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Minutes of the County Commissioners of Worcester County, Maryland

December 7, 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 9:04 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 Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Finance Officer Phil Thompson, Tourism and Economic Development Director Melanie Pursel, Information Technology Director Brian Jones, Commercial Real Estate Consultant Bret Davis, Environmental Programs Director Bob Mitchel, and Public Works Deputy Director John Ross. Topics discussed and actions taken included the following: hiring William "Jeff" Bradford as a grounds crew foreman within the Maintenance Division of Public Works and Paul Renshaw as a part-time rental license program coordinator within Development Review and Permitting; rehiring Laura Beauchamp on a part-time, contractual basis in the Treasurer's Office, and Gavaughn Trower as a correctional officer in the County Jail; receiving legal advice from counsel; and performing administrative functions, including retaining Funk and Bolton as bond counsel for the 2022 bond issue; discussing options to update or relocate the Tourism and Economic Development Office in Snow Hill; and receiving the monthly FY22 financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino the commissioners unanimously voted to adjourn their closed session at 9:56 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 Pastor Paul Sherwood of Zion United Methodist Church of Bishopville 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 November 16, 2021 meeting as presented.

The commissioners presented commendations to the Pocomoke High School Girls' Field Hockey team, coaches and team members for winning the 2021 Maryland Class 1A Field Hockey Championship title.

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The commissioners presented retirement commendations recognizing years of dedicated service to Worcester County Government to the following retiring employees: Mosquito Control Foreman Karen Richardson (21 years), Assistant Library Branch Manager Goolcher Grazier (20 years), Data Research Manager Carol Ross (18 years), and Public Works Deputy Director John Ross (19 years).

The commissioners elected officers for the coming year through December 7, 2021. Upon a nomination by Commissioner Purnell, the commissioners unanimously voted to re-elect Commissioner Elder as vice president of the Board of County Commissioners.

Upon a nomination by Commissioner Nordstrom, the commissioners unanimously voted to re-elect Commissioner Mitrecic as president.

The commissioners met in legislative session.

The commissioners conducted a public hearing to receive public comments on Bill 21-8 (Natural Resources – Worcester County Critical Area Law), which was introduced by Commissioners Nordstrom and Purnell on September 21, 2021. Environmental Programs Director Bob Mitchell reviewed the bill, which includes a comprehensive update to the Critical Area Code and combines the Coastal Bays and Chesapeake Bays Critical Area Codes into a single ordinance and reflects changes in State law since the ordinances were last updated, to simplify the program for citizens, contractors, and property owners, and to provide parity for Chesapeake Bay Critical Area property owners for approved items and uses. He confirmed that this update does not include additional regulations over and above those that the commissioners have previously approved. He advised that County staff conducted two listening sessions in the northern and southern county to take public comments and answer questions on the code update.

Natural Resources Administrator Jenelle Gerthoffer gave a presentation on Chesapeake and Atlantic Coastal Bays Programs and comprehensive update. She stated that County staff worked with members of the State Critical Area Commission and Consultant Peter Johnson to combine the two codes. Commissioner Bertino commended staff on the presentations that were made at the listening sessions.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Mitchell read a letter from the Maryland Coastal Bays Program supporting Bill 21-8.

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

Upon a motion by Commissioner Bertino, the commissioners unanimously approved Bill 21-8 (Natural Resources – Worcester County Critical Area Law) as presented.

The commissioners met with County Attorney Roscoe Leslie to review and replace version of the County's rental registration ordinance, which includes minor amendments to increase room tax collection from third-party hosting platforms, such as AirBNB, VRBO and others, to dovetail the town's code to increase tax revenues that are currently uncollected. These changes were drafted by staff at the request of the Ocean City mayor and city council.

Following some discussion, Commissioners Bertino, Bunting, Church, Mitrecic, Nordstrom, and Purnell introduced the draft amendments and agreed to schedule a public hearing on the revised bill.

