

County Council of Dorchester County
Regular Meeting Minutes
October 16, 2012

The County Council of Dorchester County met in regular session on October 16, 2012 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; Jane Baynard, County Manager and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

EXECUTIVE SESSION

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(7) to consult with counsel to obtain advice on a legal matter; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.

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 agreed to add to the agenda a surplus property bid award for miscellaneous Public Works items and a request to sole source to repair the HVAC system at the Public Safety Complex.

APPROVAL OF MINUTES- OCTOBER 2, 2012

The Council approved the minutes of October 2, 2012.

APPROVAL OF DISBURSEMENTS

The Council approved vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as: \$9,051,475.80.

CAPITAL IMPROVEMENT PLAN PRESENTATION-BOARD OF EDUCATION

James Bishop, President, Dorchester County Board of Education, Dr. Henry Wagner, Superintendent of Schools and Gary McCabe, Assistant Superintendent for Administration, reviewed the Board of Education's FY 2014 Capital Improvement Plan and a ten year capital improvement worksheet with Council.

Mr. Bishop advised that the FY2014 Capital Improvement Plan includes the replacement of lighting fixtures at a majority of the local schools which will achieve a savings. He commended the Council for its support of the Dorchester County Board of Education and noted that Board Members Glenn Payne and Lorraine Henry, Board Vice President, are present.

Dr. Wagner advised Council that Mr. Bishop's term as President of the Board will end in the near future. He thanked Mr. Bishop for his service and the Council for its support of the Board. He recognized that Lorenzo Hughes, Assistant Superintendent for Instruction, and Chris Hauge, School Facilities Engineer were also present. He explained that he is asking for a letter of support from the Council to endorse the Board of Education's FY 2014 capital improvement plan for planning purposes only.

Dr. Wagner said there are three major components of the FY2014 Capital Improvement Plan: future school construction projects, energy efficiency projects and minor capital and technology projects. He explained that the next proposed school construction project is the replacement of the North Dorchester High School followed by the limited renovation of the South Dorchester School, the renovation/addition to Warwick Elementary and the total replacement of Vienna Elementary.

Mr. McCabe stressed that they are requesting support for FY 2014 Capital Improvement Plan for planning purposes only and that no financial support from the County is needed for the energy efficiency projects. He said pursuant to new Federal government specifications the lighting fixtures in the schools need to be replaced. He explained that there are State funds available for these projects. He advised that in addition to requesting funding for the lighting projects, the Board members' are requesting \$161,000 as reimbursement for the new solar system being installed on the Maces Lane Elementary School property. Mr. McCabe said the Board of Education is not responsible for the cost for the construction of the solar system but has agreed to enter into an agreement with Washington Gas to purchase the power generated from that facility. Mr. McCabe advised that the tracks and track lighting were replaced at both high schools, North Dorchester and Cambridge South Dorchester with no impact on the local budget. Dr. Wagner stated that the total FY 2014 request includes \$500,000 in maintenance and repair and \$500,000 in Technology requests. He said no State funds are being requested for the North Dorchester High School replacement project, however, there is \$100,000

listed in the FY 2014 Capital Improvement Plan to begin the planning process for the project.

Councilman Price expressed his support for the replacement of the North Dorchester High School, citing the need for improved facilities. He questioned if there are any other avenues the Board of Education can pursue to garner funding for this project, i.e. shifting available funds or pursuing grant funding since the Council is facing financial constraints due to the current economic climate and unfunded mandates. Dr. Wagner said he is amicable to exploring alternative funding sources for the replacement of the school.

In response to questions from Councilman Travers, Mr. McCabe confirmed that the developer is responsible for the cost to construct the solar system at Maces Lane and that it is the Board Members' intention to use the State funds, if received, to reduce their cost to purchase the power. He explained that the Caroline County Commissioners are also seeking funding for their solar project even though the developer is absorbing all construction costs. Councilman Travers suggested that the Board Members consider using the \$161,000, if received for the planning phase of the North Dorchester High School project. In response to a question from Councilman Travers, Mr. McCabe said the anticipated completion date for the solar project is the end of the year.

