

**County Council of Dorchester County  
Regular Meeting Minutes  
November 5, 2013**

The County Council of Dorchester County met in regular session on November 5, 2013 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; 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**

Chief Sewell Winterhawk Fitzhugh led the invocation and Councilman Bradshaw led the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council approved the following additions to the agenda: the request of the State's Attorney to amend State law to include language regarding the potential appointment of a criminal investigator subject to the approval of the County Council and a discussion regarding a potential Solar System project.

**APPROVAL OF MINUTES-OCTOBER 15, 2013**

The Council approved the October 15, 2013 minutes with an amendment to clarify under Council's Comments that Councilman Bradshaw is a school bus driver.

## APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with the following exception: to withhold payment to Willow Construction, LLC in the amount of \$44,314.86 titled "Eastern Shore Innovation Center (Payment #1)."

## FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$12,638,204.23.

## EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on November 5, 2013 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; 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) conducted follow-up from a personnel hearing held on October 15, 2013; 2) approved request of Emergency Services Director to accept full time and on-call Basic Life Support and Advanced Life Support Provider hiring lists which he will utilize in the next 12 months when submitting recommendations to Council to hire individuals to fill these types of vacancies by a 3 to 0 vote; 3) approved request of Emergency Services Director to add individuals to current Basic Life Support provider on-call pool list by a 3 to 0 vote; 4) approved request of State's Attorney to hire an individual to fill a vacant Assistant State's Attorney position due to an employee resignation by a 4 to 0 vote; 5) approved request of Warden for a lateral transfer of a Sergeant and to post in-house to fill the resulting vacancy by a 4 to 0 vote; 6) approved request of Public Works Director to amend the job description for the Airport Technician II position by a 5 to 0 vote-agreed to consider a request to advertise the position in open session; 7) discussed with legal counsel a matter relating to a proposed project-agreed to discuss in open session; and 8) discussed with legal counsel a matter regarding office space at a County facility.

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**

### **PROCLAMATION-NATIVE AMERICAN HERITAGE MONTH-NOVEMBER 2013**

Council presented a proclamation declaring November 2013 as Native American Heritage Month. Chief Sewell Winterhawk Fitzhugh and Reverend Dr. Trish Hopkins accepted the proclamation.

### **MEETING WITH LEGISLATORS-2014 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION**

Senator Richard Colburn, Delegate Adelaide Eckardt, and Delegate Jeannie Haddaway-Riccio joined the meeting to discuss Council's requested legislative initiatives and topics for the 2014 Maryland General Assembly Legislative Session.

Councilman Newcomb inquired as to whether Senator Colburn and Delegates Eckardt and Haddaway-Riccio had any comments regarding the Council's following requests relating to Chesapeake College: 1) to amend Section 16-301 of the Education Article of the Annotated Code of Maryland to add paragraph (f)(3) to change the capital funding structure for Chesapeake College to require a super majority vote for any Chesapeake College capital project requiring long term debt service; and 2) to amend paragraph (a)(1) of Section 16-406 of the Education Article of the Annotated Code of Maryland to allow the support counties of the college the opportunity to submit nominations for the Board of Trustees for their respective jurisdictions. Senator Colburn expressed his understanding that Stephen S. Hershey, Jr, Senator, 36<sup>th</sup> District, has agreed to co-sponsor both bills, which have been pre-filed. He said these bills did not pass during the 2013 legislative session and believes they will not pass during the upcoming session because they will be assigned to the same committees.

Senator Colburn said he has requested that legislation be drafted to amend Section 11-510 of Article 2 B, "Alcoholic Beverages," paragraph (b)(3)(ii), to change the hours for the sale of beer and light wine for Class "B" license holders on Sundays and to strike paragraph (b)(3)(iii) to permit the off-sale of beer and light wine during the same hours of operation as on-sale. He said he also requested that legislation be drafted to amend Section 9-401 of the Maryland Agriculture Article of the Annotated Code of Maryland to add a new paragraph (b)(4) to classify reed grass (*phragmites australis*) as a noxious plant. Senator Colburn and Delegate Eckardt expressed their belief that *phragmites* are already considered a noxious plant. Councilman Bradshaw said although these plants are considered by the Department of Natural Resources as an invasive species they are not listed as a noxious plant.

Senator Colburn said he has pre-filed legislation to support the inclusion of the Dorchester County Sanitary Commission in Section 9-658(i) of the Environmental Article of the Annotated Code of Maryland to provide that entity another remedy to enforce a lien representing any unpaid benefit assessment or other charges.

Councilman Newcomb explained that William Jones, State's Attorney for Dorchester County, provided Council a request on Friday, November 1, 2013 to amend Section 15-401 of the Criminal Procedure Article of the Annotated Code of Maryland to include language regarding the potential appointment of a criminal investigator, subject to the approval of the County Council. He provided them with copies of Mr. Jones' request. In response to a question from Councilman Newcomb, E. Thomas Merryweather, County Attorney, said he has no concerns about the Council pursuing this State law amendment, noting that Talbot County is already subject to this section. Delegate Eckardt expressed her belief that the House representatives will support this amendment and the amendment to Article 2B Senator Colburn previously referenced.

Delegate Eckardt said the success of the legislation to declare phragmites as a noxious plant will depend on the feedback provided by the Department of Natural Resources. She expressed her willingness to cross-file legislation to provide the Dorchester County Sanitary Commission another remedy to enforce a lien representing any unpaid benefit assessment or other charges.

Delegate Haddaway-Riccio stated that she is willing to co-sponsor each of the bills the Council provided to the local delegation.

Councilman Newcomb said the Council continues to seek the restoration of highway user revenues. Senator Colburn explained that included in the Transportation Infrastructure Investment Act of 2013, which was adopted through House Bill 1515 during the 2013 legislative session, is the creation of a Transportation Funding Task Force and that one of the members' duties will be to recommend whether there should be a partial or a total restoration of highway user revenues to counties and municipalities. He said he offered an amendment during the Budget and Taxation Committee members review of House Bill 1515 which would have fully restored those funds to counties and municipalities which did not pass. Senator Colburn noted that the municipalities in the State were provided a one-time 100% restoration of those funds in FY14.

Delegate Eckardt said she advocated for the full restoration of highway user revenues to counties and municipalities. She recognized that the largest impact to local jurisdictions during the 2013 legislative process was the absorption of a portion of the costs for teachers' pensions. She expressed her belief that there should be a separate source of funding for mass transit projects and that highway user revenues should only be utilized for roads and bridges. Delegate Eckardt explained that she would support legislation during the 2014 legislative session to restore a portion of highway user revenues to local jurisdictions with the goal of fully restoring those funds in the future.

Councilman Travers expressed his belief that transportation funds should be distributed equally among all jurisdictions in the State instead of being utilized on mass transit projects which are typically only utilized by Western Shore residents.

Councilman Price said he believes it is crucial that highway user revenues be restored in order for local jurisdictions to be able to adequately fund highway maintenance and repairs in order to avoid significant future costs due to the continued deterioration of County roadways. Senator Colburn concurred. Councilman Bradshaw expressed his concern that several roads in the County that are in poor condition may deteriorate even further during the winter months.

Delegate Haddaway-Riccio explained that during the last legislative session she co-sponsored legislation to protect the State's Transportation Trust Fund. She said, in her opinion, the use of these funds should be aligned with the needs of all Marylanders; and therefore, should be used for system and road preservation and not just mass transit. She expressed her belief that highway user revenue distributions to counties and municipalities should be fully restored. In response to a question from Councilman Newcomb, Delegate Haddaway-Riccio said unlike the other counties and municipalities in the State Baltimore City's highway user revenues were not reduced by 90%.

Delegate Eckardt stated her belief that retaining existing businesses and recruiting new businesses is crucial to improving the economy and because roads and bridges are one of the factors considered by business owners it is important that highway user revenue distributions to local jurisdictions be fully restored. She said it is her understanding that the Maryland Association of Counties membership has agreed to pursue the restoration of highway user revenues during the 2014 legislative session.

