

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

January 19, 2021

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

The Commissioners attended the 9:30 a.m. swearing-in ceremony for the Board of Education (BOE) members, after which the Commissioners convened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Commissioner Diana Purnell 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 5, 2021 meeting as presented.

On behalf of the Worcester County Branch of the National Association for the Advancement of Colored People (NAACP), Commissioner Purnell accepted a proclamation from the Commissioners honoring the life of Dr. Martin Luther King, Jr. who through peaceful means led a civil rights revolution that helped reshape the laws of the United States of America and challenged the nation's citizens of all ages and backgrounds to undertake a meaningful role in society and to do so with "painstaking excellence."

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Missy Denault to the Recreation Advisory Board for a four-year term expiring December 31, 2024.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Scott Tingle to the Housing Review Board for an additional three-year term expiring December 31, 2023; and to reappoint Kelly Gravenor to the Agricultural Preservation Advisory Board, Joseph Stigler to the Ethics Board, and Gary Weber to the Local Development Council for the Ocean Downs Casino for additional four-year terms each expiring December 31, 2024.

Upon a nomination by the Town of Pocomoke City and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Michelle Beckett El-Soloh to the Solid Waste Advisory Committee for a four-year term expiring June 30, 2024.

Pursuant to the request of Sheriff Matt Crisafulli and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Mitrecic to sign the Mutual Aid Agreement between the nine Eastern Shore counties and their respective sheriff's offices in Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties. Sheriff Crisafulli explained that this agreement is to offer prompt, effective

and professional police resources, such as manpower and equipment, contingent upon availability, to assist their Eastern Shore partners as needed during emergencies. In response to a question by Commissioner Bertino, Sheriff Crisafulli advised that the responding agency would bear any overtime costs that accrue when providing resources to assist partnering agencies.

Pursuant to the recommendation of Senior Budget Accountant Kim Reynolds and the Diakonia Inc. Board of Directors and upon a motion by Commissioner Elder, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to accept the apparent low proposal of \$9,427 from East Coast Contracting for Diakonia shelter renovations. Commissioner Bunting expressed concern that East Coast Contracting included an insert advising that any additional costs for unforeseen plumbing issues will be handled as a change order, while the second lowest proposal of \$10,068.75 from East Coast Construction, LLC does not have that clause. Commissioner Mitrecic noted that it is a new building that should not incur any additional plumbing costs. Ms. Reynolds advised that the project is being funded through a Community Development Block Grant of \$102,000, so funds are available to cover any unforeseen plumbing expenses.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review correspondence from Mashel Wakil, Real Property and Clearance Program Coordinator for the Maryland Department of Transportation (MDOT), notifying them that MDOT plans to dispose of a 0.83-acre surplus property located at 7170 Worcester Highway in Newark and more specifically identified on Tax Map 49 as Parcel 150 and resulting from the dualization of U.S. Rt. 113. Mr. Tudor stated that, as a result of the road project, access to U.S. Rt. 113 has been denied to this property, rendering it landlocked and therefore of no use to the County and likely of no use to anyone other than the adjoining property owners.

Upon a motion by Commissioner Bertino, the Commissioners unanimously declined any interest in this surplus property.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 431 for February 16, 2021. This application was submitted by Attorney Hugh Cropper, IV, on behalf of COF Investment Group, LLC, and seeks to rezone approximately 1.2 acres of land consisting of three separate segments on the overall 5.6-acre parcel located on the northerly side of U.S. Rt. 50, east of MD Rt. 707, and more specifically identified on Tax Map 26 as Parcel 158, from R-2 Suburban Residential District to RP Resource Protection District. Mr. Tudor advised that the application received a favorable recommendation from the Planning Commission.

Environmental Programs Director Bob Mitchell met with the Commissioners to recommend providing FY21 Maryland Agricultural Land Preservation Foundation (MALPF) matching funds of \$100,000, which represent an estimate of the retained Agricultural Land Transfer Tax (ALTT) revenue balance of \$160,000 minus \$60,000, which was committed in FY21 and not yet billed. Mr. Mitchell advised that Worcester County's certification entitles the County to retain 75% instead of 33% of the ALTT. Mr. Mitchell stated that the State/County match is 60/40, and the County has received six applications in this planning cycle, representing approximately 684 acres. In response to a question by Commissioner Nordstrom, Mr. Mitchell

advised that the County has already collected the ALTT, and these funds are available for the County match.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve local matching funds of \$100,000 for the FY21 MALPF Program.

