

Minutes of the County Commissioners of Worcester County, Maryland

December 1, 2020

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 Nordstrom, seconded by Commissioner Bertino, 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) 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 Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, Public Information Officer Kim Moses; Sheriff Matt Crisafulli, and Lieutenants Katie Edgar and Bethany Ramos. Topics discussed and actions taken included hiring Rachel Perrotta as an Environmental Programs Intern in Environmental Programs and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing security with the Sheriff and potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:02 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 Reverend Cynthia Bonneville of St. John United Methodist 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 November 17, 2020 meeting as presented.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Church, the Commissioners unanimously agreed to appoint Ken Church to the Planning Commission for a five-year term expiring December 31, 2025 to replace Mike Diffendal whose term expired; reappointing Chase Church to the Housing Review Advisory Board and David Dypsky to the Board of Zoning appeals for additional three-year terms each expiring December 31, 2023, and reappointing Joe Schanno to the Economic Development Advisory Board, Bob Augustine to the Solid Waste Advisory Committee, David Dypsky and Stan Cygam to the Water and Sewer Advisory Council for Mystic Harbour, Blake Haley to the Water and Sewer Advisory Council for West Ocean City, and Elana Ake to the Tourism Advisory Committee for additional four-year terms each expiring December 31, 2024.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Kim Moses and Dr. Roy Cragway, Jr. to the Drug and Alcohol Abuse Council for four-year terms each expiring December 31, 2024.

Upon an additional motion by Commissioner Bunting in response to nominations by Commissioner Mitrecic, the Commissioners unanimously agreed to reappoint Mike Patchet to the Board of Electrical Examiners and Amy Rothermel to the Local Management Board for three-year terms each expiring December 31, 2023 and Granville Jones to the Solid Waste Advisory Committee for an additional four-year term expiring December 31, 2024.

The Commissioners elected officers for the coming year through December 7, 2021. Upon nominations by Commissioner Bunting, the Commissioners unanimously voted to re-elect Commissioner Mitrecic as President and Commissioner Elder as Vice President of the Board of County Commissioners.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Warden Bounds to sign the licensing agreement between the County Jail (customer) and LexisNexis (provider) for the provision of legal research materials from December 1, 2020 through November 30, 2023, at a monthly cost of \$718. Warden Bounds advised that this legal research kiosk is a valuable online tool that allows inmates to research legal matters.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the Maryland Community Development Grant (CDBG) COVID Grant Agreement in the amount of \$43,793, with an in-kind match of \$29,549 from Diakonia, Inc. for emergency rental assistance. They further authorized Commission President Mitrecic to sign the sub-recipient grant agreement between the County and Diakonia.

Ms. Reynolds advised that the County was awarded total CDBG COVID funding of \$336,000, but due to delays by the U.S. Treasury and the Department of Housing and Urban Development, the entire award cannot be provided at this time. The remainder of the grant is anticipated to be funded in January 2021, at which time there will be an amendment to the grant for the remainder of funding.

The Commissioners met with Chief Administrative Officer Harold Higgins to discuss how to designate remaining CARES Act funds of \$30,063.96 prior to the December 30, 2020 deadline. In response to a question by Commissioner Bertino, Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo advised that the County has awarded roughly \$900,000 in CARES Act funding in the form of relief grants to restaurants in the County. He further stated that the application period will remain open through the end of the year (or until funds are exhausted), so that additional restaurateurs may continue to apply. He informed the Commissioners that his staff plans to begin a second round of hand-delivering flyers announcing this grant opportunity to every restaurant in the County.

Commissioner Bertino questioned whether County volunteer fire companies would be able to apply for the remaining funds if they submit and are able to justify their funding requests. In response to questions by Commissioner Bertino, Mr. Higgins advised that County staff

allocated CARES Act funds to the volunteer fire companies of \$145,000 for LUCAS CPR machines (hands-free chest compression systems) and \$50,000 for payroll reimbursement, and he recommended allocating the remaining CARES Act funds of \$30,063.96 toward payroll reimbursement as well, noting that he has requested that each fire house provide the County with payroll reports from 2019 to present. Assistant Chief Administrative Officer Weston Young advised that County staff are working to schedule a meeting this month between the Commissioners and the volunteer fire companies to discuss how the County can assist their departments and the steps each department must take to apply for CARES Act funding.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to allocate funding of \$30,063.95 and more if necessary for use by the County volunteer fire companies.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the following documents, as conceptually approved after two public hearings on November 4, 2020: the Findings of Fact and Zoning Reclassification Resolution 20-5 from Rezoning Case No. 426, to rezone 1.74 acres of land, located on the westerly side of MD Rt. 611, south of Snug Harbor Road, and more specifically identified on Tax Map 33 as Parcel 341, from A-2 Agricultural District to C-2 General Commercial District; and the Findings of Fact and Zoning Reclassification Rezoning Resolution No 20-6 from Rezoning Case No. 428 to rezone approximately 2.88 acres of land, located on the southerly side of St. Martin's Neck Road, east of Aramis Lane in Bishopville, from E-1 Estate District to A-2 Agricultural District.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved Change Order No. 1 with Retallack and Suns for the rehabilitation project for Ocean Pines Pump Stations S and P, which includes an additional cost, which includes an additional cost of \$3,820.59 to replace the main electrical conductors between the electric meter and the distribution panel at Pump Station S. This brings the revised contract amount to \$394,540.22

