

Minutes of the County Commissioners of Worcester County, Maryland

October 1, 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 Elder, seconded by Commissioner Bunting, 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, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: a personnel update; promoting Darcy Billetdeaux from parks crew leader to parks superintendent and hiring Chance Congleton as a program manager II within Recreation and Parks; hiring Thomas "Jason" Cooke as a plumbing inspector III within Environmental Programs; transferring Harold Roberts from landfill operator within the Solid Waste Division to correctional officer trainee and hiring Brandon Gilbow, Michael Sample, Musab Farah, Shane Kaufer, Terry Daniels, Donsheika Henry, and Elisha Kees as correctional officer trainees within the County Jail; receiving legal advice from counsel; discussing the acquisition of real property for a public purpose; 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 10:05 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 Mark Piedmonte of Buckingham Presbyterian Church in Berlin 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 September 17, 2024 meeting as presented.

The commissioners presented a proclamation to Deputy Fire Marshal Rob Korb proclaiming October 6-12, 2024 as Worcester County Fire Prevention Week and recognizing October as National Fire Prevention Month.

The commissioners presented a proclamation to Karen Hughes and Maxine Hilliard of

Life Crisis Center proclaiming October as Domestic Violence Awareness and Prevention Month.

Upon a motion by Commissioner Fiori, the commissioners unanimously approved by consent agenda item numbers 2-12 as follows: FY25 PACT, SOCM, and WAAG grant awards and acceptance packages for use within the Sheriff's Office; out-of-state travel for one staff member within the County Jail to attend a Wardens' Conference in Atlantic City, New Jersey October 8-10, 2024 and for two staff members within County Administration to attend the Association of Government Accountants Professional Development Training in Nashville, Tennessee July 26-31, 2025; a contract from Highland Tanks for a replacement steel collection tank for pump station I in the Ocean Pines Sanitary Service Area (SSA) for \$54,219; a contract from Sherwood-Logan and Associates, Inc. for a replacement pump for pump station T in the Ocean Pines SSA for \$51,795; a contract from Eastern Shore Lift Truck Company for a forklift for the Recycling Division for \$49,985; a contract from Questica for budgeting software for County Administration for a one-year subscription cost of \$139,861; transfer of the vacant senior accountant position in the Treasurer's Office to senior budget accountant in County Administration; and 911 Board grant applications for training expenses of \$2,520 and for recurring Worcester County 911 Center operation and maintenance expenses for up to \$225,000 for FY24 and up to \$250,000 for FY25.

In follow up to actions taken by the commissioners on August 6, 2024 and pursuant to the request of Development Review and Permitting Director (DRP) Jennifer Keener and upon a motion by Commissioner Abbott, the commissioners unanimously authorized staff to prepare a request for proposals for their consideration at a future meeting to abate the nuisance of a property located at 842 Colona Road in Pocomoke City and identified on Tax Map 99 as Parcel 12.

TurningPoint Energy (TPE) Project Manager Frances Yuhas and Kimley-Horn & Associates Civil Engineer Christopher Martin met with the commissioners, as part of a pre-application consultation. Ms. Keener advised that TPE is proposing a utility-scale solar energy system (5 MW AC) on MD Rt. 346 and identified on Tax Map 25 as Parcel 3, which is zoned R-2 Suburban Residential District. Ms. Keener advised that prior to applying to the Maryland Public Service Commission (PSC) a developer must either obtain local zoning approvals or perform a pre-application consultation with the local jurisdiction 90 days prior to filing the application. Ms. Keener stated that the location is not consistent with the County's Comprehensive Plan because it is in a growth area and a zoning district in which the County does not allow utility-scale solar projects. She then reviewed potential conditions to assure that protections are in place in the event that the PSC pre-empts the County and approves the application for this project.

Ms. Yuhas reviewed the proposed project, which she advised has been revised to reflect the recommendations of both the County and Town of Berlin. Commissioner Fiori expressed concern that the subject property is located in a growth area. In response to concerns raised by both Commissioners Bunting and Fiori, Ms. Keener reconfirmed that the County does not allow utility-scale solar projects in any residential district; however, the PSC has the final say in the siting of these projects. In response to comments by Commissioner Bunting, County Attorney Roscoe Leslie advised that the meeting today is a consultation, and the commissioners could

send a letter suggesting the PSC deny this project for the reasons stated. He further advised that they could also choose to adopt or modify staff's suggestions.

Upon a motion by Commissioner Bunting, the commissioners agreed to deny support for the project.

Pursuant to the recommendation of Warden Tim Mulligan and upon a motion by Commissioner Abbott, the commissioners agreed to renew the medical services contract with Wellpath through June 30, 2025 at a cost of \$1,822,336.

The commissioners conducted a public hearing to receive comments on the proposed FY25 General Fund Operating Budget Amendment. Budget Officer Kim Reynolds reviewed the changes, which include reducing the Local Core Match for the Health Department from \$11,022,108 to \$5,422,660, as well as funding of \$3,982,229 for three critical projects.

