

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**June 3, 2014**

The County Council of Dorchester County met in regular session on June 3, 2014 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 was 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 Travers led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council agreed to add to the agenda a Council statement and a request from the Public Works Director for a change order to a roof replacement contract.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANICAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$4,963,789.17.

**EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on June 3, 2014 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 Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed below.

Action taken at the closed session: 1) approved request of Emergency Services Director to hire individuals to fill vacant 911 Dispatcher positions and to update the Departments hiring eligibility list by a 4 to 0 vote; 2) approved request of Recreation and Parks Director, to hire an individual to fill a vacant Seasonal Maintenance position by a 4 to 0 vote; 3) confirmed the hiring of individuals to fill lifeguard positions at the Dorchester County pool for the 2014 pool season by a 4 to 0 vote; 4) deferred a request to utilize County property; 5) approved a request to purchase a County property by a 4 to 0 vote; 6) discussed a matter relating to a County economic development project; and 7) denied a request to lease County owned lots for farming purposes by a 3 to 2 vote.

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**

### **COUNCIL STATEMENT**

Councilman Nichols said it has come to the Council's attention that inaccurate statements have been made regarding the appointment of Jay L. Newcomb, Council President, as Acting County Manager. He clarified that Councilman Newcomb is only receiving compensation for serving as a Council member. Councilman Newcomb explained that he receives \$1,000 more than the other Council Members for serving as Council President. Councilman Nichols referenced Article 2, Section 207 of the County's Charter which states that no change in the compensation of Council members shall become effective during the term of office of the Council enacting the change.

Councilman Nichols explained that, pursuant to the County's Charter, which was developed by citizens and not the Council, a County Manager must be bonded, sign all documents passed by Council including vouchers and bond bills, and present a proposed capital and annual expense budget. He referenced the FY15 budget the Council adopted at its May 27, 2014 meeting. Councilman Nichols said Councilman Newcomb has been informally performing these duties since Jane Baynard, County Manager, has been on medical leave. Councilman Nichols commended Councilman Newcomb for assuming these extra duties.

Councilman Newcomb advised that Ms. Baynard is still recovering. He said she is receiving email correspondence from Department Heads and has spoken with him regarding various County issues on several occasions. He stressed that the Council is following the County's Rules and Regulations and the County Charter.

### **MID-SHORE MENTAL HEALTH SYSTEMS COMMUNITY MENTAL HEALTH PLAN PRESENTATION/LETTER OF AGREEMENT**

Holly Ireland, Executive Director, Mid-Shore Mental Health Systems, presented the Mid-Shore Mental Health Systems' Community Mental Health Plan, to include county specific data, Health Care Reform, and Behavioral Health Integration and its' impact. She said Mid-Shore Mental Health Systems (Mid Shore) received a 17.5% increase in State and Federal funding, mainly for an additional mobile crisis team to serve Dorchester County and Caroline County as part of the Health Enterprise Zone grant funding.

Ms. Ireland advised that in 2010 two mobile crisis teams were established and additional teams have been formed since then utilizing special appropriation funding which was approved by the legislature during the 2013 Maryland General Assembly Legislative session. She explained that this funding is also being used for crisis intervention team training and to that end Mid-Shore is partnering with law enforcement and Emergency Medical Services personnel who are often the first responders in a behavioral health crisis. She advised that the Cambridge Police Department was the first to be fully invested in the training process, noting that Mid-Shore has a good relationship with that department and the Dorchester County Sheriff's Office. Ms. Ireland said per capita Dorchester County is second only to Baltimore in inpatient emergency department utilization for behavioral health.

She explained that the Mental Hygiene Administration and the Alcohol and Drug Abuse Administration will combine into one Behavioral Health Administration and will be administered by the Department of Health and Mental Hygiene, effective July 1, 2014. She said it will be challenging to integrate mental health and substance abuse together. Ms. Ireland noted that substance addiction is increasing and this merger may affect the Dorchester County Health Department, which provides these services; however, she is working with John Winslow, Program Director, Dorchester County Drug and Alcohol Health Services, who serves on a Mid-Shore Advisory Committee as well as a behavioral health integration work group, during the transition.

Councilman Nichols said he was surprised that mental health services funding was increased, particularly since it has been decreased substantially in the last few years. Ms. Ireland explained that reduced funding was received from 2008 and 2012 and then leveled off.

In response to a question from Councilman Price, Ms. Ireland said substance abuse/addiction prevention and early intervention is the key to reducing treatment costs.

