

Minutes of the County Commissioners of Worcester County, Maryland

April 14, 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

Due to the current COVID-19 pandemic, this meeting was held virtually via Zoom for which the live stream and can be viewed at <https://media.swagit.com/zoom/worcestercountymd>.

At 9:00 a.m. Commissioner Mitrecic called the meeting to order.

The Commissioners reviewed and approved the open and closed session minutes of their March 17, 2020 meeting as presented.

The Commissioners met with Library Director Jennifer Ranck to review schematic designs and a comparison of site and building options developed by local stakeholders from the Library, Commission on Aging (COA) and Health Department with assistance from Architect Jeff Schoellkopf of JSD, Inc./The Design Group for the Pocomoke Branch Library project. Ms. Ranck advised that in December 2019 Library officials began a site evaluation of the property offered by Pocomoke City officials to construct a new Pocomoke Branch Library and met with stakeholders to better understand what would be needed to develop a facility that could accommodate Library, Senior Center, and Health Department services in one location as directed by the Commissioners. She noted that the City of Pocomoke is completing a phase one environmental study of that property, and she reviewed the concepts available for the Pocomoke Branch Library Project as follows: Concepts 1a and 1b - construct a new 15,000 to 17,000-square-foot (SF), one-story facility with a Library and Senior Center on the parcels offered by Pocomoke officials with two options for parking; Concept 2 - construct a new 20,000 to 22,000-SF, facility with a Library, Senior Center, and Health Department offices, or construct that same facility and place the Library and Senior Center on the first floor and construct a 4,000 to 7,000-SF second floor for Health Department offices with a separate entrance, on parcels offered by Pocomoke officials. Both Concepts one and two include developing parking on a parcel directly behind the Delmarva Discovery Center, which the town does not own and which would require additional funding to purchase, or providing parking on surrounding streets and parcels; Concepts 3a and 3b - build a new, 15,000 to 17,000-SF Pocomoke Branch Library and Senior Center at the current location on Market Street, and depending upon the location of the new building, one option would allow the existing Library to remain open during construction; Concept 4 - construct a new 11,000 to 12,000-SF facility for a new Library Branch only at the Market Street property, and keeping the existing Branch Library open during construction; or Concept 5 - renovate the existing 7,000-SF facility at Market Street to include a 3,000 to 4,000

SF addition at an estimated cost of \$522 per SF, with a 5% escalation cost, for an estimated cost of \$5.6 million.

Ms. Ranck advised that \$490,000 was reserved in the FY21 budget for design funds, and the Library applied for and was awarded State grant funds to develop design plans in keeping with Concept 5. She stated that Library officials would like to apply for an FY22 State Capital Grant to assist with construction costs. However, the application deadline is May 22, 2020, and the County must identify the preferred construction concept in the grant application. Ms. Ranck also clarified that any State funds that may be awarded for the renovation and/or construction of a new Library can only be used for that purpose. Therefore, funding for Senior Center and Health Department offices must be applied for separately by the requesting agencies.

Commissioner Bunting agreed that Pocomoke City needs a new Library, but stated that the Commissioners need to know the estimated cost of each Concept in order to select the best Concept for the town and County. Commissioner Bertino concurred and asked how much it would cost for purchase the adjacent lot downtown for parking and what other funding sources or donations may be available to assist with the cost. In response, Ms. Ranck advised that the Library portion of any construction project would account for the majority of project costs. She also noted that the COA should be able to apply for State funding for the Senior Center portion of the project. She further explained that Concept 1b, the downtown location for the Library and Senior Center with parking on adjacent streets, is the preferred alternative and if chosen would not obligate the County to construction funding at this time.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, for The Design Group to develop a cost estimate for Concept 1b for the Commissioners' consideration prior to the State grant application deadline of May 22.

Pursuant to the request of Chief Deputy Mark Titanski and the written request of Sheriff Matthew Crisafulli and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Mitrecic to sign the Law Enforcement Training Scholarship grant application through the Governor's Office of Crime Control and Prevention to cover costs associated with the Northwestern University School of Police Staff and Command training program that prepares law enforcement managers for senior positions.

