

**County Council of Dorchester County  
Regular Meeting Minutes  
March 7, 2017**

The County Council of Dorchester County met in regular session on March 7, 2017 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were Charles MacLeod, Special Legal Counsel; Jeremy Goldman, County Manager; Charles "Chip" MacLeod, Special Legal Counsel, and Donna Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Price led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council accepted the amended agenda which included the removal of an introduction of legislation relating to the partial abatement of real estate taxes for a certain purpose and the following additions: 1) to advertise an Office Manager position in the Public Works Department; and, 2) to consider a tax proposal for solar projects in Dorchester County from OneEnergy Renewables.

**APPROVAL OF MINUTES- MARCH 7, 2017**

The Council approved the minutes of March 7, 2017.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented with Councilman Price abstaining for payments made to Willow Construction and relating to the Hyatt.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$6,981,257.28.

**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)(7) to consult with counsel to obtain legal advice on a legal matter, on March 7, 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) approved the request of the Public Works Director to hire an individual to fill a vacant Project Manager position and agreed to discuss a request to advertise the resulting vacancy in open session by a 3 to 2 vote; 2) approved the request of the Emergency Services Director to hire an individual to fill a vacant 911 Dispatcher position by a 5 to 0 vote; and, 3) discussed a proposal relating to a payment in lieu of taxes-agreed to discuss in open session.

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**

### **COMMENDATION-ROBERT TIEDER**

The Council presented a Commendation and a plaque to Robert T. Tieder, Jr., for serving on the Sanitary Commission in an effort to protect the quality of life for the community and future generations by providing safe and reliable water and sewer services to Dorchester County for 30 years.

## **LEGISLATIVE SESSION**

The Council convened into Legislative Session.

### **INTRODUCTION**

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL AND REENACT WITH AMENDMENTS SECTION 144-46 OF ARTICLE XIII AND SECTION 144-48 OF ARTICLE XIV OF THE CODE OF DORCHESTER COUNTY, MARYLAND RELATING TO THE TAXATION OF MACHINERY AND EQUIPMENT USED TO GENERATE ELECTRICITY FOR SALE.**

Charles “Chip” MacLeod, Special Legal Counsel, MacLeod Law Group, LLC, advised that the proposed legislation is to repeal and reenact with amendments Section 144-46 of Article XIII and Section 144-48 of Article XIV of the Code of Dorchester County, Maryland relating to the taxation of machinery and equipment used to generate electricity for sale. Mr. Goldman explained that the intention is to tax equipment specifically designed for commercial grade or utility grade electric generation. He said the proposed legislation will not affect property owners who place solar panels on their homes.

The Council agreed to proceed with publication of a public hearing on this matter with Councilman Price opposing.

## **REGULAR SESSION**

The Council adjourned from Legislative Session.

## **ANNUAL TRANSPORTATION PLAN-DELMARVA COMMUNITY SERVICES**

Jerome Stanley, Transportation Manager, introduced Andrea Waters, Transportation Grants Specialist. Ms. Waters provided each Council member a packet of information. Mr. Stanley said the amount of trips in FY16 were 114,842 and the number of miles was 545,831. Ms. Waters advised that the first page of the packet is the summary of the budget provided by the Maryland Transit Administration which contains an error in the Federal, State and local share line items. She said the shares which total \$1,207,187 are: Federal, \$642,513; State \$339,924; local, \$224,750. She noted that the packet also contains a service performance summary, operating budget summary, a summary of FY18 capital requests in priority order, capital project plan FY18 vehicle requests and capital project plan FY18 equipment requests. Ms. Waters explained that the capital requests are: 1) for preventive maintenance; 2) to purchase two small cutaway buses with security cameras; and, 3) to acquire radios. She expressed her understanding that the current radios will not work with the radio system in Dorchester County that will be installed within the next couple of years. Councilman Travers suggested that Ms. Waters contact Mr. Goldman prior to purchasing radios citing the possibility of utilizing the County discount.

The Council approved the submission of a grant application to the Maryland Transit Administration for FY 2018 annual transportation plan funds for operating from the Mass Transit Administration and the Federal Transit Administration from the following programs: 1) the Statewide Specialized Transportation Assistance Program; 2) Section 5311 Operating Assistance; and 3) the Americans with Disabilities Act. The Council also approved the submission of a FY18 Maryland Transit Administration grant application for capital transportation funding from the Mass Transit Administration and the Federal Transit Administration. The Council acknowledged that the local match will be funded through Delmarva Community Services.