The Commissioners met with Mr. Mitchell to review two FY22 Rural Legacy Area (RLA) grant applications for the Dividing Creek RLA and the Coastal Bays RLA totaling \$2,780,000 in grant requests. 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 preferences between the two areas each year. He stated that this year's application process follows that same pattern, with a preference for the Coastal Bays RLA. He stated that the program is funded through a combination of Department of Natural Resources (DNR) Program Open Space (POS) funds and State general obligation bonds and requires 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. Furthermore, land owners in the program must adhere to certain restrictions, which include no confined animal feeding operations (CAFOs), and limits placed on agricultural buildings.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Mitrecic to sign both the Dividing Creek RLA and the Coastal Bays RLA grant applications and stating a preference for the Coastal Bays RLA in FY22.

Pursuant to the request of Tourism and Economic Development Director Melanie Pursel and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the Engagement Agreement between Worcester County (client) and Bright Trademarks, LLC and the Law Offices of Arlette Kelly Bright, P.C. (firm) for an initial engagement fee of \$5,000 to trademark the Maryland's Coast logo mark, word mark, and tagline "Naturally Cool." Ms. Pursel stated that this will protect it from being used by others either without County permission or in a manner that is not aligned with the brand, and to allow the County to establish terms and conditions for licensing the brand.

In response to a question by Commissioner Nordstrom, Ms. Pursel stated that the County can limit trademarking the brand for tourism and marketing purposes and even apply to trademark the Maryland's Coast brand in up to 12 distinct classes, such as billboards, and income-generating items, like t-shirts, and stickers. She concluded that funding is available within the FY21 budget for this expense.

The Commissioners conducted a work session with Ocean City Fire Chief Richie Bowers and David Fitzgerald, President of the Worcester County Volunteer Firemen's Association, to discuss forming a fire service committee and proposed funding changes. Emergency Services Director Billy Birch and Emergency Planner Laraine Buck demonstrated the ease of use of a LUCAS hands-free mechanical CPR device, advising that the County utilized approximately \$168,000 in CARES Act funds to purchase nine LUCAS devices (the County also reimbursed the cost of one additional unit that had been purchased independently by one of the volunteer fire companies). In response to a question by Commissioner Bertino, Mr. Birch stated that the nine

LUCAS units will be issued to the other nine volunteer fire companies operating in the County. He then presented the first LUCAS device to Chief Bowers. Chief Bowers thanked Mr. Birch and the Commissioners, stating that the LUCAS devices save lives in emergencies and also help to preserve the lives of first responders in the process.

Chief Bowers discussed the following fire, rescue, and emergency medical services (EMS) issues: state of fire, rescue, and EMS services; structure fire response; all hazards/special operations response; fire, rescue, special operations, and EMS staffing, training, and equipment; apparatus acquisition; and facilities/stations. He advised that the firemen's association requests that the Commissioners form a combined workgroup of County staff and representatives from the fire chiefs to address four specific issues: emergency services funding levels; funding for staffing, training, apparatus, and facilities/stations; establishing service-wide response time goals; and developing a comprehensive, three to five-year strategic plan for the services. In response to a question by Commissioner Bertino, Chief Bowers advised that volunteer fire companies in Stockton and Girdletree do not run EMS. Mr. Fitzgerald advised that the volunteer fire and ambulance companies from Snow Hill and Pocomoke provide EMS responses to these areas.

Mr. Fitzgerald discussed financial investment and funding issues, confirming that County funding for the volunteer fire services seems to be adequate, and requested the Commissioners develop a funding work group immediately to review actual EMS operational and capital costs and funding options, such as amending the existing EMS funding formula or developing special districts.

