

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**June 18, 2013**

The County Council of Dorchester County met in regular session on June 18, 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; §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to 10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Nichols led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council approved the following additions to the agendas: 1) the execution of listing agreement for the Dorchester Regional Technology Park; 2) request for funding for land acquisition for economic development project; and 3) request to approve revised Technology Park covenants. Council also agreed to defer the consideration of residents concerns regarding Tyler's Cove Marine until additional information is received.

**APPROVAL OF MINUTES- JUNE 4, 2013**

The Council approved the minutes of June 4, 2013.

**APPROVAL OF DISBURSEMENTS**

The Council approved vouchers as presented.

## FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$3,899,662.33.

## FY13 BUDGET TRANSFER REQUESTS

The Council approved the following FY13 budget transfer requests: 1) from the Council's Office to transfer \$355 in excess funding from other expenses to postage expense to offset anticipated line item over expenditure; 2) from Brett Wilson, Circuit Court Judge, to transfer \$1,070 in excess funding from court reporter-other expenses, \$470; rental equipment, \$200, and other expenses, \$400 to postage, \$220, and office supplies, \$850, to cover overages and to purchase additional postage and office supplies; 3) from Steve Dodd, Planning & Zoning Director to transfer \$700 from lodging meals and \$640 for total of \$1,340 to fund replacement CPU for GIS specialist; transfer \$8,000 from legal to contractual services for scanner maintenance and unanticipated MDIA fees for inspections as well as assistance with permit access; transfer \$650 from Board of Appeals, \$1,250 from Planning Commission and \$2,000 from Electrical Board for a total of \$3,900 to printing and publishing to cover additional costs to print permit cards and electrical and plumbing license cards; 4) from Keasha Haythe, Economic Development Director, to recognize \$28,000 in cost and revenue from the 2012 Economic Development Technology Summit and to add \$100,000 in operating costs for the incubator facility to be paid from additional hotel tax revenue; 5) from Scott Eberspacher, Recreation and Parks Director to transfer \$2,500 from overtime; \$700 from telephone; \$2,500 from maintenance and repairs; and \$200 from employee uniforms to equipment rental, \$950; trash removal, \$550; and seasonal salaries \$4,400 to offset higher utility and programmatic costs; 6) from Tom Moore, Public Works Director, on behalf of the Highway Division, to transfer \$305,000 in excess funding in various expenditure line items to cover repairs to roadside mowers, bushers, gradalls, transmissions and equipment A/C; paint trucks and plows and to transfer various blacktop materials costs to consolidate within the contractual line item due to use of outside contractors for this function by balancing with savings in diesel fuel and electricity; and 7) from Mr. Moore, on behalf of the Landfill Division, to transfer excess funding of \$128,000 from various accounts and to use additional revenue resulting from increased solid waste tonnage to cover additional repairs and maintenance work to heavy equipment, provide funding for unfilled manager position to contractual line item to cover Maryland Environmental Services management contract.

## EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on June 18, 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; §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto;

pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to 10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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.

Councilman Newcomb announced that the Council convened into an Executive Session meeting at 6:00 p.m. on June 11, 2013 to discuss the following items: 1) discussed with staff matters relating to the proposed incubator facility and Dorchester Regional Technology Park-agreed to continue discussions at June 18, 2013 meeting; and 2) discussed matters relating to a proposed economic development project-agreed to continue discussions at June 18, 2013 meeting.

Councilman Newcomb also announced that the Council convened into Executive Session at 4:30 p.m. on June 18, 2013 to discuss the following items: 1) discussed a matter relating to a proposal for a business/organization to locate, expand, or remain in the State-requested clarification; 2) discussed the commitment of local funds and continued participation in a coalition formed in opposition to State mandate(s)-agreed to continue discussions at July 2, 2013 regular session meeting; 3) discussed an organization's requests for funding to acquire a property for a proposed economic development project-agreed to continue discussions in open session; 4) discussed matters regarding the Dorchester Regional Technology Park-agreed to continue discussion in open session; 5) deferred the request of the Warden to hire individuals to fill vacant Correctional Officer positions until its July 2, 2013 meeting by a 5 to 0 vote; 6) confirmed the hiring of seasonal pool and program staff by a 5 to 0 vote and denied a request to increase salaries by a 5 to 0 vote; 7) recognized the certification of an on-call employee and agreed to adjust his/her salary accordingly by a 5 to 0 vote; 8) discussed personnel matters regarding Detention Center with Warden; 9) discussed with legal counsel a matter regarding a memorandum of understanding relating to the billing/collection of water service fees in West Vienna.