The Council agreed to execute a letter of support approving the Board of Education's FY 2014 Capital Improvement Plan for planning purposes only, citing that all future projects are contingent upon budget approval. The Council did not consider requested funds for Maintenance and Repair or Technology Projects but agreed to take those requests under advisement during FY 2014 budget deliberations.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on October 16, 2012 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(7) to consult with counsel to obtain advice on a legal matter; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.

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) based on a request submitted by the Emergency Medical Services Manager agreed to hire an individual to fill a vacant Advanced Life

Support Provider position due to the resignation of an employee by a 3 to 0 vote; 2) discussed a personnel matter with Maintenance Supervisor-agreed to hire an individual to fill a vacant Custodian position by a 5 to 0 vote; 3) discussed with legal counsel a matter specific to a provision of the Charter; 4) discussed with special legal counsel a matter relating to a possible State mandate; 5) discussed a public security matter relating to public safety technology.

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

ACKNOWLEDGEMENT OF ECONOMIC DEVELOPMENT WEEK PROCLAMATION

The Council acknowledged its execution of a proclamation declaring October 15 to October 19, 2012 as Economic Development Week and presented the proclamation to John Mason, Business Attraction and Expansion Manager.

COMMENDATIONS-PAULA WINGO-RETIREMENT

The Council presented a commendation to Paula Wingo on her retirement and recognizing her 18 years of dedicated service to Dorchester County.

STATEMENT – WATERSHED IMPLEMENTATION PLAN COALITION

Jane Baynard, County Manager, read a statement regarding the Council's decision, as stewards of taxpayers' dollars and advocates of improving the health of the Chesapeake Bay, to invite other counties to participate in a coalition of local governments to ensure the accuracy and effectiveness of the Bay Total Maximum Daily Load regulations and Watershed Implementation Plans. She noted that a press release regarding this effort is available on the back table, in the Council's Office and on the County's website.

WATER QUALITY UPDATE-DORCHESTER CITIZENS FOR PLANNED GROWTH

Fred Pomeroy, President, Dorchester Citizens for Planned Growth, expressed his dismay that the Council was inviting local counties to participate in a coalition to ensure the accuracy and effectiveness of the Bay TMDLs and Watershed Plans. He said while he believes the Conowingo Dam omissions of nutrients and sediment do adversely impact the health of the Bay, he believes local waterways also negatively impact water quality. He noted his understanding that there are areas in the Little Choptank that are closed to shellfish harvesting due to high bacteria counts. He said members of the Creek Watchers division of the organization have taken samples from stations at Little Blackwater River, Transquaking River, Chicamacomico River, Little Choptank and Cambridge Creek. He noted that samples taken from the Transquaking River and the Chicamacomico River over a five year period reveal there is limited dissolved oxygen in those waterways. Mr.

Pomeroy encouraged the Council to make a commitment to implementing a Watershed Implementation Plan for Dorchester County.

Beth Ann Lynch, Executive Director, and David Lee, Member, provided a presentation on the Dorchester Citizens for Planned Growth's water sampling program. Mr. Lee expressed concern about the condition of waterways in the County and in particular the possible run off of poultry litter from farm fields. Ms. Lynch noted that Higgins Mill Pond is closed due to a high algae content. She expressed her opinion that ensuring the water quality of the Bay and its tributaries will enhance the local economy, strengthen the tourism industry in the County and preserve the fishing industry.

The Council thanked Mr. Pomeroy, Ms. Lynch and Mr. Lee for their presentation.

