

County Council of Dorchester County
Regular Meeting Minutes
September 17, 2013

The County Council of Dorchester County met in regular session on September 17, 2013 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; pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; (ii) the development and implementation of emergency plans.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

The Council held a moment of silence for the victims of the recent shooting incident in Washington, DC and for the loss of Nathan Smullen, a County youth, who passed recently.

Councilman Price 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 hold a prayer rally at Spring Valley on October 12, 2013; a telephone poll confirmation regarding a change order request for a culvert replacement project and a discussion about upgrading electric at the Wingate Dock.

APPROVAL OF MINUTES- SEPTEMBER 3, 2013

The Council approved the minutes of September 3, 2013.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$7,074,467.79.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on September 17, 2013 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; pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; (ii) the development and implementation of emergency plans.

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 above.

Action taken at the closed session: 1) discussed personnel issues with Circuit Court Judge; 2) approved the hiring by the Sheriff of an individual to fill a vacant Dog Control Officer position by a 5 to 0 vote; 3) approved the request of the Public Works Director to hire an individual to fill a vacant Motor Equipment Operator II position in the Highway Division by a 5 to 0 vote; 4) discussed a matter relating to personnel-agreed to defer until October 1, 2013 meeting; 5) discussed with legal counsel a proposed expansion of a County facility; 6) discussed with legal counsel a matter regarding a proposed County economic development project-requested additional information; 7) discussed with legal counsel a matter relating to a County marine facility-agreed to discuss in open session; 8) discussed with legal counsel matters relating to legal advertising- deferred until October 1, 2013 regular session meeting; 9) discussed a proposed contract for a County economic development project; and 10) discussed two public safety matters.

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.

LEGISLATIVE SESSION

Council introduced Bill No. 2013-3 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 21-706.1(C) OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND ADDING NEW CHAPTER 132 ENTITLED "SCHOOL BUS MONITORING CAMERAS", WHICH AUTHORIZES THE USE OF SCHOOL BUS MONITORING CAMERAS IN DORCHESTER COUNTY, MARYLAND.

E. Thomas Merryweather, County Attorney, explained that the legislation before Council for introduction will add a new Chapter 132 entitled "School Bus Monitoring Cameras," to the Dorchester County Code, which will authorize the use of monitoring cameras on Dorchester County school buses, pursuant to §21-706.1(C) of the Transportation Article of the Annotated Code of Maryland. He further explained that the passage of this legislation will allow the Dorchester County Sheriff's Office, in consultation with the Board of Education, to place monitoring cameras on County school buses.

The Council agreed to proceed with publication of a public hearing on this matter and requested that Sheriff James Phillips be asked to attend that meeting. Councilmen Bradshaw and Newcomb abstained.

REGULAR SESSION

2014 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION DISCUSSION

Councilman Newcomb announced that the Council will meet with legislators on November 5, 2013 to discuss proposed legislative proposals and topics for the 2014 Maryland General Assembly Legislative Session.

The Council, based on a recommendation submitted by the Board of License Commissioners agreed to seek legislation to amend paragraph (b)(3)(ii) of §11-510, "Dorchester County," of Article 2 B, "Alcoholic Beverages," to change the hours for sale of beer and light wine for Class "B" license holders on Sundays and to strike paragraph (b)(3)(iii) of that section to permit the off sale of beer and light wine by these types of license holders during the same hours of operation as on-sale.

MANAGERS COMMENTS

TRAVEL REQUEST-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, for him and Kim Browning, 911 Communications Center Chief, to attend an Advanced Public Information Officers Course, offered by the Emergency Management Institute (EMI), from December 1, 2013 to December 6, 2013, to be held at the National Fire Academy campus in Emmetsburg, Maryland and to expend \$250.40 for two meal tickets with funds from the FY14

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911 Communications Center budget. The Council acknowledged that the cost of the class, including travel, will be covered by EMI.