Commissioner Mitrecic stated that property tax dollars only go so far, so he suggested assembling an 11-member work group consisting of three Commissioners, six fire service members, and two County staff members to provide the Commissioners with creative options to fund EMS and apparatus in the future. In response to a question by Commissioner Nordstrom, Chief Administrative Officer Harold Higgins advised that the County has access to EMS funding studies conducted by Harford and Carroll counties.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the requested work group, which is to consist of Commissioners Nordstrom, Bunting, and Mitrecic, six fire officials, and two County staff members and tasked the group with providing the Commissioners with recommendations for funding EMS and apparatus for the volunteer fire companies operating within the County.

The Commissioners met with Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo to consider proposed operational changes within Economic Development to make the department more of a resource and to attack the various workforce issues. He stated that the proposed changes would not result in additional costs to the County, as the County has reduced the science, technology, engineering, and math (STEM) program drastically based upon the COVID-19 uncertainty and instead proposes to focus on the following goals: grow the County workforce from within by targeting high-demand industries and connecting youth, adults, and dislocated workers with these industries; building a competitive workforce to attract and retain business; provide career ready programs and opportunities with the appropriate educational platforms; create and provide work-based learning for all ages, including STEM, and skilled trades, agriculture, and tourism (STAT), and interns, by connecting with area businesses; and filling open County positions. He further requested one new position, Workforce

Coordinator, to focus on workforce development to include working with area schools, such as the Worcester Technical High School (WTHS), Wor-Wic Community College, University of Maryland Eastern Shore, and Salisbury University, on a regular basis.

Commissioner Nordstrom made a motion, which he later withdrew, to approve the new position of Workforce Coordinator. In response to concerns raised by Commissioner Purnell, Mr. Perlozzo stated that the County could operate the STEM program in-house rather than contracting that service out and reallocate those funds to cover the cost of the new Workforce Coordinator position. With regard to filling County jobs, he stated that the focus would be on meeting with employers, schools, and people, finding out what their needs are, and then taking steps to place area students and adults into local jobs to make the County more economically viable. For example, he stated that during the past year Economic Development hosted on-site job fairs in Snow Hill and Pocomoke, which were so successful that one hotel bussed Pocomoke residents to Ocean City to work in their hotel. Commissioner Purnell stressed that Economic Development needs to focus on the creation of full-time, year-round jobs. Mr. Perlozzo concurred, noting that with a trained workforce they may be able to attract better and bigger businesses to set up shop in the County.

Commissioner Bunting requested Mr. Perlozzo provide him with information including the specific changes and costs being proposed. In response, Mr. Perlozzo explained that \$70,000 of the \$110,000 STEM budget last year went to the contractor providing the services, and he felt that was an exorbitant amount of money for a seasonal STEM program. He advised that the County will continue to place six to 12 interns at 12 STEM employers, reallocate \$40,000 in County funding and \$30,000 in funding from the Tri-County Council (TCC) of the Lower Eastern Shore from STEM to grow the STAT program. Commissioner Bunting thanked Mr. Perlozzo for that information and asked him to provide the Commissioners with that information in writing.

In response to a question by Commissioner Nordstrom, Mr. Perlozzo confirmed that workforce development will be a priority. Commissioner Elder stated that this appears to be a good idea, but it is a little raw right now, and he would like more information regarding the proposed costs for salary and benefits, as well as what the County was spending on the STEM program. Commissioner Bertino concurred, noting that he would like to see more information, specifically a job description for the proposed Workforce Coordinator that identifies the metrics for success. In response to questions by Commissioner Bertino, Mr. Perlozzo stated that he is proposing to eliminate or work out a revised contract with Fawn Mete to administer the STEM program. With regard to filling County programs, Mr. Higgins stated that the proposed new position could work with WTHS for college and career ready programs that would act as feeders for government positions, such as water and wastewater. Commissioner Mitrecic stated that the requested Workforce Coordinator position could get out in the public, work with schools, and actively recruit students who are not college bound to consider career options with the County.

After much discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to table further discussion on the matter until February 2, 2021.