The above information is being provided to the public pursuant to and in compliance with Section 10-509(b) and (c) of the State Government Article.

## **REGULAR SESSION**

### **BOAT SLIP LEASE RENEWALS/RESIDENTS CONCERNS-TYLER COVE MARINA-PAUL CONTINUED DISCUSSION**

Councilman Newcomb explained that the Council deferred consideration of the renewal of boat slip leases for 2013-2014 for Tyler's Cove Marina and the request of Cindy and Dwane Paul, on behalf of the Tyler's Cove Marina slip holders, for a one year waiver of the boat slip rental fee in order to allow Council an opportunity to continue to seek

assistance from Senators Benjamin Cardin and Barbara Mikulski as well as Congressman Andy Harris.

Councilman Newcomb noted the Council's understanding that federal government funding has not been allocated for dredging projects within the last several years. He said he spoke with Robert Blama, United States Corps of Engineers, who estimated that, the cost to dredge the Tar Bay channel is \$1 million and that even if funds are identified the dredging would not commence until at least the late fall of 2013. He explained that Mr. Blama confirmed that there are no funds appropriated in the federal budget for dredging these channel. Councilman Newcomb said Finance staff was advised on June 12, 2013 to proceed with mailing out invoices to the slip holders of all County owned marinas for 2013 to 2014 with the exception of Tyler's Cove Marina since boat slip rental agreements renew annually automatically. He explained that he spoke with Senator Mikulski and asked for her assistance in obtaining information regarding the future dredging of the Tar Bay channel. He noted that he has received pictures of a boat that received damage as a result of the silting in of the channel and will provide them to the federal legislators.

Councilman Bradshaw said he spoke to Ronald H. Fithian, President, Kent County Commissioners, who told him that he has received mixed messages from both Department of Natural Resources and Army Corps of Engineer staff as to which entity is responsible for dredging. He advised that he has been forwarded information Mr. Moore has provided regarding the Tar Bay channel to the Chief of Staff for Congressman Harris.

In response to a question from Tyler's Cove Marina slip holders, Mr. Moore said it is his understanding that the Tar Bay channel was dredged in 2009 and that a feasibility study to re-dredge that channel was conducted in 2011. Councilman Newcomb confirmed that slip holders can remain in their slips in the interim.

#### REQUEST TO AMEND GRANT APPLICATION-UNITED STATES DEPT OF AGRICULTURE-INCUBATOR FACILITY-ECONOMIC DEVELOPMENT

The Council approved the request of Keasha Haythe, Economic Development Director, to submit an amendment to the County's grant application to the United States Department of Agriculture under the Rural Business Enterprise Grant Program to reduce the funding request from \$500,000 to \$225,000 for non-construction funds for the proposed incubator facility. The Council recognized that there is a \$75,000 local match for the purchase of furniture, fixtures and equipment which is allocated in the Economic Development's FY14 Operating Budget under the special projects line item.

#### TRAVEL REQUESTS-TOURISM-ECONOMIC DEVELOPMENT

##### Tourism

The Council approved the request of Amanda Fenstermaker, Tourism Director, to travel to Pigeon Forge, Tennessee for the Virginia Motorcoach Association/North Carolina Motorcoach Association Marketplace from September 8 to September 12, 2013 at the

cost of \$2,000 which includes registration fee, lodging, food and transportation. The Council acknowledged that the expenses incurred will be charged to a Maryland Heritage Area Authority Grant for the marketing of the Harriet Tubman Underground Railroad Byway.

