

Minutes of the County Commissioners of Worcester County, Maryland

May 16, 2023

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

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, with Commissioner Elder absent, 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 Wells, Jail Warden Fulton Holland, Assistant Warden Shytina Drummond, and Major Paul House, and State's Attorney Kris Heiser. Topics discussed and actions taken included the following: a personnel update, hiring a transfer station attendant, an emergency communications specialist trainee, and a correctional officer trainee, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Fiori, the commissioners unanimously voted to adjourn their closed session at 9:50 a.m.

Commissioner Mitrecic recognized the lasting contributions of former Library Board President John Staley who passed away May 11, 2023.

Commissioner Elder was absent from the meeting.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Rabbi Arthur Rutberg of Temple Bat Yam in Berlin and pledge of allegiance, he announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their May 2, 2023 meeting as presented.

Upon a motion by Commissioner Purnell, the commissioners unanimously approved by consent agenda item numbers 1-8 as follows: bids specifications for the rehabilitation of five houses in the Pocomoke, Snow Hill, and Berlin areas; Refuge at Windmill Creek RPC Findings

of Fact and Resolution; scheduling a public hearing for an amendment to the Comprehensive Water and Sewerage Plan to change the designation of the St. Martins by the Bay development water system to the Ocean Pines Sanitary Service Area; FY24 revised Tax Ditch rates that revert five rates to the original rate, with no changes, to resolve a Maryland Department of Agriculture error; an FY24 Performance Incentive Grant Fund application for \$490,105 to fund salaries and benefits for six staff working on the Law Enforcement Assisted Prevention project in the State's Attorney's Office; bid specifications to develop a Trail and Greenways master plan to enhance transportation infrastructure; utilizing ARPA funding to purchase and install a new camera system for the Commissioners' Meeting Room from Swagit through a Granicus cooperative contract at a cost of \$53,945; and a letter supporting the grant request of Vehicles for Change to grow its Full Circle Auto Repair and Training program.

Daniel Bierly, P.E., chief of the Civil Project Development Branch of the U.S. Army Corps of Engineers, provided an update on the Ocean City Harbor and Inlet Continuing Authorities Program Section 107 and the COE's decision to cancel planned improvements slated to begin in May 2023 to address shoaling in the Ocean City Inlet. This included a synopsis of the program study, an explanation of how 2013 funding reductions impacted yearly dredge totals and resulted in increased concerns of shoaling, potential patterns in dredging, and the limited availability of the split hull hopper dredge. He conceded that there have been profound changes to the northern end of Assateague over the years that could be connected to the worsening condition. Mr. Bierly then confirmed that, though the COE cancelled planned improvements because they would be very expensive and only reduce needed dredging by 50%, they remain committed to continued dredging and implementing recommended operation and maintenance (O&M) changes. He added that the COE is dedicated to maintaining this channel and stated that the COE dredged this channel back in the 1930s, installed the jetties after the hurricane of 1933, and have been here ever since. Mr. Bierly stated that the inlet is an extremely dynamic area. Furthermore, they need to pay attention to a concentrated area off of the West Ocean City Harbor where an aggressive dredging schedule and buoy relocations are needed to keep lanes open to commercial vessels.

Commissioner Fiori stated that the shoals south of the inlet have become considerably shallower and span a much farther distance to the northeast over the last 10 years, and he urged the COE to commission a study of the area as that sector is extremely shallow with breaking waves. Commissioner Bunting concurred, noting that an oceanographer advised that the dredged material is migrating from the deposit site and back into its original point of origin in the inlet. Commissioner Mitrecic stated that the shoal should be dredged to the greatest depth possible instead of just the bare minimum, and he relayed safety concerns regarding seasonal recreational boaters running into those shoals. He further urged the COE to deposit the dredged materials further south to decrease the chances of it resettling in the inlet. Mr. Bierly stated that the time and distance involved in relocating the dredge materials further south make that option cost prohibitive. Mr. Bierly agreed to share their concerns with the COE. In response to a question by Commissioner Bertino, Mr. Bierly stated that a letter from the commissioners to the COE addressing their concerns could help to facilitate future O&M.

The commissioners conducted a public hearing to receive comments on the proposed release of an easement in the vicinity of the Ocean City Branch Library at 100th Street that was

deeded by the Ocean City Mayor and Council to the County on April 24, 2006.

Commissioner Bertino opened the floor to receive public comment.

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

Upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to dispose of the surplus property by adjusting certain easements for the Ocean City battery energy storage project.

The commissioners met with Public Works Director Dallas Baker to review the results of a speed study on Mason Road, which was conducted from April 26 to May 4, 2023 at the request of an area resident to address safety concerns and speeding vehicles and to consider posting a speed limit sign. Pursuant to the recommendation of Mr. Baker and upon a motion by Commissioner Bunting, the commissioners concurred with staff's recommendation to reduce the speed limit from 50 mph to 40 mph and to post speed limit signs on this currently unposted road.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Abbott, the commissioners unanimously approved an over-expenditure of \$120,000 within the Vehicle Operating Expenses Heavy Equipment Maintenance category within the Solid Waste Division budget. Mr. Baker explained that the current account balance is just under \$22,000, but there are more than \$100,000 in necessary repairs this year. In response to a question by Commissioner Bertino, Mr. Baker stated that these costs include one-time repairs. In response to questions by Commissioner Fiori, Mr. Baker stated that the weight time on the purchase of tub grinders is approximately one year, and in the meantime, it costs the County approximately \$200 per week to transport mulch to the Central Landfill for use as cell cover. Furthermore, September 2023 is likely the earliest that the Environmental Protection Agency will advise him if the County grant application for funding to purchase a new tub grinder will be approved.

