

County Council of Dorchester County
Regular Meeting Minutes
September 2, 2014

The County Council of Dorchester County met in regular session on September 2, 2014 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present 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; pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter; and pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council agreed to add an award recommendation from Public Works for cross pipe replacements and to remove a paving proposal from the agenda.

APPROVAL OF MINUTES- AUGUST 19, 2014

The Council approved the minutes of August 19, 2014. Councilman Newcomb abstained since he was not present at that meeting.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$4,210,879.51.

FY14 OPERATING BUDGET AMENDMENT AND TRANSFER-BOARD OF EDUCATION

The Council approved the FY14 Operating Budget Amendment and Transfer request of Dr. Henry Wagner, Superintendent of Schools, to transfer \$95,000 from Instructional Salaries to Operation of Plant, \$75,000 and Maintenance of Plant, \$20,000 to cover late arriving invoices for utilities and maintenance. The Council acknowledged that the Board of Education members approved the budget transfers at their August 21, 2014 meeting.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on September 2, 2014 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter; and pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed below.

Action taken at the closed session: 1) approved request of the Public Works Director to hire an individual to fill a vacant Custodian position in the Maintenance Division by a 4 to 1 (abstention) vote; 2) discussed a personnel request relating to the Sanitary District; 3) approved request of the Public Works Director to promote an individual to fill a vacant Motor Equipment Operator IV position by a 5 to 0 vote; 4) discussed with legal counsel and Board of Education matters relating to facilities; 5) discussed a legal matter relating to a prior lease for office space for a County agency; 6) discussed offers to purchase County owned property acquired via tax sale; 7) discussed an offer to purchase a tax sale certificate for a property; and 8) discussed funding issues relating to a proposed event.

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

DISCUSSION-ADDRESSING BEAVER POPULATION IN COUNTY-LIBBY NAGEL

Libby Nagel, resident, advised Council that the beaver population in Dorchester County is being re-established and while these animals bring positives to the eco-system, they also cause damage. She provided the Council a packet of information which included signatures from 50 farmers in the County who are concerned about this growing population and its effect on the local environment. She explained that beaver dams raise the water table of local waterways and result

in the flooding of road beds, agricultural fields, and other land. She expressed concern about the loss of timber as well as the potential blockage of culverts due to the damage inflicted by beavers. Ms. Nagel explained that a beaver colony on Middlebranch Creek upstream of Drawbridge Road has flooded approximately 130 acres which impacts property owners in that area. She said Nadine Clements, a resident in that area, has experienced flooding in her basement. She noted that she and Tom Moore, Public Works Director, viewed that property and the Salem area and discussed potential solutions. Mr. Moore said he receives calls from residents regarding drainage issues due to the blockage of culverts as a result of beaver dam impoundments.

Ms. Nagel asked the Council to extend an invitation to Greg Schenck, Habitat Manager, Wildlife & Heritage Services, Maryland Department of Natural Resources, and Stephen Kendrot, Project Leader, United States Department APHIS Wildlife Services, to attend a future meeting to provide information regarding beaver management. She also asked Council to send correspondence to the United States Department of Agriculture seeking the redirection of funding designated for nutria eradication to address the beaver population in the County or for the allocation of funding for beaver eradication. She expressed her understanding that wildlife specialists employ traps and other measures to remove nutria from infested wetlands and questioned whether those individuals can do the same to reduce the beaver population in the County. She explained that local land owners have taken steps to resolve the problems on their land including dam removal and trapping. Ms. Nagel said it is her understanding that beavers can reproduce several times a year. Councilman Bradshaw expressed his understanding that they can have up to four litters a year and that there can be six to 10 kits in a litter.

Councilman Bradshaw said a beaver colony on Newhart Mill Road caused damage including the loss of timber. Councilman Price said residents on Palmers Mill Road had similar issues due to beavers. Ms. Nagel said it is a county-wide problem.

The Council agreed to send an invitation to Mr. Schenck and Mr. Kendrot to attend a future meeting to provide information regarding beavers management.

The Council also agreed to send correspondence to Senators Barbara Mikulski, Benjamin Cardin and Congressman Andy Harris asking them to seek the redirection of funding designated for nutria eradication to address the growing beaver population in Dorchester County and/or the allocation of Federal funding for beaver eradication.

UPDATE/REQUEST TO USE VIDEO MESSAGE BOARDS/ACCESS TO PARKING LOT- IRONMAN MARYLAND

The Council approved the requests of Gerry Boyle, Race Director, to allow customers to Snappers and commercial vehicles to J.M. Clayton Company (Clayton's), access from Court Lane through the Dorchester County Office building parking lot during the September 20, 2014 Ironman Maryland event and to use two Video Message System boards for the event at locations to be determined, warning traffic of upcoming the event. Mr. Boyle explained that he will coordinate with Mr. Moore regarding the use of the signs and that City of Cambridge Police Officers will direct traffic. He said he has spoken with the owners of Snappers Restaurant and

they are in support of the redirection of traffic. He noted that he also spoke with individuals at Clayton's.

