

**County Council of Dorchester County
Regular Meeting Minutes
January 15, 2019**

The County Council of Dorchester County met in regular session on January 15, 2019 with the following members present: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Donna Lane, Acting County Manager, said the following two items were added to the agenda after publication: Letter of Support-Agricultural Deer Cooperator Permit, Request for Letter of Support-Town of Hurlock. The Council approved the amended agenda.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented. The Council also approved payments to Simmons Center Market from last week's meeting with Councilman Travers abstaining. Councilman Newcomb explained that his inquiry was in light of four departments receiving an invoice for the same amount, \$199.50. He advised that clarification was obtained from Finance that one bill was divided in four ways. Councilman Pfeffer said he compared the prices of some of the products currently obtained from Simmons Center Market to Amazon since both entities deliver. He advised that he has copies of the comparison available for the public.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$9,411,965.77.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on January 15, 2019 at 4:30 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. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C.

Travers. Also present were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on January 15, 2019 at 4:31 p.m. to discuss the following items: 1) discussed a personnel matter with the Public Works Director relating to an employee; 2) approved the request of the Public Works Director to reclassify an existing employee to a Motor Equipment Operator IV and an existing employee to a Motor Equipment Operator III by a 5 to 0 vote; 3) approved the request of the Emergency Services Director to hire an individual to fill a 911 Dispatcher position by a 5 to 0 vote; and, 4) discussed personnel matters relating to a County Department.

Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager. 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.

OTHER

Donna Lane, Acting County Manager, read the following statement:

Mold has been detected in Room 110, the Council's Meeting Room. Steps are being taken to address this issue. There are no OSHA, MOSHA, National Institute of Health or other regulations that apply to the mold. There has also been mold identified at the Health Department and at Public Works, and steps are being taken to address this matter at those locations as well.

REGULAR SESSION

COMMENDATION-RETIREMENT-ANN WEBSTER

The Council presented a commendation to Ann Webster commending her for her 27 years of service to Dorchester County and congratulating her on her retirement.

COMMENDATION-RETIREMENT- STEVE DODD

The Council presented a commendation to Steve Dodd commending him on his 37 years of service to Dorchester County and congratulating him on his retirement.

COMMENDATION-RETIREMENT-HAROLD MOORE, III

The Council presented a commendation to Harold Moore, III commending him on his 38 years of service to Dorchester County and congratulating him on his retirement.

COMMENDATION-ART MEILHAMMER, JR.

The Council presented a commendation to Art Meilhammer, Jr. commending him for his 38 years of employment with the Mosquito Control Division of the Maryland Department of Agricultural as an Environmental Specialist III and congratulating him on his retirement.

NEXT GENERATION 911 UPDATE-EMERGENCY SERVICES

Anna Sierra, Emergency Services Director, provided an overview of recommendations from a Commission that was appointed as a result of the passage of legislation submitted by Maryland State Senator Cheryl Kagan during the 2018 Maryland General Assembly Session. She explained that the Commission members were charged with evaluating the needs of Public Safety Answering Points (PSAPs) across Maryland in preparation for Next Generation 9-1-1 (NG911). She noted that the Council's Office has the report produced by the Commission.

Ms. Sierra advised that the recommendations which are most significant to Dorchester County at present are those made regarding funding and oversight and recommended unanimously are:

- The update of the 9-1-1 fee structure to close an existing loophole created by the development of cell phone technology and bundled-billing practices by requiring a per-device fee collection;
- Increase in the State portion of the 9-1-1 fee from \$0.25 to \$0.50;
- To enable local jurisdictions to increase the local fee from \$0.75 up to \$1.50, while maintaining existing statutes;
- To limit a county's ability to demonstrate a surplus in 9-1-1 collection fees; and
- To expand the ability of the Emergency Shore Numbers Board (ESNB) to pay for certain recurring costs specific to the delivery and processing of a 9-1-1 call, including maintenance agreements.

