

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

October 1, 2019

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

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, with Commissioner Mitrecic absent, 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 (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 Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: hiring Keyvina Voyles as a Document Imager II for the Treasurer's Office, Brandon Townsend as a Grounds Worker II and Troy Waidner as a Building Maintenance Mechanic I for the Maintenance Division, and Heather Sifford as a Transfer Station Attendant for the Solid Waste Division of Public Works; promoting Steve Orth to Vehicle and Equipment Mechanic II for the Water and Wastewater Division; acknowledging the hiring of Rachel Stein as Assistant Library Director and Kristin Merritt as a part-time Library Services Assistant within the County Library; acknowledging the promotion of Corporal Michael Sand to Sergeant and Deputy First Class Mark Powell to Corporal and the hiring of Scott Griffin and Jayson Meekins as part-time Deputy Sheriff's within the Sheriff's Office; receiving legal advice from counsel; and performing administrative functions, including: discussing the findings of two complaint-driven Maryland Occupational Safety and Health (MOSH) inspections at the County Jail and the Water and Wastewater facility in Ocean Pines; noting open enrollment for County health benefit plans runs through October 30; discussing potential board appointments; and discussing the enforcement of off-season occupancy restrictions at White Horse Park.

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 10:00 a.m.

Commissioner Mitrecic was absent from the meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page 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

September 17, 2019 meeting as presented.

The Commissioners observed a moment of silence to honor Anna Foultz, a lifelong volunteer who directed her time, resources, and leadership skills to improving lives in the community, who passed away September 22, 2019.

The Commissioners joined with Worcester County Volunteer Firemen's Association President Tim Jerscheid, Fire Marshal Jeff McMahon, Deputy Fire Marshal Matt Owens, and Senior Deputy Fire Marshal Rob Korb to proclaim October 6-12, 2019 as Worcester County Fire Prevention Week and October as Fire Prevention Month, with the theme "Not Every Hero Wears a Cape: Plan and Practice Your Escape."

The Commissioners presented commendations to Worcester Technical High School (WTHS) instructors Richard Stephens and Crystal Bunting and students who are ranked as top performing career and educational students nationally and who performed with excellence during the 55<sup>th</sup> annual SkillsUSA National Leadership and Skills Conference in June 2019 as follows: Piper Gooding took 2<sup>nd</sup> place in the Middle School Pin Design Contest; Michael Brittingham, Trevor Hudson, and Kaleb Steele took 6<sup>th</sup> place in Occupational Health and Safety; Brandon Anderson, Ethan Gell, and Justin Hurney took 6<sup>th</sup> place in Team Engineering Challenge- Middle School; and Candy Anderson and Joy Anderson took 9<sup>th</sup> place in Community Action Project. Mr. Stephens earned the 2019 SkillsUSA Outstanding Educator Award, and Ms. Bunting earned the 2019 SkillsUSA Maryland Region 1 Advisor of the Year Award.

The Commissioners also commended WTHS instructors and students for representing Worcester County across the State of Maryland and the nation with such excellence that WTHS was honored as a National Gold Level Chapter of Excellence during the conference.

The Commissioners conducted a public hearing to receive objections to a proposal to enter into a license agreement with Thrive Engineering, LLC (Licensee) for space to dock the catamaran, Alyosha, at the WOC harbor in the County Joint Venture Area, which is approximately 64 feet in length and running along the bulkhead from the Worcester County boat ramp to the Governor's Dock, for five years beginning on October 1, 2019 and ending on September 30, 2024. Recreation and Parks Director Tom Perlozzo reviewed the proposed lease, which would allow the Alyosha to dock in the Joint Venture Area, while continuing to load and unload passengers at the nearby Mad Fish Restaurant for day trips along the Ocean City coastline to Delaware and back three times each day. He then reviewed the partnership opportunities between the County and Thrive Engineering, for sale of advertising on the Alyosha's sails, which are outlined in the Commissioners' September 3, 2019 open session meeting minutes. He stated that the lease agreement would add a new attraction to the area without adversely impacting the use of the public boat ramp.

