

**County Council of Dorchester County  
Regular Meeting Minutes  
January 7, 2014**

The County Council of Dorchester County met in regular session on January 7, 2014 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present were E. Thomas Merryweather, County Attorney, and Donna Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**EXECUTIVE SESSION**

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Voting in favor of the closed Executive Session were all Council members.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Travers led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council approved the following additions to the agenda: a request to advertise for on-call and full-time Advanced Life Support and Basic Life Support providers and an item regarding performance bond guaranties for stormwater management.

**MINUTES-DECEMBER 17, 2013**

The Council approved the minutes of December 17, 2013.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$11,125,621.54.

**EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on January 7, 2014 in a closed session at Room 110, County Office Building, 501 Court Lane,

Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed above.

Action taken at the closed session: 1) approved request of Warden to promote an existing Detention Center employee to Sergeant/Shift Supervisor by a 4 to 0 vote with one vote by written proxy; 2) confirmed the hiring by the State's Attorney of an individual to fill an Assistant's State's Attorney position that will become vacant effective January 10, 2014 by a 4 to 0 vote with one vote by written proxy; 3) deferred request of Emergency Services Director to change an on-call part-time Emergency Medical Services Manager position to a full time position until budget deliberations by a 4 to 1 vote with one written proxy vote; 4) approved request of Emergency Services Director to fill full-time and on-call Advanced Life Support and Basic Life Support Provider positions by a 4 to 0 vote with one vote by written proxy-agreed to consider request to advertise in open session; 5) deferred a request from the Tourism Director to provide holiday pay to grant funded employees by a 5 to 0 vote; 6) agreed to establish a policy relating to hiring procedures by a 5 to 0 vote; 7) approved recommendation of the Dorchester County Revolving Loan Fund Committee to loan funds to a new business by a 5 to 0 vote; 8) discussed with legal counsel a leasing arrangement relating to a solar energy project-requested additional information; 9) discussed with legal counsel a matter relating to road maintenance-requested additional information; 10) discussed with legal counsel a request from a company to utilize County property; 11) discussed with legal counsel issues relating to stormwater management-agreed to consider in open session; 12) discussed with legal Council issues regarding permitting fees-requested additional information; and 13) discussed with legal counsel matters relating to the potential expansion of a County facility-requested additional information.

The above information is being provided to the public pursuant to and in compliance with Section 10-509(b) and (c) of the State Government Article.

#### **APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

#### **REGULAR SESSION**

#### **COMMENDATION-RETIREMENT-RODNEY PAUL HURLEY**

The Council presented a commendation to Rodney Paul Hurley on his retirement and recognizing his 30 years of dedicated service to Dorchester County.

## **RESOLUTION-INVOKING COORDINATION**

The Council adopted a resolution to invoke its authority to engage Federal and State agencies in the Coordination process established and mandated by Federal and State standards, particularly the National Environmental Policy Act, to ensure that Federal and State regulations, guidelines and practices, including the Environmental Protection Agency's 2012 Chesapeake Bay Total Maximum Daily Load and Watershed Implementation Plan requirements, do not conflict with Dorchester County's current policies and strategies.

Councilman Newcomb noted that the Council received correspondence from Joseph Gill, Secretary, Maryland Department of Natural Resources, in response to the concerns and questions of Council, local watermen and the public that were discussed at the Council's November 5, 2013 meeting. He said Secretary Gill provided reasons not to change DNR regulations or reduce harvesting restrictions for each item presented to him and referenced the decline of the menhaden population as a reason rockfish are preying on crabs. Councilman Bradshaw noted DNR staff also recently attributed the decline in the crab population to crab cannibalism. Councilman Newcomb said Secretary Gill advised that DNR staff is in the process of conducting a five year survey on the impact of power dredging on oyster populations and oyster habitat and; therefore, is not able to open up additional areas for power dredging until it is completed.

Councilman Bradshaw stressed that the Council is in favor of improving the water quality of the Chesapeake Bay. He said it is his understanding from speaking with Charles MacLeod, Special Legal Counsel, that Environmental Protection Agency personnel have stated that working septic systems do not pollute the Chesapeake Bay despite Maryland Department of Environment staff statements that these systems are the major sources of pollution.

## **MANAGERS COMMENTS**

### **REQUEST TO USE VISITORS CENTER PROPERTY-CHOPTANK RIVER SWIM FEST-TRICOLUMBIA**

The Council approved the request of Gerry Boyle, Director of Operations, TriColumbia, to use the grounds around the Visitors Center for check-in and swim finish for the Choptank River Swim Fest to be held on Saturday, May 10, 2014 with the understanding that this organization will provide the infrastructure for this event including restrooms, tables, chairs and tents.

### **FY13 EMERGENCY SOLUTIONS GRANT ACCEPTANCE-DELMARVA COMMUNITY SERVICES/GRANT MONITOR**

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services (DCS), to accept grant funding of \$107,258 from the Maryland Department of Housing and Community Development under the FY13 Federal Emergency Solutions Grant Program, with no cash or in-kind match, to be utilized to provide assistance to residents who are homeless or at risk of being homeless. The Council also agreed to execute a sub-recipient agreement with DCS. The Council acknowledged that the grant period is October 1, 2013 to September 30, 2015.