LEGISLATIVE SESSION

PUBLIC HEARING

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND, ACTING PURSUANT TO ARTICLE 66B, SECTION 4.01 ET.SEQ., GENERAL DEVELOPMENT REGULATIONS AND ZONING, OF THE ANNOTATED CODE OF MARYLAND, TO AMEND CHAPTER 140, SUBDIVISION REGULATIONS, ARTICLE II, SECTION 140-6, TERMS DEFINED, SECTION 140-4, APPLICABILITY OF PROVISIONS, SECTION 140-21, APPROVAL PROCEDURES, SECTION 140-25, GENERAL REQUIREMENTS, OF THE DORCHESTER COUNTY CODE, TO ESTABLISH STANDARDS AND PROCEDURES BY REQUIRING REGULATIONS THAT APPLY TO DEVELOPMENT WITHIN DESIGNATED TIER AREAS AS ESTABLISHED IN THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT (SB 236).

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2012-6 to amend Chapter 140, Subdivision Regulations, Article II, Section 140-6, "Terms Defined," Section 140-4, "Applicability of Provisions," Section 140-21, "Approval Procedures," Section 140-25, "General Requirements," of the Dorchester County Code, to establish standards and procedures by requiring regulations that apply to development within designated tier areas as established in the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236).

Steve Dodd, Planning and Zoning Director, explained that Senate Bill 236 was enacted July 1, 2012 and requires local governments to map their jurisdictions into different "tiers" which are to be defined by water and sewer planned sewer service, land use, comprehensive plan designation and zoning. He said the focus of the bill is to restrict residential subdivisions served by septic system. Mr. Dodd advised that the new regulations do not affect commercial or industrial subdivisions, or subdivisions of four lots or less. He described the tiers as follows: 1) Tier I-lots currently served by community sewer and are planned or designated as growth areas or are municipal corporations that were in priority funding areas, with the exception of those served by the

Madison Woolford Sanitary District; 2) Tier II- areas in the County where public sewerage is planned, residential minor subdivisions on community, shared or individual sewage disposal systems are permitted and designated growth areas; 3) Tier III- areas planned for future growth on septic systems with no plans to serve in the future by sewage disposal systems which includes the 17 rural villages in the County; and 4) Tier IV-areas where public sewage is not planned, residential major subdivisions on septic systems are prohibited and land for agricultural or resource protection, preservation, or conservation is intended. He said pursuant to this legislation, the vast majority of property owners in Dorchester County will only be allowed to undertake minor subdivisions as most properties (92% of the County) are mapped in Tier IV.

Mr. Dodd explained that Senate Bill 236 allows local governments to amend the definition of a minor subdivision to up to seven lots. He noted that the Council previously agreed to seek a text amendment to redefine minor subdivisions as having seven instead of four lots, which is included in the proposed legislation.

He noted that pursuant to Senate Bill 236 the proposed text amendment must be passed by December 31, 2012. He explained that the maps do not have to be adopted by that date; however, if they are not developed on January 1, 2013 the County's Planning Commission will lose its authority relating to major subdivisions until such time as those maps are drawn. He said the tier maps can be adopted by resolution.

In response to a question from Ken Usab, resident, Mr. Dodd said the County's Comprehensive Water and Sewer Plan was updated in 1996.

Rodney Banks, Assistant Planning and Zoning Director, explained that as a result of comments from Maryland Department of Planning staff the following areas have been adjusted on the proposed tier map: parcels around the Towns of Hurlock and East New Market were changed from Tier III to Tier II based on the fact that they are within the municipalities' growth area; parcels in Madison/Woolford area were changed from Tier II to Tier I since they are currently served by a new sewer line; and close to the Town of Vienna one parcel was assigned a Tier 4 status since it fell within the County's Rural Legacy Focus Area.

In response to a question from Mr. Merryweather, Mr. Banks said properties with shared sewage facilities have been placed in Tier II.

He explained that the proposed text amendment amends the definition of a minor subdivision from four lots or less to seven or fewer lots as permitted by State statute and Senate Bill 236 and the definition of a major subdivision from five lots or more to eight lots or more. He further explained that it also amends the definition of a subdivision to include the conversion of an agricultural lot to a development lot.

Mr. Banks advised that once the local legislation has been adopted the Planning Commission members will be required to hold a public hearing prior to the approval of a major residential subdivision in a Tier III area and will need to factor into their

consideration the cost of providing services to the subdivision and the potential environmental impact. He explained that all information required by the Planning Commission shall be provided by the applicant as part of the submittal for subdivision approval.

