

Minutes of the County Commissioners of Worcester County, Maryland

July 5, 2017

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

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), (3), 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; Stacey Norton, Human Resources Director; Merry Mears, Economic Development Director; and Donna Bounds, Jail Warden. Topics discussed and actions taken included: promoting Lauren Waddell from Accounting Clerk I to Document Imager III within the Document Imaging Division of the Treasurer's Office; hiring Patrick Murray and Brandon Barrier as Transfer Station Attendants for the Solid Waste Division of Public Works; promoting Quintin Dennis from Lieutenant to Assistant Warden at the Jail; posting to fill a vacancy for an Assistant State's Attorney, and staffing for the Pocomoke Retail Liquor Store pending settlement; considering acquisition of real property for public purposes; meeting with Warden Donna Bounds regarding Jail operations; 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 June 20, 2017 meeting as presented.

The Commissioners received objections and other public comment on their intent to dispose of a dilapidated structure, located on one of the islands at Greys Creek Nature Park south of Williamsville Road just south of the Maryland-Delaware state line and more specifically identified on Tax Map 11 as Parcel 2, through a controlled burn training exercise to be conducted by the Ocean City Volunteer Fire Company (OCVFC). Environmental Programs Director Bob Mitchell advised that due to the presence of an osprey nest, which was recently discovered, the controlled burn will take place in fall 2017, after the osprey have vacated the nest they built on

the roof of the dilapidated structure.

There were no public objections or comments.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to dispose of the property through a controlled burn training exercise by the OCVFC. Upon a further request by Commissioner Mitrecic, Mr. Mitchell agreed to ensure that the postings of the structure below the water line are also removed to protect a future hazard to boaters who may land on the island.

The Commissioners and Human Resources Director Stacey Norton met with Pocumoke High School (PHS) Technology Teacher Paul Becker and two of his students, Dominique Farrace and Courtnee Logan, to review the recruitment video they produced for Worcester County. Ms. Norton advised that this new tool will be used at job fairs and special events to attract prospective employees to the County, and she thanked Mr. Becker and his students for working closely with County staff to develop the video. Mr. Becker commended his students, who captured and edited 164 minutes of film footage into a seven-minute video that presents a picture of the many career opportunities available within the various County departments. Superintendent of Schools Lou Taylor thanked the Commissioners for inviting PHS students to partner with them on this project, and he stated that the final product is the latest example of how much they can accomplish by working together. Commissioner Bunting agreed and thanked the school system for sharing their best and brightest with the County to produce this fine project.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Church, the Commissioners unanimously authorized the County Jail to participate in the Justice Information Sharing Solutions Project through the Governor's Coordinating Offices to share inmate and institutional records across agency and jurisdictional boundaries by connecting existing jail information systems to the Criminal Justice Dashboard. Warden Bounds advised that funding is provided by the State, and participating agencies would benefit from the program by receiving vital information about inmates who transfer between institutions that would better help them prepare to head off potential issues by being aware of past assault behavior and mental health issues. In response to a question by Commissioner Bunting, Warden Bounds advised that, even though information has only been available about this program for a few weeks, eight jurisdictions and now Worcester County have already committed to participate.

Pursuant to the request of Health Department Fiscal Officer Julia Parker and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Bunting to sign the Core Public Health Services Funding Agreement between the Department of Health and Mental Hygiene (DHMH) and Worcester County from July 1, 2017 through June 30, 2018, which certifies that Worcester County will contribute \$5,503,824 and the State will contribute \$744,994 (consisting of \$703,788 in State funding and \$41,206 in federal funding) of the FY18 Worcester County Health Department budget of \$6,248,818.

Pursuant to the request of Recreation and Parks Director Paige Hurley and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized staff to submit a Maryland Department of Natural Resources (DNR) Public Access and Water Trails Technical

Assistance Application to receive assistance from DNR to conduct surveys and collect data to develop a concept plan for potential water access and water trails at the Greys Creek Nature Park in northern Worcester County. Parks Superintendent Bill Rodriguez reviewed the history of park acquisition and partnership with the Maryland Coastal Bays Program (MCBP) to develop concept plans to create a passive, sustainable park that supports ecotourism and requires only minimal maintenance, with the MCBP to present a comprehensive park plan for the Commissioners consideration in early 2018. Commissioner Bunting thanked staff for partnering with the MCBP to develop an outstanding plan and for rerouting public access to the park by way of Williamsville Road; thereby bypassing former park access through the private community of Hidden Harbor.

