

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**May 19, 2015**

The County Council of Dorchester County met in regular session on May 19, 2015 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, Acting County Manager; 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 Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter; and pursuant to §3-305(b)(14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Voting in favor of the closed Executive Session were the Council members present at that meeting.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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: 1) request to advertise Airport Manager position; 2) discussion regarding the Zero Waste Executive Order issued by Governor Martin O'Malley; and 2) a bid award for grass cutting of tax sale properties.

**APPROVAL OF MINUTES- MAY 5, 2015**

The Council approved the minutes of May 5, 2015.

## APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

## FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$6,366,728.92.

## EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on May 19, 2015 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter; and pursuant to §3-305(b)(14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

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.

Councilman Travers announced that the Council convened into an Executive Session on May 12, 2015 at 7:05 p.m. to conduct a personnel hearing pursuant to Article, Section 3-305(b)(1). He also announced that the Council convened into an Executive Session at 4:30 p.m. on May 19, 2015 to discuss the following items: 1) approved the request of Public Works Director to advertise an Airport Manager position by a 4 to 0 vote with one written proxy vote-agreed to consider a request to advertise in open session; 2) approved the request of Emergency Services Director to change a job requirement for the 911 Center Shift Supervisor position and to advertise in house to fill a Shift Supervisor vacancy by a 4 to 0 vote with one written proxy vote; 3) approved the request of Warden to hire three individuals to fill vacant Correctional Officer positions by a 4 to 0 vote with one written proxy vote; 4) discussed a personnel matter relating to the Sanitary Commission; 5) conducted follow-up from a personnel hearing held on May 12, 2015; 6) approved request of Planning and Zoning Director to hire an individual to fill a vacant Environmental Planner position by a 5 to 0 vote; 7) approved request of Recreation and Parks Director to offer a Seasonal Maintenance position to the second recommended applicant by a 4 to 1 vote; 8) confirmed the hiring of an individual by the Sheriff to fill a Court Security position by a 5 to 0 vote; 9) discussed with legal counsel a request to extend lease agreements for space in the County Office Building; 10) discussed with legal counsel a matter relating to a Governor's Executive Order-agreed to continue discussions in open session; 11) discussed with legal counsel a host venue agreement; 12) discussed with legal

counsel a matter relating to broker services for a County owned property; 13) discussed with legal counsel a matter relating to the possible assumption of a property; 14) discussed with legal counsel a matter relating to a tax sale property; and 15) discussed with legal counsel a matter directly related to a negotiating strategy or the contents of a bid proposal.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

## **REGULAR SESSION**

### **BOARD OF HEALTH**

Roger L. Harrell, Health Officer, said John Winslow, Program Director, Dorchester County Addictions Program, will provide an update of the integration of substance abuse and mental health into behavioral health and relocating offices. Mr. Harrell said pursuant to a report Governor Larry Hogan released today there have been no heroin overdose deaths in Dorchester County.

Mr. Winslow said heroin overdose deaths around the State of Maryland has increased by 20%. He noted that there has been an increase in opiate and heroin dependency in the County. He explained that five counties in the Mid Shore area, as part of a Regional Overdose Prevention Plan, are identifying ways to prevent deaths. He referenced recent news stories on the heroin overdose reversal drug Narcan, which is also known as Naloxone. Mr. Winslow advised that the Health Department staff is partnering with Emergency Medical Services personnel to provide training on the use of this drug to first responders, staff at the addictions program and at the Dri-Dock Recovery and Wellness Center. He said they are also in the process of informing the public about this drug and will invite those individuals with relatives and loved ones with an opiate dependency to obtain training on how to respond to an overdose and administer the medicine.

Mr. Winslow noted that the addictions program is experiencing challenges and changes. He said it has moved from the District Court House to the former Bennie Smith's Funeral Home building prior to renovations being conducted. He advised that they only lost a day or two of services. He explained that they are looking to partner with adjacent businesses. He stated that he is in long term recovery, noting that he has 40 years of sobriety. Mr. Winslow explained that the general contractor is also in long term recovery and has successfully completed the County's treatment plan and the drug court program. He noted that while renovations are being performed, Addictions Program employees are receiving training due to a shift to a new administrative service option and a new electronic health record system as well as a new urine drug screen lab. He said they are currently understaffed and are working on recruitment. He commended his staff for their efforts during this transitional period.

Mr. Winslow explained that changes relating to local addictions authority are being instituted across the state and region due to the integration of behavioral health. He further explained that he is working locally on a regional approach with five local county

authorities and Mid Shore Mental Health Systems, which will be the Core Service Agency, to ensure coordination of care. He expressed appreciation of the State's willingness to allow local input in the integration process. Mr. Winslow explained that Mid Shore Mental Health Systems will subcontract with the addictions program to monitor its contracts, address treatment provider complaints and to manage challenging client placements.

Mr. Winslow said he, Mr. Harrell and Steve Mills, Warden and Chairman of the Drug and Alcohol Abuse Council, are currently working on amendments to this entity's bylaws.

He advised that the Dri-Dock Recovery & Wellness Center has also moved, from the building occupied by Sojourner-Douglass College to the former Sportsman Bar and Restaurant on Route 50. He explained that due to its size, events can be held at this facility, to provide a safe and sober place for the recovery community to gather. Mr. Winslow advised that it has a full commercial kitchen and they are in the process of determining how it can be utilized. He said not only can they provide services to clients in recovery at this location, they are considering opening a recovery café. He explained that program staff are also working with representatives from Chesapeake College, the Department of Social Services and Anchor Point, a faith based organization, to open up a culinary arts school to enhance workforce development as it relates to those in the community who have mental health or addictions issues and former inmates.