### Economic Development

The Council approved the request of John Mason, Business Attraction & Expansion Manager, to attend, as an exhibitor, the Midwest Design and Manufacturing Expo in Chicago from September 10 to September 12, 2013 at the cost of \$7,300 which includes conference registration, vehicle, lodging and travel/meal expenses and the purchase of a trade-show display which can be utilized for future exhibits. The Council acknowledged that the expenses associated with this conference will be paid from the FY14 Economic Development marketing line item.

### REQUEST FOR FY12 MARYLAND HERITAGE AREA AUTHORITY GRANT EXTENSION-HERITAGE TRAILS DRIVING TOURS BROCHURE-TOURISM

The Council approved the request of Ms. Fenstermaker to approve an extension of the FY12 Maryland Heritage Area Authority (MHAA) Grant entitled "Heritage Trails Driving Tour Brochures" to January 31, 2014 with a final report due to MHAA on March 31, 2014. The Council acknowledged that two the three brochures have been completed and that the extension is necessary for the completion of the third and final brochure.

### REQUEST TO SOLE SOURCE/HIRE COMPANY-PRINTING HARRIET TUBMAN DRIVING TOUR BROCHURE AND MAP-TOURISM

The Council approved the request of Ms. Fenstermaker to sole source with Delmarva Printing to print the new driving tour brochure and map guide to the Harriet Tubman Underground Railroad Byway at the cost of \$24,200 for 50,000 copies. The Council acknowledged that this project is paid for by the Federal Highway Administration's America's Byways program via the State Highway Administration and a Maryland Heritage Area Authority grant.

### FY14 FUNDING AGREEMENT-DEPARTMENT OF MENTAL HEALTH & HYGIENE-HEALTH DEPARTMENT

The Council approved the written request of Roger L. Harrell, Health Officer, Dorchester County Health Department, to execute the FY14 Funding Agreement between the County and the Department of Health and Mental Hygiene totaling \$698,250 which includes required matching funds of \$191,832 and a local match of \$506,418 to provide local health services at the Health Department. The Council acknowledged that County funds are equal to the \$698,250 appropriation in the County Council's FY14 budget.

### REQUEST TO RENEW HEALTHY FAMILIES GRANT FOR FY14-DORCHESTER COMMUNITY PARTNERSHIP FOR CHILDREN & FAMILIES

The Council approved the request of Nancy Shockley, Local Management Board Director, on behalf of the Dorchester Community Partnership for Children & Families, to accept a FY14 Healthy Families grant renewal in the amount of \$363,132. The Council acknowledged that this is a “pass through grant” to the Dorchester County Health Department. and that Health Department staff will offer support to children from infancy and their families primarily in their homes. The Council further acknowledged that the grant period is July 1, 2013 to June 30, 2014.

#### DISCUSSION-INCUBATOR FACILITY-DORCHESTER REGIONAL TECHNOLOGY PARK-ECONOMIC DEVELOPMENT

At the request of Councilman Newcomb, Keasha Haythe, Economic Development Director, explained that the Maryland Technology Development Corporation (TEDCO) has agreed to provide \$1 million to Dorchester County in the form of a reimbursable grant for the construction of an incubator facility building at the Dorchester Regional Technology Park. She said at the directive of Council she submitted the following repayment terms to TEDCO staff for their approval: a no interest loan over a 20 year period with deferral of the first years’ payment, a \$25,000 fixed annual payment and 25% of gross proceeds of lot sales. She said TEDCO staff have agreed to the terms and are in the process of drafting an agreement for the Council and County Attorney’s review.

#### BID AWARD-BITUMINOUS MATERIALS CONTRACT/SPRING TAR AND CHIP SCHEDULE-PUBLIC WORKS

The Council approved the request of Thomas Moore, Public Works Director, to award a bid liquid bituminous materials contract to Asphalt Emulsion Industries, lowest bidder. The Council acknowledged that roads to be surface treated are: Height Road, 0.29 miles; Schnoor Road, 0.40 miles; Liners Road, 3.12 miles; Gregory Road, 0.60 miles; Rippling Road, 1.02 miles; Hayland Acres Road, 0.67 miles and Castle Haven Road, 1.10 miles. The Council recognized that stone has been purchased for this work, price for tar is approximately \$37,144, total price per mile with no equipment or labor costs is approximately \$6,700 per mile. Additionally, the Council recognized that the plan is to begin work on June 17, 2013 to complete within current budget year.

