

Minutes of the County Commissioners of Worcester County, Maryland

November 15, 2016

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, 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) 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; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: transferring Karen Parker from Transfer Station Attendant to Recycle Worker I in the Solid Waste Division of Public Works, and agreeing to post the vacant Transfer Station Attendant position; personnel budget issues in the Sheriff's Office; 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 minutes of their November 1, 2016 closed session meeting as presented and open session meeting as amended.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the general rehabilitation of a home in the Snow Hill area, which is to be funded through the County's current Community Development Block Grant (CDBG).

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the replacement of a well at a single-family home in the Snow Hill area, which is to be funded through the County's current CDBG.

The Commissioners met with Lieutenant Mike Bowen to review and discuss the proposed Memorandum of Understanding (MOU) for Sheriff's Services to Walmart in Berlin on Black

Friday, November 24, 2016, with three officers and times to be determined, and from Christmas Eve, December 24, at 6:00 p.m. through Christmas Day, December 25, at 8:00 p.m.

Commissioner Mitrecic asked for clarification regarding the rate of reimbursement, noting that the rate of reimbursement in the MOU is set at \$75 per hour, which may not cover the actual holiday pay for the deputies who work this duty. Lt. Bowen advised that the Deputies would be providing security, so Walmart can give their employees these days off. Human Resources Director Stacey Norton confirmed that deputies would be given an alternate holiday at the overtime rate if they work the shift.

Commissioner Bertino questioned how providing security details to private businesses would impact coverage within the Sheriff's Office and who is eligible to work these additional assignments. Lt. Bowen stated that overtime opportunities are posted, so any interested Deputy can sign up to work these security details. He advised that the Sheriff's Office has provided this service to Walmart in prior years.

Commissioner Elder pointed out that Walmart would reimburse the County at a rate of \$75 per hour, per Deputy under the terms of the MOU and asked whether that rate is adjusted to cover the actual cost of time and a half for higher salaried Deputies and Command staff.

Commissioner Bunting stated that the Sheriff's Office should not be providing security to private establishments, and favored regular patrols in the area during business closings rather than entering into an MOU with Walmart to have Deputies onsite. Commissioner Mitrecic concurred and stated that he needed more information on the specific questions that had been raised today before he could vote to approve any proposed MOU.

Following much discussion, a motion by Commissioner Church to approve the request failed 2-5, with Commissioners Church and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, Elder, Lockfaw, and Mitrecic voting in opposition.

Pursuant to the request of Emergency Services Assistant Director James Hamilton and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Absolute Security Group, Inc. of Salisbury, Maryland for the purchase and installation of an Aiphone IX Series internet protocol (IP) network audio-video intercom system at the Government Center in Snow Hill at a total cost of \$42,215. Mr. Hamilton advised that Aiphone no longer supports the existing system, which was installed in 2001 and had to be shut down during the week of October 10, 2016 after a circuit card in the main control box malfunctioned, which caused Emergency Services and Sheriff's Office system to ring continuously. Mr. Hamilton advised that attempts to reset the card failed, and replacement parts are no longer available. In response to a question by Commissioner Bertino, Mr. Hamilton confirmed that funds were not set aside in the FY17 budget for this unplanned project, but replacement of the system is an urgent public safety need. Chief Administrative Officer Harold Higgins advised that funds are available in the Assigned Fund Balance to cover this expense.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the rental and service of portable restrooms for a period of two years, with a possible extension for years three through five, at the County Boat Landings, Solid Waste Homeowner Convenience

Centers, Firing Range and Recreational Parks.

The Commissioners conducted a public hearing on a Sanitary Service Area Expansion application submitted by Sun TRS Communities, LLC to expand the Mystic Harbour Sanitary Service Area (SSA) to add the existing Frontier Town Campground, to the SSA for sewer service. Environmental Programs Director Bob Mitchell advised that the property is located at 8428 Stephen Decatur Highway (MD Rt. 611) approximately one-quarter mile from its intersection with Assateague Road (MD Rt. 376) and more specifically identified on Tax Map 33 as Parcel 94 and is presently served by private water and sewer, so a connection would need to be constructed to connect the campground to the sewer collection system. He stated that the expansion would include the purchase of 166 equivalent dwelling units (EDUs) of wastewater treatment capacity by the petitioner from the Mystic Harbour SSA to serve the existing 584-lot campground. Mr. Mitchell advised that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Development Plan.

Commissioner Bunting opened the floor to receive public comment.

Hugh Cropper, attorney for the applicant, asked the Commissioners to support the findings of the Planning Commission and staff that the proposed expansion would be in the best interest of the County, as it would prevent intrusion of septic in shallow ground water, and provide capital to the Mystic Harbour SSA through the purchase of 166 EDUs and payment of user fees.

Dane Bauer of Diversified Building Solutions of Bishopville stated that the expansion will also make it possible to serve properties on both sides of MD Rt. 611 in the immediate vicinity of Frontier Town.

Bud Shanley of Brandywine Lane opposed the proposed SSA expansion, stating that it would increase the concentration of people and wastewater generated in an environmentally fragile area, increase traffic at the already highly congested MD Rt. 611 and MD Rt. 376 intersection, and these factors could negatively impact the property values of nearby residents. He also expressed concern regarding Mr. Bauer's statement that the expansion would serve properties on both sides of MD Rt. 611, which would lead to even more development in the area, which would have a negative impact on the environment.

