

Minutes of the County Commissioners of Worcester County, Maryland

November 21, 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 9:00 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, Human Resources Deputy Director Pat Walls, Public Works Director Dallas Baker, and Environmental Programs Director Bob Mitchell. Topics discussed and actions taken included the following: a personnel update, hiring Anthony Sullivan as a parks worker II, Ronta Brown as a plant operator trainee, Michael Alpaugh as a transfer station attendant, and Joseph Douglas and Enya Gause as emergency communications specialist trainees; transferring Enterprise Fund Controller Barba Hitch to senior accountant; promoting Jail Sergeant Tyrone Dale to lieutenant; receiving legal advice from counsel; and performing administrative functions, including discussing wastewater treatment options in Mystic Harbour, West Ocean City, and Countywide; receiving the monthly financial update and discussing potential board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Fiori, 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 Reverend George Tasker of Abundant Life Apostolic Church in Pocomoke 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 November 7, 2023 meeting as presented.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to cancel their January 2, 2024 meeting.

The commissioners presented a proclamation recognizing November as Hospice Month to Lauren Blair of Coastal Hospice.

Upon a motion by Commissioner Abbott, the commissioners unanimously approved by consent agenda item numbers 3 and 5-8 as follows: acceptance of a \$104,160 Economic Development Administration State Tourism Grant to enhance the county's visitors centers; the Section 147(f) Approval and Written Agreement for the Newark Volunteer Fire Company Loan Agreement to borrow \$825,214 from Calvin B Taylor Bank to purchase a new fire truck; a request for proposals for a retirement plan provider to administer the County's 457(b) Plan; a letter informing Chaberton Snow Solar, LLC that the commissioners voted not to give their approval to the requested Step I Concept Plan Review - Snow Solar; and scheduling a public hearing for Rezoning Case No. 443 seeking to rezone approximately 27.25 acres of land located on the southerly side of MD Rt. 589, north of MD Rt. 90 and directly across from the North Gate of Ocean Pines from A-1 Agricultural District to C-2 General Commercial District.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Abbott, the commissioners unanimously authorized the Library to accept 900 Chromebooks and \$5,400 in grant funds to support the device distribution from the Connect Maryland: FY23 Connected Devices Program.

Pursuant to the request of Housing Rehabilitation Program Coordinator Davida Washington and upon a motion by Commissioner Elder, the commissioners unanimously approved a letter to request a waiver of the housing rehabilitation lead requirement adjustment for Community Development Block Grant applicants. In response to a question by Commissioner Bertino, Ms. Washington explained that CDBG funds cannot currently be used for lead abatement; however, Special Loans Program grant funds can be used for this purpose.

The Commissioners met with Superintendent of Schools Louis H. Taylor to review and discuss the Board of Education's (BOE) proposed FY25 Capital Improvement Plan (CIP) requests, which include a planning request for the Buckingham Elementary School (BES) replacement project, construction funding request for the Snow Hill Middle School and Cedar Chapel Special School roof replacement, and design funding requests for the Pocomoke Elementary School and Worcester Technical High School (WTHS) roof replacement projects. He advised the BOE has been working with State legislators and the Interagency on School Construction (IAC) to develop a pathway for State funding for the BES replacement project. On October 23, the IAC requested the BOE revise the FY25 to include the BES planning and design funding request and agreed to reexamine the adjacent school determinations, which led to their decision not to fund the project. Mr. Taylor stated that the hearing will take place December 14, with a decision to be issued within two weeks of that hearing. He stated that approval from the commissioners of the FY25 CIP is due to the IAC no later than November 30.

In response to concerns raised by Commissioner Abbott that the Pocomoke Middle School (PMS) gymnasium is not air conditioned, Mr. Taylor agreed to have BOE staff develop a cost estimate to install air conditioning in each of the middle schools.

