

Minutes of the County Commissioners of Worcester County, Maryland

July 18, 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, Budget Officer Kim Reynolds, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: receiving a personnel update; hiring Jordan Whittington and Gabriel Aluma as correctional officer trainees within the County Jail, 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 Abbott, the commissioners unanimously voted to adjourn their closed session at 9:41 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 Father John Solomon of St. Mary Star of the Sea Catholic Church in Ocean City 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 July 18, 2023 meeting as presented.

Upon a motion by Commissioner Purnell, the commissioners unanimously approved by consent agenda item numbers 1-7 as follows: an FY24 grant award of \$52,133 for the grant-funded heroin coordinator position, \$382,566 for the body-worn camera program, \$8,759 for the sex offender compliance and enforcement program, and \$10,000 for warrants and absconding program within the Sheriff's Office; FY23 Children's Justice Act grant application for \$42,975 for forensic imaging system camera and related equipment for the Sheriff's Office and Child Advocacy Center; revised Request for Qualifications guidelines for the Housing Rehabilitation Program; scheduling a second public hearing on the Housing Rehabilitation Program's current Community Development Block Grant; bid specifications for roofing and siding work at the

County Library annex on Bank Street in Snow Hill; a proposal from Turf Equipment and Supply Company of \$42,570.76 to purchase a Toro field groomer for use within Recreation and Parks; a letter supporting the Henry's Hotel grant application. A

Paul Ellington of State and Local Advisors, LLC, the County's lobbying firm, recapped the impacts of the 2023 Maryland General Assembly's legislative session on Worcester County. Mr. Ellington tracked more than 100 bills that could have impacted business owners and the County as a whole. Key legislation included the passage of bond bills to assist Atlantic General Hospital, Diakonia, and Ocean Pines Volunteer Fire Department; failed efforts to adopt legislation that would enable the County to increase the room tax from 5% to up to 6%; projected deficits due to the ambitious approach to the Kirwan (Blueprint for Education) and the Blueprint for Maryland's Future; and efforts to work with federal representatives and the U.S. Army Corps of Engineers to acquire and dedicate a full-time dredging vessel for the Ocean City Inlet, Pocomoke, and surrounding bays.

Mr. Ellington advised that he cannot overstate the benefit of County officials testifying in person in Annapolis on topics of importance to the shore and rural Maryland.

Commissioner Mitrecic stated his disappointment at not receiving regular updates this year, and he requested daily updates on issues of importance to the County during the 2024 General Assembly Session. Commissioner Abbott thanked Mr. Ellington for helping her navigate Annapolis and for his proactive approach to issues involving Pocomoke City and economic development grant opportunities. Following some discussion, the commissioners thanked Mr. Ellington for his efforts on the County's behalf and agreed to meet with him prior to the start of the next General Assembly Session.

Pursuant to the recommendation of Procurement Officer Nicholas Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the use of American Rescue Plan Act (ARPA) funds of \$82,306.42 for the Ocean Pines Volunteer Fire Department to purchase equipment for a new paramedic engine that is on order and should be delivered sometime in 2025.

Pursuant the recommendation of Mr. Rice and upon a motion by Commissioner DP, the commissioners unanimously accepted the low bid of \$391,000 from Delmarva Veteran Builders to remodel the Roads Division building in Berlin.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Abbott, the commissioners unanimously approved bid specifications for the purchase and installation of new fencing around the Roads Division building in Pocomoke. The commissioners further agreed to reallocate unused FY22 Assigned Funds of \$53,730.02 from the Berlin fence project to this project.

Pursuant to the request of Public Works Director Dallas Baker and Mr. Rice and upon a motion by Commissioner Fiori, the commissioners unanimously accepted the lease from Carter Machinery Company, Inc. for a 2023 Caterpillar 299D3 XE Compact Track Loader with brush cutter at a finance price of \$155,972.92 at \$2,747.20 per month for 60 months.

In a related matter at the request of Mr. Baker and Mr. Rice and upon a motion by

Commissioner Abbott, the commissioners unanimously accepted the lease from Carter Machine Company, Inc. for a 2024 Caterpillar 926M Wheel Loader at a finance price of \$256,925 at \$4,111.56 per month for 60 months.

Mr. Baker and Mr. Rice met with the commissioners to discuss instituting a pilot program to temporarily modify the County's procedures for purchasing fleet vehicles approved in the FY24 County budget. Mr. Rice reviewed ongoing delays in procuring fleet vehicles due to limited availability, manufacturing delays, and pricing, which has deterred vendors from providing bids for County vehicles. He then reviewed the proposed pilot program, which could reduce the window of time and potential loss of available vehicles by allowing County staff to purchase available vehicles rather than risk losing them due to delays caused under the current procurement process. Commissioner Elder proposed allowing staff to seek email approval from the commissioners to purchase available vehicles, which would drastically reduce approval times without eliminating the commissioners from the process.

Following some discussion and upon a motion by Commissioner Elder, the commissioners unanimously authorized staff to seek email and/or phone approval from the commissioners outside of previously scheduled meetings to purchase fleet vehicles.

Pursuant to the request of Chief Administrative Officer Weston Young and upon a motion by Commissioner Mitrecic, the commissioners voted 6-1, with Commissioner Bunting voting in opposition, to approve the contract from the Lions Club for the County to purchase 12 acres of club property adjacent to the Northern Worcester Athletic Complex in Berlin at a cost of \$1,243,000, which is the average appraised value (\$1,355,000) less rent paid by the County since 2021 (\$113,000), with the Lions Club to cover all surveying costs.

