

## Minutes of the County Commissioners of Worcester County, Maryland

April 18, 2023

Anthony W. Bertino, Jr., president  
Madison J. Bunting, Jr., vice president  
Caryn G. Abbott  
Theodore J. Elder  
Eric J. Fiori  
Joseph M. Mitrecic  
Diana Purnell

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 9:01 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 (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 Candace Savage, 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 update; hiring Dana Hubble and Jordan Taylor as emergency communications specialist trainees in Emergency Services and promoting GIS Analyst III Matt Laick to deputy director in Development Review and Permitting; receiving legal advice from counsel; and performing administrative functions, including considering board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to adjourn their closed session at 9:49 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Father John Solomon of the Holy Savior Roman Catholic Church in Ocean City 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 March 21, 2023 regular meeting and April 21 budget work session and the open minutes of their March 28 budget work session as presented.

The commissioners presented a years-of-service commendation to Lieutenant Katherine L. Worth who is retiring following 27 years of service to the County Jail.

The commissioners presented a commendation to Stephen Decatur High School senior William Kozma in recognition of his service as Worcester County's Page to the 2023 Maryland General Assembly.

The commissioners presented a proclamation to CRICKET Center Executive Director Lauren Cooper, Life Crisis Center (LCC) Director Jamie Manning, Department of Social Services (DSS) Assistant Director Tammy Jones, and others recognizing April as National Child Abuse Prevention Month in Worcester County. The commissioners commended the local partnerships that have been established to help prevent abuse from occurring and support child victims of maltreatment.

The commissioners presented a proclamation to Housing Rehabilitation Program Coordinator Davida Washington recognizing April as Fair Housing Month and promoting the Worcester County Housing Rehabilitation Program, which plays a key role locally in furthering the principles of safe, stable housing by assisting low to moderate income individuals and families obtain grants and loan funding for general rehabilitation, pesticide inspection and treatment, and lead abatement services.

The commissioners presented a proclamation to Health Officer Becky Jones retroactively recognizing April 3-9, 2023 as Public Health Week in Worcester County.

The commissioners presented a proclamation to Ms. Manning recognizing April as Sexual Assault Awareness Month, noting that in 2021 the LCC provided sexual assault services – including counseling, medical and legal advocacy, victims’ rights assistance, and crisis hotline services – to 448 child and adult survivors of sexual violence. Ms. Manning urged all in the community to partner with the LCC to prevent sexual abuse from occurring.

The commissioners presented a proclamation retroactively recognizing April 9 - 15, 2023 as National Public Safety Telecommunicators Week in Worcester County to Emergency Services Director Billy Birch and other 911 professionals. The commissioners commended the County’s emergency communications specialists for their diligence and professionalism.

Upon a motion by Commissioner Purnell, the commissioners unanimously approved by consent agenda item numbers 2-16 as follows: bid specifications for the County’s paving contract and to upgrade the fuel system at the Ocean Pines Wastewater Treatment Plant; River Run Towns, LLC turnover documents, to include accepting the utilities into the County’s River Run Service Area for operation; Shorepoint Cottage Court Small Project Agreement to extend water and sewer via the Mystic Harbour Sanitary Service Area to serve 52 cottage units; irrevocably transferring Worcester County’s full \$2,185,554 tax-exempt housing bond allocation to the Department of Housing and Community Development for use in issuing housing bonds or mortgage credit certificates on behalf of Worcester County for use under the Maryland Mortgage Program; scheduling Agricultural Scrap Tire Collection for May 20 and 22, 2023; letter of support for a Coastal Resiliency Fund grant for a Maryland Coastal Bays marsh restoration project; out-of-state travel for one staff member to attend the Zartico inaugural user conference for ZDOS in Tampa, Florida May 206, 2023; applications for an FY23 Police Recruitment and Retention (PRAR) program grant of \$27,623, two FY23 White Paper Solicitation for Special Projects Edward J. Byrne Memorial Justice Assistance grants of \$10,000 and \$27,172.41, an FY24 Body Armor for Local Law Enforcement grant of \$9,908, an FY24 PRAR program grant of \$57,170 (or \$29,547 if a portion of these funds are approved in the white paper solicitation),

an FY24 Sex Offender Compliance and Enforcement grant of \$8,759, and an FY24 Local Warrant Apprehension and Absconding program grant of \$10,000 for the Sheriff's Office; and recommended FY24 tax rates, certifications, and recommended managers for all 18 tax ditches in the County.

