

Minutes of the County Commissioners of Worcester County, Maryland

February 1, 2022

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 Purnell, 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 Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and Emergency Services Director Billy Birch. Topics discussed and actions taken included the following: hiring Jamie Runyon as a part-time Library services assistant I and Carol Clafferty as an office assistant III within Development Review and Permitting; negotiating content of a bid proposal; discussing an employee performance matter, and certain personnel matters; considering the acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions, including discussing upcoming board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:54 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 Father John Solomon of Holy Savior Roman 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 January 18, 2022 meeting as presented.

The commissioners presented a proclamation recognizing February as Black History Month to Reverend James Jones of New Macedonia Church of Pocomoke. Throughout the month of February, the Worcester County Government Center will be adorned with interpretive signs that highlight African American people and places that helped shape the county.

The commissioners presented a proclamation recognizing February as National Canned Food Month to Snow Hill Food Bank representatives Nick Carter and Rosalee Mason along with

Human Resources Director Stacey Norton. Also in attendance were members of the Worcester County Wellness Committee. To learn more about how to help feed the hungry, visit www.mdfoodbank.org.

The Commissioners presented a proclamation to Cynthia Heselbach of the Worcester County Dental Center in Berlin recognizing February as Children's Dental Health Month in Worcester County. The dental center, which operates under the auspices of the Worcester County Health Department, serves those under age 21 or pregnant who are low income, uninsured, or enrolled in the Maryland Medicaid Program.

The commissioners presented a proclamation to Chief Deputy Doug Dods and Ed Thomas, co-chair of the Eastern Shore Human Trafficking Task Force to retroactively recognize January as Human Trafficking Prevention Month.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda the item numbers 2-4 as follows: bid specifications for two separate emergency projects to replace a well and a septic system in the Snow Hill area; Maryland 911 Board project no. 22-195 for \$2,431 for Emergency Telecommunicator Course manuals; and a request for proposals to replace the Snow Hill shelter at the base of the Snow Hill water tower.

State's Attorney Kris Heiser presented a proposal to add six attorney positions and six office assistant positions within the State's Attorney's Office (SAO) in FY23 at a first-year cost of \$822,918, to prepare her office to address the significant impact of recent State legislation mandating the implementation of body-worn camera programs for law enforcement officers. Ms. Heiser advised that she will also be requesting to hire three additional attorneys and related support staff after FY24, and she supported the two options that have been offered by the Town of Ocean City to accommodate space needed for the additional staff. These include a temporary, no-cost option for 1,500 square feet of space on the first floor of the new Public Works building and 430 square feet of space in the old Juvenile Services Offices in the District Court Building beginning April 30, 2022 until the second-floor space in the new Public Works building is completed in April 2023.

Commissioner Mitrecic noted that, while the County needs to approve this request prior to FY23 budget deliberations, Ms. Heiser initially requested only five attorneys, four legal assistants, and an information technology professional when she met with him and Chief Administrative Officer Weston Young recently, and he questioned the reason for the proposed staff increases. Ms. Heiser advised that she modified her request after being advised that the Sheriff's Office would have access to body camera equipment earlier than anticipated.

Commissioner Bertino thanked Ocean City officials for their offer of space to house SAO personnel. He also stated support for the hiring request before them today; however, the commissioners need time to look at this request holistically and should determine if a consultant is available to help the County determine the precise staffing needs to address the new body camera mandate. In response to funding concerns raised by Commissioner Bertino, Commissioner Mitrecic advised that Local Impact Grant (LIG) funds from the Casino at Ocean Downs, which are currently being used to repay the annual bond payment for the new Worcester Technical High School, and that bond will be paid off this fiscal year, freeing these funds for

other uses, include public safety. He also expressed concern that it could take four to five months of advertising to attract the staff needed to fill these new positions.

Commissioner Bunting urged the Town of Ocean City to coordinate the implementation of their body camera program with the Maryland State Police (MSP) program that is set to begin July 1, 2023. In response to questions by Commissioner Bunting, Ms. Heiser stated that both Berlin and Pocomoke Police Departments already have body camera programs in place. Mr. Young advised that LIG grants revenues of roughly \$3.5 million annually are allocated to repay the WTHS bond, table game revenues of roughly \$300,000 annually have not been allocated for a specific purpose, and new funds to be generated from sports betting are to be allocated toward education. Commissioner Bunting expressed concern that allocating LIG funds toward public safety could impact their ability to utilize these funds for future school construction projects.

In response to questions by Commissioner Nordstrom, Ms. Heiser stated that July 1, 2023 would be an awfully ambitious goal for her office to be prepared to meet the increased demands that will be created by the implementation of the body camera programs by all area law enforcement agencies.

Ocean City Mayor Rick Meehan urged the commissioners to approve Ms. Heiser's staffing request today, noting that the window of opportunity for the town to purchase, receive, and train officers in time to implement the use of body cameras by Memorial Day 2022 is rapidly closing. He stated that the camera program is needed to meet the increased public safety challenges being placed upon the town. Mayor Meehan noted that the town is offering space to the SAO to help equip them to meet the new program demands as well. In response to questions by Commissioner Bertino, Mayor Meehan advised that the town will prorate the new, long-term space in the new Public Works facility for the SAO for a period of 20 years. Public Works Director Hal Adkins advised that the temporary space can be available for the SAO in 90 days. Commissioner Bertino recognized his concerns. He advised that the commissioners support the staffing needs in the SAO to address body cameras, though they need a little additional time to gather more information to help them to make the best funding decisions possible. Therefore, he urged Mayor Meehan to move forward with ordering cameras, as any postponement by the commissioners would only be temporary and should not impact the town in any way.

