

County Council of Dorchester County
Regular Meeting Minutes
July 1, 2014

The County Council of Dorchester County met in regular session on July 1, 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 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; 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.

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 approved the following additions to the agenda: a request to advertise a full time Emergency Medical Services Manager position; a letter of support request for a development; a shoreline stabilization discussion; and an excise tax reimbursement request.

APPROVAL OF MINUTES- MAY 20, 2014 AMENDMENT, JUNE 17, 2014

The Council approved the amended minutes of May 20, 2014 and the minutes of June 17, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market and Councilman Price opposing the 508 funding disbursements.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$6,585,460.06.

FY14 BUDGET AMENDMENT REQUEST-BOARD OF EDUCATION

The Council approved the FY2014 Operating Budget Transfer request of Dr. Henry Wagner, Superintendent of Schools, to transfer: 1) \$40,000 from Administration to Mid Level Administration due to higher than anticipated expenses for administrator's professional development activities and communication services between buildings; 2) \$50,000 from Instructional Salaries to Textbook & Instructional Supplies due to changes in curriculum which resulted in increased expenses; and 3) \$108,000 from Fixed Charges to Operation of Plant (\$25,000) due to an increase in the need for custodial supplies, Maintenance of Plant (\$75,000) to cover unexpected repairs to HVAC systems, main water line breaks and well pump systems which were not covered by insurance and Capital Outlay (\$8,000) to order a feasibility study of the mechanical and electrical systems of South Dorchester PreK-8 School.

The Council also approved Dr. Wagner's request for a FY14 Operating Budget Re-alignment to health insurance to cover up to \$450,000 in health insurance claims expenses that will be recorded through the Eastern Shore of Maryland Educational Consortium Health Insurance Alliance rather than the Board's financial records; and to recognize increases in revenues and related increases in Instructional Salary expense due to stipends paid by the Maryland State Department of Education to 98 of the public school system's teachers who met the requirements of the Advanced Professional Certificate and the National Board Certification programs.

The Council acknowledged that the Board of Education approved the FY14 Operating Budget Amendment and Transfer request at its June 19, 2014 meeting.

FY15 CATEGORICAL BUDGET REQUEST/ANNUAL BUDGET CERTIFICATION STATEMENT-BOARD OF EDUCATION

The Council approved the Board of Education's FY15 Categorical Budget totaling \$55,718,297 based on the County's FY15 allocation to the Board of Education of \$18,531,907 for operating expenses and \$211,000 for capital expenses and agreed to execute the FY 2014 Annual Budget Certification Statement.

FY14 BUDGET TRANSFER REQUESTS-FINANCE

The Council approved the following FY14 budget transfers: 1) from Steve Dodd, Planning and Zoning Director, to transfer \$15,000 in excess legal funding to other expenditure accounts with insufficient funding; 2) from Jeremy Goldman, Emergency Services Director, to transfer \$21,550 in excess funding in telephone expense to various other expenses with insufficient funds, principally electric and contractual; 3) from Scott Eberspacher, Recreation and Parks Director, to transfer \$6,800 from accounts with excess funding into accounts where actual costs exceeded approved funding; 4) from Steve Mills, Warden, to consolidate \$32,000 in medical and mental

health expenses to address cost overrun in medical; 5) from Tom Moore, Public Works Director, to transfer Landfill Division funding of \$28,500 into the Old Beulah cost center to cover amounts spent for which no funding was budgeted at beginning of year out of savings in fuel oil and for additional funding in "other materials" for cost overruns, out of savings in repair and maintenance; 6) from Mr. Moore to transfer Highway Division funding of \$36,500 to fund unanticipated costs in repairs, electric, spraying for weeds, etc from excess funding in other various expense categories; and 7) from Karin Kuntz, Elections Director, to transfer \$7,000 for the salary of Genevieve Cannon from equipment rental to State Employee Expense Reimbursement.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on July 1, 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 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; 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 below.

Action taken at the closed session: 1) discussed a matter regarding a proposed economic development project; 2) discussed a request to purchase a County owned property; 3) discussed a request for support of an economic development project-agreed to discuss in open session; 4) discussed a request to utilize a County owned property; 5) approved request of Warden to fill three vacant Correctional Officer positions by a 5 to 0 vote; 6) approved request of Emergency Services Director to fill a full time Emergency Medical Services Manager position by a 5 to 0 vote-agreed to consider a request to advertise in open session; 7) approved request of Public Works Director to fill a vacant Motor Equipment Operator IV position by a 5 to 0 vote and agreed to advertise the position in-house; 8) discussed with legal counsel a matter relating to a County right-of-way and shoreline stabilization-agreed to discuss in open session; 9) discussed with legal counsel a matter relating to the reimbursement of a grant; 10) discussed with legal counsel an inquiry regarding the County's excise tax-agreed to discuss in open session; 11) discussed with legal counsel a matter relating to a grant; 12) discussed with legal counsel a matter relating to the renewal of a lease for County owned property; 13) discussed with legal counsel a matter relating to a County owned marine facility; 14) discussed with legal counsel various legal issues relating to County owned property and proposed economic development projects.