Mr. Harrell said a study is being conducted by Dr. Memo Diriker, Director, Business, Economic and Community Outreach Network, on the economic impact of illicit drug use and alcohol on the Eastern Shore. He stated that he is hopeful that they can be placed on a future agenda to provide the results of this study. He thanked the Council for its support of the Health Department and its programs.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

## **PUBLIC HEARING**

### **BILL NO. 2015-4 AN ORDINANCE CONCERNING: 2015-2016 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY**

E. Thomas Merryweather, County Attorney, explained that a public hearing is being held on legislation to adopt the County budget consisting of an Operating Budget, the Capital Budget and the Grant Budget, for the fiscal year ending June 30, 2016 and appropriating funds for all expenditures for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

Michael Spears, Finance Director, said the major changes reflected within the proposed FY2016 budget are: 1) addition of \$10,000 for grass cutting of tax sale properties; 2) addition of a \$5,000 appropriation to the Dorchester Historical Society; 3) addition of a

\$10,000 appropriation for Dorchester County Department of Social Services accreditation initiative; 4) addition of \$36,340 for local match on Federal Emergency Management Agency Assistance to Firefighters Grant; 5) addition of \$118,947 in capital funding for airport apron expansion project; 6) addition of \$70,516 in increased costs for landfill compactor; 7) reduction of corrections personnel costs of \$13,732 for staff turnover; 8) reduction of economic development personnel costs by \$1,449; 8) addition of \$9,075 sheriff's office personnel costs (3 deputies coming off probation); 9) addition of Safe Streets attorney salary to grant budget; and, 10) moving employees between the Sheriff's Office and Court Security.

Councilman Price asked Mr. Spears to summarize Council's discussions during FY16 budget work sessions regarding the impact taxes and other factors may have on current and future budgets in light of the the North Dorchester High School (NDHS) project. Mr. Spears said it is his understanding that: 1) \$1.4 million is in the proposed FY16 budget for the planning and design phase of this project; 2) planning and design will be completed in FY17; and 3) in approximately July 2017 the bond will be issued to pay for the local share of \$17 million for construction and furnishings, fixtures and equipment that will be listed in the FY18 budget. He explained that, given current projections including property assessments, he does not believe there will be a substantial growth in revenue in the future. Mr. Spears also expressed his belief that although income tax is growing and recordation tax is recovering he does not believe those two major revenues cover the debt service for this project. He said he is hopeful that bond issuance will be on a date that minimizes a potential tax increase and that it can be combined with savings.

In response to a question from Councilman Price, Mr. Spears said an approximate two cent real property tax increase may be necessary. He estimated that it will result in a \$60 to \$100 in taxes being applied to each property in the County.

The roll call on the enactment of Bill No. 2015-4 was as follows: Bradshaw-aye; Price-nay; Travers-aye; Satterfield- aye; Nichols-nay.

Councilman Satterfield said although collectively the Council did not agree on several items, they agreed to disagree and worked together to develop the budget. He advised that monies were added to the Sheriff's Office and Emergency Medical Services budgets to ensure public safety and stressed the need for proper equipment and training. He noted that the budget includes a slight increase in County employees' salaries, after a long period of no or minimum increases. Councilman Satterfield said although there was a discussion among Council regarding financial constraints, he had not heard anyone dispute the fact that NDHS is in need of replacement. He said this project may impact taxes in the future; however, consideration should be given to identifying alternate funding sources. He advised that he spoke with Mr. Spears and Robert Willey, Assistant Finance Director, on offsetting the impact a tax increase may have on senior citizens and those on fixed incomes and is hopeful this can be achieved. He said he agreed to move forward with the school project in light of his belief construction costs will continue to increase. He referenced the inclusion of additional funds in the budget for paving, noting that Mr. Moore is aggressively viewing roads throughout the County to determine those in need of repair and

replacement. He thanked the Council members for their assistance during his first budget process.

Councilman Nichols explained that he voted in opposition to the adoption of the FY16 budget in light of his promise to himself and citizens to not raise taxes to build a school, which has not occurred during his almost 21 years of service on the Council. He expressed concern about the tactics used during the budget process against one Council member, particularly through social media. He held up a 2005 newspaper article which referenced his comments relating to the need to set aside funds to offset future tax increases and shortfalls, noting history repeats itself.

Councilman Nichols expressed his dissatisfaction that additional funds are allocated in the Sheriff's Office FY16 budget including monies for more personnel. He queried as to whether current criminal activity warrants this increase.

Councilman Nichols said he understands a new NDHS is needed. He referenced comments Governor Lawrence Hogan made that it may not be feasible to continue to build new schools due to rising costs. He expressed his understanding that Easton High School is over 50 years old and additions have been made to that facility. He stressed that additions can be made to existing schools in Dorchester County.

Councilman Nichols noted that even though approximately 16 years ago Spicer Bell, the prior Superintendent of Schools, stressed the need for a new NDHS, the school board made no decision to move forward with this project. He said instead they pursued the construction of a new Dorchester Career and Technology Center which cost \$36 million. He questioned whether the cost of this facility could have been reduced if modifications had been made to the design of this facility. Councilman Nichols said he believes a tax increase would not have been necessary if they elected to pursue the NDHS project instead. He advised that he is speaking on behalf of senior citizens who will be adversely impacted by a tax increase. He explained that he is part of a group of individuals who provide assistance to those in need, particularly seniors on fixed incomes. He stressed that he is not in favor of raising taxes.

Councilman Nichols expressed concern that the State of Maryland may have provided inflated figures for income tax. He cited his opposition to the \$5,000 in the FY16 budget for the Dorchester County Historical Society, noting last years' spokesperson for this entity showed disregard to him and his family.

