

Minutes of the County Commissioners of Worcester County, Maryland

January 16, 2024

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 Fiori, 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 (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, Human Resources Director Stacey Norton and Deputy Director Pat Walls, Library Board of Directors President Jeff Smith, and representatives from Bancroft Construction, Keller Construction, Whiting Turner. Topics discussed and actions taken included the following: hiring Katelyn Bueno as an emergency communications specialist trainee in Emergency Services, Harold Roberts and John Lacy, III as landfill operators in the Solid Waste Division, and Alonzo Davis, Neiman Holden, and Kody Jacoby as correctional officer trainees in the County Jail; promoting Senior Corporal Timothy Scott to sergeant; receiving legal advice from counsel; and performing administrative functions, including discussing board appointments, and vendor presentations from the top three bidders for the construction of a new Pocomoke Branch Library.

Following a motion by Commissioner Fiori, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 9:52 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 Davida Washington of DRP 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 December 19, 2023 meeting as presented.

The commissioners presented a years-of-service commendation to K9 Officer Simon after serving for more than nine years with his handler, Lieutenant Christopher Larmore in the Worcester County Sheriff's Office.

Sheriff Matthew Crisafulli accepted a commendation from the commissioners on behalf

of Deputy Mark Shayne, who was named the 2023 Law Enforcement Officer of the Year for Worcester County by Mothers Against Drunk Drivers for stopping 200 impaired individuals from driving on Maryland roadways during the past two years.

The commissioners presented commendations honoring Virgil and Kenny Dukes, both of whom have served citizens as members of the Girdletree Volunteer Fire Department for seventy years. Kenny Dukes was not able to be in attendance at the meeting.

The commissioners presented a commendation to staff from Big Brothers Big Sisters of the Eastern Shore recognizing January as National Mentoring Month and encouraged those looking to make a positive difference in the community to consider becoming mentors.

Upon a motion by Commissioner Bunting, the commissioners unanimously approved by consent agenda item numbers 2-8 and 11-12 as follows: accepting the Emergency Management Performance Grant of \$76,316.98; entering into an MOU with Coastal Vida Events, LLC, for the Ride Maryland's Coast Bike Festival, Saturday, May 4, 2024; out-of-state travel request for two staff to attend the Association of Government Accountants Professional Development Training July 13 – 18, 2024; a Maryland Agricultural Land Preservation Foundation matching funds of \$90,000, for easement acquisitions; 2024 employee events and programs; allocating \$23,465 for the Sunset Avenue sewer design; bid documents for the Mystic Harbour Backwash Pond Cleaning; purchasing Pocomoke Middle School multi-sport court floor for \$148,000 from Musco Sports Lighting, LLC; letter of support to allow out-of-state RV dealers to participate in RV shows in Worcester County.

Pursuant to the request of Procurement Officer Nicholas Rice and upon a motion by Commissioner Purnell, the commissioners unanimously approved bid specifications for the Youth Care Coordination Program through the Health Department.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Fiori, the commissioners unanimously approved bid specifications for the Riddle Farm force main bypass design. In response to a question by Commissioner Bertino, Public Works Director Dallas Baker confirmed that the emergency bypass will eliminate the need to pump and haul sewage from the Riddle Farm Wastewater Treatment Plant (WWTP) to the Ocean Pines WWTP for treatment.

The commissioners met with Finance Officer Phil Thompson and Chris Hall of TGM Group, LLC, Certified Public Accountants to review the County's Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending June 30, 2023. Mr. Thompson stated that this is the most important financial document the County produces each year, and it is placed on file with the federal clearing house, the State of Maryland, and many other entities the County does business with. He then reviewed the contents of the document and advised that the greatest change in the FY23 report is the impact on the Other Post-Employment Benefits (OPEB) liability for General Government, which decreased by more than \$2.1 million in in FY23. Similarly, the OPEB liability for the Board of Education (BOE) decreased by \$11.4 million at the end of FY23. In response to a question by Commissioner Bertino, Mr. Thompson advised that the decrease

was the combined result of aggressive, continued funding and implementation of the Medicare carveout in FY22, which decreased the County's liability significantly.

Mr. Thompson then announced that the County was awarded the Certificate of Achievement for Excellence in Financial Reporting for the fifteenth consecutive year by the Government Finance Officers Association (GFOA) of the United States and Canada for its ACFR for FY21. This award is the highest form of recognition awarded to local governments in the areas of accounting and financial reporting and assures the users of the County's financial statements that the County is complying with the most recent accounting and finance pronouncements in a format that is widely acceptable. He recognized key members of the finance team, Deputy Chief Administrative Officer Candace Savage, Budget Officer Kim Reynolds, Deputy Finance Officer Jessica Wilson, Tax Manager Michelle Carmean, and Enterprise Fund Controller Barbara Hitch for their contributions to the creation of this document.

