

Minutes of the County Commissioners of Worcester County, Maryland

March 15, 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 Bertino, 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, Finance Officer Phil Thompson, State's Attorney Kris Heiser, and Public Works Director Dallas Baker. Topics discussed and actions taken included the following: receiving legal advice from counsel; and performing administrative functions, including considering options for housing the State's Attorney's Office, discussing potential board appointments, and receiving an update on each of the sanitary service area operations.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:59 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 Dale Brown of the Community Church of Ocean Pines 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 March 1, 2022 meeting as presented.

The commissioners presented years-of-service commendations to retiring Fire Marshal Jeff McMahon Corporal (35 years), and County Jail Office Assistant Dorothy Hill (16 years), and Corporal Lamont Smith (13 years).

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-12 as follows: bid specifications for engineering services to replace bulkhead at South Point Landing; accepting a \$3,000 National Parks and Recreation grant for the Walk With Ease program; out-of-state travel for certain staff to attend the National Hurricane Conference April 11-14 in Orlando, Florida; accepting a letter from Superintendent

Louis H. Taylor advising that there are no non-recurring items in the proposed FY23 Board of Education (BOE) Operating Budget and approving the required annual non-recurring expense form; issuing a letter of support for the Maryland Coastal Bays Program Stockton fish passageway project at the Big Mill Pond; County funding for the proposed 2022 Mosquito Control budget; pest control bid proposals; refuse collection bid proposals; United States Department of Agriculture grant/loan applications for the St. Martins by the Bay project; FY23 benefit recommendations from the Health Benefits Committee and PSA Insurance and Financial Services, Inc.; and a grant support letter for the Ocean City Museum Society.

Bus Contractor Lori Thompson, acting secretary for the School Bus Contractors Association (SBCA), appealed to the commissioners to approve additional increases in the student transportation portion of the requested FY23 Board of Education (BOE) Operating Budget. Specifically, she asked them to address needed increases for school bus contractors' compensation to address the mounting financial challenges facing all 69 Worcester County bus contractors as they strive to provide uninterrupted safe transportation to public school students. These challenges include bus acquisition, repair, and replacement costs, hourly rate and benefits, and rising fuel costs. Ms. Thompson stated that the proposed transportation budget included in the requested FY23 Board of Education (BOE) Operating Budget is not adequate to address these concerns and solicited their support to appropriate adequate funding. She then reviewed the history of transportation funding and advised that the BOE has denied the SBCA's appeal to reconsider additional increases to two line items for SBCA compensation, and she asked the commissioners to approve this additional needed funding to assure continued, undisrupted bus transportation. This includes increasing the hourly wage by \$1.29 to \$26.29 per hour for a total increased cost of \$80,110 and increasing the mileage reimbursement rate by \$0.18 per mile to \$1.80 per mile for a total additional cost of \$223,560 for an overall budget increase of \$303,670 in the FY23 transportation budget. This represents an increase of \$6,939 per bus contractor. Ms. Thompson answered questions from Commissioners Bertino and Mitrecic regarding the per vehicle allotment (PVA) that is paid to bus contractors at a rate of \$20,000 a year over the lifespan of each bus, and provided several recent examples in which repair and maintenance costs exceeded the annual PVA allotments.

Following some discussion, Commissioner Purnell thanked members of the SBCA for meeting with them and agreed to discuss their request with BOE officials during FY23 budget deliberations.

The commissioners conducted a public hearing on Rezoning Case No. 433 for an application submitted by Hugh Cropper, IV on behalf of M. Stephen and Rita D. Ailstock, property owners, which seeks to rezone approximately 105.34 acres of land located on the southeasterly side of Dividing Creek Road and Cellar House Road, northeast of Whitesburg Road, and more specifically identified on Tax Map 69 as Parcel 76, from Resource Protection District to A-1 Agricultural District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting Deputy Director (DRP) Gary Pusey reviewed the application, which received a favorable recommendation from the County Planning Commission. He stated that according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. He then entered the Planning Commission's Findings

of Fact.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper reviewed the history of this property, noting that it is completely surrounded on all sides by lands zoned A-1, resulting in spot zoning and limiting the uses of the property.

Environmental Consultant Chris McCabe confirmed that this property is designated as A-1 in the County's comprehensive plan, and A-1 is more consistent with the uses on the property.

Surveyor Frank Lynch, Jr. advised that A-1 zoning is more desirable in terms of Comprehensive Plan.

Assateague Coast Keeper Gabby Ross opposed rezoning the property due to the presence of wetlands, and she expressed concerns that the proposed rezoning amounts to peace-meal zoning.

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

Upon a motion by Commissioner Bunting, the Commissioners conceptually adopted the Planning Commission's Findings of Fact as their own and approved the rezoning from RP District to A-1 District, based on a mistake in the existing zoning.

The commissioners conducted a public hearing to receive public comment on Emergency Bill 22-1 (Zoning – Townhouses), which was introduced by Commissioners Church, Mitrecic, Elder, and Nordstrom, and Purnell on March 1, 2022. DRP Director Jennifer Keener reviewed the bill, which would amend ZS 1-313(b) Townhouses to modify a section of the bill establishing the maximum length and overall number of units that an individual townhouse building may contain to make it a design recommendation, rather than a requirement. In response to a question by Commissioner Bertino, Ms. Keener stated that Attorney Hugh Cropper requested the bill be adopted as emergency legislation to allow his client to move forward with a project.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper advised that as of 2009 all new townhouse projects have been required to go through a long process, and he urged the commissioners to adopt Emergency Bill 22-1, as it would give the Planning Commission greater flexibility in approving these types of projects.