Councilman Price stated that, in addition to road maintenance and repair, Highway Division staff are also responsible for ditching, installing culverts, and maintaining bridges, of which there are several in the County that are in dire need of repair and/or replacement.

Councilman Newcomb explained that the Council is also concerned about the State's shifting of a portion of pensions for teachers to local governments. Councilman Nichols referenced a Maryland Association of Counties meeting he attended approximately a year ago during which attendees were advised that there was a deficit in the Maryland Retirement System for teachers' pensions. He questioned whether the State will cover that deficit in the future or if once again a portion will be shifted to local jurisdictions. He said he posed that question to four of the candidates who are running for political office but received no response. Delegate Eckardt expressed her understanding that teachers' pensions are chronically underfunded as well as her belief that discussions on how to address this deficit will be held during this year's legislative session. She said House representatives have not met in the interim; however, she believes one of the topics to be discussed at their Appropriations meeting, which will be held on December 3, 2013, will be covering that deficit. Delegate Eckardt said she will keep Council updated on this issue.

Councilman Bradshaw expressed his understanding and concern that any profit realized from the State's Pension Fund will be placed into the General Fund.

Councilman Newcomb said Council remains concerned about the legislation that was passed during the 2012 legislative session that establishes a statewide five year moving average for Maintenance of Effort which will affect the County's FY 2016 and future budgets. Delegate Eckardt stated that elected officials in other local jurisdictions have also expressed concern about this issue. She noted her understanding that one of the legislative initiatives to be pursued during the General Assembly is the implementation of a process which will provide local jurisdictions the ability to add funding to Maintenance of Effort without those monies being counted as a recurring expense in subsequent years. Delegate Haddaway-Riccio said the Talbot County Council members have suggested pursuing this legislative amendment. She expressed her belief that it may be difficult to pass such legislation in the current political climate.

Delegate Eckardt encouraged the Council to work with elected officials in surrounding jurisdictions to pursue legislative initiatives in order to provide a united front.

In response to a question posed by Delegate Eckardt, Mr. Merryweather said an amendment to State law to add language regarding the potential appointment of a criminal investigator in Dorchester County is necessary in order to provide the Council the authority to fund that position, if they elect to do so. He noted that there is already language in State law that authorizes the Talbot County Council to fund such a position. Senator Colburn and Delegates Eckardt and Haddaway-Riccio said they are willing to pursue this State law amendment.

Delegate Eckardt questioned the implications of classifying phragmites as a noxious plant. She advised the Council members that she will contact them if any questions arise during the drafting of legislation to declare phragmites a noxious plant or before any hearings. Councilman Bradshaw said phragmites pose a threat to native plants, noting that two hunting clubs have had to suspend their annual deer hunt due to limited visibility as a result of the evasive nature of these plants. Delegate Eckardt and Senator Colburn agreed that phragmites need to be eradicated. Senator Colburn expressed his belief, based on his past legislative experience, that environmentalists may oppose any legislation to declare phragmites a noxious plant, particularly since they believe the local wildlife, including deer and rabbits, rely on these plants as food sources.

Councilman Price said it is his understanding that there have been some discussions regarding the repeal of legislation which mandated that certain counties and Baltimore City provide a funding mechanism for projects related to storm water management which was passed during the 2012 legislative session, known as the "rain tax," which several of those jurisdictions have passed onto residents. He questioned whether such legislation will be successful, particularly since there has been no change in House and Senate representation since that legislative session. Senator Colburn noted that in 2012 an amendment was made to the legislation that would have delayed the implementation of the "rain tax"; however, it died in the House. He noted that it was recently reported in recent newspaper articles that Senator Allan Kittleman will seek the repeal of this legislation. Senator Colburn also noted that Attorney General Douglas F. Gansler has filed suit against Carroll County, Harford County and Frederick County because they

have not identified sufficient funding to cover the costs relating to storm water management in their respective jurisdictions. He said while he is in favor of implementing measures to clean the Chesapeake Bay he believes the implementation of a "rain tax" is excessive. Senator Colburn expressed his opinion that, although there will be a strong effort made during the 2014 legislative session to repeal this legislation based on his past experience, it will not be successful. Delegate Haddaway-Riccio said several Delegates have expressed an interest in repealing this legislation and that she has agreed to co-sponsor or file such a bill.

Based on a question from Councilman Bradshaw, Delegate Eckardt and Senator Colburn confirmed that they have received several letters in opposition to the proposed Maryland Department of Agriculture regulations to require the use of a new Phosphorus Management Tool for the preparation of nutrient management plans for farms. Senator Colburn said the Administrative Executive Legislative Review Committee, which is comprised of ten Senators and ten Delegates, is holding a hearing on these new regulations on Wednesday, November 20, 2013 and that Delegate Michael Smigel and Delegate Eckardt and himself are committee members. He stressed the need for local officials and representatives of the agriculture and poultry industries to attend this hearing. Senator Colburn stressed the need to delay the implementation of these regulations, particularly since during a meeting with University of Maryland Extension staff attendees were advised that they need one more year (growing season) in order to collect the necessary scientific data for the effective use of this tool. He noted that even though waterways in Virginia and Delaware drain into the Chesapeake Bay, farmers in those states will not be required to use the Phosphorus Management Tool. Senator Colburn expressed concern that the passage of these regulations may result in the erosion of the poultry industry on the Eastern Shore, noting that agriculture is largest industry in the State of Maryland.

Councilman Bradshaw said scientific data has been collected which indicates that the largest contributing sources of pollutants into the Chesapeake Bay are the Susquehanna River and the Conowingo Dam which is one of the key reasons the Clean Chesapeake Coalition members believe that any effort to clean up the Bay should be collective among all of the States that have waterways that flow into that body of water. Senator Colburn noted his understanding that during the last major storm the oyster population below the Choptank River bridge was reduced due to silting.

Councilman Bradshaw stated that he is supportive of the efforts of Ron Fithian, a Kent County Commissioner and member of the Clean Chesapeake Coalition, in pursuing authorization from the Department of Natural Resources to allow power dredging in the upper Bay, which he believes will restore the oyster population and filtrate the Bay and in turn will improve water quality. He said, in his opinion, the funds that have been used to dredge the Port of Baltimore on a yearly basis should have instead been used to counter the negative pollutive effects of the flow of sediment and nutrients from the Conowingo Dam and Susquehanna River.

Councilman Bradshaw noted that several small businesses in the County, particularly in the northern area, are struggling and expressed concern that farmers may be adversely impacted if the new regulations are passed.

Councilman Newcomb asked Joyce Spratt, Mayor of the Town of Hurlock, and Victoria Jackson-Stanley, Mayor of the City of Cambridge, whether they had any items to address with the local delegation. Mayor Spratt said she does not have any topics to discuss with them at this time. Mayor Jackson-Stanley noted that City officials are working diligently with James Smith, Secretary of the Maryland Department of Transportation, and the local delegation regarding the development of the "Sailwinds Property." She said they are hopeful that the legislators and the Council will support their efforts to obtain ownership of the property. She thanked Council for allowing her to address them regarding this issue.

Senator Colburn explained that a State Clearinghouse Review process will have to be followed before the land can be transferred to the City. He asked the Council to support that property transfer. He noted that \$1.5 million in State capital funding has been allocated to repair/replace the wharf on that property.

Councilman Newcomb asked those in attendance if they had any legislative initiatives to discuss. There was no public comment. The Council thanked Senator Colburn and Delegates Eckardt and Haddaway-Riccio for joining them to discuss their legislative requests and topics for the 2014 legislative session.

#### **DISCUSSION-COMMERCIAL FISHING LICENSE FEE INCREASES- DEPARTMENT OF NATURAL RESOURCES**

Joseph Gill, Secretary, Maryland Department of Natural Resources (DNR), joined the meeting and introduced Frank Dawson, Deputy Secretary. Councilman Newcomb noted that residents and local watermen have expressed concerns regarding items relating to DNR and therefore Council asked him to attend this meeting. He said two of the items are the potential power dredging of the upper Bay and concerns local watermen have expressed regarding the harvesting of oysters.