#### REQUEST TO ADVERTISE FOR ALUMINIZED AND HDPE DRAINAGE PIPE- PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise a request for proposals for supplying and delivering aluminized Type 2 metal pipe and/or HDPE Drainage pipe for culverts for the year July 1, 2013 to June 30, 2014.

#### BID AWARD-INTEGRATED PEST MANAGEMENT SERVICES CONTRACT- MAINTENANCE/PUBLIC WORKS

The Council approved the request of Mr. Moore to award a bid for integrated pest management services contract to Orkin Commercial Services, the lowest bidder at an annual cost of \$2,010, with service planned every other month for the Court House, County Office Building and the Airport Terminal. The Council acknowledged that quarterly service is planned for the Health Department, Visitors' Center (interior only), Public Works Office/Shop/Training Room, Beulah Landfill scales building and office, Golden Hill Transfer Station Building and Secretary Transfer Station building.

#### REQUEST TO ADVERTISE REQUEST FOR PROPOSALS-FLATBED EQUIPMENT TRAILER-PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise a request for proposals for a flatbed equipment trailer, recognizing that funds are allocated in FY13 Capital Budget for the purchase of this equipment.

#### FY13 BYRNE JUSTICE ASSISTANCE GRANT APPLICATION REQUEST-COMPUTER UPGRADE-TACTICAL VESTS-GOCCP-SHERIFF'S OFFICE

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of the Sheriff's Office, to submit a Governor's Office of Crime Control and Prevention grant under the Computer Upgrade and Tactical Vest Purchase program for \$53,899 to purchase 20 office computers, five Toughpads, a booking camera, Cellebrite maintenance and 11 tactical vests. The Council acknowledged that there is an in-kind match of \$4,000 (Sheriff Office staff computer setup) and that the grant period is October 1, 2013 to September 30, 2014.

#### FY14 NOXIOUS WEED CONTROL COOPERATIVE AGREEMENT-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Mary Ellen Setting, Deputy Secretary, Maryland Department of Agriculture to execute a Grant Agreement between the Maryland Department of Agriculture and Dorchester County with no funds being provided by the County or the Maryland Department of Agriculture for the control and eradication of specific noxious weeds (johnsongrass, shattercane, thistles, multiflora rose) for the period of July 1, 2013 through June 30, 2014.

#### BOARD APPOINTMENTS

##### Agricultural Reconciliation Committee

The Council agreed to reappoint William Malkus and Lin Spicer, whose terms expire on August 31, 2013 for an additional three years. The Council asked staff to contact William Slacum to inquire as to whether he is interested in continuing to serve on this Board.

### Property Tax Assessment Appeals Board

Councilman Newcomb said Phyllis North's term on the Property Tax Assessment Appeals Board expired on June 3, 2013 and her name has been submitted to Governor Martin O'Malley for reappointment, however, the Governor is requiring that three names be submitted. He noted that an expression of interest advertisement was recently published in the Star Democrat and Dorchester Star seeking interested persons and that no responses have been received to date. Councilman Nichols asked press to publicize that members are paid for their participation on this Board in order to garner more interest.

Melanie Hampton said she recently purchased a home in Dorchester County and asked about the required term and meeting schedule. Councilman Nichols stated that the Board meets one to three times a week during the months of May, June or July; that meetings are scheduled from 8:30 to 3:30 p.m., however they typically are completed by noon. Councilman Newcomb instructed Ms. Hampton to provide staff with her contact information so that they may provide her documentation that must be completed in order for her name to be submitted to the Governor.

