened the public hearing.

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

The commissioners conceptually approved the proposed FY24 Solid Waste Enterprise Fund operating budget and agreed to adopt the formal resolution at their next meeting on June 20, 2023.

The commissioners met in legislative session.

The commissioners conducted a public hearing on Bill 23-4, which amends the provisions of PS 3-203 (Designation of limited parking or no parking zones) to add the word “paid” to allow paid parking on County-owned property. County Attorney Roscoe Leslie reviewed the bill, noting that this legislation makes it expressly clear that the commissioners can designate certain areas of County property for paid parking.

Commissioner Bertino opened the floor to receive public comments.

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

In response to a question by Commissioner Bertino, Mr. Leslie stated that this bill does not establish any fees. In response to a question by Commissioner Purnell, Mr. Young stated that if passed today this bill will go into effect within 45 days, with the pilot program at the Shell Mill boat ramp to be implemented sometime in late summer.

Upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to adopt Bill 23-4 as presented.

The commissioners met with Mr. Leslie to review a text amendment application drafted by staff at their request to amend the County’s current landings ordinance (CG4-406) to clarify commercial activities at landings, require registration by heavy equipment operators, and control parking. Mr. Leslie reviewed the draft bill, which would clarify what commercial uses are and to allow them at commercial boat ramps to the extent that they do not impede upon recreational uses, to restrict parking for commercial users and their guests, and require heavy equipment operators to register and be adequately insured. He stated that at the next meeting, County staff may include additional language in the bill pertaining to commercial parking.

Following some discussion, Commissioners Abbott, Bunting, Bertino, Purnell, and Fiori introduced the aforementioned text amendment as Bill 23-5 and agreed to schedule a public hearing on the bill.

The commissioners met with Environmental Programs Director Bob Mitchell, Planner V Katherine Munson, Recreation and Parks Director Kelly Rados, and Parks Superintendent Jacob Stephens to review the 2023 Worcester County Land, Preservation, Parks, and Recreation Plan. Maryland’s Program Open Space (POS) law requires all counties to meet minimum requirements for the current amount of recreational facilities available 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. Mr. Mitchell advised that the Planning Commission unanimously recommended adopting the updated plan.

Following a review of the plan and upon a motion by Commissioner Abbot, the commissioners unanimously adopted Resolution No. 23-09 adopting the 2023 Worcester County Land Preservation, Parks, and Recreation Plan.

Ms. Rados met with the commissioners to review the FY24 Program Open Space (POS) allocation of \$1,247,376. Ms. Rados reviewed the plan and stated that County staff will finalize

the FY24 annual program, including all proposed County projects, for the commissioners to approve at their June 20, 2023 meeting, so that it can be submitted to the State by the June 30 deadline. Ms. Rados advised that the Recreation and Parks Advisory Board has recommended awarding \$20,000 to each municipality, with the stipulations that funds must be used within one year, that funds may not be rolled over from one fiscal year to the next, and that a municipality must first apply to the Community Parks and Playgrounds Program for project funding. In response to a question by Commissioner Mitrecic, Ms. Rados confirmed that this plan does not propose to allocate any funding to the Town of Ocean City for the skate park project. In response to a question by Commissioner Abbott, Ms. Rados stated that since FY19 Recreation and Parks has not allocated any POS funding to the municipalities, but rather has kept the entire allocation for County projects, as municipalities may apply for Community Parks and Playground funding, which is similar to POS funding and is available only to municipalities.

Following some discussion and upon a motion by Commissioner Elder, the commissioners voted 5-2, with Commissioners Mitrecic and Purnell in opposition, to approve the plan and to retain the full POS allocation for County projects.

Pursuant to the request of Procurement Officer Nicholas Rice and upon a motion by Commissioner Elder, the commissioners unanimously awarded the low bid of \$263,452.56 from Delmarva Petroleum Services, LLC for the fuel system upgrade project within the Water and Wastewater Division.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Bunting, the commissioners unanimously awarded the lowest responsive bid of \$753,888 (\$96 per ton) to Allan Myers MD, Inc. for Roads Division paving projects.

Pursuant to the request of Human Resources Director Stacey Norton and upon a motion by Commissioner Elder, the commissioners unanimously approved proposed changes to Section 3.05 A of the Personnel Rules and Regulations to amend the shift differential policy. Commissioner Abbott stated that this is a good start, but County employees should not be required to work shift work five days before being eligible to receive shift differential pay. She also supported providing shift differential for employees who work weekends and holidays. Ms. Norton stated that if the commissioners would like to make that change, she can determine the actual costs of implementing this change, but noted that funds are not allocated in the FY24 budget for these changes. Mr. Young stated that these are baby steps, and staff could develop a proposal for the commissioners to consider at a future meeting.

Commissioner Mitrecic addressed concerns regarding transparency and assuring that it applies to both the BOE and the County.

The commissioners answered questions from the press, after which they adjourned to meet again on June 20, 2023.