Councilman Price noted it is currently oyster season and that local watermen, some of which are present, are seeking the reopening of areas in the Choptank River and Little Choptank River for oyster harvesting with hand tongs, which historically have been available, in order to offset their losses during the poor crab season. He noted that these areas were previously closed and that local watermen have stressed the need to receive periodic notices of the water quality in those areas and when they will be available for oyster harvesting. Secretary Gill said he and Deputy Secretary Dawson are members of the National Shellfish Sanitation program and will consult with its membership regarding these items.

Paul Abey, a local waterman, said he spoke to Delegate Eckardt regarding the reopening of areas on the Dorchester County side of the Choptank River and in the Little Choptank

for the hand tonging of oysters. He said historically local watermen have harvested oysters in this area utilizing hand tongs. In response to a question from Deputy Secretary Dawson, Mr. Abey expressed his understanding that these areas are in sanctuaries. Senator Colburn questioned whether land can be removed from the sanctuaries in order to accommodate the local watermen's request. Secretary Gill said the purpose for placing water bottom into sanctuaries, which was done in 2010 and 2011, was to allow oysters to grow and out-compete disease. Deputy Secretary Dawson referenced his understanding that the length of time for those to remain in sanctuaries is five years.

Senator Colburn and Delegate Haddaway-Riccio said they originally opposed placing land into sanctuaries. Senator Colburn questioned if an area near the north of the bridge can be opened for harvesting. Councilman Bradshaw noted that the Little Choptank River has historically been a very productive area and a good bottom for spat set until land was placed into the sanctuaries. He expressed his understanding that if oysters are not cultivated periodically silt will cover them and they will perish.

Councilman Newcomb referenced correspondence the Council sent John Griffin when he was the DNR Secretary, in December 2012, regarding its support for the continued dredging of waterways in the County in order to bolster the oyster population. He noted that in his response, Secretary Griffin said there is no difference in the average spat set in the Lower Tangier Sound power dredge areas before power dredging was allowed and afterwards although several local watermen dispute that fact. He asked Secretary Gill to review that correspondence.

Councilman Bradshaw noted that several local watermen have expressed their concerns about the placement of granite rock on the water bottom and the introduction of clam shells from New Jersey and Louisiana into Maryland's waters and questioned what type of foreign bodies are being introduced in those waterways. Deputy Secretary Dawson said it is his understanding that the shells were seasoned prior to placement. Councilman Bradshaw expressed his belief that natural oyster shells should have been utilized. Deputy Secretary Dawson said they are currently in the process of obtaining a permit from the United States Army Corps of Engineers for the dredging of oyster shell in the Bay. In response to an inquiry from Senator Colburn, Councilman Newcomb confirmed that historically the Council has provided funds for oyster restoration efforts in the Chesapeake Bay; however, did not contribute funding in the last several years. Based on a question posed by Senator Colburn, Secretary Gill expressed his belief that sport fishermen will oppose the dredging of oyster shell in the Bay based on their concerns about the potential loss of habitat.

Mr. Abey noted that waterman can turn over the oyster bottom to prevent the silting of oysters at no cost to the State.

Dwayne Paul, local waterman, expressed his belief that power dredging has increased the oyster population and noted that the State of Maryland contracts with watermen to dredge oyster bars.

Larry Powley, Chairman of the Harvesters Land and Sea Coalition, concurred with the comments Councilman Bradshaw made regarding the release of pollutants in the Bay when Conowingo Dam waters were released. He expressed his belief that the oyster beds in the Bay are over silted, particularly those which were placed in sanctuaries. He opined that due to the length of the time oysters have been allowed to remain in those sanctuaries without being cultivated they are too mature and their immune systems are now failing. He cited his belief that Dorchester County and Somerset County watermen can provide assistance in cleaning up the Bay by cultivating oysters which will increase their numbers.

Councilman Bradshaw opined that local watermen and farmers take appropriate measures to protect the water quality of the Chesapeake Bay.

Scott Todd, Chairman, Dorchester County Seafood Harvesters Association, asked for the assistance and support of Secretary Gill and Deputy Secretary Dawson in the reintroduction of legislation to obtain authorization to power dredge the waters above the Chesapeake Bay Bridge, which failed in the 2013 legislative session. He said if that authorization is obtained waterman can harvest those areas which will reduce their fuel costs and travel time. He noted his understanding that the Tangier Sound bottom is now a productive harvest area.

Mr. Todd said under a Department of Natural Resources program waterman were offered the opportunity to power dredge 25 acres of water bottom as part of a pilot program; however, in exchange funding had to be provided to seed 28,000 acres.

Mr. Abey noted that the oyster population at Tangier Sound has drastically improved. He asked Secretary Gill to consider allowing watermen to power dredge.

In response to a question from Senator Colburn, Mr. Todd expressed his understanding that the diseases that wiped out the oyster population are no longer in the Tangier Sound.

Senator Colburn noted that DNR staff have historically been opposed to power dredging and questioned whether there will be a change in that stance. He expressed his understanding that the County Council invested money for oyster restoration in order to support the local economy, local watermen and its citizenry and; therefore, should benefit from that investment.

Senator Colburn stated that in 2011 despite repeated requests DNR staff has not released which Judge issued the order to place tracking devices on several work boats which were owned by Dorchester County watermen. He said he was advised that they were unable to provide the name of that individual because the matter was still under investigation. He again asked for the name of the Judge who authorized the installation of those devices, based on his understanding that the investigation has been completed. Secretary Gill said it is his understanding that correspondence was received from the Attorney General's Office that the denial to release that information was based on the fact that it would

comprise investigations generally. He said he will inquire as to whether that information can now be released.

Mark Tolley, waterman, expressed his belief that power dredging areas in the eastern part of the Bay has resulted in increased oyster harvests. He noted that the dredging was conducted by waterman and not the State.

Councilman Newcomb said several watermen advised him that they experienced long wait times at the DNR office in Salisbury in order to obtain their commercial fishing licenses and questioned if anything can be done to speed up that process. Secretary Gill said problems arose when they switched from one computer system to another and have since been corrected. Deputy Secretary Dawson noted that additional employees were hired to address that backlog and that they are continuing to review staffing options for all of DNR's offices.

Councilman Price said local watermen expressed their concerns to him regarding the increase in commercial fishing license fees that were implemented this year and the additional surcharges that were added.

Secretary Gill explained that as a result of the passage of legislation during the 2012 legislative session a study was conducted to identify ways to manage both the commercial and sport fishing industries based on the amount of fees collected. He said the results of that study indicated that the fees collected from sport fisherman more than covered the cost to manage that industry. Deputy Secretary Dawson stated that recreational fishing license fees were increased in 2007.

Secretary Gill noted that commercial fishing license fees were last increased in 1994. He said the findings were presented to the Tidal Fish Advisory Commission and several watermen groups. He said legislation was introduced by several Delegates and Senators to raise those fees by \$1.6 million, stated that the cost to manage the commercial fishing industry is \$3.2 million. Secretary Gill noted that Governor Martin O'Malley also allocated \$800,000 in next years' State budget to supplement the \$1.6 million figure. He stressed that DNR staff only provided technical assistance.

Mr. Paul said he has two sons, who are fifth generation watermen on their mother's side, and that neither of them is able to obtain a commercial fishing license in the State of Maryland. He said his oldest son only paid \$176 in Louisiana, and is able to catch anything but alligators.

Thomas Powley, waterman, said it was his understanding that commercial licenses were only going to be raised by \$215; however, when he purchased his license he discovered that the not only was the license fee increased, all of the surcharges were raised and some were added. He said when he first became a waterman he was only required to obtain one unlimited tidal fishing license at the cost of \$100 to \$150 and is now paying \$2,800, which includes the cost of the license and two oyster surcharges.

