

Minutes of the County Commissioners of Worcester County, Maryland

June 18, 2024

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic (Absent)
Diana Purnell

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, 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) 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 Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Warden Tim Mulligan, Assistant Warden Shytina Drummond, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included the following: hiring Alexander Bjork as a correctional officer trainee within the County Jail and Sierra Council as the database administrator/programmer within Information Technology; promoting Matthew Tribeck from landfill operator II to landfill crew leader; considering the acquisition of real property for a public purpose; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments and County Jail operations.

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, the commissioners unanimously voted to adjourn their closed session at 10:04 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Davida Washington of Development Review and Permitting 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 June 4, 2024 meeting as presented.

Upon a motion by Commissioner Abbott, the commissioners unanimously approved by consent agenda item numbers 1 and 3-10 as follows: entering a memorandum of understanding with the Health Department, which will provide naloxone to the Jail to be provided to at-risk inmates upon their release; bid specifications for preventive maintenance services for County generators and dredging services within the West Ocean City commercial harbor; awarding the best proposal for the Needs Assessment for Children, Youth, and Families program in Worcester

County to BEACON of Salisbury University; allocating the remaining \$38,810 of the \$150,000 American Rescue Act Plan funding for the Berlin Fire Company to purchase equipment for the company's new engine and rescue; an application for a 2024 Patrick Leahy Bullet Proof Vest Partnership grant of \$7,650 to reimburse the Sheriff's Office for 50% of initial costs to purchase bullet proof vests and/or replacement vests; a \$700,000 in-kind County match for the annual grant to the Maryland Coastal Bays Program from the Environmental Protection Agency's National Estuary Program; updates to the Fair Housing and Equal Opportunity Plan, Section 3 Plan, and Minority Business Plan, which include no changes (these plans are required of the County as a recipient of Community Development Block Grant funding); and the FY25 BOE Transmittal Schedule.

The commissioners met with Public Works Director Dallas Baker and Procurement Officer Nicholas Rice to discuss the purpose and benefits of developing a Strategic Highway Safety Plan for Worcester County roads. In response to questions by Commissioner Bunting, Mr. Baker confirmed that developing the plan, which increases the County's eligibility for certain public funds, would likely be a one-time cost, with annual plan updates moving forward. He stated that the plan will be designed to collect data, which will help them identify crash areas in the County and improve roadway safety. In response to questions by Commissioner Bunting, Mr. Baker stated that the absence of a plan made the County ineligible for federal funds to refurbish the Hotel Road Bridge ahead of State funding for bridges, which is only available to the County every five to six years.

Upon a motion by Commissioner Elder, the commissioners unanimously approved bid specifications for transportation engineering services to assist the County with developing the proposed Strategic Highway Safety Plan.

The commissioners met with Superintendent of Schools Louis H. Taylor and Chief Financial Officer Vince Tolbert to review the revised FY25 Annual Budget Certification for Worcester County Public Schools. In response to questions from Commissioner Bertino regarding staffing reductions, Mr. Taylor stated that the Board of Education (BOE) eliminated six occupied contractual positions through the central office and six additional positions through attrition.

Upon a motion by Commissioner Abbott, the commissioners unanimously authorized Commissioner President Bertino to sign the revised FY25 BOE Annual Budget Certification.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-8 adopting the FY25 Solid Waste Enterprise Budget.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-9 adopting the FY25 Sanitary Service Area Budgets, Assessments, and Charges.

The commissioners met with Health Officer Becky Jones to discuss sending a letter requesting the State to review and adjust the Local Share Match Requirement for Core Funding for the Health Department. Ms. Jones stated that core dollars to the Health Department increased, and this triggered an increase in the County's core match from \$5 million in FY24 to \$11 million

in FY25. However, the State still has not defined the metrics or formula that determines the percentage for the County match. She advised that a State work group has been convened to look at the core dollars and provide their findings sometime this October. Commissioner Bertino clarified that there is no equation, formula, or other information that substantiates the increased County match. Ms. Jones agreed, noting the only information that County staff and local health officials could find regarding the local share was in a 1996 State PowerPoint, but nothing in COMAR binds the County to this match (percentage). She noted that Worcester County's match is 73%, the second highest rate in the State. However, she confirmed that COMAR does require the County to pay a match.