Mr. Boyle provided an update on race preparations and plans and showed maps of the bicycle and run courses. He explained that a swim will be held prior to these events and noted that participants will have the opportunity to wear a wet suit. He noted that today's water temperature is 79.9, which is too warm for a wet suit. He said the finish line will be at Long Wharf and that he believes the first finisher will arrive between 3:30 p.m. and 4:00 p.m. He explained that athletes will have until midnight to complete the race and that he believes the

He said approximately 1,800 athletes have registered for the event and several thousand visitors are expected. Mr. Boyle advised that 40 Ironman staff will arrive on September 8, 2014 and will be responsible for preparing for the race. Mr. Boyle commended community members and the owners of businesses in downtown Cambridge and throughout the County for supporting and promoting this event. He advised that the Cambridge Main Street Summer Send Off will be held on race day, the Lighthouse at Long Wharf and art galleries will be open and activities such as Skipjack rides and paddle boarding will be available.

Mr. Boyle expressed his understanding that donations from organizations, individuals and companies in the County almost equal the \$100,000 licensing fee the County must pay to World Triathlon Corporation (WTC), the event holder of this triathlon.

Pursuant to a question posed by Councilman Travers, Mr. Boyle explained that athletes can wear wet suits if the water temperature is 76.1 degrees, however, they will not be eligible for awards or prizes and that below that temperature swimmers are required to wear them.

In response to an inquiry from Councilman Price, Mr. Boyle explained that there will be aid stations, manned by volunteer fire members at the following locations: Cambridge South Dorchester High School, Shorters Wharf Road, Gootees Marina, Route 16 before Susquehanna, on the turn by Dailsville and at Christ Rock. He said there are over 1,000 volunteers that will provide assistance to athletes during the race including 400 individuals from outside of the County.

The Council thanked Mr. Boyle for providing the update.

MANAGERS COMMENTS

MARYLAND OFFICE OF TOURISM FY15 SPORTS EVENT GRANT APPLICATION REQUEST-IRONMAN MARYLAND-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to submit a FY15 Sports Event Grant application to the Maryland Office of Tourism for \$20,000 for the September 20, 2014 Ironman Maryland triathlon, which includes a \$20,000 cash match from private donations. A motion to approve her request to use up to \$16,000 from the FY14 Tourism Operating Budget fund balance to apply towards the \$100,000 licensing fee for the event died due to the lack of a second.

TRAFFIC SAFETY COMMITTEE REFERRAL-GREEN POINT ROAD

The Council agreed to refer the written request of Connie Payne, a Green Point Road resident, for additional 30 mph speed limits on a straight portion of the road (near the wastewater treatment plant) to the Traffic Safety Committee for its review and recommendation to the Council.

FY15 SURFACE TREATMENT ROAD LIST/CONTRACT EXTENSION REQUEST-LIQUID ASPHALT EMULSION-PUBLIC WORKS

The Council authorized Tom Moore, Public Works Director, to tar and chip 34 roads for a total of 33.84 miles in FY15 at the estimated cost of \$227,043 from the FY15 budget, to include the remixing of one mile of Robinson Neck Road and Horse Point/Parks Road loop. The Council also approved Mr. Moore's request to extend the current contract with Asphalt Emulsion Industries, LLC, for CRS-2 liquid asphalt emulsion from July 1, 2014, the expiration date of the current contract, to July 1, 2015, at the same pricing, for the 2014 paving season.

TRAVEL REQUESTS

Emergency Services

The Council approved the request of Jeremy Goldman, Emergency Services Director, for authorization for three employees to travel and attend the Public Safety Systems, Inc. (PSSI) Users Group Conference in Savannah, Georgia from November 4 to November 6, 2014, which includes updates and additional informational classes for the use and maintenance of the County's current Computer Aided Design (CAD) system, at the cost of \$4,192 from the FY15 911 Communications Center budget. The Council acknowledged that the cost includes hotel, \$2,400; parking, \$92; food, \$1,200; and transportation, \$500.

Detention Center

The Council approved the request of Steve Mills, Warden, to attend the Executive Directors Program for Local Jail and Detention Center Administrators in Ocean City, Maryland from November 17 to November 19, 2014, at no cost to the County.

