

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**July 21, 2015**

The County Council of Dorchester County met in regular session on July 21, 2015 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 E. Thomas Merryweather, County Attorney; Jeremy Goldman, Acting County Manager; 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 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; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §3-305(b)(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 Soil Conservation Technician position; a tower lease extension request and a discussion on "Water Moves Us" Branding.

**APPROVAL OF MINUTES- JULY 7, 2015**

The Council approved the minutes of July 7, 2015.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers with Councilman Travers abstaining for payments made to Simmons Center Market.

## **FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$6,973,060.68.

## **EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on July 21, 2015 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, 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; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §3-305(b)(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 an amendment to a policy pertaining to County employees; 2) approved the request of Soil Conservation Director to fill a grant funded Soil Conservation Technician position and agreed to consider a request to advertise in open session by a 5 to 0 vote; 3) approved the request of the Planning and Zoning Director to hire an individual to fill a vacant Planning and Zoning Technician position by a 5 to 0 vote; 4) discussed matters relating to County properties acquired via tax sale; 5) discussed the potential assumption of real property; 6) discussed with legal counsel a matter relating to branding-agreed to discuss in open session; 7) discussed with legal counsel a matter relating to a County owned property; and 8) discussed with legal counsel a request to extend a lease agreement-agreed to discuss in open session.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

## **REGULAR SESSION**

### **MEETING WITH MARYLAND ASSOCIATION OF COUNTIES REPRESENTATIVES**

Michael Sanderson, Executive Director, Maryland Association of Counties (MACo), and Isiah "Ike" Leggett, MACo President and Montgomery County Executive joined the meeting.

Mr. Leggett thanked the Council for the opportunity to speak on behalf of MACo. He said part of MACo's mission is to provide leadership and support to county governments in the State to address the challenges they are facing, including those related to transportation, local land use authority, education and maintenance of effort. Mr. Leggett said in the past year of transition, MACo representatives have tried to provide consistent leadership and respond to challenges locally.

Mr. Sanderson said he is pleased to serve as Executive Director and noted that MACo provides members information and enrichment through conferences and events and services for them to utilize to improve service and reduce expenses. He provided the Council with a list of MACo legislative session highlights and welcomed the Council to provide their input on what legislation to purchase during the 2016 legislative session. Mr. Sanderson expressed his belief that the 2015 legislative session was successful, noting there was a new administration and influx of new members of the General Assembly last year. He said during this legislative session multiple bills were introduced to restore highway user revenues to county governments which MACo supported, which did not pass. He advised that there was a hearing earlier today in Annapolis regarding transportation, including local and transit projects. Mr. Sanderson stressed the need for restoration of highway user revenues to county governments for local roads and bridges.

Mr. Sanderson said there is still a structural deficit in the State budget plan; however, that figure is substantially more manageable than in the last couple of years, particularly in light of the proposals made by Governor Larry Hogan.

He noted that MACo represented county members' interest on a range of environmental subjects, including the clean up the Chesapeake Bay as driven by the U.S. Environmental Protection Agency. He referred to the new nationwide rule recently implemented by this agency, which extends its authority beyond navigable waters.

Mr. Sanderson expressed his belief that Mark Belton, Secretary, Maryland Department of Natural Resources and Ben Grumbles, Secretary, Maryland Department of Environment are interested in economical ways to clean up the Chesapeake Bay. He noted that in 2017 the State will assess its clean-up efforts and the Chesapeake Bay pollution "diet" goals will be recalibrated. Mr. Sanderson stressed the need to factor in the pollution that is coming from Pennsylvania and New York.

He referenced the Maryland Court of Appeals opinion in the DeWolfe v. Richmond case that pursuant to the Public Defender Act representation during the bail-hearing portion of the initial appearance before the District Court Commissioner is required. He cited the negative impact this had on the Public Defenders' Offices, local governments, the State and taxpayers due to lengthened stays and overflow at local jails. He advised that MACo is committed to working with local wardens in opposing this requirement.

Mr. Sanderson noted that MACo staff has established an Other Post-Employment Benefits Investment Trust to assist local governments in investing funds towards future obligations for these benefits.

