

Minutes of the County Commissioners of Worcester County, Maryland

September 7, 2021

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

Following a motion by Commissioner Elder, seconded by Commissioner Purnell, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (10) 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, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Emergency Services Director Billy Birch, and Sheriff Matthew Crisafulli. Topics discussed and actions taken included the following: promoting Joshua Pruitt from emergency communications specialist II within Emergency Services to correctional officer trainee and hiring Tyler Kilgore as a correctional officer trainee, Michelle Satchell as a correctional officer cook trainee, and Cindy Bradley as an office assistant VI within the County Jail, Heather McRoberts as an office assistant V within Recreation and Parks, Peggy Groh as an emergency communications specialist and Guy Sterling as an electronic services specialist III within Emergency Services, and Gary Pusey as deputy director in Development, Review and Permitting; rehiring Karen Wootten as a Welcome Center greeter within Tourism and Economic Development and Fawn Esposito as an accounting clerk II in the Treasurer's Office, and certain personnel matters; considering the acquisition of real property for a public purpose; discussing public security; receiving legal advice from counsel; and performing administrative functions, including considering upcoming board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:30 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Pam Ward of Friendship United Methodist Church (FUMC) and pledge of allegiance, announced the topics discussed during the morning closed session.

Pastor Ward invited those in attendance to join FUMC for First Responder Sunday on September 19.

The commissioners reviewed and approved the open and closed session minutes of their August 17, 2021 meeting as presented.

The commissioners presented retirement commendations to Budget Officer Kathy Whited (23 years), Animal Control Officer Wayne Young (30 years), and Office Assistant Debra Anne Perez (15 years), for their individual contributions to Worcester County Government.

The commissioners presented commendations to representatives from the Ocean City Fire Department (OCFD), Ocean City Police Department (OCPD), Ocean City Communications, Maryland State Police (MSP) Aviation Unit, Worcester County Fire Marshal's Office (WCFM), and Ocean Pines Volunteer Fire Department (OPVFD), as well as civilians Jonathan and Ava Bauer and Joe, Tricia, and Alayna Oertel for their heroism while responding to a mass casualty incident that involved five vehicles and eight victims on the MD Rt. 90 Bridge. The commissioners recognized that the acts of courage and cooperation displayed by the highly-trained professionals with each of these outstanding responding agencies and the aid of the Bauer and Oertel families to care for the multiple victims of the vehicle crashes, a young child is alive and safe today.

The commissioners presented a proclamation to Kristen Tremblay, zoning administrator within Development Review and Permitting, and Pamela Gregory, executive director of the United Way of the Lower Eastern Shore, recognizing September 13-17, 2021 as United Way Week in Worcester County, with the county staff to take part in the "Together We Live United" campaign that week.

The commissioners presented a proclamation to representatives from the Jesse Klump Memorial Fund (JKMF), Governor's Commission on Suicide Prevention, and Worcester County Health Department (WCHD) recognizing September as Suicide Prevention Month in Worcester County.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 2-9 as follows: approving Maryland 911 Board project no. 22-024 911 for \$65,686 to reimburse the County for emergency dispatch protocols for a Maryland State Police pilot project; revised Commission for Women By-Laws; bid specifications for the purchase of bituminous concrete to resurface approximately 13.20 miles (69,706 feet) of County roadway and metal and plastic pipe to be utilized by the Roads Division of Public Works; a Small Project Agreement for Atlantic General Medical Center for water and sewer service from the Ocean Pines Service Area; a Certificate of Satisfaction for Lorraine A. Fasciocco for fully repaying a Housing Rehabilitation Loan/Conditional Grant; bid specifications for housing rehabilitation projects in the Pocomoke, Stockton, and Snow Hill areas; and supporting a request from the Sheriff's Office to the State Highway Association for the creation of a Special Event Zone from September 21-26, 2021 during the H2Oi Pop Up Car Rally.

Commissioner Mitrecic advised that, outside of the Town of Ocean City, there will be no change in the speed limits while the Special Event Zone is in place.

The commissioners conducted a public hearing to receive comments on an application submitted by Ruach Engineering, on behalf of Riverview Mobile Home Park owner James Latchum, to amend the Water and Sewerage Plan to construct a wastewater treatment plant for stream discharge and modifications to the existing water treatment plant to serve a 58-unit

expansion of the park, which is identified on Tax Map 9 as Parcel 268. Environmental Programs Director Bob Mitchell reviewed the proposed amendment.

Commissioner Mitrecic opened the floor to receive public comment.

There being no public comment, Commissioner Mitrecic closed the public hearing.

