

Minutes of the County Commissioners of Worcester County, Maryland

August 16, 2022

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) 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 closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: a personnel summary update and certain personnel matters with human resources; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the commissioners unanimously voted to adjourn their closed session at 9:56 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 Rabbi Arthur Rutberg of Temple Bat Yam 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 August 2, 2022 meeting as presented.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 1-2, 4, 6-10, and 13-14 as follows: an FY23 Community Development Block Grant Agreement for the Housing Rehabilitation Program; a Quitclaim of Bette Drive and Vivian Street, which are two unimproved, platted roads that are not listed in the Inventory of Public Roads, to Samuel J. and Christine M. Chmar; scheduling a public hearing for an amendment application submitted by Robert Rauch, on behalf of Island Resort Park, Inc. to expand the sewer planning area for the Mystic Harbour Sanitary Service Area (SSA); scheduling public hearings for Rezoning Case #436 to rezone approximately 8.12 acres on the east side of Daye Girls Road, north of and adjacent to the St. Martins River, from RP – Resource Protection District to E-1 Estate District, and Rezoning Case #437 to rezone approximately 2.25 acres on the northerly side of U.S. Rt. 50, east of and adjacent to Herring Creek from R-2 Suburban

Residential District to C-2 General Commercial District; accepting a national bid through Sourcewell to purchase a John Deere Gator for the Water and Wastewater Division for \$11,623.81 from Atlantic Tractor; issuing bid specifications to purchase bituminous concrete to resurface the Health Department parking lot in Snow Hill; issuing bid specifications to upgrade the Snow Hill Homeowner Convenience Center drop-off area; and accepting a national bid through Sourcewell to replace carpet in the Worcester County Government Center for \$34,415.44 to replace carpeting in County Administration and \$8,240.57 for the Commissioners' Meeting Room to Patcraft Modular Carpet Tile and Flooring, along with an additional \$2,000 to paint affected areas.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized Commission President Mitrecic to sign the Governor's Office of Crime Control and Prevention FY23 Grant Award and Acceptance for funds of \$50,615 for the grant-funded position of heroin coordinator within the Sheriff's Office to allow the Criminal Enforcement Team to maintain the coordination of entering all necessary data for drug investigations, drug seizures, drug arrests, heroin and opioid overdoses, and other drug-related investigation activities. In response to a question by Commissioner Bertino, Ms. Reynolds confirmed that the continuation of this position is contingent upon grant funding.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Bertino, the commissioners unanimously accepted the proposal of \$38,280 from The Whiting Turner Contracting Company for preconstruction services for the new Pocomoke Branch Library project.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bertino, the commissioners unanimously authorized staff to purchase a used work van for use within Public Works at a cost not to exceed \$46,000 to replace a cargo van involved in a single-vehicle accident.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bertino, the commissioners unanimously accepted a proposal of \$115,470 from Bayside Fire Protection, the County's fire protection service provider, to replace the aged fire sprinkler pipe in the recycling center at the Central Landfill in Newark.

The commissioners met with Development Review and Permitting Director Jennifer Keener to discuss the Town of Pocomoke's proposed draft Annexation Resolutions 565 and 566. Ms. Keener informed the commissioners that by virtue of the above-referenced Annexation Resolutions, the Town of Pocomoke is proposing to annex approximately 0.29-acre located on the westerly side of Ocean Highway and identified on Tax Map 92 as Parcel 82, Lot 2. Ms. Keener stated that the property proposed for annexation is zoned C-2 General Commercial District under County zoning, and the town is proposing to rezone the property to B-2 General Business District zoning upon annexation, which is consistent with the existing zoning. Therefore, no action is required by the commissioners.

Pursuant to the request of Tourism and Economic Development Director Melanie Pursel and upon a motion by Commissioner Elder, the commissioners unanimously authorized Commission President Mitrecic to sign the FY23 Maryland Tourism Development Board Grant Agreement awarding the County \$1,012,508. This is an increase of \$844,955 over the prior fiscal year. Ms. Pursel explained that this was the second highest allocation in the State and it will allow them to advertise out of market. She stated that the County received this award for continuing to allocate funds for tourism marketing during the pandemic.

In response to a question by Commissioner Bertino, Ms. Pursel confirmed that the County could allocate a portion of the funds to advertise target areas, like Furnace Town. She noted that the County must fund these expenditures upfront and will be reimbursed 100 percent for advertising out of market (areas like Baltimore, New York, and New Jersey) and 50 percent for advertising in market.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to increase the fee for adult drop-in programs, including soccer, baseball, pickleball, and volleyball, from \$3 to \$5.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted Resolution No. 22-18, an FY23 Budget Reconciliation Amendment for Water and Wastewater, and Resolution 22-19, an FY23 Budget Reconciliation Amendment for Solid Waste to reflect salary increases that were approved in the FY23 County Operating Budget.

