

Minutes of the County Commissioners of Worcester County, Maryland

April 2, 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, Office Assistant V Karen Hammer, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: hiring Dylan Tingle and rehiring James Blade, Jeff Bradley, and David Waters as seasonal roads workers; hiring Edward Brown as a plant operator trainee within the Water and Wastewater Division and Kyle Joseph and Robert Beebe as correctional officer trainees within the County Jail; transferring Vickie King from correctional officer trainee to office assistant V within Recreation and Parks, and certain other personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, 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 Bertino called the meeting to order, and following a morning prayer by Reverend George Tasker of Abundant Life Apostolic Church of Pocomoke and pledge of allegiance, announced the topics discussed during the morning closed session.

Commissioner Bertino announced that on Thursday, April 4, 2024, the commissioners will conduct a meeting with representatives from the Interagency Committee on School Construction (IAC) and the Board of Education (BOE). to discuss school construction funding for Buckingham Elementary School, as well as school construction and maintenance as a whole.

The commissioners reviewed and approved the open and closed session minutes of their March 19, 2024 meeting as presented.

The commissioners presented a proclamation recognizing April 1-7, 2024 as Public Health Week in Worcester County to Health Officer Becky Jones and other public health

professionals. Ms. Jones advised that the Health Department will host the Debbie Goeller Excellence in Public Health Award and the Tortoise and Hair Dare 5K walk/run at Pocomoke State Park-Shad Landing on April 13.

The commissioners presented a proclamation recognizing April 7-13, 2024 as National Library Week in Worcester County to Library Board of Trustees President Jeff Smith and member Nancy Howard and Library Director Jennifer Ranck.

Upon a motion by Commissioner Purnell, the commissioners unanimously approved by consent agenda item numbers 2 and 4-7 as follows: Findings of Fact relative to the utility scale solar project consultation for the Pocomoke City Community Energy Initiative, LLC; bid specifications for the South Point boat ramp parking lot paving project; awarding the best bid for the Riddle Farm bypass design project to KCI Technologies, Inc. at a cost of \$161,500; waiving anticipating tipping fees of less than \$100 for trash and other debris to be collected by Beach Heroes OC during an Earth Day cleanup on April 20, 2024; and adding a temporary school crossing guard position to provide coverage for an employee on an extended medical leave.

The commissioners met with Warden Tim Mulligan and Procurement Officer Nick Rice to discuss their request to have Fidelity Power System rebuild the engine on a disabled backup generator at the County Jail at a cost of \$39,062.05 rather than purchase a new generator at a cost starting at \$84,950. Warden Mulligan advised that this generator would provide power to the new section of the Jail and the fire pump in the event of an energy outage. Commissioner Fiori noted that it seems counterproductive to award the contract for repairs to the company that performs routine maintenance on this system, but failed to detect the problem in time to head off this catastrophic failure. Commissioner Mitrecic suggested renting a backup generator until the unit can be repaired or replaced. In response to questions by Commissioner Bertino, Mr. Rice advised that the current maintenance agreement with Fidelity Power System will expire this July. In response to a question by Commissioner Elder, Chief Administrative Officer Weston Young advised that they received quotes from several companies, but they did not put this repair out to bid due to the emergency need to replace this item.

Upon a motion by Commissioner Elder, the commissioners unanimously directed staff to research additional options to repair or replace the generator for the commissioners' consideration at a future meeting and in the interim to rent a portable generator to serve as a backup.

In follow up to discussions from the commissioners' March 19, 2024 meeting, the commissioners met with Board of Education (BOE) Superintendent Lou Taylor to revisit plans to replace the Snow Hill Middle School/Cedar Chapel Special School roof. Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved funding of \$3,067,592 as the County share of the \$4,915,067 roof replacement project.

Retiring Ocean City Development Corporation (OCDC) Executive Director Zachary Bankert and OCDC Board of Directors President Joe Wilson updated the commissioners about the OCDC's revitalization efforts, including the Public Art Program; OCDC grant programs; Facade Program, with \$13.5 million in private-sector investment, and 7:1 leveraging of private to

public funds; Notable FY24 Grants; Green Building Initiatives Program, and Upcoming OCDC Items.

Pursuant to the request of Board of Elections Director Patricia Jackson and upon a motion by Commissioner Mitrecic, the commissioners unanimously granted eight hours of administrative leave to County employees serving as election judges for the General Election only.

Pursuant to the request of Public Works Director Dallas Baker and Procurement Officer Nick Rice and upon a motion by Commissioner Fiori, the commissioners unanimously awarded the contract for construction administration and inspection services for the Riddle Farm Wastewater Treatment Plant to George, Miles, & Buhr (GMB) for \$340,750.

Pursuant to the request of Mr. Baker and Mr. Rice and upon a motion by Commissioner Elder, the commissioners unanimously approved bid specifications for Riddle Farm WWTP upgrades.