In response to questions by Commissioner Bunting, Ms. Jones confirmed that these increased funds will only come back to the Health Department if they can spend it, which currently they cannot. She stated that right now the Health Department cannot spend any core dollars on behavioral health, the department's largest area of need. Instead, they pursue separate grant funds to help offset those costs. She stated that the Health Department is the largest provider of behavioral health services in the County, and they are advocating for the ability to use core dollars to fund these services.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously authorized Commissioner President Bertino to sign a letter requesting the State adjust the Local Share Match Requirement for FY25.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the commissioners unanimously approved a Shared Sanitary Facility Agreement and adopted Resolution No. 24-10 establishing a shared sanitary facility for the All Seasons RV & Boat Storage, LLC for an onsite sewage system to serve a condominium with one building that will include contractor shops on a property located at 13222 Handy Lane in Bishopville and more specifically identified on Tax Map 9, as Parcel 301.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-11 establishing fees for applications processed by the Department of Development Review and Permitting (DRP) and the Department of Environmental Programs.

The commissioners conducted a public hearing to receive comments on Bill 24-03 (Zoning – Farm-based Slaughterhouses in the A-1 Agricultural District), which was introduced by Commissioners Abbott, Bertino, Bunting, Elder, Fiori, and Purnell on May 7, 2024. This bill would allow as a special exception use a structure no larger than 600 square feet in gross floor area for the slaughtering and processing of livestock, provided it is on a farm where the livestock is raised or maintained in the A-1 Agricultural District. DRP Director Jennifer Keener reviewed the bill, which received a favorable recommendation from the Planning Commission, with an amendment to include additional provisions for the Board of Zoning Appeals to require additional buffers and setbacks to protect the public from hazard based upon individual applications.

Commissioner Bertino opened the floor for public comment.

Mark Cropper, attorney for the applicant, Bob Ewell, advised that this bill would allow his client to construct a facility to slaughter his own cattle on his own farm located on Cropper

Island Road where he has been raising livestock for over 30 years. He stated that this new use would save Mr. Ewell roughly \$34,000 in costs to transport and slaughter cattle in another state before those same cattle are returned to him for custom butchering and sale at his roadside stand on U.S. Rt. 113, just north of Cropper Island Road. He reviewed plans for the facility, noting that all waste would be contained on the site and transported for disposal elsewhere, making the facility very low impact. He noted that the setbacks would ensure that the facility could not be seen or heard by the neighbors. Mr. Cropper then recommended the public hearing also include allowing slaughterhouses in both the A-1 and A-2 Agricultural Districts, and he explained that there is a separate application to rezone this section of Mr. Ewell's property as A-2. Commissioner Bertino stated that the purpose of the hearing today is only to consider whether to approve allowing slaughterhouses in the A-1 Zone. Ms. Keener stated that the Planning Commission reviewed Mr. Cropper's requested modification to include A-2 and chose not to include it in their recommendation. County Attorney Roscoe Leslie advised that the commissioners should only consider the application before them today to allow farm-based slaughterhouses in the A-1 district, as this was the information published for the public. He pointed out that there may be people who would have attended the hearing today if they had known about any considerations for A-2 zoning.

Demetrios Kaouris, attorney for Cropper Island Road residents who oppose the application, stated that this bill as drafted, with setbacks of 400 feet, is not sufficient to protect adjacent residents from unintended consequences from allowing slaughterhouses in the A-1 zone. Furthermore, he noted that this bill would open the door to allow anyone to construct a slaughterhouse in the A-1 zone, which could open a floodgate of requests for special exceptions. He pointed out that the slaughter of livestock requires heavy uses of water and sewer to treat, and the waste has the potential to heavily pollute area waters. Mr. Mitchell addressed waste treatment requirements. Mr. Kaouris then expressed concern that nothing in the statutes identify what it means for livestock to be maintained on a farm. Specifically, he addressed concerns that the ambiguity in the term "maintain" could make it possible for cattle to be transported to a farm in an A-1 district for a day, a week, or a month and then be slaughtered at a facility on that farm, thus opening the door for livestock raised elsewhere to be transported to a facility for the sole purpose of slaughter. He concluded that such uses are already permitted in the industrial zone, and he urged the commissioners to decline this text amendment. In response to a question by Commissioner Bertino, Ms. Keener stated that there is no outright definition within State language for the term "maintained." In response to a question by Commissioner Elder, Mr. Ewell stated that he could slaughter up to one cow per day in the proposed facility.