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

MANAGERS COMMENTS

FARM LEASE-BOBTOWN ROAD-PUBLIC WORKS

The Council agreed to enter into a farm lease with Terry Wolf King and Jeff King for a four acre County owned property located on the north side of Bobtown Road at \$90 an acre commencing on January 1, 2014 and ending on December 31, 2014.

REVISED FAA MASTER AGREEMENT-AIRPORT IMPROVEMENT PROGRAM GRANT-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, and Bob Tenanty, Airport Manager, to execute a revised Federal Aviation Administration Master Agreement accepting the terms and conditions of Airport Improvement Grants for the Cambridge Dorchester Airport. The Council acknowledged that the changes are minor and mostly reflect federal legislation that was adopted between 2008 and 2013.

FY15 WATERWAY IMPROVEMENT FUND ACCEPTANCE-PUBLIC WORKS

The Council approved the request of Mr. Moore to accept a Department of Natural Resources FY15 Waterway Improvement grant in the amount of \$50,000 with no local match for general maintenance of the County's marine facilities.

LEASE EXTENSION-GOLDEN HILL TRANSFER STATION – GOOTEE'S MARINE

The Council agreed to renew its lease with Gootees Marine, Inc. for one acre located in Golden Hill for use as a landfill transfer station for a two year period for an annual rent of \$6,000 which lease will commence on July 1, 2014 and end on June 30, 2016.

BID AWARD-FOOD SERVICES-DEPARTMENT OF CORRECTIONS

The Council approved the recommendation of Steve Mills, Warden, to award the bid for food service at the Detention Center to Aramark Correctional Service, which submitted the best per meal price. The Council acknowledged that the average range of meals is 120-129.

Councilman Travers questioned whether food costs will decrease utilizing the new vendor. Warden Mills explained that when he applied the per meal price provided by Aramark with the per meal price paid to the current vendor for meals during the month of June 2014, the total cost was reduced by half.

Based on a question posed by Councilman Price, Warden Mills said the cost per meal increases when less meals are served, noting that pursuant to Aramark's scale those costs fluctuate when meals are reduced by 10 while the current vendor uses 25.

In response to a question from Councilman Newcomb, Warden Mills advised that the current inmate population is 117.

FY14 EMERGENCY MANAGEMENT PERFORMANCE GRANT-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to accept a FY14 Emergency Management Performance Grant award of \$71,739 from the Federal Emergency Management Agency via the Maryland Emergency Management Agency to be used to support local emergency management operations and to execute Sub-recipient Agreements and other grant documents. The Council acknowledged that the 100% match is covered through a 911 surcharge and expenses and requires no monies from the County's General Fund. Additionally, the Council acknowledged that the grant period is October 1, 2013 to June 30, 2015.

2015 HEALTHY FAMILIES GRANT APPLICATION RENEWAL REQUEST – LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, on behalf of the Dorchester Community Partnership for Children and the Dorchester County Health Department, to accept a FY15 Healthy Families grant renewal in the amount of \$363,132. The Council acknowledged that: 1) this is a "pass through grant" to the Dorchester County Health Department; 2) Health Department staff will offer support to children from infancy and their families primarily in their homes; and 3) the grant period is July 1, 2014 to June 30, 2015.

FY14 EMERGENCY SOLUTIONS GRANT APPLICATION – DELMARVA COMMUNITY SERVICES

The Council approved the written request of Michelle Nichols, Program Director, Community Action Program, Delmarva Community Services, Inc. to submit a U.S. Department of Housing and Urban Development FY14 Emergency Solutions Grant application to the Department of Housing and Community Development and the Division of Neighborhood Revitalization for funds in the amount of \$145,000 which includes \$65,000 in Federal funds and \$80,000 in State matching funds with no County financial commitment. The Council acknowledged that the funds will be used to provide assistance to individuals and families who are homeless or in jeopardy of homelessness through the Community Action Center.

CONFIRMATION OF APPOINTMENT – DORCHESTER COUNTY PROPERTY TAX ASSESSMENT APPEAL BOARD

The Council confirmed Governor Martin O'Malley's reappointment of Gerald B. Testerman to the Dorchester County Property Tax Assessment Appeal Board for a five year term to commence

on June 2, 2014 and expire on June 2, 2019. The Council acknowledged its June 3, 2014 decision to nominate Mr. Testerman for reappointment.

Based on a motion made by Councilman Newcomb, the Council agreed to reappoint Robert Jones to the Seafood Reconciliation Committee and acknowledged that his term will expire on November 8, 2016.

REQUEST TO UTILIZE LOBBY-OUTSIDE PATIO - COUNTY OFFICE BUILDING - UNIVERSITY OF MARYLAND EXTENSION OFFICE

The Council approved the written request of Sara Rich, Area Extension Director, University of Maryland Extensions Office, to use the lobby and outside patio of the County Office Building, weather permitting, on October 28, 2014 from 5:30 p.m. to 7:30 p.m. for an Extensions' Office open house.