Mr. Powley expressed his understanding that watermen were advised that the oyster season would be cancelled if \$3.2 million was not identified to cover the cost to manage the commercial fishing industry. He said he now pays \$3,200 in surcharges and for his license.

Mr. Todd noted that in addition to increased fees and costs, watermen can only harvest crabs eight hours a day, noting that they are migratory animals. He said he is also the Vice President of the Chesapeake Bay Commercial Fisherman's Association and worked with DNR with a goal of raising additional funds to manage the fishery industry. He said it is his understanding that one of the proposals discussed was raising the cost of recreational fishing licenses by \$5, noting that there are 300,000 recreational fishermen versus 5,500 commercial fishermen. Mr. Todd noted that despite that recommendation the Environmental Affairs Committee members chose to increase commercial license fees. He explained that waterman were delayed in submitting the information DNR requested relating to this issue because the form they were provided was complicated and; therefore, they had to seek assistance from DNR staff.

John Jarrett, waterman, said he also worked with the Chesapeake Bay Commercial Fisherman's Association members in the process of identifying alternative ways to garner additional monies to fund DNR's management of the fishing industry. He noted his understanding that they were advised that it costs \$6.7 million to monitor 5,500 watermen, of which only an estimated 2,200 to 2,300 actively fish, versus \$6.3 million to monitor approximately 300,000 sport fisherman. He questioned why those costs were almost equal.

Jack Brooks, resident, noted that the current crab harvesting season has been poor and that the end of the season is near. He asked that Secretary Gill consider extending that season in order to allow watermen to offset their losses. He noted that the crab harvesting season was extended in Virginia to December 15, 2013. Deputy Secretary Dawson said it is his understanding that the spring season in that state will be reduced accordingly. Mr. Brooks expressed his belief that Maryland watermen have been faced with reduced harvesting limitations while Virginia watermen have not. He said he is requesting an extension of the crab harvest season without penalty.

Mr. Powley expressed concern about the recent limits imposed on catching menhaden and said it is his understanding that Virginia watermen are able to harvest more than Maryland watermen. Secretary Gill noted that the reduction was divided equally among all of the states on the Atlantic Seaboard and that each state took a 20% reduction. Mr. Powley explained that menhaden are essential to the crabbing industry and are utilized as crab pot bait.

Mr. Todd said even a short extension of the crab harvesting season will be beneficial. Delegate Haddaway-Riccio said a response should be provided as soon as possible because the closure of the season is only a few days away.

Larry Powley said he emailed Brenda Davis at DNR two weeks ago asking for an extension of the crab harvest season, immediately after the extension was granted to Virginia watermen, and that she responded electronically that she had forwarded the request to the appropriate party. He explained that she also questioned the difference in Virginia's reporting system versus Maryland's, particularly figures regarding the female crab harvest, despite the fact that watermen in each State have different catch limits.

Councilman Price said several local watermen have expressed concern that watermen from Delaware are setting up their trotlines before sunrise. Deputy Secretary Dawson said this is considered poaching and that they should contact DNR to report those individuals.

Senator Colburn expressed his understanding that each year the Virginia DNR must decide whether or not to allow the dredging of female crabs in the winter when they are lying dormant in the mud in the lower part of the Bay and questioned whether that process can be suspended. Deputy Secretary Dawson said they have not allowed watermen in Virginia to do this since 2008. Secretary Gill said Virginia law requires them to review that decision every year. He said the Maryland DNR staff send a letter in opposition every year.

Mr. Brooks expressed his understanding that a DNR 2011 and 2012 winter dredge survey indicated the crab population is at \$700 to \$800 million and despite that figure it was a poor harvest season in 2013. He showed the Council, Secretary Gill and Deputy Secretary Dawson pictures of a rockfish that was split open, with its belly full of crabs, citing concerns that these types of fish are contributing to the decline in crabs. He expressed his belief that the loss of habitat for crabs and other fish is due to the release of sediment from the Conowingo Dam which has resulted in the eradication of underwater grass. He encouraged DNR staff to take the appropriate measures to reduce the rockfish population.

Secretary Gill advised Council and the local delegation that he will provide a written response to the items that were discussed during this meeting. Deputy Secretary Dawson said it is his understanding that those items include: power dredging, a request for the extension of the current crab harvesting season, reopening of areas in the Choptank River and the Little Choptank River for the hand tonging of oysters; poaching issues relating to out of state crabbers; the release of the name of the Judge who executed warrants to place tracking devices on boats in Dorchester County; the rockfish population and its impact to the crabbing industry; and the impact increased commercial fishing license fees and new surcharges has had on local watermen.

Thomas Powley said DNR staff should compare the number of harvested rockfish to the number of harvested crabs and expressed his belief that they will realize during peak crab harvesting seasons there is less rockfish in the Bay.

Mr. Brooks and the Council thanked Secretary Gill and Deputy Secretary Dawson for listening to them regarding their concerns relating to the harvesting of shellfish.

## **ANNUAL TRANSPORTATION MEETING-MARYLAND DEPARTMENT OF TRANSPORTATION**

Wilson H. Parran, Deputy Secretary, Maryland Department of Transportation (MDOT), said Secretary James Smith sent his regrets as he is unable to attend this annual transportation meeting. He introduced the following Maryland Department of Transportation officials: Melinda Peters, Administrator, State Highway Administration; Beth Kreider, Director of Local Transit Support, Motor Transit Administration; Sean Adgeron, Deputy Administrator, Motor Vehicle Administration; Harry Romano, Rail Program and Policy Manager, Office of Freight and Multimodalism; Dave Blazer, Chief of Dredge Material Management Program, Maryland Port Administration; Donnie Drewer, District #1 Engineer, State Highway Administration; and Katherine "Katie" Parks, Assistant Director of Real Estate.

The Council was provided a copy of the "Executive Summary-State Report of Transportation" and a draft copy of the 2035 Maryland Transportation Plan.

Mr. Parran summarized the Executive Summary. He said an additional \$4.4 billion is now available for new statewide transportation projects due to the passage of the Transportation Infrastructure Investment Act of 2013 which will support more than 57,200 jobs and spur economic development activity. He noted that due to this increase the 2014-2019 Consolidated Transportation Program is the largest transportation budget in the history of MDOT (\$15.4 million). He explained that as a result this is the first time in eight years major projects will be undertaken. Mr. Parran said as part of the Act a Local and Regional Transportation Funding Task Force was created, whose members will study and make recommendations on a range of options for county and municipal bodies to generate funds for local and regional transit and highway projects. He noted that they are required to provide a final recommendation and report by December 31, 2013.

Secretary Parran stated that over the next six years \$425 million will be invested in a variety of storm water management, wetland and stream restoration projects to protect watershed areas which in turn improve the water quality in the Chesapeake Bay. He noted that in August 2013 Governor Martin O'Malley joined state and local officials at the Dover Bridge to announce a \$160 million investment in transportation projects for the Eastern Shore including \$50 million in State construction funds for the replacement of the Dover Bridge as well as funding to move key safety projects forward, including dualizing another portion of US Route 404 and US Route 113.

Mr. Parran thanked the Council and the City of Cambridge Mayor and Commissioners for continuing to proactively partner with the State on the Cambridge Marine Terminal Project. He said Maryland Port Authority staff have determined they do not have any foreseeable use of this property as a port facility and; therefore, it can be used to support economic development, smart growth and will assist in the realization of the Cambridge Waterfront 2020 plan. He explained that MDOT staff has been working with County and City representatives on a massive development project for that site and that in

response to a recent request from Senator Richard Colburn and the City of Cambridge they are currently considering a transfer of that property to the City which will then take the lead in the development process. He said the City will retain an exclusive negotiating privilege with Jerome J. Parks Companies and will be responsible for finalizing negotiations with the company by developing a Master Development Agreement. Secretary Parran explained that the proposed transaction will require Board of Public Works approval and may include conditions from the State Clearinghouse Review. He noted that in support for wharf replacement efforts, the legislature has appropriated \$1.5 million, in addition to MDOT and the Department of Business and Economic Development identification of \$500,000 for the project, which will be administered by the Maryland Economic Development Corporation (MEDCO), for a total combined State contribution of \$2.5 million.