Councilman Nichols said it is his understanding that when the debt service for the NDHS project begins, a bond may have to be issued for the acquisition of a new radio system. At Councilman Nichols' request, Mr. Goldman explained that although there are several funding options for this system they all involve borrowing funds. He advised that the estimated cost of the system is \$8 to \$10 million. In response to an inquiry from Councilman Nichols, Mr. Goldman said \$50,000 for the retrofitting of the old technology center as a County Emergency Medical Services station is in the FY16 budget.

Councilman Nichols said he respects the other Council members' decisions on this budget; however, he feels it is not satisfactory. He predicted that taxes will need to be raised in the future.

Councilman Price said County citizens have spoken to him about the need for a new NDHS and their concerns that taxes will have to be increased due to this project and in light of other government actions. He expressed his support of a new high school and his concern about the health and safety of students at that aging facility. He explained that he: 1) voted for a new facility on several occasions; 2) expended efforts to move this project ahead of other capital projects; and 3) attended State Board of Public Works meetings with school board representatives to advocate for the new school. Councilman Price noted that one group of constituents strongly supports a new school despite a tax increase whereas a second group mostly comprised of senior citizens and those on fixed incomes, who are unable to attend meetings and public hearings, oppose a tax increase.

Councilman Price referenced the State's commitment to provide three-fourths of the cost for the new school. He noted that the County's share of \$22 million will have to be financed with bonds and a possible 2.2 cent property tax increase in two to three years. He advised that Finance staff have not been able to identify any prior action taken by Council to raise property taxes for new school construction. He referenced the eight cent increase in this tax that occurred four years ago due to the loss of highway user revenues. He said he voted against that and all other tax increases since he became a Council member.

Councilman Price said he spoke to Peter Franchot, Comptroller, and David Lever, Executive Director, Maryland State Department of Education, regarding possible new funding for schools and was advised that due to the prevailing wage law construction costs will rise by a least 8%, however, there will be no change in the State's cost share. He suggested seeking public-private partnerships and/or sponsorships or selling the Technology Park to a developer to market to garner funds for the new school.

Councilman Price said the Council must expend monies to meet unfunded mandates while at the same time funding the following: maintenance, the replacement of aging vehicles, teacher pension costs and costs relating to the local Assessment of Taxation and Elections Offices. He thanked those individuals who shared with him their thoughts and opinions throughout the FY16 budget process and throughout the year.

Councilman Travers thanked the staff for their hard work and assistance. He noted that the FY16 budget is balanced and includes: no tax increase, an employee salary increase, and capital funding for Sheriff's Office vehicles, an ambulance, a dog control building as well as \$600,000 for roads. He noted that it also includes funds to begin the NDHS replacement project. He said after taking public comments under consideration, the Council made changes to the budget which included funding for the Historical Society and Social Services. He stated that he is pleased with the FY16 budget.

## **PUBLIC HEARING**

BILL NO. 2015-6 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL THE DWELLING UNIT FIRE SPRINKLER SYSTEMS EXEMPTION PROVIDED FOR IN CHAPTER 65, ENTITLED BUILDING CODE ARTICLE IV, INTERNATIONAL RESIDENTIAL CODE SECTION 65-6(Y) IN THE DORCHESTER COUNTY CODE AND TO PROVIDE THAT THE ACT DOES NOT APPLY TO BUILDING PERMITS FOR ONE AND TWO FAMILY DWELLINGS FILED ON OR BEFORE JUNE 30, 2015.

Mr. Merryweather explained that a public hearing is being held on this legislation which will repeal the dwelling unit fire sprinkler systems exemption provided for in Chapter 65, entitled "Building Code", Article IV, International Residential Code, Section 65-6(Y) in the Dorchester County Code and to provide that the Act does not apply to building permits for one and two family dwellings filed on or before June 30, 2015. Pursuant to State law, local jurisdictions can no longer opt of the sprinkler requirement.

Susan Dukes, Mayor, Town of Secretary, read into the record correspondence from the Town of Secretary elected officials in opposition to this legislation, which is attached. She said they understand it is a State requirement to eliminate the "opt" out provision. She also expressed her understanding that the Caroline County elected officials may not adopt this legislation. She opined that action should be taken in the future to encourage the federal and state governments to cease encroaching on residents' individual rights. Mayor Dukes expressed concern that the cost to install a sprinkler system may prohibit an individual from being able to afford a new home.

Mr. Merryweather noted that Senator Adelaide Eckardt introduced a bill during the 2015 legislative session to allow counties to "opt" out of the State mandated sprinkler requirement, which the legislature rejected. He encouraged the Council to contact the local legislative delegation to pursue such a provision under the new administration. Ms. Dukes said she is also willing to contact them.

Donna Hooper suggested that the building code be amended to remove the use of press board as an option in lieu of plywood which may eliminate the need for a sprinkler requirement.

Councilman Nichols said the State released a new building code on July 1, 2015 which included the sprinkler system requirement. He noted that sprinkler system requirements were passed three years ago at which time counties were allowed to opt out of the provisions. However, they were also advised that this option would not be part of the new building code. He expressed his understanding that that Fire Marshall lobbied for this requirement.

Mr. Merryweather advised that this legislation includes a grandfathering clause for permits filed before June 30, 2015.

Gail Dean, resident, said it is her understanding that a fatal house fire that occurred in Annapolis was the catalyst for the State mandated sprinkler system requirement. Councilman Nichols concurred.