Pursuant to the request of Fire Marshal Jeff McMahon and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the proposal from George, Miles & Buhr (GMB), LLC of Salisbury, Maryland in the amount of \$5,700 to perform a structural condition survey of the 38-year-old fire tower located at the Fire Training Center at Central Site Lane in Newark, and provide recommendations for repairs and weather protecting, as specified in their proposal dated January 23, 2017 for a lump sum fee of \$5,700. Mr. McMahon advised that multiple agencies, including fire, law enforcement, military, and school Junior Reserve Officer Training Corps (JROTC) programs, use the facility, and funding is available within the FY17 budget for this project.

The Commissioners met with Emergency Services Director Fred Webster to discuss staff's recommendations with regard to meeting emergency radio communications requirements. Mr. Webster reviewed the request, noting that Emergency Services staff have been working diligently to address public safety communications needs in the West Ocean City (WOC) area, specifically regarding the communications equipment on the current Mystic Harbour water tower. Because the Maryland Aviation Administration advised that mounting the necessary antenna on the existing water tank would intrude into navigable air space, he advised that the next best alternative would be to construct a freestanding radio communications tower at a site staff has identified at the Mystic Harbour Wastewater Treatment Plant (WWTP) property. However, because this property is limited in size and located within a highly developed area, the project would need to be exempt from the setback and separation distance requirements in County Zoning and Subdivision Control Article Section ZS 1-104(d). Mr. Webster advised that staff encountered the same problem when preparing plans to construct the new Mystic Harbor WWTP; therefore, the Commissioners had exempted that project from the requirements of ZS 1-104(d), based on the public need for the project. Mr. Webster then asked the Commissioners to exempt this project as well, based on the need for the project to provide adequate public safety.

In response to a question by Commissioner Mitrecic, Development Review and Permitting Director Ed Tudor stated that 11 properties abut the site of the proposed radio communications tower, but there are several other properties within the Code required separation distance.

Upon a motion by Commissioner Church, the Commissioners unanimously declared their intent to exempt the Emergency Services communications tower as a County Project and to notify adjacent property owners about the project exemption and invite them to attend a public

hearing to provide comments on August 15, 2017.

In response to a question by Commissioner Bertino regarding the justification for exempting this project from the Zoning Code, Mr. Webster advised that current emergency communications radio coverage is spotty at best in the area of MD Rt. 707 in WOC, and the new tower will resolve this public safety issue.

Pursuant to the request of County Engineer Bill Bradshaw and upon a motion by Commissioner Elder, the Commissioners unanimously approved a Change Order for the Berlin Branch Library project in the amount of \$3,500 to bury an existing overhead electric line located 15 feet from the site of the new building while installing the new library service feed. Mr. Bradshaw advised that burying the line in an easement will improve site construction safety, building aesthetics, and future maintenance access.

The Commissioners met with Mr. Tudor to review the Nuisance Abatement request for the former Planted Pleasures Garden Center property, which is identified on Worcester County Tax Map 21 as Parcel 110 and located at 10307 Racetrack Road south of Ocean Pines, and which is now abandoned. Mr. Tudor stated that DRP staff have dealt with this property numerous times over the last several years, getting sporadic cooperation from the property owners. However, the situation has deteriorated, with no action or contact from them recently. He advised that the specific nature of the nuisance is the uncontrolled growth of grass, weeds, and other vegetation, the unscreened accumulation of personal property in excess of 100 square feet in area and several unattended, dilapidated, ramshackled structures, and these conditions violate Section PH 1-101(a) of the Public Health Article of the County Code. For these reasons, Mr. Tudor asked the Commissioners to determine the property to be a nuisance in accordance with the above Code section and initiate the nuisance abatement process contained in the law to remedy the situation. He further recommended that the Order of Abatement and Notice to be Heard not exceed the minimum posting requirement, which is 15 days, given the length of time the property has been in its current state.