SPECIAL EVENTS AGREEMENT-IRONMAN MARYLAND TRIATHLON-WORLD TRIATHLON CORPORATION-FINANCE

The Council approved the request of Robert Willey, Assistant Finance Director, to execute a Special Events Agreement between World Triathlon Corporation, the Council and the Dorchester County Sheriff's Office to provide public safety services for the Ironman Maryland event to be held on September 20, 2014 from 7 a.m. to midnight. The Council acknowledged that pursuant to the agreement, public safety services to be provided by the Sheriff's Office include 12 vehicles and 12 deputies and the estimated cost to the County for these services is \$9,500. The Council acknowledged its prior decision to furnish up to a maximum of in-kind services of \$25,000 for this event and agreed that the \$9,500 will serve as that in-kind match. The Council recognized that pursuant to Mr. Willey the fee is calculated at an overtime rate on the average

deputy salary. Council agreed to pay deputies who volunteer for these events at an overtime rate regardless of whether a deputy reaches the 171 hour over a 28 day period overtime threshold. The Council acknowledged that World Triathlon Corporation will provide Certificate of Insurance naming Dorchester County as the Certificate Holder for the event.

CRIMINAL HISTORY RECORD INFORMATION USE POLICIES-BOARD OF LICENSE COMMISSIONERS

The Council recognized that on July 21, 2014 an audit was conducted of the Criminal History Record Information (CHRI) maintained by the Board of License Commissioners. The Council, approved the following, which were submitted by James Lurz, Liquor Inspector based on recommendations set forth on the audit report: a written policy on how CHRI will be secured, accessed, stored, retained and destroyed when no longer needed; a security awareness training log; and a viewing log. The Council acknowledged that the documents will be provided to the Board of License Commissioners for their approval.

FY15 SENIOR CARE PLAN-SOCIAL SERVICES

The Council approved the written request of Nicholette Smith-Bligen, Social Services Director, Dorchester County, to continue the Senior Care Program for Dorchester County with Maryland Department of Aging funding in the amount of \$100,803 for the period of July 1, 2014 to June 30, 2015 with no local match. The Council acknowledged that the Dorchester County Department of Social Services is the lead agency for the Senior Care Program and is partnering with the Maryland Department of Aging, the Dorchester County Health Department, and the Dorchester County Council. The Council further acknowledged that funding will be used to provide services for individuals over sixty-five years of age who are moderately to severely disabled and may be at risk of nursing home placement.

FY15 MARYLAND TRANSIT ADMINISTRATION GRANT AWARD-DELMARVA COMMUNITY SERVICES

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services (DC'S), to accept the FY15 Maryland Transit Administration Grant award for operating funding for transportation services for the period of July 1, 2014 to June 30, 2015 from the following programs: 1) Statewide Specialized Transportation Assistance Program in the amount of \$122,724 (State) with a \$59,791 local cash match for a total of \$182,515; 2) Section 5311 Operating Assistance in the amount of \$469,639 (State and Federal) with a \$127,725 local match for a total of \$597,364; and 3) Americans with Disabilities Act in the amount of \$50,000 (State) with a local match of \$8,580 for a total of \$58,580. The Council acknowledged that the local match of \$204,329 is supported, in part by Dorchester County budget appropriations, with the remainder being provided by DCS.

SAFE ROUTES TO SCHOOL GRANT-MEMORANDUM OF UNDERSTANDING- SIDEWALK IMPROVEMENTS- HEALTH DEPARTMENT

The Council approved the written request of Roger L. Harrell, Health Officer, and Erin B. Hill, Safe Routes to School (SRTS) Program Coordinator, for Councilman Newcomb as Council President to execute a Memorandum of Understanding between the Maryland Department of Transportation through the State Highway Administration, and the Dorchester County Health Department for SRTS grant funds to complete a sidewalk project along Mace's Lane and Bayly Road in Cambridge. The Council acknowledged that the State Highway Administration requires a signature from Dorchester County government. The Council further acknowledged that the City of Cambridge will provide matching funds of 20% and no financial commitment from the County is required.

Mr. Harrell said the sidewalk replacement project began in 2007. He noted State Highway Administration funds were depleted prior to the final phase and therefore he is applying for additional monies to complete the project. He explained that Health Department staff will administer the grant. Councilman Newcomb expressed appreciation for the improvements that have been made to the sidewalks and commended Mr. Harrell for pursuing funding for this project.

MARYLAND BROADBAND COOPERATIVE DIRECTOR NOMINATIONS

The Council agreed to nominate Councilman Price to serve on the Maryland Broadband Cooperative Board of Directors.

AWARD-CROSS PIPE REPLACEMENT PROJECT-PUBLIC WORKS

The Council approved the request of Mr. Moore to waive bids and sole source with John Hallowell to replace 15 cross pipes at the cost of \$12,300 with funds from the "Roadways, Other Materials" line item of the Highway Division budget. The Council acknowledged that Mr. Hallowell submitted the lowest of four quotes obtained for these replacements. The Council further acknowledged that the first project will be replacing the cross pipes on Town Point Road and requested that County staff monitor the work and inspect the final product before another project commences.