Commissioner Bunting stated that he has received a number of calls from individuals who are concerned that the proposed lease will impact the use of the boat ramp, and he stated that it is inappropriate to lease space for commercial use at any County boat ramp. In response to questions by Commissioner Bunting, Mr. Perlozzo advised that Mad Fish Restaurant owners anticipate that Alyosha passengers will park in or around the vicinity of the restaurant and frequent their establishment before or after touring the coast. County Attorney Maureen Howarth

confirmed that the County received a letter of support from the restaurant's owner confirming that the catamaran is permitted to continue docking at the restaurant to load and unload passengers. Commissioner Bertino stated that he supported the idea of the County receiving the first \$8,500 generated by selling advertising on each sail, with any additional revenues to be split 50/50 by the County and Thrive Engineering; however, he was concerned about the potential impact of allowing the Alyosha to dock in the Joint Venture Area. He further noted that some had expressed concern that the proposed lease could impact how commercial fishing slips are leased at the harbor in the future. Assistant Chief Administrative Officer Kelly Shannahan confirmed that the proposed lease would have no impact on the commercial boat slips at the WOC harbor, as the County Code restricts the leasing of those slips to bonafide commercial fishermen only.

In response to a question by Commissioner Church, Mr. Perlozzo stated that the proposed partnership could generate \$50,000 annually for the County.

Commissioner Purnell opened the floor to receive public comment.

Former County Commissioner Floyd Bassett opposed the proposed lease, stating that the Joint Venture Area should remain a public space that is available to recreational boaters for brief periods as needed to dock their vessels while retrieving boat trailers or making quick repairs.

Commercial fisherman Sonny Gwin expressed concern that the Commissioners would be setting a precedent that would adversely impact the ability of commercial fishermen to lease slips at the harbor in the future. Commissioner Church stated that the County has no intention of amending the law to allow anyone other than commercial fishermen to lease slips in the commercial portion of the harbor.

Attorney and restaurateur Hugh Cropper stated that he respectfully disagrees with Commissioner Church. He explained that he owns the dock next to Mad Fish together with Commissioner Church's son, and nearly half of the Alyosha encroaches onto his property, blocking access to his dock slips in front of his restaurant. He further explained that, while he had allowed the Alyosha to dock there this past summer to load and unload passengers, this arrangement may not continue in the future. Therefore, he urged the Commissioners to consider modifying the lease to a period of less than five years to determine what impact this use may have on the harbor. Mr. Shannahan confirmed that the Alyosha would only be docking in the joint venture area during evening hours and not during the busy daytime hours. Commissioner Bertino expressed concern that the Alyosha may begin loading and unloading passengers in the Joint Venture Area if at some point the boat is no longer permitted to load and unload at Mad Fish.

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

Following much discussion, a motion by Commissioner Nordstrom to approve the lease for a period of one year failed 3-2-1, with Commissioners Elder, Nordstrom, and Purnell voting in favor of the motion, Commissioners Bertino and Bunting voting in opposition, and Commissioner Church abstaining.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Church, the Commissioners unanimously agreed to appoint Blake Haley to the Water and Sewer Advisory Council for the West Ocean City Service Area for the remainder of a four-year term expiring December 31, 2020 to replace Andrew

Delcorro who relocated out of the area, and Chase Church to the Housing Review Board for the remainder of a three-year term expiring December 31, 2020 to replace John Glorioso who resigned.

Upon a nomination by the Pocomoke City Council and a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Michelle Beckett-El Solo as the Town of Pocomoke City's representative to the Solid Waste Advisory Committee for the remainder of a four-year term expiring December 31, 2020 to replace George Tasker.

