

**County Council of Dorchester County  
Regular Meeting Minutes  
December 19, 2017**

The County Council of Dorchester County met in regular session on December 19, 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 E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; 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 approved the following addition to the agenda: Acceptance of Award-Delmarva Regional Healthcare Mutual Aid Group-Emergency Services.

**APPROVAL OF MINUTES- DECEMBER 5, 2017**

The Council approved the minutes of December 5, 2017.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$11,256,501.77.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on December 19, 2017 at 5:29 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into 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)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Present were: 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, County Manager; and Donna Lane, Executive Administrative Specialist. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on December 19, 2017 at 5:30 p.m. to discuss the following items: 1) discussed a personnel matter relating to an employee in the Public Works Department; 2) approved the request of the Emergency Services Director to transfer an individual to fill a vacant Administrative Assistant position by a 5 to 0 vote; 3) approved the request of the Emergency Services Director to hire an individual as a part-time Paramedic and to add a Paramedic to the on call list by a 5 to 0 vote; 4) agreed to hire an individual to fill the vacant Recreation and Parks Director position by a 5 to 0 vote; 5) discussed a Lease Financial Incentive for a business in the County; 6) discussed Business Location-Financial Incentive for an industry to expand its location in the County. Present were: 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, County Manager; and Donna Lane, Executive Administrative Specialist. 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**

The Council adjourned into Legislative Session.

## **LEGISLATIVE SESSION**

AN ACT APPROVING THE ISSUANCE BY THE DORCHESTER COUNTY SANITARY DISTRICT, INC. (THE "DISTRICT") OF A BOND OF THE DISTRICT IN THE PRINCIPAL AMOUNT OF \$325,000 TO BE KNOWN AS "DORCHESTER COUNTY SANITARY DISTRICT, INC., WATER SYSTEM BOND (BONNIE BROOK SANITARY DISTRICT NO. 2) SERIES A (THE "BOND")", TO BE ISSUED PURSUANT TO THE AUTHORITY OF SECTIONS 9-601 TO 9-699, INCLUSIVE, OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; PROVIDING THAT THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND SHALL BE GUARANTEED BY DORCHESTER COUNTY, MARYLAND; PROVIDING THAT THE BOND SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF DORCHESTER COUNTY, MARYLAND; AND PROVIDING FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE BONNIE BROOK SANITARY DISTRICT NO. 2 SUFFICIENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS IT SHALL MATURE, AND, TO THE EXTENT THAT SUCH LEVY IS INSUFFICIENT FOR SUCH PURPOSES, THE LEVY OF ANNUAL TAXES UPON ALL THE ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF DORCHESTER COUNTY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS PROVIDED HEREINABOVE.

E. Thomas Merryweather, County Attorney, said scheduled for introduction is the Bonnie Brook water facility improvement bill which authorizes the Sanitary District to borrow up to \$325,000 for the Bonnie Brook Sanitary District Number 2 Water System Improvements Project that includes further provisions including that guarantee by the County of this bond. He advised

Council that he has reviewed the document and recommends that Council proceed accordingly. Jeremy Goldman, County Manager, confirmed for Mr. Merryweather that Michael Spears, Finance Director, also reviewed the document and has no concerns. The Council agreed to proceed with publication of a public hearing on this matter.

## **REGULAR SESSION**

The Council convened into Regular Session.

## **MANAGERS COMMENTS**

### **EXECUTION OF FARM LEASE-MAPLE DAM ROAD**

Mr. Goldman referenced the Council's decision at its November 21, 2017 meeting, to lease 48.58 tillable acres of land on the west side of Maple Dam Road to Ronald C. Edgar & Sons, LLC, t/a Riverdale Farms, for a 10 year term at the annual rent of \$2,914.80. He explained that Mr. Merryweather has advised that pursuant to State law a public hearing is not required but a notice and an opportunity for public comment is necessary. He said an advertisement regarding the execution of the lease was published for three successive weeks.

John Luthy, advised Council that he owns and operates Luthy Farms, LLC and resides on Maple Dam Road. He said he wants an opportunity to bid on the property for a ten year lease. Mr. Goldman advised that the Council can modify its original decision. He noted that there is no requirement to advertise for bids to farm the tillable acres on the property. Mr. Merryweather confirmed that the Council has wide discretion and can either move forward with or change its original decision. In response to a question from Councilman Nichols, Mr. Luthy said while he does not lease tillable acreage from the County his cousin, Garrett Luthy, does. Councilman Nichols expressed his belief that the Edgar family has been a good tenant and his reluctance to rescind the decision to lease the property. In response to an inquiry from Councilman Travers, Mr. Luthy said his farm is located on one side of the Maple Dam property and Mr. Edgar farms the adjacent property on the other side. Councilman Nichols made a motion to move forward with the Council's decision to lease the property to the Edgar family which Councilman Price seconded.

