

**County Council of Dorchester County
Regular Meeting Minutes
March 19, 2019**

The County Council of Dorchester County met in regular session on March 19, 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, advised that the following item was added after the publication of the agenda: Charter Section 513 Lapsed Appropriations-Finance.

APPROVAL OF MINUTES- JANUARY 15, 2019

The Council approved the minutes of January 15, 2019.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$4,189,700.80.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on March 19, 2019 at 5:00 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)(7) to consult with counsel to obtain legal advice on a legal matter. Present were: William V. Nichols, 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 March 19, 2019 at 5:01 p.m. to discuss the following items: 1) received information regarding a personnel matter; 2) discussed matters relating to two Acting Capacity positions; 3) approved the request of the Airport Director to hire an individual through a temporary agency to fill a seasonal grasscutter by a 5 to 0 vote; 4) discussed the filling of a vacant position; 5) approved the request of the Acting Emergency Services Director to hire individuals to fill three vacant Paramedic positions by a 5 to 0 vote; 6) confirmed salary increases for grant funded employees for the Circuit Court by a 5 to 0 vote; and 7) obtained legal advice regarding audio and video recording. 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 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.

REGULAR SESSION

ANNUAL TRANSPORTATION PLAN-DELMARVA COMMUNITY SERVICES

Jerome Stanley, introduced Andrea Waters, Grants Administrator, Delmarva Community Services. Ms. Waters presented the Annual Transportation Plan and provided the Council with an amended grant summary for FY 2019 Annual Transportation Plan funds from the Maryland Transit Administration and the Federal Transit Administration. She summarized Delmarva Community Services' request for: 1) operating funding; and 2) capital funding totaling \$1,177,234 which consists of: Federal/State, \$1,002,722 and Local, \$174,512.

Ms. Waters advised that DCS' capital request for funds is for: 1) one small 16 passenger bus with two wheelchair places; 2) one bus with 12 seats as well as two wheelchair places; 3) one minivan with wheelchair access; and, 4) preventive maintenance.

The Council approved the submission of a grant application to the Maryland Transit Administration for FY 2020 annual transportation plan funds for operating from the Mass Transit Administration (MTA) and the Federal Transit Administration (FTA) for the amounts Ms. Waters previously announced: 1) the Statewide Specialized Transportation Assistance Program; 2) Section 5311 Operating Assistance; and 3) the Americans with Disabilities Act. The Council also approved the submission of a FY 2020 Maryland Transit Administration grant application for capital transportation funding from MTA and FTA. The Council acknowledged that the local match will be funded through DCS. Councilman Pfeffer thanked DCS for providing services to residents.

PUBLIC HEARING-LEASE OF COUNTY FARM PROPERTY BY SEALED BID

E. Thomas Merryweather, County Attorney, said a request for proposals to lease four tillable acres of land situate on the North side of Bobtown Road, in the Hurlock Election

District of Dorchester County, Maryland for agricultural purposes only was advertised. Mr. Merryweather noted that a hearing is being held for public comment and no one signed up to speak. He explained that although there were no official sealed bids received, the Council has two written offers to lease the property, one for \$1,000 per year and the other for \$380 per year. He advised that the Council can select one of these offers or reject both. A discussion was held regarding the proposed tenants, Parisi's Plants, LLC and Terry Wolf-King and Jeff King. Mr. Merryweather noted that the Kings have leased the property for several years. He said the Council can decide not to lease the property. He advised that it is not economically feasible to advertise a second time for proposals.

Councilman Travers made a motion to lease the property to the party that submitted the highest offer. Councilwoman Nagel noted that the second bidders are farmers. The Council agreed to lease the property to Clark Delong for one year at a cost of \$1,000 for agricultural purposes only. Councilmen Nichols and Councilwoman Nagel opposed.

MANAGERS COMMENTS

TRAVEL REQUEST-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director of Corrections, for authorization for Major Steve Mills to attend the "Deputy Directors' Program" for Jail and Detention Center Administrators. The Council acknowledged that this program is for March 25th-26th in Ocean City and is funded by the Maryland Correctional Administrators Association which includes meals and accommodations.