Pursuant to the recommendation of Development Review and Permitting Director Jennifer Keener and upon a motion by Commissioner Mitrecic, the commissioners unanimously adopted Resolution No. 24-3, authorizing the naming of a private lane off of St. Martin's Neck Road in Bishopville and serving a five-lot subdivision identified on Tax Map 10 as Parcel 67, Lots 1, 2, 3, 4, and 5 as Stevens Farm Lane. In response to a question by Commissioner Bunting, property owner Paul Mumford confirmed that this will be deed restricted, so there will be no other lanes on the other lots.

The commissioners met with Ms. Keener to discuss the naming of a private lane off of South Point Road in Berlin that serves nine existing residential properties identified on Tax Map 50 as Parcel 24, Lots 1, 2, 3, 4, 5, and 6, Parcel 18 Block G, Lott 44, and Parcel 34, Block F, Lots 25A and 37 as Osprey Lane. Commissioner Elder made a motion to approve the naming of the private road, which he later withdrew. Commissioner Bunting stated that the plat includes the name Seventh Lane. He also acknowledged Giovanni David, Scott Walker, and Bob Drocella, who live on the lane and are concerned about the proposed naming of this lane.

Mr. David said that the fire department was not able to find a home during a house fire because the numbering on the mailboxes was not clear. Rather than changing the name of the lane, which they consider to be South Point Road, as it is an offshoot of the existing road, he suggested clearly labeling the house numbers on the mailboxes and installing signage on the corner between the lane and South Point Road to make it easy for public safety personnel to locate their homes.

Mr. Drocella said that Emergency Services recognizes their addresses as South Point Road. Ms. Keener concurred that their addresses are recognized as being on South Point Lane; however, their homes front on the unnamed lane, making it difficult for emergency personnel to identify each home in the event of an emergency. Commissioner Bunting recognized that naming the lane would cause a hardship to the homeowners and supported placing a clear post with the house number in front of each home. Commissioners Fiori and Mitrecic concurred. Fire Marshal Matt Owens advised that posting house numbers in front of each house would resolve public

safety concerns. In response to a question by Commissioner Bertino, County Attorney Roscoe Leslie concurred, noting that the Code says that all unnamed lanes with three or more residents must be named by the commissioners. This promotes uniformity throughout the County so public safety officials know how to respond in the event of an emergency. He said the name Osprey Lane is on the plat, but the lane was never named. Technical Services Division Manager Kelly Henry concurred, noting that the lane was never accepted into the Inventory of County Roads. Road maintenance is handled by the homeowners.

Commissioner Fiori made a motion, which was later tabled, to make no changes to the lane name, requested that each of the homes on the lane be clearly and correctly labeled, and urged the homeowners to voluntarily post the house numbers at the end of the driveways. Following further discussion, the commissioners directed staff to develop language for their consideration to potentially amend the Code of Public Local Laws of Worcester County to modify the procedures for the naming of private lanes to accommodate the request of the homeowners.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized Commissioner President Bertino to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between 6653 Ayres Lane Road, LLC (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY Coastal Bays RLA funds to cover the cost of an easement on approximately 134 acres of land identified on Tax Map 72 as Parcel 34. This property is to be purchased at a cost of \$2,712 per acre. Mr. Mitchell advised that the land is within the Coastal Bays watershed and is a high value area for protection for agriculture. Furthermore, it sits adjacent to a similarly protected property in the RLA program.

Fire Marshal Matt Owens and Emergency Services Deputy Director James Hamilton presented an update on the Radio System Upgrade Path, including a potential option to switch to the State of Maryland's radio system. In follow up to the commissioners' February 20 meeting, Fire Marshal Matt Owens and Emergency Services Deputy Director James Hamilton advised that they requested to execute contracts with L3Harris Corporation for the lifecycle replacement of certain components of the Worcester County/Ocean City public safety radio system and to provide an additional site to improve coverage in the Snow Hill and Newark areas. At that meeting, the commissioners voted to table the vote on these measures until options were explored related to joining the State of Maryland radio system. Subsequent to that meeting, an informational meeting took place with Commissioners Bertino and Abbott, County staff, and staff from Motorola and the State of Maryland Department of Information Technology related to the State of Maryland radio system. The County worked with consultant Federal Engineering to develop a scope of work to perform an independent evaluation of the public safety radio system at a cost of \$108,575.00. This option is anticipated to take a minimum of 12 weeks, and any delay would likely not be acceptable to the Town of Ocean City, which may then have to divorce itself from the joint system for the first time in over twenty years. This would create major interoperability and coverage issues for both County and town emergency responders.

Commissioner Mitrecic stated that now is not the time to move forward with the Harris Radio System upgrade. Commissioner Bunting concurred.