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

Upon a motion by Commissioner Nordstrom, the commissioners unanimously adopted Emergency Bill 22-1 (Zoning – Townhouses) as presented.

The Commissioners met with Environmental Programs Director and Sewer Committee representative Bob Mitchell to review a request from Hugh Cropper, attorney for Sea Oaks Village, LLC, for the allocation of 19 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve Phase II of this development. Phase II includes 76 townhomes and recreation facilities on parcel identified on Tax Map 26 as Parcel 274.

Upon a motion by Commissioner Purnell, the Commissioners unanimously approved Option 1 to approve the allocation of 19 EDUs, with 12 from the Infill and Intensification category and 7 from the Single Family Dwelling category of Area 1.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to designate one space within the Washington Street parking lot for use as a Delmarva Power electric vehicle charging station at no cost to the County.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Bunting, the commissioners unanimously authorized Library staff to apply for a grant from EBSCO to install solar panels at the Berlin Branch Library construction project. Ms. Ranck advised that if approved EBSCO will pay for the initial installation, and the County will own the system and be responsible for all post-installation and ongoing maintenance of the solar array.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved County building automation system upgrades at a cost of \$248,840.

The commissioners met with Chief Administrative Officer Weston Young to review the requested FY23 Operating Budget, which includes estimated revenues of \$218,040,884 and requested expenditures of \$229,285,111. Mr. Young explained that leaves a shortfall of \$11,244,227, which must be reconciled either with reductions in expenditures, additional revenues, or a combination of the two. He then advised that the commissioners will conduct budget work sessions on March 22 and 29, and the public hearing will take place on May 3 at 7 p.m.

Upon a motion by Commissioner Bertino, the commissioners directed department heads to revisit their budgets and identify possible reductions.

Commissioner Bertino stated that this year's BOE maintenance of effort (MOE) has increased by \$1.8 million due to an unfair State funding formula. He further noted that this formula has resulted in an increase of \$10 million in the MOE over the past five years. Therefore, he proposed seeking outside legal counsel to provide them with options within the month to have the State address the escalator clause. Commissioner Nordstrom concurred and requested members of the Eastern Shore Delegation meet with them to discuss this and other unfunded mandates. Commissioner Mitrecic agreed that the formula is unfair, but felt that suing the State would not be a productive move and felt that it would be better to pursue diplomatic channels. Commissioner Elder concurred. Commissioner Bertino stated that he was not at all suggesting a lawsuit. Rather, he noted that the Kirwan Commission was tasked with and failed to revisit this flawed funding formula, and he would like to see what options are available to the County to address this. Commissioner Bunting concurred, noting that Worcester County is a Code Home Rule County, and he would be interested in seeing where the County stands if they refuse to pay the escalator.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners voted 5-2, with Commissioners Elder and Mitrecic voting in opposition, to retain outside legal counsel to provide the commissioners with options to address the State funding mechanism for the maintenance of effort.

Mr. Young reviewed the budget adoption schedule for the Solid Waste and Water and

Wastewater Enterprise Fund Operating Budgets, with a budget work session on March 22, public hearings on June 7, and budget adopted on June 21.

Vince Tolbert, chief financial officer for the Board of Education (BOE), advised the commissioners that the draft MOE calculation for FY23 would result in an increase of \$1,843,629 in County funding; however, he noted that this level would not allow the BOE to meet its FY23 budget requests, which are outlined in the proposed FY23 BOE Operating Budget.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bertino, the commissioners unanimously agreed to appoint Rebecca Colt Ferguson to the Social Services Advisory Board on behalf of Commissioner Mitrecic.

Upon a nomination by Commissioner Nordstrom, the commissioners unanimously agreed to reappoint Glen Holland to the Agricultural Preservation Advisory Board and Mark Frostrom to the Initiative to Preserve Families Board (Local Management Board), and to appoint Shelly Daniels to Social Services Advisory Board.

Upon additional nominations by Commissioner Nordstrom, the commissioners unanimously agreed to reappoint Roberta Baldwin and Melissa Banks to the Adult Public Guardianship Board.

Upon a motion by Commissioner Elder, the commissioners unanimously agreed to appoint Jaclyn Sturgis to the Drug and Alcohol Abuse Council.

Upon a motion by Commissioner Church, the commissioners voted 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to revisit a proposed amendment to the Water and Sewerage Plan to expand the sewer planning area for the Town of Pocomoke City to serve the Royal Farms at 2497 Lankford Highway in New Church, Virginia.

Upon a motion by Commissioner Nordstrom, the commissioners unanimously agreed to add one new member from the Pocomoke district to the Fire and EMS committee.

Commissioner Mitrecic presented a certificate from the 4H Voyagers to Worcester County staff members for their support of the 6th annual Operation We Care donations for deployed military men and women.

Upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to give oral testimony before the Maryland General Assembly via Zoom later that afternoon to express the commissioners' support of House Bill 897 – Sports Entertainment Facilities Act of 2022, as amended. This bill would authorize the Maryland Stadium Authority to issue certain bonds to finance site acquisition, design, and construction of any portion of a certain sports entertainment facility subject to certain limitations.

Upon a motion by Commissioner Bertino, the commissioners unanimously agreed to conduct a work session with Talkie to receive an update on the status of broadband in the County.

The commissioners answered questions from the press, after which they 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 12:10 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 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, and Public Works Director Dallas Baker. Topics discussed and actions taken included the following: receiving legal advice from counsel; and performing administrative functions, including receiving an update on each of the sanitary service area operations and the FY22 monthly financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 12:30 p.m.

The commissioners adjourned to meet again on April 5, 2021.