Pursuant to the recommendation of Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development, and upon a motion by Commissioner Purnell, the Commissioners unanimously rejected all bids for the construction of a 720 square foot facility to house a small concession stand and permanent restrooms at Showell Park. Mr. Perlozzo explained that the County allotted \$200,000 in Maryland Department of Natural Resources (DNR) Program Open Space (POS) funds to cover 90% of all project costs, to include water and sewer service and concession equipment, which were not included in the bid package. However, the low bid of \$246,000 from The Whayland Company of Laurel, Delaware exceeded total project funding by \$46,000. Therefore, he advised that staff will look into acquiring a pre-fabricated building or mobile unit for concessions only.

Pursuant to the request of Mr. Perlozzo and upon a motion by Commissioner Church, the Commissioners unanimously authorized the Town of Berlin to host a family festival with

fireworks at the Northern Worcester Athletic Complex in Berlin, Maryland on July 3, 2020, with the town to cover all costs associated with the fireworks. Mr. Perlozzo stated that Recreation and Parks will provide family fun games and entertainment and will offer opportunities to vendors to rent space to cover any costs the County might incur.

In response to a question by Commissioner Bertino, Mr. Perlozzo stated that Recreation and Parks could assist other municipalities with similar events in the future if requested to do so.

Pursuant to the request of Environmental Programs Director Bob Mitchell in response to a written request from Maryland Coastal Bays Program (MCBP) Executive Director Kevin Smith and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved an in-kind match of approximately \$662,500 for the Environmental Protection Agency (EPA) National Estuary Program (NEP) grant for the period of October 1, 2020 to September 30, 2021. Mr. Mitchell explained that the MCBP should receive \$662,500 in EPA funding this year, which represents a 10% increase in federal funding. Furthermore, the County will use non-federal Rural Legacy Program funds expended to protect and restore the Coastal Bays during the same time period as well as the annual Bay Restoration Fund (BFR) grant for sewer connections and septic pre-treatment upgrades and Maryland Water Quality Financing Grant funding to satisfy the in-kind match requirements without any additional cash required by the County.

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 for revisions to the scope of work for the Courthouse heating ventilation and air conditioning (HVAC) project, resulting in a reduction in the contract cost from \$465,850 to \$445,076, so the County can proceed to final payment on this project which has now been completed.

The Commissioners met with Mr. Tustin to review the results of a speed study on Swan Gut Road near Stockton, which was conducted from March 24-31, 2020 at the request of an area resident to address safety concerns and speeding vehicles and to consider posting a speed limit sign. Mr. Tustin reviewed the results and noted that 682 vehicles or 26.4% of drivers traveled 35 miles per hour (mph) or less, and 1,895 or 73.6% of drivers traveled 36 mph or greater, while the average speed was 37 mph on Swan Gut Road during the speed study. Mr. Tustin recommended that Swan Gut Road be posted at 40 mph, with 30 mph safe speed placards to be attached to the curve signs to provide a more uniform speed limit on this previously unposted road.

Upon a motion by Commissioner Nordstrom, the Commissioners concurred with staff's recommendation to establish the speed limit and post speed limit signs and agreed to request that the Sheriff's Office enforce the new speed limit of 40 miles per hour on this unposted road.

The Commissioners met with Development Review and Permitting Director Ed Tudor and Zoning Administrator Jennifer Keener to review a request from Attorney Mark Cropper on behalf of Robert Ewell to adopt a new development standard, specifically a new private campground subdivision road design to facilitate the approval of the remaining phases of the Island Resort Campground. Mr. Tudor stated that, in accordance with Section 1-118(b)(9) of the Zoning Code, the County Commissioners have the authority to adopt such standards. He further noted that Section 1-318 Campgrounds states that "All roads and incidental drainage shall