Councilman Price questioned whether this legislation affects the municipalities within the County. Mr. Merryweather said unless the elected officials of a municipality have adopted a resolution authorizing the County to enforce the building code within municipal limits, they will need to pass this legislation in their jurisdictions to comply with State law. In response to a question from Mayor Dukes, Mr. Merryweather explained that while the elected officials in Secretary can pass its own legislation to “opt” out of the State law requirement, there are liability issues that need to be addressed. He encouraged Mayor Dukes to contact the Town’s attorney before proceeding with any action on this matter.

In response to an inquiry from Councilman Price, Mr. Merryweather explained that if this legislation is not passed and the County’s Planning and Zoning Office issues a building permit in violation of this State mandate the County will be liable if a fatal fire occurs within its boundaries. Councilman Price said both homeowners and local contractors have expressed concern about this State law requirement.

Councilman Bradshaw expressed concern that State mandates and environmental regulations are eroding local authority and affecting property owners’ rights. He said it is his understanding that pursuant to the State Building Code renovations or additions to existing homes that do not exceed the size of the existing structure are exempt. Councilman Bradshaw referenced the seat belt law as another example of superseding citizens’ rights to make their own decisions.

Councilman Travers explained that sprinklers are designed to suppress fires and to provide homeowners an opportunity to exit the building. He said they also lessen injuries to emergency responders, including local volunteer fire company members. He acknowledged homeowners’ frustrations with building requirements including height and material requirements.

Councilman Nichols made the motion to adopt this legislation, which was seconded, in light of his oath as a Council member to uphold State laws and the constitution, although he is opposed to the sprinkler requirement. Councilmen Bradshaw and Price concurred.

The roll call on the enactment of Bill No. 2015-6 was as follows: Travers-aye; Bradshaw-aye; Nichols-aye; Price-aye; Satterfield-aye.

The Council agreed to seek legislation during the 2016 Maryland General Assembly Legislative Session to allow individual counties to “opt” out of this State mandated requirement. Ms. Dukes advised that she will ask the Town Council members to contact the local delegation in support of this action.

In response to a question from Earl Murphy, Council Member, Town of Hurlock, Councilman Nichols said all municipalities are sent an invitation to join the Council at its

meeting with legislators on legislative initiatives for the Maryland General Assembly legislative sessions.

## **PUBLIC HEARING**

BILL NO. 2015-5 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO THE AUTHORITY OF SECTION 10-202 AND SECTION 10-206 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ADD A NEW CHAPTER 63 ENTITLED "BURIAL SITES PRESERVATION" TO THE DORCHESTER COUNTY, MARYLAND CODE TO PROVIDE FOR DORCHESTER THE PROTECTION AND PRESERVATION OF BURIAL SITES, CEMETERIES, BURIAL GROUNDS AND FUNERARY OBJECTS IN DORCHESTER COUNTY, INCLUDING TREES, SHRUBS AND, PLANTINGS LOCATED THEREAT. NOTHING IN THIS CHAPTER SHALL PRECLUDE THE ROUTINE MAINTENANCE OF TREES, SHRUBS, AND PLANTINGS LOCATED AT BURIAL SITES, CEMETERIES, OR BURIAL GROUNDS.

Mr. Merryweather said a public hearing is being held on this legislation which adds a new Chapter 63, entitled "Burial Sites Preservation" to the County Code to provide for the protection and preservation of burial sites, cemeteries, burial grounds and funerary objects in Dorchester County, including trees, shrubs and plantings at those sites. He stated that this bill is modeled after legislation adopted by Harford County and Caroline County. He noted that pursuant to the legislation a committee for the preservation of burial sites, consisting of not more than nine members, will be formed. He explained that these members will have various duties including inventorying various sites to preserve and protect them.

Libby Nagel, resident, said she has a cemetery on her property and questioned what will constitute a violation. Councilman Bradshaw noted that there are State laws regarding burial site protection and preservation and this legislation provides Dorchester County local authority. He explained that if she sells her property and the new owner begins bulldozing the cemetery once the committee has recorded this site in the Land Records the work can be halted. Ms. Nagel said the cemetery, which was on the property when she purchased it, is documented and was destroyed prior to her acquisition. She said she has marked the boundaries of the cemetery. She queried as to whether she will be responsible for the cost to rehabilitate the cemetery. She noted that there are cemeteries on several farm properties in the County. She questioned whether she will be liable if the committee members are injured while on her property. Councilman Bradshaw expressed his understanding that they will have to obtain the property owner's permission prior to visiting the site.

In response to an inquiry from Ms. Nagel, Mr. Merryweather said oral or written permission must be obtained, however, if a violation is suspected and the property owner denies access, the committee can obtain order to enter the property. He expressed his understanding that many deeds provide family members access to someone's property to

visit a family cemetery. Pursuant to another inquiry from Ms. Nagel, Mr. Merryweather said she will not be responsible for the damage since the cemetery was disturbed prior to her ownership. He explained that the provisions in this bill are the same as referenced in State law. Councilman Nichols expressed concern that there may be an overzealous committee member.

Mr. Murphy stated that a property owner can be proactive and provide the commission authorization to document the cemetery to ensure they are not held liable for prior damage.

Councilman Bradshaw noted that once the committee has been established members will obtain property owners' permission and record the sites. He stated that the proposed bill language was taken from legislation from other counties. He explained that a developer built a development on property that also included a family cemetery and the family lost access to it. He cited this as his reason for pursuing this legislation. Councilman Bradshaw said the property owner did allow a person who recently passed to be buried with his grandparents. He expressed his understanding that there are at least 40 to 50 small cemeteries in the County.

Ms. Nagel queried as to whether the commission will re-record sites. Councilman Bradshaw stressed that the reason for this legislation is to ensure that cemeteries are properly recorded and protected. He noted that some cemeteries have recently been located in marshland and wooded areas.