## **MANAGERS COMMENTS**

### **MID SHORE BEHAVIORAL HEALTH BOARD OF DIRECTOR APPOINTMENT REQUEST**

The Council approved the written request of Holly Ireland, Executive Director, to appoint Mary June McGinnis as the County's representative to fill the vacancy on the Mid Shore Behavioral Health Board of Directors due to the July 2016 resignation of Neil Dodrill. The Council acknowledged that the term will expire March 30, 2021.

### **LETTER OF SUPPORT REQUEST-EASTERN SHORE SCENIC RAILROAD**

The Council approved the request of Susan Bautz for a letter supporting the desire of the Eastern Shore Scenic Railroad group to preserve and develop the unused rail line between Hurlock in north Dorchester County and Preston in Caroline County.

#### BID AWARD-WET LAB CONSTRUCTION-EASTERN SHORE INNOVATION CENTER

The Council approved the request of Steve Dolbow, Incubator Manager, to authorize SunXAnalytical, Licensee, Eastern Shore Innovation Center (ESIC), to accept the bid from JTD Construction, Inc., lowest bidder, for the building of the wet lab at ESIC for \$77,531 with Councilman Price opposing. The Council acknowledged that no County funds will be used. Mr. Goldman explained that any change orders will be between SunXAnalytical and JTD Construction.

#### ADMINISTRATIVE OFFICE OF THE COURTS GRANT AWARD-COURTHOUSE SECURITY SYSTEM-CIRCUIT COURT

The Council approved the request submitted by Cindy Smith, Grant Monitor, on behalf of Brett Wilson, Circuit Court Judge, to sole source and accept an Administrative Office of the Courts (AOC) grant award of \$32,865 to install additional equipment for the Courthouse security system. The Council acknowledged that this equipment is an add-on to equipment approved in March 2016 for which AOC provided funding.

#### STORM WATER MANAGEMENT AGREEMENTS-PUBLIC WORKS

The Council approved the requests of Greg LeBlanc, Engineer, to execute Storm Water Management Agreements with Patriot Point, LLC, Taylors Island Road and Emaan and Eshal Farms, LLC, 6848 North Tara Road, Federalburg.

#### REQUEST TO ADVERTISE FOR PROPOSALS-MARINE FACILITIES-PORTABLE TOILETS AND DUMPSTERS-PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise for proposals for portable toilets at 12 County marine facilities from May 2017 to October 31, 2017 utilizing Maryland Department of Natural Resources Waterway Improvement Funds and trash dumpster service at 11 facilities from June 1, 2017 to September 30, 2017 utilizing County funds.

#### PROPERTY TAX ASSESSMENT APPEAL BOARD APPOINTMENT

Mr. Goldman noted that: 1) there are vacancies on the Dorchester County Property Tax Assessment Appeals Board due to the resignation of Ronald Jones and a vacant alternate member position; and, 2) at its February 7, 2017 meeting, the Council agreed to nominate David Witten, who submitted his expression of interest directly to the Governor's Office. The Council acknowledged that three names for nomination for the Governor's consideration must be submitted for each appointment. The Council agreed to ask the Governor to consider Mr. Witten in lieu of providing an additional two names based on the difficulty in identifying individuals interested in serving on this board.

#### SURPLUS PROPERTY DECLARATION REQUEST-COUNCIL'S OFFICE

The Council approved the request of Jeremy Goldman, County Manager, to declare a four drawer file cabinet and a five drawer file cabinet as surplus property.

## ENGAGEMENT LETTER-LEGAL SERVICES

The Council agreed to enter into an Engagement Letter with MacLeod Law Group, LLC to provide legal services on an “as needed” basis to Dorchester County, including serving as counsel to the Board of License Commissioners, at discounted rates effective February 1, 2017.

## FY18 COUNTY HOLIDAY SCHEDULE

The Council adopted the FY18 County Holiday schedule. Councilman Bradshaw referenced an employee’s request relating to the day after Thanksgiving. He said he will address that request during Council’s Comments.

## REQUEST TO ADVERTISE – OFFICE MANAGER POSITION-PUBLIC WORKS DEPARTMENT

The Council approved the request of Tom Moore, Public Works Director, to advertise an Office Manager Position in the Public Works Department with Councilman Price opposing.

