

## Minutes of the County Commissioners of Worcester County, Maryland

January 21, 2025

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

Following a motion by Commissioner Purnell, 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, Sheriff Matt Crisafulli, Chief Deputy Nate Passwaters, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included the following: personnel updates; promoting Senior Corporals Jeffrey Douglas and Necole Tucker to sergeants and hiring Joshua Merritt as a corporal and Allen Olsen and Ginger Drummond as correctional officer trainees within the County Jail; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments and scenarios for commercial accounts with 40 or more equivalent dwelling units, and receiving Enterprise Fund and General Fund updates.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Purnell, 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 Elder called the meeting to order, and following a morning prayer by Tara Armstrong and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners agreed to review and approve the open and closed session minutes of their January 14, 2024 meeting at their next meeting on February 4.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved by consent agenda item numbers 1-2 and 4-5 as follows: accepting a courthouse security grant of \$10,134.28 from the Maryland Judiciary Administrative Office of the Courts; out-of-state travel for Procurement Officer Nicholas Rice to attend the 2025 National Association of State Procurement Officials Conference in Las Vegas, Nevada, with a scholarship of \$800 to offset costs; a letter to Congressman Andy Harriss advocating for additional Ocean City Inlet dredging; awarding the proposal of \$35,000 for John Walter Smith Park site and civil engineering services to George, Miles, & Buhr, LLC.

The commissioners reviewed a proposed 25-year franchise agreement with Chesapeake Utilities Corporation, the parent company of Sandpiper Energy. Commissioner Mitrecic made a motion, which he later withdrew, to approve the franchise agreement. Following some discussion, the commissioners unanimously agreed to postpone taking action on the new franchise agreement and to invite Chesapeake Utilities representatives to meet with them in February to address concerns regarding the timeliness and handling of constituent concerns by Sandpiper Energy.

The commissioners met with Finance Officer Phil Thompson and Chris Hall of UHY, formerly the TGM Group, LLC, Certified Public Accountants, to review the County's Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending June 30, 2024. Mr. Thompson highlighted the Other Post-Employment Benefits (OPEB) asset balance of \$22.8 million for General Government and the OPEB liability of \$94.8 million for the Board of Education (BOE), which equates to a combined liability of \$72 million. This reflects a \$365 million liability decrease from FY21 and is the lowest that the liability has been since OPEB funding began almost 20 years ago. He then announced that the County was awarded the Certificate of Achievement for Excellence in Financial Reporting for the sixteenth consecutive year by the Government Finance Officers Association (GFOA) of the United States and Canada for its ACFR for FY21.

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. In response to a question by Commissioner Elder, Mr. Hall stated that Worcester County's balance sheet would be the envy of many other municipalities, adding that many Maryland jurisdictions do not fund OPEB.

In response to questions from Commissioner Bertino, Mr. Hall stated that his firm has been auditing Worcester County for more than 10 years and has found the internal controls to be okay. He further confirmed that negative cash transfers from Reserve Funds are properly reflected in the ACFR. Commissioner Bertino explained that in the last several months the commissioners have been made aware of issues in the Treasurer's Office involving internal controls and credit card policies. Most recently, the commissioners have had to move over \$9 million to cover Enterprise Fund operating accounts. He expressed concern that the UHY audit report does not pick up or challenge those concerns, and he asked what sort of audit would. Mr. Hall advised that the commissioners could have UHY complete an Agreed Upon Procedures Engagement based on specified criteria. Following some discussion, the commissioners thanked Mr. Hall for his update.

The commissioners conducted a public hearing on Bill 24-10 (Zoning – Signs), which was introduced by Commissioners Abbott, Bertino, Mitrecic, and Purnell on December 17, 2024. Development Review and Permitting Director Jennifer Keener advised that this is a revision to the 2021 text amendment, which would allow the Ocean Pines Association (OPA) to add the Commercial Zoning District to the list of locations where electronic signs would be permitted and to allow more than one electronic sign per parcel, as a special exception. She concluded that the Planning Commission gave the bill a favorable recommendation.

OPA Board member Elaine Brady advised that the purpose of the bill is to reduce the number of signs posted throughout Ocean Pines while increasing the ability to provide important

community news to residents through the use of electronic signs. She advised that these signs would be informational in nature and would not be used for advertising. In response to a question from Commissioner Bertino, Ms. Brady stated that the OPA will be reducing the overall amount of signage. This will include removing all signage that is not required from the parkway to reduce clutter and for safety reasons.

There being no further public comment, Commissioner Elder closed the floor.

Upon a motion by Commissioner Bertino, the commissioners unanimously adopted Bill 24-10 (Zoning - Signs) as presented.

