

Minutes of the County Commissioners of Worcester County, Maryland

August 3, 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

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to meet in closed session at 9:00 a.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, incoming Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Public Works Director Dallas Baker, and Emergency Services Director Billy Birch. Topics discussed and actions taken included the following: hiring Chad Wright as a correctional officer trainee within the County Jail, Elizabeth Trehey as a room and food tax collection specialist within the Treasurer's Office, LaDarian Blake as a recreation program manager II, and posting to fill one office assistant IV position within Recreation and Parks; hiring Kyndall McCleary as a license permit clerk I within Environmental Programs; promoting Michael Hutchinson from maintenance supervisor to maintenance superintendent, hiring Jeff Evans as a plumber journeyman, reclassifying Troy Waidner from building maintenance mechanic I to carpenter II and Matthew LeCates from carpenter/maintenance worker III to carpenter I, and approving the position of project manager within the Maintenance Division of Public Works; transferring Michelle Carmean from enterprise fund controller to tax manager, promoting Barbara Hitch from accounting manager to enterprise fund controller and Sheila Merritt from collections specialist to tax specialist, reclassifying the responsibilities of the accounts payable specialist, and advertising to hire one accountant within the Treasurer's Office; acknowledging the hiring of Mary Karick as an office assistant V and Tori Rinaldi as a law clerk and promoting Ashley Cramer as an office assistant VI within the State's Attorney's Office; and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, which included discussing potential board appointments, schedule changes within Emergency Services, and the FY21 monthly financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:47 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the afternoon closed session on August 3,

2021 and the morning closed session on August 20.

The commissioners reviewed and approved the open and closed session minutes of their July 20, 2021 meeting as presented.

The Commissioners presented a proclamation to Renee' Reid of Worcester County Department of Social Services (DSS) and other staff members recognizing August as National Child Support Awareness Month, and they urged citizens to learn more about the importance of the financial support parents provide to their children, as well as the child and parental support services that are available locally through DSS.

The Commissioners presented years-of-service commendations to honor Chief Administrative Officer Harold Higgins (25 years) and Tax Manager Laura Beauchamp (29 years), both of whom will be retiring September 1, 2021.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-5 as follows: authorizing Commission President Mitrecic to sign the Certification Statement Teacher Salary Incentive Grant Program outlined in SB1030 – Blueprint for Maryland's Future – for FY20 allocating \$165,478 for FY20-FY22 to Worcester County Public Schools to increase salaries, specifically starting teacher salaries, to include an increase for steps 1-5 of \$800 and steps 6-10 of \$650; approving bid specifications to construct a pressure sewer line along Gum Point Road for service from the Ocean Pines Sanitary Service Area, with the estimated cost of \$300,000 to be funded by a General Fund loan in combination with a developer contribution; approving a Small Project Agreement between the County and River Run Towns, LLC for the extension of water and sewer service in the River Run Service Area, to include a new wastewater pumping station to serve an additional 66 townhouse units, as part of the River Run Residential Planned Community identified on Tax Map 15 as Parcel 126, Lots FD-3 and FD-4; and approving Emergency Number Systems Board (ENSB) project for \$1,527 to reimburse the County for new hire training.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the commissioners unanimously agreed to appoint Tina Simmons to the Drug and Alcohol Abuse Council for a four-year term expiring December 31, 2025 to replace Donna Nordstrom whose term expired.

State's Attorney Kris Heiser met with the commissioners to seek authorization to add a third special investigator position to the Office of the State's Attorney at no cost to the County. Ms. Heiser advised that Salisbury University Professor David Weber, a certified fraud examiner, attorney, and former federal law enforcement officer with the Federal Deposit Insurance Corporation, is willing to serve as an unpaid special investigator. She advised that not only would her office benefit from his work experience, but her team would also have access to the university's state-of-the-art financial programs and software. In response to a question by Commissioner Bertino, Ms. Heiser advised that Mr. Weber is offering his services to the County to provide his upper-level forensic accounting students with real-world experience, as they will be assisting with County fraud investigations and helping to prepare cases for trial. She

confirmed that her office would have the final determination in which students are able to serve in this capacity.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the addition of the third special investigator position within the State's Attorney's Office at no cost to the County.