Mr. Merryweather said this is the first step to burial sites in the County and amendments can be made in the future to address any issues that arise. He noted that the County's Planning and Zoning staff should pay particular attention to plats in order to ensure burial sites are preserved.

Councilman Satterfield noted that Donald Willey, resident, who is interested in preserving a cemetery in the County, is present. In response to a question from Councilman Satterfield, Mr. Merryweather opined that State agencies will look upon the County favorably because the Council took the initiative to protect graveyards. He said more counties throughout the State are adopting these requirements.

Councilman Price questioned whether this is a duplication of State law. Mr. Merryweather said it may be, however, local authority is preferable.

Ms. Hooper said her husband has seven generations at Hooper's Cemetery in Hoopersville and two of the vaults are now on top of the ground. Mr. Willey expressed his understanding that this is a privately owned property.

The roll call on the enactment of Bill No. 2015-5 was as follows: Travers-aye; Bradshaw-aye; Nichols-aye; Price-aye; Satterfield-aye.

Mr. Merryweather advised that Steve Dodd, Planning and Zoning Director, should receive a copy of this legislation so that he may provide it to the Planning Commission for its

review, since this board will enforce items referenced in the bill. Mr. Goldman noted that Mr. Dodd sent the Council comments on this legislation.

The Council adjourned the legislative session.

### **MID SHORE MENTAL HEALTH SYSTEMS COMMUNITY MENTAL HEALTH PLAN PRESENTATION**

Holly Ireland, Executive Director, Mid-Shore Mental Health Systems (Mid-Shore), presented the Mid-Shore Mental Health Systems' Community Mental Health Plan, including county specific data, Health Care Reform, and Behavioral Health Integration and its' impact.

Ms. Ireland also provided a summary of funding sources for this entity. She explained that due to the integration of substance abuse systems management funding has increased. Mr. Ireland further explained that representatives of the five County Health Departments in the Mid Shore Region as well as other health departments in the State were awarded small amounts of funding in November 2014 to implement new services as of January 2015. She referenced Mr. Winslow's earlier comments that Mid-Shore will be the Core Service agency to ensure coordination of care for the health department programs that provide addictions and substance use disorder treatment and will perform administrative system planning and management functions.

The Council approved the request of Ms. Ireland to execute the Fiscal Year 2016 Letter of Agreement with Mid-Shore Mental Health Systems, Inc. to act as the agent in oversight, planning and development of the Public Behavioral Health System in Dorchester County.

### **PUBLIC HEARINGS-COMMUNITY DEVELOPMENT BLOCK GRANTS-GRANT MONITOR**

Cindy Smith, Grant Monitor, explained that two public hearings are being held on Community Development Block Grants (CDBG) pursuant to grant requirements.

She said the first public hearing is on the status of the Cambridge South Dorchester High School Emergency Generator CDBG project. She advised that pursuant to grant requirements a public hearing must be held every six months during the grant period. She stated that this project is still in the engineering phase. She said Gipe Engineering staff are in the process of developing the project design and requests for proposals with the intention to providing these items, 95% complete, on June 5, 2015 to staff so they may review the documents. Ms. Smith noted that a request to advertise for proposals for this project will be made at the Council's June 16<sup>th</sup> meeting. She explained that the project has been delayed because staff has asked Gipe Engineering staff to prepare two requests for proposals, one for a diesel option and another for a natural gas option.

There were no public comments.

Ms. Smith said a new CDBG grant round has begun and the second public hearing is required prior to the submission of grant applications for FY16 funding. She explained that the United States Department of Housing and Urban Development allocated to the State of Maryland Department of Housing and Community Development slightly over \$7 million of which \$4.6 million has been allocated to CDBG projects. She noted that all counties throughout the State are provided funding other than the five larger entitlement counties. She advised that in order to qualify for CDBG funding projects have to support community development and benefit low to moderate income individuals.

Ms. Smith said public outreach was conducted this year in order to garner interest from non-profit organizations and municipalities in the County. She noted that two entities attended training and found the process burdensome. She stated that one entity was disqualified because they used CDBG funding ten years ago to build a structure and the other will partner with Delmarva Community Services (DCS) for a community center in the northern part of the County. She said she spoke to a group of individuals regarding the old Maces Lane School property, Historic Cambridge, Channel Marker and Habitat for Humanity Choptank who were not ready to proceed with their projects. Ms. Smith stated that there are no County projects at this time. She said the Taylors Island Volunteer Fire Company relocation project and the raising of Elliott's Island Road were not eligible for CDBG funding because they did not meet the low to moderate income requirements. She said applications are due June 5, 2015.

Ms. Smith advised that Delmarva Community Services, the only non-profit organization with potential CDBG projects that met income requirements, has submitted two applications for review: 1) for the Chesapeake Grove Phase II Childcare and Administrative wing of the Intergenerational Center and Senior Housing Project for \$800,000 which represents the full allocation provided to Dorchester County, and 2) for improvements to five group homes at estimated cost of \$213,000. She explained that only one application can be submitted and DCS staff are responsible for deciding which one to submit to the Council for its review and consideration. She said the goal is to come before the Council on June 2, 2015 for the adoption of a resolution to submit one of these grant applications.

In response to a question from Councilman Price, Ms. Smith advised that CDBG funding can be garnered for the following potential infrastructure projects: flood and drainage improvements, sidewalks, water and sewer lines and street improvements. She explained that the areas to be served must have a 51% low to moderate income population, noting that the following municipalities within the County qualify: Hurlock, City of Cambridge and Church Creek. She said municipal officials can apply directly to the Department of Housing and Community Development for CDBG funding. She expressed her understanding that City of Cambridge elected officials are submitting applications for funding for a Wharf project and for High Street. She noted that the City of Cambridge is located within certain Council members' districts and projects can be pursued by the County in those areas. She said another potential project to be considered next year is American Disabilities Act improvements for public buildings because those with disabilities are considered qualified under the low to moderate income classification.