Pursuant to questions from Council, Mr. Merryweather expressed his understanding that the Edgar family has been the tenant farmer since the County acquired the property about 20 years ago. Mr. Goldman referred to the 21.88 acres added to the lease which were previously enrolled in the Conservation Reserve Program, noting that the ten year period was selected in order to ensure that pH levels can be adjusted accordingly. Mr. Goldman said the Edgars mow the property that is not tilled pursuant to an inquiry from Councilman Satterfield. In response to a query from Councilman Nichols, Mr. Luthy confirmed that he wants to lease the tillable acreage. The Council confirmed its decision to enter into the lease for the 48.58 tillable acres with Ronald C. Edgar & Sons, LLC T/A Riverdale Farms.

## FUNDING LETTER REQUESTS-ELDORADO BROOKVIEW VOLUNTEER FIRE COMPANY

Based on the request of Robert A. Murphy, President, Eldorado-Brookview Volunteer Fire Company, Inc., the Council agreed to send correspondence noting that no County funding nor 508 Funds are available for the purchase of equipment, and more specifically, a replacement engine and a Hurst Tool, for which the company is seeking funding from the Maryland State Fireman's Association Voluntary Company Assistance Fund.

## PUBLIC SAFETY RADIO SYSTEM REPLACEMENT-EMERGENCY SERVICES

Mr. Goldman said a recommendation has been submitted by Anna Sierra, Emergency Services Director: 1) to enter into a partnership with the State via the Maryland First Responder Interoperability System Team (MDFIRST) 700 MHz radio system; 2) that the County will maintain the existing 800 MHz system at low power as a backup radio system; and 3) to contract with Spillman Technologies, a subsidiary of Motorola, to provide Computer Aided Design (CAD), Record Management Services and Mobile services for the County. He advised that: 1) the cost of the system over 20 years with a projected 3% increase each year is approximately half of a standalone system; 2) the total radio system project cost is \$7,671,491 from Motorola plus funds that were previously approved for a fiber project and between \$250,000 to \$300,000 in additional funding for networking equipment; 3) the contract before the Council is for Motorola only; 4) there is a significant incentive to proceed with this by the end of the year; 5) it is his strong recommendation to give due consideration to this recommendation; and, 6) pricing for the equipment Motorola will provide is derived from the State of Maryland's contract which is the preferred procurement process pursuant to County policy.

Councilman Price made a motion to approve the recommendation which was seconded by Councilman Bradshaw. Councilman Price questioned whether any discussion has been undertaken regarding radio distribution to local volunteer fire companies. Ms. Sierra said it was the Radio Advisory Board stakeholder group's decision and her recommendation for a one for one replacement of existing radios with those across the county including fire companies. Councilman Price queried as to whether any consideration was given to call volume throughout the fire companies. Ms. Sierra said they reviewed minimum staffing of all of the apparatus but it was the opinion of the Fire Department representative that there is not a sufficient amount of volunteers per apparatus to justify the added expense of providing one portable radio per seat or minimum staffing. She said this was also the Chief's Committee decision which committee reviewed the initial recommendation. Councilman Price questioned whether the decision regarding the radios will be reconsidered if call volumes fluctuate in the future. Ms. Sierra stated that if additional apparatus is being used and there is an influx of volunteers and personnel purchasing additional radios can be reconsidered.

Councilman Travers advised that he was previously a staunch supporter of an 800 MHz standalone system. He said due to the amount of savings achieved and the confidence the Emergency Services staff has in the State system he believes entering into the agreement will benefit County taxpayers.

In response to an inquiry from Councilman Price, Councilman Travers said the radios can be used with 700 MHz or 800 MHz systems. Ms. Sierra noted that the County's 800 MHz system will be maintained on low power. She advised that it is their intention to replace key components for several years and continue to operate the system as a backup.

Councilman Satterfield recognized the potential substantial savings. He expressed his understanding that the new system will provide law enforcement, during pursuit, the ability to communicate with other counties in the area as well as City and State police without switching to another system.

