

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**March 4, 2014**

The County Council of Dorchester County met in regular session on March 4, 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 was 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.

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 amendments to the agenda: 1) the consideration of the submission of a United States Department of Agriculture FY14 grant application for the proposed incubator facility; 2) the addition of requests to advertise a Correctional Officer I position at the Detention Center, a part-time seasonal Maintenance Worker position in the Recreation and Parks Department and lifeguard positions for the upcoming Dorchester County pool season.

**APPROVAL OF MINUTES- FEBRUARY 18, 2014**

The Council approved the minutes of February 18, 2014.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers with additions.

**FINANICAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$5,495,928.84.

## **EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on March 4, 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.

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 the request of the Warden to promote an employee from a Correctional Officer I to a Correctional Officer II position and agreed to discuss advertising resulting vacancy in open session by a 5 to 0 vote; 2) approved the request of the Soil Conservation Director to advertise in-house to fill a vacant Grant Planner position by a 5 to 0 vote; and 3) approved the request of the Recreation and Parks Director to fill a vacant part-time seasonal Maintenance Worker position and lifeguard positions by a 5 to 0 vote-agreed to consider requests to advertise these positions in open session.

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.

## **REGULAR SESSION**

### **COMMENDATION-CITATION PRESENTATION-LOGAN ANDERSON-PARTNERSHIP FOR A DRUG FREE DORCHESTER, PRESENTER**

Angela Mercier, Community Health Educator, Dorchester County Health Department, presented the following two awards to Logan Anderson, the previous News Editor for the Dorchester Banner, on behalf of the Partnership for a Drug Free Dorchester (PDFD), for his work in strengthening the organizations' efforts within Dorchester County: a Commendation from the County Council and a Citation from the House of Delegates.

## **MANAGERS COMMENTS**

### **LEARNING PARTNERSHIP WITH COLUMBIA SOUTHERN REQUEST-EMERGENCY SERVICES**

The Council approved the request of Jeremy Goldman, Emergency Services Director, to partner with Columbia Southern University in a tuition discount program and to enter into a Learning Partnership Memorandum of Understanding under which the school will provide discounted rates for classes as well as other preferred services to County employees and their families, at no cost to the County.

REQUEST TO EXECUTE AUDIT CONFIRMATION LETTER-GOVERNORS OFFICE OF  
CRIME CONTROL & PREVENTION GRANT REQUIREMENT-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to execute an audit confirmation letter attesting that there were no findings for the fiscal year that ended on June 30, 2013, which correspondence must accompany Governor's Office of Crime Control & Prevention grant applications that are submitted for the Sheriff's Office.

REQUEST TO ADVERTISE FOR PROPOSALS-RENOVATION OF HOMELESS SHELTER-  
SALVATION ARMY-GRANT MONITOR

The Council approved the request of Ms. Smith, on behalf of The Salvation Army, to advertise for proposals for renovation and additions to its existing homeless shelter located at 200 Washington Street, Cambridge, utilizing Community Development Block Grant funds.

FY15 GOVERNORS OFFICE OF CRIME CONTROL & PREVENTION-DOMESTIC  
VIOLENCE PROGRAM APPLICATION-SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to submit an FY15 Governor's Office of Crime Control & Prevention grant application titled "Ex Parte/Peace Order Entry" for funding under the Domestic Violence Unit Program in the amount of \$3,000, with no local match, to be used to support overtime for the entry of ex parte/protective orders within 24 hours of issuance by the courts pursuant to State statutory requirements. The Council acknowledged that the grant period is from July 1, 2014 to June 30, 2015. The Council agreed to exempt the overtime paid from this grant from the 171 hour over a 28 day period overtime threshold with the understanding that the terms relating to this approval will be outlined in further detail upon receipt and acceptance by the Council of any grant award.

REQUEST TO ADVERTISE FOR PROPOSALS-PROPERTY MAINTENANCE  
AGREEMENT-PLANNING AND ZONING

Councilman Newcomb noted that at its February 18, 2014 meeting, the Council approved the request of Gene Harper, Zoning Inspector, to sole source and renew an existing contract with J & L Services, Inc. dated April 16, 2013, for contractual services to conduct property clean-up under Chapter 121, "Property Maintenance" of the County Code for a one year period at the same rates. Councilman Newcomb explained that upon notification of that award, J&L Services staff advised Mr. Harper that an increase is necessary; therefore, he is requesting approval to advertise for proposals. The Council approved Mr. Harper's request.

