

County Council of Dorchester County
Regular Meeting Minutes
April 18, 2017

The County Council of Dorchester County met in regular session on April 18, 2017 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist. Councilman Satterfield was not present; however, he provided written proxy votes.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, announced that: 1) prior to publication of the agenda the following item was added to the agenda: a request to use County property; and, 2) there is one addition-a request to advertise for a Motor Equipment Operator position for the Landfill Division. The Council approved the amended agenda.

APPROVAL OF MINUTES- APRIL 4, 2017

The Council approved the minutes of April 4, 2017 with Councilman Nichols abstaining.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$5,364,140.63.

CLOSED SESSION SUMMARY

The Council adjourned from a Regular Session and convened in a Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction and pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto on April 18, 2017 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) agreed to consider the request of the Public Works Director to advertise a Motor Equipment Operator position in the Landfill Division in open session; 2) approved the hiring of individuals to fill seasonal and part-time positions at the County pool for the 2017 season by a 5 to 0 vote; 3) discussed members' participation in final interviews for a County position; and 4) discussed a matter relating to a tax sale property.

The purpose of the Closed Session is also set forth in the Written Statement of Closing a Meeting Under the Open Meetings Act, which will be provided upon request. Voting in favor of the Closed Session were all of the present Council members.

REGULAR SESSION

PROCLAMATION-SOIL AND WATER STEWARDSHIP WEEK-APRIL 30 – MAY 7, 2017

The Council presented a Proclamation proclaiming April 30 to May 7, 2017 as Soil and Water Stewardship Week.

COMMENDATIONS-TEACHER OF THE YEAR-FIRST CLASS TEACHER OF THE YEAR

The Council presented Commendations to Sean Reincke for being named Dorchester County's Teacher of the Year 2017-2018 and to Amber Aaron for being named Dorchester County's First Class Teacher of the Year 2017-2018.

CHESAPEAKE HOUSING MISSION UPDATE-REQUEST FOR PERMIT FEE WAIVER

Allen Nelson, Dorchester County representative, Chesapeake Housing Mission Board (CHM), a non-profit organization, introduced Don Taylor, Executive Director. He said he will provide an update on the mission and work being performed by this organization. He explained that their main goal is to spread the word about CHM. He noted that the Rotary Club has had the opportunity to work on three projects with CHM with a fourth in progress. He noted that as a result homebound residents are now able to leave their homes.

Mr. Taylor thanked the Council for the opportunity to speak. He explained that CHM, which was formed in 2009, is an all-volunteer organization that does charge for its services. He explained that their focus is to assist those who live below the poverty level to ensure their homes are warmer, safer and drier. He said they repair roofs and floors, however, the main focus is on building wheel chair ramps. He noted that they did three projects in 2009 and 61 last year. He advised that CHM operates in the lower four counties of Maryland and has engaged 1,100 volunteers who have performed over 84,000 volunteer hours. He explained that their hope is that other individuals will be encouraged by CHM and assist others in need. He advised that there is no physical office. He explained that out of 18 jurisdictions they serve, Dorchester County and the City of

Cambridge are the only ones that currently do not waive permit fees for CHM. Mr. Taylor clarified that they have not sought that waiver from either entity in the past. He advised that he is scheduled to speak at a City Council meeting in the future at which he will ask for a permit fee waiver. He advised that they have worked with staff at the County Planning and Zoning Office about the permitting process and they have been very cooperative. Mr. Taylor said they are willing to attend emergency responder meetings or volunteer fire company meetings since they are often in contact with those in need. The Council approved Mr. Taylor's request to waive permit fees for CHM which will still be required to obtain permits. Councilman Nichols said he was unaware of CHM and commended the members/volunteers for assisting others in need.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

BILL NO. 2017-5 AN ORDINANCE CONCERNING: 2017-2018 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY

E. Thomas Merryweather, County Attorney, said the 2017-2018 Annual Budget and Appropriation Ordinance of Dorchester County is scheduled for introduction. The Council agreed to proceed with publication of a public hearing on this matter with Councilman Satterfield voting in favor by written proxy.