The Council thanked Ms. Ireland for presenting the Mid-Shore Mental Health Systems' Community Mental Health Plan. The Council agreed to execute the Fiscal Year 2015 Letter of Agreement with Mid-Shore Mental Health Systems, Inc. to act as the agent in oversight, planning and development of the public mental health system in Dorchester County.

#### **PUBLIC HEARING-FY14 COMMUNITY DEVELOPMENT BLOCK GRANT-CHANNEL MARKER-GRANT MONITOR**

Cindy Smith, Grant Monitor, explained that pursuant to Department of Housing and Community Development requirements all grantees shall conduct a second public hearing for the propose of reporting the progress of Community Development Block Grant (CDBG) projects. She further explained that the Count, as grantee, received funds in the amount of \$60,000 which were used by the Channel Marker Foundation to rehabilitate homes owned by that organization, located at 503 and 505 Academy Street, Cambridge, Maryland, in which clients reside.

Debbie Jackson, Executive Director, said Channel Marker also contributed \$9,300. She explained they were able to replace the roof and renovate the kitchen in both homes and to construct a new bathroom for one of those residences. She explained that six males plus staff live in one house and six females plus staff live in the other residence. She presented the Council members with a thank you letter the clients made for them.

Rick George, Operations Officer, said he and Ms. Jackson worked closely with Ms. Smith and State of Maryland representatives during this process, which included holding several public meetings and the opening of sealed bids. He explained that contracts for the work were awarded to the three lowest bidders. He thanked the Council for its support and Ms. Smith for guiding them through the CDBG process.

Ms. Jackson said the core services provided by Channel Marker are psychiatric rehabilitation and residential rehabilitation services for adults with serious mental illness. She said they also serve the youth in Dorchester County.

There were no public comments. The Council concluded the public hearing.

#### **MANAGERS COMMENTS**

##### **U.S. ARMY CORPS OF ENGINEERS RESPONSE-ROOSTER ISLAND RESTORATION PROJECT**

Tom Moore, Public Works Director, explained that the Council has received a response from Amy M. Guise, Chief, Planning Division, U.S. Army Corps of Engineers, to its request to reconsider assigning costs to the County for the reconstruction of the Rooster Island Project, a salt marsh restoration project that failed due to a design deficiency. He noted that in this correspondence Ms. Guise stated that the County is still responsible for cost sharing under the existing Project Cooperation Agreement with the Army Corps;

however, they are willing to place it on hold with the understanding that the County may lose \$2.5 million in Federal funding for the project.

Mr. Moore said the County's share of the original "failed" project was \$250,000, of which a large portion was funded by a grant with the remainder funded by a State loan whereas the County's share of the reconstruction (25%) project is approximately \$740,000.

In response to a question from Councilman Travers, Mr. Moore stated that the original project cost was under \$1 million whereas the proposed project is estimated to cost \$3 million including \$1.9 million for construction and \$500,000 for construction management.

Mr. Moore said the proposed project lies in the same footprint and does not address north east wind wave action.

Councilman Travers noted that a large portion of the salt marsh has washed away within the last several years. He questioned whether the restoration will restore the beach and island. Mr. Moore said the proposed project consists of the placement of nine acres of sand on the salt marsh.

Councilman Travers expressed his belief that the Federal government should at least credit the County for the \$230,000 that was paid for the original project since the U.S. Army Corps of Engineers project failed due to design deficiencies. Councilman Bradshaw said he is concerned that the County is paying for their mistake.

In response to a question from Councilman Travers, Mr. Moore said although the original groin stops the northwest waves, waves are breaking over the salt marsh and washing out the back side. Based on another inquiry from Councilman Travers, Mr. Moore said the plans for the proposed project include an elevation of the groin by eight feet.

Councilman Bradshaw said he showed the proposed project plans to Dave Wilson, Resource Development and Conservation, who expressed disbelief that the proposed design includes the installation of jetty walls without stabilization so the stone will not settle or lean. Mr. Moore noted that the walls are also visibly unappealing. In response to an inquiry from Councilman Travers, Mr. Moore confirmed that he and Greg LeBlanc, Engineer, are recommending that the proposed design alternate labeled number one be pursued, which will cost slightly less and does not utilize a "jersey" type concrete barrier. He explained that it incorporates a lower stone profile at an elevation of five feet.

In response to a question from Councilman Newcomb, Mr. Moore said the original design elevation of the top of the breakwater was 3.5 feet and the current elevation is now 3.3 feet. He expressed his understanding that the structure does block the waves. He attributed some of the loss of the salt marsh to the resident geese population, noting that despite efforts to deter those birds from resting on the salt marsh, the geese are still present.