In response to questions posed by Councilman Travers, Ms. Sierra advised that: 1) it is a bipartisan public safety bill which she hopes will pass; 2) a Comcast representative was on the commission as a non-voting member and provided guidance that would eliminate resistance from the telecommunications community; 3) the effective date will either be October 1st or July 1st based on the Comptroller's cycle; 4) Verizon land lines will be routed through another network; 5) Motorola and AT&T are the two largest vendors in Maryland; 6) AT&T was granted the national capital region contract which can be piggybacked on; 7) the ESNB has approved a project to allow the nine Eastern Shore counties to evaluate projects using a consultant to view technical aspects; and, 8) Mission Critical Partners (MCP) has been hired to review all technical proposals provided to each individual county and will recommend which proposal to select. She advised that Emergency Services staff have provided MCP with the two unsolicited proposals the County received from AT&T and Motorola. Ms. Sierra said all nine Eastern Shore

counties agree that if the legislation does not pass, they will not be able to afford a new system without a change in funding.

The Council thanked Ms. Sierra for the update.

MANAGERS COMMENTS

TRAVEL REQUESTS-EMERGENCY SERVICES

The Council approved the following requests from Anna Sierra, Emergency Services Director:

- for Gregory Fries, Special Operations Manager, to attend Radiation Emergency Assistance Center/Training Site Radiation Emergency Medicine Course in Oak Ridge, TN from February 12 to February 15, 2019 with the understanding that there is no cost to the County as funds for this training have been provided by Excelon, the responsible party for Calvert Cliffs.
- for Lieutenant Dan Ebling to attend the 2019 Imagetrend Connect Conference in St. Paul Minnesota to obtain training on the resources that are available with Imagetrend, the State mandated patient care reporting system from July 23 to July 27, 2019 with costs of \$1,921 including the conference, hotel, flight and meals which will split between the FY19 and FY20 Emergency Services operational budget.

BAYLY CABIN ACCESS-BARTUS TREW GRANT REVISION-TOURISM

Donna Lane, Acting County Manager, said: 1) The Council accepted two grant awards last year for the stabilization of the Bayly Cabin, one from Preservation Maryland for \$20,000 and the other from the National Historic Trust Bartus Trew Fund for \$10,000; 2) the homeowner was unable to secure insurance that would allow public access to the cabin; 3) as a result Preservation MD has taken back their grant; and, 4) however, the National Trust is amicable to the revision of the Scope of Work to create interpretive experiences including a 3D tour using Augmented reality experience.

The Council approved the requests of Amanda Fenstermaker, Tourism Director, to: 1) work with the County Attorney and the property owner to negotiate the lease agreement/MOU which would allow access to create the interpretive experience; and, 2) for approval to revise the scope of work for the Bartus Trew grant from stabilization to interpretation. The Council acknowledged that once finalized the lease will be provided for its consideration as well as the grant modification.

CONCURRENCE-USE OF GRANT FUNDS-HARRIET TUBMAN BYWAY SIGNAGE-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to spend \$30,000 to install interpretive signage at the Harriet Tubman Visitor Center, Church Creek Park, the Brodess Farm and the Tubman Memorial Garden using existing funding. The Council agreed to send a letter seeking concurrence to State and municipalities in which the signage will be installed.

REQUEST TO ADVERTISE FOR PROPOSALS-HEATING AND AIR CONDITIONING SYSTEM REPLACEMENT-EMERGENCY SERVICES

The Council approved the request of Ms. Sierra to advertise for proposals for the replacement of the heating and air conditioning system for the County's 911 Center which will be relocated to the City of Cambridge's Public Safety Complex. The Council acknowledged that: 1) the existing heat and air conditioning system is unable to handle the load that will be placed on the system with new radio equipment and consoles; and, 2) funding for this project was included in the Radio and CAD upgrade project so no additional funds are required.

ACCEPTANCE OF MEMORANDUM OF UNDERSTANDING-SPECIAL OPERATIONS POSITION-EMERGENCY SERVICES

The Council approved the request of Ms. Sierra for acceptance of a grant award and execution of a Memorandum of Understanding with the Dorchester County Health Department for funding through its federal opioid grant to cover the wages of Gregory Fries, Special Operations Manager, up to \$25,000. The Council acknowledged that after those funds are used his wages will be covered by the Homeland Security Grant Program and the Emergency Services Operating Budget.