Atlantic General Hospital President Don Owrey provided an annual update to the commissioners outlining the hospital's community partnerships, FY21-22 financials, partnerships, challenges, new providers, and accomplishments during the past year. In response to a question by Commissioner Mitrecic, Mr. Owrey confirmed that AGH is not requesting a County grant for FY24.

Board of Education (BOE) Superintendent Lou Taylor and Chief Financial Officer Vince Tolbert presented the requested FY24 BOE Operating Budget of \$131,965,977, with a County appropriation of \$106,026,226 that represents an increase of \$4,167,621 or 4.1% over the County's FY23 appropriation. In response to questions by Commissioner Mitrecic regarding the \$758,679 for Appropriation – Retirement Expenses, Mr. Tolbert advised that this is Pay-Go, for employees outside of the State teacher system, and he provided an overview of this funding responsibility.

Following questions from Commissioner Abbott, Mr. Taylor advised that the appointment of 21 assistant principals within the 14 Worcester County Public Schools is based on best practices issued by the State, and he agreed to provide the commissioners with the list of take-home vehicles in the BOE's fleet. In response to questions by Commissioner Fiori regarding the possibility of reallocating funding in certain categories to help close the budget shortfall, Mr. Taylor advised that ESSER grant funds are allocated for certain uses and cannot be easily reallocated. Commissioner Bertino advised that the documents before them can best be described as a budget summary and not a detailed budget, like those provided by all the other County departments and State agencies over which the commissioners exercise funding authority. He reminded Mr. Taylor that there have been multiple requests, including discussions he has had with elected BOE members and an email from Chief Administrative Officer Weston Young to Mr. Tolbert requesting a detailed budget, and he asked when the commissioners can expect to receive these documents. He said the commissioners are seeking more detail and clarity to help them better understand where the money is going and how they can close an \$11.7 million deficit, which includes the additional \$4 million the BOE requesting for FY24, plus unfunded mandates in other areas. Mr. Taylor stated that the BOE wants to be fully transparent and agreed to discuss this request with the BOE members. BOE President Todd Ferrante confirmed that the BOE members would discuss the County's request when they meet later that day. Commissioner Mitrecic disagreed with the need for the level of detail being requested and suggested that individual commissioners could file a Freedom of Information Act request if they so choose to obtain the requested documents.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners voted 6-1, with Commissioner Fiori voting in opposition, to separate the requested FY24 BOE operating budget from the requested FY24 County operating budget when voting to adopt these budgets on June 6, 2023.

The commissioners recessed for 10 minutes.

The commissioners conducted a public hearing to consider a request to establish a residential planned community floating zone for the Refuge at Windmill Creek on approximately 95 acres located on the northwesterly side of Beauchamp Road, north of MD Rt. 589 and more specifically identified on Tax Map 15 as Parcels 127 and 259 zoned R-1 Rural Residential and RP Resource Protection Districts. Development Review and Permitting Director Jennifer Keener and Zoning Administrator Kristen Tremblay reviewed the project details, noting that the Planning Commission provided a favorable recommendation to the request.

Commissioner Bertino opened the floor to receive public comment.

Attorney Cristina Winkowski concurred with the staff report and stated that the plans have met and exceed the requirements for step one approval. Upon questions by Ms. Winkowski, Ronnie Carpenter, P.E. of Carpenter Engineering, LLC agreed that the zoning is suitable for infill development, and the intended use is consistent with the existing land uses in the vicinity. He stated that the design plans provide twice the amount of required open space, with added forest protection and water recharge onsite that are environmentally friendly.

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

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the Step I plan for the Refuge at Windmill Creek RPC floating zone and adopted the Findings of Fact.

The commissioners conducted a public hearing to receive comments on the proposed disposal of surplus property by quitclaim. This includes the former Liquor Control warehouse at 5363 Snow Hill Road on a 7.9 +/- acre commercial site located along the southwest side of Snow Hill Road west of the town of Snow Hill to Talkie Communications, Inc. for \$380,000.

Commissioner Bertino opened the floor to receive public comment.

There being no public comments, Commissioner Bertino closed the public hearing.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to dispose of the surplus property by selling it to Talkie Communications as proposed.