The Commissioners conducted a public hearing on the amended five-year Capital Improvement Plan (CIP) FY22-FY26. Senior Budget Accountant Kim Reynolds advised the Commissioners that projects totaling \$74,157,732 are proposed over the five-year period. She stated that, of the proposed projects, \$12,023,098 or 16.2% is proposed to be funded by the General Fund and \$34,538,328 or 46.5% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, assigned funds, and enterprise bonds. She 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 would be refined as details come to light and as projected revenues are known. Priority projects would be given approval to move forward with more detailed planning.

In response to a question by Commissioner Bertino, Library Director Jennifer Ranck advised that the Library would only request funds identified in the CIP to replace the heating, ventilation, and air conditioning (HVAC) at the Pocomoke Library in the event that they do not move forward with plans to build a new facility for this branch.

Commissioner Mitrecic opened the floor to receive public comment.

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

Commissioner Bunting reiterated that this is just a planning document, and while there are certainly items included on the CIP that he disagrees with, he believes it is important that the Commissioners be united in their adoption of this document, which will be vital as the County goes to the bond market.

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 20-37 adopting the FY22-FY26 CIP as presented.

At the request of Commissioner Bertino, Emergency Services Director Billy Birch provided an updated on plans to repair or replace non-functioning emergency sirens throughout the County. Mr. Birch advised that currently the County and the individual fire companies share responsibility for certain aspects of the fire sirens, and he is developing a plan to have the County assume overall responsibility to maintain all County emergency sirens. He further advised that there is no local vendor that can repair the aging sirens, so they have requested quotes from a contractor in New Jersey to repair the sirens and centralize the system. In February 2021 one County technician from Emergency Services is scheduled to receive training on the system from Federal Sirens.

The Commissioners conducted a public hearing on a Comprehensive Water and Sewerage Plan (the plan) amendment submitted by Joseph Moore, on behalf of Jim Latchum, owner of Riverview Mobile Home Park, which is included in the plan as a multi-use septic system serving a maximum of 66 trailers. Environmental Programs Director Bob Mitchell reviewed the amendment, which would modify Section 1.2.2 D (Protection of the Environment) of the plan to include the potential for a large flow septic system without a groundwater discharge permit located in the critical area to be afforded the opportunity to seek a point source discharge permit if able to comply with certain additional requirements. These requirements would include being able to provide advanced treatment and being able to prove that said system would not contributing to the degradation of any impaired waters. Mr. Mitchell stated that the Riverview Mobile Home Park currently operates with a single septic system, with a low pressure-dosed drain field that has the old system as a backup. This system has conventional (zero) treatment, and the drain field is an innovative system located entirely in the critical area. He stated that there is no guaranteed State funding for a pre-treatment plant that would be required if the existing system fails, and this is the only multi-use septic system in the County that does not have a groundwater discharge permit. He stated that County staff worked with representatives from the Maryland Department of the Environment and Mr. Moore to edit the original application, and the amendment before them today reflects those changes. He advised that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Plan and granted the application a favorable recommendation.

Commissioner Mitrecic opened the floor to receive public comment.

Joe Moore, attorney for Riverview Mobile Home Park, advised that he received a letter from the Maryland Coastal Bays Program supporting the amendment because it will enhance water quality in the Coastal Bays, and he urged the Commissioners to approve the amendment as presented.

Robert Brown, President of Brown, Inc., an engineering and consulting firm in Easton,

advised that this option would make it feasible to replace the existing system with a small system that can meet enhanced nutrient reduction (ENR) standards. He stated that they worked closely with MDE and the County, noting that this amendment makes it possible to eliminate the working septic systems from the critical areas, and he encouraged the Commissioners to approve the amendment as presented.

Commissioner Bunting stated that the Bishopville Prong is an impacted waterway, with raw effluent from septic systems contributing to water degradation, and he would support any changes that could help to improve the water quality. Commissioner Nordstrom concurred. In response to a question by Commissioner Nordstrom, Mr. Mitchell advised that, if the Commissioners adopt the amendment before them today and the park receives a permit for a small system, park officials would be required to routinely submit samples to MDE, just as each public plant is required to do.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No. 20-38 amending the Comprehensive Water and Sewerage Plan for Worcester County to address water and sewer goals with respect to point source discharges.

The Commissioners answered questions from the press, after which they adjourned at 11:03 a.m. to meet again on December 15, 2020.