REQUEST FOR LETTER-45TH ANNIVERSARY CELEBRATION PROGRAM BOOKLET-DELMARVA COMMUNITY SERVICES

The Council approved the request of Michele Nichols, DCS, for a letter to commemorate this entity's 45th Anniversary which will be placed in a program booklet.

OBSTRUCTION REMOVAL GRANT APPLICATION REQUEST-AIRPORT

The Council deferred the request of Amber Hulsey, Airport Director, to submit a grant for Obstruction Removal, to permit the Airport's Consultants to perform the next phase of this project which is the design based on concerns expressed by Cindy Smith, Assistant Finance Director, regarding the easement process. The Council acknowledged that Ms. Smith will obtain clarification regarding this matter.

REQUEST FOR USE OF AIRPORT GROUNDS-WINGS AND WHEELS

The Council approved the request of Ted Bryant to use the Airport grounds for the annual Wings & Wheels event on Saturday May 25, 2019. The Council acknowledged that pursuant to Ms. Hulsey: 1) the Maryland Aviation Administration has approved this use and the Federal Aviation Administration has also approved with condition that barriers be

used; and 2) Airport staff will work with Mr. Bryant to ensure he has the appropriate barriers in place.

BOARD REAPPOINTMENT REQUEST-ADVISORY BOARD-RECREATION AND PARKS

The Council approved the requests of Frank Stout, Recreation and Parks Director to: 1) reappoint Mike Mowbray and Wylie Gray, Jr. to the Recreation and Parks Advisory Board; and, 2) acknowledge the membership of the other members and their expiration dates on the list he provided.

MAINTENANCE OF COUNTY OWNED PROPERTIES-FINANCE

The Council approved the request of Cindy Smith, Assistant Finance Director, to renew the contract with Marshall Property Management, current vendor, for the maintenance of County owned properties, including tax lien properties, the Library, Eastern Shore Innovation Center, Harriet Tubman House, Mace's Lane, the county Office Building, Circuit Court and Trenton Street Park at the rate of \$24 per mow per tax lien property. Ms. Smith explained that the majority of the tax lien properties are located in the municipalities. In response to a question from Councilman Pfeffer, Ms. Smith said tax lien properties in the unincorporated areas of the County are also mowed if necessary.

MEMORANDUM OF UNDERSTANDING-BROADBAND PROJECT-FINANCE

Ms. Smith advised that: 1) the County has been asked to sponsor a grant from the Department of Housing and Community Development to move rural broadband to rural areas, and more particularly for a project in Neck District; 2) the grant is a pass through to Bay Country Communications (BCC) who will hire someone to prepare the application; 3) funding for the application preparation is provided whether or not there is a grant award; 4) a performa is required and if there is a negative balance DHCD can provide BCC up to a \$200,000 for its cash flow reserve; 4) the first phase is not a risk to the County since the funds will be provided to BCC whether or not they receive a grant award; 5) there is a potential risk to the County during the second phase if the project is not completed; 6) she will work with Mr. Merryweather to develop a subrecipient agreement with personal guarantees from the one principle to protect the County from the potential loss of funds since the County will be responsible for repayment of the cash flow funds if BCC fails to complete the project; 7) she recommends that the Council move forward so BCC can obtain the monies for the preparation of the application.

Mr. Merryweather expressed concerns about the County's liability in the event there is a default. He referred to a prior agreement with Allen Family Foods which resulted in the County being held responsible for repayment due to its bankruptcy. He noted that the State did not require the County to make that repayment; however, there is no guarantee this would occur again if BCC were to not fulfill the grant requirements. He noted that personal guarantees are not enforced when a bankruptcy case is filed. He questioned whether a decision regarding this pass through grant can be delayed, noting he received

the agreement and his staff are in the process of preparing his comments for Council's review. In response to an inquiry from Councilman Nichols, Ms. Smith the application must be submitted in May. Councilman Newcomb suggested pursuing the first phase and waiting for Mr. Merryweather's comments to take action on the second phase request. Ms. Smith reiterated that there is no risk for the first phase. Mr. Merryweather concurred. The Council agreed to proceed with the first phase only. Ms. Smith said she will work with DHCD staff and Mr. Merryweather to revise the agreement so that it applies only to the first phase of the process.