The commissioners conducted a public hearing to receive comments on the proposed disposal of surplus property by quitclaim. This includes the three-story commercial structure at 100 Pearl Street in Snow Hill that previously housed Tourism and Economic Development to Garibay Construction, LLC for \$280,000 cash.

Commissioner Bertino opened the floor to receive public comment.

There being no public comments, Commissioner Bertino closed the public hearing.

Upon a motion by Commissioner Elder, the commissioners unanimously agreed to dispose of the surplus property by selling it to Garibay Construction, LLC as proposed.

The commissioners conducted a public hearing to receive comments on the disposal of surplus County vehicles and equipment no longer used by the County by auctioning these items on GovDeals.com.

Commissioner Bertino opened the floor to receive public comment.

There being no public comments, Commissioner Bertino closed the public hearing.

Upon a motion by Commissioner Elder, the commissioners unanimously agreed that the list of County vehicles and equipment will be sold online at [www.govdeals.com](http://www.govdeals.com) as County surplus property.

Pursuant to the request of Chief Administrative Officer Weston Young and upon a motion by Commissioner Elder, the commissioners unanimously agreed to allocate \$203,259 in American Rescue Plan (ARPA) funds for the following audio visual improvement projects: \$101,822.23 for courtrooms two and three in the Circuit Court, \$6,265 for video court in the County Jail, and \$95,172 in County Administration for the Commissioners' Meeting Room.

Finance Officer Phil Thompson presented a summary of the financials of the fire and emergency medical services companies in the County by UHY, LLC Certified Public Accountants. Fire EMS Audit Report (FYI), which shows how the companies operate and provides transparency with regard to the cash on hand.

On July 5, 2022 the commissioners voted to allocate \$1.5 million of ARPA funding to fire and EMS companies operating in the County and tasked the individual companies with determining the highest priority items to fix the fragile system. Mr. Young and Procurement Officer Nick Rice reviewed the requests that have been received from some of the companies to date and efforts to work with them to obtain the best pricing for the requested items. Commissioner Bertino expressed concern that Ocean City, Ocean Pines, and Girdletree Volunteer Fire Companies are the only companies that have proposed uses that seem to fit the criteria to fix the fragile system. In response to a question by Commissioner Bertino, Mr. Young advised that the fire chiefs voted to split the money equally 10 ways; however, the intended use of the funds by the commissioners was to fix the fragile system.

A motion by Commissioner Mitrecic to approve the ARPA funding requests as presented failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

Upon a motion by Commissioner Abbott, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to table their discussion on the proposed allocation of ARPA funding for a future meeting to provide them with time to further review the requests.

The commissioners met with Mr. Young to review and discuss the FY24 Fire and EMS budget requests. These include supplemental requests of \$10,677 per volunteer fire company, an additional \$10,000 per ambulance, increasing mileage supplement to the IRS rate of \$0.655, increase the non-credit out-of-town and credit runs in-town to \$224, increase credit runs out-of-town to \$900, and \$28,637.28 for 560 gallons of firefighting foam.

Pursuant to the recommendation of Mr. Young and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized Commission President Bertino to sign a letter to the IRS and Section 147(f) Approval and Written Agreement supporting the Berlin Fire Company's efforts to utilize Public Approval of Private Activity Bonds, which will provide low interest rates, to purchase two apparatus.

Pursuant to the request of Delmarva Power & Light Company and upon a motion by Commissioner Mitrecic, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to adjust certain easements owned by Ocean City and Delmarva Power in the vicinity of the Ocean City Branch Library at 100<sup>th</sup> Street in Ocean City for the Ocean City battery energy storage project.

Pursuant to the recommendation of Information Technology Director Brian Jones and upon a motion by Commissioner Bunting, the commissioners unanimously authorized the purchase of TRIO Solution at a cost of \$56,674 from CentralSquare.

The commissioners met with Procurement Officer Nick Rice to review a recommendation to award the best and lowest bid for advertising creative, medial placement, and social media services to D3 Corp at an annual cost of \$24,000 annually. Mr. Young advised the State allocated a little over \$1 million to the County for continuing to invest in tourism marketing during COVID, but the County must spend those funds by the close of FY23. He stated that this was one of the approved uses of those funds. Tourism and Economic Development Director Melanie Pursel advised that D3 Corp could continue charging the County monthly through the close of the existing campaign without entering into a contract.

