

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**June 16, 2015**

The County Council of Dorchester County met in regular session on June 16, 2015 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, Acting County Manager; 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 Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(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 §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §3-305(b)(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 a part time Incubator Manager position for the Eastern Shore Innovation Center; a request to advertise for on-call Visitor Center Clerks; a request to submit a grant application for funding for two Deputies; a discussion regarding Tyler's Cove; a request for authorization to film a parachute jump; and a modification agreement for a loan from Maryland Technology Development Corporation for the Eastern Shore Innovation Center.

**APPROVAL OF MINUTES- JUNE 2, 2015**

The Council approved the minutes of June 2, 2015.

## **APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented with Councilman Nichols abstaining for payments made by the Sheriff's Office for vehicles, including oil changes.

## **FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$5,141,116.25.

## **EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on June 16, 2015 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(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 §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §3-305(b)(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 below.

Action taken at the closed session: 1) approved the request of the Economic Development Director to fill a part time Incubator Manager position by a 4 to 1 vote and agreed to consider a request to advertise in open session; 2) discussed a grant opportunity relating to Sheriff's Office personnel-agreed to discuss in open session; 3) approved the request of the Warden to promote an individual to a Sergeant (Shifter Supervisor) position by a 5 to 0 vote; 4) approved the request of the Emergency Services Director to promote an individual to a Shift Supervisor position in the 911 Center by a 5 to 0 vote; 5) approved the request of the Emergency Services Director to hire individuals to fill two full-time Emergency Medical Technician positions in the EMS Division by a 5 to 0 vote; 6) approved the request of the Tourism Director to hire an individual to fill the vacant Heritage Area Program Administrator grant position by a 5 to 0 vote; 7) discussed the request of the Tourism Director to advertise for on-call Visitor Center Clerks and agreed to a job description amendment by a 4 to 1 vote- agreed to consider request to advertise in open session; 8) approved the reclassification of an employee from Motor Equipment Operator IV to Landfill Supervisor effective July 1, 2015 by a 5 to 0 vote; 9) confirmed the hiring of seasonal pool staff by a 5 to 0 vote; 10) discussed a matter relating to property acquired via tax sale with staff; 11) discussed an agreement regarding a tax sale property; 12) discussed with legal counsel a matter regarding a County owned road; 13) discussed with legal counsel a proposed lease agreement for a County owned property; 14) discussed with legal counsel a matter relating to a County owned marine facility-agreed to discuss in open session; 15) discussed with legal counsel an agreement relating to a County owed facility-agreed to discuss in open session; and 16) discussed with legal

counsel a modification agreement for a loan for an economic development project-agreed to consider in open session.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

## **REGULAR SESSION**

### **PROCLAMATION-JOHN J. CREIGHTON DAY-JUNE 25, 2015**

The Council presented a Proclamation declaring June 25, 2015 as “John J. Creighton Day” in honor of his dedication to local history.

## **MANAGERS COMMENTS**

### **FY16 CATEGORICAL BUDGET REQUEST-CERTIFICATION-BOARD OF EDUCATION**

The Council approved the request of Dr. Henry Wagner, Superintendent of Schools, to approve the Board of Education’s FY16 Categorical Budget totaling \$58,616,279 based on the County’s FY16 allocation to the Board of Education of \$18,963,336 for operating expenses and \$1,439,175 for capital expenses and agreed to execute the Annual Budget Certification Statement for the fiscal year ending June 30, 2016.

### **LETTER OF SUPPORT REQUEST-MARYLAND SEA GRANT-UNIVERSITY OF MARYLAND HORN POINT**

The Council approved the written request of Liz Freedlander, Development Director, University of Maryland Center for Environmental Science, for a letter supporting the application of Dr. Ming Li, Professor, Horn Point Lab, for funding from the Maryland Sea Grant to investigate sea level rise and inundation on Maryland’s Eastern Shore.

### **CAMBRIDGE POWER BOAT REGATTA-REQUEST TO WAIVE FEES FOR AMBULANCE SERVICES-ALLEN NELSON**

The Council approved the request of Allen Nelson, Vice-Commodore, Cambridge Power Boat Regatta Association, Inc., to waive stand-by fees for County ambulance service for the two day “Cambridge Classic” event to be held by the Association on July 25 to July 26, 2015.

### **REQUEST TO USE COUNTY OFFICE BUILDING PARKING LOT-COURTHOUSE GROUNDS-ELECTRICAL OUTLETS-DORCHESTER SHOWCASE-DCA**

The Council approved the request of Barbara J. Seese, Showcase Coordinator, Dorchester Center for the Arts, to use the following County property/services for the 39<sup>th</sup> Dorchester Showcase on Sunday, September 27, 2015 from 12 p.m. to 5 p.m.: 1) to use the County Office Building parking lot with the understanding that it must remain a public lot; 2) to use the Court House

grounds and electrical outlets; and 3) for assistance from Maintenance staff in coordinating these services.