Secretary Parran said another upcoming project is the 17 acre Harriett Tubman Underground Railroad State Park and Visitors Center, noting that in March 2013 Governor Martin O' Malley, joined by local, state and national officials and supporters, broke ground for the facility in conjunction with the 125 mile Underground Railroad Byway which will commemorate the life and legacy of Ms. Tubman.

Secretary Parran said adequate federal funding is needed to ensure the maintenance of the navigation channels leading into the Port of Baltimore. He explained that United States House and Senate have passed different versions of legislation to enact a Water Resources Development Act of 2013 and said he is hopeful they will resolve their difference and adopt the Act. He noted that the House version included the Mid Bay Islands Restoration project but not Popular Island. Secretary Parran said high priority projects include the maintenance of Baltimore Harbor and key dredging projects, including the restoration of the Mid Bay Islands and Popular Island. He advised Council that beginning in 2015 larger marine vessels will travel through the Panama Canal and therefore a 50 foot deep channel is required. He noted that Mr. Blazer will discuss key dredging issues with Council later in the meeting. He thanked the Council members for working with MDOT staff and said he is looking forward to working with them in the future.

Mr. Adgerson said the two main components of the Motor Vehicle Administration (MVA) are safety and in-service. He explained that a campaign entitled "Toward Zero Death" was implemented last year with a goal of reducing traffic fatalities in half over the next 20 years. He noted that there are four key elements of the program which include gathering data, engineering, education and enforcement. He said through partnerships with the State Highway Administration, Maryland State Police and local jurisdictions they have implemented programs to assist in reducing traffic fatalities. Mr. Adgerson explained that distracted driving is the number one cause of motor vehicle crashes in the State, which includes texting and use of hand held cell phones while driving. He noted that effective October 1, 2013 texting while driving is illegal and seatbelt use is required by both front and back passengers. He explained that prior to this date only front passengers were required to use seatbelts. He said it is his understanding to date 2,000 citations have been issued related to the no texting bill.

Mr. Adgeron noted that while there is not a full service MVA office in Dorchester County there are offices in Easton and Salisbury. He expressed his understanding that the average wait time at those facilities is 15 minutes versus the statewide average of 25 minutes. He said one of his goals is to continue to improve customer service. Mr. Adgeron explained that residents under the age of 40 can renew their driver's licenses either via internet or via kiosks set up in MVA offices. He explained that by statute individuals 40 or older need their vision checked in order to renew their licenses and therefore MVA staff have created a web portal which allows optometrists throughout the State the opportunity to enter that data which will be kept for one year and which allows individuals to renew their licenses online or at kiosks.

He said another MVA goal is to obtain email addresses of residents so MVA staff can send residents periodic reminders regarding different services, including a link to renew their vehicle registration or drivers license. Mr. Adgeron noted that 17% of the individuals who receive these reminders use the link in the email. He advised Council that Karen Bishop is Dorchester County's Regional Traffic Safety Manager and that they can contact her with any suggestions regarding the "Toward Zero Death" campaign. He also said Council can contact Virginia Colon, the District MVA Manager for the Eastern Shore, which includes the Easton and Salisbury offices, if any service issues or problems occur at those facilities.

Ms. Kreider explained that the Maryland Transit Administration (MTA) provides technical assistance and funding to local operating transit systems for 24 systems throughout the State. She said there is \$2 million in additional revenue in the Transportation Fund and that a portion of those funds have been allocated to fund service enhancement and/or expansion for locally operated systems throughout the State. She said locally MTA provided almost \$5 million to Delmarva Community Transit (DCT) to provide transit service and \$230,000 in capital funding for the purchase of two small replacement buses and to support its preventive maintenance program. She explained that in addition to those funds DCT competed with other transit companies statewide for Job Access and Reverse Commute funds and successfully received two grants totaling \$400,000 for FY14 and FY15 to continue to provide transit services and to operate its mobility management facility. She recognized MTA's partnership with Sandy Grande and thanked Council for its support.

Ms. Peters acknowledged that Erick Beckett and Peter Southern, Regional Planners, and Mr. Drewer, who work directly with local staff, are present. She noted that the State Highway Administration (SHA) is a partner in the "Toward Zero Death" initiative. She said SHA staff launched an education campaign this summer in Ocean City and a Back to School Month campaign in September to reinforce pedestrian safety. Ms. Peters expressed her support for the Harriett Tubman Underground Railroad State Park and Visitors Center project, noting that construction will begin in December 2013. She explained that Mr. Drewer will provide the Council with information regarding safety and system preservation projects, including paving projects, and will address the topics the Council submitted; however, she wanted to highlight the following: the replacement

of sidewalks along Route 50 from the Choptank River Bridge to Crusader Road, which is currently underway; and the availability of funding begin the concept work for a roundabout at the intersection of Maryland Route 16 and Woods Road.

Mr. Drewer said completed 2013 and 2014 paving projects include the surfacing of the following roads: Maryland Route 313 north of Lone Pine Road and Maryland Route 14; Nealson Street in Hurlock from Maryland Route 392 to Maryland Route 307; Maryland Route 307 from Nealson Street to Gravel Branch Road; Maryland Route 313 from the Nanticoke River to Galestown Newhart Mill Road; Maryland Route 16 from Airpax Road to US Route 50 in the north bound lane as well as the right turn lane; and Maryland Route 335. He explained that Maryland Route 335 has been built up in three locations. In response to a question from Councilman Newcomb, Mr. Drewer stated that a portion of that roadway will either be raised in December 2013 or in early 2014. Councilman Newcomb noted that there is one area on Andrews Road that needs surfacing. Mr. Drewer said he will ask Mr. Meredith to contact him to obtain the exact location.

He explained that the installation of sidewalks that met Americans Disability Act (ADA) standards on Maryland Route 14 in Secretary from the Warwick River Bridge to east of Wes Road have been completed and that construction on the sidewalks from the Choptank River to Crusader Road, on each side of the road, is underway. He noted that the Council has submitted as one of its topics of discussion the proposed installation of sidewalks from Wood Road to Route 16 on the side on which Wal-Mart is located. Mr. Drewer said is hopeful that this work can be added to the current ADA sidewalk project on Route 50.

Mr. Drewer stated that future paving projects for US Route 50 include the east and west bound lanes from the Choptank River to Bucktown Road once the sidewalk work is completed and from Chateau Road to Linkwood. He also stated that the following projects are currently under design: Maryland Route 392 from Maryland Route 313 to the Delaware Line; Maryland Route 331 north of Indiantown Road to Maryland Route 14; Maryland Route 331 from Skeet Club Road to North of Mapleton St; and Maryland Route 331 Thompson Street to Maple Street in Hurlock. Mr. Drewer noted that the proposed installation of a roundabout on Route 16 at Woods Road is also under design. In response to a question from Senator Colburn, Mr. Drewer said a proposed completion date for that project has not been established, noting that once the concept and engineering work is complete funding will need to be identified. He noted that once completed this will be the third installation of a roundabout in the State.

Mr. Drewer referenced the topics the Council submitted, noting that roadside ditching by SHA staff on Route 331 at Reid's Grove is underway and that the "No Parking" signs on the corner of Main Street and Willow Street and Main Street and Paul Birch Avenue in Secretary have been installed. Councilman Bradshaw expressed his appreciation to SHA staff for the ditching work that has thus far been completed and Councilman Price thanked them for reinstalling the "No Parking" signs. Mr. Drewer noted that he will provide the Council's concerns regarding the condition of the Brookview Bridge and its possible replacement to the appropriate SHA staff for their review. Councilman

Bradshaw stressed that the bridge needs iron work and deck repairs and that it is very narrow. He said he drives a school bus over that bridge daily and has had some near misses in the last several months with tractor trailers.

