

Minutes of the County Commissioners of Worcester County, Maryland

October 15, 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, and Public Information Officer Kim Moses. Topics discussed and actions taken included the following: discussion of acquisition of real property for a public purpose; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 9:52 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 Davida Washington of Liberty Church on Rock in Snow Hill 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 October 1, 2024 meeting as presented.

The commissioners presented a proclamation recognizing October 15, 2024 as White Cane Awareness Day in Worcester County. Due to an unexpected scheduling conflict, Amy Crouse of Blind Industries of Maryland in Salisbury was unable to attend the meeting.

The commissioners presented a proclamation recognizing October 21-25, 2024 as Economic Development Week to Tourism and Economic Development Director Melanie Pursel and other economic development professionals from across the County.

Upon a motion by Commissioner Elder, the commissioners unanimously approved by consent agenda item numbers 2-8 and 10-13 as follows: bid specifications to update the 2004 Affordable Housing Report and Substandard Housing Study, to abate nuisance conditions at 842

Colona Road in Pocomoke City, to obtain site and civil engineering services to improve parking conditions at John Walter Smith Park, to renovate the bathrooms at John Walter Smith Park and Newtown Park, and to purchase and install five new overhead doors at the Central Landfill; a Sunset Avenue sewer relief line design change order totaling \$6,750; a request from the Ocean City Volunteer Fire Company for \$125,210.71 in remaining American Rescue Plan Act funds; a Memorandum of Understanding with the Maryland Department of Natural Resources for funding to update the County's nuisance flood plan; a draft letter addressing the commissioners' vote relative to the Turning Point Energy consultation on October 1; Findings of Fact and Zoning Reclassification Resolution for Rezoning Case No. 445; and a letter to federal representatives opposing heavier trucks, which was drafted at the request of the Coalition Against Bigger Trucks.

The commissioners met with Procurement Officer Nicholas Rice to review a request from the Worcester County Firemen's Association to purchase 30 EV safety plugs from Municipal Emergency Services for \$27,598.50 to be distributed to each fire company. In response to questions by Commissioner Bertino and upon a motion by Commissioner Elder, the commissioners unanimously agreed to table further discussion on this item to obtain more information regarding a statement made by Berlin Fire Company President David Fitzgerald that the existing EV plugs place the cars in a sense of false charge mode. Mr. Taylor stated that the total State allocation for both projects is \$48,901,000.

Pursuant to the request of Superintendent of Schools Louis H. Taylor and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the Memorandum of Understanding (MOU) between the commissioners, Board of Education, and Interagency Commission on School Construction (IAC), committing State funding totaling \$48.9 million for the funding and construction of two Worcester County Public Schools: \$25.8 million for a new 91,000-square-foot Buckingham Elementary School (BES) and \$23.1 million for a new or renovated 94,000-square-foot Berlin Intermediate School (BIS). The commissioners also approved design of the BES and BIS school construction agreement and authorization to proceed with design of the BES replacement project.

In response to questions by Commissioner Bunting, Mr. Taylor stated that it is projected to cost \$47 million to replace BES, with a County cost share of \$25.6 million. He stated that construction of a new BIS is too far out to provide an accurate cost projection, but the initial estimate is \$86 million, with a County cost share of approximately \$57 million. In response to questions by Commissioner Bertino, Mr. Taylor stated that the design of BES is scheduled to begin in January 2025, with construction to begin summer 2027 and be completed in summer 2029 and BIS construction is scheduled to begin summer 2029 and be completed by summer 2031.

Commissioner Abbott urged the BOE to include Procurement Officer Nicholas Rice in the school construction bid process due to his experience.

Pursuant to the request of Mr. Taylor and upon a motion by Commissioner Mitrecic, the commissioners voted 5-2, with Commissioners Abbott and Bunting voting in opposition, to assign FY24 BOE budget surplus funds of \$795,918 or 0.63% of the overall budget as follows: \$567,011 as FY26 revenue as required, and \$228,907 budgetary surplus to be allocated to fund

FY25 after school programs.