#### FUNDING REQUEST-SENIOR SERVICES-DELMARVA COMMUNITY SERVICES, INC.

The Council discussed the request of Santo Grande, President/CEO, Delmarva Community Services (DCS) for funds in the amount of \$30,230 for the Senior Program to offset reduced funding from federal and state grants.

In response to inquiries from Councilman Travers, Jeremy Goldman, Acting County Manager, expressed his understanding that these funds cover staffing and food costs for meals for senior citizens. Councilman Travers queried as to whether there are remaining funds in the current fiscal year budget. Mr. Spears said yes, noting that he can provide a summary to the Council. Mr. Goldman expressed his understanding that unspent funds and excess revenue may be available.

The Council approved Mr. Grande's request for \$30,230 contingent upon the identification FY15 funds for this purpose and acknowledged that staff will provide a summary of available funds at the next meeting. The Council also agreed to forward letters to the Federal and State legislators advocating for the restoration of this funding.

#### RELEASE OF ROAD CONSTRUCTION AGREEMENT AND RIGHT OF EASEMENT- WALKER BRANCH SUBDIVISION-PLANNING AND ZONING

The Council approved the request of Steve Dodd, Planning and Zoning Director, to execute the following three documents pertaining to Lots 1 through 9 of the Walker Branch Subdivision: 1) Release of Road Construction Agreement and Right of Easement; 2) Release of Planting Plan Maintenance and Management Agreement and Forest Conservation Act Easement Long Term Protection Agreement; and 3) County Highway Deed transferring all the roads known and designated as "Walker Branch Drive" to the Harding Family Limited Partnership, which purchased the lots. The Council acknowledged that the recordation of the Releases is a condition of the approval of the Planning Commission for the lot consolidation plat and the Hardings intend to return the property to farm use.

#### PLANNING COMMISSION REVIEW OF UTILITY SCALE SOLAR ORDINANCE- PLANNING AND ZONING

Mr. Goldman noted that at its January 20, 2015 meeting, the Council referred to the Planning Commission for investigation and recommendation the amendment of Chapter 155, entitled "Zoning Ordinance," regarding Solar Energy Systems, Utility Scale, of the Dorchester County Code to require that utility scale solar energy systems only be allowed on commercial and industrial properties within the County. He said the Commission members have submitted a recommendation. The Council, based on the Planning Commission members' recommendation, agreed to not amend the ordinance, with Councilman Bradshaw opposing.

**RESOLUTION-DECLARATION OF OFFICIAL INTENT TO REIMBURSE FROM BOND PROCEEDS- NORTH DORCHESTER HIGH SCHOOL CAPITAL PROJECT-FINANCE**

The Council approved the request of Michael Spears, Finance Director, to adopt a resolution to evidence the Council's official intent to expend money on the North Dorchester High School project prior to the issuance of bonds and to utilize the proceeds of the bonds to reimburse such original expenditures, with Councilman Nichols opposing.

**REQUEST TO ADVERTISE FOR REQUESTS FOR PROPOSALS-EMERGENCY GENERATOR-GRANT MONITOR**

The Council approved the request of Cindy Smith, Grant Monitor, to advertise two requests for proposals for a generator for the emergency evacuation shelter at the Cambridge South Dorchester High School, one for a diesel option and another for a natural gas option.

**REQUEST TO CONTRACT FOR INDEPENDENT FEE ESTIMATE-AIRPORT APRON PROJECT-PUBLIC WORKS**

The Council approved the request of Tom Moore, Public Works Director to contract with a consultant to perform a fee estimate on the proposal Delta Airport Consultants, Inc., the engineer for the Apron Expansion project at the Cambridge Dorchester Airport, has submitted to provide Construction Administration Services for \$522,000. The Council acknowledged that: 1) the approximate cost of the independent fee estimate is between \$2,000 to \$4,000; 2) this work is included within the Federal Aviation Administration (FAA) and Maryland Aviation Administration (MAA) grant for which applications will be submitted prior to July 2, 2015; and 3) the FAA will provide a list of qualified consultants.

**REQUEST TO CHANGE DATES TO USE LOBBY/ROOM 110 COUNTY OFFICE BUILDING-2016 PRESIDENTIAL ELECTION-ELECTIONS OFFICE**

The Council approved the request of Gwen Dales, Election Director, to change dates to use the lobby and Room 110 of the County Office Building for election activities for the 2016 Presidential Election due to the passage of State legislative that changed the election date.