Public Works Director John Tustin met with the Commissioners to request authorization to waive the formal bidding process and accept the contract price from the sole distributor in this area, Alan Tye and Associates of Fairfax, Virginia, for \$122,057 to purchase six Stertil-Koni

Mobile Vehicle Lifts with accessories for use within the Roads Division of Public Works. Mr. Tustin explained that Stertil-Koni has been competitively bid nationwide, and the County can piggyback off this bid. He advised that the Town of Ocean City has been using this product with great success for many years and is happy with the quality of materials and service. He concluded that County staff investigated options from vendors offering similar equipment and concluded that this quality product most closely suits the needs of the County.

Commissioner Elder stated that he could not support waiving the standard bid process, particularly for a large expense such as this that exceeds \$100,000 and suggested other potential purchase options. County Attorney Roscoe Leslie clarified that the County is basically piggybacking on a contract that has already been competitively bid. Mr. Tustin advised that the price quoted to the County is based on a five-year contract bid by Ocean City and is good through February 2024. Assistant Chief Administrative Officer Weston Young advised that the competitive bid was completed by a national purchasing cooperative of smaller counties and jurisdictions to increase their buying power, and every state and municipality interested in purchasing a vehicle lift through 2024 is eligible for this rate. In response to additional comments regarding lower-priced equipment options, Roads Superintendent Frank Adkins explained that County staff believe this product most closely matches the needs of the County.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to accept the contract from Alan Tye & Associates in the amount of \$122,057.

Commissioner Bertino asked staff to provide the Commissioners with more information about this cooperative to help them when considering future bids.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the low bid from Harkins Contracting, Inc. of Salisbury, Maryland of \$949,700, without the deduct alternate, for construction of the Operations Center at the Ocean Pines Wastewater Treatment Plant. Mr. Tustin stated that funding of \$600,000 from the 2019 bond issue and an additional \$600,000 savings from changes in the filter press work is available to fund this project.

The Commissioners reviewed a letter from Ocean City Mayor Rick Meehan requesting a property tax differential in the County's FY22 budget for Ocean City taxpayers who pay County property taxes. Chief Administrative Officer Harold Higgins advised that this request was received in accordance with the provisions of Section 6-306(f)(1) of the Tax-Property Article of the Annotated Code of Maryland, a request for property tax setoff must be submitted at least 180 days before the date that the annual County budget is approved. He advised that the town and County are in the process of exchanging current budget and financial statements, and a meeting to discuss this request is being scheduled.

Mr. Leslie updated the Commissioners on the status of the tax-setoff lawsuit filed against the County by the Town of Ocean City, noting that the County had prevailed at the Court of Special Appeals level, and the town has asked the Court of Appeals to review the case. In response to a question by Commissioner Bunting, Mr. Leslie explained that it is a statutory requirement for the County to meet with the town to discuss this request. Mr. Higgins stated that he plans to meet with town officials and report their request to the Commissioners at budget

time. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized staff to schedule a meeting with town officials to discuss the Ocean City tax differential request.

The Commissioners reviewed and discussed additional board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Jamey Latchum to the Solid Waste Advisory Committee for a four-year term expiring December 31, 2025.

Commissioner Nordstrom discussed ongoing public safety and animal welfare issues associated with a dog breeder in Pocomoke who has received multiple citations from Animal Control, but has not improved conditions on his property. He noted that last year one of the dogs escaped from the property and attacked a cyclist, and he requested the Commissioners work with the Sheriff's Office, State's Attorney's Office and Development Review and Permitting (DRP) to draft legislation to strengthen existing laws to improve animal welfare and protect the public from potentially dangerous animals. Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously directed DRP to work with the Sheriff's Office and the State's Attorney's Office to strengthen or develop new legislation surrounding dog breeding operations to better protect the public and improve animal welfare.

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

Following a motion by Commissioner Purnell, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 1:10 p.m. in the Commissioners' Meeting 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 Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included advertising to fill the position of Court Administrator within the Circuit Court; hiring Justin Eberle as Emergency Services Supervisor in Emergency Services, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including accepting a proposal for employees earning less than \$15 per hour.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 1:47 p.m. to meet again on February 2, 2021.