AMENDMENT TO ENGINEERING SERVICES AGREEMENT REQUEST-LANDFILL  
CONSULTANT -LANDFILL/PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to amend the Master Professional Services Agreement with Geosyntech Engineering, the County's Landfill Consultant, to provide professional engineering services for the preparation of a permit application for the vertical expansion of the existing five-cell New Beulah Landfill at the estimated cost of \$130,834 and to execute a Service Order reflecting this amendment. Councilman Price opposed, citing his belief that horizontal expansion options should be

considered. The Council acknowledged that certain tasks at the cost of \$14,564 will be undertaken within the current budget year since there is FY14 capital funding available. Furthermore, Council acknowledged that Mr. Moore has already included in next year's budget request the cost for the remainder of the permitting work to be performed by Geosyntech.

Mr. Moore explained that the same footprint and liners will be utilized and that the vertical expansion of this cell is an environmentally sound option since there will be no land disturbance. In response to a question from Councilman Price, Mr. Moore said the height of New Beulah will increase to 68 feet and provide an additional 450,000 cubic yards of disposal space. Based on an inquiry from Councilman Bradshaw, Mr. Moore explained that vertical expansion will increase the current life expectancy of September 2017 by five to six years and that an estimated \$3 million in savings will be achieved by utilizing this existing site.

#### RETAINER AGREEMENT-SURVEYING-PUBLIC WORKS

Mr. Moore noted that the Council entered into a retainer agreement with William C. Craig to perform survey services beginning in the fall of 2007 and advanced a \$5,000 retainer for that work which was fully expended by 2010. He expressed his understanding that it was County staff's intention to maintain this arrangement; however, due to the economic downturn, no further action to continue the retainer agreement was taken once all funds were exhausted. He said Mr. Craig is willing to charge the same rates he utilized in 2007. The Council agreed to waive bids and enter into a retainer agreement with William C. Craig to provide surveying services to the County on an "as needed" basis and to advance a \$5,000 retainer to be paid from the Public Works Department FY14 budget.

#### EROSION AND SEDIMENT CONTROL REVIEW FEE REDUCTION-COUNTY PROJECTS-SOIL CONSERVATION

The Council accepted the reduction by the Dorchester Soil Conservation Board members of the erosion and sediment control review fee from \$100 to \$75 for County projects. The Council recognized its February 4, 2014 decision to seek this decrease after receiving notification that the Board members raised this fee from \$50 to \$100, effective January 1, 2014.

#### LETTER IN OPPOSITION-SENATE BILL 707 "COMMUNITY CLEANUP AND GREENING ACT OF 2014"-2014 LEGISLATIVE SESSION

The Council agreed to send a letter in opposition to Senate Bill 707 entitled "Community Cleanup Greening Act of 2014" which authorizes a County to impose, by law, a specified fee on a store for the use of disposable carry out bags and requiring a store to charge and collect the specified fee for each disposable carry bag the store provides. The Council acknowledged its prior decision to send a letter in opposition to a similar bill during the last legislative session which referenced the "Comptroller" instead of "a County" as the authorizing agency.

## REQUESTS TO ADVERTISE

### Correctional Officer I-Detention Center

The Council approved the request of Steve Mills, Warden, to advertise a vacant Correctional Officer I position in-house and in local news publication(s) simultaneously.

### Part-time Seasonal Maintenance Worker/Lifeguard positions-Recreation and Parks

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to advertise a vacant part-time seasonal Maintenance Worker position and lifeguard positions.

## LEGISLATIVE SESSION

The Council adjourned into legislative session.