The Council approved Ms. Sierra's recommendation and authorized Councilman Travers as President to execute the contract with Motorola upon final approval by him as President, the County Manager and the County Attorney of the language of the contract with Motorola.

#### FY18 MARYLAND TRANSIT ADMINISTRATION GRANT AWARD-DELMARVA COMMUNITY SERVICES-GRANT ADMINISTRATOR

The Council approved the request of Cindy Smith, Grants Administrator, on behalf of Delmarva Community Services (DCS), to accept the FY18 Maryland Transit Administration Grant (MTA) for operating funding for transportation services by Delmarva Community Transit for the following programs: Section 5311 Operating Assistance, Americans with Disabilities Act compliant transportation and Statewide Special Transportation Assistance. The Council also approved Ms. Smith's request to accept the FY18 MTA capital grant award for preventive maintenance and the purchase of two buses and 14 radios. The Council acknowledged that the match under the operating grant is supported in part by the County's FY18 budget appropriation to DCS with the remainder to be funded by the entity.

#### SOLE SOURCE AWARD-MANAGEMENT SERVICES-HURST CREEK COASTAL RESILIENCY PROJECT-GRANT ADMINISTRATOR

The Council approved the request of Ms. Smith to sole source with Delmarva Resource, Conservation and Development to provide management services for the Hurst Creek Coastal Resiliency Project at the cost of \$8,000. Councilman Bradshaw abstained since he serves as Chair on this Board. The Council acknowledged its acceptance in September 2017 of a Coastal Resilience Program Grant award from the Maryland Department of Natural Resources in the amount of \$80,000 for the design and permit acquisition of the project with no local match of which a portion will be used to pay for these management services.

#### TAX LIEN PROPERTY-OPEN SPACE PRESERVATION DEED RESTRICTIONS-GRANTS ADMINISTRATOR

Mr. Goldman presented the request of Ms. Smith for the Council to consider retaining a .08 acre property in Toddville acquired by the County via tax. Mr. Merryweather questioned the reason for deed restrictions, noting a future adjacent property owner may want to purchase it and place a small structure on the property. Mr. Goldman noted that the land is not buildable. Ms. Sierra advised that the property is in a Category 1 Storm Surge Area and is located in three hazard

areas. Based on Ms. Sierra's clarification, Mr. Merryweather said he understands the reason for the deed restriction. In response to a question from Councilman Bradshaw, Mr. Goldman said the adjacent property owner is not interested in purchasing the land, noting the annual tax bill is \$1.09. Pursuant to an inquiry from Councilman Nichols, Mr. Goldman and Mr. Merryweather confirmed that a deed restriction can be placed on the property. The Council approved Ms. Smith's recommendation to retain the property and to place a restriction in the deed prohibiting new buildings.

#### REVISED AGREEMENT-NORTH TARA ROAD-MARSHYHOPE OPERATIONS

The Council recognized its November 21, 2017 deferral of the consideration of an Entrance and Public Road Improvement Agreement between Dorchester County and Marshyhope Operations, LLC (Marshyhope) in order for Ryan Showalter, the company's legal counsel, to review proposed changes from E. Thomas Merryweather, County Attorney. The Council also recognized that under the agreement Marshyhope will: 1) pay the County \$4,500 which will be used to resurface 0.8 miles of North Tara Road extending from the entrance to the property east towards Maryland Route 313 with equipment and labor being provided by the County; and, 2) construct certain improvements to the entrance to the project including reinforcement of a portion of the road in the event North Tara Road is used on a regular basis for transport, i.e. more than 100 dump trucks in any six month period. The Council agreed to enter into the revised agreement which was approved by Mr. Merryweather.

#### STORMWATER MANAGEMENT AGREEMENT-PUBLIC WORKS

The Council approved the request of Gregory LeBlanc, Engineer, to execute a Stormwater Management Facilities and Sediment Control Construction, Inspection and Maintenance Agreement and Declaration of Easement between Amick Farms, LLC and the County Council for 274 Neilson Street, Hurlock, Maryland. Councilman Nichols abstained.

#### REQUEST TO REALLOCATE AND EXPEND CAPITAL FUNDS-RECREATION AND PARKS

The Council agreed to reallocate excess FY16 capital funding of \$5,000 to purchase a new pool chlorinator for \$2,000 and a snow plow for the new pick-up truck for \$3,000 at the Recreation and Parks Department. The Council acknowledged that these funds are available due to the actual cost of the pool filter being \$10,870 less than anticipated.