Mr. Sanderson said he looks forward to seeing the Council members at the MACo Summer Conference in August in Ocean City, noting another session may be added. In response to an inquiry from Councilman Nichols, Mr. Sanderson expressed his belief that another shift to local governments to address the Maryland State pension system deficit will not be necessary due to the recovering economy. He opined that there is insufficient State support for a shift to an employee contribution system which will be problematic due to reduced participation. Mr. Leggett advised that in the mid-90s

Montgomery County moved from a defined benefit system to a contribution system. He noted that two-thirds of this local government's employees are currently in that system which has achieved a savings.

Councilman Price referenced the Governor's recent announcement that "red line" transit project will not move forward and questioned whether there is any indication if those funds will be redirected to address local government needs. Mr. Sanderson expressed his understanding that a portion of these funds are being directed for improvement projects throughout the State. He stated that Governor Hogan has said the restoration of highway user revenues will be a priority. Mr. Leggett noted that Prince George's County and Montgomery County have increased their local contribution for transit projects in those jurisdictions in light of the State funding changes.

In response to an inquiry from Councilman Price, Mr. Leggett said the projected impact the U.S. Supreme Court decision in the *Comptroller v. Wynne* case will have on local governments in the State is \$200 million. He said if all of the claims for additional credits for Maryland resident's out-of-state income are perfected, Montgomery County's share will be \$115 million in past credits and \$25 million to \$30 million going forward.

Mr. Sanderson expressed his belief the impact equals 1% of county real estate tax income annual yield, noting that there will be significant impacts to those jurisdictions which have a density of high out-of-state income earners. He explained that Pennsylvania, Virginia and West Virginia have reciprocal agreements so only one filing is required unlike Delaware.

Councilman Bradshaw referenced Mr. Sanderson's prior statements regarding his belief Secretary Belton and Secretary Grumbles focus on economical ways to improve the Bay. He questioned if this may result in the re-opening of certain oyster sanctuaries for harvest. Mr. Sanderson noted that Secretary Belton attended the recent MACo Legislative Committee meeting during there was a 15 minute discussion on oysters. Councilman Bradshaw noted that the oyster population and catch has increased. He stressed the need for new areas to be identified for watermen to harvest which will benefit the Bay.

In response to a question from Councilman Travers, Mr. Sanderson said he had not heard about any efforts to introduce legislation in during the 2016 session to restore highway user revenues. Mr. Leggett noted that the Governor can take action to restore these funds by including them in the state budget in lieu of legislation.

Pursuant to an inquiry from Councilman Satterfield, Mr. Sanderson said he is unable to predict whether or not funding for dredging will be made available to local jurisdictions. He explained that MACO held a Chesapeake Checkpoint event at a county park in Annapolis a couple of weeks ago and both the MDE and DNR Secretaries spoke for approximately 20 minutes each. He said he was encouraged by Secretary Belton's references to local partnerships. Mr. Sanderson noted that Secretary Grumbles is new to the Chesapeake Bay area and spoke about how to maximize resources to improve the health of that waterway.

Senator Adelaide Eckardt said this morning she met with Secretary Grumbles and spoke to him about the following: 1) dredging and shoreline issues; 2) his focus on improving the planning process, including response times; and 3) his interest in addressing non-tidal wetlands. She encouraged the Council to invite him to meet with them to discuss environmental issues.

Senator Eckardt advised that Secretary Belton has indicated his willingness to meet with local government officials to discuss various issues. Councilman Travers said there are a number of areas in need of dredging within the County and that perhaps Council should invite some of the State secretaries to view those areas. Senator Eckardt expressed her belief they would be amicable with that plan.

Senator Eckardt said she is supportive of the restoration of highway user revenues to local jurisdictions. She suggested Council consider identifying the number of state roads Dorchester County assumed maintenance responsibility for several years ago. Councilman Travers noted that Dorchester County residents pay fuel tax and stressed that those revenues should be utilized locally. Senator Eckardt thanked the Council for sending the transportation priority list to the local legislators which the Governor is reviewing.

The Council thanked Mr. Sanderson and Mr. Leggett.

