

County Council of Dorchester County
Regular Meeting Minutes
March 3, 2015

The County Council of Dorchester County met in regular session on March 3, 2015 with the following members present: Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were 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)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council agreed to add to the agenda a request to advertise vacant seasonal positions for the County Pool.

APPROVAL OF MINUTES- FEBRUARY 17, 2015

The Council approved the minutes of February 17, 2015.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Bradshaw reported total cash and investments as \$10,344,329.23.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on March 3, 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)(8) too consult with staff, consultants, or other individuals about pending or potential litigation.

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 request of Assistant Planning and Zoning Director to hire an individual to fill a vacant GIS Specialist by a 4 to 0 vote with one vote via written proxy; 2) approved request of Assistant Planning and Zoning Director to hire an individual to fill a vacant Environmental Planner position by a 5 to 0 vote with two votes via written proxy; 3) approved request of Recreation and Parks Director to fill two vacant part-time maintenance worker positions at the County pool by a 5 to 0 vote with two votes via written proxy- agreed to consider a request to advertise these positions in open session; 4) approved the request of Recreation and Parks Director for a salary increase for seasonal lifeguard positions and to fill those positions by a 5 to 0 vote with two votes via written proxy-agreed to consider a request to advertise these positions in open session; 5) approved request of Recreation and Parks Director to fill an Assistant Pool Manager position by a 4 to 1 vote with one vote via written proxy-agreed to consider a request to advertise this position in open session; 6) approved the request of Public Works Director to hire an individual to fill a vacant Motor Equipment Operator II position in the Highway Division by a 4 to 0 vote with one vote via written proxy; 7) approved the request of Public Works Director to hire an individual to fill a vacant Motor Equipment Operator II position in the Highway Division by a 5 to 0 vote with two votes via written proxy; 8) discussed a request for the renewal of a lease agreement for office space in the County Office Building; and 9) discussed a matter regarding pending litigation.

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

MANAGERS COMMENTS

REQUEST TO PURCHASE USED TANK TRAILER-LANDFILL-PUBLIC WORKS

The Council approved the written request of Tom Moore, Public Works Director, to sole source and purchase a used tank trailer from either Hale Trailer Brake or Wheel in Baltimore (Hale) or

HY-TEC Trailer Sales (HY-TEC) in Lancaster, Pennsylvania utilizing \$10,000 budgeted in the FY14 Landfill Budget for this equipment in addition to \$25,000 from unused funds which were allocated for the purchase of an articulated hauler with Councilman Travers voting by written proxy. The Council further approved Mr. Moore request for authorization for him to travel to Baltimore and Lancaster with the Mechanic Supervisor and Welder to negotiate and purchase one of the units from either Hale or HY-TEC. The Council acknowledged that he contacted several oil and water hauling companies, viewed on-line sites and sought a unit through government surplus but was unsuccessful.

LETTER OF SUPPORT REQUEST-SUPPLEMENTAL STATE BUDGET-SOIL CONSERVATION

The Council approved the request of Dale Brown, Soil Conservation District Manager, to send a letter to Governor Larry Hogan in support of the submission of a supplemental budget to the legislature to restore \$690,000 in Maryland Department of Agriculture (MDA) grant support to pay the state portion of district managers and secretarial support for those districts where the positions are jointly funded that was eliminated from the State's FY16 budget. The Council recognized that 15 soil conservation districts; 14 district manager positions and 11 secretarial positions have been impacted. The Council acknowledged that in Maryland once the Governor has submitted the budget the legislature cannot add to it; therefore, the only way these MDA grant funds can be replaced with General Funds is by the adoption of a supplemental budget.

REQUEST TO SOLE SOURCE-PUMP ROOM REPAIRS-COUNTY POOL-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to sole source with Clearwater Pool & Spa Company, the County's current contracted chemical and service provider, for repairs to pipes and replace four valves on pump #1 of the County Pool, at the cost of \$2,500 to \$3,500 from the pool other expenses account of the Recreation and Parks Operating Budget. The Council acknowledged that the repairs will be made during the Spring prior to the 2015 pool season.