#### ACCEPTANCE OF AWARD-DELMARVA REGIONAL HEALTHCARE MUTUAL AID GROUP-EMERGENCY SERVICES

The Council approved the request of Ms. Sierra, to accept a Hospital/Healthcare Preparedness Program award in the amount of \$76,789 to support approved emergency preparedness activities of the Regional IV Delmarva Regional Healthcare Mutual Aid Group. The Council acknowledged that 10% of the award (\$8,849) will be awarded directly to the County to cover costs incurred for administration of the grant.

## **PUBLIC COMMENTS**

Scott Wheatley, resident, expressed support for the acquisition of the public safety radio system. He thanked the Council for the decisions they make on behalf of taxpayers.

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

Councilman Nichols commended employees for their hard work. In appreciation for their dedication and service Councilman Nichols made a motion that County Offices will be closed on December 26, 2017 which was approved by Council. The Council recognized that employees scheduled to work in County Departments which may be required to be open on holidays may take an alternate date for that holiday (8 hours) as approved by Department Head and/or other arrangements will be made for County staff. Councilman Nichols wished everyone a Merry Christmas and Happy New Year.

Councilman Satterfield recognized and thanked the County staff that were involved in the public safety radio system negotiations. He also thanked all County employees for their service and said he is grateful to be able to vote for an additional holiday for them. He commended law enforcement and emergency responders. He asked for prayers and thoughts for Lieutenant Walt Moore, Department of Corrections, who recently had a medical emergency. He said he hopes everyone will be safe over the holiday and have a good 2018. He advised that it has been a pleasure to work with the Council and to serve citizens as well as employees. He applauded Council's Office staff for the work they perform behind the scenes.

Councilman Price acknowledged and thanked Ms. Sierra and those who worked on the radio system upgrade for public safety as well as Motorola representatives. He concurred with Councilmen Nichols and Satterfield that it was satisfying to be able to provide employees an extra day off. He acknowledged the organizers of the following events: Hurlock Christmas parade, East New Market Christmas Tree Lighting, and the Towns of Hurlock and Vienna for luminaries. He also recognized that Dorchester is home to one of the State Veterans' Cemeteries, noting that volunteers placed wreaths on some of the graves at the various facilities. He thanked staff and employees for the work they performed throughout 2017. He said Merry Christmas and Happy New Year.

Councilman Bradshaw echoed the other County Members appreciative comments about those involved in the public safety radio system negotiations and their due diligence. He said a substantial cost savings was achieved. He recognized the system's enhanced interoperability features which allow communication with other counties. He asked the public to be mindful of those less fortunate. He advised that he located in the land records certificates of oyster lot. He said he spoke to Department of Natural Resources staff who confirmed that the State was involved in mariculture and leased bottom in the 1820s. He explained that in 1881 Judge Goldsborough ruled that there were the following three types of bottom which resulted in law change in 1906 regarding mariculture: non-productive bottom, productive area and hard bottom on which a seed area can be made and seeds can be grown. He noted the following counties opted out of mariculture: Somerset in 1951, Dorchester in 1956 and Kent, Queen Anne's and

Talbot in 1975. He wished staff in the Council's Office and County employees a Safe and Happy Christmas and New Year's.


Councilman Travers announced that Dorchester County Government's Tax Lien Property Re-Purpose Program was one of 22 projects presented to the University of Maryland and the Maryland Association of Counties Board of Directors. He said Dorchester County took first place in the rural category. He noted that he accepted the Academy for Excellence in Local Governance County Innovation Award. He wished everyone Merry Christmas and blessed New Year. He said the next meeting will be held on January 2, 2018.

With no further business to discuss, the Council adjourned.

ATTEST:

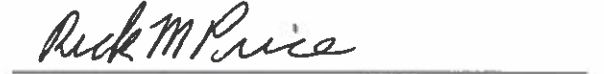
  
\_\_\_\_\_  
Jeremy Goldman  
County Manager

DORCHESTER COUNTY COUNCIL:

  
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Ricky C. Travers, President

  
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Tom C. Bradshaw, Vice President

  
\_\_\_\_\_  
William V. Nichols

  
\_\_\_\_\_  
Rick M. Price

  
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Don B. Satterfield

Approved the 2<sup>nd</sup> day of January, 2018.