Councilman Travers expressed concern that if the salt marsh is not restored other shoreline property in the County may erode. He questioned whether County staff can design a plan to restore Rooster Island and hire a private contractor to perform the work. Mr. Moore explained that it may be cost prohibitive since costs will be incurred for design preparation, permits, containment and disposal of dredge spoils. He said it is his understanding that the U.S. Army Corps Engineers must use the same sand that washed out in order to pursue this project under the original agreement and therefore tested the material.

In response to a question from Councilman Nichols, Mr. Moore noted that while Ms. Guise did not ask the Council to respond to her correspondence by a certain date, she did state that the County may risk losing the Federal funding for this project. He advised Council that the Cambridge Powerboat Regatta Association has paid the \$1,000 fee to the Board of Public Works for State of Maryland for the Tidal Wetlands Permit for this project.

The Council agreed to defer a decision on whether to proceed with this project in order to provide Mr. Wilson the opportunity to view the proposed project plans and provide any comments regarding possible design changes or other ways to reduce costs. The Council acknowledged that Councilman Bradshaw will speak to Mr. Wilson to relay Council's request.

#### ADOPT A ROAD REQUEST-MAPLE DAM ROAD-DELMARVA SIKA DEER ASSOCIATION-HIGHWAY/PUBLIC WORKS

The Council approved the request of Nicholas Fornaro, on behalf of the Delmarva Sika Deer Association, to adopt a portion of Maple Dam Road, immediately north of Shorters Wharf. The Council recognized that the signs cost approximately \$80 and funding is available within the Highway Division's FY14 budget for the purchase of two signs.

#### TRAFFIC SAFETY COMMITTEE RECOMMENDATION-LINTHICUM DRIVE

Councilman Price said Mr. Moore, Brian Chester, Highway Division Manager, and himself, as Traffic Safety Committee members, met on May 16, 2014 to discuss the request of Eugene Henry, Shirley Henry, Phyllis T. North, Laura Willey, Duana Willey and Christopher Embrey, residents of Linthicum Drive, to place "No Parking" signs on the "S" curve on that road based on their concerns about visibility since motorists are parking on both sides of the roadway. He noted that several of the residents met with them and provided photographs. He said they expressed concern about the safety of motorists, residents and children in that area.

The Council approved the recommendation of the Traffic Safety Committee members to post "No Parking" signs on the single curve on both sides of the road as follows: 1) when traveling west/south bound, beginning immediately south of the driveway entrance to 117 Linthicum Drive and continuing through the curve to just past the end of the guardrail;

and when travelling east/north bound, from the east side of the intersection of Hillcrest Drive through the curve to directly across from the sign placed at the south of the driveway entrance to 117 Linthicum Drive.

Laura Willey, a Dorchester County resident, thanked the Council for taking action on their request and expressed appreciation to the Traffic Safety Committee members who met with them. Eugene Henry, resident, also thanked the Council. Councilman Newcomb said once the signs are installed residents can contact the Sheriff's Office to report any violators, noting that deputies will then be able to issue citations.

#### ADVENTURE DIVERSION GRANT ACCEPTANCE-INTERGOVERNMENTAL AGREEMENT-DEPARTMENT OF JUVENILE SERVICES-LMB

The Council approved the request of Nancy Shockley, Local Management Board (LMB) Director, to enter into a new Intergovernmental Agreement with the Department of Juvenile Services for the purpose of implementing the Adventure Diversion Program, an alternative program for juveniles who have been referred to the Department, with the Dorchester Family YMCA as the vendor in the amount of \$97,655. The Council acknowledged that funds have been allocated to offset the expenses of LMB in the amount of \$8,000. The Council also acknowledged that this renewal is for the period of July 1, 2014 to June 30, 2016. Furthermore, the Council acknowledged that the Dorchester Family YMCA is the subcontractor for the program and all staff required to implement this program will be employed by this organization.

#### USDA RURAL DEVELOPMENT GRANT/LOAN ACCEPTANCE-OLD BEULAH LANDFILL CLOSURE CAP-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to accept a United States Department of Agriculture Rural Development Grant of \$1,000,000 grant and a \$1,500,000 loan to be used to fund a portion of the estimated \$8.5 million Old Beulah Landfill closure project. The Council acknowledged that in addition to this funding, \$4,500,000 from the County's Closure Savings Account and a \$1,500,000 loan from the Maryland Department of Environment, which Ms. Smith will seek Council's approval for at a later meeting, will be utilized for this project.

