

Minutes of the County Commissioners of Worcester County, Maryland

May 17, 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 Elder, 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, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: a personnel summary and certain personnel matters; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:20 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 Mark Piedmont of Buckingham Presbyterian Church and pledge of allegiance, announced the topics discussed during their May 17, 2022 budget work session and on their May 17 morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their May 3, 2022 meeting as presented.

The commissioners presented years-of-service commendations to retiring Solid Waste Superintendent Mike Mitchell (36 years), and Sheriff's Office Corporal Shawn Goddard (18 years) to honor them for their service to County residents.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-11 as follows: awarding the contract for propane gas delivery to Superior Plus Propane; approving a Small Project Agreement to extend water service to multiple parcels in The Landings Residential Planned Community (RPC) for fire protection from The Landings Service Area; renewing a software contract with Dude Solutions for three years at a total cost of \$66,181.83 for the Facility Dude work order and inventory program within the Maintenance Division of Public Works; utilizing funds of \$408.14 to record the deed on a small

property being transferred from a private property owner to the Maryland Coastal Bays Program (MCBP) as part of the Selsey Road demonstration project; approving bid specifications for the rehabilitation and replacement of the HVAC in a single-family home in Berlin; scheduling a public hearing to receive public comments on an amendment to the Step I plan for the Triple Crown Estates RPC floating zone to add another 30 single-family lots to the development; scheduling a public hearing to receive public comments on Rezoning Case No. 434, which was filed by Attorney Hugh Cropper, IV on behalf of Raynes Land Holdings, LLC to rezone approximately 105.12 acres of land on the west side of Downs Road and the north side of U.S. Rt. 113 northeast of Newark from A-1 Agricultural District to A-2 Agricultural District; irrevocably transferring Worcester County's full \$2,000,345 tax-exempt housing bond allocation to the Department of Housing and Community Development Community Administration for use in issuing housing bonds or mortgage credit certificates on behalf of Worcester County, as set forth in the 2022 allocation of the Maryland State Ceiling for use under the Maryland Mortgage Program; approving the recommended FY22 Tax Ditch Rates, certifications, and recommended Managers for all 18 Tax Ditches in the County; and updating and renewing the software licensing and maintenance contract with Prosecutor by Karpel, the case management system utilized within the State's Attorney's Office at a cost of \$25,200.

The commissioners met with Recreation and Parks Director Kelly Rados to review a request from Attorney Mark Cropper to renew the special use permit for Dawn to Dusk Fishing Charters owner Marc Spagnola for a three-year term. The first one-year special use permit, which recently expired, allowed Mr. Spagnola to launch and retrieve one 20-foot charter boat (Sea Ark) from the boat ramp. The three-year special use permit expands that use to also allow Mr. Spagnola to launch and retrieve a 24-foot tri-toon vessel and a 26-foot custom vessel for the same charter purposes. Commissioner Bunting stated that he is not against issuing a special use permit; however, the County should develop an official policy governing the use of County boat ramps, as commercial uses are not permitted at these sites. He also referenced a letter from several South Point residents expressing concern about renewing the special use permit, and he urged the commissioners to hear from those residents in attendance at the meeting.

Commissioner Mitrecic opened the floor to receive comments from the South Point residents in attendance.

Sylvia Tunis of South Point urged the commissioners to deny the request, noting that their prior approval has opened Pandora's Box, as commercial crabbers and other commercial entities are utilizing residential roads and operating out of the South Point boat ramp, while occupying a majority of the recreational use spaces in the adjoining parking lot.

Alex Shandrowski of South Point also urged the commissioners to deny the request. He noted that the County's boat ramps are designated for recreational use, but that Mr. Spagnola, along with crabbers and others are running commercial operations from the South Point boat ramp in the midst of a residential development; however, the Sheriff's Office is unable or unwilling to enforce these violations. He advised that this is causing a hardship on the community. In response to comments by Mr. Shandrowski, Commissioner Church advised that he had spoken with the president of the South Point community association, who voiced no concerns about the proposed special use permit, and he noted that this is the first time he has heard any concerns from the community about this matter.

In response to questions by Commissioner Bertino, Mr. Young advised that the County

has received some concerns regarding the use of the boat ramp by Mr. Spagnola.

Mr. Cropper advised that to date Mr. Spagnola has only used the South Point boat ramp to launch and retrieve the 20-foot charter boat. Furthermore, he has not launched the 24-foot charter boat from that location, as doing so would violate the terms of the prior special use permit.

Commissioner Bunting reiterated that he could support the requested special use permit provided it is for a period of only one year and that the County investigates options to address the use of commercial and out-of-state residents at the County recreational boat ramps for their consideration at a future meeting. The commissioners concurred. Commissioner Mitrecic stated that the County boat ramps have all been funded with State grants, so any change in use must comply with the grant guidelines.

Following some discussion and upon a motion by Commissioner Church, the commissioners approved the special use permit to authorize Mr. Spagnola to utilize the South Point boat ramp to launch and retrieve the three charter boats previously described for a period of one year, and this may at any time be revoked by the County.

