

County Council of Dorchester County
Regular Meeting Minutes
November 18, 2014

The County Council of Dorchester County met in regular session on November 18, 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 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 and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held due to the passing of Jane Baynard, prior County Manager; and Philip D'Adamo, a former County Commissioner. Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: a request to execute sub-recipient agreements for the FY14 and FY15 Rental Allowance Program Community Development Block Grants and bid awards for the purchase of tax sale property.

APPROVAL OF MINUTES- NOVEMBER 3, 2014

The Council approved the minutes of November 3, 2014 with an amendment to clarify that the Council's decision regarding voting was to seek an amendment to §8-201, paragraph (2)(i), of the Election Law Article of the Annotated Code of Maryland, to change the Gubernatorial Primary Election from the last Tuesday in June to the second Tuesday after the first Monday in September during the 2015 Maryland General Assembly Legislative Session.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$10,187,188.06.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on November 18, 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 and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed below.

Councilman Newcomb announced that the Council convened into Executive Session at 5:00 p.m. on November 10, 2014 for one personnel item and conducted interviews for the County Manager position.

Action taken at the closed session on November 18, 2014: 1) approved request of Public Works Director to hire an individual to fill a vacant Maintenance Custodial position by a 4 to 0 vote; 2) approved request of Soil Conservation Director to hire an individual to fill a vacant Grant Technician position by a 5 to 0 vote; 3) approved request of Emergency Services Director to appoint an individual as a temporary Emergency Medical Services Manager and request of an employee to remain an on-call Paramedic by a 5 to 0 vote; 4) discussed County Office Manager applications; 5) discussed with legal counsel a matter relating to a tax sale property; 6) discussed with legal counsel an insurance settlement offer; 7) discussed with legal counsel a matter relating to State law pertaining to emergency medical services appropriations; 8) discussed with legal counsel a matter regarding County building excise taxes-deferred to obtain additional information; and 9) discussed a matter with legal counsel relating to the sale of property acquired at tax sale-agreed to discuss in open 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

BAYWATER ANIMAL RESCUE UPDATE

Maureen Scott-Taylor, Executive Director, said Baywater Animal Rescue (Baywater), which has been open since 1947, is a “no-kill” shelter. She noted the animal shelter is equipped with 23 dog kennels. She said nearly 50 cats are housed in a Nanticoke style home on Bucktown Road which produces an unpleasant odor. She explained that they locate families for these animals. She said Baywater’s annual budget is \$275,000 and funds three full-time and four part-time positions. She noted that 40 individuals

volunteer at the shelter of which 90% live in the County. Ms. Scott-Taylor said Baywater partners with Food Lion, Walmart and other Mid Shore organizations to provide food to low income pet owners. Ms. Scott-Taylor stated that the pet pantry is open weekly, on Wednesday and Saturday. She said they also offer free spaying and neutering for cats utilizing grant funds Baywater received from the Snyder Foundation.

Ms. Scott-Taylor explained that a group of individuals, consisting of representatives from the County and municipalities, the Eastern Shore Land Conservancy and community leaders, have met and discussed ways to enhance animal welfare in the County and Baywater.

She said they are currently raising money to construct a new multi-use animal shelter which will include space that can be used by the community. She explained that Jay Orr, an architect who has designed animal shelters that are located throughout the country, is currently preparing design plans for the proposed facility. She said she will share the plans with the Council once they have completed. Ms. Scott-Taylor expressed a desire to work with the Council in the future towards Baywater's goal of constructing a new shelter.

In response to a question from Councilman Price, Ms. Scott-Taylor said priority is given to dogs in Dorchester County and that Baywater staff and volunteers will go outside of the county to fill kennel space. She explained that sometimes they go to Prince George's County to rescue dogs as well as the northern and southern parts of Maryland.

Councilman Price noted that there is a large feral cat population in the northern part of the County, particularly in the Town of Vienna, and questioned if Baywater provides any services relating to this growing population.

Ms. Scott-Taylor explained that the reason Baywater staff sought the Snyder Foundation grant funds to spay and neuter cats is to assist in controlling this population. She said they currently have an overabundance of cats and for the past two months have been giving them away on Saturdays.

Libby Nagel, a Dorchester County resident, noted that there is an abundance of feral Siamese cats at three locations in Elliott's Island. Ms. Taylor said Baywater does not have the resources to trap these animals, but are willing to take care of them if they are brought to the shelter. She said they have traps at the shelter that individuals can use to trap the cats.

The Council thanked Ms. Scott-Taylor for providing an update on Baywater Animal Rescue.

The Council adjourned into a public hearing.

PUBLIC HEARING-EMERGENCY SHELTER GENERATOR/CDBG-GRANT MONITOR

Cindy Smith, Grant Monitor, explained that a Community Development Block Grant (CDBG) grant under the Disaster Recovery Program was awarded to Dorchester County for the purchase and installation of an emergency shelter generator at the Cambridge South Dorchester High School. She said pursuant to CDBG grant requirements a public hearing on grants must be held every six months during this project.