**TRANSFER OF FUNDS/REPLACEMENT OF FURNITURE-COUNTY COUNCIL'S OFFICE AND MEETING ROOM**

The Council approved the request of Jeremy Goldman, Acting County Manager, to transfer excess funds not to exceed \$5,000 from the FY15 Council's Office Operating Budget to the FY15 Capital Budget to replace antiquated and dilapidated furniture in the County Manager's Office and the small meeting room in Room 108, with Councilmen Price and Nichols opposing. The Council acknowledged that any excess funds will be used to replace chairs in Room 110, the Council's Meeting Room.

#### RENEWAL OF MEMORANDUM OF UNDERSTANDING- HOUSING OF ADVANCED LIFE SUPPORT UNITS

The Council agreed to renew Memorandums of Understanding between Dorchester County and the following volunteer fire companies to house County Advanced Life Support units at their facilities for \$700 per month for a two year period from April 1, 2015 to March 31, 2017.

#### REQUEST TO TRANSFER FUNDS-PURCHASE OF SOFTWARE PROGRAM-EMERGENCY MEDICAL SERVICES-EMERGENCY SERVICES

The Council approved the request of Mr. Goldman as Emergency Services Director to transfer Emergency Medical Services income received in 2015 to purchase an inventory tracking system software for supplies and vehicle maintenance which will ensure only necessary items are ordered and establish a timeline for future ordering, with Councilman Nichols opposing.

#### GYPSY MOTH SPRAYING COST ESTIMATES-LETTER OF ACCEPTANCE-PARTICIPATION-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Robert L. Tatman, Program Manager, to participate in the Maryland Department of Agriculture's Forest Pest Management (FPM) Program for the identification and control of gypsy moth populations for Dorchester County and its citizens. The Council acknowledged that: 1) based on information relating to gypsy moth populations and trends in Dorchester County, up to 75 surveys will be conducted at an estimated County cost of \$1,125, which represents a 50% cost share on local costs to perform these surveys on non-State land; and 2) this amount does not include additional funds that may be needed for aerial spraying.

#### BOARD APPOINTMENT- SOCIAL SERVICES BOARD

Based on the recommendation of Nicholette Smith-Bligen, Director, Dorchester County Social Services, the Council appointed Chief Daniel Dvorak to the Social Services Board for a three year term to replace Bette Lowe, who submitted her resignation effective April 15, 2015.

#### RECORD RETENTION POLICY RESOLUTION

The Council agreed to send a proposed resolution to establish a Record Retention Policy for the effective management of County records to Department Heads and Elected Officials for their review and comment.

#### REQUEST TO PURCHASE RADIO SYSTEM COMPONENT-EMERGENCY SERVICES

In response to inquiries from Council, Mr. Goldman explained that he is seeking authorization to expend \$47,500 in excess revenue received over budgeted estimates to purchase a spare Zone Controller in case the existing controller fails. He further explained that this is the only piece of equipment for the radio system that will be out of Motorola support prior to 2018, at which time more than half of the critical components of this system will not be supported by this company.

Pursuant to a question posed by Councilman Price, Ms. Smith said it is unlikely grant funding is available to purchase this piece of equipment. The Council denied Mr. Goldman's request. Councilman Nichols expressed concern about using unspent monies and revenue in excess of budgeted amounts from FY15, noting that those funds can be utilized in future years.

#### REQUEST TO ADVERTISE-PART TIME INCUBATOR MANAGER POSITION- THE EASTERN SHORE INNOVATION CENTER

The Council agreed to advertise a part-time Incubator Manager position for the Eastern Shore Innovation Center with Councilman Price opposing.

#### REQUEST TO ADVERTISE FOR ON-CALL VISITOR CENTER CLERKS

The Council agreed to advertise for on-call Visitor Center Clerks.

#### REQUEST TO SUBMIT APPLICATION FOR COPS FUNDING FOR TWO OFFICERS

The Council approved the request of Sheriff James Phillips to submit a grant application to the Department of Justice for funding under the COPS Hiring Program (CHP) to hire two additional Officers, with Councilmen Nichols and Price opposing. The Council acknowledged that this grant: 1) allows for the hiring of up to 5% of the actual sworn force strength; 2) will pay for 75% of the entry level salary and fringe benefits over a 3 year period up to \$125,000 total per officer; 3) only pays 75% of entry level if an individual is hired at a higher salary. The Council also acknowledged that to comply with the retention requirement of the grant, the grantee must add all awarded officer positions to its law enforcement budget with local funds for at least 12 months at the conclusion of 36 months of federal funding for each position over and above the locally funded sworn force baseline. The Council recognized that equipment, including personal protective equipment, i.e. uniforms, guns, body armor, are not eligible items under this grant. In response to a question a question from Michael Spears, Finance Director, Mr. Goldman said it is his understanding that the FY17 budget will be impacted if grant funding is received and accepted for additional officers. Councilman Price cited the inability to use attrition to offset costs for the one year retention period as the reason he opposed this request.