In response to an inquiry from Councilman Price, Ms. Smith explained that CDBG grant rounds occur annually and that there is also \$2 million allocated for special projects. She noted that CDBG special project funding was used for the renovation of the Salvation Army shelter project.

Pursuant to a question posed by Councilman Bradshaw, Ms. Smith advised that she will send him the Town of Vienna's low to moderate income figures by email.

Mr. Murphy said one project the Town Council members have discussed is the potential installation of a sidewalk and lighting from the Prospects Height area to the downtown area. He questioned whether CDBG funds are available for this type of project. Councilman Travers expressed his understanding that it is a State road and suggested he and other Town representatives attend the annual meeting the Council holds with Maryland Department of Transportation officials. Ms. Smith expressed her belief that CDBG funding will not be available for this project since the road is under State ownership. Ms. Smith said funding may be available to assist the Town of Hurlock with the replacement of deteriorating water lines. Mr. Murphy stated that the Town is providing \$1 million in funding to assist with this replacement. He said he will advise Mayor Joyce Spratt that there may be an opportunity to garner CDBG funding.

The public hearings were adjourned.

## **MANAGERS COMMENTS**

### **REQUEST FOR AUTHORIZATION TO CONDUCT FIRECRACKER KIDS TRIATHLON-JULY 4, 2015-CAMBRIDGE MULTI SPORT**

The Council approved the request of Robert J. Wood, Race Director, on behalf of Cambridge Multi Sport Club, for authorization to conduct the 4<sup>th</sup> annual Firecracker Kids' Triathlon on the morning of July 4, 2015 from 8 a.m. to approximately noon. The Council acknowledged that the event will begin and end at YMCA, the following roads will be utilized and no road closures are required: Somerset Avenue, Glasgow Street and Hambrooks Boulevard. The Council further acknowledged that the bicycle and run routes have been approved by the Sheriff's Office and City of Cambridge Police Department and that officers will be present at key intersections to ensure safety.

### **TRAVEL REQUEST-ECONOMIC DEVELOPMENT**

The Council approved the request of Susan Banks, Business Development Manager, to attend the Chesapeake Basic Economic Development Course offered through the Maryland Economic Development Association from July 27 to July 30, 2015 in Baltimore, Maryland. The Council acknowledged that the total cost is \$1,375 which consists of the following: course fee, \$500; lodging, \$670 (\$135 x 5 nights); parking, \$100; and \$105 for all meals provided other than one lunch and three dinners.

#### AWARD OF CONTRACT-MARINE PORTABLE TOILETS-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to award the bid for the supplying of portable toilets at 12 public marine facilities throughout the County to Peirson's Comfort Group, LLC, the only bidder, at a cost of \$65 per unit per month with an additional pump out charge of \$7 each, with units being serviced once a week under this monthly fee. The Council acknowledged that at \$780 per month for the 12 units, the cost to install these units from June through October will total \$3,900 without extra call backs. The Council also acknowledged that the County received Department of Natural Resources Grant funding in the amount of \$5,000 for this service for this year which will cover these costs.

#### REQUEST TO HOLD WINGS AND WHEELS EVENT-FUEL REQUEST-B&B SPORT AVIATION-AIRPORT-PUBLIC WORKS

Mr. Moore said Ted Bryant, Owner, B&B Sport Aviation, has submitted a request for the use of the Cambridge Dorchester Regional Airport grounds to hold a Wings and Wheels event on May 23, 2015.

Mr. Bryant advised that he is a Wings and Wheels Committee member. He noted that Johnny Johnston, Owner, Cambridge Motorsports, Inc. is present. Mr. Johnston advised that he coordinates a car and motorcycle event in conjunction with this annual event. He said every year a beneficiary is selected. He noted that this year monies raised will be provided to Warrior Aviation, a form of Wounded Warriors. Mr. Bryant said this entity is a non-profit organization.

Mr. Bryant noted that he has held the Wings and Wheels community event at the Airport since 2008 and that local business participate in this event. He apologized for the late request, noting there may have been miscommunications between him and the prior Airport Manager. He thanked Mr. Moore for reminding him about submitting his request to use these facilities to the Council and his assistance. Mr. Bryant advised that he has obtained insurance for this event, however, this years' policy from Event Helper includes a disclaimer that the insurance does not cover aviation events. He said it is his understanding that if an individual trips while viewing an airplane on the ground this insurance will cover their injuries. He noted that the individual airplane and vehicle owners will be responsible for their own insurance. He confirmed that the County is listed as a named insurer in the policy.

Mr. Merryweather questioned whether Local Government Insurance Trust will cover the County for any liability arising out of this event. Mr. Moore explained that he is working with LGIT staff to obtain clarification from Mr. Bryant's insurance company. Councilman Satterfield referenced his prior employment as Airport Manager and expressed his understanding that the County's insurance policy for the Airport covers all incidents on the grounds to include incidents by vehicle or airplanes and damage to structures but does not cover the operation of planes during flight.

The Council approved the request of Mr. Moore to allow Ted Bryant, B & B Sport Aviation, to hold the annual Wings and Wheels event at the Cambridge Dorchester Regional Airport on May 23, 2015 from 10 a.m. to 6 p.m. with a rain date of May 24<sup>th</sup> and to execute a Special Events Agreement for this event contingent upon confirmation that LGIT will cover the County. The Council agreed to sell up to 500 gallons of fuel at cost for the war bird planes that will be attending this event. The Council acknowledged that Wings and Wheels will pay for this fuel.