Commissioner Bertino questioned whether surplus funding is supposed to be allocated for Other Post Employment Benefits (OPEB). Mr. Taylor stated that the commissioners determine where to allocate surplus funds, noting that prior year surpluses have been allocated for both OPEB and other programs. BOE Chief Financial Officer Vince Tolbert stated that as part of the FY22/FY23 budgetary process the commissioners decided that surplus funds were to be allocated for OPEB; however, in later budgets the commissioners had not allocated surplus funds to OPEB.

Intergovernmental Relations Director Dominic Butchko and Legislative Director Kevin Kinnally of the Maryland Association of Counties met virtually with the commissioners to discuss solar legislation to be introduced by the 2025 Maryland General Assembly, which the organization believes would provide predictability for communities, counties, industry, and the state; enhance synergies between Maryland's clean energy and land preservation goals; and clarify gray areas related to county authority.

Mr. Butchko reviewed current State law, as outlined in a 2019 court case decision clarifying that any decisions made by a local jurisdiction regarding solar projects of two megawatts (MW) or greater can be overturned by the Public Service Commission (PSC). He noted that the State has an aggressive renewable energy goal to achieve 14.5% solar energy generation by 2035, the summer capacity auction¹ was 800% higher than normal, and the upcoming winter capacity auction is projected to be 150% higher, which could equate to a 30% utility rate increase for users. With regard to local autonomy, this means that the General Assembly is going to be motivated to increase renewable energy generation. Mr. Butchko explained that the State has decided where solar farms can be developed, and though the County cannot stop a project from being developed in a rural, agricultural area, MACo has included siting standards within the bill to preserve local controls over things like setbacks, decommissioning, and bonding, as well as a compensatory preservation contribution.

Mr. Kinnally stated that the solar industry understands that the only way the State will be able to meet its aggressive climate goals by 2031 will be to allow more solar everywhere. He then noted that the PSC must give due consideration on each project for these factors: the position of local government on a project, whether a project is consistent with a county's comprehensive plan and zoning, and any efforts to resolve disputes raised by affected parties. He noted that in a lot of ways this is a property rights issue of landowners deciding they want to lease their land for solar, and the Farm Bureau has not decided where it wants to be on this issue, which complicates things. Mr. Kinnally stated that MACo has tried to provide tax incentives for developers to put solar on large commercial rooftops on the Western Shore to alleviate some of the pressure on the Eastern Shore.

Commissioner Fiori stated his concerns regarding how to determine the proper bond rate for a project, noting that solar panels are made of hazardous materials that cannot be recycled and are difficult to landfill. Mr. Butchko stated that an assessment to evaluate the cost to decommission a solar field would be needed to determine the bond. In response to Commissioner Fiori's concerns regarding solar fields taking agricultural lands designated for crop production out of commission, Mr. Butchko stated that it is difficult to make the argument for or against the

¹ Capacity auctions inform what utility rates are going to be.

use of agricultural fields in solar because the Farm Bureau has taken no position in this matter.

In response to questions by Commissioner Bertino, Mr. Butchko reviewed the timeline for decommissioning a solar field after it has gone dark for 12 consecutive months. He noted that there would be no downside to the County holding the bonds on solar projects. Following further discussion, the commissioners thanked Mr. Butchko and Mr. Kinnally for their update.

The commissioners conducted a public hearing on petitions to sell an agricultural easement to the Maryland Agricultural Land Preservation Foundation (MALPF) on each of the following properties: 96.75 acres identified on Tax Map 99 as Parcel 27 owned by Larry and Deborah Guy, 144.92 acres identified on Tax Map 91 as Parcel 59 owned by Percy Maddux, and 130.02 acres identified on Tax Map 99 as Parcel 49 owned by Percy Maddux.

