

Minutes of the County Commissioners of Worcester County, Maryland

November 6, 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 Fiori, seconded by Commissioner Purnell, with Commissioners Bunting and Elder temporarily out of the room, 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, Sheriff Matthew Crisafulli, Chief Deputy Nate Passwaters, Sergeant Michael Valerio, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: promoting Joe Roberts from transfer station attendant to landfill operator I within the Solid Waste Division and Brandon Sellers from part-time, seasonal parks worker I to full-time parks worker II within Recreation and Parks; hiring Bradley Bloomfield and Ronette Revels as transfer station attendants within the Solid Waste Division, Maurice Palmer as a custodial worker II within the Maintenance Division, Anasia Donaway and Kayleigh Truitt as emergency communications specialist trainees within Emergency Services, Benjamin Zito as a specialist III within Development Review and Permitting, and Kristen "Nikki" Tapman as a senior budget accountant within County Administration, and other personnel matters; discussion of acquisition of real property for a public purpose; 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 10:04 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 Pastor Davida Washington of Liberty Church on the Rock in Snow Hill 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 October 15, 2024 meeting as presented.

The commissioners presented years-of-service commendations to Chief Custodian John

Foxwell of the Maintenance Division (26 years), Plant Operator IV Allan Henman of the Water and Wastewater Division (37 years), and Document Imager IV Maria Purnell of Information Technology (19 years).

Upon a motion by Commissioner Fiori, the commissioners unanimously approved by consent agenda item numbers 2-12 as follows: awarding the Strategic Highway Safety Plan contract to Mead & Hunt, Inc. for \$35,000; awarding the bid to purchase a bale processor for the Solid Waste Division of Public Works to Hooper, Inc. for \$39,900; purchasing a replacement irrigation pump and appurtenances for the River Run Wastewater Treatment Plant from Eagle Pump Systems, LLC for \$41,978; increasing the FY25 River Run collections systems maintenance account from \$15,000 to \$30,000 to cover force main discharge relocation costs, with a remaining balance of \$7,734.81; an \$8,000 over-expenditure in the Solid Waste Division to meet Maryland Department of the Energy requirements; out-of-state travel for two staff within Development Review and Permitting to attend the 2025 Esri User Conference July 13-18, 2025 in San Diego, California; accepting the FY24 Homeland Security Program grant of \$93,297.51; a \$46,587 proposal from Skyline Technology Solutions for the Worcester County Public Network relocation project; extending the existing ARPA Grant Agreement through June 30, 2025; accepting the FY25 Maryland Tourism Development Board Marketing Grant of \$173,396; and requesting a Housing Study waiver from the Department of Housing and Community Development.

The commissioners met with Superintendent of Schools Louis H. Taylor to review and discuss the Board of Education's (BOE) proposed FY26 Capital Improvement Plan (CIP) requests, which includes planning and design funding for the Buckingham Elementary School (BES) replacement project, and construction funding for the Pocomoke Elementary School roof replacement project, the Ocean City Elementary School (OCES) fire alarm system, gymnasium air conditioning for Snow Hill and Pocomoke Middle Schools, and design funding to install LED lighting at eight public schools. Mr. Taylor stated that the FY26 CIP also includes future projects, including renovation or replacement of Berlin Intermediate School and future roof replacement projects at Worcester Technical High School, Stephen Decatur High School, and OCES. He concluded that approval from the commissioners of the FY26 CIP is due to the IAC no later than November 30.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the BOE FY26 CIP as presented.

Chief Administrative Officer Weston Young advised that the County received a copy of an October 18, 2024 Management Alert Report from the Office of the Inspector General for Education (OIGE) to Superintendent Lou Taylor. The OIGE report was developed after receiving a complaint that Worcester County Public Schools' employees were "misusing education tax dollars for personal purchases, such as meals when not traveling" and for exceeding the allowable per diem rate. Mr. Young advised that the OIGE could not substantiate the allegations, as the existing BOE policy does not provide WCPS staff with guidance governing reimbursement allowances, incidental expenses, or local travel distance. Mr. Taylor advised that staff is aware changes are needed, are developing a plan to update policies to come into compliance with the issues identified in the report, and will forward that plan to the

commissioners after it is approved by the BOE. Commissioner Abbott questioned why BOE staff were using their personal credit cards to pay for items instead of using BOE purchasing cards.