SHORELINE STABILIZATION DISCUSSION

E. Thomas Merryweather, County Attorney, said the shoreline where the County's extended right-of-way of Bayview Avenue meets the Choptank River is in a severe state of erosion and if it continues the County road in that area will deteriorate. He explained that the County obtained that right-of-way in the 1920s, which is approximately 50 to 60 feet in width. He further explained that Peter Kallop, an adjoining property owner, has agreed to pay for the stabilization of the shoreline at his own expense.

The Council accepted Mr. Kallop's offer to pay for the stabilization of the shoreline at his own expense contingent upon the receipt of a certificate of insurance from the contractor who will perform this work naming the County as an additional insured party. The Council acknowledged that a Critical Area Buffer Management Plan was prepared for this work and that the impact to the buffer must be mitigated by the planting of four trees. The Council further acknowledged that the trees will be planted on the back lot of the County's Handley Road property or on another County owned property at the cost of \$500 and that there is a special fund for planting from which monies can be used to cover this cost.

REQUEST TO ADVERTISE A FULL TIME EMERGENCY MEDICAL SERVICES MANAGER POSITION

The Council approved the request of Jeremy Goldman, Emergency Services Director, to advertise an Emergency Medical Services Manager position in-house and in a local news publication(s).

REQUEST FOR EXCISE TAX REIMBURSEMENT

The Council denied the request of Nancy Andrew, Executive Director, Habitat for Humanity Choptank, for the retroactive reimbursement of County excise tax which was paid for a property located at 501 Edgewood Avenue in Cambridge, Maryland. The Council acknowledged that the tax was paid in December 2013.

LETTER OF SUPPORT REQUEST FOR A PROPOSED TRAFFIC CIRCLE FOR A DEVELOPMENT

The Council agreed to send a letter in support of the proposed Waterford Estates development, an Active Adult Community, which will include the installation of a roundabout on Route 343. The Council recognized that the developer is not seeking any County funding for this project.

OTHER

The Council agreed to add a request of Jerome Harris to utilize County property in Vienna.

REQUEST TO UTILIZE COUNTY PROPERTY IN VIENNA

The Council denied the request of Mr. Harris for Recreation and Parks to assume responsibility for the County owned property, with a legal description of W/S MD Route 331 (Tax Map 56, parcel 63), consisting of 4.61 acres, in Vienna and to develop and maintain it as a public park based on concerns expressed by Recreation and Parks staff.

PUBLIC COMMENTS

There were no public comments.

COUNCIL'S COMMENTS/ADJOURNMENT

In response to an inquiry from Councilman Nichols, Mr. Moore said he will have staff check as to whether the project on Crochern Bishop Road has been completed.

Councilman Price clarified that he voted against the distribution of 508 funding because funds were not provided to Secretary Volunteer Fire Company.

Based on an inquiry from Councilman Price, Mr. Moore explained that maintaining ditches in the County is an ongoing process. He explained that a list is maintained of those in need of clearing, which includes areas County staff and residents have identified. Councilman Price expressed his understanding that the ditch at Cabin Creek Hurlock Road needs to be cleaned. Pursuant to another inquiry from Councilman Price, Mr. Moore explained that mowing is being conducted, almost on a daily basis, noting that due to recent rain fall grass in the northern part of the County seems to have grown quicker than in other areas.

In response to a question from Councilman Price, Mr. Moore said he has not received any correspondence from the State Highway Administration regarding the FY2014 State Highway One-Time Grant application the Council submitted for funding for pothole and other road repairs that are necessary due to winter weather damage. He expressed his understanding that the funds are to be used to only pave portions and not entire road surfaces. He said he has asked staff to obtain clarification on how those funds can be utilized. Councilman Newcomb noted his understanding that those funds were to be distributed by June 30, 2014.

Based on a motion made by Councilman Travers, the Council agreed to send a letter to the State Highway Administration requesting that bicycle lanes be installed on the State owned roads from south of Key Wallace Drive to Gootees' Marina since many local residents use these roads for cycling in addition to athletes during triathlon events. Council agreed to copy Governor Martin O'Malley on that correspondence since in the past State Highway Administration staff have expressed concerns about limitations due to Maryland Department of Environment regulations.

Councilman Newcomb said several members of the community expressed concern about the actions of some of the participants during the last several triathlon events that were held in the County. He explained that an Ironman representative will be at the Old Salty's Restaurant on July 13, 2014 at 2 p.m. to address any concerns and to answer any questions the public may have regarding cycling in the County, including those events.


Councilman Newcomb announced that the next County Council meeting will be held on July 15, 2014.

With no further business to discuss, the Council adjourned.

ATTEST:




Jane Baynard, County Manager


Donna F Lane
Executive Administrative Specialist


DORCHESTER COUNTY COUNCIL:




Jay L. Newcomb, President




William V. Nichols, Vice President



absent
Ricky Travers



Rick Price



Tom Bradshaw

Approved the 15th day of July, 2014.