

County Council of Dorchester County
Regular Meeting Minutes
June 4, 2013

The County Council of Dorchester County met in regular session on June 4, 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and 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.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: requests to advertise a vacant Grant Technician position in Soil Conservation and a vacant part-time Airport Technician I; a request to expend FY14 capital budget funding to extend the warranty for lighting for athletic fields; and the designation of official representatives for the County on the Sailwinds Work Group.

APPROVAL OF MINUTES- MAY 21, 2013

The Council approved the May 21, 2013 minutes.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$2,312,920.83.

EXECUTIVE SESSION SUMMARY

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

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the present Council members 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) approved the request of the Soil Conservation Director to fill a Grant Technician position by a 3 to 1 vote-agreed to consider a request to advertise the position in regular session; 2) approved the request of the Emergency Services Director to hire an individual as the County's Medical Director by a 3 to 1 vote; 3) approved the request of the Public Works Director to fill a part-time Airport Technician position by a 3 to 1 vote-agreed to consider a request to advertise the position in regular session; 4) approved the request of the Emergency Services Director to hire an individual as an on-call Advanced Life Support Provider by a 3 to 1 vote; 5) discussed the commitment of a local match for a conditional loan to a local business; 6) discussed with staff matters relating to the proposed Eastern Shore Innovation Center-agreed to discuss at a future work session; 7) discussed matters regarding a potential solar project on County owned property; 8) deferred a discussion relating to a proposed economic development project-agreed to discuss at a future work session.

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

COMMENDATION-EMERGENCY MEDICAL SERVICES PROVIDER OF THE YEAR-SCOTT WHEATLEY

The Council presented a commendation to Scott Wheatley for receiving the State of Maryland 2013 Emergency Medical Services Provider of the Year Award from the Maryland Institute for Emergency Medical Services System.

CAMBRIDGE SOUTH DORCHESTER HIGH SCHOOL BASEBALL TEAM-2013 STATE CHAMPIONSHIP

The Council presented a commendation to the members of the Cambridge South Dorchester High School Varsity Baseball Team for capturing their third State Championship, the 2013 1A State Championship.

RESIDENTS CONCERNS-TYLER COVE MARINA-PAUL

Cindy Paul, resident, noted that in response to concerns expressed by several watermen at a March 2013 meeting, the Council sent a letter to the United States Army Corps of Engineers (Army Corps) supporting dredging of the Tar Bay channel. She said it is her understanding that no action has been taken by the Army Corps in response to that request. She stated that she was present on behalf of the watermen who lease County owned boat slips at Tyler's Cove Marina to request a one year waiver of the rental free since most of them have had to lease boat slips at other marinas due to the silting in of the Tar Bay channel.

At the request of Councilman Newcomb, Tom Moore, Public Works Director, noted that the channel was dredged in 2000, 2004 and 2009. He explained that an initial assessment of the channel was conducted and it was determined by the Army Corps that the most cost effective option is to over dredge by removing twice the normal depth of material. In response to a question from Councilman Travers, Mr. Moore said it is his understanding that no funds are currently allocated for the project.

Thomas Powley and Dwane Paul, Dorchester County watermen, expressed their concerns about increased costs because they have to travel a further distance to access the Chesapeake Bay and in renting two boat slips. Several other Tyler's Cove Marina boat slip holders also expressed their concerns about the increased travel time.

In response to a question from Councilman Travers, Councilman Newcomb expressed his understanding that the closest County marine facility is the Back Creek Marina and that there are no slips available at that location.

The Council members deferred consideration of the renewal of boat slip leases for 2013-2014 for all County owned marinas until its June 18, 2013 meeting in order to provide them the opportunity to consider Ms. Paul's request on behalf of the Tyler's Cove Marina slip holders and to seek assistance from Senators Benjamin Cardin and Barbara Mikulski as well as Congressman Andy Harris. The Council requested that Tom Moore, Public Works Director, contact Department of Natural Resource staff to inquire as to whether they are able to provide any assistance in the interim.