In response to concerns raised by Mr. Shanley, Mr. Mitchell stated that the provision of sewer would enable the septic systems to be removed. Mr. Cropper stated that the property had recently been down-zoned at the petitioner's request from commercial to agricultural, which substantially reduced the potential property uses. Mr. Mitchell also corrected misinformation, noting that there are other properties on both sides of MD Rt. 611 south of the airport that are included in the Mystic Harbour SSA planning area that will eventually be served by sewer, such as Assateague Greens and Bethany United Methodist Church, but service is not planned for properties outside the existing service area. Mr. Mitchell stated that the properties to be served by sewer are all north of Frontier Town. With regard to potential environmental impacts of the expansion, Mr. Mitchell stated that this is the cleanest watershed in the County, and the basin benefits from money spent on environmental improvements that would include the connection of the Castaways Campground to sewer, the new Mystic Harbour WWTP with state of the art treatment technology and spray irrigation, upgrading the Assateague State Park septic systems to include treatment, and the removal of the Federal Park discharge to the bay for conversion to a

wetland treatment system.

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

Commissioner Mitrecic stated that anything the County can do to eliminate septic discharge is a plus. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 16-26 expanding the Mystic Harbour SSA to provide sewer service to the Frontier Town Campground as requested.

The Commissioners met with Budget Accountant Kim Reynolds to review and consider scheduling a public hearing on the requested five-year Capital Improvement Plan (CIP) FY18 - FY22. Ms. Reynolds advised the Commissioners that projects totaling \$89,748,633 are proposed over the five-year period. She stated that, of the proposed projects, \$9,744,875 or 10.8% is proposed to be funded by the General Fund and \$47,085,062 or 52.4% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, enterprise fund bonds or a local bank loan. 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. Ms. Reynolds noted an amendment to the Bayside Road Bridge Replacement Project cost share on page 14 from an 80/20 State and County match to a 50/50 State and County match.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on December 20, 2016 to receive public comment on the requested five-year CIP FY18 - FY22, as amended to correct the State and County match for the Bayside Road Bridge Replacement Project.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Church, the Commissioners unanimously agreed to reappoint John Glorioso to the Economic Development Advisory Board and Elena Ake to the Tourism Advisory Committee for additional four-year terms each expiring December 31, 2020.

Upon a nomination by Commissioner Mitrecic, the Commissioners unanimously agreed to reappoint Ocean City Mayor Rick Meehan as an at-large member to the Local Development Council for the Ocean Downs Casino for an additional four-year term expiring December 31, 2020.

Upon nominations by Commissioner Purnell, the Commissioners unanimously agreed to reappoint Rodney C. Belmont to the Board of Zoning Appeals and Roy M. Case to the Board of Electrical Examiners for additional three-year terms each expiring December 31, 2019.

Upon nominations by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Debbie Hileman to the Housing Review Board for an additional three-year term expiring December 31, 2019, to reappoint Rod Murray to the Local Development Council for the Ocean Downs Casino for an additional four-year term expiring December 31, 2020, and to reappoint Richard L. Wells to the Planning Commission for an additional five-year term expiring December 31, 2021.

Upon nominations by Commissioner Lockfaw, the Commissioners unanimously agreed

to reappoint Larry Fykes to the Board of Zoning Appeals and C.D. Hall to the Housing Review Board for additional three-year terms each expiring December 31, 2019, and reappoint Kevin Holland to the Building Code Appeals Board for an additional four-year term expiring December 31, 2021.

Upon a nomination by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Missy Denault to the Recreation Advisory Board for an additional four-year term expiring December 31, 2020.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to appoint Brandy Trader as the non-profit social services representative to the Adult Public Guardianship Board for the remainder of a three-year term expiring December 31, 2017 to fill the position created by the resignation of Pattie Tingle and to reappoint Hope Carmean to the Commission for Women for a three-year term expiring December 31, 2019.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Bunting to sign the Agreement of Sale between Shirley W. Pilchard and Gary Pilchard (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a conservation easement in perpetuity for \$1,707 per acre on approximately 300 acres, more or less, that are located at 3203 Betheden Church Road in Pocomoke in the 8th Tax District of Worcester County, Maryland, with the owner having agreed to eliminate subdivision rights, with the only house to be the existing farm house and potentially one heavily-regulated accessory structure at some point in the future. Mr. Mitchell advised that all costs, including administrative costs, will be reimbursed by the Rural Legacy Area (RLA) grant.

The Commissioners met with Mr. Mitchell to schedule a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Attorney Hugh Cropper on behalf of Sun TRS Fort Whaley, LLC to expand the Fort Whaley Campground to add 63 campsites to the existing 210-lot campground without a change in the previously-approved water and sewerage planning boundaries, with anticipated infrastructure changes to include establishing additional drain field/reserve areas, connecting force/gravity mains for the new drain fields, and any modifications of the wastewater treatment plant storage that may be required by the Maryland Department of the Environment (MDE). Mr. Mitchell advised that the property is located at the intersection of U.S. Rt. 50 and Dale Road in Whaleyville and more specifically identified on Tax Map 18 as Parcel 20. Mr. Mitchell advised that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Development Plan.

Upon a motion by Commissioner Mitreic, the Commissioners unanimously agreed to schedule a public hearing on December 20, 2016 to receive public comment on the proposed amendments to the Worcester County Water and Sewerage Plan as requested.

The Commissioners commended Tourism Director Lisa Challenger for being named Maryland Tourism Person of the Year at the Maryland Tourism & Travel Summit in November for her exceptional commitment to enhancing and perpetuating the Maryland tourism industry, and they thanked her for her dedication to developing regional partnerships and projects to

enhance tourism in Worcester County and across the Eastern Shore.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Lockfaw, the Commissioners unanimously voted to meet in closed session at 11:15 a.m. in the Commissioners' Conference Room to discuss personnel matters permitted under the provisions of Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland. The topic discussed included employment evaluation procedures for administrative staff positions.

The Commissioners adjourned to meet again on December 6, 2016.