## ONEENERGY RENEWABLES - TAX PROPOSAL FOR SOLAR PROJECTS IN DORCHESTER COUNTY

The Council declined an unsolicited proposal from Arlo Corwin, Chief Development Officer, and Gia Clark, Mid-Atlantic Development Director, OneEnergy Renewables (OneEnergy), for a Payment in Lieu of Taxes (PILOT) for the Linkwood Solar and Sunnee Bee Solar projects.

## 2017 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION DISCUSSION

The Council agreed to send a letter in opposition to House Bill 1187 and the cross-filed Senate Bill 784 titled “Department of Juvenile Services-Youth Services Bureau-Budget Appropriation” which reduces funding for services in local jurisdictions and undermines local decision-making.

The Council agreed to oppose Senate Bill 266 titled “Environment-On-Site Sewage Disposal Systems-Best Available Technology for Nitrogen Removal-Prohibition” and the cross-filed House Bill which prohibits the installation of an on-site sewage disposal system to service a newly constructed building unless Best Available Technology (BAT) removing nitrogen is utilized. The Council recognized that Mr. Goldman will express the Council’s opposition by telephone because the hearing for this legislation is scheduled soon. The Council also agreed that an e-mail or letter can also be sent.

The Council agreed to send a letter of support for Senate Bill 586 titled “Local Infrastructure Fast Track for Maryland Act” and the cross-filed House Bill which moves highway user revenue funding back to historical levels over a seven year period.

The Council agreed to send a letter in opposition to Senate Bill 773 titled “Community Healthy Air Act” and the cross-filed House bill which requires the Maryland Department of the Environment to conduct assessments of CAFOs and compliance with the regulations which is duplicative since CAFOs are already regulated by federal government.

Mr. Goldman referenced House Bill 1592 titled “Local Jurisdictions-Zoning Authority-Generating Station” which allows local governments to zone for engineer siting and for specific energy sources. He expressed his understanding that it is still in committee and there is discussion regarding either moving it forward or it will be sent to summer study. Councilman Price concurred. He said although there will be no Maryland Association of Counties Legislative Committee meetings for several weeks there will be telephone conferences. He said he will keep Council updated on this legislation.

The Council agreed to send a letter of support for House Bill 1350 titled “Public Service Commission-Application for Certificate of Public Convenience and Necessity-Consistency with Comprehensive Plan” and the cross-filed Senate Bill which requires the Public Service Commission (PSC) to provide an application for construction of an energy siting facility for local government review to determine if it is consistent with the Comprehensive Plan. Mr. Goldman explained that pursuant to this legislation if any local government determines it is not consistent the PSC is prohibited from holding a hearing on the Certificate of Public Convenience and Necessity.

The Council agreed to send a letter of opposition for House Bill 1309 titled “Environment-Recycling-Special Events” and the cross-filed Senate Bill which would mandate local governments to issue permits for events with over 150 individuals.

Mr. Goldman provided the following synopsis of the bills being followed by staff: 1) Senate Bill 796 titled “Economic Development-County Economic Development Tax Incentives Program and One Maryland Tax Credit” for which a hearing was held today; 2) House Bill 924 titled “Natural Resources-Oyster Management-Prohibited Actions” for which a hearing was held on February 24<sup>th</sup>; 3) House Bill 417 titled “Clean Water Commerce Act of 2017” which was passed by the Senate with a 46 to 0 vote; 4) Senate Bill 1103 titled “Home Sprinkler and Fire Safety Assistance Fund.” In response to a question from Mr. Goldman, Councilman Price said Senate Bill 1103 is still in committee.

The Council agreed to send a letter of support for House Bill 537 “Environment-On-Site Sewage Disposal Systems and Funding for Wastewater Treatment Facilities and Sewerage Systems” which authorizes the installation of a non-BAT on-site sewage disposal system on specified property outside of the Chesapeake and Atlantic Coastal Bays Critical Area.

## **PUBLIC COMMENTS**

There were no public comments.

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

Councilman Satterfield thanked the following: the individuals who worked at the Outdoor Show, law enforcement and emergency services responders and Highway Division employees for the ditching work being performed in the southern part of the County for which he has heard good comments from residents. He said he hopes that funding may be available in the future to tar and chip roads in that area. He expressed his appreciation for Governor Lawrence "Larry" Hogan's appropriation of additional funds to combat heroin abuse in Dorchester County and throughout the Eastern Shore.