Councilman Newcomb commended Ms. Smith; Jeremy Goldman, Emergency Services Director; and Steve Garvin, Emergency Planner, for checking the availability of shelters for residents.

#### 2014 MARYLAND GENERAL ASSEMBLY-PROPOSED LEGISLATION-PHOSPHORUS ASSESSMENT AND MANAGEMENT STUDY/ANALYSIS

Pursuant to the request of Delegate Adelaide Eckardt the Council agreed to support legislation she will introduce during the 2014 Maryland General Assembly Legislative Session to: 1) require the Department of Agriculture to conduct a study of efforts to manage and reduce phosphorus pollution from agricultural sources in the State to include an economic impact analysis; and 2) prohibit the Department from implementing regulations replacing the Phosphorus Site Index with the Phosphorus Management Tool until after the adjournment of the 2015 regular legislative session of the Maryland General Assembly.

#### TIMETABLE AMENDMENT APPROVAL-FY13 MARYLAND HERITAGE AREA AUTHORITY MANAGEMENT GRANT-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to execute a timetable amendment letter of agreement for the FY13 Maryland Heritage Area Authority Management Grant for a 60 day extension which will provide additional time for the replacement of two of the weathered interpretive signs at the Visitor Center and will allow for potential weather delays or any other unforeseen delays. The Council recognized that as a result of this extension the project completion date will be extended to March 31, 2014 and the final report submission date will be extended to April 2, 2014.

#### TRAVEL REQUEST-TOURISM

The Council approved the request of Ms. Fenstermaker to travel to Annapolis on January 30, 2014 for Maryland Tourism Day at the estimated total cost of \$200, which includes lodging, food and transportation.

#### FY14 MARYLAND OFFICE OF TOURISM MARKETING GRANT-TOURISM

The Council approved the request of Ms. Fenstermaker to accept a FY2014 County Cooperative Marketing Grant award from the Maryland Office of Tourism in the amount of \$44,945 for the period of July 1, 2013 to June 30, 2014 to fund marketing efforts. The Council acknowledged that the cash match is being provided through the FY14 Tourism Department Operating Budget.

#### CONTINUED-MARYLAND BROADBAND ROAD OPENING PERMIT APPLICATION-INSTALLATION OF FIBER OPTIC CABLE-PUBLIC WORKS

The Council approved the application submitted by Pete Peterman, Outside Plant Services Engineer, on behalf of Maryland Broadband Cooperative, Inc., for a road opening permit to install a fiber optic cable on the south shoulder of Bay Shore Road in Taylor's Island. The Council acknowledged that, at its directive, Mr. Moore obtained clarification from Tyler Patton, Vice President, Public Affairs, that Cooperative members who wish to provide service to surrounding areas will have access to the fiber; however, private sector business owners are not required to use the fiber or offer any services from that cable. The Council further

acknowledged that Mr. Patton and other Cooperative staff/members have been working with local internet service providers in the community to advise them of the assets that will be available after the project has been completed and have received some expressions of interest.

#### FY14 BUDGET AMENDMENT WATERWAY IMPROVEMENT FUND ACCEPTANCE-PUBLIC WORKS

The Council accepted a FY14 budget amendment to a Department of Natural Resources Waterway Improvement Fund grant to Dorchester County of \$50,000, with no local match, for countywide maintenance of boat ramps and docks.

#### BID AWARD RECOMMENDATION-REPLACEMENT OF CHILLER AT COURT HOUSE-PUBLIC WORKS

The Council approved the recommendation of Tom Moore, Public Works Director, to award the bid for the replacement of a chiller at the Circuit Court House to Fresh Air Concepts, LLC, the lowest bidder, at the cost of \$79,270 from the Transfer Tax Fund. The Council acknowledged that included in its bid proposal is the application of an epoxy based coating to the condenser coils which will extend the life of those coils.

#### REQUEST TO SOLE SOURCE/EXPEND PROGRAM OPEN SPACE FUNDS-PLAYGROUND-SAILWINDS PARK-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to sole source with Gametime to renovate the County owned Sailwinds Park playground at the cost of \$165,000, with 90% (\$148,500) being reimbursable by the State. The Council recognized that this project was approved by the Council as part of the current FY14 Capital Budget and was recently approved by the Maryland Board of Public Works. Mr. Eberspacher advised Council that Public Works equipment will be utilized by Recreation and Parks staff to dismantle a portion of the wood equipment once the new playground equipment arrives and to remove sand which will be used by the Public Works staff. He noted that the work will be performed either at the end February 2014 or the beginning of March 2014 and the park will be closed during the renovation.

#### REQUEST TO ADVERTISE FOR FULL TIME/ON-CALL ALS AND BLS PROVIDERS-EMS-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to advertise for full time and on-call Advanced Life Support and Basic Life Support Provider positions.