REQUEST TO USE FY17 CAPITAL BUDGET FUNDS-PUBLIC WORKS

The Council deferred the request of Ryan White, Public Works Director, to reallocate \$200,000 from the FY17 Capital Budget for a truck wash facility since bids came in higher than engineers estimated cost and these funds to purchase the following equipment: extended arm bushers, \$140,000 and shop truck lift, \$60,000. The Council agreed to discuss the reallocation of these monies during the March 28, 2019 budget work session. Councilman Newcomb noted that the quotes received for the truck wash facility ranged from \$437,900 to \$546,456.

BID AWARD-RAGGED POINT BOAT RAMP PROJECT-PUBLIC WORKS

The Council approved the request of Mr. White to award the bid for the Ragged Point Boat Ramp project to the only bidder, Dissen & Juhn Company at the cost of \$119,345 utilizing funds for this project from Department of Natural Resources grants.

REQUEST TO ADVERTISE FOR PROPOSALS-CRUSHED STONE-PUBLIC WORKS

The Council approved the request of Mr. White to advertise for proposals for crushed stone for the Highway Division for which FY 19 and FY 20 budget funds will be utilized.

MARYLAND DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT BOND ALLOCATION REQUEST

The Council approved the written request of Maddy Ciulu, Director, Single Family Housing, Maryland Department of Housing and Community Development (DHCD), to transfer Dorchester County's 2019 tax-exempt housing bond allocation of \$1,140,720 to the Community Development Administration (CDA) for the CDA Maryland Mortgage Program. The Council acknowledged that: 1) the Internal Revenue Service sets a limit on each County to issue bonds to raise capital for mortgage loans; 2) Council can elect to establish a mortgage plan to assist residents by utilizing this bond allocation; and, 3) in the past Council has transferred the allocation to the DHCD to administer.

POLL CONFIRMATION

The Council, in the interim between meetings, by means of a poll, agreed to not conduct exit interviews for any employee who submitted a resignation letter to the County since January 1, 2019, those who submitted a resignation in the last month and any employee that resigns in the future by a 3 to 2 vote.

CHARTER SECTION 513 LAPSED APPROPRIATIONS-FINANCE

Ms. Lane stated that: 1) Section 513 of our Charter reads as follows: “No appropriation for a Capital Project in the Capital Budget may revert until the purpose for which the appropriation was made is accomplished or abandoned;” 2) at the March 15, 2019 budget work session, the Council desired to reauthorize funding for the projects identified below; and, 3) the projects must be formally declared as accomplished or abandoned. The Council took the following action below to reallocate \$460,075.

Fiscal Year	Title	Amount	Type
17	Office-Bathrooms	\$35,000	abandoned
17	Office-HVAC	9,279	accomplished
17	911-Sirens	3,460	accomplished
17	EMS-Cardiac	16,336	accomplished
17	Health Dept.-Floor	1,626	abandoned
17	Health Dept.-Inspection	10,000	abandoned
18	DPW-Interstate	75,000	accomplished
18	Office-Carpet	8,293	accomplished
18	EMS-Cardiac	980	accomplished
18	EMS chase Veh	4,583	accomplished
18	R&P pool skimmer	10,000	abandoned
18	R&P Pickup	4,049	accomplished
19	DSO-vehicles	251,841	accomplished
19	DSO-Tasers	926	accomplished
19	DSO-Video	7,720	accomplished
19	EMS chase Veh	8,934	accomplished
19	Health Dept.-Heat pump	12,000	accomplished
		460,027	

In response to a question from Councilman Pfeffer, Ms. Smith expressed her understanding that Michael Spears, Finance Director, confirmed that the Sheriff's Office items have been accomplished. She explained that several of the items, including the Emergency Medical Services chase vehicle were purchased below the allocated amount in the Capital Budget.

PUBLIC COMMENTS

Dave Ryan, Dorchester Banner, requested clarification on the vote regarding exit interviews. Based on prior experience at his current place of employment Councilman Nichols, expressed his belief that they are becoming obsolete. He noted that five individuals who recently left Cambridge International expressed no desire to participate in exit interviews. Councilmen Pfeffer said he requested that the poll be conducted, noting that some individuals who left County employment have expressed a desire to participate in exit interviews. He referred to the Letter to the Editor he wrote about this matter.

