

Minutes of the County Commissioners of Worcester County, Maryland

April 19, 2016

Madison J. Bunting, Jr., President
Merrill W. Lockfaw, Jr., Vice President
Anthony W. Bertino, Jr.
James C. Church
Theodore J. Elder
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Bertino, seconded by Commissioner Mitrecic, 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 Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: promoting Michael McClung from Scale Operator to Recycling Coordinator and posting to hire a Scale Operator within the Solid Waste Division of Public Works; posting to hire a Court Administrator for the Circuit Court; discussing personnel matters regarding the Liquor Control Exit Strategy; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their March 22, 2016 Budget Work session and the open and closed minutes of their regularly scheduled April 5, 2016 meeting as presented.

The Commissioners presented a commendation to Pocomoke High School senior Ethan Taylor in recognition of his service as Worcester County's Page to the 2016 Maryland General Assembly and for demonstrating academic excellence and a great potential for leadership.

The Commissioners presented a commendation to members of the Pocomoke High School Varsity Boys' Basketball Team, the Warriors, for bringing home the 2016 Maryland Class 1A Basketball Championship title to Pocomoke City and expressed pride in their accomplishment. Those in attendance included head coach Derrick Fooks, assistant coach Anthony Tull, and team members Tyler Nixon, Leander Roberts, IV, Tyrone Matthews, John Paul Chamberlain, Kwamaine Atkins, Tyree Thornton, Jerrick Johnson, Desmon Corbin, Antonio Beckett, Tyrique Beauford, Licurtis Whitney, and Brent Fletcher.

The Commissioners presented a commendation to Pocomoke High School (PHS) Principal Annette Wallace for being named the 2016 Maryland High School Principal of the Year by the National Association of Secondary School Principals for providing exceptional leadership and for building and sustaining a school climate of academic excellence where student achievement abounds. Ms. Wallace, who graduated from Worcester County Public Schools, stated that her success is due in large part to the amazing leadership team that is in place at PHS and the students.

Pursuant to the request of Social Services Assistant Director of Services Roberta Baldwin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the Emergency and Transitional Housing and Services (ETHS) and Homeless Prevention Program (HPP) grant application for Social Services to prevent homelessness and to help improve the quality of existing emergency and transitional shelters for the homeless. Ms. Baldwin stated that, if awarded, the grant, which is funded through the Maryland Department of Human Resources, will provide \$20,484 for ETHS funding and \$4,822 for HPP funding to assist Diakonia, the Samaritan Shelter and the Worcester County Department of Social Services.

The Commissioners met with Fire Marshal Jeff McMahan to discuss a request from the Federal Bureau of Investigation (FBI) to conduct a small explosive demonstration at the Langmaid Road Borrow Pit in Newark during a law enforcement executive development seminar in Ocean City on May 6, 2016. In response to a question by Commissioner Elder, Mr. McMahan advised that the demonstration will be smaller than in previous years and under one pound of explosives, making it unnecessary to contact area property owners about the test, as the projected noise level will be significantly less than that of prior years. He stated that the explosions will sound much like gunshots. Following some discussion and upon a motion by Commissioner Church, the Commissioners approved the request.

The Commissioners met with Public Works Director John Tustin to review the bids received to upgrade the Ocean Pines Vacuum Pump Stations A and F in Ocean Pines. Mr. Tustin stated that the three bids received for the project, including the low bids of \$604,000 for Pump Station A and of \$610,000 for Pump Station F, both from Hopkins Construction, Inc. of Bridgeville, DE, significantly exceed the \$400,000 budgeted for each of these projects. Therefore, he recommended rejecting all bids and allowing staff to revise the bid documents and scope of work to reduce project costs and rebid again in the future. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously concurred with Mr. Tustin's recommendations and rejected all bids accordingly.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the low bid which fully met the specifications for the purchase of galvanized steel corrugated metal pipe and plastic pipe to Lane Enterprises, Inc. of Bealeton, VA at a total cost of \$18,993.60.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner

Lockfaw, the Commissioners unanimously agreed not to accept the commercial portion of Manklin Creek Road or Commons Drive into the Inventory of Public Roads of Worcester County. At their meeting of January 21, 2014 the Commissioners adopted Resolution 14-2 amending the Inventory of Public Roads of Worcester County to include three Pennington Commons residential roads: Pennington Place, Emory Drive, and Commons Drive. At that time the commercial portion of Manklin Creek Road and Commons Drive was not included in the resolution. It has since been determined that the commercial portions of the roads were not built to County standards and are not required to be included in the Inventory of Public Roads. Through this action, it will be clear that the commercial roads are no longer being considered for inclusion as public roads.

The Commissioners met with Deborah Darden, Assateague Island National Seashore Superintendent, to review in PowerPoint form the draft General Management Plan/Environmental Impact Statement (GMP/EIS) for Assateague Island National Seashore, which outlines four alternatives to manage changes that are occurring on the island as a result of climate change and sea level rise. Ms. Darden advised that the park was established as a national seashore in 1965, and the current GMP is more than 34 years old and needs to be updated to address how resources are managed, what visitors experience and do, what kinds of facilities are available, how visitors get to and move around the seashore, and boundary adjustments. She outlined the four alternatives as follows: 1 - continue with current management practices in effect today; 2 - concentrate on traditional beach recreation; 3 - sustainable recreation and climate change adaptation; or 4 allow the seashore to evolve naturally with a more primitive island experience. Ms. Darden advised that, after completing a rigorous planning process that involved elected officials, stakeholders, partners, and the public, the park service identified Alternative No. 3 as the preferred alternative to help set a successful path for the seashore's future, as it would expand opportunities for sustainable recreational use of the seashore while preparing for and adapting to climate change over an extended period of time. Main ideas in Alternative No. 3 include the following: sustainability decisions regarding visitor access and facility development; sustainable design of visitor infrastructure on and off the island based on the magnitude of island shifts; property acquired to expand mainland developed zone to relocate administrative complex and transportation parking, and possibly a ferry terminal; over sand vehicle (OSV) use management for maximum flexibility; one to three new departure points on the mainland to support water-based access to the island; one to three new bayside access points to the island; north end use allowed only with docking permit; and support for partner efforts to acquire conservation easements and other legal interests in land within the Chincoteague Bay watershed to protect water quality and to enhance coastal resilience.