#### PERFORMANCE BOND GUARANTY-STORM WATER MANAGEMENT

The Council agreed that a guaranty agreement can be provided in lieu of a performance bond for the construction of structures relating to agricultural purposes. The Council acknowledged that pursuant to E. Thomas Merryweather, County Attorney, this agreement constitutes the "other means of security acceptable to the Dorchester County Public Works, in lieu of the performance

bond required under Chapter 134 of the Dorchester County Code entitled "Stormwater Management," Section 134-20.

## **PUBLIC COMMENTS**

Ms. Smith advised Council that she has contacted Department Heads and local municipal representatives and has been working with Mr. Goldman and Mr. Garvin to identify projects that qualify for funding under the Community Development Block Grant Disaster Recovery Grant program for the four natural disasters that affected Maryland over the last several years, including Irene and Sandy. She explained that a notification was just released regarding the availability of this funding. She said the City of Cambridge staff has submitted two potential projects and that she hopes to have a list of projects for the Council to prioritize at its January 21, 2014 meeting. She explained that pursuant to CDBG requirements two public hearings must be conducted, one of which will be held on January 15, 2014. Ms. Smith further explained that once developed the prioritized list will be sent to CDBG staff to confirm the eligibility of each project. She noted that a second public hearing will then be held and the grant will be submitted prior to the January 28, 2014 deadline.

In response to a question posed by Councilman Price, Ms. Smith said 50% of the projects submitted must meet low or middle income requirements. Mr. Goldman explained that the grant funds are for the direct mitigation of storm event damage or from future storm events. Mr. Goldman noted that under this grant program \$16 million was provided to Somerset County, that there is \$3 million available for the remaining local jurisdictions, and that the State of Maryland withheld \$1 million of the grant funds to administer the program. Ms. Smith expressed appreciation for the support of the Council members in pursuing these grants funds.

## **COUNCIL'S COMMENTS/ADJOURNMENT**

Councilman Newcomb said at its December 17, 2013 meeting, the Council agreed to send a letter to Joseph P. Gill, Secretary, Maryland Department of Natural Resources, expressing concern about the utilization of fossilized oyster shells from Florida to create additional oyster bar sanctuaries in Harris Creek and the Little Choptank River, which may adversely impact those local waters and native oysters. He explained that each Council member has been provided a draft letter prepared by Charles MacLeod, Special Legal Counsel, for its review. The Council authorized Councilman Newcomb to execute the letter.

The Council, based on a motion made by Councilman Nichols, agreed to designate January 21, 2014 as a special legislative day.

Councilman Travers commended emergency responders for their assistance during a house fire in the Neck District which occurred last night during adverse weather conditions.

Councilman Price said on the last day of the winter Maryland Association of Counties Conference an Environmental Protection Agency administrator spoke regarding efforts to develop Watershed Implementation Plans to meet Total Maximum Daily Load requirements. He noted that this individual listened to the concerns expressed by elected officials from counties throughout the State regarding the strict requirements and milestones as well as potential costs.

He expressed his belief that WIP plan requirements will be discussed during the upcoming legislative session.

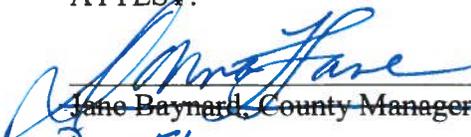
Councilman Price commended emergency responders for responding to calls during the recent adverse weather and the organizations who held events over the Christmas holiday. He also congratulated the North Dorchester High School cheerleaders who placed third in the large mount division and received the Judge's Choice Award at the Gator Bowl Competition. He expressed his understanding that they will be recognized at the Council's next meeting.

Councilman Bradshaw said he is disappointed with the Board of Education members' decision to deny the application of William Akridge to start a charter school in Dorchester County. He referenced articles he wrote that were included in the current edition of the Shoreline Magazine which features Dorchester County. Councilman Bradshaw noted that the Wicomico County Council has agreed to join the Clean Chesapeake Coalition and commended the Council for voting to adopt a resolution to invoke coordination.

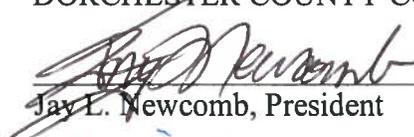
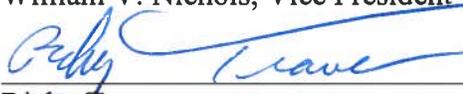
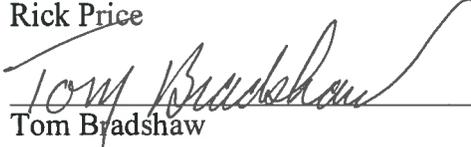
Based on a motion made by Councilman Newcomb, the Council agreed to send a letter commending William Jones, State's Attorney, and his staff for their assistance and cooperation in moving the State's Attorney Office to the County Office Building over the Thanksgiving holiday.

With no further business to discuss, the Council adjourned.

ATTEST:

  
Jane Baynard, County Manager  
  
Donna FLane  
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:

  
Jay L. Newcomb, President  
  
William V. Nichols, Vice President  
  
Ricky Travers  
  
Rick Price  
  
Tom Bradshaw

Approved the 21<sup>st</sup> day of January, 2014.