

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**August 20, 2013**

The County Council of Dorchester County met in regular session on August 20, 2013 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present were E. Thomas Merryweather, County Attorney, and Donna Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**EXECUTIVE SESSION**

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Voting in favor of the closed Executive Session were all Council members present at the beginning of that meeting.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Nichols led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council acknowledged that addition of a discussion regarding emergency repairs to the access control system at the Circuit Court House prior to publication of the agenda.

**APPROVAL OF MINUTES- AUGUST 6, 2013**

The Council approved the minutes of August 6, 2013 with an amendment to reflect the Council's motion relating to the filling of an at-large position on the County's Planning Commission.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

## FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$5,034,544.40.

## EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on August 20, 2013 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

Councilman Newcomb announced that the Council reconvened into Executive Session at 7:45 p.m. on August 6, 2013 to discuss a matter relating to personnel.

He further announced that the Council convened into an Executive Session meeting at 5:00 p.m. on August 20, 2013 to discuss the following items: 1) approved the request of Emergency Services Director to hire two individuals as on-call Basic Life Support providers and three individuals as Advanced Life Support providers by a 5 to 0 vote; 2) deferred the request of Finance Director to hire an individual to fill a vacant Fiscal Clerk position; 3) deferred a discussion about matters regarding the implementation of a policy relating to County employees; 4) denied the request of Economic Development Director to advertise a part time contractual Incubator Manager position by a 3 to 2 vote; 5) discussed a matter relating to the process of filling a vacancy on a County appointed Commission; 6) discussed a grant reimbursement request for a County economic development project-requested additional documentation; and 7) discussed with legal counsel a matter relating to the Landfill.

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

Councilman Newcomb recognized Dwayne Abt, the new Assistant Superintendent for Administration for Dorchester County Public Schools.

## **TRAFFIC SAFETY INITIATIVE-SCHOOL BUS VIOLATIONS-SHERIFF JAMES PHILLIPS**

Sheriff James Phillips asked the Council to consider adopting legislation to authorize the Dorchester County Sheriff's Office, in collaboration with the Board of Education, to place monitoring cameras on County school buses for the purpose of recording motorists committing violations related to the overtaking and passing of a school vehicle. Sheriff Phillips said these types of violations are increasing in frequency and often occur when students are either entering or exiting buses. He stated that he has been working with William Fleming, Transportation Manager, regarding this initiative, and explained that it is their intention to place cameras on three to five school buses, for a trial period of six months to one year. He further explained that the equipment will be placed on the buses that travel in the areas in which most incidents occur. Sheriff Phillips said if that pilot program is successful they will install cameras on additional school buses.

Based on an inquiry from Councilman Travers, Sheriff Phillips explained that if Council authorizes him to proceed through the passage of legislation, the next step will be to select a vendor, who will install the equipment. He said the vendor will then submit any photographs taken to the Sheriff's Office staff that will view them and advise the vendor if citations are to be mailed. He noted that once the citation is paid the vendor will maintain a percentage of those funds and submit the remainder to the County. He clarified that the State of Maryland does not receive a portion of those funds. Sheriff Phillips stressed that the cameras placed in the school vehicles will not calculate speed nor does he support the use of speed cameras in Dorchester County.

In response to a question from Councilman Newcomb, Mr. Abt expressed his understanding that the Dorchester County Board of Education supports the placement of cameras in school buses to monitor motorists who are overtaking or passing these vehicles.

Pursuant to a question posed by Councilman Price, Sheriff Phillips clarified that the cameras will only be placed on the school vehicles that travel in the areas in which most violations occur. He noted that the overtaking or passing of school buses is more frequent in the northern part of the County.

Based on a question from Councilman Bradshaw, Mr. Fleming expressed his belief that cameras will also be placed on buses which travel on Route 50 or Route 16, based on the data they have collected.

The Council approved the request of the Sheriff Phillips on behalf of the Sheriff's Office and the Board of Education, and agreed to proceed with introduction of legislation authorizing those entities to place monitoring cameras on County school buses. Councilmen Newcomb and Bradshaw abstained. The Council asked E. Thomas Merryweather, County Attorney, to prepare the legislation.

The Council acknowledged that Senate Bill 679, passed during the 2011 Maryland General Assembly Legislative Session, authorized the use of these cameras, effective October 1, 2011, if authorized by the governing body of a local jurisdiction by local law enacted after reasonable notice and public hearing.