LETTER OF SUPPORT REQUEST-HORN POINT LABORATORY NOAA GRANT

The Council agreed to send a letter of support for the University of Maryland's Horn Point Laboratory grant application to the National Oceanic and Atmospheric Administration (NOAA) under the 2019 Ecological Effects of Sea Level Rise Program for a project involving the incorporation of oysters into the breakwaters of existing living shorelines in the Tred Avon River and Harris Creek sanctuaries. The Council acknowledged that: 1) there is no County commitment; 2) this research could potentially help the County in the future to protect shorelines while also meeting Watershed Implementation goals; and, 3) if the research shows positive benefits new sources of funding for future projects could be available.

CONTINUED REQUEST TO PURCHASE BUSER ATTACHMENT- CLARIFICATION-PUBLIC WORKS

Ms. Lane noted that at the January 8, 2018 meeting: 1) the Council deferred the request of Ryan White, Public Works Director, to purchase a Diamond Roadside Extended Boom Rotary Mower (buser) attachment; 2) the equipment is to be used by the Highway Division and the Solid Waste Division utilizing funds from the Landfill Enterprise Fund; 3) the Council requested an opinion from Michael Spears, Finance Director on the use of Landfill Enterprise Fund monies for this purchase since the majority of the use of the equipment would be by the Highway Division. She read Mr. Spears opinion into the record: 1) the purchase can be approved under Section 514, Amendment to Capital budget of the County Charter, recognizing the use of landfill fund balance as the source of funds used for the acquisition; 2) the landfill fund would be the "owner" of the asset for accounting purposes, and could loan its use out to the highway department as needed; 3) the acquisition does not appear to qualify for the purchasing policy exclusion for heavy equipment repairs, so it would need to be bid out or have bidding waived by Council. She explained that since quotes were obtained in lieu of advertising for bids, any decision to move forward with the purchase must include a waiver of bids. Mr. White explained that the reason bids were not formally sought were in order to obtain quotes for the same manufacturer/model to keep the fleet uniform. In response to an inquiry from E. Thomas Merryweather, County Attorney, Mr. White said three quotes were obtained.

Mr. Spears said he was comfortable with using Landfill Enterprise Funds to purchase the equipment based on an inquiry from Councilman Nichols. In response to a question from Councilman Newcomb, Mr. White advised that 80% of the use of the equipment will be by the Highway Division. Mr. Spears expressed his opinion that the landfill economic assets of the County should be used to purchase the equipment since the County does not have a fiscal policy prohibiting this use.

Councilman Travers made a motion to approve Mr. White's request to waive bids and purchase the buser attachment from the vendor that provided the lowest quote, which was seconded by Councilman Pfeffer. In response to an inquiry from Councilman Pfeffer, E. Thomas Merryweather, County Attorney, advised that he was comfortable with waiving bids since competitive quotes were received. He said whether to utilize Landfill Enterprise Funds for this equipment is a policy decision, noting that to do so will set a precedence.

In response to a query from Councilwoman Nagel, Mr. Merryweather said the Council can re-advertise, complete the competitive bidding process and do a lease purchase with an option to buy the equipment after five years. Mr. Spears explained that there are less constraints on the Landfill Enterprise capital budget since there is a surplus. He noted that the County purchases items with Landfill Enterprise Funds that are used outside of the Landfill by other County Divisions which are charged for the use. Mr. Spears stated that the Council can include the purchase of this equipment in the proposed FY 2020 capital budget for the Highway Division. Mr.

White said he has an additional unit in that draft budget which is almost identical to this equipment.

Pursuant to a question posed by Ken Heesh, a County resident, Mr. Spears explained that the equipment will be loaned to the Highway Division which will be charged on a daily basis for its usage. Mr. Heesh expressed concern about the availability of capital budget monies for the Landfill Division. Mr. Spears said the Enterprise Fund is financially sound. Mr. Heesh cited his concern about setting a precedence.

Councilman Newcomb questioned whether this request can be discussed during the FY 2020 budget deliberations. He noted that the second largest issue in the County is drainage. He explained that the purchase of this equipment will increase the amount of time staff can address those issues. Mr. White said he supports whatever decision the Council makes regarding the potential purchase of this equipment. The Council approved Mr. White's request to waive bids and sole source with Diamond Mowers to purchase the busher attachment at the cost of \$55,803. Councilmen Newcomb and Nichols opposed citing concerns about using Landfill Enterprise funds and setting precedence. Pursuant to a query from Councilwoman Nagel, Mr. White said neither the current piece of equipment nor the one he wishes to purchase are able to maintain a tree at 13 feet. He explained that the busher attachment he sought approval for is a for an extended reach boom to reach the front side of ditches and the back side of most ditches.