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Commissioner Mitrecic closed the legislative session.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 2-9 as follows: approving a request for proposals for Teen Intervene through the Local Behavioral Health Authority; awarding the bid from Poseidon Plumbing and Home Services in the amount of \$15,383.83 to renovate a bathroom as part of the rehabilitation of a home in Pocomoke, contingent upon the County's receipt of a waiver to the three-bid minimum required by the State Community Development Block Grant program; approving a request to direct solicit bids to install a new HVAC system as part of the rehabilitation of a home in Stockton; approving the purchase of three trash compactors at a cost of \$98,842 from Mid-Atlantic Waste System for the Berlin, Pocomoke, and Snow Hill Homeowner Convenience Centers; approving the original bid from Lane Enterprises, Inc. for the full order of pipe with no deletions at a cost of \$48,878.88; accepting the proposal from Harrington Manufacturing for the purchase of a new grating for flow equalization tank number 1 at the Ocean Pines Wastewater Treatment Plant at a cost of \$34,416.60 to cover the currently deteriorated areas and \$75,298.46 to cover the entire tank; approving the White Horse Park Covenant change request; and approving the filing of a 2023 State Aid for Police Protection Fund grant application.

Sheriff Matt Crisafulli and Chief Deputy Doug Dods met with the commissioners to request a mid-year change to the FY22 budget to convert five deputy sheriff positions from part-time to full-time. He stated that this would result in an additional cost of \$12,000 to cover the cost of benefits and no additional salary costs for Fy22, due to the reallocation of hours from current part-time positions. Sheriff Crisafulli stated that, while there are a number of qualified applicants seeking full-time positions, his office has not received any applications to fill the 10 vacant part-time positions since March 2021. He outlined projected recruitment challenges and advised that he would like to lock in the existing applicants by April 4, 2021 to avoid losing them to other area law enforcement agencies that are offering sign-on bonuses and pay incentives.

In response to questions by Commissioner Bertino, Sheriff Crisafulli stated that it has been extremely challenging to attract qualified applicants when agencies, like the Salisbury Police Department, are offering \$25,000 sign-on bonuses, and the Maryland State Police are offering pay incentive packages. He confirmed that his office will retain five older vehicles in good condition for use by the new deputies rather than request additional new vehicles for FY22.

Commissioner Elder stated that he is not opposed to offering sign-on bonuses or pay incentives, but did express concern that this additional cost coupled with a number of new unfunded mandates will place a financial burden on the County budget in the near future. In response to a question by Commissioner Elder, Sheriff Crisafulli stated that his office currently has 64 full-time and 32 part-time deputy sheriff positions.

Commissioner Bunting stated that Worcester County has a greater percentage of police officers per capita than Montgomery County where the population is 20 times more. Sheriff Crisafulli stated that this is a dire need to maintain the existing level of services and to address the recruitment and retention challenges facing them.

Commissioner Church stated that Ocean City is the second largest city in Maryland for up to four months a year, and he supports this request to maintain public safety. Commissioner

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Mitreic stated that he is not willing to deny this request, but wanted to know what the actual dollar amount to convert these positions would equate to in FY23 and future budgets.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to convert five deputy sheriff positions from part-time to full-time and reclassify deputy sheriff trainee positions from (G17/S1) to (G19/S1).

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Nordstrom, the commissioners unanimously agreed to waive the standard bid process and accepted the proposal from TechOps Specialty Vehicles bookmobile for \$157,907.41 for use as a mobile library, with ARPA grant funds of \$100,000 and encumbered FY21 funds of \$75,000 available for this purchase.

The commissioners conducted a public hearing on the five-year Capital Improvement Plan (CIP) for FY23 – FY27. Senior Budget Accountant Kim Reynolds informed the commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County and to identify possible funding resources; therefore, a project's inclusion in the CIP does not constitute a guarantee of future approval or funding from the County. Budget Accountant Kim Reynolds reviewed the CIP and advised that projects totaling \$201,391,677 are proposed over the five-year period. She stated that, of the proposed projects, \$9,988,240 or 4.9% is proposed to be funded by the General Fund and \$89,942,034 or 44.6% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, enterprise fund bonds or a local bank loan. Ms. Reynolds advised that the following changes were made to the CIP presented November 2: renovation of the Tourism building has been removed; the Mystic Harbour storage building repair/plant rehabilitation and the plant solids dewatering projects have been combined; and the Ocean Pines spray irrigation project and the Ocean Pines belt filter press projects have been separated into individual projects. In response to a question from Commissioner Bertino, Chief Administrative Officer Weston Young advised that approval of the CIP today will allow the commissioners and staff to determine what projects they will need to bond.

Commissioner Mitreic opened the floor to receive public comment.