BILL NO. 2014-2 AN ACT TO AUTHORIZE AND EMPOWER DORCHESTER COUNTY, MARYLAND (THE "COUNTY"), TO BORROW UP TO \$1,520,000 IN THE AGGREGATE ON ITS FULL FAITH AND CREDIT, AND ISSUE A GENERAL OBLIGATION INSTALLMENT NOTE THEREFOR (THE "NOTE") TO EVIDENCE AND SECURE THE COUNTY'S OBLIGATION TO FINANCE OR REIMBURSE ITS SHARE OF THE COSTS OF THE CONSTRUCTION, FURNISHING AND EQUIPPING OF THE ALLIED HEALTH AND ATHLETICS FACILITY AT CHESAPEAKE COLLEGE AND TO CORRESPONDINGLY PAY THE COUNTY'S SHARE OF THE DEBT SERVICE ON CERTAIN BONDS ISSUED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY ("QUEEN ANNE'S COUNTY") FOR SUCH PROJECT; AUTHORIZING THE COUNTY COUNCIL TO ADOPT ONE OR MORE ADMINISTRATIVE RESOLUTIONS PRIOR TO ISSUING THE NOTE IN ORDER TO FIX, PRESCRIBE, DETERMINE OR PROVIDE FOR THE DETAILS OF THE NOTE AND THE ISSUANCE AND SALE THEREOF; EXEMPTING THE NOTE FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-206 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; PROVIDING FOR THE LEVY OF TAXES UPON THE ASSESSABLE PROPERTY WITHIN THE COUNTY SUFFICIENT TO PAY THE DEBT SERVICE ON THE NOTE; EMPOWERING AND DIRECTING THE COUNTY COUNCIL TO ADOPT AN ADMINISTRATIVE RESOLUTION APPROVING OR PROVIDING FOR THE APPROVAL OF AND FOR THE EXECUTION AND DELIVERY OF A LETTER OF INTENT, MEMORANDUM OF UNDERSTANDING OR OTHER WRITING FOR THE BENEFIT OF QUEEN ANNE'S COUNTY EVIDENCING THE INTENTION OF THE COUNTY TO ISSUE THE NOTE IN ORDER TO FACILITATE ACTIVITIES RELATING TO THE ALLIED HEALTH AND ATHLETICS FACILITY PROJECT, AND RATIFYING, CONFIRMING AND APPROVING ANY SUCH ADMINISTRATIVE RESOLUTION ADOPTED AND WRITING DELIVERED PRIOR TO THE EFFECTIVE DATE OF THIS BILL; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS BILL FOR ALL PURPOSES; AND RELATING GENERALLY TO THE ISSUANCE, SALE AND DELIVERY OF THE NOTE.

At the request of Councilman Newcomb, Michael Spears, Finance Director, explained that a public hearing is being held on proposed legislation which will allow the Council to borrow up to \$1,520,000 on full faith and credit and issue and sell a general obligation note to evidence and

secure the County's obligation to finance or reimburse the County's share of the costs for the construction, furnishing and equipping of the Allied Health and Athletics facility at Chesapeake College. Mr. Spears further explained that it will also allow the County to pay its share of the portion of the bonds issued by the Queen Anne's County Commissioners for this project. He advised that the State is providing \$27.4 million in funding for this project and that Dorchester County's share is \$1.52 million which will result in an annual debt service of \$111,000.

In response to an inquiry from Wendell Foxwell, a Dorchester County resident, Councilman Price expressed his understanding that the decision to include Dorchester County among the support counties of Chesapeake College was made in the late 1960s or early 1970s. Mr. Foxwell expressed concern that the County elected officials who made that decision may not have been made aware of the future financial obligations they would have to meet.

Councilman Nichols explained that a simple majority vote of the College's support counties (Dorchester, Caroline, Talbot, Kent and Queen Anne's) constitutes approval of capital budget items/projects and binds all counties. Councilman Newcomb noted that the Council has voted several times to oppose certain capital budget expenditures; however, was overruled by the other support counties. He and Councilman Bradshaw explained that the Council sought legislation during the 2014 Maryland General Assembly Legislative Session and the current session to require a supermajority vote to no avail.

Councilman Bradshaw said Council also sought legislation to amend State law to allow each support county the opportunity to submit the names of three individuals for the Governor's consideration for placement on the College's Board of Trustees, which failed. He noted that State law allows the Governor to select these individuals without input from the support counties.

In response to a question from Mr. Foxwell, Mr. Spears explained that the other four support counties provide funding for the College's Cambridge Center. Mr. Foxwell questioned whether tuition can be raised in lieu of seeking funding from the support counties, who are facing budget constraints.

Councilman Nichols said due to the recent economic downturn funds are not readily available to cover the County's share of this project and expressed dismay that the Council must incur debt service despite being faced with a budget deficit for FY15.