Pursuant to the request of Ms. Rados and upon a motion by Commissioner Nordstrom, the commissioners unanimously accepted the proposal from Becker Morgan for architecture and engineering services at a fixed fee of \$15,000 for a single-story, metal building, approximately 25' x 60' to provide additional storage at the Worcester County Recreation Center in Snow Hill.

County Attorney Roscoe Leslie met with the commissioners to review a draft resolution to comply with the State Police Accountability Act and to propose that the commissioners begin appointing members of a Police Accountability Board and Administrative Charging Committee. Mr. Leslie noted that effective July 2022 the State's Police Accountability Act will replace the Law Enforcement Officers Bill of Rights, as the system for police discipline, and the proposed resolution implements the new State law mandates and anticipated regulations locally. He then advised that the State legislation requires the County to set up three bodies to handle police discipline for every local law enforcement organization in the County as follows: Police Accountability Board, consisting of seven members to serve as the overall governing body of the system; Charging Committee, consisting of five members, to review complaints and investigations of police misconduct, determine whether an officer should be charged with misconduct, and if charged recommend discipline from the State-created matrix; and Trial Board, consisting of three members and to be chaired by a retired or administrative law judge, to conduct hearings if an officer does not accept the disciplinary measures recommended by the Charging Committee.

Commissioner Bunting expressed concern that it may be difficult to find a retired or administrative judge willing to serve on the Trial Board. In response to questions by Commissioner Bunting, Mr. Leslie advised that the State has indicated that it may provide administrative law judges to serve on the Trial Board if necessary. He also advised that there will be training requirements for those appointed to serve on the Police Accountability Board, though the County has not yet received any information from the State about such requirements.

Commissioner Nordstrom stated that this is yet another unfunded State mandate that County taxpayers must pay. In response to questions by Commissioner Nordstrom, Chief Administrative Officer Weston Young advised that \$29,000 has been allocated within the FY23

budget to cover the cost of two trials and the cost to retain judges. Commissioner Elder also expressed concerns about the cost of implementing the new three-tiered system. In response to questions by Commissioner Elder, Mr. Leslie stated that, like several other County boards, those appointed to serve on the three boards will receive compensation for their service. Commissioner Bertino stated that reading the draft resolution has created a number of questions that he would like to have answered prior to moving forward. In response to questions by Commissioner Purnell, Mr. Leslie advised that County officials worked with representatives from law enforcement agencies within the County and State's Attorney Kris Heiser, and they had reviewed similar resolutions being proposed by other Maryland jurisdictions.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to postpone taking any action on the resolution until their June 21, 2022 meeting.

Pursuant to the request of Public Works Deputy Director Chris Clasing and upon a motion by Commissioner Bertino, the commissioners unanimously approved a proposal from Highland Tank, LLC at a cost of \$62,634 to purchase and install a replacement steel collection tank at Pump Station G within the Ocean Pines Sanitary Service Area (SSA). Mr. Clasing advised that funds are available on the FY22 Ocean Pines SSA budget for this purpose.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Crystal Bell to the Commission for Women.

The commissioners met in legislative session.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review a text amendment application submitted by Hugh Cropper, IV on behalf of Sun TRS Frontier, LLC to create new cluster design standards that would allow flexibility to minimum campsite area, setback, width, road frontage, and parking requirements that would apply only to recreational park trailers and cabins in rental and membership campgrounds after approval of a site plan by the Planning Commission. Ms. Keener advised that the Planning Commission gave a favorable recommendation to the text amendment application as submitted.

Following some discussion, Commissioners Bertino, Church, Elder, Nordstrom, and Purnell introduced the aforementioned text amendment as Bill 22-10 (Zoning - Campgrounds) and scheduled a public hearing for June 21, 2022 to receive public comment on the draft bill.

The commissioners met with Lieutenant Bob Trautman and Board of Education (BOE) Transportation Manager Kim Heiser to review a text amendment application drafted by staff to authorize the use of monitoring cameras on Worcester County school buses in accordance with the Annotated Code of Maryland, Transportation § 10-706.1(c). Lieutenant Trautman advised that these systems are designed to reduce the illegal passage of school buses and to increase the safety of students. Ms. Heiser reviewed a proposal from BusPatrol at a cost of \$150 per month, per bus to install and maintain the monitoring system and issue citations to drivers who illegally pass school buses. She noted that these costs would be offset by the revenues to be generated from the \$250 cost per citation. She advised that additional revenues generated would be split

between BusPatrol and the Count at a 60/40 cost share, respectively, with the County to allocate funding between the BOE and the Sheriff's Office. Commissioner Elder supported the proposal to install cameras on the school buses; however, he expressed concerns that a private entity would be profiting from this proposal and that the County's split of the revenues would go to the BOE rather than the bus contractors who own and operate the buses.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell introduced the aforementioned text amendment as Bill 22-11 (Public Safety – School Bus Monitoring Systems) and scheduled a public hearing for June 21, 2022 to receive public comment on the draft bill.