#### FY14 BYRNE JUSTICE ASSISTANCE GRANT APPLICATION-COMPUTER UPGRADE/TACTICAL VESTS-SHERIFF'S OFFICE-GRANT MONITOR

The Council approved the request of Ms. Smith, on behalf of the Sheriff's Office, to submit a FY14 Governor's Office of Crime Control & Prevention Byrne Justice Assistance Grant application for funds in the amount of \$102,762, with no cash or in-kind match, for that office's Computer Upgrade and Tactical Vest Program to purchase 18 new Model CF-31 Panasonic Toughbook Mobile Data computers which will include docking stations, memory cards and the necessary equipment to install these units in vehicles. The Council acknowledged that the grant period is October 1, 2014 to September 30, 2015.

#### REQUEST TO AMEND RESOLUTION-MEMBERSHIP/TERMS-APPOINTMENTS- ECONOMIC DEVELOPMENT ADVISORY COUNCIL-ECONOMIC DEVELOPMENT

The Council approved the request of Keasha Haythe to amend Resolution 529 to: 1) designate certain members as "Standing Ex Officio" Members with no term limits and the remaining members as "Non Standing;" 2) to change the term for "Non-Standing" members to a two year term; 3) to remove individual names and show only industry sectors; and 4) to include representatives from the transportation, faith based and minority business industries. The Council also approved Ms. Haythe's request to approve one year term renewals, to expire in 2015, for the following individuals: Johnny Shockley, Hooper's Island Oyster Aquaculture Company as a aquaculture representative; Kathy Coursey, National Bank of Cambridge, as a banking/financial representative; Ligan Spicer, Holly Lane Farms, as a agriculture representative; Mike LeMire, Miles & Stockbridge, as a professional services representative; Tracy Tyler, Cambridge International, as a manufacturing representative; and Valerie Brown, Charles C. Powell Realtors, as a real estate representative. Additionally, the Council approved Ms. Haythe's request to appoint the following individuals for a two year term ending in 2016: Santo Grande, Delmarva Community Services, as a transportation representative; Reverend Yvonne Penn, St. Luke United Methodist Church, as a faith based representative. Furthermore, the Council approved Ms. Haythe's request to appoint Janelle Henry, Henry Funeral Home, as a minority business representative for a one year term and acknowledged that she will determine if she would like to continue for an additional year.

#### SPECIAL EVENTS AGREEMENT-WINGS AND WHEELS 2014-EMERGENCY SERVICES/FINANCE

The Council approved the request of Robert Willey, Assistant Finance Director, and Jeremy Goldman, Emergency Services Director, to execute a Special Events Agreement between the County Council and Ted Bryant, Wings & Wheels Committee, to provide emergency medical services in the form of one committed basic life support ambulance and two basic life support providers at rate of \$150 at the 2014 Wings & Wheels Event to be held at the Cambridge Dorchester Regional Airport on June 21, 2014 from 2 p.m. to 3 p.m. with a rain date of June 22, 2014.

#### FUNDING COMMITMENT LETTER-IRONMAN MARYLAND EVENT-WORLD TRIATHLON CORPORATION-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to execute a letter of agreement with the World Triathlon Corporation (WTC) under which the County will pay this company \$100,000 in cash and an additional \$25,000 in-kind match for the Ironman Maryland event to be held on September 20, 2014. The Council acknowledged that this interim agreement will be binding on WTC and Dorchester County solely with respect to the 2014 Ironman Maryland event. The Council also acknowledged that funding has been identified in the FY15 budget for this September

20<sup>th</sup> event. The Council further recognized that pursuant to this agreement Council and WTC agree to negotiate and use reasonable efforts to enter into a full definitive written “host venue/funding” agreement prior to September 20<sup>th</sup> regarding of the hosting of the events from 2015-2018, to include an annual contribution during these years of \$100,000 in cash and \$25,000 in in-kind services.

#### PROPERTY TAX ASSESSMENT APPEALS BOARD APPOINTMENT

The Council agreed to nominate Gerald Testerman for reappointment to the Dorchester County Property Tax Assessment Appeals Board.

#### FIRST AND SECOND QUARTER FY14-FY15 COUNTY COUNCIL MEETING SCHEDULE

The Council adopted the First and Second Quarter FY14-FY15 County Council Meeting Schedule. The Council acknowledged its September 17, 2013 meeting decision to meet on Monday, November 3, 2014 in lieu of Tuesday, November 4, 2014, Election Day, which is a holiday.