He said the Planning Commission held a public hearing on September 5, 2012 and voted unanimously to recommend the approval of the Tier Map and text amendment.

In response to a question from Mr. Malkus, Mr. Banks said if a property is located in Tier IV the owner can subdivide and sell a lot every year up to the seven lot maximum, provided the Council approves the amended definition of a minor subdivision. Mr. Malkus expressed his concern that the requirements set forth in Senate Bill 236 restrict a property owners' use of their land, particularly farmers, who rely on their property as a source of income.

Based on a question from Mr. Usab, Mr. Banks expressed his understanding that the legislation does not prohibit the construction of new water treatment plans. Mr. Merryweather questioned whether a shared community facility can be constructed to serve up to 14 properties. Mr. Banks said he believes such a facility can be developed; however, he expressed his understanding that an entity such as the Sanitary District, governed by the Sanitary Commission, will be required pursuant to Senate Bill 236 for manage, operate and maintain any future approved shared facility or community sewage system. Mr. Forlifer concurred citing his belief that it will also depend on which tier a property is located.

William Layton, Dorchester County Farm Bureau President, recognized that several local farmers are present and expressed his belief that placing property under the Tier IV designation will adversely impact farmers because most of their net worth and equity is in their farmland. He urged the Council to consider transferring the majority of the land from Tier IV to Tier III to limit that burden.

William Meeks, a Dorchester County resident, stated he is opposed to the Total Maximum Daily Loads (TMDLs) set by the United States Environmental Protection Agency (EPA) and that does not support the implementation of a local Watershed Implementation Plan based on these loads. He said he shares Council's concerns that the information used by the EPA to develop the TMDLs may be flawed. He advised that he also believes that the EPA did not take into account the best management practices currently used by County farmers. He expressed his understanding that companies that discharge nutrients in the Bay can purchase credits to release additional material which pollutes this body of water.

Mr. Usab said he is a professional Engineer who works for both public and private clients and that he is not actively engaged in any land projects in Dorchester County. He expressed his understanding that, after hearing Delegate Maggie McIntosh speak, it is not the State's intention to assume local zoning and land use authority from local governments and that those jurisdictions were charged with preparing the maps without

having to adhere to significant restrictions set by the State. However, he said he now understands that there were significant restrictions and commended the County's Planning and Zoning staff for working within the State guidelines. He expressed his belief that the EPA requirements do not take into consideration that zoning and land use issues for rural areas are different than those in urban areas. He said it is his understanding growth is stagnate in the County compared to the Western Shore in terms of development, particularly since there are substantial agricultural areas in the County. Mr. Usab noted that the County's Comprehensive Water and Sewer Plan was adopted in 1996 and said, in his opinion, the next plan should incorporate planning strategies for the next 30 to 50 years. He expressed his belief that there is a need for more rural villages in the County with modern wastewater treatment facilities. He encouraged the Council to focus on the County as a rural community. He expressed support for amending the definitions of a minor subdivision from four lots or less to seven or fewer lots and the definition of a major subdivision from five lots or more to eight lots or more.

Councilman Bradshaw expressed concern that if the Tier Map is accepted 92% of the property in the County may not be developable.

The Council agreed to close the public comment period and deferred consideration of Bill No. 2012-6 in order to allow the Council members an opportunity to consider the legislation and public comment.

REQUEST FOR CONCURRENCE-OPERATIONAL PLAN-UPPER SHORE WORKFORCE INVESTMENT BOARD

After a presentation by Dan McDermott, Executive Director, Upper Shore Workforce Investment Board, the Council agreed to execute a Statement of Concurrence for the submission of a five year operational plan for Dorchester County to continue Workforce Investment Act services for the period of 2012 through 2017.

BOARD OF HEALTH

Roger Harrell, Health Officer, introduced William Forlifer, Environmental Health Officer, who provided a programmatic update on Environmental Health.