comply and be constructed in accordance with County road specifications for private campground subdivisions, as adopted by the County Commissioners.” Ms. Keener noted that this requirement applies to all campgrounds regardless of type (rental, membership, subdivision, and cooperative), and there are currently two such standards: one with a 30' wide right-of-way, and another with a 40' wide right-of-way, both with paved surfaces. The new standard would permit gravel surfacing within a 30' wide right-of-way.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 20-7 amending the road construction standards and specifications for private campground subdivisions to include the 30' wide gravel roads as proposed.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Hugh Cropper, on behalf of Sun Frontier, LLC, for allocation of 38 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve Phase II of the proposed Frontier Town Campground expansion to serve an additional 112 campsites identified on Tax Map 33 as Parcel 94. Mr. Shannahan advised that this request was previously reviewed by the County Commissioners on August 6, 2019, after which a decision was postponed pending adoption of the Standard Sewer Flow calculations on December 3, 2019. He noted that the Technical Review Committee (TRC) reviewed the campground expansion plans on March 11, 2020 and determined that the campground expansion plans cannot proceed unless additional sewer capacity is allocated to the property; however, there is currently no available undesignated sanitary capacity in the southern part of the Mystic Harbour Service Area (Area 2) to serve the proposed expansion. Furthermore, County staff discovered last fall that the Frontier Town Water Park and other commercial uses are significantly exceeding their permitted average daily flow of 6,667 gallons per day (gpd) of sewerage to the Assateague Pointe Service Area during the 2019 summer season, ranging from a low of 10,314 gpd to a high of 19,657 gpd from June 7 through July 26, with an overall average daily flow of 16,841, which exceeds the permitted flow by 10,164 gpd or 252% of the maximum daily flow. Mr. Shannahan stated that Frontier Town officials have agreed to install a meter to record the actual flow to Assateague Pointe from the water park this season, which should help identify the actual flows and determine how sufficient sewage treatment can be provided by Assateague Pointe, perhaps supplemented by Mystic Harbour if necessary. He concluded that, given that there is insufficient capacity in the southern part of the Mystic Harbour Service Area (Area 2), to serve the proposed campground expansion coupled with the potential need for treatment capacity from Mystic Harbour to supplement treatment capacity from Assateague Pointe for the Water Park, the Sewer Committee cannot support the requested allocation of 38 EDUs for the further expansion of campsites at Frontier Town Campground.

Commissioner Mitrecic stated that Frontier Town officials are working diligently to correct the water park issue, and he supported approving the 38 EDUs as requested. In response to a question by Commissioner Bertino, Mr. Mitchell stated that Frontier Town officials have complied with directives from County staff to monitor water usage to avoid future overages. In response to a question by Commissioner Purnell, Mr. Shannahan confirmed that the Commissioners would have to approve an amendment to the Water and Sewerage Plan to allocate EDUs from Area 1 (north of the airport) to Area 2 (south of the airport) to accommodate

this request. Commissioner Nordstrom stated that, while he did not oppose the request, he was not prepared to vote on this matter until the water park issue is corrected.

After some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Nordstrom voting in opposition, to initiate an amendment to the Water and Sewerage Plan to allocate and shift 38 EDUs of sewer service from Area 1 (north of the airport), including 29 EDUs from the “Infill and Intensification” category and 9 EDUs from the “Vacant or Multi-Lot Properties” category, to Area 2 (south of the airport) to serve Phase II of the proposed Frontier Town Campground expansion.

Pursuant to the request of Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the contract between the County Commissioners and Sergio Castillo (contractor), hiring Mr. Castillo as a COVID-19 procurement consultant on a temporary, contractual basis. Mr. Higgins explained that Mr. Castillo has the experience and contacts necessary to help the county procure additional resources for Worcester County and its partnering agencies to address the current state of emergency.

In response to a question by Commissioner Bunting, Mr. Higgins advised that for example Atlantic General Hospital (AGH) and the Berlin Nursing Home lack the mortuary capabilities necessary in the event that the number of COVID-19 infections escalates on the Lower Eastern Shore, and Mr. Castillo has the expertise to procure trailers to provide these services if needed and to secure the personal protective equipment and resources needed to address the current health crisis.