Pursuant to the request of Kelly McMullen, Clinical Director of the Delmarva Free School (DFS), and Billy Weiland, Communications Director for Assateague Coastal Trust (ACT) and an agreement by Sheriff Matt Crisafulli and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to provide traffic control by way of two Sheriff's Deputies for the Holly Grove Road cleanup project on Saturday, November 2, 2019, from 9:30-11:30 a.m. Ms. McMullen explained that the project, which will be completed by DFS clients, is a partnership between the DFS and ACT to clean up litter on this roadway that would otherwise end up in the Sinepuxent Bay. The Commissioners and Sheriff Crisafulli thanked Ms. McMullen and Mr. Weiland for everything they are doing to keep Worcester County clean.

Sheriff Crisafulli met with the Commissioners to request an over-expenditure of \$80,097.65 to help cover the cost to purchase and install new equipment in 11 new vehicles within the Sheriff's Office, as the old equipment was not functioning. Sheriff Crisafulli explained that since the FY20 budget was approved two vehicles were totaled in collisions, which required his office to purchase two new vehicles and accompanying equipment. He stated that during the ordering process, it was discovered that the equipment in additional aged vehicles no longer functioned in the replacement vehicles and needed to be replaced. He advised that it would cost \$114,346 to cover these costs, but that his office had been able to reallocate funds within the FY19 budget to cover a portion of these costs.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the requested over-expenditure of \$80,097.65.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously approved FY19 Year-End Budget Transfers totaling \$294,726, which was corrected to \$295,529 and which also includes \$42,458 (mainly in Emergency Services to cover remaining funds due to Federal Engineering) to be included in the encumbrance request. Ms. Whited explained that the Year End Budget Transfers are a housekeeping measure included in the annual audit process, whereby budgeted funds are redirected to cover unanticipated expenses in other line items.

Pursuant to the written request of Ms. Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposed Year End Reserve for Assigned Encumbrances in the amount of \$1,841,755. Ms. Whited explained that these funds have been set aside in three separate categories: Currently Approved Projects not Completed by June 30, 2019 (\$229,558), Grant Funds Appropriated but Unobligated (\$1,259,847), and Other Projects and Programs (\$352,350). Ms. Whited explained that all encumbrances are for contracts and purchase orders that will be fulfilled in a subsequent fiscal year.

Ms. Whited met with the Commissioners to discuss a proposal to promote the sale of roughly two pallets containing hardback and paperback editions of the 1994 book, "Along the Seaboard Side: The Architectural History of Worcester County, Maryland," by lowering the sale price from \$47.70 to \$35 for the hardback and from \$37.70 to \$25 for the paperback.

Commissioner Bunting stated that he was unaware of the book's existence. In response to a question by Commissioner Bunting, Assistant Chief Administrative Officer Kelly Shannahan stated that in 1993 the County Commissioners commissioned local historian Paul Touart to write "Along the Seaboard Side" to preserve the architectural history of the County. Tourism Director Lisa Challenger stated that the book, which mirrors similar works undertaken by Dorchester, Somerset, and Wicomico Counties, is a source she refers back to often.

After some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to lower the sale prices even further to \$5.00 per hardback and \$3.00 per paperback, due to the age of the publication and to distribute the books at no cost to interested nonprofit agencies in the County who wish to use them to raise funds for their organizations.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Resolution 19-30, establishing the Evergreen Village Residential Planned Community (RPC) floating zone for a proposed 90-lot, single-family-dwelling subdivision located on the northwesterly side of Beauchamp Road, north of MD Rt. 589 (Racetrack Road), and more specifically identified on Tax Map 15 as Parcels 127 and 259, as conceptually approved after the public hearing on September 3, 2019.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bunting, the Commissioners unanimously adopted the Findings of Fact and Rezoning Resolution 19-01 for Rezoning Case No. 418 to rezone approximately 9.4 acres of land located at the southerly terminus of North Piney Point Road, south of St. Martins Neck Road, and more specifically identified on Tax Map 10 as Parcels 4, 171, and 304, from E-1 Estate District to I-1 Light Industrial District, as conceptually approved after the public hearing on September 3, 2019.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded bids for the purchase of 17 vehicles, as approved in the FY20 County Operating Budget as follows: one 2020 Ram Promaster City 4x2 cargo van at \$22,861, one 2020 Ram 2500 3/4 ton full-size 4x4 pickup truck with snow plow at \$32,989, and one 2020 Ram 5500 crew cab 1.5 ton 4x4 truck with dump body and snow plow at \$56,889 to Criswell Chevrolet and Criswell Chrysler Jeep Dodge of Gaithersburg, Maryland; one 2020 Ford Fusion at \$17,733, two 2020 Chevrolet Tahoe's with PPV Police Package 4x4 at a cost per unit of \$36,195 for a total cost of \$72,390, three 2020 Chevrolet Tahoes with PPV Police Package 4x2 at a cost per unit of \$33,371 for a total cost of \$100,113, one 2020 Chevrolet 3500 Express Cargo Van 4x2 at \$25,923, three 2020 Ram 2500 Reg Cab 4x4 full-size pickup trucks at a cost per unit of \$27,897 for a total cost of \$83,691, two 2020 Ram 1500 classic regular cab 4x2 pickup trucks at a cost per unit of \$18,878 for a total cost of \$37,756 to Hertrich Fleet Services of Milford, Delaware; and one 2020 Ford F250 3/4-ton full-size crew cab pickup truck at \$33,000 and one 2020 Ford F450 1.5-ton 4x2 crew cab truck