The commissioners conducted a public hearing on Rezoning Case No. 446 for an application submitted by Mark Cropper, on behalf of Island Resort Park, Inc. and Ewell Family Revocable Trust, property owners, which seeks to rezone approximately 196.11 acres of land on the northerly side of Cropper's Island Road and east of U.S. Rt. 113, and more specifically identified on Tax Map 40 as Parcel 241, Lot C (142.01 acres) and Parcel 93 (53.2 acres) from A-1 Agricultural District to A-2 Agricultural District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting (DRP) Director Jennifer Keener reviewed the application, which received a favorable recommendation from the Planning Commission. She then stated that the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. She then entered the Planning Commission's Findings of Fact into the record and stated that the Planning Commission concluded that there was a mistake, and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

Commissioner Bertino opened the floor to receive public comment.

Mr. Cropper reviewed the zoning history of the two properties, which made the campground a non-conforming use and made further expansion complicated. He stated that the requested rezoning would return the campground to a conforming use consistent with the approved growth allocation. He concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well.

Robert Ewell of Cropper's Island Road discussed his plans to expand the campground and urged the commissioners to approve the requested rezoning.

Rod Ewell of Cropper's Island Road supports the requested rezoning and asked that the Planning Commission's Findings of Fact be adopted as his testimony as well.

Surveyor Gregory Wilkins agreed with a slight boundary line adjustment approved by the Planning Commission, but that they are not in a position today to commit to make that adjustment. He also concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well, and he asked the commissioners to grant the requested rezoning.

Planner Joseph Caloggero of the Traffic Group presented the findings of a traffic impact analysis, noted that Cropper's Island Road can more than accommodate the additional traffic, and asked to adopt the Planning Commission's findings as his testimony as well. In response to questions by Commissioner Bertino, Mr. Caloggero stated that during peak traffic hours on Memorial Day weekend, when the campground was at 95% capacity on Friday and 97% capacity on Saturday. He stated that both intersections were operating at Level of Service A in accordance with national standards and a volume to capacity ratio of less than 5%, meaning the road could accommodate many more trips. He then reviewed anticipated traffic increases based on a campground expansion.

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

Upon a motion by Commissioner Mitrecic, the commissioners conceptually adopted the Planning Commission's Findings of Fact and the exhibit showing that there will be no boundary

line adjustment, and they approved the rezoning from A-1 to A-2, based on a mistake in the existing zoning.

The commissioners conducted a public hearing on the requested five-year Capital Improvement Plan (CIP) FY26 – FY30. Senior Budget Accountant Lynn Wright reviewed the CIP and advised that projects totaling \$301,516,923 are proposed over the five-year period. She stated that, of the proposed projects, \$89,277,145 or 30% are proposed to come from Assigned Funds, and \$84,319,669 or 28% are from General Bond Funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, enterprise fund bonds or a local bank loan. She then reviewed changes to the CIP since October 15, 2024. The CIP is strictly a planning document the County will use to prepare future operating budgets, anticipate the future financial needs of the County, and identify possible funding resources. A project's inclusion in the CIP does not constitute a guarantee of future approval or funding from the County.

Commissioner Bertino opened the floor to receive public comment. There being no public comment, Commissioner Purnell closed the hearing.

Upon a motion by Commissioner JM, the commissioners unanimously adopted Resolution No. 24-17 approving and adopting the Worcester County Five-Year Capital Improvement Plan – FY26 to FY30 as presented.

The commissioners received an update on the process to revise the Worcester County Critical Area maps from Environmental Programs Director Bob Mitchell, Natural Resources Administrator Brian Soper, Ryan Mellow of the Eastern Shore Regional GIS Cooperative at Salisbury University, and Lisa Hoerger of the Critical Area Commission. Mr. Mitchell stated the County will host a public meeting in January 2025 with affected property owners prior to scheduling a public hearing to adopt the changes.

Pursuant to the request of Board of Elections Director Patricia Jackson and upon a motion by Commissioner Abbott, the commissioners unanimously approved an over-expenditure and budget transfer of \$3,000 to cover lease costs for additional warehouse space.