Upon a motion by Commissioner Abbott, the commissioners voted 5-1-1, with Commissioner Mitrecic abstaining and Commissioner Elder voting in opposition, to table the proposed contract and continue working with D3 Corp under the current marketing plan.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Elder, the commissioners unanimously accepted the proposal from H2I Group of \$346,911.60 to replace the bleachers at the Worcester County Recreation Center in Snow Hill. Mr. Young advised that Local Parks and Playground Infrastructure funding from the State will be used to cover this cost.

Pursuant to a request from the Library Board of Trustees and upon a motion by Commissioner Abbott, the commissioners unanimously granted authorization to move forward with planning and construction of a new Pocomoke Branch Library on the existing library site and to place the County loan to Pocomoke for the demolition of the Armory on hold pending the outcome of a decision from the Town of Ocean City.

Mr. Rice advised the commissioners that the County received no bids for the sale of the synthetic ice rink by the time the bid period closed on Tuesday, March 28, 2023, and he sought direction on how to proceed.

Commissioner Mitrecic made a motion to solicit proposed use proposals from interested parties, which he withdrew following comments from Commissioner Elder that Recreation and Parks should maintain ownership and operation of the rink for the enjoyment of County residents.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners voted 4-3, with Commissioners Abbott, Bertino, Bunting, and Fiori voting in favor and Commissioners Elder, Mitrecic, and Purnell voting in opposition, to place the synthetic ice rink for sale on GovDeals.com.

Development Review and Permitting Director Jennifer Keener updated the commissioners on the cannabis reform bills passed by the Maryland General Assembly, including the types of new licenses that will be available for adult-use cannabis beginning July 2023. She provided background on how staff previously applied zoning regulations for processing, growing, and dispensaries for medical use. She then advised that the new State law

includes provisions for the County to establish certain distance limitations for adult-use cannabis dispensaries and either restrict or outright prohibit on-site consumption establishments.

In response to questions by Commissioner Bertino, Ms. Keener advised that the Maryland Cannabis Administration is expected to adopt emergency regulations on how to license these types of establishments effective July 1, 2023, with the first round of licenses to be issued beginning January 1, 2024 (round one will not include on-site consumption), and the second round of licenses to be issued May 1, giving the County time to further discuss its local authority under the legislation, develop any potential code amendments, conduct a public hearing on the proposal, and adopt emergency legislation to enact these regulations ahead of the issuance of State licenses.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners unanimously directed Ms. Keener to continue to monitor State developments on the new law and to provide the commissioners with options to move forward.

The commissioners recessed for five minutes.

The commissioners met with Ms. Keener to review an application to rename a private lane in Berlin from Ned Purnell Lane to Leonard Lane. Commissioner Purnell noted the historic significance of the existing lane name and opposed renaming the lane. Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved Option 2 to retain the name of Ned Purnell Lane.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Elder, the commissioners unanimously authorized the sole source purchase of six replacement cassettes, membrane modules, and associated hardware for the Riddle Farm Wastewater Treatment Plant at a cost of \$440,000 from Veolia.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Fiori, the commissioners unanimously approved a memorandum of understanding and cost share agreements to complete a \$124,000 feasibility study of the MD Rt. 611 Shared Use Path. This project is to be funded through a Transportation Alternative Program grant and a Bikeways program grant.

Pursuant to the recommendation of Mr. Baker following the results of a speed study on Purnell Crossing Road on March 15 and 20, 2023 and upon a motion by Commissioner Elder, the commissioners agreed to reduce the speed limit on this road from 50 mph to 45 mph and post the new speed limit on this currently unposted road.

Pursuant to the request of Ms. Purcell and upon a motion by Commissioner Bunting, the commissioners unanimously agreed to reallocate Tri-County Council Rural Maryland grant funds from the Pocomoke Pathways to Economic Development to the Riddle Farm water and wastewater optimization project.

Pursuant to the request of Ms. Purcell and the Town of Snow Hill and upon a motion by Commissioner Elder, the commissioners unanimously adopted Resolution No. 23-05 consenting

to the Snow Hill Enterprise Zone.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to reappoint JT Novak to the Electrical Board and to appoint Joslyn Briddle to the Commission for Women.

The commissioners directed Public Information Officer Kim Moses to issue a press release advising that the public hearing on the requested FY24 County operating budget will take place in the Commissioners' Meeting Room on May 2, 2023 at 7 p.m. and advising that comments will be limited to three minutes.

The commissioners answered questions from the press, after which they adjourned to meet again on May 2, 2023.