Following the commissioners' adoption of Bill 21-6 (Public Safety – Kari's Law) on July 20, 2021 and pursuant to the request of Emergency Services Director Billy Birch and a motion by Commissioner Elder, the Commissioners voted 6-1, with Commissioner Bertino voting in opposition, to adopt Resolution No. 21-18 setting fines for Kari's Law.

Commissioner Bertino expressed concern that this could be very costly to small businesses that could be required to replace their current systems to be compliant with Kari's Law. In response to questions by Commissioner Bertino, Mr. Birch stated that the County will seek to educate the public before issuing fines, noting that everyone they have worked with during recent inspections has been in compliance.

Pursuant to the recommendation of Finance Officer Phil Thompson at the written request of Nancy Schwendeman, Executive Director of The Greater Ocean City, Maryland Chamber of Commerce, Inc. and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 21-19 authorizing a 100% tax credit in the amount of \$12,878.66 for real property owned by the Greater Ocean City, Maryland Chamber of Commerce, Inc. for the July 1, 2021 tax year.

The Commissioners met with incoming Budget Officer Candace Savage to discuss a letter from Craig Kuhn, program manager for the Maryland Department of Agriculture (MDA) Office of Forest Pest Management (FPM), advising that his office plans to conduct a cooperative Lymantria dispar (formerly known as the gypsy moth) population survey in fall 2021, which will include conducting approximately 105 surveys on non-State land in Worcester County to predict the level of Lymantria dispar caterpillar populations the following spring. This would allow the FPM to identify developing Lymantria dispar infestations and respond appropriately before significant damage occurs. He further noted that, if the Commissioners agree to participate in the survey, the County's estimated portion of the 50/50 cost share would be \$1,785. This cost estimate does not include the cost of aerial spraying. Ms. Savage advised that this project may result in an authorized over-expenditure of \$85, as the current FY22 budget for this expense is only \$1,700.

Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously approved the 50% local cost share of approximately \$1,785, as well as the authorized over-expenditure of \$85, for the Lymantria dispar moth population survey to be conducted in Worcester County.

Environmental Programs Director Bob Mitchell met with the commissioners to request authorization to rework the scope of two projects involving the restoration of tidal shoreline and wetlands at Greys Creek Nature Park and non-tidal wetlands, streams, ditches, and riparian forest buffer at Back Creek. Mr. Mitchell reviewed the history of the projects, the MDE and Maryland Coastal Bays Program (MCBP) partnerships on both projects, and explained that the Maryland

Department of the Environment (MDE) and U.S. Environmental Protection Agency approved the County's Coastal Bays Watershed Plan for the Assawoman Bay watershed, thus making the County eligible to apply for Clean Water Act 319 grant funds for projects like these that are designed to reduce or eliminate water quality impairment associated with nonpoint source pollution.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized County staff to rework the scope of work and budget for each project and develop a modified memorandum of understanding between the County, MDE, and MCBP for the commissioners' approval at a future meeting, so the grants can be awarded and the work on both completed in a timely manner.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to sign the updated agreement between the Maryland Department of Natural Resources (DNR) and Worcester County for the implementation of the Maryland Permanent Easement component of the Conservation Reserve Enhancement Program (CREP). Mr. Mitchell explained that only nine Maryland counties are eligible for this voluntary conservation program, and his office has the staff necessary to administer the program. He advised that there is no cost to the County for participating, and the County is reimbursed at a rate of 3% of the value of each transaction and reimbursed for 1.5% of the long-term monitoring costs.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Bunting, the commissioners unanimously authorized Commission President Mitrecic to sign the FY22 Critical Area Grant Agreement awarding the County \$9,000 to cover a very small portion of the County's actual cost to administer the Chesapeake and Atlantic Coastal Bays Critical Area Programs.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved Change Order No. 1 with M2 Construction for the Ocean Pines treatment unit 3 project to reflect a reduced cost of \$8,129.88. The final adjustment of quantities resulted in a revised project cost of \$461,346.12. The Commissioners further accepted the proposal from Sherwood Logan and Associates of \$19,640 to purchase the pump and associated equipment needed for this project. Mr. Baker stated that \$500,000 is available for this project in the 2019 Bond Issue.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to waive the standard bid process and accept the proposal from Core and Main in the amount of \$168,000 for the bulk purchase of water meter repair parts. Mr. Baker advised that funding for this purchase is available within the FY21 budget.