In response to an inquiry from Councilman Price, Mr. Goldman provided the following summary of the proposed balanced FY17 budget: 1) it represents a .6% increase from last year's operational budget; 2) there is no property tax increase; 3) there is one fee increase 4) step increases for employees are included; and, 5) the priorities the Council set are met within this budget. He noted that monies are allocated to purchase the following: an ambulance, several vehicles for the Sheriff's Office and for the first year of a four year project to pay for the update of the County's comprehensive plan.

The Council convened into Regular Session.

REGULAR SESSION

MANAGERS COMMENTS

REQUEST TO USE SAILWINDS PARK-AMPHITHEATER-CITY OF CAMBRIDGE

The Council approved the written request of Brandon Hesson, Associate Director, Economic Development, City of Cambridge, to use the Sailwinds Park Amphitheater on Friday, May 5, 2017 from 8 p.m. to 10 p.m. for a free family movie night with Councilman Satterfield voting in favor via written proxy.

FLAGS FOR HEROES REQUEST-SAILWINDS AMPHITHEATRE-ROTARY CLUB

The Council approved the request of Allen Nelson, on behalf of the Rotary Club, to use the Sailwinds Amphitheatre during Memorial Day Weekend (May 23 to June 1, 2017) for its "Flags for Heroes" initiative with Councilman Satterfield voting in favor via written proxy. The Council acknowledged that Club members will place approximately 200 flags along the amphitheater berm at the Visitors Center and will remove them.

LETTER OF SUPPORT REQUEST-UNITED STATES DEPARTMENT OF AGRICULTURE GRANT APPLICATION-AMERICAN LEGION

The Council approved the request of Anne Roane, on behalf of the American Legion Post 91, for a letter of support for the organization's application for a loan from the United States Department of Agriculture in the amount of \$600,138 Councilman Satterfield voted in favor via written proxy. Ms. Roane confirmed for Mr. Merryweather that there is no County funding being sought, which is referenced in the letter.

REQUEST TO HOLD EVENT-EGYPT PARK

Andrew Solomon, on behalf of Dog Gone Good Training Ground, asked for authorization to hold an event at Egypt Park on Saturday, May 27, 2017 to advertise this business which will include a three mile run/walk for participants and their dogs. He said their hope is to hold this event annually. He explained that vendors and sponsors will participate in the event and the Bayside Animal Shelter will be present with dogs to encourage adoption. The Council approved Mr. Solomon's request with Councilman Satterfield voting in favor via written proxy.

LANDFILL TIPPING FEE WAIVER REQUEST-TOWN OF HURLOCK

Joyce Spratt, Mayor, Town of Hurlock, introduced John Avery, Town Administrator. She said they are present to seek a landfill tipping fee waiver for debris from houses on blighted properties that the Town will be demolishing. Mr. Avery said there are six houses to be demolished, two of which are connected. He explained that the County owns one of the properties, 106 Maryland Avenue, and referenced an agreement between Habitat for Humanity, the County and the Town, under which the Town will demolish the existing structure and a new structure will be built by Habitat. He advised that the Town did apply for funding from the Department of Housing and Community Development and the Department of Natural Resources for which they were granted. He said since the Maryland Historical Trust and federal funds were involved in the grant process the properties must be listed on the National Register of Historic Places to be eligible for funding. He explained that since they are only recognized as having historical significance, they can be demolished. Mr. Avery noted that the other five properties are on Main Street.

Mayor Spratt advised that one of the reasons they want to demolish these properties is to use some of the property for a Veterans Memorial Park. Mr. Avery estimated that the

debris will equal approximately 300 tons. Mr. Avery explained that one home recently demolished resulted in 80 tons of debris and they used that amount to calculate this estimate. Mr. Goldman advised that the cost for landfill tipping fees for 300 tons is \$18,000.

In response to a question from Councilman Bradshaw, Mr. Avery confirmed that Maryland Historical Trust viewed all of the houses. He explained that the structure on Maryland Avenue is the only one that cannot be rehabilitated; however, since all of the properties were included in the application, grant funds are not available. He said the other properties to be demolished are located at 102 and 104 North Main and 204, 208, 210 South Main.

The Council agreed to waive up to \$9,000 in landfill tipping fees for the debris from the demolition of the six properties only which Councilman Nichols opposed.

