

County Council of Dorchester County
Regular Meeting Minutes
May 27, 2014

The County Council of Dorchester County met in regular session on May 27, 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)(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.

Voting in favor of the closed Executive Session were all Council members.

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 agreed to add to the agenda a request to use County video message boards for the June 8, 2014 Ironman 70.3 Eagleman event.

APPROVAL OF MINUTES- MAY 13, 2014, MAY 20, 2014

The Council approved the minutes of May 13, 2014 and the minutes of May 20, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$2,714,622.03.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:30 p.m. on May 27, 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)(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.

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.

Councilman Newcomb announced that the scheduled personnel item was cancelled and that the only action Council took was to approve executive session minutes.

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

The Council adjourned into Legislative Session.

LEGISLATIVE SESSION

BILL NO. 2014-6 AN ORDINANCE CONCERNING: 2014-2015 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY

E. Thomas Merryweather, County Attorney, said the Council sat as the Board of Estimates and held several budget work sessions to develop a draft FY15 County budget prior to holding public hearings on May 6, 2014 and May 13, 2013 and a legislative public hearing on May 20, 2014. He explained that on May 20th the Council concluded the public hearing process and agreed to continue legislative action for final consideration until this meeting.

Councilman Newcomb said Council held a budget work session on Wednesday, May 22, 2014 and that staff, pursuant to its directive, has revised the draft FY15 budget to include various items. At Councilman Newcomb's request, Michael Spears, Finance Director, explained that the following proposed changes were made within the General Fund Operating Budget: addition of \$60,000 to the Detention Center food cost account; addition of \$10,000 for Soil Conservation rent subsidy; addition of \$4,444 to Extension 4H appropriation, equal to requested funding; addition of \$5,000 for watershed implementation plan appropriation; decreased debt service projected for the Chesapeake College Allied Health Building by \$58,071; and increased the income tax revenue projection by \$21,373. He further explained that the changes made within the Grant Budget include the addition of the following items relating to the September 20, 2014 Ironman Maryland event: \$100,000 appropriation for Ironman Maryland; \$50,000 for anticipated Maryland Heritage Area Authority Grant; \$20,000 for anticipated Maryland Stadium Authority grant; \$22,500 for anticipated booster activity revenue; and \$7,500 for anticipated Tourism match. He said a project labeled "Economic Development Incubator Building" was inadvertently included in the proposed FY15 budget and clarified that it was approved in the County's FY14 budget.

Councilman Newcomb explained that, in an effort to improve the local economy, the Council agreed to include funding in the FY15 budget for the September 20th Ironman Maryland event.

He further explained that the Council intends to seek funding from the City of Cambridge and the private sector to cover some of these costs.

The roll call on the enactment of Bill No. 2014-6 was as follows: Bradshaw-aye; Price-aye; Newcomb-aye; Travers-aye; Nichols-aye.

REGULAR SESSION

The Council adjourned into Regular Session.

MANAGERS COMMENTS

REQUEST TO ADVERTISE FOR PROPOSALS-FOOD AND MEDICAL SERVICES CONTRACTS-DETENTION CENTER

The Council approved the request of Steve Mills, Warden, and Robert Willey, Assistant Finance Director, to advertise for food services at the Detention Center and to send notification to ABL, Inc. of the County's intent to terminate the current contract with this company. The Council recognized that the current contract with this company expires June 30, 2014. The Council also agreed to send correspondence to ConMed, Inc. asking company representatives to negotiate with County staff under the current contract for medical services to adjust staffing, hours, etc. to reduce costs to serve a lower inmate population. The Council acknowledged that the current contract with this company expires June 30, 2015.

RQUEST TO USE COUNTY VMS BOARD

The Council approved the request of Gerry Boyle, Race Director, to use two County video message boards to be positioned at the Route 16 and Maple Dam and Leonards Lane and Washington Street extended junctions in the days preceding the June 8, 2014 IRONMAN 70.3 Eagleman event. The Council agreed that Mr. Boyle is to coordinate with Tom Moore, Public Works Director, on the use of these message boards. Based on a suggestion from Councilman Nichols, the Council asked that consideration be given to assigning a value for the use of this equipment which can either be assessed for each use or utilized as an in-kind match. The Council acknowledged that Mr. Willey will also factor the use of these message boards for future events as part of any in-kind match. In response to a question from Councilman Bradshaw, Mr. Moore said the signs cost approximately \$8,000 to \$10,000.