FY13 EMERGENCY MANAGEMENT PERFORMANCE GRANT AWARD-EMERGENCY SERVICES

The Council approved the written request of Steve Garvin, Emergency Planner, on behalf of Mr. Goldman, to accept an FY13 Emergency Management Performance Grant, a federal grant, from the Maryland Emergency Management Agency in the amount of \$68,094, with a 100% match, and agreed to execute the 2013 Sub-Recipient Agreement. The Council acknowledged that the budgeted expenses for the Emergency Services Department may be utilized as a cash match for this grant, including funds for the purchase of emergency preparedness equipment and supplies. The Council further acknowledged that the grant funds will pay for the Emergency Planner position's salary. Additionally, Council recognized that the grant period is from October 1, 2012 to June 30, 2014.

FY14 RENTAL ALLOWANCE PROGRAM APPLICATION REQUEST-DELMARVA COMMUNITY SERVICES/GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services (DCS), to submit a FY14 Rental Assistance Program Grant Application for funds in the amount of \$40,000, with no local match, to be utilized by DCS, the sub-grantee and administering agency of this program for Dorchester County, to assist families who can demonstrate financial hardship.

BOAT SLIP RENEWALS-JULY 1, 2013 TO JUNE 30, 2014-FINANCE

The Council approved the request of Michael Spears, Finance Director, to confirm boat slip renewals for the period of July 1, 2013 to June 30, 2014 for the following County owned marinas: Back Creek, Elliott Island, Ragged Point, Taylor's Island and Trenton Street.

Councilman Price advised Council that he spoke to Congressman Andy Harris over the weekend who expressed his belief that the Army Corps of Engineers has approved the dredging of Tyler's Cove and said he will provide further information regarding this approval, including a possible timeframe, at a later date. Councilman Newcomb said it is his understanding that Army Corps boats and staff were observed in the area surveying and measuring that waterway.

BID AWARD-PUBLIC WORKS- MARINE FACILITIES PAVING PROJECT

The Council approved the request of Tom Moore, Public Works Director, to award a bid to Russell Paving Company, the lowest bidder, for the repair of the parking areas of the Back Creek Dock, Wingate Dock, Taylor's Island Boat Ramp and the Elliott's Island Marine Facility and to perform work on the Elliott Island Bridge, including the milling and paving of the bridge deck, at the estimated cost of \$111,149.57. The Council acknowledged that the estimated price of the contract is based on estimated quantities for this work which were provided by Public Works

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staff. The Council further acknowledged that the paving work for the marine facilities will be funded with existing Department of Natural Resources Waterway Improvement Funds and the milling and paving work associated with the bridge will be funded through the FY14 Highway Division budget.

Councilman Bradshaw expressed concern about the condition of the Elliott Island Marine Facility as a result of shoreline erosion, including the potential loss of the gazebo if such erosion continues. He said the local Resource Conservation and Development Council (RC&D) members conducted a survey of this facility in the summer of 2012 and will discuss this issue at their next meeting. He explained that the members have expressed their desire to meet with Mr. Moore and Kevin Moran, Right-of-Way Specialist, regarding the possibility of seeking grant opportunities to protect this facility. Mr. Moore expressed his understanding that grant funding for this purpose is limited; however, he said he is willing to meet with the RC&D members.

BID AWARD-FY13 COUNTY ROAD PAVING -PUBLIC WORKS

The Council approved the request of Mr. Moore to award a bid to American Infrastructure, MD, the lowest bidder, for the following FY13 County road paving projects at \$75.50 per ton for surface course and \$82 per ton for base course for a total estimated cost of \$663, 320,: portions of Robbins Road, Gravel Branch Road, Cord Town Road, Wingate Bishops Head Road, Hog Island/Crocheron Road, Indiantown Road (wedge), Andrews Road and Griffins Neck Road (patch). The Council acknowledged that the estimated contract price is based on the estimated quantities for this work which were provided by Public Works staff. Additionally, the Council acknowledged that funds in the amount of \$690,000 are allocated in the FY14 Highway Division budget for these paving projects.