#### BID AWARD-MARINE FACILITIES TRASH CONTAINER SERVICE-PUBLIC WORKS

The Council approved the request of Mr. Moore to award the bid for the supplying of trash containers at 11 public marine facilities throughout the County to Waste Management, the only bidder, at \$165 per unit per month with an additional service charge of \$50 each with units being serviced once per week under the monthly fee. The Council acknowledged that: 1) there is no grant funding available for this service; 2) the monthly cost will be \$1,815; and, 3) the cost to have the units installed June through September will total \$7,260 without extra call backs.

#### REQUEST TO EXPEND CAPITAL FUNDS-REPLACE SIDEWALK AND CURBING-DETENTION CENTER

The Council approved the request of Steve Mills, Warden, to replace the sidewalk leading to the Sheriff's Office and the curbing and sidewalk (five blocks) on the front sidewalk to George Brem Concrete at the cost of \$3,130, the lowest bid received, utilizing operating funding under building maintenance.

#### SPECIAL EVENTS AGREEMENTS-SHERIFF'S OFFICE-FINANCE

The Council approved the request of Robert Willey, Assistant Finance Director, on behalf of the Sheriff's Office, to execute the following Special Events Agreements: 1) between Annapolis Bicycle Racing Team, the Council and the Sheriff of Dorchester County to provide public safety services in the form of four vehicles and four Deputies at the sum of \$1,500 at the Church Creek Time Trial Bicycle Race to be held on May 30, 2015 from 7 a.m. to 3 p.m.; 2) between World Triathlon Corporation (IRONMAN), the Council and the Sheriff of Dorchester County to provide public safety services in the form of 19 vehicles and 19 Deputies at the sum of \$10,200 at the Triathlon Eagle Man IronMan 70.3 mile event on June 14, 2015 from 5 a.m. to 5 p.m.; 3) between Annapolis Bicycle Racing Team, the Council and the Sheriff of Dorchester County to provide public safety services in the form of four vehicles and four Deputies at the sum of \$1,500 at the Church Creek Time Trial Bicycle Race on July 18, 2015 from 7 a.m. to 3 p.m.; and, 4) between Cambridge Multi Sport Club, the Council and the Sheriff of Dorchester County to provide public safety services in the form of two vehicles and two Deputies at the sum of \$300 at the Firecracker Kids Triathlon 2015 event on July 4, 2015 from 7:30 a.m. to 10:30 a.m. The Council acknowledged that the costs in each of these agreements are calculated using premium overtime rates for all personnel.

#### BID AWARD-AUDIT PROPOSALS-FINANCE

The Council approved the request of Michael Spears, Finance Director, to award the bid for audit services for fiscal years 2015 through 2019 to S B & Company, the lowest bidder, at the cost of \$33,930 for the first year with a five year cumulative total of \$180,138. In response to an inquiry from Councilman Nichols, Mr. Spears confirmed that the agreement includes a termination provision.

#### REQUEST TO APPLY FOR ANIMAL SHELTER GRANTS-GRANT MONITOR

The Council approved the request of Ms. Smith to apply for small grants from various private foundations, including, but not limited to, the American Humane Association, the Bissell Foundation, Petco, PetsMart, and the Snyder Foundation for Animals, to assist with funding for an animal control facility, medical costs, beds and other expenses. The Council recognized that: 1) the County will not be obligated for matching funding on these applications unless operating budget funds are already allocated or there are in-kind services; 2) applications will be passed by the Sheriff for approval; and, 3) if a signature is required a grant application will be provided to the Council President.

#### 2016 SAFE STREETS GRANT APPLICATION RENEWAL REQUEST-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to submit a 2016 Safe Streets Grant Application renewal request to the Governor's Office of Crime Control & Prevention for funds in the amount of \$133,920 with no local dollars to be used for the following in order to reduce violent crime in the County: part-time coordination through Local Management Board (Community Partnership) Office; contractual crime analyst through the Cambridge Police Department, a full time contractual attorney through the State's Attorney's Office; and police overtime (4 law enforcement agencies) to place more officers in high crime areas.

#### REQUEST TO EXPEND HOMELAND SECURITY FUNDS-TRAILER PURCHASE-EMERGENCY SERVICES

The Council approved the request of Mr. Goldman, as Emergency Services Director, to expend FY13 Homeland Security Grant funds to purchase an enclosed trailer capable of housing and transporting utility vehicles to J & S Equipment, Inc., the lowest bidder, at the cost of \$4,995. The Council acknowledged that the County will be required to maintain and insure the trailer once added to the County's fleet.

#### REQUEST TO ADVERTISE-AIRPORT MANAGER

The Council agreed to advertise the vacant Airport Manager position.

## ZERO WASTE EXECUTIVE ORDER DISCUSSION

Mr. Goldman said prior to leaving office Governor Martin O'Malley issued a "Zero Waste" Executive Order that established stringent recycling goals for both 2020 and 2040 and which restricts the Maryland Department of Environment (MDE) from permitting new landfill capacity. The Council agreed to send correspondence to Governor Larry Hogan regarding this Order.

## BID AWARD- GRASS CUTTING-TAX SALE PROPERTIES

The Council approved Mr. Moore's request and agreed to award the bid for the Grass Cutting Tax Sale Properties 2015 contract to Marshall Property Management, LLC, the lowest bidder, at the cost of \$32.00 per lot, per cutting, which includes picking up litter before each cutting and the trimming of the lots. The Council recognized that there are currently 36 lots in the City of Cambridge that fall under this contract.

## PUBLIC COMMENTS

Stephanie Hallowell, resident, said she concurs with Councilman Nichols' earlier comment that although the sprinkler system requirement is mandatory there are moderate to low income families that cannot fund such a system.