MANAGERS COMMENTS

2014 MARYLAND ASSOCIATION OF COUNTIES LEGISLATIVE REQUEST- RADIO SYSTEM GOVERNANCE-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to send a letter to Michael Sanderson, Executive Director, Maryland Association of Counties (MACo), requesting that Radio Systems Communications Governance of the Maryland FIRST Network, a proposed statewide public safety radio network, be included as a 2014 MACo legislative initiative.

In response to questions from Council, Mr. Goldman advised that he is not recommending that the Council pursue inclusion in the State's proposed project at this time, particularly since it may not be cost effective. Councilman Travers noted that the local school buses are being equipped with radios that are compatible with the County's system.

REQUEST TO SCHEDULE PUBLIC HEARING-FY13 AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATIONS-PLANNING & ZONING

The Council approved the request of Rodney Banks, Assistant Planning and Zoning Director, to schedule a public hearing on FY13 Agricultural Land Preservation Easement application approvals.

FY14 BODY ARMOR LOCAL LAW ENFORCEMENT GRANT APPLICATION- GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION-SHERIFF

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Sheriff James Phillips, to submit a FY14 Body Armor for Local Law Enforcement Grant application to the Governor's Office of Crime Control & Prevention for funds in the amount of \$3,635 with a 50% cash match to purchase six replacement vests and four new vests for recruits. The Council acknowledged that the match will be covered under the United States Department of Justice Bulletproof Vest Partnership Grant. The Council recognized that the grant period is July 1, 2013 through June 30, 2014.

REQUEST TO RENEW INTERGOVERNMENTAL AGREEMENT-MARYLAND ENVIRONMENTAL SERVICE-LANDFILL/PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to extend the current Intergovernmental Agreement between the Council and Maryland Environmental Services to provide management services at the landfill under the original terms of the agreement at the cost of \$6,999 per month until June 30, 2014 and to execute a Letter of Extension. The Council acknowledged that the contract can be terminated by the Council without cause upon 30 days notice. Additionally, the Council acknowledged that Maryland Environmental Services is responsible for paying for Workers' Compensation coverage for the Landfill Manager.

TRAVEL REQUESTS

Economic Development

The Council approved the request of Keasha Haythe, Economic Development Director, to attend the Maryland Economic Development Association Summer Conference on June 12, 2013 in California, Maryland and to stay at the Hampton Inn overnight prior to the date of the meeting at a discounted rate of \$109, which cost will be covered through the Economic Development Department budget. Councilman Bradshaw opposed. The Council recognized that Ms. Haythe as Vice President of the association is encouraged to attend all regional meetings and has been asked to moderate a panel during this conference.

Public Works

The Council approved the request of Mr. Moore for authorization for Bob Tenanty, Airport Manager, to attend the Maryland Airport Manager's Association annual conference from June 6 to June 8, 2013 in Ocean City at the cost of \$75 (registration fee) which will be paid through the Engineer meeting and registration line item of the Public Works Budget. The Council acknowledged that Mr. Tenanty will utilize a County vehicle for transportation.

RESOLUTION-REAL PROPERTY TAX CREDIT-BUSINESS EXPANSION-AMICK FARMS, LLC-ECONOMIC DEVELOPMENT

The Council agreed to accept a resolution to support a \$150,000 loan from the Maryland Department of Business and Economic Development to Amick Farms, LLC to purchase equipment to expand and upgrade its processing facility in Hurlock and to authorize a \$15,000 real property tax credit over a two year period as the County's match for the loan. The Council, based on the legal advice of E. Thomas Merryweather, County Attorney, further agreed to amend the resolution prior to execution to state that once the loan is closed the Council shall introduce a Bill which will enact a law to authorize a real property tax credit in the amount of \$7,500.00 per year for two years on the real property plant of Amick located in Hurlock as authorized by Section 9-205 of the Tax Property Article.