Mr. Hall reviewed the Independent Auditors' Report, issuing Worcester County an unmodified opinion, which represents the highest assurance TGM can give. He then reviewed the Independent Auditor's Report and other areas of the ACFR. He commended the County's financial team for the job they do and for partnering with TGM auditors to complete this project. The commissioners thanked Mr. Hall and his team for all their work. In response to a question by Commissioner Bertino, Mr. Hall confirmed that part of the audit is assuring the proper segregation of responsibilities, and if there had been any irregularities, that finding would have been included in an audit communication.

Finance Officer Phil Thompson provided an overview of the State Department of Assessment and Taxation (SDAT) press release issued December 29, 2023 announcing that property values rose by 23.4% across Maryland and 46.1% for Worcester County following the 2023 reassessment of Ocean City Maryland. Mr. Thompson stated that this will result in a very modest overall increase of 7.97% or \$14 million in property tax revenues to the County. To clear up any public confusion regarding the wording of this State press release, he advised that the percentage increase noted in the SDAT release is a total value increase, which will either be phased in over a three-year period or limited to a 3% increase per year for those who participate in the Homeowners Tax Credit program. Mr. Thompson stated that the County has the third lowest property tax rate, and this revenue accounts for approximately two-thirds of the overall County budget.

The commissioners met in legislative session.

The commissioners conducted a public hearing to consider a request submitted by Attorney Mark Cropper on behalf of Island Resort Park, Inc. to award approximately 33.46 acres of the County's Atlantic Coastal Bays Critical Area Growth Allocation for the Island Resort Campground, located on the northerly side of Croppers Island Road in Newark and identified on tax Map 40 as Parcels 93 and 241, resulting in a reclassification of said property from Resource Conservation Area to Limited Developed Area. Environmental Programs Director Bob Mitchell reviewed the application, noting that the applicant is proposing to expand the existing campground by 62 campsites. He advised that there are currently 369.18 acres of growth allocation available, and the Planning Commission granted a favorable recommendation to the request. If the commissioners approve the request, this case will be sent to the Critical Area Commission for final approval.

Commissioner Bertino opened the floor to receive public comment.

Mr. Cropper reviewed the history of Island Resort Campground, including its prior use as a surface mine, and he advised that the proposed project received special exception approval from the Board of Zoning App, making this a legal, nonconforming use for which the county Code does allow for expansion. Therefore, the next step will be to file a request with the BZA for an expansion.

Mr. Yule, owner of the campground, advised that he would like to expand the campground to include an additional 62 sites in the existing campground, and he urged the commissioners to approve his request.

Engineer James Cook supported the proposed growth allocation and concurred with all but one exception on page 27 of the staff report that the request is consistent with the Critical Area Law. Mr. Cropper disagreed with staff's findings that the request is inconsistent with the Comprehensive Plan. He noted that staff compared this request to a rezoning; however, the two requests are not similar, as the special exception is a presumptively permitted use in the A-1 zone.

Stephan Katsanos of South Point opposed the requested growth allocation and urged the commissioners not to act on this request.

Commissioner Mitrecic read an email from Judy and Brian Wilbur of Croppers Island Road opposing the proposed growth allocation and campground expansion, but asked for certain studies and traffic calming measures be implemented in the event that the commissioners are inclined to approve the request.

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

In response to questions by Commissioner Bertino regarding Mr. Cropper's disagreement with staff's findings regarding the consistency with the Comprehensive Plan, Mr. Mitchell stated that staff did not ignore literal inconsistencies with the plan, but acknowledged that the existing campground was granted a special exception. He stated that staff comments were an initial take on the application for any campground in the agricultural zone. Environmental Programs Deputy Director David Bradford reviewed the environmental impacts for the project, including planting more trees than those to be removed, installing 21 acres of forest conservation area, and implementing stormwater management and wetland delineation. He stated that the County has only used 75 acres of growth allocation to date, and staff considers this request to be a good use of that growth allocation. Mr. Mitchell concurred, noting that the water quality in the Newport Bay has improved according to the Maryland Coastal Bays Program's most recent report card.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the requested growth allocation and accepted the Findings of Fact.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review a text amendment application submitted by Hugh Cropper to add a special exception use in the C-2 General Commercial District to allow multi-family dwelling units to be detached from the principal commercial structure. Ms. Keener stated that this mirrors what the commissioners recently approved in the C-3 Highway Commercial District.