TELEPHONE POLL CONFIRMATION

Councilman Newcomb announced that in the interim between meetings Council, by means of a poll, agreed to the execution of a Special Events Agreement between Cambridge South Dorchester High School and the County Council for public safety services, which consist of 1 committed Basic Life Support (BLS) ambulance and 2 BLS providers, for the school's football games, by a 5 to 0 vote. He also announced that the Council agreed to work with City of Cambridge staff to allow the City Council to utilize Room 110 for its meetings due to issues with its Chamber by a 5 to 0 vote.

PUBLIC COMMENTS

Chuck Davis, resident, said he has spoken to City residents who expressed concern about the permit fee to use Great Marsh. Councilman Newcomb expressed his understanding that the permits are issued by the City and not the County and said he will ask for clarification from staff.

Tom Hutchinson, resident, commended Ms. Fenstermaker and the Tourism Office for their efforts in promoting the September 20th Ironman Maryland event and the Ironman Club and raising \$80,000 of the \$100,000 licensing fee the County will pay to World Triathlon Corporation. He said he and his wife are members of the club. He expressed his belief that this event will enhance the local economy, noting that he and his wife will be renting space to individuals who will be attending the race.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price noted that Dorchester County is fifth in the State for cover crop production. He said over \$49,000 in cover crops have been planted in the County.

Councilman Price referenced a September 2, 2014 Star Democrat article regarding the Clean Water Optimization Tool which may be used in the future as a cost effective means to implement watershed implementation plans. The Council requested that Councilman Bradshaw speak to the Clean Chesapeake Coalition members regarding this proposed tool and to provide additional information for its future review.

Councilman Bradshaw noted that the Council has received a response from Joseph P. DaVia, Chief, Maryland Section Northern, U.S. Army Corps of Engineers (Army Corps), regarding the permit that entity issued to the Maryland Department of Natural Resources (DNR) to place alternative materials in the Little Choptank River as part of its Oyster Restoration project in which it was noted that the Army Corps has no jurisdiction over DNR other than relating to that permit. He expressed concern about the use of foreign matter in that local waterway.

He announced that the Queen Anne's County Council has agreed to join the Clean Chesapeake Coalition by a three to two vote.

Councilman Bradshaw expressed concern about inaccurate comments made by the press that if Phillips Gunning Club Road is abandoned and closed access to the Chesapeake Bay Foundation and the classes and tours provided by that entity to the youth will be restricted. Councilman Newcomb clarified that the County will stop maintaining the road; however, the road will not be blocked nor will a gate be installed.

Councilman Bradshaw explained that there are two privately held parcels of land that will be affected and that only \$64 in real property taxes are collected annually for these properties. He said the cost to maintain the road exceeds that amount. He noted that the remaining property on that road is owned either by the Chesapeake Bay Foundation, which is a non-profit organization and tax exempt, or the Blackwater National Wildlife Refuge, which only provides a payment in lieu of taxes for all of the property the Refuge owns in the County. He questioned why these

entities have not utilized their funds to improve the road. In response to a question from Councilman Bradshaw, Mr. Moore said 7,000 square feet of the road is exposed to water.

Councilman Newcomb said in his correspondence Mr. DaVia explained that the Army Corps modified the permit issued to DNR so that entity can utilize larger stone without holding a public hearing.

Based on a motion made by Councilman Newcomb, the Council agreed to send correspondence to the United States Coast Guard regarding concerns about boater safety on the Choptank River and to request an increase in patrols in this waterway. Councilman Newcomb noted that a waterman recently suffered an injury when he was running trot lines because a boat operator was traveling at a high rate of speed and did not maintain a reasonable distance from his vessel.

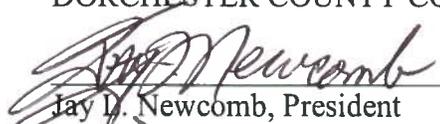
With no further business to discuss, the Council adjourned.

ATTEST:

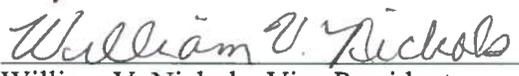


Donna F. Lane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:



Jay D. Newcomb, President



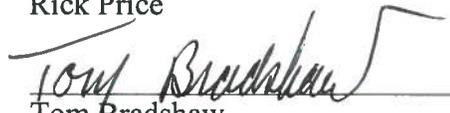
William V. Nichols, Vice President



Ricky Travers



Rick Price



Tom Bradshaw

Approved the 16th day of September, 2014.