Donald Jones, resident, commended the Highway Division staff for blacktopping Salem Road. In response to a question from Mr. Jones, Councilman Nichols said there have been no discussions among Council regarding the vacant County Manager position. Councilman Price concurred. In response to another inquiry from Mr. Jones, Councilman Travers said the Council has reviewed applications and is moving forward.

Tracy Taylor, resident, presented to the Council another petition in support of Jay L. Newcomb as Acting County Manager, noting that the signatures on the three petitions she provided total 419. In response to a question from Ms. Taylor, Councilman Travers said interviews for this position have not been conducted.

Lynn Mills, Board Member, on behalf of the Dorchester County Historical Society, thanked the Council for allocating funding to this entity and provided them correspondence from the Board.

## COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Bradshaw thanked Mr. Spears, Mr. Willey and Mr. Goldman for assisting the Council during the FY16 budget process. He said he is in his fifth year as a sitting Council member, and referenced the layoff of approximately 30 employees during his first year due to the loss of highway user revenues. He said he is not in favor of raising taxes. He said ways to continue to be able to provide services need to be identified due to fiscal constraints.

Councilman Bradshaw echoed Councilman Nichols' comments that politics were involved in the NDHS replacement project. He said his in-laws and mother graduated from that school in 1962. He noted his understanding that Maces Lane High School, NDHS and South Dorchester High School were built in the same time frame. He expressed his belief and dismay that NDHS may not have been properly maintained. He referenced an opportunity in 2005 for the Board of Education to obtain ownership of a property to construct a new high school and a technology center which it is his understanding was rejected due to politics. Councilman Bradshaw noted that instead of pursuing a new high school the Dorchester Career and Technology Center was built. Councilman Bradshaw noted that during the first State of Maryland Board of Public Works meeting this year Peter Franchot, Comptroller, said the focus will shift from new construction to the renovation of schools. He said NDHS is in need of replacement. He expressed his belief that maintenance and upgrades in the form of renovations or additions in the future should be considered in lieu of new construction.

Councilman Bradshaw referenced the comments he made at the May 5, 2015 meeting regarding his attendance at a Somerset County Planning Commission meeting. He stated that the members of the Backbone Corridor group he referred to at that meeting are now asking for a revision to that County's zoning code as it pertains to poultry houses. He explained they they want the Somerset County Commissioners to convene as the Board of Public Health and restrict travel on dirt lanes to poultry houses due to dust and the particulate matter that emanates from fans in those structures. Councilman Bradshaw advised that he will continue to monitor this matter. He expressed his hope that this does not affect Dorchester County. He noted that new poultry houses are being constructed in Dorchester County which enhances the local economy. He said the Council members worked well together during the budget process despite some of them having different opinions. He thanked the Council and Finance for their hard work and assistance during this process.

Councilman Price acknowledged Mr. Spears and Mr. Willey for providing the Council with timely information during the budget process. He said he previously shared with the Council that Secretary Sam Malhotra of the Department of Human Resources, would be visiting Dorchester County on May 26, 2015 to meet with stakeholders and public officials. He said Mr. Malhotra has rescheduled his visit to June 12, 2015. He noted that one of the topics he will address is private public partnerships.

Councilman Price stated that he and Councilman Satterfield recently attended a Lower Eastern Shore Veterans Network meeting regarding issues relating to veterans in this area. He said one of the issues discussed was the lack of a hospital on the Eastern Shore and the need to provide transportation for veterans to access the medical facilities on the Western Shore. He advised that the group intends to hold a Town Hall meeting on veterans' issues in June 2016 in the City of Cambridge, if possible.

Councilman Price wished the high school graduates well and encouraged the public to attend Memorial Day Veteran Recognition events.

Councilman Satterfield noted that representatives from government and private agencies as well as businesses attended the Veterans Network meeting. He said they discussed the possibility of providing veterans beds in medical facilities on the Shore instead of them having to go to Perry Point or other locations.

Councilman Satterfield expressed his appreciation for the collaboration between the Council, Mr. Goldman, Mr. Spears and Mr. Willey during the budget process. He also thanked Mr. Spears, Mr. Willey and the Finance staff for providing him information during this process. Councilman Satterfield said he will represent the County at Memorial Day Veterans Recognition events.

Councilman Nichols apologized for not mentioning the contributions Mr. Spears and Mr. Willey made during the FY16 budget process. He also thanked them and Finance staff for assisting the Council throughout the year.

Councilman Travers said the Council members cohesively worked together to adopt a budget. He noted that they considered alternative ways of funding certain projects, including the NDHS replacement project. He stated that the Council will continue to seek alternative funding resources for this project, in order to lessen any future financial burden on taxpayers.

Councilman Travers announced that the next meeting will be held on June 2, 2015 at 6 p.m. and the Council reserves the right to meet in executive session prior to regular session.

With no further business to discuss, the Council adjourned.

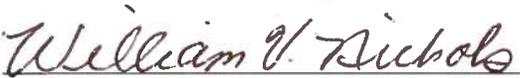
ATTEST:

  
\_\_\_\_\_  
Jeremy Goldman  
Acting County Manager

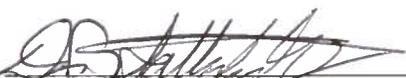
DORCHESTER COUNTY COUNCIL:

  
\_\_\_\_\_  
Ricky C. Travers, President

  
\_\_\_\_\_  
Tom C. Bradshaw, Vice President

  
\_\_\_\_\_  
William V. Nichols

  
\_\_\_\_\_  
Rick M. Price

  
\_\_\_\_\_  
Don B. Satterfield

Approved the 2<sup>nd</sup> day of June, 2015.