Following some discussion, Commissioners Elder, Mitrecic, and Purnell introduced the aforementioned text amendment and agreed to schedule a public hearing on the bill.

The commissioners met with County Attorney Roscoe Leslie to review a text amendment application drafted by staff to make minor changes to the Ethics Ordinance to comply with State law. Mr. Leslie stated that this is a housekeeping measure.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned text amendment and agreed to schedule a public hearing on the bill.

The commissioners adjourned their legislative session.

The commissioners met with Procurement Officer Nick Rice to discuss the five proposals submitted for the construction manager at risk services for the new Pocomoke Branch Library project. Mr. Rice advised that staff evaluated and ranked the proposals, and earlier that morning the commissioners and staff interviewed the three, top-ranked firms: Bancroft Construction, Keller Construction Management (The Design Group), and Whiting -Turner.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously accepted the proposal from Keller Construction Management as presented.

Information Technology Director Brian Jones provided an update on County partnerships with Choptank, Talkie, Maryland Broadband Cooperative, and Simple Fiber to extend the availability of broadband to unserved and underserved areas of the County. He stated that in 2021 over 6,400 homes in the County had no access to broadband; however, upon completion of currently planned projects, over 5,000 homes will have access to broadband internet services. He then reviewed broadband initiatives in the County, which include but are not limited to the following: Choptank has already hooked up 470 residents, Talkie has made service available to 558 homes, Simple Fiber is actively installing fiber in Pocomoke City, and MdBC has deployed next generation of middle-mile optical equipment through Points of Presence on the Lower Eastern Shore, will upgrade to 10 Gigabit cell service at all MdBC served towers in the County by the end of 2024, expanded its footprint of service offerings, and is working directly with the above providers to distribute grant funds for local projects. He also reviewed ongoing and upcoming projects, as well as federal and state grants awarded to the County. He noted that the cost to extend broadband to the rural areas of the County was estimated to cost \$77 million; however, through aggressively applying for and being awarded a mix of federal and state grants, the County has only expended \$96,000 in matching funds to date. He concluded that a map showing the progress of fiber installation in the County will be available for public viewing on the County website, so residents may identify and contact service providers in their area.

The commissioners thanked County staff and the providers for their aggressive schedule to make broadband service available to County residents.

Budget Officer Kim Reynolds presented the schedule for the requested FY25 County Operating Budget, with budget work sessions to take place April 9 and 16, the public hearing on May 7, and budget work sessions to balance the budget and consider personnel matters on May 14 and May 21 (if needed). In response to questions by Commissioner Bertino, Chief Administrative Officer Weston Young confirmed that he will be meeting with Board of Education officials later this month to discuss budget formatting.

Emergency Services Director Billy Birch and Deputy Director James Hamilton met with the commissioners to seek approval for an over expenditure to purchase L3Harris radios at discounted costs of 54% to 64% to update the County's cache of radios. Mr. Birch reviewed the details and proposed four potential purchase options. In response to questions by Commissioner Bertino, Mr. Hamilton advised that the new radios would be distributed to the Sheriff's Office, with older models to be passed on to non-public safety agencies, like Public Works, and eliminate radios that are 20 years old. In response to questions by Commissioner Bunting, Mr. Hamilton explained that the sale models are of equal value and include additional features not available on than the existing models. In response to questions by Commissioner Bertino regarding potentially funding sources in the event that the commissioners approve the purchase of radios, Deputy Chief Administrative Officer Candace Savage recommended utilizing Local Impact Grant (LIG) funds from the Casino at Ocean Downs. There is currently \$2 million available in LIG funding, and Ms. Savage recommended holding a contingency fund of at least \$1 million.

Following much discussion and upon a motion by Commissioner Bunting, the commissioners unanimously approved Option 2 at a cost of \$338,914.60 to purchase 17 mobiles and 58 portables for fire and EMS agencies and 41 portables for the Sheriff's Office. This represents a savings of \$569,930.90.

Pursuant to the recommendation of Procurement Officer Nick Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously accepted a proposal from Value Carpet One for the purchase and installation of vinyl flooring in the patient and surgical areas of the Berlin Dental Clinic and to install carpeting in other areas of the building at a total cost of \$39,454. Mr. Rice explained that the inclusion of carpet installation will result in a budget overage of \$4,454; however, funding is available within Assigned Funds to cover the overage.