PROPOSED EQUIPMENT RATES-HIGHWAY DIVISION/PUBLIC WORKS

The Council approved the request of Mr. Moore to increase the rates charged for the use of equipment in the Highway Division, to reflect the rates assessed by Federal Emergency Management, including raising the following: 1) from \$5 per hour to \$14 an hour to use a pickup; 2) from \$20 per hour to \$45 per hour to use a 6 wheel dump truck; and 3) \$120 an hour for the use of a gradall. The Council acknowledged that the rates include insurance, maintenance and fuel but not County labor costs. Additionally, Council recognized that there are several pieces of equipment which are not referenced on the FEMA rate sheet; therefore, Mr. Moore utilized rates for equipment of a similar purchase price and maintenance expense.

LETTER OF SUPPORT REQUEST-AG-TOURISM SIGNING PROGRAM-MARYLAND DEPARTMENT OF AGRICULTURE

Councilman Newcomb said Council has received a written request from Stone Slade, Marketing Specialist, Maryland Department of Agriculture, on behalf of Secretary Earl Hance, for a letter of support for the Maryland Ag-Tourism Signing Program, which will be administered by MDA and the State Highway Administration (SHA) under which SHA staff are allowed to post

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“directional” signs to an approved operation on the nearest state route, provided the applicant meets certain eligibility criteria pursuant to program guidelines.

In response to an inquiry from Councilman Newcomb, Mr. Moore said it is his understanding that the County will be required to install “trailblazer” signage prior to SHA’s erection of “directional” signs and will be responsible for all costs, including fabrication, installation and maintenance. He suggested the possible adoption of a County ag-tourism signage program similar to the County’s “Adopt a Road” Program. He questioned how many individuals will pursue the installation of these signs, noting that there has been a substantial decrease in requests to adopt roads in the County.

Councilman Bradshaw referenced the information provided by Mr. Stone, noting his understanding that elected officials in the County in which the ag-tourism operation is located must agree to participate in the program.

Mr. Moore said the Council will also have to decide whether to submit a written “blanket” statement authorizing the installation of ag-tourism signage in the County or consider each request on a case-by-case basis.

Councilman Price questioned whether there may be grant funds available to cover the cost to install and maintain these types of signs. Mr. Moore recommended that the Council mimic the State program which requires the requestor to pay for all costs associated with the signage for their operation. Councilman Newcomb expressed his belief that the program should also require requestors to pay for the repair or replacement of vandalized signs.

A motion to send a letter of support for the Maryland Ag-Tourism Signing Program failed with all Council members opposing. The Council agreed to forward the information Mr. Stone provided to the Traffic Safety Committee members for their review and recommendation back to the Council regarding the potential participation of the County in this program as well as proposed program guidelines.

POTENTIAL RESCHEDULING OF FIRST MEETING DATE IN NOVEMBER 2014

In light of the fact that the Council currently meets the first and third Tuesdays of each month and the first and second Tuesdays in November 2014 will be County holidays (November 4th – Election Day and November 11th – Veterans Days), the Council agreed to meet on Monday, November 3, 2014 in lieu of November 4th. The Council acknowledged that the Sanitary Commissioners are scheduled to meet in Room 110 on November 3rd at 3:30 p.m. and that the staff member who schedules those meetings has agreed to make a notation to keep that meeting brief. The Council further acknowledged that historically City of Cambridge and County Council members meet on the first Monday of each month and therefore, a meeting will not be held on November 3, 2013.

BOARD APPOINTMENTS

The Council agreed to reappoint Alanda Bramble as the District 1 representative and Bertha Dockins as the District 4 representative on the Council for Senior Citizens Services, whose terms will expire on December 31, 2016. The Council also agreed to reappoint Dwight Cromwell as the District 2 representative and Wendell Foxwell as the District 3 representative on the Board of Appeals, and acknowledged that their terms will expire on December 31, 2016.