CONTINUED DISCUSSION-REQUEST FOR SUPPORT-COURT OF APPEALS PETITION-WASHINGTON COUNTY OFFICE OF LAW

Ms. Lane said at its December 18, 2018 meeting, the Council deferred the request submitted by Christopher Drummond, Attorney, on behalf of the Washington County Office of Law for Dorchester County's participation in its filing a Petition For Certiorari in the Court of Appeals regarding the Perennial Solar decision by the Court of Special Appeals which provides that the Public Service Commission needs only to give "due consideration" to local land use regulations. She explained that the deferral was in order to obtain clarification on whether Queen Anne's County and Kent County, who are participating in the matter, have placed caps on attorney fees. She noted that neither county has set a fee cap.

A motion by Councilwoman Nagel to send a letter of support for the filing of the Petition and set a cap on attorney fees was rescinded. The Council agreed to send a letter of support; re-evaluate the County's participation within six months; and, to include a copy of the legislation the Council adopted to provide a steering mechanism for solar projects.

MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION REQUEST-GOLF CARTS-UPPER-MIDDLE HOOPERS ISLAND

The Council acknowledged its December 18, 2018 decision to seek legislation to allow the use of golf carts in the Upper and Middle sections of Hoopers Island. Mr. Merryweather said The Town of Vienna, which pursued similar legislation, had the authority to designate certain streets so he prepared proposed legislation doing the same for areas of Hoopers Island. The Council agreed to submit the draft bill to the legislators.

POLL CONFIRMATION

The Council confirmed its decision in the interim between meetings, via poll, agreed to the submission of a Letter of Intent to the National Trust for Historic Preservation for grant funding of \$50,000 from the African American Cultural Heritage Action Fund for the creation and enhancement of the visitors' interpretive experience by integrating Virtual and Augmented reality at a selection of byway sites by a 4 to one vote.

LETTER OF SUPPORT REQUEST-AGRICULTURAL DEER COOPERATOR PERMIT

The Council agreed to send letters of support for the Agricultural Deer Cooperator Permit applications of the following individuals to help control the deer population that is doing so much crop damage in the County: Bill Malkus, Lee Lyons, Phil Jackson, Sr., Phil Jackson, Jr., Curtis Windsor, Shawn Hall.

REQUEST FOR LETTER OF SUPPORT-TOWN HURLOCK

The Council approved the request of John Avery, Town Manager, for a letter of support for the Town of Hurlock's application to the Maryland Department of Environment for funds to upgrade the Jackson Street Pump station and the installation of two additional enhanced nutrient removal filters at the wastewater plant.

PUBLIC COMMENTS

Richard Lalka, resident, expressed dismay about the tax rates within the State and in particular in Dorchester County. He suggested a freeze on the tax rate.

Beth Wilson, resident and Director of Operations for Dorchester County public schools, speaking on behalf of Dr. Diana Mitchell, Superintendent of Schools, asked the County to consider supporting the public schools FY19/20 budget which is over Maintenance of Effort.


COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Newcomb requested an update on the Hearn Building.

Councilman Nichols said the next Council meeting will be held on February 5, 2019 at 6 p.m.


With no further business to discuss, the Council adjourned.

ATTEST:

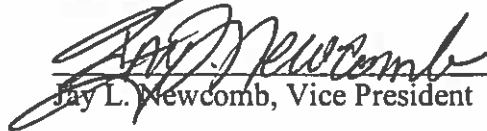


Donna F. Lane
Acting County Manager

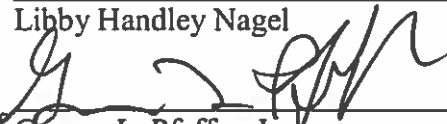
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:




William V. Nichols, President



Jay L. Newcomb, Vice President

Libby Handley Nagel


George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 19th day of March, 2019.