### EXECUTION OF LISTING AGREEMENT-TECHNOLOGY PARK-CASSIDY TURLEY-ECONOMIC DEVELOPMENT

The Council recognized its May 21, 2013 confirmation of its April 16<sup>th</sup> decision to accept the recommendation of Keasha Haythe, Economic Development Director, to award a one year contract to Cassidy and Turley, a site selection firm/commercial real estate brokerage, to market the Dorchester Regional Technology Park. The Council authorized Councilman Newcomb, as Council President, to execute a one year Exclusive Right to Sell Property agreement with Cassidy Turley, a site selection firm/commercial real estate brokerage, to market the Dorchester Regional Technology Park. Councilman Bradshaw opposed. Councilman Price also opposed, citing concerns about the current economic climate and future projected costs. The Council acknowledged that the agreement will continue after one year on a month-to-month basis with a final termination date of May 31, 2015. The Council further acknowledged that either party will have the right to cancel this agreement upon 30 days written notice. The Council recognized that a 5% commission is to be paid only when a lot is sold if no co-broker is used and 7% if a co-broker is utilized.

In response to a question from Ms. Hampton, Councilman Newcomb explained that the Department of Business and Economic Development has also allocated funding to Dorchester County for the construction of the incubator facility. He further explained that the incubator facility will have open adaptable space for small start up businesses to utilize. He noted that water and sewer service, fiber optic conduit and electrical conduit are available and the Council is hopeful that businesses who locate to the incubator facility will grow and then purchase a lot in the Technology Park.

Ms. Haythe said incubator tenants will be able to access shared services and programs at the facility.

#### **REQUEST FOR FUNDING FOR LAND ACQUISITION FOR ECONOMIC DEVELOPMENT PROJECT**

The Council agreed to designate \$50,000 of the County's localside Program Open Space funds in the current funding cycle to be used towards the acquisition of a property for a proposed City of Cambridge economic development project contingent upon the funds being used for this specific project.

#### **REQUEST TO APPROVE REVISED TECHNOLOGY PARK COVENANTS-ECONOMIC DEVELOPMENT**

The Council approved revised covenants for the Dorchester Regional Technology Park which have been reviewed and approved by E. Thomas Merryweather, County Attorney.

#### **PUBLIC COMMENTS**

In response to an inquiry from Wendell Foxwell, a resident, Councilman Travers noted that an under contract sign has been erected on the property on Route 50 on which an automobile dealership used to be located.

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

Councilman Travers advised Ms. Hampton that he provided Mr. Moore a copy of her corrections regarding drainage issues relating to her property.

Councilman Nichols said there was a significant amount of staff time and funding utilized to bring the Technology Park project to fruition. He explained that there was approximately a 10 year delay in the project due to an extensive negotiation process with the City of Cambridge Council and City representatives in order to obtain the City Council's concurrence relating to the water and sewer and other aspects for the Dorchester Regional Technology Park. He encouraged residents to contact Economic Development staff or himself if they have any questions regarding the Technology Park.

Councilman Newcomb advised that the Maryland Department of Agriculture, Mosquito Control Division staff is performing mosquito counts and spraying will begin shortly, weather pending.

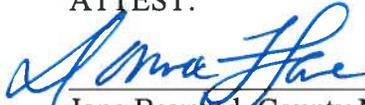
He said the Council has been in continuous contact with Shore Health representatives regarding the retention of Dorchester General Hospital and the medical services provided at that facility.

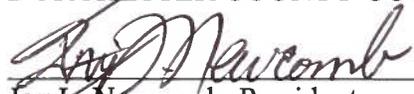
Councilman Newcomb announced that the next meeting is scheduled for July 2, 2013.

With no further business to discuss, the Council adjourned.

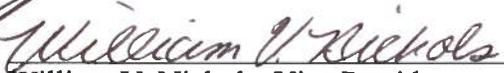
ATTEST:

DORCHESTER COUNTY COUNCIL:

  
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Jane Baynard, County Manager

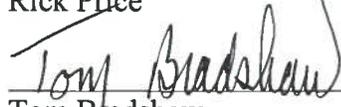
  
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Jay L. Newcomb, President

*Executive Administrative Specialist*

  
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William V. Nichols, Vice President

  
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Ricky Travers

  
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Rick Price

  
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Tom Bradshaw

Approved the 2nd day of July, 2013.