## **MANAGERS COMMENTS**

### **FY15 BUDGET TRANSFER REQUESTS-FINANCE**

The Council approved the following FY15 budget transfers submitted by Robert Willey, Assistant Finance Director, on behalf of County Department Heads and Elected Officials: 1) from Gwen Dales, Elections Director, to transfer \$4,400 from other categories with excess funding to cover unanticipated postage costs and mileage and other costs for two conferences; 2) from Brett Wilson, Circuit Court Judge, to transfer excess funding of \$949 from various line items to "office supplies" in order to purchase additional supplies; 3) from Jeremy Goldman, Emergency Services Director, to transfer excess funds of \$20,200 in the 911 Center budget from "regular salaries" to "overtime compensation" to cover a budget overrun; 4) from Mr. Goldman to transfer excess funds of \$28,700 in the 911 Center budget from various other accounts to cover cost overruns, primarily electric; 5) from Steve Mills, Warden, to transfer funds of \$48,000 from "regular salaries" to "overtime" to cover budget overrun; and 6) from Scott Eberspacher, Recreation and Parks Director, to transfer excess funding of \$6,000 from various line items in the recreational, seasonal and pool divisions within this department in other line items that are expected to incur overruns.

The Council also approved the following FY15 budget transfers submitted by Tom Moore, Public Works Director, for the Public Works Department divisions: 1) to transfer excess funds of \$71,500 in the Highway Division in various line items to cover unanticipated costs in road maintenance, snow plowing and drainage due to a harsh winter and wet spring; 2) to transfer various paving related projects in the amount of \$319,871 from the General Fund to the Capital Fund, which were not completed due to

weather and for which capital project authority and funds will not sunset until June 30, 2017; 3) to transfer \$4,000 in excess funds in the Maintenance Division budget from various line items to other line items where actual expenditures may exceed funding; 4) to transfer \$18,800 of unused funding in the Court House budget from the "other" line item into maintenance and utility accounts to cover unanticipated costs; 5) to transfer unused funding of \$22,500 in the Airport Division budget from fuel costs into "maintenance and repairs", "contractual" and "uniforms" which line items had inadequate funding; and 6) to transfer \$34,000 in excess funding from primarily the "contractual" line item in the Landfill Division budget to other line items where actual costs exceeded funding.

#### TRAVEL REQUEST-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, for authorization to travel to Washington, DC for the National Trust for Historic Preservation Conference from November 4 to November 6, 2015 at the estimated total cost of \$950.

#### FY15 MARYLAND HERITAGE AREAS AUTHORITY MARKETING GRANT PROJECT COMPLETION DATE EXTENSION REQUEST-TOURISM

The Council approved the request of Ms. Fenstermaker to execute a letter of amendment extending the FY15 Maryland Heritage Areas Authority Marketing Grant project completion date to December 31, 2015 to allow additional time to expend the funds.

#### FY16 GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARDS-SHERIFF'S OFFICE-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of the Sheriff's Office to accept the following FY16 Governor's Office of Crime Control & Prevention Grant awards: 1) Protective Order Entry/Service under the Domestic Violence Unit Program Fund in the amount of \$1,680, with no cash match, to support overtime for the entry of ex parte/protective orders into the METERS/NCIC database and the service of those orders; 2) Gun Violence Reduction Initiative under the STOP Gun Violence Reduction Grant-Cease Fire Council Program in the amount of \$10,000 with no local match, to be used for overtime support for implementing and developing strategies specifically intended to reduce gun related crime, including the attendance of Sheriff's Office personnel at gun bashes and auctions as well as visits to pawn shops and gun shops to locate stolen weapons; and 3) School Bus Safety Enforcement for funds to cover overtime pay for deputies to follow school buses and issue citations for those drivers who fail to stop when a school bus is loading or unloading passengers.

The Council agreed that the hours spent by deputies specific to these grants be exempt from the 171 hour over a 28 day period overtime threshold until the grant period ends or grant funds have been depleted. The 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 when providing an overtime threshold exemption.