Mr. Forlifer said as a result of the recession septic system, well program and building permit reviews have decreased substantially. He noted that in 2008 there were 800 building permits issues compared to 250 in 2012. He explained that licensing for food establishments have remained consistent with approximately 200 permits issued every year. He stated that the rabies control program has also remained relatively stable with approximately 240 bite investigations and the submission of 40 specimens to laboratories for analysis each year.

Mr. Forlifer said over \$1 million has been allocated to the County under the Bay Restoration Fund Grant Program and that as of January 1, 2013 this grant funding will be

income based. He noted that new septic system regulations also take effect on January 1st which requires that an on-site sewage disposal system that utilizes nitrogen removal technology be installed for all new construction.

Mr. Forlifer explained that Environmental Health staff utilize Maryland Department of Environment grant funding to monitor community water supplies, i.e. restaurants and retail establishments. He said staff also assists the County's Emergency Management staff with Calvert Cliff nuclear drills and hurricane and storm recovery events.

Mr. Forlifer and Mr. Harrell advised Council that certain Health Department fees will have to be raised due to lack of revenue and that they will provide a revised fee schedule to the Council for its review.

The Council thanked Mr. Forlifer and Mr. Harrell for the update on Environmental Health.

DISCUSSION-2013 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION

Ms. Baynard said at its October 2, 2012 meeting, the Council agreed to pursue an amendment to State law to require a supermajority vote of the Midshore counties to authorize any debt necessary for a major capital project at Chesapeake College which is also being pursued by the Caroline County Commissioners. She explained that the Commissioners are also interested in pursuing amending legislation to require that the Governor make appointments to the Board of Trustees from a list of candidates provided by each county, with the advice and consent of the House of Delegates. She noted that currently the Governor has the authority to make these appointments without input from the local support counties. The Council agreed to pursue this amendment and to execute a joint letter with the Caroline County Commissioners to the other support counties seeking their support of these legislative initiatives. The Council authorized Councilman Newcomb as President to sign on Council's behalf.

Ms. Baynard advised Council that a final discussion on proposed legislative initiatives and topics of discussion to discuss with legislators for the 2013 Maryland General Assembly Legislative Session will be held at October 30, 2012 meeting, at which time a legislative packet will be provided for Council's review. She said a review of the topics to discuss with Maryland Department of Transportation officials on November 18, 2012 after the meeting with legislators will also be provided for that meeting.

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION REQUEST- SALVATION ARMY-HOMELESS SHELTER

Allen Nelson, President, Salvation Army Advisory Board, said he, Major Brooks Gillam and Tim Crosby, Architect are present to ask the Council to apply for \$70,000 in Department of Housing and Community Development Block Grant emergency funds to renovate the existing Salvation Army homeless shelter facility to increase capacity to 28 and to accommodate families.

Mr. Crosby explained that he is the architect for the project. He said the facility has been a homeless shelter since 1969 and that fire protection, egress, lighting and the bathrooms will be upgraded and modifications will be made to ensure the facility is 100% handicapped accessible. He noted that plans are to renovate the facility while occupied and that the project will be completed by January 1, 2013. He clarified that the funds will be used for capital improvements only and will not affect the Dorchester County's Community Development Block Grant allocation.

In response to a question from Councilman Nichols, Mr. Crosby said Community Development Block Grant guidelines require that requests for proposals be sought for the renovation and that the lowest bidder must be awarded the project. Based on an inquiry from Councilman Travers, Mr. Crosby said there is a maximum stay of 30 days. Major Gilliam said at times residents stay longer than 30 days, particularly if Salvation Army staff are working with them to obtain transitional housing. Councilmen Travers and Nichols thanked the Salvation Army staff for providing shelter for the homeless.

The Council agreed to apply for Community Development Block Grant emergency funds from the Department of Housing and Community Development in the amount of \$70,000 for the renovation of the existing Salvation Army homeless shelter facility. The Council recognized that the approval is contingent upon the review of the final application by Cindy Smith, Grants Monitor, prior to submission. The Council acknowledged that the Salvation Army will be the sub-recipient and that no local match is required.