TRAFFIC SAFETY COMMITTEE REFERRAL-RIVER ROAD-AMELIA WRIGHT

The Council agreed to refer the request of Amelia Wright, resident and owner of a farm at Clark's Canning House and River Road, for the posting of "No Litter/Fines and Cameras" sign on River Road to the Traffic Safety Committee for its review and recommendation to the Council.

MUNICIPAL ASSIGNMENT OF FLOODPLAIN ENFORCEMENT AGREEMENTS-PLANNING AND ZONING

The Council approved the request of Steve Dodd, Planning and Zoning Director, to enter into an agreement with the Mayor and Commissioners of the Towns of Brookview, Eldorado, Galestown and Church Creek in which the Town officials adopt the County's Floodplain Ordinance and that authorizes County staff to enforce this ordinance within these Town limits. The Council

recognized its February 3, 2015 decision to enter into an agreement with the Mayor and Commissioners of the Town of Vienna in which the Town officials adopt the County's Floodplain Ordinance and that authorizes the County staff to enforce this ordinance within those Town limits. The Council further recognized that Federal Emergency Management Agency (FEMA) representatives discovered that the prior ordinance adopted by the Town contained some inaccuracies and the Town wanted to readopt that ordinance. The Council agreed to enter into a revised agreement for floodplain ordinance enforcement with this municipality.

REQUEST FOR WRITTEN CONFIRMATION-OPT OUT RESIDENTIAL SPRINKLER REQUIREMENT-DELEGATE CHRISTOPHER ADAMS

Jeremy Goldman, Acting County Manager, said at its January 20, 2015 meeting, the Council agreed to send correspondence to the local delegation asking them to introduce legislation to amend Section 12-504(A) of the Public Safety Article of the Annotated Code of Maryland to permit Dorchester County to "opt out" of the residential sprinkler requirement by local amendment on a permanent basis in the 2015 Maryland General Assembly Legislative Session. He noted that the correspondence was sent to the local delegation on January 27, 2015. He explained that since then the Council, by phone poll, agreed to take no further action. He expressed his understanding that legislation has been introduced in the 2015 legislative session to provide certain counties the ability to "opt out" of the State mandated sprinkler requirement and Delegate Christopher Adams is asking for written confirmation of the Council's position on this matter. Councilman Nichols expressed dismay that the legislation has not been provided to the Council for its review.

The Council agreed to send Delegate Adams written confirmation that its decision was to take no further action.

SANITARY COMMISSION APPOINTMENT

The Council agreed to appoint Kim Newcomb to the Sanitary Commission to fill a vacant position formerly held by Ray Klingensmith.

DORCHESTER COUNTY FY16 HOLIDAY SCHEDULE

The Council agreed to adopt the Dorchester County FY16 Holiday Schedule.

COUNCIL'S CORRESPONDENCE/TELEPHONE POLL CONFIRMATIONS

The Council confirmed its approval, in the interim between meetings to send the following correspondence: 1) in support of Senate Bill 305 entitled "Crimes-Theft of Scrap Metal" which expands the definition of scrap metal and increase penalties for the theft of scrap metal, by a 4 to 1 vote; and 2) to support the Nanticoke Historic Preservation Alliance's application to the Maryland Historical Trust for a Maryland Heritage Area Authority grant in the amount of \$15,000 for exterior brick work restoration at Handsell, by a 5 to 0 vote.

TRAVEL REQUEST-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, as Emergency Director, for authorization to attend the National Hurricane Conference in Austin, Texas for training from March 30, 2015 through April 2, 2015 at the total cost of \$2,250 utilizing \$1,000 in direct grant funds from the Maryland Emergency Management Agency and the balance through available homeland security funds. The Council acknowledged that the cost for this training is as follows: airfare, \$550; lodging, \$800; conference fee, \$400; and meals, \$500.

REQUEST TO ADVERTISE-VACANT PART-TIME/SEASONAL WORKERS-COUNTY POOL-RECREATION AND PARKS

The Council agreed to advertise two part-time seasonal maintenance worker positions, seasonal lifeguard positions, and a seasonal Assistant Pool Manager position for the County pool in-house and in a local news publication concurrently.