#### CHANGE ORDER REQUEST-LOWER SHOP BUILDING ROOF REPLACEMENT-PUBLIC WORKS

The Council approved Mr. Moore’s request to execute a change order to the contract with Apostle Construction for the lower shop building roof project to include the replacement of an additional 1,300 square feet of decking at the cost of \$5,785 and an additional 410 lineal feet of wooden blocking for a total cost of \$7,039.60, which will increase the contract price from \$26,409 to \$33,448.60. The Council acknowledged that funding is available in the approved FY13 and FY14 Public Works Department budgets to cover these extra costs.

#### PUBLIC COMMENTS

Les Simering, resident, expressed concern that several of his political campaign election signs have been removed.

Wendell Foxwell, resident, said a gentleman who was involved in the development of the County’s Charter recently asked him to advise Council of his concerns about the absence of a County Manager despite Councilman Newcomb being appointed Acting County Manager. He explained that this individual expressed to him his concern that appointing a Council member to this position may create a conflict of interest.

In response to a question from Mr. Foxwell, Councilman Newcomb confirmed that Jane Baynard, County Manager is still receiving a salary and explained that she is currently utilizing leave from the County’s sick bank. He stressed that the Council is following the County’s Rules and Regulations and legal counsel’s advice in relation to Ms. Baynard’s employment and use of sick leave. He said to save money the Council

appointed him as Acting County Manager instead of paying two salaries for the same position.

Based on another inquiry from Mr. Foxwell, Councilman Newcomb explained that if he is not re-elected the sitting members will select another individual from the County Council to serve as Acting County Manager. He expressed dismay that the individual Mr. Foxwell spoke to did not address his concerns directly with the Council.

Mr. Foxwell questioned why the public was unable to make comments after changes were made to the proposed FY15 budget at the Council's May 27, 2014 meeting prior to adoption. Councilman Newcomb explained that in light of comments made at the budget public hearings, the Council discussed proposed changes at a budget work session on May 21, 2014 which was open to the public.

Councilman Nichols said the Council, pursuant to the County Charter, held the required three public hearings prior to adoption of the budget.

Councilman Nichols advised that the Council follows the provisions outlined in the County's Charter as did Ms. Baynard. He said according to the Charter all departments, agencies and offices of Dorchester County government shall be subject to the direction, supervision and control of the County Manager under the authority of the Council. Councilman Nichols said Councilman Newcomb's main role as Acting County Manager is to execute the documents the County Manager must sign, including bond documents and checks.

Councilman Newcomb explained that some of the duties he is performing as Acting County Manager he performed as President when Ms. Baynard was in the office, citing scheduling items for Council's meeting agendas as one of those items. He stressed that he does not make any decision on just his behalf, noting that he is keeping the Council informed through telephone calls and emails. Council concurred.

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

Councilman Price questioned how weight limits for County roads are established, noting that several roads in the County, including Palmers Mill Road, are utilized by heavy commercial trucks as shortcuts. He said residents have expressed concern about the condition of roadways as a result of that use. Mr. Moore said he look into this matter, including having staff view Palmers Mill Road to determine if repairs are necessary.

Councilman Price advised that residents have also expressed concern that although they have been able to pay for landfill stickers, they were unable to obtain the actual stickers. Mr. Moore said there was a delay in receiving the stickers which became available on Friday, May 30, 2014.

Councilman Bradshaw noted that the Harvesters Land and Sea Coalition lost the lawsuit filed against the actions taken by Department of Natural Resources to severely limit

menhaden catch limits. He expressed concern that instead of working with local watermen to address concerns about the menhaden population, Department of Natural Resources (DNR) representatives are more focused on implementing policies and procedures that adversely impact their livelihood and then utilizing State monies to defend their actions.

Councilman Bradshaw explained that prior to filing an injunction against the State's Little Choptank River Oyster Restoration project, certain legal procedures need to be followed. He cited Council's decision to send letters to David M. Goshorn, Ph.D., Assistant Secretary for Aquatic Resources, DNR, requesting that all DNR activity in the Little Choptank River be placed on hold until the appropriate coordination is undertaken and to Robert Summers, Secretary, Maryland Department of Environment, questioning the use of the material and requesting additional information, as examples. In response to an inquiry from Mr. Simering, Councilman Bradshaw said he is not aware of whether underwater pictures have been taken. Mr. Simering commended the Council for supporting local watermen.

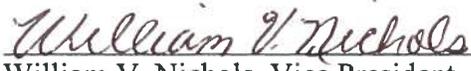
With no further business to discuss, the Council adjourned.

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 17<sup>th</sup> day of June, 2014.