MANAGERS COMMENTS

COUNTY OBSERVANCE OF HALLOWEEN

The Council agreed to the observance of Halloween on Wednesday, October 31, 2012 from 6:00 PM to 8:00 PM for children ages 12 and under. The Council acknowledged that the policy does not supersede prescheduled times and dates set by municipalities.

TRAVEL REQUEST-DETENTION CENTER

The Council approved the request of Warden Steve Mills to attend the Executives Program for local jail and Detention Center Administrators in Ocean City from November 5 to November 7, 2012 at no cost to the County.

REQUEST TO PURCHASE SIX WHEEL DUMP TRUCK-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to waive bids and purchase a six wheel dump truck under a Wicomico County contract with Barr International at the cost of \$118,254.92 from the FY13 Public Works Capital Budget with certain modifications from that County's bid to accommodate the needs for Dorchester County.

BID AWARDS-PAVING/FUEL-PUBLIC WORKS

Paving

The Council approved the request of Mr. Moore to award a bid to American Infrastructure, the lowest bidder, for the paving of the following County roads at the unit price of \$75.50 per ton for a one and one half inches of overlay paving: Williamsburg Church Road, 0.5 miles; Cokesbury Road, 1.75 miles; and Smithville Road. The Council acknowledged that since the estimated cost of this paving was based on last year's lowest bid of \$82.24 per ton, there are additional capital budget funds available and that Mr. Moore will use that savings to continue paving on Cokesbury Road and to address a low area at the Church Home Road intersection. The Council recognized that bid results were also received for paving work on Wildlife Drive at the Blackwater Wildlife Refuge and have been sent to refuge staff to review before Mr. Moore submits recommendations to the Council to award that bid.

Fuel

The Council approved the request for Mr. Moore to award a bid for Gasoline, Diesel Fuel, Heating Oil and Propane to Peninsula Oil for the period of November 1, 2012 to October 31, 2013 at the following prices: 0.0900 by tank wagon, 0.1200 by tank wagon for propane, 0.0400 by transport for #2 fuel oil; 0.0400 for transport of unleaded gasoline; 0.0400 for transport of diesel fuel. The Council acknowledged that the quoted prices will be added to the listed OPIS price for each delivery and will include the cost of #2 fuel oil for the Board of Education.

TRAFFIC SAFETY RECOMMENDATION-MIDDLETOWN BRANCH ROAD

Ms. Baynard noted that the Traffic Safety Committee members met on September 25, 2012 to discuss the request of Libby Nagel, resident, for curve road signs and a speed limit reduction on Middletown Branch Road in Vienna, based on several accidents that occurred on that roadway which Council referred to the Committee at its September 18, 2012 meeting. She said the Committee members agreed that a traffic study should be performed for one week and met again on October 9, 2012 to review the results of that study. She noted that the study was conducted from September 29, 2012 to October 5, 2012 along a winding section of Middletown Branch Road from the intersection with Drawbridge Road for a distance of 1.2 miles. She advised Council that this section of road is not posted so the default speed limit is 50 m.p.h. Ms. Baynard explained that a total of 802 (daily average of 115) vehicles used the road during the monitoring period with the average mean speed of 31.7 mph and the median speed of 31.8 mph. She said seven vehicles exceeded 50 mph while the 85th percentile speed (the operating speed that motorists tend to adopt according to road environment) was 39.1 mph.

The Council, based on the recommendation of the Traffic Safety Committee members, agreed to not reduce the speed limit on Middletown Branch Road. The Council approved the recommendation of the members to install two winding road signs to caution motorists and to reduce the potential for accidents since the signage is necessary to enhance public safety measures.