Vince Gisriel of Ocean City opposed including the sports complex in the CIP, noting that a 2017 study undertaken by the County indicates that local government would have to subsidize roughly 25% of the operating costs after three to five years, and the mid-Atlantic region is already saturated with these types of facilities. Furthermore, he stated that a follow-up study done at the request of Ocean City by the Maryland Stadium Authority shows that 12 public sports facilities in the region require ongoing subsidies, as they do not make a profit. He noted that from 2014-2018 activities on the outdoor fields have actually decreased. He concluded that he does not want his tax dollars going to continued subsidies, like the convention center, arts center, Eagle's Landing Golf Course, and municipal airport. Commissioner Bertino requested a copy of the study.

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

Commissioner Bertino stated, though he does not believe government money should be allocated for a sports complex, such a project could be a huge undertaking, and any investment

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for such a project should be made in the southern part of the County where such a boon is needed. In response to questions by Commissioner Bertino regarding the sports complex, Mr. Young stated that Program Open Space funding is available for acquisition; however, utilizing said funds would limit how the property may be used. Commissioner Bunting stated concern regarding the inclusion of the sports complex and the public safety building in the CIP due to the number of unfunded mandates and other significant funding challenges the County will face in the coming years. He noted that there is a sports complex 22 minutes up the road from Bishopville, and the County should not seek to compete with such a facility.

A motion by Commissioner Bertino to approve the CIP, minus the sports complex and public safety building, failed 3-4, with Commissioners Bertino, Bunting, and Elder voting in favor and Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in opposition.

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 adopt Resolution No. 21-26 approving and adopting the Worcester County Five-Year CIP for FY23-FY25 as presented.

Talkie Communications owners Andrew and Andre Demattia updated the commissioners on the timeline for the ongoing Talkie project to extend broadband to unserved and underserved areas of the County and to discuss upcoming grant opportunities.

Commissioner Bertino thanked Talkie professionals for their efforts and requested that future updates include maps that identify where projects are taking place, the degree to which these markets have been penetrated, and the number of hookups Talkie has in the different areas.

In response to questions by Commissioner Bunting, Andre Demattia stated that the groundbreaking for the project to extend broadband in Bishopville should take place in January 2022. In response to questions by Commissioner Elder, Mr. Demattia stated that Talkie has been awarded \$6.6 million in grant funds to extend broadband in Worcester County; however, none of these grant funds have been released yet, so Talkie is currently shouldering all project costs in the County. Commissioner Nordstrom commended Talkie Communications for their successful efforts to extend broadband on Dun Swamp Road. In response to a question by Commissioner Elder, Andre Demattia stated that Talkie Communications has been awarded \$6.6 million to extend broadband in Worcester County, though they have not received any grant funding from the County or State for projects in the County. In response to questions by Commissioner Elder, Mr. Young stated that the County provided space for Talkie in the emergency communications hut at the Pocomoke water tower and will work to identify space in or around other County structures that can be utilized by Talkie and other broadband providers.

Information Technology Director Brian Jones and Talkie representatives discussed an opportunity to apply for up to four individual Neighborhood Connect Broadband Grants of up to \$500,000 each through the Maryland Department of Housing and Community Development. Mr. Jones stated that, if grant funds are awarded, the County and internet service provider (ISP) would be required to provide matching funds. He then recommended the County apply for grant funds for the following projects, for a total County match of \$96,000 or \$24,000 per project: Johnson Road, at a total project cost of \$555,945, with a \$31,945 ISP match; Pocomoke A at a cost of \$625,392, with a \$101,392 ISP match, Pocomoke B at a cost of \$551,304, with an ISP match of \$27,304; and Pocomoke C at \$560,991, with an ISP match of \$36,991. Mr. Jones noted

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that funds are available within the FY22 budget for this purpose.

Following some discussion and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized County staff to apply for the Neighborhood Connect Broadband Grants, with a County match of \$96,000.

