

Minutes of the County Commissioners of Worcester County, Maryland

August 6, 2024

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

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, 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, Executive Administrative Assistant Karen Hammer, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: promoting Savannah Guy from office assistant IV to license permit clerk and environmental compliance inspector within Development Review and Permitting (DRP) and Douglas Spraker from scale operator II to environmental compliance inspector within Solid Waste; transferring Ernie Bonneville from part-time landfill operator I within Solid Waste to part-time custodial monitor within Recreation and Parks; hiring Dashaun Tull as a transfer station attendant within Solid Waste, Amanda Sparacino as an office assistant IV in Recreation and Parks, Devin Bradford as a technician within Information Technology, Dustin Walker as the risk manager in Human Resources, Gary Pusey as a specialist III within DRP, Gwendolyn Reid as a correctional officer trainee in the County Jail, and Autumn Bennett, Elizabeth Cleckner, Jordyn Duerr, Shadae Grant-Howell, and Isabella Scheeler as emergency communications specialist trainees in Emergency Services; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to adjourn their closed session at 10:06 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 Reverend George Tasker of Abundant Life Apostolic Church of Pocomoke 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 July 16, 2024 meeting as presented.

The commissioners presented a years-of-service commendation to Sergeant Vincent

Palmer who is retiring following 27 years of service to the Worcester County Jail.

The commissioners presented commendations to middle and high school students involved in the SkillsUSA program at Worcester Technical High School (WTHS) who placed first in their fields during the 2024 Skills USA Maryland State Championships and in the top 10 in their fields during the SkillsUSA National Championships. These students include Cecilia Diehlman and Catrina Donmoyer for Mobile Robotics middle school; Asher Nichols and Nidhish Gupta for Robotics Urban S&R middle school; Maddison French, Catherine Miller, and Julia Knerr for American Spirit; Keith Savage for Automotive Maintenance and Light Repair; Lillian Jones, Kyleigh Powell, and Alayna Spagnola for Career Pathways; Skyler Nottingham for Advertising Design; Mandy Chau for Medical Math; Christofer Villarreal for Computer Programming; Julianna Wooden for Job Interview; and Annalee Holmes and Halle Lo for Web Design. The commissioners also presented commendations honoring Phillip Cropper for being named Advisor of the Year and recognizing WTHS, which earned Gold and Silver Chapter of Excellence Awards.

Upon a motion by Commissioner Fiori, the commissioners unanimously approved by consent agenda item numbers 2-8 as follows: turnover documents for the Refuge at Windmill Creek and accepting the facilities into the Ocean Pines Service Area water system and River Run Service Area water system for operation; turnover documents for Salt Life Park and accepting the utilities into the Mystic Harbour Service Area water system and West Ocean City Service area water system for operation; authorizing 100% County tax credits totaling \$12,272.79 for the three Ocean City Chamber of Commerce properties; using grant funds to purchase digital kiosks from TrueOmni for \$36,500 for use in the Welcome Center in Pocomoke that will provide visitors with information on things to do, places to see, eateries, and more; purchasing a mini excavator from Burke Equipment and Kubota through their competitive contract with Sourcewell for \$43,179.46 for use within the Roads Division; an over expenditure of \$70,120.15 to cover the full cost of automated external defibrillators (AEDs) purchased in October 2023 from Stryker Sales Corporation, with \$38,372 of the total cost of \$108,492.15 having previously been paid for utilizing encumbered funds; and a Beach to Bay Heritage Area mini-grant of \$2,500 for Tourism and Economic Development to develop a Pocomoke River Guide;

In response to a question by Commissioner Mitrecic, Public Works Director Dallas Baker confirmed that the County is not taking over operations for either the Refuge at Windmill Creek or the Salt Life Park plants.

Newly appointed Maryland Director of Rural Economic Strategy Carl Anderton introduced himself to the commissioners and invited them to share their ideas for how the State can best serve the needs of Maryland's 16 rural counties. He advised that he will be visiting each of the rural counties once per month and will share their ideas, including what can be done better and where the State should get out of the way, with Governor Wes Moore.

Commissioner Bertino stated that state senators, delegates, and the governors have ignored the county's concerns regarding prime tracts of agricultural lands being used for solar farms and plans to place windmills off the coast. He asked Mr. Anderton what his expectation for success would be in articulating and acting on these concerns. Mr. Anderton stated that they would find out together. He articulated that, as a former delegate, he has established a proven

track record of working across the isle and will take their concerns to the governor.

Commissioner Mitrecic stated that California is ranked number one in the nation for having the highest cost of doing business, and Maryland comes in second. He asked how the State and counties can continue to promote economic development in such a climate.

Commissioner Elder stated that Worcester County's top industries are agriculture and tourism, respectively, and the County is being attacked on both fronts. He advised that the State is usurping the County's zoning authority regarding where megawatt solar farms may be developed. Furthermore, the State is ignoring the County's concerns about the impact to aquatic life, commercial fishing industries, and tourism by permitting a windfarm to be developed off the coast of Ocean City. Impacts of such a move will decimate the fishing industry, particularly if the State approves the permit application filed by US Wind to construct a massive concrete pier on property at the West Ocean City commercial fishing harbor. He stated that County residents overwhelmingly oppose the development of a windfarm off the coast, and the State's refusal to consider the County's concerns are both outrageous and unacceptable. He concluded that developing large solar fields on farmlands is the equivalent of converting agricultural zones to industrial zones, while denying the County any benefit of such a conversion. He stated that Worcester County must have some control over its own destiny, for example, having the authority to regulate that large solar fields should be developed over parking lots, roofs, and old landfills. Mr. Anderton agreed that every parking lot should be covered. He also stated that he shares their concerns about agricultural zoning, noting that his lineage is farming, and his family still owns farms on Red House Road and Sand Road.