Pursuant to the request of Procurement Officer Nicholas Rice and Public Works Director Dallas Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved a price increase to the current building cleaning services contract to account for

Maryland's accelerated minimum wage rate increase schedule.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously accepted the proposal from Kenworth Mid Atlantic to purchase a 2024 Kenworth T480 dump truck and snowplow at a cost of \$232,694 under a cooperative contract through Sourcewell.

Pursuant to the request of Mr. Baker and Sheriff Matthew Crisafulli and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved a building swap between Mosquito Control, which has a secure impound lot, and the Sheriff's Office's Star Team, both of which occupy spaces in the Timmons Road compound. This swap includes funding of \$85,000 in Assigned Fund Balance to complete necessary renovations in-house.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review revised fee and over-expenditure considerations to purchase I.D. Check Guides to distribute to liquor license holders.

A motion by Commissioner Mitrecic to approve Option 1 to increase the mandatory revenue fee from \$15 to \$17 per book to cover costs, with an over-expenditure of \$920 to cover increased expenses, failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

Following a subsequent motion by Commissioner Bunting, 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 approve Option 2 to eliminate the purchase and the fee altogether, as the County is not required to provide guides to the license holders.

The commissioners met with Ms. Keener to discuss the redistricting process and the timing of adoption. Ms. Keener advised that during the four-week public comment period, which closed on November 14, 2023, County staff received 11 responses, two of which pertained to the maps and nine pertaining to the timing of the process. She stated that staff made revisions to Map A based on public input and advised that staff can draft the legislative bill and associated maps for introduction on December 5.

In response to questions by Commissioner Abbott, Ms. Keener stated that staff will be able to quickly provide all the requested documents to Board of Elections Director Patti Jackson fairly quickly if no changes are made to the maps following the public hearing. Ms. Jackson discussed benefits of postponing redistricting and having changes take effect in conjunction with the 2026 election. In response to questions by Commissioner Bertino, Ms. Jackson stated that the State is unsure how postponing the effectiveness of the new maps until 2025 would impact those elected in the current districts for seats on the Board of Education. She also noted that, if the bill is introduced as emergency legislation and passed after the public hearing, her staff would only have a month and a half to make the necessary changes, as the filing deadline for the 2024 elections is February 9. She stated that if any of the effected streets cross the legislative district that creates a new precinct and they would have to locate a new polling place, which must be approved by the State six months before any election.

Following much discussion, Commissioners Abbott, Bertino, Bunting, Elder, Mitrecic,

and Purnell introduced the draft legislation as an emergency bill.

The commissioners conducted a public hearing to receive comments on Emergency Bill 23-07 (Public Health – Cannabis establishments), which was introduced by Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell on October 3, 2023. Ms. Keener reviewed the draft bill, which adds a news section PH 1-110 to the Public Health Article to regulate cannabis establishments, establishes minimum separation distances for dispensaries, and prohibits onsite consumption establishments.

Commissioner Bertino opened the floor to receive public comment.

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

In response to a question by Commissioner Abbott, County Attorney Roscoe Leslie advised that even if municipalities established reduced separation distances within their individual jurisdictions, they would still be required to meet the County's minimum separation distances from public schools.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously adopted Emergency Bill 23-07 (Public Health – Cannabis establishments) as presented.

The commissioners conducted a public hearing to receive comments on USDA grant and loan application to fund a project that would replace the St. Martin's By the Bay private supply well and distribution system by connecting the community to the Ocean Pines water system, with 54 equivalent dwelling units (EDUs) to be allocated to the community. Public Works Deputy Director Chris Clasing reviewed the application. He then advised that the project would cost approximately \$2,519,000 for design and construction and is proposed to be funded through a USDA grant of \$1,024,000 and loan of \$1,495,000.

Commissioner Bertino opened the floor to receive public comment.

Chris Shook, of 7844 Pristine Place in Parsonsburg and a prior St. Martin's By the Bay homeowner, urged the commissioners to approve the application, noting the consistent inadequacy of public water in the community.