PUBLIC COMMENTS

In response to a question from Les Simering, resident, Councilman Price explained that in 2012 counties were given the opportunity to “opt out” of the State mandated residential sprinkler requirements for a certain period of time which has elapsed. He explained that the Council enacted local legislation in 2012 to “opt out” of that requirement. Councilman Price further explained that as of July 1, 2015 there is no longer an “opt out” provision and all counties must comply with this State mandate. He noted that Council’s earlier decision to take no further action.

Mr. Simering said he recently contacted Councilmen Price and Bradshaw about dogs that were left outside in extreme weather conditions in Church Creek because he did not receive a response from Dog Control. He explained that in the past he has made two complaints about the same animals, noting that Dog Control officers responded to those calls. He expressed his understanding that a day or so ago the dogs were left out in the cold weather and may have perished. Mr. Simering said it is also his understanding that there have been at least 10 complaints made about these animals. He referenced the section of the County Code that authorizes the levy of fines on those individuals who are in violation of the Dog Control Ordinance and expressed his belief the owner of these dogs should be fined due to animal neglect. Mr. Simering advised that he will submit to the Council a proposal to set minimal requirements for dog shelters at the next meeting, noting that other counties have such requirements. He expressed his understanding that the County’s Dog Control officers take County vehicles home and his belief that they should therefore be required to answer calls during the night.

Mr. Simering referenced sections of the County’s Charter relating to the Warden and the Sheriff’s responsibilities relating to Dog Control and his understanding that there are no references to the 911 Communications Center, the use of County fuel pumps and that it only references a grievance policy for the County Roads Department. He noted that the Charter was passed in 2002 and although a Charter Review Commission submitted recommended changes no

action was taken by Council in 2012 to amend that document. In response to an inquiry from Mr. Simering, Councilman Bradshaw explained that County Roads, which is now the Highway Division, is under the umbrella of the Public Works Department.

Libby Nagel, a Dorchester County resident, provided the Council with copies of a Prince George's County, Department of Environmental Resources, Animal Management Division, booklet entitled "Proper Shelter and Care for Your Dogs." She expressed concern that the County's Code does not include shelter requirements. She referenced several incidents for which she called Dog Control because animals did not have the proper shelter. She said she recently called the County's Dog Control Office about dogs on Peachblossom Road, noting that the only shelter they had was a small dog house which she believes is not sufficient to protect them from the elements. She explained that pursuant to the requirements outlined in the Prince George's County booklet shelters must be off the ground and have a three foot entrance. She noted that the booklet also specifies that dogs cannot remain on a tether for long periods of time. Ms. Nagel expressed her belief that the Council should incorporate some of these requirements in the County's Code and that setting standards will decrease Dog Control visits. She asked the Council to consider making amendments to the County's Dog Control Ordinance or form a taskforce to review that document and make recommendations for Council's review and consideration. Ms. Nagel referenced the Charters for Wicomico County and Cecil County which include shelter and weather protection requirements for animals.

The Council asked staff to review the charters of neighboring counties to identify those which have shelter requirements for dogs and provide that information for their review.

Based on an inquiry from Pete Macinta, resident, Ms. Nagel expressed her understanding that pursuant to the Prince George's County booklet animals cannot be tethered twenty four/seven and must have a kennel of some type or be confined in a residence.

Wendell Foxwell, resident, noted the County Manager position application deadline has passed. In response to a question from Mr. Foxwell, Councilman Bradshaw explained that 14 new applications were received which have been provided to the Human Resources Department. He further explained that a list of the applicants who met the qualifications in the advertisement for this position will then be submitted to the Council members so they can schedule interviews.

Chuck Davis, a Dorchester County resident, challenged the Council and the public to an ice bucket challenge to be held on April 26, 2015 at the East New Market Fire House from 11 a.m. to 4 p.m. which will benefit ALS (Amyotrophic lateral sclerosis), also known as Lou Gehrig's disease.

Jay Newcomb, a Dorchester County resident, read a letter from Steve Phillips, A.E. Phillips & Son, in which Mr. Phillips explained that Mr. Newcomb was in good standing when he was employed by the company and when he resigned. He provided the Council with copies of this correspondence. Mr. Newcomb explained that he noted on his application for the County Manager position that he was willing to accept the job at a salary \$30,000 less than the budgeted figure.