Commissioner Abbott disagreed, stating that the problem has been Harris cutting out the

middleman. Mr. Hamilton stated that the County's contract with Harris will be reviewed in 2029/2030, and the County and town's radio system are one and the same. He stated that the County needs to update the Harris Radio System this year during the off season, which will cost approximately \$1.7 million to upgrade the infrastructure (this has nothing to do with coverage). He stated that the County's radio system is one of the better coverages available, and disconnecting from that system would create coverage challenges in Ocean Pines and Ocean City, as the State system offers far less coverage than the County's current plan with Harris. In response to a question by Commissioner Mitrecic, Mr. Hamilton stated that disconnecting from the Harris system would cause the County to lose interconnectivity with Ocean City. Furthermore, the State offers no capabilities of coverage in the Sheriff's Office or the Court House, so if they were to lose the 911 center, then the County could login through Ocean City, which is a benefit of being on the same radio station. He then explained that the routers, switches, and other parts are seven years old, have reached the end of their life expectancy, and need to be replaced.

Commissioner Abbott suggested waiting for Motorola representatives to submit their radio diagnostic report, so that they could compare it with the existing Harris system coverage and cost. In response to a question by Commissioner Bertino, Mr. Hamilton stated that there is an opportunity to discuss a guarantee of coverage, but that there would be a three-week testing process, taking signal measurements at every eighth mile. Because County staff have a very good idea of what coverage will be in each of the areas, they negotiated an optimization test where they check 10-15 points and verify the coverage in those locations is as anticipated. He stated that they could add that into the proposal. Commissioner Abbott stated that she could not support the proposed project cost unless it includes a guarantee of coverage.

In response to a question by Commissioner Fiori, Fire Marshal Owens said that May 1 is the deadline to accept the proposal. He stated that, if they do, design plans would begin by the end of May, with installation to begin in October. Commissioner Fiori recommended getting as much information as possible from Motorola before moving forward with one of the plans. Commissioner Mitrecic said there isn't a system out there that can guarantee coverage at every spot in the County. He noted that the Town of Ocean City is very concerned that the County is 16 weeks out from a study. Following some discussion, Mr. Hamilton reiterated that there are two separate proposals: one for the system upgrade that is required for cyber security with Ocean City, and the other is to resolve the coverage in the Newark service area. Commissioner Bertino questioned how long it would take to request and vet alternate proposals. Mr. Hamilton suggested having an independent group complete independent modeling of the raw data, which would take some time. Commissioner Bertino stated that any upgrades to the Harris system should come with a guarantee of coverage. Commissioner Bunting stated that it appears the State provides far less coverage than the County has now. Mr. Hamilton explained how the County built up radio system coverage to address challenging coverage areas, like the Nassawango area, Ocean Pines, and the West Ocean City Outlets. In response to concerns raised by Commissioner Bunting, Mr. Hamilton stated that he cannot recommend the State system without adding many changes¹.

Mr. Hamilton contacted Harris and advised the commissioners that, for an additional \$56,000, Harris would run tests in all coverage areas in September, when the tree foliage is

¹ Following a brief power outage, the audio system in the commissioners' meeting room stopped recording.

abundant, determine accurate coverage, and then provide a coverage guarantee. Commissioner Fiori stated that staff met with Motorola several weeks ago and tasked them with developing an estimate to provide radio coverage throughout the County, and now the commissioners are voting to approve a bid from Harris before Motorola has even submitted their bid. Commissioner Abbott concurred. Commissioners Elder, Mitrecic, and Purnell disagreed.

A motion by Commissioner Mitrecic passed unanimously to move forward with the Radio System Upgrade Path, to include the additional cost of \$56,000 to test the system and provide a guarantee of coverage.

Following further discussion, Commissioner Abbott made a motion, which was seconded by Commissioner Fiori, to secure a proposed five, 10, and 15-year plan from Motorola, to include obtaining information to include the Town of Ocean City, so they could compare that proposal with Harris to compare apples to apples. Commissioner Mitrecic clarified that without the Harris system the County will not be compatible with Ocean City. Procurement Officer Nick Rice stated that the County cannot ask Motorola for a quote after getting a quote from Harris, but that the County could amend the existing proposal with Harris. Mr. Hamilton stated that the County's contract with Harris will be reviewed again in the 2029 timeframe. In response to comments by Commissioner Fiori, Mr. Rice stated that asking Motorola for a futuristic estimate might cause Motorola to tell the County, no. In response to a question by Commissioner Mitrecic, Mr. Hamilton confirmed that radio technology changes rapidly and would not be the same today as five years from now. Following some discussion, Commissioner Fiori retracted his second, so the motion by Commissioner Abbott died for lack of a second.

Commissioner Mitrecic stated that he attended the National Hurricane Conference in Florida last week and realized that there is no long-term housing plan for the elderly, the handicapped, and those facing health issues. He stated that shelters offer only short-term housing, and he urged the need for DRP and Emergency Services to work to identify a location where Federal Emergency Management Agency housing could be set up and/or to work with area hotels to establish a plan.

Commissioner Mitrecic advised that a few commissioners or County Administration should not have tasked Motorola with developing a radio proposal. He stated that this and other topics should be voted on by all of the commissioners. Commissioner Bertino stated that, after the meeting with Motorola, he sent a brief to the commissioners regarding what was discussed at the meeting, and no action was taken at that meeting.

The commissioners answered questions from the press, after which they adjourned to meet again on April 23, 2024.