Following some discussion, the commissioners thanked Mr. Anderton for meeting with them and advised that they look forward to working with him.

Information Technology Director Brian Jones and Talkie Communications Chief Executive Officer Andrew DeMattia and Chief Operating Officer Andre DeMattia updated the commissioners on completed, current, and upcoming projects to extend broadband to unserved and underserved areas in the County. These included the completion of a project in the Whaleyville area and current construction projects nearing completion on MD Rt. 12 and the Public Landing and Stockton areas. Mr. DeMattia advised that they currently have 400 active subscribers within 250 miles of fiber optics being deployed. He also discussed how Talkie Communications is utilizing ARPA and ARDOF funds to complete projects on the Eastern Shore. He further advised that Talkie is now offering cellphone and television broadcasting services, and Talkie representatives are working closely with County Attorney Roscoe Leslie on a franchise agreement. Following some discussion, the commissioners thanked the DeMattias and Mr. Jones for their update.

Pursuant to the recommendation of Public Works Director Dallas Baker and upon a motion by Commissioner Elder, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve as an authorized over expenditure funding of up to \$6,000 to host Scrap Tire Day on Saturday, October 5, 2024, at the Central Landfill in Snow Hill.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to permanently implement the tare weight program at the Central Landfill. This program initially began as a three-month trial program.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized staff to develop a proposed Street Light Policy for their consideration that would create consistency in evaluating requests ranging from single lights to entire streets. Mr. Baker advised that \$130,000 is included in the budget to cover program costs.

The commissioners met with Procurement Officer Nick Rice and Mr. Baker to review the recommendation to award the contract for generator preventative maintenance services to Fidelity Power Systems at a total annual cost of \$36,450. In response to a question by Commissioner Bunting, Mr. Rice advised that there are 80 County generators. In response to a question by Commissioner Abbott, Mr. Rice explained that Fidelity previously had the contract and had recommended certain repairs at the County Jail that were not made in a timely manner; however, going forward all maintenance recommendations will be forwarded directly to Public Works to avoid a similar situation occurring in the future.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously awarded the contract to Fidelity, to include additional pricing for antifreeze services, and they directed staff to develop a request for proposals for fuel scrubbing.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review the request to abate nuisance conditions at 842 Colona Road in Pocomoke City and identified on Tax Map 99 as Parcel 12. Ms. Keener stated that the specific nature of the nuisance includes the accumulation of household trash located around the dwelling, as well as tall grass and weeds within the debris area.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously declared the property to be a public nuisance under the provisions of Subsections PH 1-101(a)(3), (5), (8), (10), and (14) of the County Code and agreed to send a letter to the property owner ordering the nuisance to be abated within 30 days following receipt of said letter or to request a hearing before the commissioners on this matter.

The commissioners met with Ms. Keener to review a text amendment application drafted by staff on behalf of the Board of Electrical Examiners to amend the permit exceptions associated with electrical service to an existing structure already connected with an electric service in the County. She explained that increasing the amperage of electrical service installed from 20 to 100 amperes will reduce the number of electrical permits required for service to structures like pre-existing sheds, hot tubs, and spas.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 24-7 (Electrical Standards – Permits and Inspections) and scheduled a public hearing on the bill for September 3, 2024.

The commissioners met with Ms. Keener to review a text amendment application submitted by Tracey Barnhart to amend the campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements. Ms. Keener advised that the Planning Commission gave the text amendment an unfavorable recommendation.

Following some discussion, Commissioner Fiori introduced the aforementioned text amendment as Bill 24-8 (Zoning – Detached Accessory Buildings and Off-Street Parking in Campground Subdivisions) and scheduled a public hearing on the bill for September 3, 2024.

Environmental Programs Director Bob Mitchell updated the commissioners on the status of a permit application submitted by US Wind to the Maryland Department of the Environment (MDE), which is now under review by the Maryland Board of Public Works (BPW). The application is to construct a 353-foot long by 30-foot wide concrete pier, with associated timber fenders within a maximum of 30 feet channelward of the mean high on adjacent properties within the West Ocean City commercial harbor. Mr. Mitchell stated that the pier, which is proposed to be located on property currently occupied by Martin Fish Company and Southern Connection Seafood, would result in the loss of wholesale and retail jobs in the seafood industry and effectively wipe out the County's fishing industry. Mr. Mitchell concluded that the comment period will close on August 20, 2024.

Commissioner Mitrecic stated that it appears that US Wind is going to pay commercial fishermen and buyers to cease operations, and he expressed alarm that MDE is treating this application like any other bulkhead project. He stated that this is detrimental to commercial fishing and would result in millions of dollars in lost fuel tax.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter to the BPW opposing the license application. The commissioners further agreed attend the BPW public hearing to be conducted on the permit application, with Commissioner Mitrecic to speak on behalf of the County. The commissioners agreed to invite Paul Ellington of State and Local Advisors, LLC, the County's lobbying firm, to attend the hearing with them.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint C.L. Marshal to the Tourism Advisory Committee.

Commissioner Mitrecic recommended implementing staggered terms for the Worcester County Commissioners, beginning with the 2026 elections. This would include reducing the term length for three to four commissioner seats to two years for one term only and maintaining the term length for the remaining seats for four years. The commissioners took no action on the recommendation.

The commissioners answered questions from the press, after which they adjourned to meet again on August 20, 2024.