#### REQUEST TO AMEND RESOLUTION FOR 911 ADVISORY BOARD- EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, as Emergency Services Director, and adopted a resolution to amend the Membership for 911 Advisory Board as follows: 1) removing an appointee from Shore Health Systems since this entity does not send a representative to attend these meetings; 2) adding an appointee from the Hurlock Police Department; and 3) automatically changing the names for the appointees for all entities once they are elected or appointed, i.e. Dorchester County Volunteer Firemen's Association.

#### CAPITAL PURCHASE REQUEST-FILTER-COUNTY POOL-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to expend FY16 Capital Funds in the amount of \$12,130 to sole source and purchase a spare filter for the County pool, which is compatible with existing plumbing, from Clearwater Pool & Spa Company, the County's contracted vendor for annual pool chemicals and service for filters.

#### REQUEST TO EXPEND CAPITAL FUNDS TO PURCHASE VEHICLE-LANDFILL- PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to expend FY16 Capital Funds to sole source and purchase a Ford F250 4WD Extended Cab Pickup for the Landfill Division from Hertrich Fleet Services, Inc. under the State Contract in the amount of \$34,279.

#### READY AT FIVE FUNDING AWARD-EARLY CHILDHOOD ADVISORY COUNCIL-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, on behalf of the Dorchester County Early Childhood Advisory Council, to accept \$1,500, with no local match, from the Ready at Five Organization to conduct Learning Parties which are interactive, hands-on parent/child "parties" that promote young children's development of school readiness skills. The Council acknowledged that Dorchester Community Partnership/Local Management Board will provide the oversight of the parties in cooperation with the Early Childhood Advisory Council.

#### FY16 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT- DEPARTMENT OF HEALTH AND MENTAL HYGIENE

The Council approved the written request of Roger Harrell, Health Officer, Dorchester County Health Department, to execute the FY16 Funding Agreement between the County and the Department of Health and Mental Hygiene totaling \$698,250 to provide local health services at the Health Department. The Council recognized that County funds are equal to the appropriation in the County's FY16 budget.

#### COUNTY REPRESENTATION-HOUSING TASK FORCE

The Council agreed to select the following individuals to represent Dorchester County on the Housing Task Force, which is a part of the Pine Street Small Area Plan that was prepared for the City of Cambridge: Acting County Manager, Grant Monitor, Councilmen Nichols and Satterfield. The Council also agreed to designate Councilman Price as an alternate member. In response to an inquiry from Councilman Price, Acting County Manager Goldman said there are potential opportunities for other communities in the County to participate in a plan to improve housing.

#### BOARD APPOINTMENT-UPPER SHORE WORKFORCE INVESTMENT BOARD

The Council approved the request of Daniel P. McDermott, Executive Director, Upper Shore Workforce Investment Board, to reappoint Gale Collins and Heather Hillaert as private sector representatives to the Board and Phillip Bramble to serve as a representative of the K-12 school system in his capacity as member of the Dorchester County School Board. The Council acknowledged that their terms will expire on June 30, 2018.

#### FY16 CLEAN CHESAPEAKE COALITION PARTICIPATION-BUDGET CONTRIBUTION

The Council agreed to continue its participation in the Clean Chesapeake Coalition and to contribute funding towards the coalition's FY16 budget in the amount of \$25,000.

#### COUNTER OFFER TO PURCHASE TAX SALE PROPERTY-5124 RIVER ROAD

The Council recognized Jonathan Newell's acceptance of its counter offer of \$4,000 to purchase 5124 River Road, Hurlock, Maryland, Property No. 12-006772. The Council agreed to sell the property to him "as is" for that amount.

#### LEASE AMENDMENT CONFIRMATION-SHORE UP-824 FAIRMOUNT AVENUE CAMBRIDGE

The Council confirmed the execution of a First Amendment to the lease agreement between the Council and Shore Up, Inc. for 824 Fairmount Avenue, Cambridge, reserving three, and not two rooms, on the west wing of the building on the premises for County use.

#### REQUEST TO ADVERTISE-SOIL CONSERVATION TECHNICIAN POSITION

The Council agreed to advertise a grant funded Soil Conservation Technician position in-house and in local news publication(s) concurrently.