Commissioner Purnell stated that the SAO needs to begin hiring now, and she thanked town officials for offering both interim and long-term space to house the attorneys. Commissioner Elder also agreed that the commissioners need to act on this request, and he noted that Ms. Heiser has always been fiscally prudent, though he advised that an additional two weeks is needed to consider all available funding options.

Following much discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 4-0-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder abstaining, to approve six additional attorney positions and six new office assistant positions within the SAO and to begin advertising to fill the new positions.

Pursuant to requests from Emergency Services Director Billy Birch and upon a motion by Commissioner Elder, the commissioners unanimously agreed to waive the standard bid process and accept the proposals from EN NET, as the sole source provider, in the amount of \$43,514.40 to replace the uninterruptable power supply (UPS) units serving 911 telephone equipment within Emergency Services, with Maryland 911 Board funds to cover this expense; and \$67,599.91 to

replace the batteries in the UPS units, with funding available within the FY22 budget.

Pursuant to the request of Parks Superintendent Jacob Stephens and upon a motion by Commissioner Nordstrom, the commissioners unanimously agreed to utilize Long Fence of Capital Heights, Maryland for the following previously-approved projects, which are 100% reimbursable through Program Open Space: Northern Worcester Athletic Complex bullpens, Showell Park fencing extension and batting cage, John Walter Smith Park batting cage; and Stockton Park fencing project.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the filing of two grant applications totaling \$200,000 to fund a concept study for the proposed MD Rt. 611 shared-use path, as identified in the 2021 Consolidated Transportation Program (CTP) letter. These include a Transportation Alternatives Program (TAP) grant, which requires a 20% local match of \$40,000, and a Bikeways grant, which can be used to cover the County match. Mr. Baker then provided a CTP update with regard to the following projects: MD Rt. 90 preliminary work continuing, with regard to adding a new center lane and identifying right-of-way needs and environmental permitting requirements; MD Rt. 611 and MD Rt. 368 (Bishopville) intersection study to address needed improvements; U.S. Rt. 113 and MD Rt. 346 pedestrian crossing designs completed and awaiting project funding; and MD Rt. 611 shared-use path, with Maryland State Highway Administration (SHA) to secure grant funding for the preliminary design of the path.

In response to safety concerns raised by Commissioner Bertino, Mr. Baker agreed to eliminate all references to removing the guard rails from the MD Rt. 90 median as part of plans to add a new center travel lane.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Nordstrom, the commissioners unanimously accepted the proposal from EA Engineering, Science, and Technology, Inc., PBC of Hunt Valley, Maryland for groundwater monitoring and analytical services at the three closed landfills in Berlin, Snow Hill, and Pocomoke, for calendar years 2022 and 2023 at an annual cost of \$59,397.94 for a total cost of \$118,795.88.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the proposal from EA Engineering to conduct a Tier 2 Landfill Gas Analysis at the Central Landfill facility at a proposed lump sum cost of \$24,925. Mr. Baker stated that the Maryland Department of the Environment (MDE) has increased the number of required sampling locations by 230% from 18 during the last analysis in 2017 to 42 for the current round of analyses; though, the current proposal from EA Engineering is approximately \$600 less.

The commissioners met with Environmental Programs Director Bob Mitchell to review the FR22 grant agreement for funding for the County Rural Legacy Areas (RLA) and two FY23 Rural Legacy Area (RLA) grant applications for the Dividing Creek RLA and the Coastal Bays RLA. Because the County has two RLAs, Mr. Mitchell stated that they are required to indicate which area is preferred for the funding applications, so they alternate preference between the two areas each year. He stated that this year's application process follows that same pattern, stating a

preference for the Dividing Creek RLA. This program is funded through a combination of Department of Natural Resources (DNR) Program Open Space (POS) funds and general obligation bonds and require no County match. FY22 RLA grant funds will be used to purchase 3-5 perpetual easements, which provide water quality benefits to the Coastal and Chesapeake Bays and the local watersheds.

Upon a motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Elder voting in opposition to authorize Commission President Mitrecic to sign the FY22 RLA Grant Agreements, awarding \$760,000 for the Coastal Bays RLA and \$1,005,000 for the Dividing Creek RLA, and they further authorized him to sign the FY23 RLA Grant Applications for both the Dividing Creek RLA and the Coastal Bays RLA, which include a combined total of \$2.7 million in grant requests, and stating a preference for the Dividing Creek RLA in FY23.

Pursuant to the recommendation of Office Assistant V Karen Hammer and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the following Worcester County Government Employee Appreciation events and programs for 2022: Night at The Shorebirds on Friday, with date to be determined, with free tickets available for each employee and additional tickets for family and friends sold for \$7 each, at a total County cost of \$1,400 (for 200 tickets), less income from ticket sales; and Jolly Roger Day on an as-yet to be determined Sunday in August, from 10:00 a.m. until 6:00 p.m., at no cost to the County, with special pricing available to all County staff, family, and friends. These events, which have been conducted over the past several years to improve morale and demonstrate the commissioners' support and appreciation of County staff, have been extremely successful and sincerely appreciated by County employees.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Will Gabeler to the Water and Sewer Committee for Ocean Pines.

The commissioners thanked Public Works Director Dallas Baker and his staff for their efforts to keep County roads open and safe during the weekend blizzard.

The commissioners answered questions from the press, after which they adjourned to meet again on December 7, 2021.