PUBLIC HEARING-CLOSING OF PORTION OF HOOPERS NECK ROAD

Mr. Merryweather said an informational public hearing is being held on the abandonment of a 0.57 mile portion of Hoopers Neck Road beginning just south of the driveway to 624 Hoopers Neck Road and extending to the end of the existing County road. He said the reason for this hearing is to solicit public comment before Council proceeds with the introduction of a bill. He recognized that there no names listed on the public sign-up sheet. He asked if anyone wished to speak. There was no response. Mr. Moore stressed the need to ensure that a turnaround will be provided for motorists at the end of the road. Mr. Merryweather said that matter will be taken care of during the second phase of the road closure process. The Council recognized that the bill will drafted for introduction.

SURPLUS PROPERTY DECLARATION REQUESTS-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to declare the following property as surplus: 1) a Polar Kraft 18' aluminum boat and trailer which will be disposed through Foxwell's Auctions; 2) marine hardware that will be advertised for sale; and, 3) two old temporary classrooms which will be removed and disposed of by County staff. Councilman Satterfield voted in favor via written proxy.

BID AWARD-SOLE SOURCE-MARINE FACILITY DUMPSTERS-PUBLIC WORKS

Mr. Moore said in 2013 the County, utilizing Department of Natural Resources Waterway Improvement Funds placed two dumpsters at a number of marine facilities for a six month period at \$100 a month per container. He said this was the last year DNR funds were available for dumpsters. He explained that the Council agreed to use County funding to continue to provide this service for 11 marine facilities but reduced the number of dumpsters to one at each and the monthly period by two months. He noted that in the past there were problems with the service and removal of dumpsters at the end of the season which improved last year. Mr. Moore said the cost last year per dumpster was \$175. He stated that since no bids were received staff contacted Waste Management,

last year's sole bidder and asked if they would provide the service and honor its 2016 bid of \$175 per container. He noted that instead they quoted a cost of \$215 per month.

In response to inquiries from Councilman Travers, Mr. Moore said an additional fee is charged if a dumpster needs to be picked up prior to the regularly scheduled removal date. He expressed his understanding that the dumpsters are being used for traditional waste disposal instead of its intended purpose, for recreational boating debris. Mr. Moore noted that the annual base contract cost in 2014 was \$4,400 versus this year's proposed cost of \$9,500. He queried as to whether the Council wants to continue to provide the service or have staff obtain quotes utilizing another method. Pursuant to a query from Councilman Travers, Mr. Moore confirmed that two years ago County staff moved the dumpsters from the facilities to the landfill which were picked up by Waste Management more than a month later.

Based on question from Councilman Travers, Mr. Goldman said he and Mr. Moore discussed performing this service in-house but it was cost prohibitive. He said roll-off containers are too large and there are issues relating to removal pursuant to another question posed by Councilman Travers.

Councilman Nichols expressed his understanding that there are a couple of new waste hauling companies within the County. Councilman Travers concurred. Mr. Merryweather suggested offering a multi-year contract, perhaps three years, to prospective vendors as an enticement.

The Council deferred Mr. Moore's request to sole source and award the bid. The Council acknowledged that County staff will contact other companies for quotes.

BID AWARD-PORTABLE TOILET CONTRACT-MARINE FACILITIES-PUBLIC WORKS

The Council approved the request of Mr. Moore to award the Portable Toilet Contract for the County's marine facilities at \$52 per unit per month and for additional services as requested from \$25 to \$50 depending on location utilizing DNR Waterway Improvement Funds. Councilman Satterfield voted in favor via written proxy.

CONTRACT AMENDMENT-GEOSYNTEC CONSULTANTS-ADDITIONAL MONITORING WELLS-NEW BEULAH-PUBLIC WORKS

The Council approved the request of Mr. Moore to amend the April 17, 2006 Master Professional Services Agreement with Geosyntec Consultants (Geosyntec) to include the installation of an additional six wells at New Beulah at a not to exceed cost of \$38,105 for time and materials. Councilman Satterfield voted in favor via written proxy. The Council acknowledged that the wells are necessary based on new Maryland Department of Environment (MDE) requirements regarding the monitoring and sampling of ground water along the perimeter of landfill cells.