Pete Bottinelli of Cropper Island Road opposed Bill 24-03, noting concern that it could pollute, not protect, natural resources. In response to concerns raised by Mr. Bottinelli, Mr. Mitchell stated that no waste would be discharged on the property. Rather, it would be contained in holding tanks and be transported elsewhere for disposal.

Charles "Jerry" Gunzelman of Croppers Island Road stated that this location, with 60 homes and more undeveloped lots, seems like the worst place in the world to have a slaughterhouse. He stated that it should be in an industrial place and urged the commissioners to oppose Bill 24-03.

Linda Michelle Sardelis of Cropper Island Road stated that the addition of a slaughterhouse in the neighborhood where people have invested in their homes would adversely impact them and others throughout the county. She implored the commissioners to research and

understand the long-term ramifications of allowing such a use in the A-1 zone. She stated that, if the commissioners do adopt the bill, they should make it clear and concise to assure that it includes no room for ambiguity.

Assateague Coast Keeper Taylor Swanson pointed out that the County has historically recognized that slaughterhouses are only appropriate in industrial zoning where water and sewer infrastructure is in place to handle this type of intense use. He pointed out that there are A-1 zones in every district in Worcester County, with the exception of the Town of Ocean City, and he noted that all adjacent counties limit slaughterhouses to industrial zones. He concluded by pointing out that there are a lot of unanswered questions and urged the commissioners to oppose Bill 24-03.

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

In response to a question by Commissioner Fiori, Mr. Leslie stated that the commissioners can amend text amendments at the hearing; however, considering the addition of slaughterhouses in the A-2 zone would be a large material change to make without advertising the public that the commissioners may consider such a change. Commissioner Fiori noted that Worcester County is largely agricultural, and this request to slaughter animals that he raises for sale at a small roadside stand supports agricultural uses. In response to a question by Commissioner Elder, Ms. Keener stated that there are currently only seven A-2 properties that could meet the 140-acre size requirement for a slaughterhouse if the County adopted legislation allowing said use in that zoning district.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously adopted Bill 24-03 as presented.

The commissioners conducted a public hearing on Bill 24-04 (Zoning – Private, noncommercial storage buildings in the A-1 Agricultural District), which was introduced by Commissioners Abbott, Fiori, Mitrecic, and Purnell on May 7, 2024. This bill would allow private, noncommercial storage buildings on properties zoned A-1 without a principal residence by special exception. Ms. Keener reviewed the legislation, which received a favorable recommendation from the Planning Commission.

Commissioner Bertino opened the floor to receive public comment.

Jeff Mahan, of 11039 Worcester Highway, stated that he owns a 30-acre property zoned A-1 in Berlin where he and his partners built a facility to house classic cars, ATVs, minibikes, and other similar items in a pole barn. In response to questions by Commissioner Bunting, Ms. Keener advised that the County received a nuisance complaint about the storage of non-agricultural equipment on the property. Staff investigated the complaint and determined that the building does not have a Certificate of Occupancy and its use is for non-agricultural storage. She stated that there could be other buildings being used for non-agricultural uses; however, any investigations of such uses are strictly complaint driven. It was noted that the selected contractor misled the property owners into believing that they could permit the structure as an agricultural pole building and use it for personal storage. Furthermore, the contractor cut corners on the construction of the building, and it was only after seeking assistance from a new contractor that the owners learned that they needed to have a principal structure on the property to use the pole building for personal storage. Commissioner Fiori questioned how personal use of a pole building is anymore invasive than farm equipment, and he stated that he did not oppose allowing such uses as a special exception.

There being no further public comment, Commissioner Bertino closed the public hearing. A motion by Commissioner Fiori to adopt the proposed legislation failed for lack of a second.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Elder, the commissioners unanimously approved the FY25 Program Open Space Annual Program for Recreation and Parks.

The commissioners answered questions from the press.

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, with Commissioner Mitrecic absent, the commissioners unanimously voted to meet in closed session at 11:57 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 Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Jail Warden Tim Mulligan, Assistant Warden Shytina Drummond, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included discussing Jail operations.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to adjourn their closed session at 12:38 p.m. and agreed to meet again on July 2, 2024.