Commissioner Mitrecic closed the legislative session.

The commissioners conducted a public hearing to obtain the views of citizens on the community, economic development, and housing needs to be considered for submission of an application to the Maryland Community Development Block Grant (CDBG) Program in the amount of \$500,000 to rehabilitate 16-18 owner-occupied homes. Housing Program Coordinator Davida Washington advised that this program benefits low to moderate income persons and households, aids in the prevention or elimination of slums and blight, and meets other community development needs of an urgent nature or that are an immediate threat to community health and welfare.

Commissioner Mitrecic opened the floor to receive public comment.

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

Upon a motion by Commissioner Nordstrom, the commissioners unanimously adopted Resolution No. 22-5, authorizing the filing of a CDBG application to fund the County's Housing Rehabilitation Program in Worcester County in State FY23, and authorized Commission President Mitrecic to sign the grant application.

The commissioners conducted a public hearing on a \$2 million project to replace the private supply well and distribution system in St. Martin's By the Bay by connecting the community to the Ocean Pines water system. The project includes allocating fifty-eight residential equivalent dwelling units (EDUs) of sanitary water service and will alleviate concerns about salt water intrusion into the private well, provide fire flow protection, and eliminate water shortage issues that have occurred since the system was installed in 1984. This project is proposed to be funded through a United States Department of Agriculture loan and grant.

Commissioner Mitrecic opened the floor to receive public comment.

Lynn Patridge, chair of St. Martin's By the Bay Homeowners Association (HOA), urged the commissioners to approve the project, as the existing system is failing, cost-prohibitive to maintain, and does not meet environmental requirements.

Keith Miller, treasurer of the St. Martin's By the Bay HOA, also urged the commissioners to approve the project, noting that several years ago one of the houses in the community burned to the ground after fire fighters were not able to pull water off the bay to extinguish the flames.

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

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 22-6, authorizing the filing of a USDA grant for the proposed St. Martin's By the

Bay project.

The commissioners conducted a public hearing on the amended five-year Capital Improvement Plan (CIP) for FY23 - FY27. Senior Budget Officer Kim Reynolds informed the commissioners and the public that the CIP is strictly a planning document that 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. She then reviewed the significant changes to the CIP, which include the removal of the Ocean Pines spray irrigation (\$3,250,000) and the update of the Ocean Pines belt filter press project (which increased from \$3.55 million to \$4.6 million). In response to questions by Commissioner Bertino, Finance Officer Phil Thompson stated that it is possible to amend the bond bill right up to the last minute for the belt filter press project. Commissioner Bertino stated that he supports 99 percent of the projects included in the CIP; however, he cannot support the inclusion of the sports complex in the CIP.

Commissioner Mitrecic opened the floor to receive public comment.

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

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. 22-7 adopting the amended FY23-FY24 CIP.

Pursuant to the request of Pocomoke City Manager Jeremy Mason and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved a loan of \$295,000 to Pocomoke City to fund the demolition, removal, and remediation of the Armory property to serve as the site of a new Pocomoke Branch library, with funds to be repaid in annual installments of \$19,666.67 beginning January 2, 2023. Mr. Mason advised that Pocomoke City has applied for a Community Development Block Grant to cover these costs; however, they will not know until fall 2022 if grant funds will be awarded for this purpose.

Pursuant to a request by Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Bertino, the commissioners unanimously approved bid specifications for construction services to replace bulkhead, eight piers, one governor's dock, and all associated bumper piles at the West Ocean City commercial harbor.

Pursuant to a request from the Town of Berlin and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to send a letter supporting the town's request for a Maryland Department of Transportation grant to help cover the cost of phase one of the Rails to Trails project to develop a bike path adjacent to existing railroad tracks and connecting pedestrian-friendly, outdoor spaces in and around Berlin.

In response to a question by Commissioner Bertino, Mr. Young advised that County staff will make the Crossroads study on the sports complex more accessible on the County's website.

Commissioner Mitrecic stated that during the commissioners' May 10, 2022 budget work

session he had misunderstood the motion and voted to flat fund Atlantic General Hospital (AGH) at \$100,000, rather than at the requested amount of \$200,000 for FY23. He noted that AGH is the second largest employer in the County and depends upon County grant funding to leverage State and federal funding.

Upon a motion by Commissioner Nordstrom, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, and Elder voting in opposition, to award grant funds totaling \$200,000 in FY23 to AGH.

In response to questions by Commissioner Mitrecic, Commissioner Bertino provided an overview of two recent public meetings about the sports complex, including an informational discussion at a recent Berlin Planning Commission meeting, and a petition drive hosted by a citizen group to referendum whether the County may utilize bond funds to acquire the Harrison property adjacent to Stephen Decatur High School for use as a sports complex.

The commissioners answered questions from the press, after which they adjourned to meet again on June 7, 2022.