Mr. Simering questioned whether plowing performed by Russell Paving during the recent weather event was satisfactory. Councilman Bradshaw noted that Mr. Moore is not present to speak to that inquiry. He recognized that several County Public Works employees were present and commended them for their efforts during the recent weather event.

Mr. Bradford, a resident, advised Council that one couple was unable to use their driveway because the individual who plowed the road they reside on blocked it with snow. He expressed his understanding that a Russell Paving employee cleared that road. Councilman Bradshaw reiterated that Mr. Moore is not present.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price referenced the recent action taken by the Maryland Department of Environment to close certain areas of the Nanticoke River to shellfish harvesting. Based on a motion made by Councilman Price, the Council agreed to send correspondence requesting that they be kept updated on the status of this area. Mr. Simering expressed his understanding that the closure is due to the presence of bacteria. Councilman Bradshaw said he believes a portion is also closed to allow the spawning of rockfish. Mr. Simering said he is dismayed that State agencies only publish limited information in local news publications regarding the closures of local waterways. Councilman Bradshaw concurred.

Councilman Price advised that at a recent Maryland Association of Counties Legislative Committee meeting David Lever, Executive Director, Maryland State Department of Education, said although the State's portion of the cost for public school construction projects is available, the majority of the counties, particularly in the rural areas, are struggling to cover the required local matches.

Councilman Price said the park in the Town of East New Market that was dedicated last Fall was featured in the most recent issue of Municipal Maryland, a publication of the Maryland Municipal League. He said the park is part of Phase I of the Town's Friendship Park project.

Councilmen Price and Satterfield commended the organizers of the Outdoor Show. Councilman Satterfield also commended the County Public Works employees and Emergency Medical Services personnel for performing their duties and assisting the public during the recent inclement weather. He thanked Ms. Nagel for providing information regarding dog shelters for Council's review. Councilman Satterfield further thanked the public for participating in County Council meetings and encouraged others to follow suit.

Councilman Bradshaw referenced an email he received from a member of the Delmarva Poultry Industry Board of Directors, regarding proposed State legislation that may adversely impact the poultry industry in the County and State. Pursuant to a motion made by Councilman Bradshaw the Council agreed to send letters of opposition for the following legislation: Senate Bill 532 entitled "Farmers Rights Act"; House Bill 1019 entitled "Farmers Rights Act"; and House Bill 928 entitled "Sales and Use Tax-Agricultural Products and Equipment-Repeal of Exemption."

Councilman Bradshaw advised that Governor Lawrence Hogan has submitted his version of phosphorous management tool regulations which is more palatable to the farming community. He said he recently attended a Watermen’s caucus at which House Bill 638 entitled “Natural Resources-Oysters-Shell Seeding, Shell Replenishment, and Rotational Harvest,” was discussed, which legislation was introduced at the request of the Clean Chesapeake Coalition. He explained that members of the coalition reviewed the legislation with the attendees which included watermen, legislators and coalition members and that an amended bill will be submitted.

Councilman Bradshaw announced the following: 1) Members of the Dorchester County Council will attend: the 2015 Annual Farm Bureau Banquet on March 6, 2015 at 5:30 p.m. at the East New Market Fire Department and the 7th Annual Rescue Fire Company Banquet on March 7, 2015 from 5:00 p.m. to 10:00 p.m. at the American Legion in Cambridge; 2) the County Council will sit as Board of Estimates for the purpose of conducting a Budget Work Session on March 12, 2015 at 5 p.m.; 3) the next County Council meeting will be held on March 17, 2015 at 6 p.m.; and 4) the Council reserves the right to meet in executive session prior to regular session.

With no further business to discuss, the Council adjourned.

ATTEST:



Jeremy Goldman
Acting County Manager

DORCHESTER COUNTY COUNCIL:



Ricky C. Travers, President



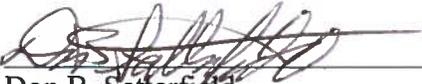
Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 17th day of March, 2015.