The commissioners met with Mr. Baker to review recommendations to change the speed limit on Public Landing Wharf Road, which is currently unposted and, therefore, a speed limit of 50 mph governs, and Bayside Road at Public Landing following a recent investigation and assessment of the area in regard to safe speeds following significant upgrades to the beach and marina and to consider posting a speed limit sign.

Upon a motion by Commissioner Elder, the commissioners concurred with staff's recommendations to establish the following speed limits and to post speed limit signs as follows: establish a speed limit of 25 mph on Public Landing Wharf Road from MD Rt. 365 to Carryback Road; and establish a series of new speed limits on Bayside Road to include 25 mph from MD Rt. 365 to Carryback Road, 30 mph from Carryback Road to Stagg Road, 50 mph from Stagg Road to Paw Paw Creek Road, and to post the reduced speed limit sign prior to Stagg Road. The commissioners further agreed to request that the Sheriff's Office enforce these new speed limits.

Commissioner Nordstrom thanked Mr. Baker for his efforts to adopt safe speeds in this area, where an increasing number of young children are residing.

Pursuant to the recommendation of Mr. Baker in response to the written request of Attorney Hugh Cropper, IV, on behalf of Jacqueline C. DeGroft, and upon a motion by Commissioner Bertino, the commissioners unanimously approved the proposed quitclaim deed between the County Commissioners (Grantors) and Ms. DeGroft (Grantee), conveying the unimproved platted road known as Bay Shore Drive within Bay Shore Acres in West Ocean City situated between Lots 32, 33, and 34, Block 8, and Lots 15, 16, and 17, Block 9, as referenced on the plat entitled "Addition to Bay Shore Acres" by Surveyor Samuel F. Miles. Mr. Baker stated that there are no plans to improve this paper street.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved out-of-state travel for Fleet Management Superintendent Derrick Babcock to attend the Police Fleet Expo from August 16-19, 2021 in Richmond, Virginia at a cost of \$284 for meals. Mr. Baker advised that the Sheriff's Office will cover the travel, lodging, and conference costs.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Bertino, the commissioners unanimously approved out-of-state travel for Ms. Rados and Recreation Superintendent Allen Swiger to attend the TEAMS (Travel, Events, and Management in Sports) conference from September 27-30, 2021 in Atlantic City, New Jersey at a cost of \$6,126.36 for registration, flights, lodging, and meals.

The Commissioners answered questions from the press.

In response to questions by Commissioner Elder, incoming Chief Administrative Officer Weston Young provided an update on a project to install security cameras at the unmanned recycling drop-off locations in Bishopville, Whaleyville, Ocean Pines, and the WalMart in Berlin. He also addressed existing dumping laws and stated concerns that imposing stricter fines would lead to increased instances of illegal dumping elsewhere in the county.

Commissioner Bertino took a moment to honor the memory of Board of Education President Eric Cropper, who passed away suddenly on July 30, 2021 at the age of 48.

The Commissioners adjourned to meet in closed session.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino,

the commissioners unanimously voted to meet in closed session at 10:44 a.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, incoming Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and applicants for the position of assistant chief administrative officer. Topics discussed and actions taken included conducting interviews for the position of assistant chief administrative officer within County Administration.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 12:16 p.m. to meet again on August 17, 2020.