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously declared the property a public nuisance and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the County Code.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Zoning Reclassification Resolution No. 17-02, regarding Rezoning Case No. 407, filed by Attorney Hugh Cropper, on behalf of Douglas and Tammara Clark, to rezone approximately 12.87 acres of land located on the easterly side of U.S. Rt. 113 and northerly terminus of Handy Lane, north of MD Rt. 610, and more specifically identified on Worcester County Tax Map 9 as Parcels 301 and 370, from A-1 Agricultural District to A-2 Agricultural District.

Pursuant to the recommendation of Public Works Director John Tustin in response to a request by Stephen Decatur High School (SDHS) Cross Country Coach Joseph Stigler and Principal Thomas Zimmer and upon a motion by Commissioner Elder, the Commissioners unanimously authorized the SDHS Cross Country Team to use the Berlin Landfill from early

September through mid October 2017 for cross country training and as part of their home cross country course on Wednesdays when the Homeowner Convenience Center is closed. Mr. Tustin advised that the team has utilized a portion of the capped and closed Berlin landfill mound in a very limited capacity and under tightly controlled circumstances in the past, and there is very little disruption to the surrounding neighborhood. Training and meets are supervised at all times to protect the landfill facility, and no smoking is allowed by spectators during meets.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the best proposal from Davis, Bowen & Friedel, (DBF) Inc. of Salisbury, Maryland to prepare and deliver a preliminary engineering report on the proposal to extend sanitary sewage collection and disposal services to the Lewis Road area of The Landings Sanitary Service Area (SSA) for the Water and Wastewater Division of Public Works at a not to exceed cost of \$9,121.50, with short-term funding from the General Fund to be reimbursed by users upon connection. Mr. Tustin explained that, while EA Engineering of Berlin, Maryland submitted the low bid at \$8,861.54 and has considerable experience working with the Solid Waste Division of Public Works, DBF's proposal included more total hours dedicated to the project, significantly more experience working with the funding agencies that are most likely to be used for this project, and 30 projects completed in the past 15 years that are more representative of the effort expected for the Lewis Road project.

In response to a question by Commissioner Bertino, Mr. Tustin advised that the short-term loan from the General Fund is needed to cover the cost of this project, which should qualify for reimbursement by the United States Department of Agriculture (USDA) when program financing is secured. The cost will ultimately be recovered from benefitting property owners.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the construction of Cell 5 at the Central Landfill in Newark. Mr. Tustin stated that a combination of existing cash reserves within the Enterprise Fund, bond funds, and other resources are available to help fund this one-year project, and he will know if additional funding must be identified once the bids are received on August 7, 2017.

Pursuant to the recommendation of Ms. Howarth and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Bunting to sign a Utility Easement Agreement between the County Commissioners (Grantor) and Delmarva Power and Light Company (Delmarva) for a utility easement to underground existing overhead lines on County-owned land that abuts Worcester Highway (U.S. Rt. 113) in Snow Hill in the vicinity of the County Roads facility.

Pursuant to the request of County Attorney Maureen Howarth and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved out-of-state travel for Ms. Howarth to attend the International Municipal Lawyers Association (IMLA) annual conference in Niagara Falls, Canada from October 14-18, 2017 at a total estimated cost of \$2,256, with funds available in the FY18 budget for this expense.

Pursuant to the recommendation of Ms. Howarth at the request of Atlantic General Hospital (AGH), the Commissioners unanimously authorized Commission President Bunting to sign the Termination of Grant Agreement between the County Commissioners and AGH to terminate the 1992 Grant Agreement, whereby the County made a grant to AGH in the amount of \$5 million from the proceeds of the sale of County general obligation bonds to pay for a portion of the cost of acquisition and construction of the original AGH facilities, and releasing the County lien on and security interest in AGH.

The Commissioners answered questions from the press, after which they adjourned to meet again on July 18, 2017.