Katie Holbrook, a teacher, who is serving her second term as President of the Dorchester Educators, cited statistics regarding teachers' pay. On behalf of Dorchester Educators she asked the Council to provide above Maintenance of Effort for salary increases for teachers. She provided a summary of House Bill 1413 "The Blueprint for Maryland's Future," based on recommendations from the Kirwan Commission which proposes an increase of \$1 billion in public school funding in Maryland. She explained that it also includes a Teacher Salary Incentive Program under which the State will provide a grant to a local board if it provides a negotiated and funded average salary increase for teachers of at least 3.0% in FY 2020. Ms. Holbrook said under this program Dorchester County will qualify for \$525,000 and the public school system will receive approximately \$800,000 for teachers' salaries in its current budget. She noted that there is a two year minimum commitment referenced in the bill.

In response to a question from Councilman Pfeffer, Dr. Diana Mitchell, Superintendent of Schools, said all of the vacancies for full-time were not filled as was the same in other Eastern Shore counties. Pursuit to another query from Councilman Pfeffer, Beth Wilson, Director of Operations, said: 1) exit interviews are conducted; 2) the reasons for leaving are varied and include salary, marriage, family obligations and moving to another area; and, 3) the reasons are not rated; and, 4) intent notices are sent annually in February for which non-tenured teachers have to respond by May 1st and tenured teachers by July 15th. Ms. Wilson explained that according to the Kirwan Commission bill there must be 3% salary match for teachers' salary in order to receive 1.5% from the State which match needs to be included in the FY 2020 Board of Education Budget. Based on a question posed by Councilman Pfeffer, Ms. Wilson said the salary increase only applies to teachers of which there are 425. Dr. Mitchell advised that the Kirwan Commission defines teachers as classroom teachers, library media specialists or a counselor. In response to an inquiry from Councilman Pfeffer, Ms. Holbrook said Dorchester Educators, which is currently in negotiations regarding salary increases for both teachers who hold a certificate, including those in the positions previously listed by Dr. Mitchell and support professionals. She stressed the need for County and State funding to accomplish this goal. Ms. Holbrook said the draft legislation proposed a new formula funding, which will adopted at a later date, along with funding of over \$400,000 million for FY 2021. In response to a query from Councilman Travers, Ms. Holbrook expressed her understanding that the new formula will replace the Maintenance of Effort formula. Ms. Wilson said while the State government does not fund pre-kindergarten education,

but the Board of Education provides it. She asked the Council to consider allocating additional money to education during its budget process. She advised that for a 2.5% raise for teachers it costs \$1.1 million, noting that some of those monies has been included in the Board of Education budget. She noted that they did not plan on a 3% increase.

Stanley Trice, resident, expressed his belief that the County should conduct exit interviews. In response to a question from Mr. Trice, Councilman Nichols said during the current budget process, the Council has not discussed raises for County employees. Mr. Trice opined that salary increases should be provided to County employees as well as teachers.

Tracy Whitby-Fairall, resident, referred to a prior proposed utility scale solar project in her neighborhood, which was not pursued, that was opposed by her and other County residents. She explained that another one is now proposed for that area. She asked the Council to consider revisiting the County Code since there have been several utility scale solar projects before the Board of Appeals and the Planning Commission. She noted that she received notification of a Board of Appeals hearing for the new proposed project on the same land which will be held this Thursday. Pursuant to a question posed by Councilman Travers, Ms. Whitby-Fairall advised that it is the same company under a different name. She noted that she and her neighbors participated in meetings regarding the update of the County's Comprehensive Plan.