Environmental Programs Manager Bob Mitchell recommended providing written comments to the National Park Service (NPS) that outline County concerns as follows: request assurances regarding commitments beyond the 12-year project time frame for the placement of dredged sand on the north end of Assateague Island, which should include review of U.S. Army Corps of Engineers budget for the renewal of the existing long-term sand replenishment project; recognition of the long-term planning and dredging efforts to combat shoaling in the Ocean City inlet and the additional materials that may be generated if funding for more aggressive dredging actions are secured for placement in the northern end of Assateague, where over wash and

breaching are real concerns for developed properties on the mainland along MD Rt. 611 adjacent to this area; determining under what conditions the NPS could foresee an abandonment of the Verrazano Bridge that currently is used to access the island from the mainland; concerns over the movement westward to the mainland with infrastructure improvements and intensification of existing properties; and whether additional water access points would be linked with ongoing planning and visioning for the Berlin to Assateague corridor trail system.

In response to a question by Commissioner Bunting, Ms. Darden advised that dredging efforts are constrained by the budget, which provides annual funds of \$600,000. She stated that previous efforts seem to have stopped the westward movement of the island. Commissioner Bunting encouraged dredging to continue in order to move sand from the shoal to the beach on Assateague.

Commissioner Bertino stated that he could not support the proposal to require a docking permit to use the northern end of Assateague. Commissioners Bunting and Church agreed. Commissioner Bertino also suggested that floating facilities are not needed to support users on the north end of Assateague either.

Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously authorized staff to develop a written response that outlines the concerns that have been addressed to be submitted before the May 1, 2016 comment deadline.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 16-3 (Natural Resources - Nonprofit Offices in Resource Conservation Area), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell on March 15, 2016. Environmental Programs Director Bob Mitchell reviewed the bill, which would amend the Natural Resources Article to add an additional land use to be permitted within the Resource Conservation Area (RCA) of the Atlantic Coastal Bays Critical Area, Section NR 3-108(d)(9) to permit an office and/or establishment utilized by a nonprofit environmental conservation and land preservation organization within the RCA. Mr. Mitchell advised that the Maryland Critical Area Commission (CAC) and staff favorably recommend passage of the bill.

Commissioner Bunting opened the floor to receive public comment.

Attorney Hugh Cropper, who submitted the original text amendment application on behalf of Ayres Creek Family Farm, LLC, asked the Commissioners to adopt Bill 16-3 as presented based on support for the bill by staff and the Critical Area Commission in Annapolis.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Bill 16-3 (Natural Resources - Nonprofit Offices in Resource Conservation Area) as presented.

Commissioner Bunting closed the legislative session.

Pursuant to the recommendation of County Attorney Maureen Howarth and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Church voting in opposition, to authorize Commission President Bunting to sign a Memorandum of Understanding (MOU) between K. Timothy VanVonno and Catherine J. Vanvonno and the County Commissioners of Worcester County, Maryland to relocate injection wells from the VanVonno property in the Mystic Harbour Service Area. Ms. Howarth advised that, on February

19, 2015, the Commissioners approved the proposed relocation of six injection wells on the VanVonno's property, which is identified on Tax Map 27 as Parcel 691, Lot 440A, and directed staff to draft an MOU with the VanVonnos, with the County agreeing to coordinate the work and the VanVonnos to cover all related costs. Commissioner Church explained that he was opposed to the VanVonnos being required to pay for the relocation of the wells.

Pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to extend the contracts for legal advertising services for an additional year through December 31, 2016 from both The Daily Times Group (The Daily Times, Worcester County Times and Ocean Pines Independent), which serves the entire County, at \$1.00 per line (which is equivalent to the prior cost of \$8.00 per column inch) and the Ocean City Today Group (O.C. Digest/O.C. Today), which serves northern Worcester County, at \$3.00 per column inch. Mr. Shannahan advised that awarding bids to both organizations allows the County to maximize exposure and ensures future competition. Mr. Shannahan explained that the conversion to a per line rate with The Daily Times Group was required due to the more narrow columns under the revised format of The Daily Times Group newspapers.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Bunting to sign the Agreement of Sale between Willis E. Redden and Kathryn E. Redden (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy Area (RLA) easement on a 118.27-acre property located on the north side of Stockton Road and more specifically identified on Tax Map 85 as Parcel 54. Mr. Mitchell advised that the County used a "before and after" appraisal method to determine the easement purchase payment of \$2,127 per acre, which the property owners have accepted. He further advised that the easement cost would be fully funded by the State, with no County match required or provided.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the FY17 Critical Area Grant Agreement awarding the County \$13,000 to cover a very small portion of the County's actual cost to administer the Chesapeake and Atlantic Coastal Bays Critical Area Programs.

The Commissioners answered questions from the press, after which they adjourned to meet again on May 3, 2016.