Commissioner Bunting advised that the proposed project would help improve water quality in the Bishopville Prong. Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 21-21 to amend the Comprehensive Water and Sewerage Plan for the revision of discharge and associated information for the Riverview Mobile Home Park.

The commissioners conducted a public hearing to receive comment on a proposal to extend sewer service from the Landings Sanitary Service Area (SSA) to the Lewis Road community. Mr. Mitchell provided an overview of this approximately \$2,025,000 project, of which \$507,000 in homeowner hookup costs are proposed to be funded with American Rescue Plan Act funds and remaining project costs to be funded by a United States Department of Agriculture grant of \$1,518,000.

Commissioner Mitrecic opened the floor to receive public comment.

Garrett Neeb of Lewis Road supported the project and asked if equivalent dwelling units would be available to serve each of his four platted parcels. Mr. Mitchell advised that of the two properties that are in the service area, one equivalent dwelling unit will be allocated to the developed parcel and a second reserved for future use for the currently undeveloped property; however, the two rear parcels on the river are not part of the service area.

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

Commissioner Purnell fully supported the project as outlined, noting that the residents of Lewis Road have been waiting for public sewer to become available to them for 20 years.

Commissioner Bertino stated that as much as he favors this needed project, he cannot support the proposed funding because it does not treat everyone fairly. He noted that this project eliminates the hookup costs to homeowners on Lewis Road when residents in all of the other SSAs, including the Newark SSA, have been required to pay for hookup costs regardless of the financial hardships they may face.

Following some discussion and upon a motion by Commissioner Purnell, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to approve the Lewis Road sewer extension project.

The commissioners met in a special legislative session.

The commissioners conducted a public hearing on Emergency Bill 21-1 (Electrical Standards - Licensing Requirements), which was introduced by Commissioners Bertino, Bunting, Elder, Mitrecic, Nordstrom, and Purnell on August 17, 2021. Development Review and Permitting Director Jennifer Keener reviewed the bill, which was drafted by the Board of Electrical Examiners and County staff to negate the local impacts of Senate Bill 762 – Maryland Electricians Act, which prohibits local jurisdictions from licensing certain classes of electricians as of July 1, 2021. Ms. Keener stated that Worcester County is one of several counties that previously licensed general electricians, a type which does not fit within the State's three

licensure categories (master, journey person, or apprentice). She advised that the local emergency legislation is necessary to establish criteria for general electricians in the County to qualify to test for a master electrician license, and those who pass will receive a license retroactively dated to June 30, 2021.

Commissioner Bertino stated that this legislation is necessary to help those who would otherwise have been put out of a job by this State edict. In response to concerns raised by Commissioner Bertino, Ms. Keener advised that County staff will notify all 57 general electricians in the County about this opportunity.

Commissioner Mitrecic opened the floor to receive public comment.

There being no public comment, Commissioner Mitrecic closed the public hearing.

Upon a motion by Commissioner Bertino, the commissioners unanimously adopted Emergency Bill 21-1 (Electrical Standards - Licensing Requirements) as presented.

Commissioner Mitrecic noted that the County needs to work with the Eastern Shore delegation to remain informed on this matter, as the State may make changes to SB 762.

Commissioner Mitrecic closed the legislative session.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Karen Hammer to the Social Services Advisory Board for a three-year term expiring June 30, 2024 to replace Faith Coleman whose term expired.

Pursuant to the written request of Superintendent of Schools Louis Taylor and upon a motion by Commissioner Bertino, the commissioners unanimously approved an inter-category budget transfer of \$395,785 from Fixed Charges to offset overages of \$27,892 for Instructional Support and \$367,893 for Capital Outlay for FY21.

Pursuant to the recommendation of Local Management Board (LMB) Director Jessica Sexauer and upon a motion by Commissioner Nordstrom, the commissioners unanimously awarded the sole proposal from Worcester Youth and Family Counseling Services of Berlin, Maryland, which scored 67.6 out of 88 points, to provide community-based programs and services for children, youth, and families in the County.