Councilman Price advised that during a recent Maryland Association of Counties (MACo) Legislative Committee meeting the State budget reconciliation was discussed. He noted that it has local effects statewide for FY18 and costs shifts on school aid, library aid, police aid, health grants and disparity grants. He said MACo's main concerns are shifts to counties for costs associated with the Office of Assessments and transportation funding. He explained that a twitter campaign to restore highway user revenues is underway. Councilman Price advised that Maggie McIntosh, Chair, House Appropriations Committee, recently pledged her effort in providing the County some stability in local road funding during MACo testimony on the State budget. He said it was re-emphasized that road budgets are now less than 10% of historical funding levels and that the state assessments costs are creating an imbalance to counties that have no control or oversight of that office. He stated that at the last Committee meeting David R. Brinkley, Secretary, Budget and Management, spoke regarding the record high investment in education, the curtailing of mandates, economic development, job creation, the fight against substance abuse and the Governor's pledge of \$50 million over a five year period to combat the opioid problem.

Councilman Price said House Bill 73 titled "Election Law-Election Judges-Minimum Age" allows a minor who is at least 16 years old to be an Election Judge which should be monitored. He explained that since the presidential election the National Association of Counties (NACo) has held a conference. He noted that NACo's major concerns are tax reform, infrastructure funding and Medicaid flexibility. He said it was noted at the conference that there is an increase in Medicaid eligible recipients.

Councilman Price noted that a MACo Legislative Committee meeting will be held on March 29<sup>th</sup> and telephone conferences will be held in the interim. He said he will email the other Council members the dates of the telephone conferences. He recognized the organizers and participants of the Outdoor Show and the North Dorchester High School Senior Class Play. He encouraged the public to attend the Cambridge South Dorchester High School Senior Class Play which will be held soon.

Councilman Bradshaw made a motion, based on an employee request, to call the day after Thanksgiving "Native American Heritage Day." He said the State recognizes this Day. Councilmen Nichols, Travers, Satterfield and Price expressed concern about setting precedence. The motion failed with Councilmen Nichols, Travers, Satterfield and Price opposing.

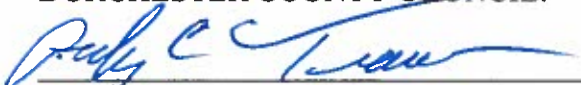
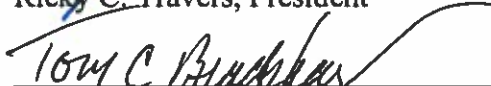
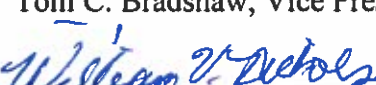
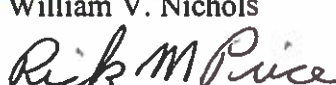

Councilman Bradshaw expressed his belief that House Bill 924 bears watching since it will negatively impact waterman. He said a rotational harvest for sanctuaries is necessary in order to clear sediment and remove older oysters so younger ones can flourish. He commended the organizations and winners at the Outdoor Show.

Councilman Travers referenced the various events this weekend in honor of the grand opening of the Harriet Tubman Underground Railroad Visitor Center. He also referenced the following events that will also be held over the weekend: Second Saturday downtown, the Cambridge South Dorchester High School Senior Play, Gun bash at Sailwinds and the American Legion Ham and Oyster Dinner at St. Paul's Church.

Councilman Travers announced that Members of the County Council will attend: 1) the Grand Opening of the Harriet Tubman Underground Railroad Visitor Center on March 10<sup>th</sup> at 1:30 p.m. in Church Creek; and, 2) a Retirement Luncheon on March 16<sup>th</sup> at noon at the High Spot Gastropub in Cambridge. He also announced that: 1) the County Council will sit as Board of Estimates for the purpose of conducting a Budget Work Session on March 16, 2017 at 5 p.m.; 2) the next County Council meeting will be held on March 21, 2017; and, 3) the Council reserves the right to meet in closed session prior to regular session. Mr. Goldman advised that Members of the County Council will attend a tour and a Historic Preservation event at the Phillips Packing House Building in Cambridge which U.S. Senator Ben Cardin will attend on Friday, March 10<sup>th</sup> at 11 a.m.

With no further business to discuss, the Council adjourned.

ATTEST:  
  
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Jeremy Goldman  
County Manager

DORCHESTER COUNTY COUNCIL:  
  
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Ricky C. Travers, President  
  
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Tom C. Bradshaw, Vice President  
  
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William V. Nichols  
  
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Rick M. Price  
  
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Don B. Satterfield

Approved the 21<sup>st</sup> day of March, 2017.