Mr. Drewer noted that the Council members have also expressed concerns about visibility at the following intersections: Cabin Creek Road and Route 16 (East New Market Elwood Road); Route 331 and Route 14 in Rhodesdale; Route 16 and Cabin Creek Hurlock Road; and Route 392 and 331 at the blinking light in Hurlock. He explained that SHA staff have removed some of the trees, brushes and vegetation that were blocking those intersections that were in the State's right-of-way; however, because some vegetation is located on private property, they are in the process of contacting individual property owners to obtain permission to remove those obstacles.

Based on concerns expressed by Councilman Bradshaw, Mr. Drewer said he will follow up on the possible inclusion in the plans to repave Route 331 near Reids Grove Road some mechanism to prevent runoff from the road surface onto private properties.

Councilman Bradshaw expressed concerns about visibility issues relating to Shiloh Camp Road and off of Route 392 to Route 331. Councilman Price concurred and asked if some consideration can be given to the possible installation of a fixed light or other mechanism at the Route 392/Route 331 intersection to prevent accidents, noting that a few have occurred at this location. Mr. Drewer explained that a study of that intersection was conducted; however, it does not meet the requirements for a fixed light. He further explained that in the past he has spoken to several Hurlock Town officials regarding the possible installation of a roundabout at that location and that they were not very receptive. Senator Colburn said he believes a roundabout is the solution. Councilman Bradshaw concurred, noting that it will improve visibility for bus and tractor trailer drivers. Mr. Drewer said another solution is to install four way stop signs.

John Avery, Town of Hurlock, thanked Mr. Drewer and SHA staff for their assistance in paving Neilson Street and expressed his willingness to meet with Mr. Drewer to explore ideas on how to improve the Route 392/Route 331 intersection.

In response to a question from Senator Colburn, Mr. Drewer said the streetscape project for the Town of Hurlock is on hold until funding is obtained. He said he spoke to the SHA Hydraulics staff who have advised they are focusing on addressing the drainage issues in that area. Ms. Peters noted that community safety enhancement projects were placed on hold due to lack of funding and that staff is reviewing each project to determine if any of those can be completed in phases utilizing available funds.

Pursuant to concerns posed by Councilman Bradshaw, Mr. Drewer said he will have staff follow-up on the deterioration of roadway at the intersection in the Town of Church Creek.

Mr. Parran thanked the Council for allowing him and the other MDOT representatives to provide an overview of their activities and expressed his appreciation for the attendance of the local delegation.

Councilmen Newcomb said violations related to the overtaking and passing of school vehicles, particularly when students are either entering or exiting buses, are increasing in frequency and that one of the measures being taken is the installation of monitoring cameras on those vehicles. He explained that rules for the loading and unloading of children vary in each county and expressed his belief that these rules should be more uniform throughout the State. Councilman Bradshaw concurred, noting that in Talbot County school bus drivers pull off onto the shoulder of major routes and use four way signals, whereas Dorchester County drivers are required to stay in the travel portion and activate red lights when stopped. Senator Colburn suggested that local school board staff be contacted to obtain clarification as to whether they established this policy or are following another entity's directive. Mr. Parran said MDOT will review State law to determine if there are any provisions relating to the loading and unloading of school bus passengers.

Councilman Newcomb noted that residents have told him that customer service has improved at the Easton MVA office. Mr. Adgerson thanked him for relaying this information.

Councilman Bradshaw said the following wooden rail crossings in Dorchester County are in need of repair based on comments made by residents: Aireys Road, Cordtown Road and Bucktown Road. Tom Moore, Public Works Director, said they have contacted MDOT staff numerous times regarding these crossings without success.

In response to a question posed by Councilman Newcomb, Mr. Blazer explained that United States House and Senate have passed different versions of legislation establishing a Water Resources Development Act (WRDA) of 2013, and that the House version included the Mid Bay Island restoration project but not the Poplar Island project. He said due to the discrepancies between House and Senate versions a committee has been formed to reconcile them into one final document. Mr. Blazer said he is working with the federal delegation in hopes that a WRDA will pass which includes both the Mid Bay Islands and Poplar Islands projects. The Council agreed to send correspondence to the federal delegation, with copies to the local delegation, encouraging the passage of this act with the inclusion of the Mid Bay Islands restoration project. Councilman Bradshaw referenced the following areas need to be dredged, which Councilman Newcomb noted are under the purview of the federal government: Honga River, Tar Bay Gaps and Tyler Cove.

Ellery Adams, Vice President, North Dorchester Railroad Group, said he was representing the group's members and provided a summary of its project to develop a scenic railroad from the Town of Hurlock to the Town of Preston and their attempts to assume ownership of the rail line to be utilized for this project which is owned by the State. He explained that they were advised that the rail line can only be transferred to a

county or municipality, therefore, the Town of Hurlock Mayor and Town Council members have expressed their willingness to assume ownership. He said several meetings have been held with MDOT officials which were attended by members of the local delegation, including Senator Colburn. He noted that after being advised that a feasibility study must be conducted, they contracted with a company at the cost of \$35,000. He said it is his understanding that MDOT staff has hired another firm to conduct another study. He asked MDOT officials and the Council to look favorably upon this project.

Senator Colburn noted that the rail line remains unused and is deteriorating. He expressed dismay that the process to obtain the use and/or ownership of this line has been extensive, noting that he has been working with the North Dorchester Railroad Group for several years regarding this project which has included multiple meetings with MDOT representatives. He inquired as to how long it will take before this proposed transaction can be provided to the Board of Public Works for its review and consideration.

Mr. Parran said the feasibility study will be completed in the Spring of 2014 which may reveal additional items that need to be addressed before the State Clearinghouse process can commence. He noted his understanding that a portion of the rail line in question belongs to another entity. Mr. Ramono explained that the Maryland Delaware Railroad holds a Certificate of Public Convenience and Necessity on the first 1.1 miles of this track and also have a legal right to it under an operating agreement with the MTA and that any legal issues will have to be resolved prior to the submission of this proposed transaction to the Board of Public Works.

Councilman Bradshaw referenced the feasibility study that was conducted, which was funded by the North Dorchester Railroad members, and questioned the need for a second study. Mr. Parran explained that the State is required to conduct its own feasibility study. In response to an inquiry from Councilman Bradshaw, Mr. Adams said it is his understanding that the State is paying \$50,000 for the study. Mr. Parran said he will have to verify that figure. Councilman Bradshaw acknowledged that there is process that must be followed in order for the State to transfer property to another entity, noting that the North Dorchester Railroad Group is willing to improve the line and utilize it to enhance economic development and the local economy at its own expense.

Mr. Adams expressed his understanding that a feasibility study on the rail line has already been conducted. Mr. Romano said a feasibility study was conducted in the fall of 2012 regarding the possibility of utilizing an excursion service on the line; however, due to the cost to return the line to service it was determined it was not a feasible option.

In response to a question posed by Mr. Parran, Mr. Romano said the following steps will be take after the study has been completed: MD/DE Railroad's legal rights to the line will be reviewed; an appraisal will be conducted; the steps required for disposition of the property will be identified; and MTA staff will assess the utility of the corridor as a freight route, if there is a potential for freight traffic. He explained that the information

collected will then be compiled into a summary and provided the Secretary Smith for his review. In response to a question from Senator Colburn, Ms. Parks volunteered to serve as MDOT's contact regarding the potential transfer of the rail line and will provide a proposed timeline, which will be subject to change until the finalization of a rail freight strategic planning process. Mr. Parran said a meeting will be conducted shortly after the feasibility study is completed to discuss what additional steps need to be taken before the proposed transaction is provided to the Board of Public Works.

Councilman Price asked MDOT staff to take account the study North Dorchester Railroad Group obtained and to factor into the population growth in the Town of Hurlock and the North Dorchester area in any decision regarding the transfer of the property.

Councilman Newcomb questioned whether highway user revenue distributions to local jurisdictions will be restored. Mr. Parran expressed his understanding there are no plans to restore that funding, referencing his earlier comment that the Local and Regional Transportation Funding Task Force members are charged with obtaining additional funding sources, at a local and regional level, that may be utilized for transportation projects for local jurisdictions.