REQUEST FOR INPUT-AIREYS ROAD-STATE HIGHWAY ADMINISTRATION

Ms. Baynard reminded Council of its August 7, 2012 to send a letter to the State Highway Administration to request a traffic study be conducted on Route 50 near Aireys Spur Road and for the possible installation of a guardrail on Route 343 South before Long's Store. She explained that Donnie Drewer, District Engineer, provided written correspondence noting that State Highway Administration staff are recommending the installation of directional crossovers to prevent left turn and thru movements from Aireys Road (west) onto westbound US 50. She said he also clarified that left turn movements from westbound US 50 onto Aireys Road and from eastbound US 50 into the Hot Spot Restaurant will still be permitted. She said he is asking for Council's input on the proposed improvements. The Council agreed to send a letter to Mr. Drewer expressing its concurrence with the recommendations of the State Highway Administration staff. The Council requested that drawings of the proposed changes be provided.

The Council acknowledged its understanding that, based on the study conducted on the bending turn on Route 343 before Long's Store, a request has been submitted to District 1's Construction Division staff to construct a guardrail along the section of that roadway where fatal accidents have occurred and that they are currently researching funding mechanisms for this project. The Council agreed that the installation of a guardrail at that location will enhance public safety.

GRANT OPPORTUNITIES-DEPT OF HOUSING AND COMMUNITY DEVELOPMENT-GRANTS MONITOR

The Council approved the request of Cindy Smith, Grants Monitor, to proceed with developing applications for grant funding through the Department of Housing and Community Development (DHCD) in coordination with stakeholders within the community for Community Development Block Grant (CDBG) funds up to \$500,000 for housing, infrastructure, community facilities or services focused on low to moderate income facilities and for Neighborhood Conservation Initiative Grant (NCI) funds of a minimum of \$500,000 for affordable housing assistance, community facilities or other innovative strategies what will assist in stabilizing housing markets. The Council acknowledged that both grants require no cash match.

In addition, the Council approved Ms. Smith's request to submit an intent to apply to DHCD under the Neighborhood Conservation Initiative Program as a result of an October 19, 2012 deadline, and approved her request to coordinate with other stakeholders within the community to solicit ideas for facilities or services needed that will serve the citizens of the community in a non-governmental capacity i.e. the Department of Social Services

and Salvation Army (for transitional housing and homeless shelters), Habitat for Humanity (for acquisition for foreclosed homes), the Local Management Board with the YMCA (for youth and family programs), Delmarva Community Services and municipalities. Council recognized that Ms. Smith spoke with Ms. Baynard about a couple of possible priorities for local government infrastructure needs in and around Cambridge and authorized her to develop a grant proposal.

MARYLAND ASSOCIATION OF COUNTIES LEGISLATIVE COMMITTEE APPOINTMENT

Based on the request of Allison Valliant, Administrative Assistant, on behalf of Michael Sanderson, Executive Director, Maryland Association of Counties, the Council agreed to appoint Councilman Price as the representative for Dorchester County on the Maryland Association of Counties Legislative Committee and Councilman Nichols as the alternate representative.

TELEPHONE POLL CONFIRMATION

Ms. Baynard announced that in the interim between meetings Council, by means of a poll, authorized Public Works staff to proceed with scheduling the demolition of a County owned property on Bobtown Road acquired by tax sale due to its deteriorating condition at the approximate cost of \$3,200 for labor, equipment, overhead and landfill tipping fees by a 5 to 0 vote. She said the demolition project has been completed.

REQUEST TO WAIVE BIDS AND REPAIR GLOBAL CONTROL MODULE- PUBLIC SAFETY COMPLEX-DETENTION CENTER

The Council approved the request of Warden Steve Mills to waive bids and sole source with Pritchett Controls to repair the Global Control Module at the Detention Center in the amount of \$12,633. The Council acknowledged that the module controls are for the HVAC for the Administrative area as well as the Sheriff's Office and that Pritchett Controls originally installed the system when the facility was built and has completed all service and repairs to date. The Council recognized that FY13 Capital Budget funding for the Detention Center will be used for this purchase.