Mr. Merryweather referenced the recent Court of Appeals decision that the Public Service Commission and not the local jurisdictions, is the entity that determined whether a utility scale solar project will be approved. He said this matter is currently being challenged. Councilman Travers referred to the legislation the Council passed several years ago which provides a steering mechanism for projects through a payment in lieu of taxes agreement. He noted that unless an entity enters into such an agreement, based on the current personal property tax, such projects will not be financially viable. Ms. Whitby-Fairall recognized that this legislation was passed after their first encounter with a proposed solar project in her neighborhood. In response to a query from Ms. Whitby-Fairall, Councilman Travers and Mr. Merryweather said if in the future legislation is passed by the Maryland General Assembly prohibiting personal property tax being applied to utility scale solar, the County will have no control over these projects. He stressed the need for residents to contact the local legislative delegation to ensure that they oppose such legislation in the future. Ms. Whitby-Fairall thanked the Council.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Pfeffer referenced his prior motion to conduct exit interviews of those individuals who left County employment since January 2019. He expressed a desire to move forward. Based on that desire, he made a motion to provide voluntary exit interviews to those individuals who leave County employment from this point forward. Councilman Travers seconded the motion.

Councilman Nichols said: 1) an employee can place the reason there are leaving in their resignation letter; 2) for a prior job he chose not to participate in an exit interview; 3) he is concerned that constraints will be placed on employees; and, 4) any employee can tell their supervisor, Department Head, Human Resources Director or a Council Member. Councilman Pfeffer noted that there have been resignations, which he believes indicates a pattern which can be addressed if the Council is aware of the reason for the resignation of County employees. Councilman Travers expressed concern about the recent loss of multiple employees and his belief that knowing the reasons for their departure may assist in retention and recruitment.

David Wielgosz, resident and County employee. expressed concern about the decision to not to conduct exit interviews. Councilman Newcomb cited his opposition to conducting exit interviews. He said individuals who leave County employment can submit a letter noting their reasons for leaving. The motion failed with Councilwoman Nagel and Councilmen Nichols and Newcomb opposed.

Councilman Pfeffer noted that the Council receives information every week including purchases by County staff. Based on his motion, the Council agreed that the County Manager, should notify the Council at the end of the business day, after receipt of a written resignation letter. Councilman Nichols and Councilwoman Nagel opposed.

The Council agreed to consider abolishing the Landing Fee at the Cambridge-Dorchester Regional Airport during its current FY 2020 budget process.

Councilman Newcomb provided Ms. Lane with a request for the Traffic Safety Committee and a list of mailboxes for which repairs are needed around them. Ms. Lane said she will schedule a Committee meeting and provide the list of mailboxes to Ryan White, Public Works Director, to address.

Councilman Newcomb referenced his prior request to Ryan White, Public Works Director, several weeks ago to reach out to contractors and farmers to garner whether they can assist the County in addressing ditching needs and crosspipe repairs. He stressed the need for this work, particularly in farm fields in the County. Mr. White said based on discussions he has had with some contractors and farmers, a scope of work has been prepared for their review. He explained that a method of measurement to hold them accountable, for example by linear foot or truckload, is included in the scope of work. He advised that he will provide it to the roads manager today so he can forward them to the interested individuals. Councilman Newcomb noted that there individuals that were contacted by Public Works staff have advised that they have not received a response to their interest in providing assistance to the County.

Councilwoman Nagel recognized that change is often viewed in a negative light, even though it is a fact of life. She commended Dozia Rahilly for assuming the role of Acting Emergency Services (ES) Director and the work she has performed since her appointment. She expressed her support for the Emergency Medical Services Division

and the other divisions in ES. She said she hopes Council can work together to resolve issues and ensure she has the resources to successfully perform her job duties.


Councilman Nichols advised that, at his current place of employment, management has changed four times in 10 years, noting that 25 employees left due to such a change. He announced that: 1) a budget work session will be held on March 28, 2019; and, 2) the next County Council meeting will be held on April 2, 2019. With no further business to discuss, the Council adjourned.

ATTEST:

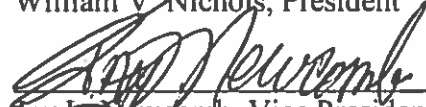


Donna F. Lane
Acting County Manager

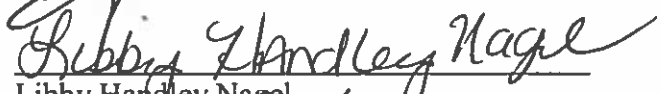
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



William V. Nichols, President



Jay L. Newcomb, Vice President



Libby Handley Nagel



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 16th day of April, 2019.