CORRESPONDENCE-STATE OF MARYLAND'S PROPOSED LITTLE CHOPTANK OYSTER RESTORATION PLAN

The Council agreed to send correspondence to David M. Goshorn, Ph.D., Assistant Secretary for Aquatic Resources, Maryland Department of Natural Resources (DNR), requesting that all DNR activity in the Little Choptank River be placed on hold until the appropriate federal and State agencies coordinate with Dorchester County government and the local industry and the property owners who are being impacted. The Council acknowledged that also included in this letter is a request for promised material testing results or survey results. Councilman Bradshaw clarified that this letter is in response to an email Mr. Goshorn sent to Scott Todd, President, Dorchester County Seafood Harvesters Association, which he and Councilman Newcomb were copied on,

regarding the results of a meeting DNR representatives had with Maryland Department of Environment and U.S. Army Corps staff on May 19, 2014 on the barge from which material is being placed in the Little Choptank River as part of the State's Oyster Restoration plan for this waterway.

The Council also agreed to send correspondence to Robert Summers, Secretary, Maryland Department of Environment, questioning the use of the material and requesting additional information. Councilman Bradshaw said one of Council's concerns is that the sediment that has accumulated on the material is flowing into the Little Choptank and may adversely affect water quality. Mr. Merryweather said this correspondence is part of the Council's coordination efforts.

LETTER PUBLIC SERVICE COMMISSION-

Councilman Newcomb noted that an invitation was received from Terry J. Romine, Chief Public Utility Law Judge, Public Service Commission, for the Council to sit jointly with her during the August 14, 2014 public hearing for public comments on the application of One Energy Cambridge Solar, LLC (One Energy) for a Certificate of Public Convenience and Necessity to Construct a 3.3 MW Solar Photovoltaic Generating facility in Dorchester County (Public Service Commission Case No. 9348). The Council acknowledged that One Energy has been granted a special exception for this solar project and is currently undertaking the site plan review process with the County's Planning Commission and agencies. Therefore, given the fact that the company is following the County's Planning and Zoning process, the Council agreed that it is not necessary to hold a joint hearing and to send correspondence to Mr. Romine noting that decision.

PUBLIC COMMENTS

There were no public comments.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Travers explained that while he does not agree with the budget in its entirety, he is pleased that the Council was able to maintain services without increasing the real property tax rate. He said the budget includes a 1% cost of living increase for all County employees and funds to purchase new Sheriff's Office vehicles and two new ambulances. He stated that as a cost savings measure, the State's Attorney's Office was moved into the Dorchester County Office Building. Councilman Travers said funds have been allocated to purchase new Sheriff's Office vehicles and two new ambulances. He explained that in addition to funding the 911 Communications Center, the County provides advanced life support services 24 hours a day, seven days a week, 365 days a year, for all residents. He expressed dismay that due to fiscal constraints the Council was unable to provide additional funding to County Departments and for road improvements.

Councilman Bradshaw said he voted in opposition to the budget because it did not include funding for a local drug task force despite intelligence reports that heroin use/distribution will continue to rise. He advised Fred Pomeroy, President, Dorchester Citizens for Planned Growth, that the Council agreed to add \$5,000 to the Watershed Implementation Plan budget line item.

Councilman Bradshaw also pointed out to Mr. Pomeroy that the Baltimore County Economic Development Commission and the Marine Trades Association of Baltimore County recently sent a letter to Douglas F. Gansler, Attorney General, Maryland, requesting that he consider the following legal action to: 1) force Exelon Corporation to dredge the silt build up behind the dam; 2) force Pennsylvania to mitigate and to eventually eliminate the amount of pollutants farmers and development contribute to the Susquehanna River and subsequently to the Chesapeake Bay; and 3) to force the Environmental Protection Agency to enforce their own guidelines in the other states which contribute to the pollution of the Chesapeake Bay.

Councilman Bradshaw noted that before the Clean Chesapeake Coalition was formed, watershed implementation plans were touted as being "one size fits all." He said two years later, the health and water quality of the Susquehanna River is also being questioned, particularly since it flows into the Chesapeake Bay. He noted that in addition to Dorchester County, the following counties are members of the coalition: Kent, Wicomico, Caroline, Cecil, Carroll, Allegany and Frederick.

Mr. Pomeroy said the Clean Chesapeake Coalition members did call attention to the negative pollutive effects of the Conowingo Dam on the Chesapeake Bay.

Councilman Bradshaw said the focus should be on improving waste water treatment plants, citing Environmental Protection Agency guidelines that stated that functioning systems have no affect on the Bay. He noted that environmentalists are in opposition to clearing ditches and questioned that stance, particularly since by doing so waterways are able to ebb and flow which will improve water quality. He noted that septic areas need a dry area in order to function properly.