Commissioner Bertino opened the floor to receive public comment.

There being no public comment, Commissioner Bertino closed the floor.

Upon a motion by Commissioner Fiori, the commissioners unanimously adopted Resolution No. 24-14 Budget Amendment for FY25.

The commissioners conducted a public hearing to receive comments on Rezoning Case No. 445 to amend the Official Zoning Maps to rezone approximately 18.54 acres of land located on the northerly side of Purnell Crossing Road in Berlin from RP Resource Protection District to A-1 Agricultural District. Mr. Leslie swore in those individuals who planned to give testimony during the hearing. Ms. Keener reviewed the application, which received a favorable recommendation from the commissioners. She advised that the applicant's basis for rezoning is that there was a mistake in zoning the petitioned area RP on November 3, 2009.

Commissioner Bertino opened the floor to receive public comment.

Attorney Kristina Watkowski, speaking on behalf of her clients, reviewed the reason for the request, noting that her client intends to preserve and maintain the existing environmental features and forested area, while subdividing the property for three farmette lots, with minimal public impact. She stated that this reflects slow, smart growth, and she urged the commissioners to approve the rezoning, as it is more desirable in terms of the Comprehensive Plan.

Professional Land Surveyor Frank Lynch agreed that there had been a mistake in the zoning, and that the proposed rezoning is in conformance with the current Comprehensive Plan.

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

Following some discussion and upon a motion by Commissioner Bunting, the commissioners unanimously approved the requested rezoning and adopted the Findings of Fact.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved a \$21,337 over expenditure in the FY25 Recycling Division Budget due to increased fuel costs and an unplanned vehicle repair.

Pursuant to the request of Procurement Officer Nicholas Rice and Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously approved the purchase of a bail hoist roll off truck from Mid-Atlantic Waste Systems through a cooperative Sourcewell contract for \$323,885.60.

Pursuant to the request of Mr. Rice and Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously approved the purchase of a tandem dump truck with snowplow from Bergey's Trucks, Inc. through a cooperative Sourcewell contract for \$269,991.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously authorized staff to reduce the speed limit on Jones Road from 50 mph to 30 mph to address safety concerns.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Abbott, the commissioners unanimously accepted a donation of \$438,342.41 from the Hill Foundation to purchase and install a new playground at Newtown Park through Cunningham Recreation.

Pursuant to the request of Tourism and Economic Development Director Melanie Pursel and upon a motion by Commissioner Abbott, the commissioners unanimously approved the FY25 Media Plan.

Pursuant to the request of Ms. Reynolds and upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve the FY24 year-end budget transfers totaling \$557,277, which includes a transfer in the Sheriff's Office of \$214,140.11 to cover overtime. Commissioner Bertino reiterated that all departments and agencies seeking to transfer funds throughout the year must obtain approval from the commissioners before doing so.

Pursuant to the request of Ms. Reynolds and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved FY24 Reserve for Assigned Encumbrances totaling \$1,167,798.

Pursuant to the request of Chief Administrative Officer Weston Young and upon a motion by Commissioner Mitrecic, the commissioners unanimously adopted Resolution No. 24-15 establishing the Worcester County Paramedic Scholarship Program, converting the previous pilot program to a permanent program, which provides reimbursement for up to two residents to receive 80% tuition reimbursement after obtaining their paramedic certification at Wor-Wic Community College.

Upon a motion by Commissioner Abbott, the commissioners unanimously authorized Commission President Bertino to sign a letter to the State Soil Conservation Committee supporting a request for longtime Worcester Soil Conservation District Board member and Professional Land Surveyor Gregory Wilkins to continue serving on the board and to waive the annual minimum meeting requirement for him in instances in which there is an overlap of both the SCD and Board of Zoning Appeals where he is frequently required to provide testimony.

Pursuant to the request of Mr. Young and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a strongly worded letter to the Maryland Department

of the Environment opposing the proposed regulations to implement the building electrification requirements associated with the Climate Solutions Now Act of 2022. Mr. Young stated that there are number of private and public buildings that would be impacted, and it is likely that enforcement would be pushed down to the local level. Commissioner Mitrecic stated that this would be devastating to the County and private businesses, which would be charged escalating fines for noncompliance.

The commissioners answered questions from the press.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter to Governor Wes Moore seeking his assistance to address an alarming situation in which insurance companies are refusing to issue or renew home insurance policies for older mobile and manufactured homes in Ocean City.

In response to concerns raised by Commissioner Abbott, Mr. Young agreed that County staff would support and publicize a donation drive being spearheaded by Sara Chapman of Eastern Shore Lanes to provide emergency relief to McDowell County, North Carolina residents impacted by Hurricane Helene.

Following a motion by Commissioner Fiori, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 11:17 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, and Public Information Officer Kim Moses. Topics discussed and actions taken included receiving legal advice from counsel and discussing the acquisition of real property for a public purpose.

The commissioners answered questions from the press, after which they adjourned to meet again on October 15, 2024.