Pursuant to the recommendation of Mr. Rice and upon a motion by Commissioner Bunting, the commissioners unanimously accepted a proposal from Value Carpet One to replace the carpet at the Health Department in Snow Hill at a total cost of \$78,628.89 utilizing assigned fund balance.

Pursuant to the recommendation of Mr. Young and upon a motion by Commissioner Bunting, the commissioners unanimously authorized County staff to meet with Town of Ocean City officials to discuss options to improve sewer capacity in West Ocean City.

The commissioners met with Mr. Young to discuss correspondence from the Town of Ocean City advising that the town has agreed to a request from Diakonia to connect to the WOC sewer collection system utilizing the town's sewer capacity in exchange for a deed restriction on the property. Town officials further advised that sewer capacity to Diakonia would not count toward the existing one million gallons per day of treatment allocation reserved for the WOC service area nor would the town charge Diakonia any equity fees to acquire this allocation. Mr. Young noted that the proposed project falls within the Mystic Harbour service area, which is currently at capacity and unable to provide sewer capacity to this and several other requested projects. Therefore, he advised that staff is requesting guidance regarding whether Environmental Programs should proceed with modifying the WOC service area to include the

project to allow Diakonia to bypass the adjacent Mystic Harbour collection system and connect directly to the WOC collection system.

Commissioner Mitrecic commended the service that Diakonia provides. He noted that Diakonia contacted the town directly to secure the necessary flow, they are not asking for anything from the County, and he concluded that allowing them to tie into the WOC collection system is the right thing to do. Commissioner Fiori agreed that Diakonia provides necessary services, but stated that the County must maintain a level playing field when approving sewer projects, and it would not be fair to give this project an advantage that is not currently available to others. In response to a question by Commissioner Elder, Mr. Young advised that the only cost to the County would be staff time, albeit likely significant staff time. Commissioner Bertino stated that no other entity outside of the County should be determining future growth within unincorporated areas, and stressed that those residing or doing business in unincorporated areas should not attempt to circumvent that process by requesting service from a municipality. He also urged Mr. Young to share the details of today's conversation when he meets with Ocean City Town Manager Terry McGean later this month. Commissioner Abbott stressed that negotiating with Ocean City officials is the best course of action to secure the sewer needed for shovel-ready projects.

Following much discussion, a motion by Commissioner Mitrecic to approve the request to allow Diakonia to connect to the WOC sewer collection district failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the commissioners unanimously agreed to reappoint Marlene Ott to the Planning Commission and to appoint Kathy Drew to the Planning Commission and Stephen Kolarik, Jr. to the Economic Development Advisory Board.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to reappoint Kenneth Lambertson to the Board of Electrical Examiners and to appoint Kathleen Palmer to the Commission for Women.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Michael Trader to Drug and Alcohol Abuse Council (DAAC) and to reappoint Jim Freeman and Mimi Deen to the DAAC and Dr. Mark Bowne to the Local Management Board.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Joseph Stigler to Recreation Advisory Board.

Pursuant to the request of Ann Coates and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter to Maryland Transportation Secretary Paul J. Wiedefeld seeking his support to expedite drainage improvements on MD Rt. 12 north of the drawbridge in Snow Hill. This project was included in the County's 2023 State Transportation Priorities letter to the State, as this designated evacuation route floods even during moderate rain events, making it impassable when the route is needed most.

Commissioner Mitrecic addressed an editorial in Maryland Coast Dispatch condemning the commissioners for being one of the few entities in the State that does not allow public comments during meetings. He stated that it is important for the public to have a voice before

government and favored allowing comments at the commissioners' meetings. Commissioners Elder and Purnell concurred. Commissioners Abbott and Bertino both noted that they host town hall events and maintain open-door policies and welcome constituents to contact them directly, and these methods are very effective in addressing public concerns. Commissioner Bertino stated that it has been his experience that public comments do not necessarily provide more effective government, as they are a one-way conversation. Whereas, two-way conversations that offer real results have proven success.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to direct staff to develop a vehicle for their consideration that would permit public comments at future commissioners' meetings.

Mr. Young informed the commissioners and the public that Representative Andy Harris will host a public forum in Ocean City Saturday, January 20, at 2 p.m. on the harmful effects offshore wind industrialization is having on marine life, the environment, and the economy. Commissioner Mitrecic agreed to attend and speak in opposition to the project on behalf of the commissioners.

The commissioners answered questions from the press, after which they adjourned to meet again on February 6, 2024.