RECOMMENDATION TO ABATE PERSONAL PROPERTY TAX-GOLDEN HILL FARMS-FINANCE

The Council approved the recommendation of Michael Spears, Finance Director, pursuant to Section 8-419 of the Tax-Property Article of the Annotated Code of Maryland, to abate personal property taxes assessed against Golden Hill Farms in the amount of \$17,270 for the years 2004 to 2008 because the owner mistakenly included exempt boats as taxable property on these returns. The Council acknowledged that the 2009 return was correct and that the owner recently submitted amended personal property

tax returns for 2010, 2011, 2012 and therefore no corrections are necessary for those years.

REQUEST FOR RESOLUTION TO OPPOSE MARYLAND FIREARMS SAFETY ACT-CECIL COUNTY COUNCIL

Based on a written request from Dr. Alan McCarthy, Vice President, County Council of Cecil County, the Council agreed to execute a resolution to oppose the Maryland Firearm's Safety Act. The Council recognized that a written request was also received from the Carroll County Board of Commissioners. The Council acknowledged that the County Council of Cecil County unanimously adopted Resolution 38-2013 entitled "Opposition-Maryland Firearms Safety Act" on May 7, 2013. Additionally, the Council acknowledged that the Carroll County Board of Commissioners also executed a resolution in opposition to the Act.

BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION REQUEST-ADVENTURE DIVERSION PROGRAM-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to electronically submit to the Governor's Office of Crime Control & Prevention an application for Edward J. Byrne Memorial Justice Assistance grant funding in an amount not to exceed \$50,000 with no cash or in-kind match in order to enhance the Adventure Diversion Program. The Council acknowledged that it is Ms. Shockley's intention that the following will be added to that program utilizing these funds: 1) alcohol/drug assessments; 2) early intervention programming using the evidenced based third Millennium Classroom curriculum; and 3) alcohol and drug education groups which will be provided contractually by the Dorchester County Health Department staff.

The Council also acknowledged that the budget is incomplete, however, pursuant to Ms. Shockley, the funds will be used to cover: 1) 5% of the Project Director salary, funding for an Alcohol/Drug Education Counselor (10 hours per week for a total of 52 weeks); 2) purchase of third Millennium Software Curriculum for 25 youth at \$60 per youth; 3) purchase of two tablet computers for staff record keeping. The Council further acknowledged that the long term sustainability of this project will be sought through other grant or foundation funding opportunities.

REQUEST TO ADVERTISE-GRANT TECHNICIAN-SOIL CONSERVATION

The Council approved the request of Dale Brown, Soil Conservation Director, to advertise a Grant Technician position which will be fully funded by a pass through grant from the State of Maryland Department of Agriculture.

REQUEST TO ADVERTISE-PART-TIME AIRPORT TECHNICIAN-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to advertise a part-time Airport Technician I position (28 hours per week) as a result of a resignation. Councilman Price opposed, questioning whether existing staff can undertake any of these duties.

FY14 CAPITAL BUDGET EXPENDITURE REQUEST-LIGHTING WARRANTY-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to waive bids and expend FY14 Capital Budget funds of \$34,730 to extend the Musco light warranties of two of the County's three lighted athletic fields for an additional 10 years and to add a 10 year warranty for a third site. The Council acknowledged that pursuant to Finance staff these funds are allocated in the FY14 budget for this expenditure.

DESIGNATION OF OFFICIAL REPRESENTATIVES FOR THE COUNTY ON THE SAILWINDS WORK GROUP

The Council designated Councilman Travers and Keasha Haythe, Economic Development Director, as the County's representative on the Sailwinds Work Group relating to the Cambridge Waterfront Marine Terminal project and requested that they provide periodic updates.

TELEPHONE POLL CONFIRMATION

Councilman Newcomb announced that in the interim between meetings Council, by means of a poll agreed to place an Expressions of Interest advertisement seeking individuals interested in serving on the County's Property Tax Assessment Appeals Board by a 5 to 0 vote.

Councilman Newcomb also announced that the request of the Emergency Services Director to sole source with Microsoft and to expend Eastern Shore Communications Alliance (ESCA) grant funds in amount of \$5,300, with no local match, to purchase six computer tablets was approved in the interim between meetings. He noted that the funds had to be expended within a 24 hour period. Mr. Goldman explained that the tablets will be used on scene by Emergency Medical Services personnel to process patient charts. He advised Council that the Queen Anne's County Board of Commissioners purchased 100 radios utilizing ESCA grant funds of \$120,000, and that Dorchester County EMS personnel will have access to 15 of those radios to use during special events.