ENGINEERING CONTRACT AMENDMENT-SITE INVESTIGATION AND PRELIMINARY PERMITTING-BEULAH NORTH-PUBLIC WORKS

Mr. Moore presented his request to amend the 2006 Master Professional Services Agreement with Geosyntec for Phase II Site Investigation and Preliminary Permitting Activities at Beulah North at a not to exceed cost of \$198,518 for time and materials. He said staff is meeting with MDE regarding landfill expansion. He explained that groundwater will have to be monitored for a year and delineation work must be performed during the wet season.

Councilman Bradshaw made a motion to approve Mr. Moore's request which Council Nichols seconded. Councilman Price requested clarification on what preliminary permitting entails and what will be visible to the public. In response Mr. Moore said the following will be done: survey work, wetland delineation, installation and then monitoring of wells, gathering data to prepare and submit a report to MDE, borings, ground testing, and an analysis of the current landfill attributes including height and structure of a line. Pursuant to query from Councilman Price, Mr. Moore said the permitting activities are for land within Beulah Landfill on which cells will be constructed and not for a vertical or horizontal expansion.

In response to a question from Councilman Price, Mr. Moore confirmed that the Council is still waiting for a response regarding potential relief from the Zero Waste Executive Order. He explained that beginning the permitting activities is necessary in order to avoid delays, noting that there is a one year monitoring period. He said it is also imperative to begin the wetland delineation during the current wet season since MDE will not view a site during a dry spell.

The Council approved Mr. Moore's request with Councilman Satterfield voting in favor via written proxy and Councilman Price opposing. Councilman Price expressed his belief no action should be taken until a response is received from the State.

OFF SHORE BLIND RENEWALS-ROOSTER ISLAND-HILLS POINT COVE- PUBLIC WORKS

The Council approved the request of Mr. Moore to renew the Off Shore Blind and Shoreline Licenses for the following County owned waterfront properties for a three year period with Councilman Satterfield voting in favor via written proxy: Rooster Island, Hills Point Cove and Little Blackwater River.

REQUEST TO SOLE SOURCE LINE STRIPING-PUBLIC WORKS

The Council approved the request of Mr. Moore to sole source and contract with Alpha Space Control to perform line striping under the State contract for a cost of \$0.0685 per linear foot with Councilman Satterfield voting in favor via written proxy.

REQUEST TO PURCHASE HYDRAULIC DUMP TRAILER-RECREATION AND PARKS

The Council approved the request of Jeremy Goldman, County Manager, on behalf of the Recreation and Parks Department, to purchase a tow behind hydraulic dump trailer from J&S Equipment, the low bidder, for \$7,595 utilizing FY17 Capital Budget funds. Councilman Satterfield voted in favor via written proxy.

POLL CONFIRMATIONS

The Council confirmed its decision in the interim between meetings, by means of a poll, to declare the following Sheriff's Office vehicles as surplus and acknowledged that they are being sold at the auction by a 4 to 1 (1 vote-unable to reach) vote: 2008 Ford VIN# 2FAHP71V58X124267; 2008 Ford VIN# 2FAHP71V88X124263; 2009 Ford VIN# 2FAHP71V49X101435; 2009 Ford VIN# 2FAHP71V29X101434; and 2008 Ford VIN# 2FAHP71V68X124262. Councilman Satterfield voted in favor of confirming this poll via written proxy.

REQUEST TO USE COUNTY PROPERTY-RELAY FOR LIFE TEAM

The Council approved the request of Benjamin Doyle to hold a Relay for Life yard sale on the County owned property located on Route 16 and Cedar Grove Road on Saturday, April 29, 2017 with all proceeds going to Relay for Life.

REQUEST TO TO ADVERTISE-MOTOR EQUIPMENT OPERATOR POSITION-LANDFILL

The Council agreed to advertise a Motor Equipment Operator Position in the Landfill Division.