#### TOWER LEASE EXTENSION-316 CEDAR STREET-T-MOBILE NORTHEAST LLC

The Council approved the request of Mr. Goldman to enter into an Extension of Tower Lease with T-Mobile Northeast, LLC for space on the County owned tower located at 316 Cedar Street, Cambridge, Maryland, from October 1, 2015 to October 1, 2020. The



Council acknowledged that the agreement includes three five-year renewal options and annual monthly rental increases of 3%.

#### **“WATER MOVES US” BRANDING DISCUSSION**

The Council agreed that Department Heads should be advised to move forward with implementation of the “Water Moves Us” Brand in their departments, including the use of the logo on stationary.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **COUNCIL’S COMMENTS/ADJOURNMENT**

The Council agreed to appoint Jeff King to the Planning Commission as the District 4 representative with a term expiration date of June 6, 2020 to replace David Andrews. Councilman Price recognized Mr. Andrews for his service on that board.

Councilman Price advised Council that a resident has expressed concern that the regulations outlined in Section 155-50(A)(1)(d) entitled “Size of Accessory Structures” of the County Code may be too restrictive for property owners. Based on his motion, the Council agreed to ask the Planning Commission to: 1) review these regulations; 2) investigate Board of Appeals cases relating to the size of residential accessory structures; 3) survey neighboring counties on how they regulate these structures; and 4) provide a recommendation on whether or not these regulations should be revised or eliminated. In response to an inquiry from Councilman Bradshaw, Councilman Price explained a farmer wants to place a pole or storage building on his farm and has been referred to this section. He further explained that Steve Dodd, Planning and Zoning Director, suggested the referral to the Planning Commission.

Councilman Price referenced the use of the County’s reverse 911 system during a recent water outage in the Town of Hurlock and the lack of cell phone numbers in that system. After being advised by Councilman Travers and Mr. Goldman that efforts will be made to seek cell phone numbers from residents, officials and businesses, Councilman Price withdrew his motion to seek this information.

In response to residents’ concerns expressed by Councilman Price, Mr. Moore said he will advise staff that the cardboard recycling container at the Secretary Transfer Station needs to be checked periodically.

Councilman Price said there will be a Veterans Connect event on August 21, 2015 at 9 a.m. at Post 91 during which representatives from the Congressman Harris’ office as well as private agency representatives will address questions and concerns.

Councilman Satterfield commended Public Works staff on the improvements they made to roads in the southern part of the County, including cold patching.

Councilman Travers said he spoke to State officials who advised that: 1) another mosquito count will be conducted soon; 2) areas in the County may possibly be aerial sprayed by the first of next week; 3) it is their intention to spray after all of the mosquitoes are released.

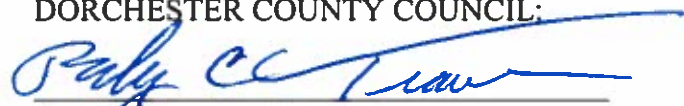
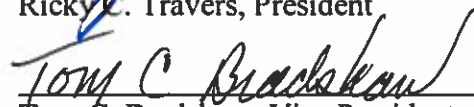

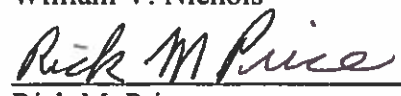
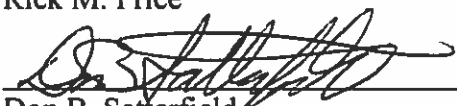
In response to an inquiry from Councilman Travers, Mr. Moore advised that Mallard Cove is on the current tar and chip schedule.

Councilman Travers said it is his understanding that Shore Health has scheduled a meeting update on the strategic plan for the Dorchester hospital facility tomorrow. He stressed the need for County representation at this meeting. Mr. Goldman said he will obtain further information about this meeting.

Councilman Travers announced that: 1) members of the Dorchester County Council will attend a dinner meeting with the Cambridge City Council on Tuesday, July 28, 2015 at 6 p.m. at Jimmie and Sooks Restaurant; 2) the next County Council meeting will be held on Tuesday August 4, 2015 at 6 p.m.; and 3) the Council reserves the right to meet in executive session prior to regular session.

With no further business to discuss, the Council adjourned.

ATTEST:  
  
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Jeremy Goldman  
Acting 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 4<sup>th</sup> day of August, 2015.