Pursuant to the request of Procurement Officer Nick Rice and Fire Marshal Matt Owens and upon a motion by Commissioner Abbott, the commissioners unanimously accepted the proposal of \$251,500 from Davis, Bowen and Friedel to develop detailed building, site, and utility plans and specifications for the new logistical storage facility to be located adjacent to the Fire Training Center on Central Site Lane in Newark. The facility is proposed to be completed in two phases, with phase I to include the building core for vehicular and emergency equipment storage and a potential phase II in the future to include a new fire training tower, classrooms, and additional storage.

Pursuant to the recommendation of Development Review and Permitting Director Jennifer Keener and upon a motion by Commissioner Abbott, the commissioners unanimously adopted Resolution No. 23-06 naming three private lanes within Shore Point Cottage Court on MD Rt. 611 and more specifically identified on Tax Map 26 as Parcel 424 as follows: Adrift Lane, Ashore Lane, and Shore Point Cottage Lane.

The commissioners met with Ms. Keener to review a text amendment application submitted by Attorney Mark Cropper to add a principal permitted use to the C-3 Highway Commercial District to allow multi-family dwelling units as an accessory use to a commercial development, provided that at least 65 percent or more of the net lot area for a given parcel be

developed with a commercial use or structure. Ms. Keener advised that the Planning Commission provided a favorable recommendation to the request, subject to the inclusion of a minimum of 15 percent open space based upon the net lot area of the multi-family use. Commissioner Fiori expressed concern that this could double the density of residential uses within the limited C-3 Zone and does not appear to meet the goals of the Comprehensive Plan. Commissioner Mitrecic noted that this would permit businesses to include employee housing within their commercial projects, which would address a need in northern Worcester County.

Following some discussion, Commissioners Mitrecic and Purnell introduced the text amendment as Bill 23-05 (Zoning – Multi-family dwelling units in the C-3 Highway Commercial District) and agreed to schedule a public hearing on the bill.

The commissioners met with Ms. Keener to discuss the Town of Pocomoke City's proposed draft Annexation Resolution. Ms. Keener informed the commissioners that by virtue of the above-referenced Annexation Resolution, the Town of Pocomoke is proposing to annex approximately 0.803 acre located on the westerly side of Ocean Highway and identified on Tax Map 100 as Parcel 110. Ms. Keener stated that the property proposed for annexation is zoned C-2 General Commercial under County zoning, and the town is proposing to rezone the property to B-2 General Business District zoning upon annexation, with plans to connect a single-family dwelling on the property to the town's public sewer system. Ms. Keener stated that the proposed annexation is consistent with the land uses recommended by the Comprehensive Plan and with existing zoning and land use in the area.

Following some discussion and upon a motion by Commissioner Abbott, the commissioners unanimously agreed to send a letter to the Town of Pocomoke concurring with the rezoning upon annexation of the subject property.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to appoint Dr. Ovais Khalid and to reappoint Dr. William Greer, Richard Collins, and Nancy Howard to the Adult Public Guardianship Board.

Pursuant to the recommendation of Procurement Officer Nick Rice in response to a written, detailed spending request from the Pocomoke City Volunteer Fire Company (PCVFC) President Noah King and upon a motion by Commissioner Abbott, the commissioners unanimously agreed to award American Rescue Plan Act funds of \$80,000 to the PCVFC to purchase a fire truck. Mr. Young advised that the commissioners voted to allocate \$1.5 million of ARPA funding to fire and EMS, with the departments to determine their highest priority items. He stated that PCVFC elected to give nearly half of its allocated ARPA funding to the Pocomoke City EMS, and that request will be presented at a later date.

Budget Officer Kim Reynolds provided an update on the Requested FY24 County Operating Budget, which includes a budget surplus of \$350,686. She advised that adjustments were made based on the May 9, 2023 work session and receipt of a revised budget request from the Board of Elections, which reflects an increase of \$74,504.

Commissioner Abbot expressed concern with the salary request within the Fire Marshal's Office for pay parity with the Sheriff's Office. In response to her concerns, Fire Marshal Matt

Owens explained that deputy fire marshals receive the same training and certification through the Police Academy at Wor-Wic Community College as the sheriff's deputies, they are part of the County's active shooter plan, and they serve as back up for County law enforcement agencies.

Commissioner Bertino addressed misconceptions about the requested FY24 Board of Education (BOE) Budget. He stated that the commissioners have requested and not received a five-year expense trend; full-time equivalent trend by position; restricted grants listed with full-time equivalents, objects, and categories; dates of restricted grants; additional breakdown of salaries, including base salaries, extra duty pay, summer school, retirement incentives, and payouts; a list of expenses in Elementary and Secondary School Emergency Relief (ESSER) grants that BOE officials will request be moved to the operating budget at the end of the grant period; line item detail for categories for instructional salaries, special education, student services, health services, fixed charges, or capital planning; and line-item detail for all restricted grants. He stated that the commissioners have received limited information on their request for line-item detail for technology, software, and capital, including vehicles. Commissioner Bertino concluded that, while it is not the purpose of the commissioners to micromanage the BOE, it is their responsibility to see how taxpayer money is being used. He further stated that there is no reason that all functions of government should not be open to the public for taxpayers to be able to see where the money is being spent.

The commissioners answered questions from the press, after which they adjourned to meet again on June 6, 2023.