Mr. Baker met with the commissioners to request funding of \$100,000 to design improvements to the Riddle Farm Wastewater Treatment Plant (WWTP) to address issues caused by the membranes. Mr. Baker explained that the membranes clog, which requires them to be removed and cleaned, and during such times the WWTP capacity is diminished by as much as 50%. During the cleanings, flows must be diverted to an overflow tank, and the excess wastewater is then pumped and hauled away at an average rate of 8-10 times per day, 4-5 days per week during cleaning cycles. By comparison, membranes at the Riddle Farm WWTP must be cleaned two to three times a month, while older-style membranes at the Mystic Harbor WWTP only require cleaning two to three times per year.

In response to questions by Commissioner Bertino, Mr. Baker confirmed that the original membranes were replaced with sheet-style membranes. These membranes delaminated when exposed to chlorine, which is used as part of the routine cleaning process. This information was only recently relayed to Public Works staff during a visit from the membrane manufacturer, who advised that they were not aware of the issue at the time the current membranes were installed. Commissioner Bertino stated that they should have some recourse since the manufacturer's error cost the County \$1.2 million to fix. Mr. Baker confirmed that it cost the Riddle Farm Sanitary Service Area approximately \$220,000 last year to pump and haul wastewater from the WWTP.

Following much discussion and upon a motion by Commissioner Bertino, the commissioners unanimously accepted a proposal of \$100,000 from GMB for design funding for the Riddle Farm WWTP, with funding to be provided in the form of an intergovernmental loan from the General Fund.

The commissioners met with Deputy Chief Administrative Officer Joe Parker to discuss FY22 advertising expenses for bids, hearings and bills. Mr. Parker advised that expenses exceeded budgeted funds by \$26,733.24 due to two factors: a large increase in advertising coupled with an increase in advertising rates by the Daily Times, which is the only publication which meets the legal criteria “of general circulation.” He further identified certain difficulties working with the Daily Times, which no longer has a locally-based call center.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners unanimously directed staff to investigate options to advertise with The Daily Record and Ocean City Digest for future legal advertisements.

Upon a subsequent motion by Commissioner Elder, the commissioners unanimously approved the requested over-expenditure of \$26,733.24 for advertising.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Church, the commissioners unanimously agreed to appoint John Sims to the Police Accountability Board (PAB).

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to appoint Gregory Tate to the PAB.

Upon a nomination by Commissioner Bunting, the commissioners unanimously agreed to appoint Carrol Frazier to the PAB.

Upon a nomination by Commissioner Bunting, the commissioners unanimously agreed to appoint Robert Cane to the Ocean Pines Water and Sewer Advisory Council.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Quincy Shockley to the PAB.

Upon a nomination by Commissioner Bertino, the commissioners unanimously agreed to appoint Mary Burgess to the PAB.

Upon a nomination by Commissioner Nordstrom, the commissioners unanimously agreed to appoint Jared Johnson to the PAB.

Upon a nomination by Commissioner Nordstrom, made on behalf of Commissioner Mitrecic, the commissioners unanimously agreed to appoint Joe Theobald to PAB.

The commissioners met in legislative session.

The commissioners met with County Attorney Roscoe Leslie to review draft Bill 22-17, which would designate additional days as eligible for regular legislative sessions and to modify the method for publishing notice of legislative bill introductions. Mr. Leslie advised that under the current County Code the commissioners are permitted to introduce and pass legislation on the second and third Tuesdays of the month. Unfortunately, the commissioners meet on the first and third Tuesdays. Bill 22-17 would amend those dates to the first, second, and third Tuesdays of each month. He further advised that the County Code includes a provision to advertise bills, which have been introduced, two times before any scheduled public hearing. However, the State only requires introduced bills to be posted in the County building and advertised after passage that have been introduced requiring the County to advertise after passage of a bill. Therefore, he recommended publishing a fair summary of introduced bills on the County website at least seven Days and cease to publish them twice in a general circulation newspaper prior to a public hearing. Commissioner Bertino disagreed with the proposed change to the existing advertising requirements.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell introduced Bill 22-17 to add the first Tuesday of the month to the existing

legislative days and agreed to schedule a public hearing on the bill. Mr. Leslie advised that the bill will be amended to remove the proposed change to the advertising requirements.

Commissioner Mitrecic closed the legislative session.

Commissioner Nordstrom thanked staff for their timely responses when concerns are raised by his constituents.

The commissioners answered questions from the press, after which they adjourned to meet again on September 6, 2022.