SURPLUS PROPERTY BID AWARD-MISCELLANEOUS PUBLIC WORKS ITEMS

The Council approved the recommendation of Mr. Moore to award the bid for Miscellaneous Public Works Items to Midshore Recyclers at \$12.00 per hundred weight, the highest quote obtained. The Council acknowledged that Mid Shore Recyclers will provide a dumpster and transportation.

PUBLIC COMMENTS

The Council accepted from Carol Embrey, resident, a binder with copies of State and local law regarding animal welfare as a gift, recognizing that the acceptance of this information does not constitute an agreement to change existing local law regarding Dog Control.

Eric Fisher, Chesapeake Bay Foundation, said he was an active participant in Watershed Implementation Plan team activities and commended the members of that local team for their hard work in developing a proposed plan. He expressed his belief that when the proposed Phase II Watershed Implementation Plan for Dorchester County was presented over 70 comments were received in support of the plan and that there was no opposition. He said he is disappointed that the Council intends to build a coalition to challenge the Environmental Protection Agency requirements regarding Total Maximum Daily Loads particularly since he believes the information relied upon by the Council is flawed. He stated that he and other Chesapeake Bay Foundation members do believe that the flow of nutrients and sediment from the Conowingo Dam into the Bay affects water quality to a certain extent (less than 50%) but that pollution in local waters also adds to the degradation of the Bay. He recognized Council's concerns about the cost to implement the proposed plan for Dorchester County as stewards of the taxpayers. Mr. Fisher asked the Council to participate in an open discussion with Chesapeake Bay Foundation members to discuss the basis for coalition and for participation in that coalition process.

In response to a question from Reverend George Ames, resident, Councilman Nichols expressed his belief that the changes proposed by the State Highway Administration for Aireys Road will mirror those made at the intersection by Dunkin Donuts in Cambridge and therefore motorists will not be able to cross both lanes of traffic.

Mr. Harrell noted that September 2012 was designated as Recovery Month and that an event was held on September 29th at the Dri-Dock Recovery Wellness Center in Cambridge which was attended by David Mineta, Deputy Director of Demand Reduction, Office of National Drug Control Policy. He said Mr. Mineta presented a proclamation on behalf of President Barrack Obama at this event honoring efforts in Dorchester County to reduce alcoholism and drug dependence. He thanked the Council for its support of the Health Department.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Bradshaw noted that several farmers in the County have expressed to him their concerns that the Total Maximum Daily Loads (TMDLs) set by the Environmental Protection Agency do not take into consideration the efforts they have taken to reduce nutrient loading and run off. He expressed his belief that the TMDLs are based on flawed scientific data. Councilman Bradshaw said he is concerned about the proposed cost to implement a local Watershed Implementation Plan which incorporates TMDLs which will be borne by taxpayers. He said as a result of major storm events, such as

Tropical Storm Lee, nutrients and sediment continue to flow into the Bay which impedes efforts to improve water quality.

Councilman Bradshaw noted that it is harvest season and advised his fellow Council members that he will provide them with a request from local farmers regarding the use of Vincent Road off of Route 50 for ingress and egress during the grain season at its October 30, 2012 meeting.

Councilman Price noted that an Annual Homeless Resource Day event will be held at the Christ Church in Cambridge on November 29, 2012.

The Council agreed to utilize the funds received from the sale of miscellaneous Public Works items for blacktopping.

Councilman Newcomb announced that the Council will meet on October 23, 2012 at 5 p.m. to discuss a personnel matter relating to Emergency Services followed by a discussion regarding a public safety technology matter.

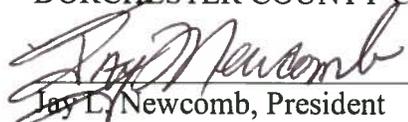
With no further business to discuss, the Council adjourned.

ATTEST:



Jane Baynard, County Manager
*Executive Administrative
Specialist*

DORCHESTER COUNTY COUNCIL:



Jay L. Newcomb, President



William V. Nichols, Vice President



Ricky Travers



Rick Price



Tom Bradshaw

Approved the 20th day of November, 2012.