Councilman Travers noted that the Council did not vote to fund this proposed project due to fiscal constraints. Councilman Bradshaw said the Caroline County Commissioners joined the County Council in its opposition to the commencement of the project during the economic downturn.

In response to a question from Councilman Newcomb, Mr. Spears said the Council is legally bound to execute this note with Queen Anne's County pursuant to State law and as the result of the 3 to 2 simple majority vote by the support counties.

The role call on the enactment of Bill No. 2014-2 was as follows: Newcomb-aye; Nichols-aye; Travers- aye; Price- nay; Bradshaw-nay.

Councilman Price explained that he was opposed to the passage of this legislation in light of his concerns that funds are not available to address County needs and yet the Council is obligated to provide funds for the College's Allied Health and Athletics facility project. Councilman Bradshaw concurred and explained that he was opposed to the timing of this funding request in light of local fiscal constraints and not the project itself.

## **REGULAR SESSION**

The Council adjourned into regular session.

## **PUBLIC COMMENTS**

Les Simering, a Dorchester County resident, expressed support for the Council's efforts in seeking legislation to ensure the financial viability of the County.

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

Councilman Newcomb referenced the correspondence the Council sent requesting that the appointment of Joseph P. Gill as Secretary of the Department of Natural Resources be denied. He expressed concern that despite that correspondence and the fact that over 50 watermen opposed this action at a recent hearing, a Senate Executive Nominations Committee approved his nomination, which will go before the entire Senate for a final vote.

Councilman Price said watermen have asked him to express their appreciation to the Council members for their continued opposition to the use of fossilized oyster shell from Florida in local waterways. He noted that they also reiterated their concerns that they are still restricted from harvesting oysters in certain areas of the Choptank River and Little Choptank River.

Councilman Price commended County staff for their diligent efforts during the recent snow event.

Councilman Price encouraged the public to attend the senior class plays at North Dorchester High School and Cambridge South Dorchester High School, noting that the North Dorchester play will be held this weekend.

Councilman Bradshaw held up a fossilized oyster shell from Florida that will be placed on the bottom of local waterways, citing concerns about the use of this material for oyster restoration purposes. He said it is his understanding that it has been reported that the shell is sinking to the bottom and that efforts to utilize water cannons to remove the material from boats into the water have not been very successful because it is heavy and dense.

He advised Council that Charles "Chip" MacLeod, Special Legal Counsel, Clean Chesapeake Coalition, is contacting Fred Grant, an attorney, to inquire as to whether watermen groups in the State can invoke the coordination process in order to ensure that their concerns and comments are heard. He said once he has further information he will provide it to Council.

In response to a question from Councilman Bradshaw, Mr. Moore said ice/snow removal efforts went well, noting that there was only one major equipment breakdown. He explained that

several projects to tar and chip County roads were deferred due to cold temperatures, noting that the use of snow plows may have further damaged those roads.

Councilman Bradshaw expressed appreciation for County staff's hard work during the recent snow event.

Based on information Councilman Newcomb provided regarding inquires from watermen, the Council members expressed their continued opposition to the placement of fossilized oyster shells in the Choptank River and Little Choptank River. The Council acknowledged that Councilman Bradshaw, as a member of the Executive Committee of the Clean Chesapeake Coalition, will contact Mr. MacLeod regarding this issue. The Council agreed to consider additional actions to reinforce its opposition to the use of this material via telephone poll once a response has been received from Mr. MacLeod.

Councilman Newcomb announced the following: 1) Council members will attend a Board of Education/County dinner meeting on March 11, 2014 at 5 p.m. at the Dorchester Career and Technology Center; 2) the next County Council meeting will be held on March 18, 2014 at 6 p.m.; and 3) the Council will sit as Board of Estimates for the purpose of conducting a Budget Work Session on Thursday, March 13, 2014 at 5 p.m.

With no further business to discuss, the Council adjourned.

ATTEST:

  
Jane Baynard, County Manager  
*Donna Flane*  
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:

  
Jay D. Newcomb, President

  
William V. Nichols, Vice President

  
Ricky Travers

  
Rick Price

  
Tom Bradshaw

Approved the 18<sup>th</sup> day of March, 2014.