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 agreed to submit all three applications to MALPF for appraisal and further consideration for purchase of agricultural easements.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved an over-expenditure to purchase a limited subscription for a work order system from IWORQ for use within the Water and Wastewater Division at a cost of \$29,100 the first year and \$17,500 annually thereafter. Mr. Baker stated that this software will allow the County to meet pending requirements from the Maryland Department of the Environment.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved a contract from Carter's Electric Service for \$34,710 to install electrical components of the previously purchased ultraviolet disinfection equipment at the Ocean Pines Wastewater Treatment Plant. Because the actual price exceeded budgeted funds of \$20,470 for this purchase, the commissioners also authorized an over-expenditure of \$14,240 to cover the remaining cost.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously approved an intergovernmental loan totaling \$1,525,000 from the General Fund to purchase radio read water meters from Core & Main for \$1,363,245 and adaptor components at an estimated cost of \$161,755 for use within the following service areas: \$1,409,280 for Ocean Pines, \$99,547 for Mystic Harbor, and \$16,173 for Newark. In response to concerns raised by Commissioner Bunting, Mr. Baker confirmed that annual debt service payments will be made from the three service areas to repay this 10-year loan.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved an over-expenditure of \$64,003.76 from the Solid Waste Division Budget for improvements to the administration building at the Central Landfill in Newark. In FY24, \$100,000 was budgeted for the project; however, only \$35,996.24 was spent on improvements during that fiscal year.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the FY25 grant agreement for funding for the County Rural Legacy Areas (RLA) RLA Grant Agreements, awarding \$800,000 for the newly approved Bishopville-Showell RLA and \$585,000 for the Dividing Creek RLA.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review a text amendment application drafted by staff to establish cannabis dispensaries as a special exception in the C-1 Neighborhood Commercial, C-2 General Commercial, and C-3 Highway Commercial Districts and to establish specific parking requirements for the use and stacking space requirements for any facility that proposes a drive-through.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned text amendment as Emergency Bill 24-09 (Zoning – cannabis dispensaries) and scheduled a public hearing on the bill for November 19, 2024.

The commissioners met with Senior Budget Accountant Lynn Wright to schedule a public hearing on the requested five-year Capital Improvement Plan (CIP) FY26 – FY30. Projects totaling \$267,807,763 are proposed over the five-year period. Of the proposed projects, \$87,394,985 or 33% are proposed to be funded by the General Fund and \$68,246,169 or 25% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, assigned funds, and enterprise fund bonds. Ms. Wright reminded the commissioners that the CIP is strictly a planning document, and a project's inclusion in the CIP does not constitute funding approval. Rather, each project will be considered and if approved will be refined as details come to light and as projected revenues are known.

Upon a motion by Commissioner Fiori, the commissioners unanimously agreed to schedule a public hearing to receive public comment on the requested five-year CIP FY26 – FY30 as presented.

Chief Administrative Officer Weston Young advised the commissioners that the Maryland Public Service Commission (PSC) is accepting comments on a US Wind application to revise and expand its offshore wind project off Maryland's coast. The deadline for comments is November 1, 2024. Upon a motion by Commissioner Fiori, the commissioners unanimously agreed to send a letter opposing the application.

Commissioner Abbott updated the commissioners on the success of a local initiative to provide relieve to those impacted by Hurricane, noting that to date 13 tractor trailers from the area have delivered supplies to areas hardest hit in North Carolina.

The commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 11:35 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, Budget Officer Kim Reynolds; Public Information Officer Kim Moses, Enterprise Fund Controller Quinn Dittrich, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: transferring Utility Mechanic I Mason Kinard to scale operator and hiring William Murphy as a landfill operator II and Glenn Colona as a part-time landfill operator I within the Solid Waste Division; hiring Brian Kohut as a construction supervisor within the Water and Wastewater Division; promoting Parks Worker VI Ryan Blevins to parks crew leader within Recreation and Parks; and hiring Montrolus Chisum and Sharell Fountain as correctional officer trainees within the County Jail, and other personnel matters; receiving legal advice from counsel; and performing administrative functions, including receiving monthly financial updates and an Emergency Number Systems Board grant update.

Following a motion by Commissioner Abbott, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 12:36 p.m. to meet again on Wednesday, November 6, 2024.