Commissioner Bunting opposed the purchase, noting that previously the Lions Club verbally agreed to sell all but two acres of the property to the County for less than the cost proposed today.

The commissioners conducted a public hearing to receive public comment on Bill 23-06 (Amendments to the County ordinance regulating activity at County landings), which was introduced by Commissioners Bertino, Bunting, Abbott, Fiori, and Purnell on June 6, 2023. County Attorney Roscoe Leslie reviewed the draft legislation, which includes defining and allowing commercial users at County landings to the extent that such activities do not interfere with recreational use, restricting parking for commercial users to one parking place per user, and requiring registration for heavy equipment operators.

Commissioner Bertino opened the floor to receive public comment.

Attorney Mark Cropper, representing Marc Spagnola, owner of Dusk to Dawn Fishing Charters, reviewed the history of commercial uses at the boat landings, which has been occurring since the ramps were originally opened. He noted that most commercial entities, including crabbing, hunting, guided tours, marine sales and repairs, and similar activities, require more than one parking space each to accommodate them and their clients. He expressed concern that a great deal of misinformation surrounding commercial uses at the boat ramps is circulating in the community, and reiterated that the South Point Association (SPA) does not own, maintain, or regulate the boat ramp in their community. Rather, all County boat ramps belong to the public, and any legislation to regulate usage should be applied uniformly to recreational and commercial

users alike. Therefore, he suggested either continuing with the existing legislation, amending the proposed bill to provide for two parking spaces per commercial entity, or permitting commercial uses at the boat ramps. Commissioner Bunting stated that this bill does not stop anyone from using the County boat ramps, but it does limit each recreational and commercial user to one parking spot. He stated that, like any other business, commercial entities (operating in and around the water) should obtain commercially zoned spots for their boats. He stated that uses at the County boat landings are out of control, and the commissioners are striving to implement enforceable programs to correct these situations.

SPA President Michael LeCompte stated that an earlier Board of County Commissioners had restricted the use of County boat ramps to recreational use. Furthermore, a County sign posted at the South Point boat ramp clearly prohibits commercial uses. However, that longstanding restriction was broken recently by a former commissioner who succeeded in allowing commercial uses at the South Point boat ramp by special exception. He urged the commissioners to enforce the existing restriction against commercial uses to assure that County residents will have access to the boat ramp and parking lot. In response to a question by Commissioner Bertino, Mr. LeCompte stated that the South Point boat landing has 13 parking spaces, which are filled to overflowing on any given summer weekend by an influx of visitors and commercial entities. He stated that once the lot is filled, users park along South Point Road and the adjacent private properties, which creates unsafe conditions for walkers and cyclists and makes it next to impossible for community members to use the boat ramp.

SPA Secretary Diane Stelzner stated that South Point Road, a narrow, single-lane road with no shoulders and no bike paths, has become extremely hazardous to walkers and cyclists in the community due to the high volume of visitor and commercial traffic to the boat ramp. Therefore, she urged the commissioners to either restrict commercial use or to allow it only by special exception.

Debra Malone of South Point concurred with Ms. Stelzner that the large volume of commercial and visitor traffic makes it dangerous for community members to walk or bike in their own community. She stated that, if the commissioners choose to permit commercial uses at County boat ramps, they should first evaluate how such uses would impact the areas where each boat ramp is located.

Stephen Katsanos of South Point stated that commercial uses are not permitted in the E-1 Estate District, and the South Point community is zoned E-1. Therefore, Dusk to Dawn Fishing Charters should rent a commercial slip at Frontier Town or elsewhere, rather than utilizing the South Point boat ramp. In response to a question by Commissioner Bertino, Mr. Katsanos stated that Mr. Spagnola received a special exception to launch a 20-foot Jon boat to operate charters; however, he is now operating larger boats. Mr. Spagnola confirmed that his charter boats are 24 feet and 26 feet.

Alex Shandrowsky of South Point stated that commercial operations are not permitted in South Point, and Dusk to Dawn should not be the exception. For that reason, he had opposed granting special exceptions to Mr. Spagnola to utilize the South Point boat ramp for his commercial business.

David Kalaski of Quillen Way in Berlin urged the commissioners to limit parking to one space per commercial user, noting that enforcement is critical to ensuring compliance with the regulations.

Robert Lowe of Quillen Way in Berlin expressed alarm that Mr. Spagnola, who had

expanded his commercial operation from one small boat to two large boats, was still operating out of a recreational boat ramp. He urged the commissioners to implement and enforce regulations to limit commercial operations at County boat ramps.

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

Commissioner Mitrecic opposed the legislation, stating that boat ramps are funded with State and federal money and should be available to everyone. He recognized the difficulties that the influx of visitors using the County-owned boat ramp in South Point poses to that community, but noted that the only options are these: for the County to relocate the boat ramp elsewhere or for the community to agree to provide the right-of-way needed to widen South Point Road.

Commissioner Elder stated that he would support the proposed legislation, provided it was amended to restrict parking to two spots per recreational and commercial user.

Following much discussion and upon a motion by Commissioner Abbott, the commissioners voted 4-2-1, with Commissioners Mitrecic and Bunting voting in opposition and Commissioner Fiori abstaining, to deliberate further before voting on Bill 23-06 (Amendments to the County ordinance regulating activity at County landings).

Commissioner Bertino recognized Risk Manager Eddie Carman for saving County taxpayers \$7,300 through the Loss Control Credit Survey administered by the Local Government Insurance Trust.

The commissioners answered questions from the press, after which they adjourned to meet again on August 1, 2023.