Senator Colburn noted that the fuel tax assessed by the State has historically been utilized to pay for the repair or construction of highways and bridges and is now funding mass transit projects. He said it is his understanding that Maryland is the only state in the country that does not have a separate fund that is designated for mass transit projects. He expressed his belief that a funding source for mass transit should be identified.

He expressed his appreciation that the construction of a new Dover Bridge is in the MDOT budget noting that it connects northern n Dorchester County, Caroline and Talbot Counties. He said a public meeting on the project will be held at the Easton High School cafeteria on November 12, 2013 from 5:30 p.m. to 7:00 p.m. regarding the design and concept of the proposed fixed span bridge. He thanked all of those involved in moving that project forward and expressed appreciation to Mr. Drewer and Mr. Meredith for providing their assistance to him and the local jurisdictions on the Eastern Shore.

Mr. Parran expressed appreciation to the Council, Senator Colburn and Delegates Eckardt and Haddaway-Riccio for their comments. He noted that he, along with other Maryland Department of Transportation representatives, viewed the Sailwinds port property prior to this meeting. He expressed his belief that it will spur economic development in the City of Cambridge and Dorchester County.

Councilman Nichols congratulated Mr. Parran for being named Deputy Secretary and Mr. Smith for being named Secretary of the Maryland Department of Transportation, noting that he has had the opportunity in the past to work with both of them on issues relating to local government.

Mr. Parran said he and Mr. Smith are committed to working with local officials throughout the State to meet the transportation needs of all residents. He thanked the

Council for allowing him the opportunity to speak and said he looks forward to working with the Council.

Councilman Newcomb thanked Mr. Parran and the Maryland Department of Transportation representatives for providing an overview of the 2014 to 2019 Consolidated Transportation Program and their activities.

Councilmen Bradshaw, Travers and Nichols left the meeting.

### **REQUEST FOR SPONSORSHIP-MID-ATLANTIC LIVING SHORELINE SUMMIT-DEPARTMENT OF NATURAL RESOURCES**

Bhaskaran Subramanian, Program Manager, Habitat Restoration and Conservation, Maryland Department of Natural Resources (DNR), provided the Council with information regarding the Mid-Atlantic Living Shoreline Summit which will be held at the Hyatt Regency Chesapeake Bay on December 10 to December 11, 2013 and is being hosted by DNR, Restore America's Estuaries and the Chesapeake Bay Trust. He said they will host great speakers/presenters, living shoreline experts, marine contractors, local government representatives, etc. from around the Country and Canada and expect over 200 to 250 participants. The Council made no decision on Mr. Subramanian's request for sponsorship for the summit.

Councilman Nichols and Bradshaw rejoined the meeting.

### **PRESENTATION-FROM MY BACKYARD TO OUR BAY BOOKLET - DORCHESTER CITIZENS FOR PLANNED GROWTH**

Beth Ann Lynch, Executive Director, Dorchester Citizens for Planned Growth, presented a new booklet entitled "From my Backyard to Our Bay," for homeowners in Dorchester County, which includes information on recycling, lawn care and energy conservation. She thanked Mr. Moore and Matt Cawley, Maryland Environmental Service Landfill Manager, for providing assistance with the recycling section of the booklet. In response to an inquiry from Ms. Lynch, Councilman Newcomb said she can forward the Council's Office staff a link to the electronic version of the booklet, once established for possible inclusion on the County's website.

### **MANAGERS COMMENTS**

#### **REQUEST TO USE TRANSFER TAX FUNDING-BUILDING SIGNS-CIRCUIT COURT**

The Council approved the request of Brett W. Wilson, Administrative Judge, and Amy J. Craig, Clerk of the Court, Circuit Court for Dorchester County, to waive bids and sole source with Allen Dixon to purchase nine interior and exterior signs for the Circuit Court House at the cost of \$1,350 utilizing Transfer Tax funds, for signs that will advise individuals who are entering the facility that they are subject to search and are being

monitored by video. Council acknowledged that the signs meet the City of Cambridge Historical Commission requirements.

#### ELECTRICAL INSTALLATION/UPGRADE OF BANDSTAND-SPRING VALLEY-CIRCUIT COURT

The Council approved the request of Judge Wilson and Ms. Craig to waive bids and sole source with John W. Tieder to install and upgrade electrical service to the bandstand at a cost not to exceed \$ \$2,847 and to rewire/upgrade four lamp posts on the bandstand at an additional cost of \$980, that is located on the County owned Circuit Court House property in the area known as "Spring Valley" at a total cost of \$3,827 utilizing Transfer Tax funds.

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

The Council approved the request of Amanda Fenstermaker, Tourism Director, to approved a FY13 Maryland Heritage Area Authority Management Grant budget amendment to decrease the Program Administrator salary line item by \$8,305, and re-allocate those funds by increasing the following line items: Program Manager salary by \$1,947; office equipment by \$1,500 to replace obsolete computers for the Heart of Chesapeake Country Heritage Area staff; and the Visitors Center by \$4,858 to replace two weathered interpretive signs. The Council acknowledged that the amendment does not modify the award amount and no additional funds are being requested and that the Maryland Historical Trust has approved this budget amendment.

#### TOURISM WEBSITE RE-LAUNCH PROPOSAL BID AWARD-TOURISM

The Council approved the request of Ms. Fenstermaker to award the bid for the re-design and re-launch of the main tourism website, TourDorchester.org, to Danielle Darling, Independent Consultant, the second lowest bidder, at the cost of \$12,220, based on her experience in designing and implementing a variety of websites including some tourism websites. In addition there will be a \$50 per month hosting fee. Funding to be utilized is from the marketing line item of the FY14 Tourism Department Operating Budget.

#### TRAFFIC SAFETY COMMITTEE RECOMMENDATION-AG-TOURISM SIGNING PROGRAM

The Council approved the recommendation of the Traffic Safety Committee members to send correspondence to Stone Slade, Marketing Specialist, Maryland Department of Agriculture, to advise him that while Council does not oppose the Ag-Tourism Signing Program, such a program will not be developed for Dorchester County at the present time, particularly since there have not been any expressions of interest made by local farmers and/or farm organizations regarding this type of advertising or directional signage. The Council members also agreed to advise Mr. Slade that if they are approached by a local farmer/farming organization in the future, they will ask the Traffic

Safety Committee members to revisit this issue. Council recognized its September 17, 2013 referral of this request and the potential participation of the County in this program to the Traffic Safety Committee members for their review and recommendation.

Councilman Price explained that he, Brian Chester, Highway Manager, and Mr. Moore met on October 18, 2013, to discuss the Mr. Slade's request.

#### PROPOSED INSTALLATION-GATE-BACK LANDING ROAD-PUBLIC WORKS

The Council approved the recommendation of Tom Moore, Public Works Director, to install a swing pipe fence gate on Back Landing Road in place of a temporary road barrier to block vehicular public access to the abandoned Back Landing Bridge in order to address public safety concerns. The Council acknowledged that the length of the road and right of way between the barrier and the bridge is approximately 2,900 feet. Council also acknowledged that keyed access will be provided to the farmer who tills the land behind the barrier so he may access his fields.

#### REQUEST TO DEVELOP REQUEST FOR PROPOSAL FOR BID FOR REPLACE OF COURTHOUSE CHILLER-PUBLIC WORKS

The Council approved the request of Mr. Moore to develop and advertise a request for proposals for the replacement of the chiller at the Circuit Court House. The Council recognized that he has not developed specifications, however, has obtained two informal quotes: Carrier \$131,960 and Zimmer \$71,650 (currently services inside air handling units at Court House). Council further recognized that a Carrier representative indicated that there is a three month lead time for installation of this type of unit.

#### REQUEST TO ADVERTISE-AIRPORT MAINTENANCE-TECHNICIAN II POSITION-PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise a vacant Airport Technician II position.