#### DISCUSSION-TYLER'S COVE

Councilman Bradshaw relayed information to Mr. Moore regarding his discussions with Sandy Pepi, Eastern Shore Regional Program Administrator, Boating Program Implementation Office, Maryland Department of Natural Resources, about possible solutions and funding sources for the dredging of Tyler's Cove under this program. He referenced the need for Blackwater National Wildlife Refuge staff to use the Tar Bay Channel to access Barren Island and the offer of Suzanne Baird, Refuge Manager, to provide a spoil site for dredged material. He explained that Ms. Pepi advised that an easement from owners of property on Charity Point may be needed and that he spoke to one property owner who is willing to provide an easement. Councilman Bradshaw advised that Congressman Harris is aware of the need to dredge this channel and questioned whether State funding was available. He explained that someone new to the area recently damaged their boat while crabbing due to a broken beacon, which was unmarked. He

noted that it took individuals 15 minutes instead of five minutes to reach him because of the silting in of the channel. He said it is his understanding that Tyler's Cove is a staging point for emergencies that may occur at Patuxent River or the Calvert Cliffs Nuclear Power Plant. Councilman Bradshaw advised that he relayed this information to Greg LeBlanc, Engineer. Mr. Moore said he will contact Ms. Pepi.

#### **REQUEST FOR AUTHORIZATION TO FILM A PARACHUTE JUMP**

The Council denied a request for authorization to utilize the Cambridge Dorchester Regional Airport to film a parachute jump.

#### **MODIFICATION AGREEMENT- MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION LOAN-EASTERN SHORE INNOVATION CENTER**

The Council approved the request of Keasha Haythe, Economic Development Director, to execute a Modification Agreement to extend the closing deadline for Maryland Technology Development Corporation (TEDCO) financing for the Eastern Shore Innovation Center an additional 45 days to allow time for staff to compile the required documents for closing.

#### **PUBLIC COMMENTS**

In response to an inquiry from David Robinson, on behalf of his mother-in-law, Sara Reynolds, Councilman Nichols and Ms. Smith explained that he needs to submit a request to be placed on a City of Cambridge Council agenda to obtain authorization to hold a block party in that municipality.

Donald Jones, resident, expressed concern about potholes on Middletown Branch Road. Mr. Moore said he will view the road and have County staff cold patch any potholes. In response to a question from Mr. Jones, Mr. Moore confirmed that potholes are patched prior to the placement of tar and chip on County roads.

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

Councilman Price asked for the status of pothole repair and roadside mowing. He noted that there are certain intersections for which there is poor visibility due to tall grass, trees or bushes. Mr. Moore said there are four to six individuals operating mowers daily and that there are two employees assigned to cold patch and ten employees to the placement of tar and chip on roads. He advised that he has not received many complaints.

Based on motions made by Councilman Price the Council agreed to appoint Gordon Hill to the Zoning Appeals Board, with Councilman Nichols opposing, and to appoint Charles Cephas to the Social Services Board as the District 4 representative.

Councilman Price advised that during his June 12, 2015 visit to Cambridge, Sam Malhotra, Secretary, Department of Human Resources, toured Protenergy and the Salvation Army. He said he expressed interest in shelter accommodations in the County.

Councilman Satterfield thanked emergency medical services personnel and law enforcement for their assistance to athletes during the recent triathlon.

The Council agreed to appoint Councilman Satterfield to the Superintendent Advisory Council to replace Councilman Travers, who has scheduling conflicts.

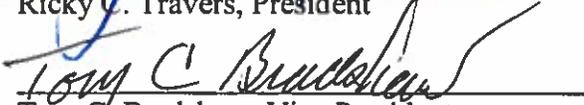
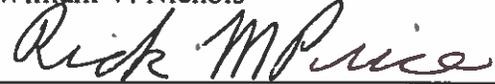
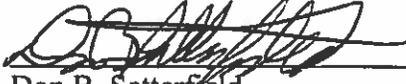
Councilman Travers thanked the members of the local delegation and Comptroller Peter Franchot for touring North Dorchester High School and other facilities in the Town of Hurlock, including the new Police Department this past week.

Councilman Travers announced the following: 1) Council will meet in Executive Session to conduct interviews on Monday, June 22 and Tuesday, June 30, 2015 at the County Office Building; 2) the next County Council meeting will be held on July 7, 2015 at 6 p.m.; and 3) the Council reserves the right to meet in executive session prior to regular session.

With no further business to discuss, the Council adjourned.

ATTEST:

  
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Jeremy Goldman  
Acting County Manager

DORCHESTER COUNTY COUNCIL.  
  
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Ricky C. Travers, President  
  
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Tom C. Bradshaw, Vice President  
  
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William V. Nichols  
  
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Rick M. Price  
  
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Don B. Satterfield

Approved the 7th day of July, 2015.