The commissioners conducted a public hearing on Bill 24-11 (Zoning – Private, noncommercial storage buildings), which was introduced by Commissioners Fiori and Mitrecic on December 17. Ms. Keener stated that this bill would add a special exception use in the A-1 Agricultural District to allow private, noncommercial buildings for the storage of personal property - beyond the 500-square-foot limit currently permitted without a principal dwelling on the property – on lots of 25 acres or greater. She explained that the language in the draft bill mirrors the bill that received a favorable recommendation from the Planning Commission and was introduced by the commissioners; however, the motion to adopt the draft bill failed for lack of a second following a public hearing on June 18, 2024. In response to a question by Commissioner Bunting, Ms. Keener stated that this would override the current limitation of one storage building up to 500 square feet; however, the language could be revised to limit the storage to one building.

Commissioner Elder opened the floor to receive public comments.

Jonathan Anders advised that he and Jeff Mahan began this venture to have a farm and to erect a contractors' shop where their teenagers could store and work on personal property, such as cars, ATVs, and other similar items. He reviewed the history of the existing storage building, including the shortcomings of the original contractor who cut corners and informed them incorrectly that they could construct a pole building and use it for personal property without having a principal structure on the parcel. He stated that he and his partner are trying to remedy the situation, but that they have no interest in building a house on the site. In response to a question from Commissioner Fiori, Mr. Anders confirmed that they were unaware that personal property could not be stored on their parcel without a principal dwelling at the time the storage building was under construction.

Commissioner Bunting stated that he is concerned that there is no limit to the number or size of the structures that would be permitted if the bill were to pass as written. In response to his comments, Mr. Anders stated that the building on his property is just over 10,000 square feet. Ms. Keener then advised that the bill could be amended to permit one storage building of up to 11,000 square feet if the commissioners were so inclined.

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

Upon a motion by Commissioner Fiori, the commissioners unanimously agreed to amend Bill 24-11 (Zoning – Private, noncommercial storage buildings) to allow one private, noncommercial building of up to 11,000 square feet for the storage of personal property by special exception. The commissioners conceptually agreed to adopt Bill 24-11 as amended.

The commissioners met with Ms. Keener to review a text amendment application drafted by staff at the request of the commissioners to address marine uses and public utility operations within the CM Commercial Marine District. Ms. Keener advised that the bill creates definitions for previously undefined terms pertaining to marine activities, marine yards; refines the purpose and intent statement of the CM to further support the commercial and recreational fishing industries; removes as a principal term permitted use public utility structures and properties in the CM; refines marine yard uses in the A-2 Agricultural and E-1 Estate Districts consistent with the new definitions; and adds a principal permitted use public utility operation centers in the C-2 and C-3 Commercial Districts and the I-1 and I-2 Industrial Districts. Ms. Keener concluded that the Planning Commission gave the bill a favorable recommendation as presented.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned text amendment as Emergency Bill 25-12 (Zoning – Marine Uses and Public Utility Operation Centers) and agreed to schedule a public hearing on the bill.

The commissioners revisited discussions from their December 3, 2024 meeting regarding the request from Environmental Programs Director Bob Mitchell and Maryland Coastal Bays Program (MCBP) Executive Director Kevin Smith for a letter of support for a grant from the Whole Watershed Fund, which the MCBP would use to restore the Newport Bay in the Coastal Bays Watershed. In response to questions raised by Commissioner Bertino, Mr. Smith confirmed that the MCBP will still remain neutral with regard to political issues that arise. However, they have made organizational changes by inserting new language within their bylaws stating that any gift over \$10,000 must be approved by a majority of the board. Furthermore, MCBP insignias and employee names are no longer part of US Wind's promotional materials, so the MCBP is now completely neutral.

Following some discussion and upon a motion by Commissioner Mitrecic, the commissioners voted 6-1, with Commissioner Bunting voting in opposition, to send a letter of support for the grant as requested.

Commissioner Fiori left the meeting.

Pursuant to the request of Ms. Keener and upon a motion by Commissioner Mitrecic, the commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to exempt the project to construct a new fire training tower in Newark from the provisions of the Zoning and Subdivision Control Article. Commissioner Bertino stated that he could not support the exemption, which would not be available to private property owners and contractors.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Mitrecic, the commissioners unanimously agreed to appoint Matt Giardina to the Drug and Alcohol Abuse Counsel.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint Jake Harner and Kellen Lloyd to the Worcester County Youth Council, Mike Wyatt to the Solid Waste Advisory Board; and JC Barbely to the newly established Newark Water and Sewer Advisory Board.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously directed Ms. Keener to identify avenues available to Worcester County to opt out of certain provisions within HB 132 Cannabis – On-Site Consumption Establishments and Cannabis Events.

Following concerns raised by Commissioner Abbott, the commissioners directed County staff to look into options for providing comment on HB 282 Public Schools – Sexually Explicit Materials – Prohibited in Libraries and Media Centers.

Commissioner Bertino, who serves on the Maryland Association of Counties (MACo) Board of Directors, discussed issues within Governor Wes Moore’s recently released budget that could negatively impact the County, including a proposal to shift greater responsibility for teachers’ pensions, to include community colleges from the State to the counties, as well as outplacement special education costs. He agreed to keep the commissioners informed as more information becomes available.

The commissioners answered questions from the press, after which they adjourned to meet again on February 4, 2025.