Councilman Bradshaw referenced a May 27, 2014 Daily Times article regarding the expansion of the City of Salisbury port and industrial area and the potential creation of up 5,000 employment opportunities as a result of that project. He expressed his dismay that City of Cambridge officials plan to construct town homes, a high end hotel and high end stores on the Sailwinds Park property instead of developing the port to spur economic growth. He opined that keeping the rail line active in Dorchester County will also boost the local economy because it will draw businesses to this area.

Councilman Price said due to the continued loss of \$4 million in highway user funds and the passage of unfunded State and Federal governmental mandates, the Council was only able to adopt a critical needs capital budget utilizing an influx of one-time funds. He expressed dismay that the Council had to delay the following expenditures: the purchase of equipment and vehicles for County agencies, to maintain and repair roads, for ditching; and for construction and improvements to schools and bridges. He noted that there will not be increase in the real property tax rate. He said it is his understanding, based on meetings he has attended as well as correspondence he has viewed, that additional State and Federal government mandates may be passed later this year. He cited the future loss of Maryland State Police assistance in local drug task forces as one example.

Councilman Price said he is concerned about the continued regulatory intrusion on watermen and farmers by the Department of Natural Resources and other State agencies. He questioned the need for the proposed incubator facility in light of the current economic climate and expressed his belief that instead the focus should be on providing funding for the replacement of North

Dorchester High School (NDHS) as well as public safety, public works and other educational needs.

Councilman Price said it is his understanding that Maryland Department of Transportation (MDOT) staff's review of the proposed North Dorchester Railroad project will be completed shortly. He expressed his belief that this project will increase tourism and enhance the local economy, particularly in the outlying areas of the County.

Councilman Bradshaw explained that he was invited to visit the Walkersville Southern Railroad tourist attraction on May 22, 2014. He said scenic train rides are available to the public, noting that the railroad is similar to the proposed North Dorchester Railroad project. He opined that Tourism and Economic Development staff, who did not participate in this visit, should show their support of the North Dorchester Railroad project, which he believes is a necessary component in obtaining MDOT's concurrence to transfer the ownership of the rail to the Town of Hurlock.

Councilman Nichols commended Mr. Spears and Mr. Willey for assisting the Council during the budget process, noting that each year it is more difficult to balance the budget in light of declining revenues, loss of State aid and unfunded mandates. He noted that the Council is again utilizing Reserve Funds to balance the budget and expressed concern that those funds are dwindling. He stressed that the County's real property tax rate will not increase, citing his understanding that the City of Cambridge Commissioners are considering an increase of that municipality's tax rate.

Councilman Nichols noted that the construction of NDHS and the Dorchester Regional Technology Park (Technology Park) are two separate issues. He explained that there was approximately a 10 year delay in the Technology Park project due to an extensive negotiation process with the City of Cambridge Council and City representatives relating to the Technology Park. He said he supports both the Technology Park and the proposed incubator facility project.

He expressed dismay that the Board of Education staff chose to pursue the construction of new Dorchester Career and Technology Center (DCTC) which built in 1976 instead of the NDHS which was constructed in 1954. Councilman Nichols said it is his understanding that the Board of Education and staff decided to replace this school because it was in poor condition. However, instead of razing the old technology center building, an alternative school as well as Board of Education personnel are now located at that facility.

Councilman Nichols referenced rumors being circulated that the National Association for the Advancement of Colored People (NAACP) was responsible for denying the charter school application submitted by the Maryland Eastern Shore Charter School Alliance. He explained that the Board of Education members denied that application. Councilman Nichols stressed the need to focus on student achievement, particularly in light of low test scores.

Councilman Nichols expressed his opinion that investing in the Technology Park and the proposed incubator facility will spur new business growth. He said he believes the incubator facility should have been constructed several years ago and if so, would have been filled to capacity. Councilman Nichols said it is his understanding that several businesses are interested in locating to the incubator facility. He said he does not agree with the FY15 budget in its

entirety, noting that the Council took a conservative approach in preparing the budget in order to maintain services for residents.


Councilman Newcomb thanked Mr. Spears and Mr. Willey for their hard work and their assistance to the Council during the FY15 budget process. He also commended the Council members for working together to develop the budget. He reiterated prior Council's comments that the County's real property tax rate was not increased.

The Council agreed to invite Melvin Jews, who was recently appointed as the judge of the Dorchester County District Court, to a future Council meeting.






Councilman Newcomb announced that the next County Council meeting is scheduled for June 3, 2014 and that the Council reserves the right to meet in executive session prior to its regular session on this date.

With no further business to discuss, the Council adjourned.

ATTEST:


Jane Baynard, County Manager
Donna Flane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:


Jay L. Newcomb, President

William V. Nichols, Vice President

Ricky Travers

Rick Price

Tom Bradshaw

Approved the 17th day of June, 2014.