Sheriff Phillips said upon passage of the legislation he will coordinate with the Council regarding implementation of the pilot program. He thanked the Council for their support of this project.

#### **MANAGERS COMMENTS**

##### **REED SECURITY SYSTEMS, INC. MAINTENANCE AGREEMENT RENEWAL- CIRCUIT COURT-SHERIFF'S OFFICE**

The Council approved the request of Sheriff Phillips to waive bids and sole source with Reed Security Systems, Inc. to renew the service contract for the security system at the Circuit Court House at the cost of \$4,800, to ensure the continuity of equipment and maintenance because the company installed the original security camera and equipment. The Council acknowledged that the contract is for a 12 month period from September 1, 2013 to August 31, 2014.

##### **GRANT EXTENSION REQUEST-MD HERITAGE AREA AUTHORITY-HARRIET TUBMAN UNDERGROUND RAILROAD BYWAY-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to execute a Statement of Concurrence to amend the FY2010 Maryland Heritage Area Authority grant agreement for the project "Harriet Tubman Byway Interpretive Signage and Installation Program" dated February 9, 2010 to extend the project completion date to October 31, 2013 in order to complete site preparation, graphic production of the signs and signage replacement which were delayed due to rainy weather conditions.

##### **SUB-RECIPIENT AGREEMENT/LIEN CONTRACT-COMMUNITY DEVELOPMENT BLOCK GRANT-SALVATION ARMY-GRANT MONITOR**

The Council approved the request of Cindy Smith, Grant Monitor, to execute a Sub-Recipient Agreement with the Salvation Army, which serves as a formal Grant Award notice of a Community Development Block Grant (CDBG) in the amount of \$70,000, with no local match, for the renovation of the existing Salvation Army homeless shelter facility to expand its capacity, which Council accepted at its December 18, 2012 meeting. The Council also approved Ms. Smith's request to execute a Contract for Rehabilitation and Contractual Lien with the Salvation Army which outlines CDBG grant requirements. The Council acknowledged that this document will need to be recorded in the Land Records of Dorchester County.

#### GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARD- SCHOOL BUS SAFETY ENFORCEMENT-SHERIFF'S OFFICE

The Council approved the request of Ms. Smith, on behalf of the Sheriff's Office, to accept a FY14 Governor's Office of Crime Control & Prevention School Bus Safety Enforcement Program Grant Award, titled "Overtime Patrols," in the amount of \$26,000, with no cash or in kind match, to pay for overtime for deputies to enforce school bus safety laws for the period of July 1, 2013 to June 30, 2014. The Council agreed that the hours spent by deputies specific to this grant are exempt from the 171 hour over a 28 day period overtime threshold until the grant period ends or grant funds have been depleted. Council also reserved the right to review any future renewals to determine the policy regarding hourly pay for the provision of services in regard to overtime policies.

#### REQUEST TO WAIVE BIDS AND REPLACE/REPLENISH SAND AND GRAVEL IN POOL FILTERS-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to waive bids and sole source with Clearwater Pool and Spa Company for the replacement and replenishment of sand and gravel in each of the filters at the Dorchester County Pool at the cost of \$6,100 from the contractual services line item of the Recreation and Parks FY2014 Operating Budget. The Council acknowledged that Clearwater is the company that installed the filters and will complete this work in early September 2013 in conjunction with the annual winterization of the pool.

#### SURPLUS PROPERTY DECLARATION REQUEST-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to declare an approximately 4x4 table and a white board enclosed in a cabinet as surplus property. The Council acknowledged that Mr. Goldman will work with Tom Moore, Public Works Director, to store the items until the next surplus sale.

#### MAPLE DAM CULVERT REPAIR BID AWARD-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to award the bid for the replacement of a culvert on Maple Dam Road, which was damaged during Hurricane Sandy, to Kelly's Excavating, the lowest bidder, at the cost of \$25,800. The Council recognized that 75% of the funding for this project will be provided by the Federal Emergency Management Agency with budgeted Public Works Department funds covering the remaining cost.

#### GYPSY MOTH SPRAYING COST ESTIMATES LETTER OF ACCEPTANCE- PARTICIPATION-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Robert L. Tatman, Program Manager, to participate in the Maryland Department of Agriculture's Forest Pest Management (FPM) Program for identification and control of gypsy moth populations for Dorchester County

and its citizens. The Council acknowledged that, based on information relating to gypsy moth populations and trends in Dorchester County, up to 75 surveys will be conducted at an estimated County cost of \$1,125, which represents a 50% cost share on local costs to perform these surveys on non-State land. Council further acknowledged that this amount does not include additional funds that may be needed for aerial spraying.