Property Tax Assessment Appeals Board

The Council acknowledged that the Gubernatorial appointment of Melanie Hampton to fill the Property Tax Assessment Appeals Board alternate member vacancy has been confirmed by Governor Martin O'Malley.

CITY OF CAMBRIDGE PLANNING COMMISSION APPOINTMENT REQUEST

Pursuant to the written request of Victoria Jackson-Stanley, Mayor, City of Cambridge, and based on the recommendation of the Dorchester County Planning Commission members, the Council agreed to appoint Jerry Boroughs as the new liaison between the City of Cambridge Planning Commission and the Dorchester County Planning Commission, to replace Joy Loeffler.

BID AWARD-NUISANCE CONTROL ABATEMENT-DORCHESTER COUNTY HEALTH DEPARTMENT

The Council approved the request of William Forlifer, Environmental Health Officer, to award the bid for Nuisance Control abatement, pursuant to the County's Nuisance Control Ordinance, to Living Ecosystems at the cost of \$25 per hour for an equipment operator.

REQUEST TO HOLD A PRAYER RALLY AT SPRING VALLEY ON OCTOBER 12, 2013

The Council approved the request of Cathy Geisler, resident, to hold a Prayer Rally in Spring Valley which is located on the Circuit Court House property on October 12, 2013.

TELEPHONE POLL CONFIRMATION

Councilman Newcomb announced for the record that the Council, by a 5 to 0 vote, approved a Change Order between the County and Kelly's Excavation for the Maple Dam Culvert Replacement Project to wedge and repave a 230' section in the turn in order to properly crown that section of road utilizing \$6,000 in funding from the FY14 Highway Division budget.

DISCUSSION REGARDING UPGRADING ELECTRIC AT WINGATE DOCK

The Council recognized that Mr. Adrien Hansen, who holds a Dorchester County seafood buyer's permit, has offered to upgrade the electric at the County's Wingate Marine Facility from 110V to 220V, at his own expense. The Council agreed that Mr. Hansen can proceed with the upgrade provided he utilizes a licensed electrician and all of the required inspections are conducted. The upgraded equipment, once installed, will become the property of the County and will be available for public use. The Council requested that 110V outlets remain at the facility. The Council instructed Mr. Moore to contact Mr. Hansen to coordinate with him regarding the work to be performed at the facility.

PUBLIC COMMENTS

In response to a question from Wendell Foxwell, resident, Council Newcomb explained that the Department of Natural Resources conducts a dredge survey during the winter months to estimate the number of crabs living in the Chesapeake Bay. He further explained that it is his understanding that the same areas are dredged each year. Mr. Foxwell referenced a September 16, 2013 Star Democrat newspaper article in which Brenda Davis, Manager for the Maryland Department of Natural Resources' Blue Crab Program, expressed her opinion that this year's slow harvest is due to crab cannibalism.

Ms. Geisler, resident, thanked the Council for allowing her to hold a prayer rally in Spring Valley on October 12, 2013. She expressed concern about the condition of the roads in the Woolford area, particularly, the road she lives on, Deep Water Road. Based on a question posed by Ms. Geisler, Councilman Newcomb noted that highway user revenue distributions from the State to Dorchester County were substantially decreased several years ago; therefore, funding for road maintenance and repair is limited. He stated that the County Road program has decreased from 15 to 20 miles paved annually to 8 miles in 2013. He explained that the Public Works staff prepare a list of those roads that are in need of paving, which is then presented to the Council for its review and consideration. Councilman Newcomb further explained that roads in dire need of repair and maintenance are chosen first. Ms. Geisler expressed her understanding that Mallard Cove Road off of Deep Point Road was recently paved even though Deep Water Road is older and she believes, is in poorer condition. Mr. Moore questioned whether Mallard Cove Road is part of a subdivision and therefore, the developer was required to pave that road. The Council asked Mr. Moore to have staff view Deep Water Road.