Pursuant to the recommendation of Ms. Sexauer and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to sign the Community Partnership Agreement between the County, the LMB, and the Governor's Office for Children for FY22 with grant funds of \$798,165 to support the following programs: Building Bridges to Stable Families; Worcester Connects, a mentoring program; Local Care Team Coordinator; and Worcester Navigation.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Nordstrom, the commissioners voted 5-0-1, with Commissioner Elder abstaining, to authorize Commission President Mitrecic to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Brent G. Ennis and Norman M. Ennis (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY21 Dividing Creek RLA funds to cover the cost of an easement on approximately 165.55

acres of land located at 4016 Whitesburg Road, northeast of Pocomoke. This property is to be purchased at a cost of \$2,652 per acre. Mr. Mitchell advised that the land is within the Dividing Creek watershed, has over 100 acres of prime agricultural soils, and is adjacent to over 4,000 acres of contiguous protected farmland. He advised that, while this property has the potential for full subdivision rights, the property owners are surrendering all development rights except for one residence. He concluded that farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no confined animal feeding operations (CAFOs), and limits will be placed on agricultural buildings.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to sign the Lower Eastern Shore Partnership for Regional Invasive Species Management Agreement. Mr. Mitchell stated that preventing new invasive plants is most effective when management is consistent across jurisdictional boundaries, and this is a voluntary agreement does not required any County funds outside of supplies and materials. In response to questions by Commissioner Bertino, Mr. Mitchell stated that this program only addresses invasive species on publicly-owned, not private, properties.

In follow up to their August 17, 2021 meeting and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 21-20, adopting the State fire marshal's interpretation that manufactured homes used as dwelling units, as defined in COMAR 09.12.52.02, as from time to time amended, shall not be subject to the provisions of R313.2 one- and two-family dwellings automatic fire systems of the 2018 International Residential Code (IRC). County Attorney Roscoe Leslie advised that, at the commissioners' prior direction, an opinion from the State Attorney General's (AG) Office on the legality of the fire marshal's memo is pending, and the AG's Office is aware of the commissioners' immediate desire to allow the sprinklers and will prioritize the opinion over older ones. He cautioned that if the AG finds that the fire marshal's memo is illegal, any manufactured homes installed without sprinklers will be illegal, and the owners will be required to retrofit their homes at their own cost or be subject to fines.

In response to concerns raised by Commissioner Bertino, Development Review and Permitting Director Jennifer Keener advised that there are currently 25-50 plans for new manufactured homes in various stages in the permitting process, and staff will develop a form for permit holders to sign acknowledging that, if they choose not to install fire sprinklers and the AG's Office finds that automatic fire systems are required in manufactured homes, they will be required to retrofit their homes at their own expense.

Pursuant to the recommendation of Public Works Director Dallas Baker and upon a motion by Commissioner Purnell, the commissioners unanimously approved bid specifications for engineering services for the sewage collection system and pumping station for the Lewis Road area.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 18-20 for out-of-state-travel as follows: authorizing Chief Administrative Officer Weston Young to approve requests for Public Works staff to participate

in non-overnight training in Sussex County, Delaware; Recreation and Parks staff to attend Event Management School (\$5,550) from January 16-21, 2022, Maintenance Management School (\$3,450) from January 30 – February 4, and Revenue Development and Management School (\$3,880) from March 12-18; and County Attorney Roscoe Leslie to attend the International Municipal Lawyers Association annual conference for local government attorneys (\$2,723) from September 28-October 3, 2021.

In follow up to their August 17, 2021 meeting and pursuant to the request of Pocomoke City Manager Jeremy Mason and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the Memorandum of Understanding between Pocomoke City, Maryland and the County Commissioners of Worcester County, Maryland regarding the construction of a new branch library in Pocomoke at the site of the former Maryland National Guard Armory, which is to be demolished.

Pursuant to the request of Adrew and Andre Demattia, owners of Talkie Communications, and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Talkie Communications to lease the old Liquor Board building outside Snow Hill at a cost of \$2,000 per month. In response to concerns raised by Commissioner Nordstrom, Chief Administrative Officer Weston Young advised that mold exists within the building, and Talkie officials have been made aware that anything subject to mold should not be housed in the building.

The commissioners met with the Demattias to discuss their request for a County loan of \$5 million to Talkie Communications to expedite and complete within three years a County-wide project to install extend broadband to Bishopville, the area with the highest concentration of unserved and underserved County residents. In response to concerns raised by Commissioner Bertino, the Demattias agreed to provide the County finance team with all of the financial records for Talkie Communications.

Upon a motion by Commissioner Elder, the commissioners unanimously directed County staff to draft a loan agreement for their consideration at a future meeting.

The commissioners met with Mr. Young to discuss staff recommendations for how best to use the first half of the American Rescue Plan Act (ARPA) funds that have been allocated to the County. Following some discussion and upon a motion by Commissioner Nordstrom, the commissioners unanimously agreed to schedule an open and closed work session to consider the \$5 million loan request from Talkie Communications and the proposed allocate ARPA funds.

The commissioners answered questions from the press, after which they adjourned to meet again on September 21, 2021.