PUBLIC COMMENTS

Based on a question from Wendell Foxwell, a Dorchester County resident, Councilman Newcomb said Public Works staff is in the process of mowing grass alongside County roads, noting that funds have been allocated for this work. He explained that there was a delay due to a late Spring.

Wayne Cook, resident, referenced the concerns he expressed on May 7, 2013 regarding the availability of fire exits at the Circuit Court House. Mr. Moore explained that the Fire Marshall toured the building and as a result a couple of minor items were addressed.

In response to a question from Len Pffeffer, resident, Councilman Newcomb said Public Works staff mows the grass at the Dorchester Regional Technology Park.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price advised that Joyce Spratt, Mayor, announced at the last Town of Hurlock meeting that Nanticoke Health Systems has expressed an interest in meeting with Town representatives to discuss restoring medical services in that area by utilizing existing staff.

Councilman Newcomb stated that Lorraine T. Henry, President, Dorchester County Board of Education, has advised, via written correspondence, that the Board members have respectfully declined the Council's invitation to meet with them to discuss the new grading procedure for local public schools. The Council members each expressed concern about the Board members' unwillingness to meet with them.

Councilman Travers noted that although the Council is required by State law to fund a number of agencies, including the Board of Education, Council does not have an input on how those funds are utilized. The Council encouraged residents whose children attend local public schools to contact Board members directly if they have any concerns. Councilman Nichols stated that on several occasions the Council has asked the Board members to hold some of their meetings in the evening hours in order to provide working parents an opportunity to attend those meetings without success.

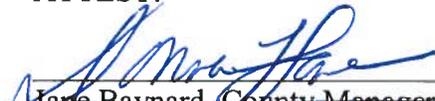
Councilman Bradshaw said it is his understanding that pursuant to the new grading procedure a student who does not turn in his/her assignment will receive a 59% in lieu of a zero. He further expressed his understanding that a student will be allowed to retake a test to improve his/her grade. He reiterated the concerns he expressed at the Council's May 21, 2013 meeting that pursuant to legislation passed during the 2012 legislative session maintenance of effort will be calculated based on a statewide five year moving average beginning in FY15, which will negatively impact local government officials' ability to balance future budgets. He explained that any amount provided by a local government in excess of maintenance of effort will be included in that average.

Councilman Nichols said it is his understanding that it may be necessary for State of Maryland representatives to add funds to the State of Maryland Retirement and Pension System Fund due to a loss in investment income and questioned the source of those funds. Councilman Bradshaw noted his understanding that if investment income exceeds the amount needed in order to fully fund pensions those additional funds will be added to the State's General Fund and not reinvested into the pension fund.

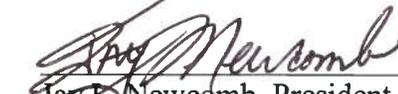
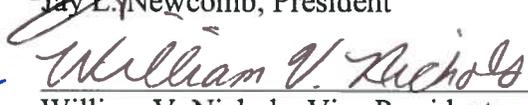
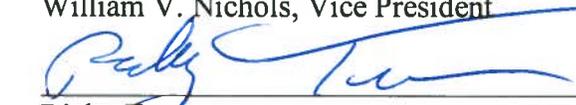
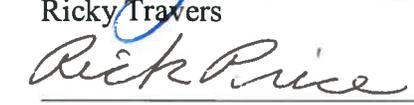
Councilman Newcomb said the next County Council meeting is scheduled for June 18, 2013.

With no further business to discuss, the Council adjourned.

ATTEST:


~~Jane Baynard, County Manager~~
Donna F Lane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:


Jay L. Newcomb, President

William V. Nichols, Vice President

Ricky Travers

Rick Price

Tom Bradshaw

Approved the 18th day of June, 2013.