chassis with dump body at \$47,200 to Lindsay Ford of Wheaton, Maryland.

At the request of Commissioner Bunting, the Commissioners unanimously agreed to table discussing the proposed revised resolution establishing standard sewer flow calculations until their October 15, 2019 meeting, so that Commissioner Mitrecic can be present. Commissioner Bunting explained that Commissioners Church, Mitrecic, and he worked with the Sewer Committee to draft the revisions to be considered.

Following a motion by Commissioner Bertino, seconded by Commissioner Bunting, with Commissioner Mitrecic absent, the Commissioners unanimously voted to meet in closed session at 11:36 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(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 Kelly Shannahan, County Attorney Maureen Howarth, and Public Information Officer Kim Moses. Topics discussed and actions taken included: receiving legal advice from counsel and discussing the enforcement of off-season occupancy restrictions at White Horse Park.

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 12:15 p.m.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review the proposed plan to enforce off-season occupancy restrictions at White Horse Park (WHP). Mr. Shannahan stated that, following the Commissioners' meeting on September 17, 2019, Chief Administrative Officer Harold Higgins met with the WHP Board of Directors, County staff, and the County's State partners from the Health Department, Social Services, and Commission on Aging to develop a plan to enforce the off-season occupancy restrictions in the WHP campground subdivision. He advised that, as a result of these meetings, State partners have agreed to meet with WHP property owners and renters at the Ocean Pines Branch Library on October 9, 2019 to provide consultation on the various programs they offer to help those who may qualify for assistance. Mr. Shannahan then reviewed a series of draft letters designed to address off-season occupancy restrictions, the County's plan to enforce said restrictions, and to invite interested parties to meet with State partners as follows: letter 1 - to all owners (based on State Department of Assessment and Taxation records) to put them on notice that the off-season occupancy restrictions will be enforced beginning October 1, 2019 through March 31, 2020; letter 2 - to owners who may have previously violated the seasonal occupancy restrictions to define the enforcement actions to be taken by way of civil citations and to offer consultation with State partners through the Maryland Access Point (MAP) for guidance and assistance locating alternative housing in the area between October and March; and letter 3 - to the renters/tenants who must also comply with the off-season occupancy restrictions and who will likely need to contact their landlords/unit owners regarding their lease agreements, and who are also invited to consult with State partners for guidance and assistance locating alternative housing in the area between October and March.

Upon a motion by Commissioner Bunting, the Commissioners voted 4-2, with

Commissioners Church and Nordstrom voting in opposition, to approve the letters and authorize Commission President Purnell to sign the letters as presented.

The Commissioners answered questions from the press.

The Commissioners discussed proper protocol for speaking to the press both as individual Commissioners and corporately as a body.

The Commissioners adjourned at 12:45 p.m. to meet again on October 15, 2019.