In a related matter, in response to comments from Andre Demattia regarding the opportunity to apply for an infrastructure grant of up to \$10 million, the commissioners requested the Demattias submitted detailed information about the grant for their consideration at the January 4, 2022 meeting.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Bertino, the commissioners unanimously approved the following projects: \$860,000 for the Northern Worcester Athletic Complex lighting project, \$35,000 for the John Walter Smith batting cage, \$55,000 for the Showell Park fencing extension and batting cage, \$25,000 for the Stockton Park fencing project, and \$25,000 for the Northern Worcester Athletic Complex Bullpens. These projects are to be funded through the \$1 million Local Parks and Playgrounds Infrastructure Grant that was awarded to the County. Ms. Rados advised that these funds are separate from any Program Open Space funds, and the projects, which must be completed in FY22, are 100% reimbursable.

Tourism and Economic Development Director Melanie Pursel advised that the County has been awarded a \$100,000 Rural Maryland Prosperity Investment Fund (RMPIF) for FY22 for the skilled trades, agriculture, tourism, and technology (STATT) program through the Tri-County Council (TCC) for the Lower Eastern Shore. She stated that this grant, which requires a County match of \$20,000, will be used to execute the STATT program in coordination with Worcester County Public Schools and to offer internships that will be made available to STATT businesses throughout the County.

Upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commissioner President Mitrecic to sign the RMPIF grant agreement.

The commissioners adjourned at 11:45 a.m. for lunch.

Pursuant to the recommendation of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commissioner President Mitrecic to sign the Amendment to Department of Housing and Community Development Community Legacy Grant Agreement for a grant of \$100,000 for the Town of Snow Hill (sub-recipient) for the acquisition of the Black Eyed Susan riverboat for general tourism. Ms. Reynolds advised that these funds will be applied to the balance of the County loan that was granted to the town to purchase the riverboat.

In a related matter, Ms. Reynolds advised that Town Manager Rick Pollitt told her that he would like to apply the grant funds to the first three annual loan payments, and she then advised him that such a request must be made directly to the commissioners. The commissioners noted that the town has not contacted them to discuss the matter, and reiterated that the town's first loan payment is due January 1, 2022.

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Pursuant to the recommendation of Development Review and Permitting Director Jennifer Keener, in response to a request made by Keith Iott on behalf of Kathy Clark, and upon a motion by Commissioner Nordstrom, the commissioners unanimously adopted Resolution No. 21-25, approving a proposal for an approved private road, known as Buttercup Lane, to serve 33 townhouses and duplex units proposed for the Shady Side Village Residential Planned Community in West Ocean City. Ms. Keener stated that the proposed private road received a favorable recommendation from the Planning Commission subject to addressing comments made by Road Superintendent Kevin Lynch.

In a related matter and upon a motion by Commissioner Bertino, the commissioners unanimously approved modifications to the density of the RPC.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to schedule a public hearing on January 18, 2021 to receive public comment on an application submitted by Attorney Hugh Cropper on behalf of Ayres Creek Family Farm, LLC for a Critical Area reclassification. If approved, this would reclassify 8.34 acres of land located at 8219 Stephen Decatur Highway, on the westerly side of MD Rt. 611, east of Ayres Creek, and identified on Tax Map 33 as Parcel 80, Lot 1, from Resource Conservation Area (RCA) to Limited Development Area (LDA).

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Commissioner President Mitrecic to sign a letter to the secretaries of the Maryland Departments of Environment and Agriculture encouraging the State to add the Atlantic Coastal Bays to Maryland's Water Quality Trading Program, a tool to enhance the restoration and protection of the bay and local waters, which is currently limited to the Chesapeake Bay to create a public marketplace for nitrogen, phosphorus, and sediment reductions.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bertino, the commissioners unanimously agreed to reappoint Josh Davis to the Tourism Advisory Committee.

Upon a motion by Commissioner Purnell, the commissioners unanimously agreed to send flowers to former Commissioner James L. Purnell, Jr. who is recovering from a stroke.

The commissioners extended their best wishes for a Merry Christmas and Happy New Year to County staff and residents.

The commissioners answered questions from the press, after which they adjourned to meet in closed session at 12:34 p.m.

Following a motion by Commissioner Bertino seconded by Commissioner Nordstrom, the commissioners unanimously voted to meet in closed session at 12:34 p.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

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provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, and Public Information Officer Kim Moses. Topics discussed and actions taken included receiving legal advice from counsel and performing administrative functions, including: the discussing a ribbon cutting for the new operations building at the Ocean Pines Wastewater Treatment Plant, and a possible road dedication.

The commissioners adjourned their closed session to meet again on January 4, 2022.