#### TIDAL WETLANDS DIVISION APPLICATION-MARYLAND BROADBAND COOPERATIVE

Councilman Newcomb said the Council received notification from Maryland Department of Environment Tidal Wetland Division staff that the Maryland Broadband Cooperative has filed an application to perform work in tidal wetlands to install a fiber optic communication cable network commencing in Dorchester County, across the Chesapeake Bay, through Calvert County and terminating in St. Mary's County.

The Council agreed to support Maryland Broadband Cooperative's application. Councilman Newcomb noted that the cable network will cross 1,377 linear feet of tidal waters in Dorchester County including Church Creek, Woolford Creek, Parsons Creek, Slaughter Creek, Chapel Cove and Saint John Creek and 6.24 miles of the Chesapeake Bay.

Mr. Coulson said internet access is sporadic in the Punch Island and Taylors Island area. He expressed his understanding that the fiber optic wire will improve that service, provided an internet provider hooks into that network, based on information Maryland Broadband Cooperative staff provided at a Dorchester County Shoreline Erosion Group meeting.

Gail Dean, a Staff Writer for the Dorchester Star said earlier in the day she attended a public hearing on this proposed project at which it was stated that the purpose for installing the fiber optic wire in Taylors Island is to provide the Department of Defense direct access to Wallops Island. She expressed her belief that it will not benefit residents who live outside of Taylors Island. She said it is her understanding that an internet service provider will have to separate the fiber optic wires in order to access them for public use.

The Council requested that an invitation be extended to W. Patrick Mitchell, President/CEO, Maryland Broadband Cooperative, to provide an update on the project at a future County Council meeting.

#### MARYLAND ENVIRONMENTAL TRUST CONSERVATION EASEMENTS

The Council approved a request from Glenn Carowan for a proposed conservation easement donation on his 41.829 acre property located on Griffith Neck Road to the Maryland Environmental Trust. The Council acknowledged that the easement may provide a 15 year tax credit on the land. The Council further acknowledged that the impact to the County's property tax base will be \$2,900 and that the properties, which are

zoned Agricultural Conservation, are not in a priority funding area, municipal growth area or in a planned water or sewer service area. Additionally, Council acknowledged that an Eastern Shore Land Conservancy easement has been placed on a neighboring parcel.

The Council also approved a request from Chris and Elizabeth Nagel for a proposed conservation easement donation on their 58.89 acre property located on Whiteley Road to the Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc. The Council acknowledged that the easement may provide a 15 year tax credit on the land. The Council also acknowledged that the impact to the County's property tax base will be \$259 and that the property which is zoned Agricultural Conservation, is not in a priority funding area, municipal growth area or in a planned water or sewer service area.

#### MID SHORE MENTAL HEALTH SYSTEMS BOARD APPOINTMENT

The Council approved the written request of Holly R. Ireland, Executive Director, to reappoint Jake Frego as Dorchester County's representative of the Board of Directors for Mid-Shore Mental Health Systems, Inc. for a four year period with a term expiration date of October 31, 2017.

#### EMERGENCY REPAIRS-ACCESS CONTROL SYSTEM-CIRCUIT COURT HOUSE-SHERIFF'S OFFICE

Based on information provided by Sheriff Phillips, the Council approved the repair of the access control system in the prisoner area of the Circuit Court House, which was damaged during a storm, at the cost of \$2,765.94.

#### PUBLIC COMMENTS

In response to a question from Bruce Coulson, resident, Councilman Newcomb noted that aerial spraying for mosquito control will be conducted this evening in Crapo, Toddville, Bishops Head, Crocheron, Lakesville, Wingate, Andrews/Wesley, Robbins, Hoopers Island and in Swan Harbor.

Pursuant to an inquiry from Wendell Foxwell, a Dorchester County resident, Mr. Moore explained that State of Maryland staff has determined that the land that was occupied by the Bestpitch Ferry Boat Ramp facility is privately owned by Harry Hughes and is not owned by the State. He explained that due to that determination the County no longer maintains that facility.