PUBLIC COMMENTS

Gloria Dolan, resident, referenced the Council's recent passage of legislation for the taxation of solar equipment. She expressed concern about the potential loss of revenue based on her belief companies will not consider the County for solar projects. She suggested changing the tax rate, providing a tax abatement for a certain period or the reconsideration of the legislation. Councilman Travers said there are nine projects in the que. Mr. Goldman said he spoke to seven companies who are interested in locating such facilities in the County and are willing to negotiate a Payment of Lieu of Taxes Agreement (Pilot). Councilman Travers stressed the need for solar companies to be aware of the potential impact facilities may have on neighbors near proposed projects. Ms. Dolan reiterated her concern that the tax will be a deterrent to locate facilities in the County. She thanked the Council for the opportunity to speak.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols thanked the Council and public for well wishes during his illness.

Councilman Price referenced the adjournment of the 2017 Maryland General Assembly Legislative Session and his attendance at Maryland Association of Counties Legislative meetings during that session. He said the main items of interest of the Council and officials from other counties were: 1) obtaining the restoration of funds to address infrastructure needs; and, 2) the potential revision of the State's scoring system for transportation projects which creates an inequity between urban and rural counties. He advised that an additional \$8.8 million to be split by 23 counties was allocated in the State budget and the scoring system legislation is going to summer study. He noted his understanding that there is an influx of retirees moving from urban to rural areas which creates the need for additional resources to address infrastructure needs. He referred to comments from watermen about the lack of action during the session to open up additional areas for Chesapeake Bay watermen to harvest oysters. He said he hopes this will be addressed during the next legislative session.

Councilman Price commended the organizers of the Opening Day of Little League. He advised that this Saturday is the annual Town Community Day in East New Market which will include the ribbon cutting for Phase 2 of Friendship Park. He noted that the the Council has received invitations. He said phase one, the playground was completed a year ago. He cited the efforts of the Mayor and Council, the Eastern Shore Land Conservancy and other entities to ensure that the resources were available to develop the Park.

Councilman Bradshaw said he believes that legislation will be dropped during the next legislative session which will negatively impact watermen. He expressed his understanding several environmental groups may seek a moratorium on oyster harvesting. He noted that salinity levels are extremely high and Dermo disease levels have increased. He stated that a Water Quality test in the Choptank River revealed that the the pollution line has moved up. He expressed his understanding that the Council should receive an announcement from the Maryland Department of Environment (MDE) about moving this line from Oyster Shell Point to Jamaica Point. He noted that the same restriction will be applied, which is if it rains one inch or more shellfish harvesting will be shut down for three days to allow the water to clear.

Councilman Bradshaw advised that recently, pursuant to Charles "Chip" MacLeod, Special Legal Counsel, there were 14 gates opened up at the Conowingo Dam which resulted in a plume as far as Kent Island. In response to a question from Councilman Travers, Councilman Bradshaw expressed his understanding this release was due to the heavy water flow as a result of storms in Pennsylvania and New York. He explained that pursuant to the calculations of MDE and others the scour was to occur at roughly 400,000 feet per cubic feet per second but this time the flow rate was 200,000 feet. He stated that the Delmarva Fisheries Association sent a letter to DNR expressing concerns about this

release during spawning season for rockfish and shad and herring in the upper part of the Bay.

Councilman Bradshaw said he and his wife met with the new owner of the Hearn Building yesterday. He explained that phase one, the stabilization of all four walls, has been completed and the owner is waiting for blueprints and designs. He noted that the owner expressed appreciation for the Council's support of the project.

Councilman Travers advised that a Taylors Island resident expressed to him concerns about roadside littering and suggested some type of signage which reminds individuals to be respectful and take their trash with them. Mr. Goldman said he and Mr. Moore have discussed eliminating the dumpsters at marine facilities and posting them as Trash Free Parks. He advised that he and Mr. Moore will work on a potential Keep Dorchester Litter Free Program.

Councilman Travers announced that: 1) the next Council meeting will be held on May 2, 2017; and, 2) Council reserves the right to meet in closed session prior to regular session.

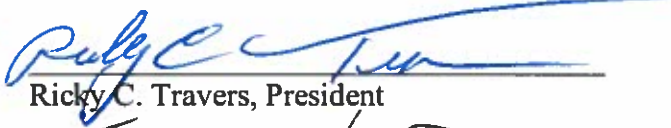
With no further business to discuss, the Council adjourned.

ATTEST:




Jeremy Goldman
County Manager

DORCHESTER COUNTY COUNCIL:



Ricky C. Travers, President



Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 2nd day of May, 2017.