The Commissioners met with Chief Administrative Officer Harold Higgins and Budget Officer Kathy Whited to review the Notice of a Proposed Real Property Tax Increase (Constant Yield Tax Rate) advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, to be advertised in area newspapers during the week of April 23, 2020. Mr. Higgins stated that financial projections have been adjusted due to the potential impact of the COVID-19 pandemic on County revenues for FY21; however, the Commissioners intend to maintain the current real property tax rate, as indicated in the advertisement. Mr. Higgins then explained that, in accordance with State law, the notice states that, for the tax year beginning July 1, 2020, the estimated real property assessable base will increase by 2.1%, from \$15,734,438,820 to \$16,061,877,029 and if the County maintains the current tax rate of \$0.845 per \$100 of assessment, real property tax revenues will increase by \$2,766,853 or 2.1%. The notice states that, to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.8278 per \$100 of assessment, the Constant Yield Tax Rate (CYTR). The County is considering not reducing its real property tax rate enough to fully offset increasing assessments and instead proposes to adopt a real property tax rate of \$0.845 per \$100 of assessment. Ms. Whited reiterated that this language is required by State law.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved the FY21 Constant Yield Tax Rate advertisement, as required by State law.

Pursuant to the request of Mr. Higgins and Ms. Whited and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the required advertisement of the Notice of Public Hearing on the FY21 County Operating Budgets, which will run in area newspapers the weeks of April 23 and April 30, 2020. This advertisement will advise the public

that, due to the health pandemic and in lieu of public appearance, the budget hearing will take place remotely via video teleconference on Tuesday, May 5, 2020, at 7:00 p.m. Mr. Higgins advised that the originally requested budget has been revised due to the COVID-19 pandemic to reduce revenue estimates to reflect anticipated reductions in income taxes, investment interest, and other funding and also reduce department requests to reflect essential needs.

In response to a question by Commissioner Bunting, County Attorney Roscoe Leslie stated that, even if Governor Larry Hogan lifts the stay-at-home order, the meeting must be live-streamed to comply with information outlined in the legal advertisement, the Commissioners could potentially conduct the public hearing in-person at the Worcester County Government Center in Snow Hill and live-stream the meeting for home viewing. In response to a question by Commissioner Bertino, Mr. Shannahan advised that the public may participate in the budget hearing by emailing or mailing written comments no later than Monday, May 4, 2020, at 4:00 p.m. or by registering in advance to receive a link that will allow them to speak to specific aspects of the budget during the public hearing. Mr. Shannahan explained that comments made during the hearing would be limited to no more than two minutes, but more lengthy and detailed written comments would also be accepted.

In response to additional questions by Commissioner Bertino, Mr. Higgins confirmed that the revised budget addresses Maintenance of Effort (MOE) funding for the Board of Education (BOE), including salary increases for BOE and County employees, and includes adjustments in emergency medical services (EMS) funding, and requests from the various departments and agencies to address essential needs.

In response to a question by Commissioner Bertino with regard to whether the County will defer or delay water bill payments, Mr. Higgins confirmed that the County is following the State guidelines. He stated that the water bills have been issued, but the County will not discontinue service and will waive any penalties that may accrue due to nonpayment for a full 30 days after the Commissioners lift the current declaration of emergency.

Commissioner Bertino requested the Worcester County Board of Elections website be updated to advise residents regarding the delay in primary elections in Maryland.

In response to a question by Commissioner Purnell with regard to safety measures implemented in the divisions of Public Works where personnel work in teams to provide essential services, Assistant Chief Administrative Officer Kelly Shannahan stated that all County employees have and will continue to be instructed to practice social distancing and to wear personal protective equipment to prevent the spread of COVID-19.

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 Bertino, the Commissioners unanimously voted to meet virtually in closed session at 10:04 a.m. 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

virtual closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Roscoe Leslie, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: hiring Robert “Trey” Harman, III as an Environmental Health Specialist Trainee for Environmental Programs, Gavaughn Trower and Aaron Price as Correctional Officer Trainees at the Jail, and Laraine Buck as an Emergency Services Planner within Emergency Services; transferring and promoting Carlos Rivera from Transfer Station Attendant within the Solid Waste Division to Plant Operator Trainee and hiring Jon Mears as a Plant Operator I for the Water and Wastewater Division of Public Works; posting to fill the position of Deputy Director for Development Review and Permitting, and discussing other personnel matters; and receiving legal advice from counsel.

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:52 a.m., after which they adjourned to meet again on April 21, 2020.