Ms. Geisler referenced the Council decision to award a bid for Nuisance Control abatement and requested clarification on the definition of nuisance control. Councilman Newcomb explained that pursuant to Chapter 116 "Nuisance Control" of the County Code, grass, weeds or other vegetation over a certain height is considered a nuisance and therefore, under that Chapter the Health Department is authorized to take the necessary action to abate the condition. He explained that as a result of the bid award, the Health Department staff will be able to contract with Living Ecosystems to mow the grass and vegetation. He further explained that a lien will be placed on the tax bill for the property for all costs incurred as a result of the abatement.

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In response to a question from Ms. Geisler, Councilman Newcomb said the City of Cambridge Police Department and the City Council will receive notification, via email, that the Council has approved her request to hold the prayer rally in Spring Valley.

David Owens, a Dorchester County resident, referenced a newspaper article regarding the potential secession of counties on the Western Shore from the State of Maryland. He encouraged the Council to consider joining the movement, particularly based on the loss of State aid and the passage of unfunded mandates. Councilman Bradshaw expressed his understanding that a group of western Marylanders are pursuing the secession.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price invited Mr. Owens to attend the Council's Annual Transportation Meeting with Maryland Department of Transportation officials on November 5, 2013, noting that one of the topics the Council will discuss with them is its support of the North Dorchester Railroad project.

Councilman Price echoed the concerns Councilman Bradshaw expressed earlier in the meeting about the condition of the Elliott Island Marine Facility and particularly since local watermen will be utilizing that facility once the oyster harvesting season commences within the next few weeks.

Councilman Price noted that the Council has not received any response from Joseph Gill, Secretary of the Department of Natural Resources, regarding their request to allow watermen to hand tong during the oyster harvest season in the areas of the Choptank and Little Choptank River that have previously been restricted in order to offset their losses due to the poor crab harvest. Councilman Price said he will attend an interim Maryland Association of Counties Legislative Committee meeting on September 18, 2013 and will make inquiries regarding the status of that request.

Councilman Bradshaw expressed his belief that the poor crab harvest season is due to the fact that rockfish are eating crabs and not crab cannibalism.

He referenced the recent decision by a U.S. District Court Judge in Pennsylvania to uphold the Clean Water Act established by the Environmental Protection Agency for the Chesapeake Bay, in the lawsuit that was filed by the American Farm Bureau to block those pollution limits. He explained that the Judge ruled that the EPA is within its authority to set and enforce standards to reduce pollution in the Bay. He expressed his understanding that the American Farm Bureau will appeal this decision. Councilman Bradshaw noted that Charles "Chip" MacLeod, Legal Counsel, Clean Chesapeake Coalition is reviewing the Judge's ruling. He said he will keep Council updated on the coalition members' efforts.

Councilman Bradshaw advised Council that he and other members of the Clean Chesapeake Coalition recently spoke to the Queen Anne Farm Bureau members regarding their possible participation in the coalition. He referenced a recently released University of Maryland Horn

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Point Study regarding the effect of Tropical Storm Lee on the Chesapeake Bay. He expressed concern about the negative pollutive effects the Susquehanna River are having on the Chesapeake Bay.

Councilman Newcomb said the next County Council meeting is scheduled for October 1, 2013.

With no further business to discuss, the Council adjourned.

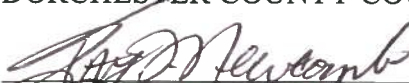
ATTEST:



Jane Baynard, County Manager

Donna Flane
Executive Administrative Specialist

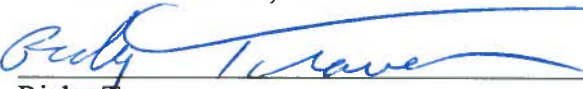
DORCHESTER COUNTY COUNCIL:



Jay L. Newcomb, President



William V. Nichols, Vice President



Ricky Travers



Rick Price



Tom Bradshaw

Approved the 1st day of October, 2013.