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

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the filing of the USDA grant and loan application for the proposed St. Martin's By the Bay water project as presented.

The commissioners met with Recreation and Parks Director Kelly Rados to discuss increasing the County's involvement in the Worcester County Fair (WCF). Ms. Rados advised that Worcester County Recreation and Parks (WCRP) has experience in hosting special events and with the right support and partnerships could grow the WCF. She advised that last week the current WCF board voted to host the next event July 12-15, 2024 at Byrd Park in Snow Hill, as more desirable dates at John Walter Smith Park were not available due to previously scheduled events. She also discussed options for WCRP to become more involved, perhaps having staff take on a 50/50 partnership in 2024 and a lead role thereafter.

In response to a question by Commissioner Bertino, Ms. Rados advised that WCRP allocated \$35,000 to host Harbor Day at the Docks and advised that she would request slightly more than that in funding for the WCF in FY25, with Tourism and Economic Development to be among the WCF partners. In response to questions by Commissioner Fiori, Ms. Rados stated that

staff will investigate what State approvals are needed to run the WCF, with the location to be moved to John Walter Smith Park and the Worcester County Recreation Center in future years. She stated that starting this year WCRP will bring in more food vendors and entertainment, and gain the experience needed to take over fair operations in the future.

Following some discussion and upon a motion by Commissioner Elder, the commissioners unanimously approved plans for WCRP to take on more responsibility in the WCF as proposed.

The commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Purnell, the commissioners unanimously agreed to reappoint Christian Martin to the Agricultural Preservation Advisory Board, Elbert Davis to the Building Code Appeals Board, Natasha Owens to the Economic Development Advisory Board, Roxanne Rounds to the Local Development Council for the Ocean Downs Casino, Nancy Howard to the Social Services Advisory Board, and Steve Habeger to the Economic Development Advisory Board.

Upon a nomination by Commissioner Abbot, the commissioners unanimously agreed to appoint Brogan Clark, Coilin Gallagher, Tirzah Hill, Eliza Myers, Sage Myers, Emily Skipper, and Ellie Zollinger to the Youth Council.

Upon a nomination by Commissioner Fiori, the commissioners unanimously agreed to reappoint Matthew Kraeuter to the Water and Sewer Advisor Council for Mystic Harbour and to appoint Don Furbay to the Board of Zoning Appeals.

Upon a nomination by Commissioner Bunting, the commissioners unanimously agreed to reappoint David Deutsch to the Ethics Board, John O'Brien to the Solid Waste Advisory Board, and Ruth Waters to the Tourism Advisory Committee.

In response to concerns raised by Commissioner Mitrecic, Public Works Director Dallas Baker reviewed the processes for waste haulers when dumping empty and partially filled paint cans at the Central Landfill.

Commissioner Purnell commended the Maryland's Coast – Worcester County Tourism and Economic Development (WCTED) team for taking home six awards during the 42nd annual Maryland Travel and Tourism Summit, which included WCTED Director Melanie Pursel being named Tourism Advocate of the Year. Ms. Pursel and her team also earned the prestigious OTD Leveraging Partnerships Award for their Maryland's Coast Adventures project.

Commissioner Abbott highlighted the success of the Future Warriors program in Pocomoke, with 104 youth already registered to participate in the basketball program, with additional registrations anticipated this week, and 24 youth registered to take part in indoor field hockey.

Commissioner Elder congratulated the Stephen Decatur High School Seahawks for winning the semi-final 35-6, and he advised that the team would be playing at home for the State championships in their first ever undefeated season.

The commissioners extended warm wishes to all for a happy and safe Thanksgiving.

Following a motion by Commissioner Purnell, seconded by Commissioner Fiori, the commissioners unanimously adjourned their open session at 10:59 a.m. and agreed to meet in closed session at 12:00 p.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, Human Resources Deputy Director Pat Walls, and applicants for the position of warden for the County Jail. Topics discussed and actions taken included conducting interviews for the warden position.

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