#### COMPUTER ASSISTED DISPATCHING SYSTEM SERVER REPLACEMENT REQUEST-911 CENTER-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to waive bids and sole source with Stratus Technologies to replace the Computer Assisted Dispatching System Server at the 911 Communications Center at the cost of \$41,218.32. In the FY14 Capital Budget funds of \$45,000 are allocated for this replacement.

#### FY13 STATE HOMELAND GRANT PROGRAM AWARD-EMERGENCY SERVICES

The Council approved the request of Mr. Goldman to accept a Maryland Emergency Management Agency grant award for the FY 2013 State Homeland Grant Program in the

amount of \$84,363 which includes \$21,090.75 for law enforcement and \$63,272.25 to Dorchester County in Homeland Security Funds for the following: County Emergency Notification System, \$16,000; equipment \$32,772.25 (inoperability communications); exercise, training and outreach, \$12,500; and Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE) protection (fit tester), \$2,000. The Council also agreed to execute the 2013 sub-recipient agreement. The Council recognized that law enforcement funds will be distributed to the Dorchester County Sheriff (\$12,232.64), Cambridge Police Department (\$7,381.76), and Hurlock Police Department (\$1,476.35). Council also acknowledged that there is no local match and that the grant period is September 1, 2013 to May 31, 2015.

#### REQUEST TO ADVERTISE FOR PROPOSALS-COMMUNITY DEVELOPMENT BLOCK GRANT-RENOVATIONS-CHANNEL MARKER

The Council approved the request of Cindy Smith, on behalf of Channel Marker Foundation, Inc., to advertise a request for proposals for the renovation of residences owned by this foundation, located at 503 and 505 Academy Street, Cambridge for which FY14 Community Development Block Grant funding will be utilized.

#### REQUEST TO SOLE SOURCE-SECURITY CAMERAS UPGRADE-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to waive bids and sole source with Bay Country Security, the current security provider, to update the two security cameras at the main Recreation and Parks office building located at 446 Willis Street and to install two additional cameras at the cost of \$1,950, from the contractual line item of the FY2014 Recreation and Parks budget. Council acknowledged that upgrades to the system will not increase the annual monitoring service agreement cost, which is currently \$280 per year.

#### BOARD APPOINTMENT-RECREATION AND PARKS BOARD

The Council approved the recommendation submitted by Mr. Eberspacher, on behalf of the Dorchester County Recreation and Parks Board members and agreed to reappoint Bill Swann and Herschel Johnson for a four year term to that Board commencing on January 1, 2014.

#### LETTER OF SUPPORT REQUEST-RURAL MARYLAND PROSPERITY INVESTMENT FUND-RURAL MARYLAND COUNCIL

The Council approved the written request of Charlotte Davis, Executive Director, Rural Maryland Council, for a letter of support for the allocation of a FY15 State appropriation to the Rural Maryland Prosperity Investment Fund in the amount of \$6 million which will be utilized to promote economic prosperity in Maryland's disadvantaged and underserved rural communities.

## MARYLAND ENVIRONMENTAL TRUST CONSERVATION EASEMENTS

The Council approved the written request of Ann Gutierrez Carlson, Conservation Easement Planner, on behalf of Donald Eckrod, for approval of a proposed conservation easement donation on 245.49 acres on Hoopers Neck Road to the Maryland Environmental Trust. The Council acknowledged that the easement may provide a 15 year tax credit on the land and the impact to the County's property tax base in the fiscal year 2013-2014 will be \$428.46.

The Council approved the written request of Ms. Carlson, on behalf of Elizabeth Handley Nagel and Chris Nagel, Trustees under the Elizabeth Handley Nagel Living Trust dated April 29, 2004, for approval of a proposed conservation easement donation on 166.3 acres on Route 50 to the Maryland Environmental Trust. Council acknowledged that the easement may provide a 15 year tax credit on the land and the impact to the County's property tax base in the fiscal year 2013-2014 will be \$608.05.

## REQUEST TO RENEW INTERGOVERNMENTAL AGREEMENT-ADVENTURE DIVERSION GRANT-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to enter into a new Intergovernmental Agreement with the Department of Juvenile Services for the purpose of implementing the Adventure Diversion Program, an alternative program for juveniles who have been referred to the Department, with the Dorchester Family YMCA as the vendor in the amount of \$98,905. The Council acknowledged that the budget of \$99,570 was approved and that funds have been allocated to offset the expenses of the Local Management Board of \$8,000. Council recognized that the YMCA is the subcontractor for the program and all staff required to implement this program will be employed by the Dorchester Family YMCA. The Council further recognized that entering into a new agreement, in lieu of a renewal, was necessary because addiction and anger management services were added.

## SOLAR SYSTEM DISCUSSION

The Council agreed that negotiations can be undertaken with Kenyon Energy to develop a Solar Photovoltaic System Power Purchase Agreement (PPA) for the construction of a \$1.2 million watt solar array system on privately owned property in Dorchester County which will serve certain County facilities. Councilman Newcomb noted that the proposed solar project, which was to be located on County owned landfill property, was cancelled. Mr. Moore explained that Delmarva Power and Light employees had determined that the site was not feasible because the lines and substation were inadequate to handle the load.

## TELEPHONE POLL CONFIRMATION

Councilman Newcomb announced that in the interim between meetings Council, by means of a poll, took the following action(s): by a 5 to 0 vote approved the submission of

a grant application by the Sheriff's Office to the National Rifle Association for \$10,000 for the purchase of a fully trained new canine (K-9) officer, with no cash match and an in-kind match from the Sheriff's Office FY14 Operating Budget of approximately \$5,000 for the training of a Deputy as the canine's handler, with the understanding that no additional County funding is needed and no new position will be created.

## **PUBLIC COMMENTS**

William Akridge provided the Council with a brief update on the proposed Dorchester Preparatory Public Charter School, of which he is the Founder and Executive Director, noting that he has re-submitted an application to the Dorchester County Board of Education to start the charter school in the County, and that the members of that Board will make a final decision at its December 2013 meeting. He encouraged the Council and the public to attend the November 21, 2013 Board meeting to support the charter school application.

The Council approved Ms. Craig's request as a member of the Christmas Tree Committee, to place a live cut tree on the bandstand which will be strung with 500 to 1,000 commercial C9 light bulbs to utilize it for a November 30, 2013 a "kick-off" Christmas event, to include chorus performances and the lighting of the tree. She encouraged the Council and the public to attend this event. In response to a statement made by Councilman Newcomb, Ms. Craig said the event will begin at 5 p.m. and end at 6 p.m. therefore a City of Cambridge noise variance needs to be obtained.

Scott Eberspacher, Recreation and Parks Director, advised Council that three of the Pop Warner teams won their respective championship and that two teams will move onto a regional tournament.

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

Based on a motion made by Councilman Price, the Council reappointed Bertha Dockins to the Council for Senior Citizen Services and acknowledged that her term will expire on December 31, 2016.

Based on a motion made by Councilman Bradshaw the Council agreed to send a letter to the Joint Committee on Administrative, Executive & Legislative Review in opposition to the proposed Maryland Department of Agriculture regulation to require the use of the recently revised Phosphorus Management Tool to measure nutrients on farms, in lieu of the current Phosphorus Site Index.

Councilman Bradshaw advised that a resident in his district was recently cited by the County's Planning and Zoning staff for raising non-commercial chickens on his property, after a neighbor filed a complaint. His motion to forward information obtained from other counties, including Caroline, Talbot and Wicomico regarding the existence or non-existence of restrictions relating to raising chickens in the backyard of privately owned property is being forwarded to Planning and Zoning staff for review.

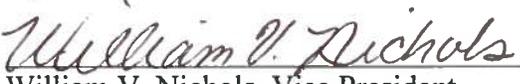
Councilman Newcomb advised the public that Councilman Travers left the meeting due to health issues. He announced the next County Council meeting is November 19, 2013.

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  
  
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Rick Price  
  
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Tom Bradshaw

Approved the 19th day of November, 2013.