Mr. Foxwell commended the Council for its August 6, 2013 decision to reimburse Habitat for Humanity Choptank (Habitat) for the excise tax that entity paid for a property on which improvements have been constructed and that will be transferred to a County resident. He expressed his belief that the Council should also approve future excise tax reimbursement requests from Habitat, which utilizes volunteers and donations to build affordable homes for residents and in turn increases the County's property tax base.

He also commended Councilman Bradshaw on his letter to the editor regarding water quality issues which was in a recent local news publication.

In response to a question from Jason Herbert, a County employee, Councilman Newcomb noted that at Council's directive, Department Heads have provided information regarding the implementation of the County's "No Smoking or Use of Tobacco Products-Dorchester County Employee's" policy and that Council has preliminary reviewed their responses and will discuss them at a future meeting.

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

Councilman Nichols said he attended the Maryland Association of Counties Summer Conference last week during which several elected officials from other local jurisdictions throughout the State commended the Dorchester County Council for establishing the Clean Chesapeake Coalition to ensure that the Environmental Protection Agency Total Maximum Daily Loads and Watershed Implementation Plan are based on scientifically sound data and are financially feasible without adversely impacting taxpayers. He said he proudly advised them that all five Council members voted to proceed with this initiative. He explained that he spoke to several elected officials about joining the Coalition. Councilman Nichols expressed his understanding that a group of elected officials in other local jurisdictions and watermen have created a new coalition to protest the new menhaden catch limit regulations.

Councilman Bradshaw noted that he also attended the conference. He said a seminar was held on proposed Maryland Department of Environment accounting for growth policy regulations that will be introduced in September 2013 with a potential effective date in December 2013. He expressed his understanding that the regulations will place more restrictions on economic development activity in rural areas and will usurp local land use authority. Councilman Bradshaw also said it is his understanding that the proposed policy does not take into account that the Conowingo Dam reservoirs are responsible for a large majority of the pollution in the Chesapeake Bay.

Based on a motion made by Councilman Bradshaw, the Council agreed to send a letter in opposition to the Maryland Department of Agriculture's proposed regulation to require the use of a new Phosphorus Management Tool (PMT) to measure phosphorus during the preparation of nutrient management plans for farms in lieu of utilizing a Phosphorus Site Index, in light of the adverse affect it will have on local poultry farmers and Amick Farms, which is in the process of expanding its Hurlock facility. Councilman Bradshaw said there will be a public hearing on the proposed regulations on August 28, 2013 and that the Maryland Farm Bureau is offering transportation to that hearing.

Councilman Price said he also attended the conference and expressed concern about MDE's proposal to establish new accounting for growth policy regulations.

Based on a motion made by Councilman Price, the Council agreed to amend its invitation to the Department of Natural Resource staff to invite them to attend its November 5, 2013

meeting to discuss the commercial license fee increase that was implemented this year to include a request on behalf of local watermen to allow hand tonging during the fall oyster season in the areas of the Choptank River and Little Choptank River that are currently restricted from such activity.

Councilman Price said he joined residents and other elected officials last week at the Dover Bridge to hear Governor Martin O'Malley's announcement that a new bridge will be constructed. He expressed his understanding that construction will commence in June 2014 and that it be a high level fixed span structure. He opined that the replacement of the 81 year old bridge is long overdue, noting that it has been prone to mechanical malfunctions and has delayed emergency responders from transporting patients to local hospitals.

Councilman Newcomb announced that the next County Council meeting will be held on September 3, 2013.

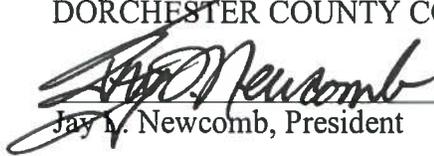
With no further business to discuss, the Council adjourned.

ATTEST:

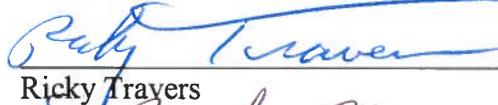
  
Jane Baynard, County Manager

Donna FLane  
Executive Administrative Specialist

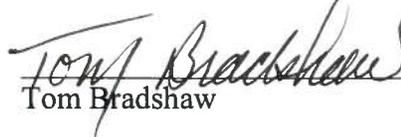
DORCHESTER COUNTY COUNCIL:

  
Jay V. Newcomb, President

William V. Nichols, Vice President

  
Ricky Travers

  
Rick Price

  
Tom Bradshaw

Approved the 3rd day of September, 2013.