In a related matter, Commissioner Mitrecic voiced concerns that a longtime registered voter was purged from the voter roles and barred from voting in the Ocean City election on November 5, 2024. Board of Elections staff urged the individual to contact them, so that they may investigate this matter.

Pursuant to the request of Warden Tim Mulligan and upon a motion by Commissioner Fiori, the commissioners unanimously approved an over-expenditure of \$280,323 to cover the increase in the Wellpath contract from \$1,542,013 to \$1,822,336, with revenue generated from the Jail's contract with the US Marshal's Office available to cover this cost. In response to a question by Commissioner Bunting, Warden Mulligan stated that the Jail receives approximately \$80,000 per month from the US Marshal's Office to house detainees and has received \$360,300 in revenue from the US Marshal's Office to date for FY25.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Abbott, the commissioners unanimously agreed to make permanent the Shell Mill Boat Landing Pilot Program. Ms. Rados stated that the pilot program, which utilizes signage

to identify approved parking areas and utilizes ParkMobile to charge patrons to park at the boat landing, generated \$2,890 in additional revenue. Commissioner Bunting commended staff, noting that enforcement played a key role in resolving parking issues in the area.

Pursuant to the request of Procurement Officer Nick Rice and upon a motion by Commissioner Abbott, the commissioners unanimously accepted the guaranteed maximum price proposal of \$8,394,544 from Keller Brothers for construction of the new Pocomoke Branch Library, as well as two proposals for third party testing and inspections and MEP commissioning for \$26,195 and \$19,000, respectively.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the purchase of 30 EV safety plugs. Fire Marshal Matt Owens explained that these plugs mimic the charging port for an electric vehicle.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bunting, the commissioners unanimously agreed to lower the posted speed limit on Jarvis Road from 50 mph to 40 mph and to reduce the speed limit on the curved portion of that road from 40 mph to 30 mph.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Fiori, the commissioners unanimously approved the purchase of nine replacement membrane modules for the Mystic Harbour Wastewater Treatment Plant at a cost of \$518,850 from Veolia.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Purnell, the commissioners unanimously approved various over-expenditures in the FY24 Enterprise Fund budgets. Chief Administrative Officer Weston Young stated that County staff have not historically presented over-expenditures in the Enterprise Funds, but these were done in FY24. In response to questions by Commissioner Bertino, Mr. Young confirmed that going forward these types of requests will be presented to the commissioners in real time, so there will be no surprises.

Pursuant to the request of Enterprise Fund Controller Quinn Dittrich and upon a motion by Commissioner Mitrecic, the commissioners unanimously scheduled a public hearing for December 3, 2024 to receive public comment on proposed mid-year rate adjustments to the following water and wastewater areas: Assateague Point, Edgewater Acres, Landings, Lighthouse Sound, Mystic Harbour, and Riddle Farm.

Pursuant to the request of Budget Officer Kim Reynolds and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the requested assignment of the FY24 Fund Balance, which reflects a \$17.7 million increase, of which \$8.1 million was previously designated for reserve, \$154,875 is set aside for non-spendable prepaid expenses, and \$9.5 million is available for assignment.

Pursuant to the request of Mr. Young and upon a motion by Commissioner Abbott, the commissioners unanimously agreed to send a letter to the Maryland Department of Housing and

Community Development, seeking forgiveness of the restaurant grant associated with the former Dockside restaurant in Pocomoke and advising that the County would like to pursue a lien on the property.

Pursuant to the request of Deputy Chief Administrative Officer Candace Savage and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the proposed schedule of County Commissioners' meeting dates for calendar year 2025 and proposed budget schedule for FY26.

The commissioners reviewed and discussed various board appointments.

Upon a motion by Commissioner Abbott, the commissioners unanimously agreed to appoint Commissioner Mitrecic as the 2nd vice chair and Commissioner Purnell as the treasurer of the Tri-County Council Executive Board and the following commissioners as voting members of the Tri-County Council: Ted Elder, Joe Mitrecic, Caryn Abbott, Diana Purnell, and Eric Fiori.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to appoint Commissioner Bertino to serve as the primary and Commissioner Bunting to serve as the alternate representative on the Maryland Association of Counties (MACo) Legislative Committee.

The commissioners answered questions from the press, after which they adjourned to meet again on November 19, 2024.