Ms. Smith referenced Council's October 7, 2014 approval to sole source the engineering portion of the emergency shelter generator project to Gipe Associates, noting that a contract with that company has been executed. She advised that the following individuals, including herself, met on October 29, 2014 with Peter Helms, Engineer, Gipe Associates, to discuss the project and ask him to provide options for installation: Chris Hauge, School Facilities Engineer; Jeremy Goldman, Emergency Services Director, and other Board of Education staff. She said she expects to have the proposed options by November 30, 2014; the request for proposals for the project to be advertised by December 31, 2014; the bid award to be held on February 28, 2014; and the installation of the generator(s) to be completed in the summer of 2014.

In response to an inquiry from Councilman Travers, Mr. Goldman said the installation of a series of three synched generators is still an option. Mr. Goldman said Gipe personnel will provide a list of options for consideration. He noted that the Board of Education has updated the electric for the entire facility, which includes Cambridge South Dorchester High School, the old technology school, the Dorchester Career and Technology Center and Maple Elementary. He explained that Gipe personnel will also assess the electrical needs of this facility because, due to this upgrade, there may be sufficient capacity to run the entire campus by generator. Mr. Goldman said if this is possible the Board of Education can include the utilization of the generator in its Continuity of Operations plan. He said Gipe personnel have indicated they are in favor of using diesel fuel to power the generator, however, he is in favor of the original proposal to use natural gas.

Ms. Smith advised that the options will be provided to the Council for its review and consideration after staff reviews the engineering report.

Councilman Newcomb explained that Cambridge South Dorchester High School has been utilized in the past during major disasters, including flooding, and there has only been limited access to refrigeration and cooking during those times. He expressed his understanding that if generators can be used to power the entire facility there will be access to a full kitchen.

In response to a question from Councilman Price, Ms. Smith advised that notification was recently received that there is an opportunity for Dorchester County to obtain additional Community Development Block Grant funds to purchase and install additional generators in other areas of the County. She noted that the funding is targeted to those areas which received damage and have recovery needs resulting from major disasters that occurred in 2001, 2012 and 2013, including Hurricanes Sandy and Irene and Tropical Storm Lee. She encouraged the Council and the County's Department Heads to provide proposed

projects to utilize Community Development Block Grant funding during the next grant ground.

Councilman Newcomb commended Ms. Smith for her successful efforts in securing grant funds for the County and continuing to seek additional grant funding.

The public hearing was adjourned.

2015 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION DISCUSSION

Councilman Newcomb said this is the final discussion on proposed legislation for the 2015 Maryland General Assembly Legislative Session.

Based on the recommendation of the Board of License Commissioners, via a 5 to 0 telephone poll vote, the Council agreed to seek legislation requested by Mickey Love, Executive Director, Dorchester Center of the Arts, to allow DCA to obtain a Class "C" beer, wine & liquor license. Ms. Love thanked the Council.

The Council also agreed to join the Caroline County Commissioners in seeking the inclusion of Dorchester County in addition to Caroline County in Section 10-410 of the Natural Resources Article of the Annotated Code of Maryland to allow a person in those jurisdictions to hunt any game bird or game mammal, except migratory game birds and wetland game birds, on Sunday during open season on private property and public land that is designated for Sunday hunting by the Department.

The Council also clarified that its legislative request relating to voting is to seek an amendment to §8-201, paragraph (2)(i), of the Election Law Article of the Annotated Code of Maryland, to change the Gubernatorial Primary Election from the last Tuesday in June back to the second Tuesday after the first Monday in September.

MANAGERS COMMENTS

FARM SERVICE AGENCY COMMITTEE ELECTION BALLOT CONSIDERATION

The Council agreed to nominate to Steve Edgar to represent Dorchester County on the Farm Service Agency Committee.

FY14 ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM-EQUIPMENT- EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to submit grant applications under the FY14 Assistance to Firefighters Grants Program to the Federal Emergency Management Agency for funding to purchase the following: 12 Lucas CPR devices, \$162,187.65; 90 sets of protective gear that meets National Fire Protection Association 1999 standards, \$81,810; and 90 sets of body armor with helmets and eye protection, approximately \$120,000. The Council acknowledged that a grant application will be submitted for each funding request. The Council further

acknowledged that the total amount of these requests is \$363,997.65 of which a 10% match (\$36,399.77) is required. Pursuant to Mr. Goldman's request, the Council agreed to consider adding this cash match to the FY 2016 Emergency Services budget during budget deliberations. The Council acknowledged that: 1) the grant application deadline is December 5, 2014 with an anticipated award date of March 9, 2015; 2) grant purchases are allowed over a 12 month period therefore, the purchase of this equipment can occur in FY2016; and 3) if the matching funds are not included in the FY2016 budget, the grant award, if awarded to the County, can be declined. The Council recognized that the price for the protective gear was obtained from Nat Alexander Company, Inc. and the price for the Lucas CPR devices was obtained from Physio-Control.

FY15 MARYLAND HERITAGE AREA AUTHORITY GRANT AWARD- CHESAPEAKE COUNTRY SCENIC BYWAY MURALS-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept a FY15 Maryland Heritage Area Authority Grant (MHAA) award in the amount of \$36,000 for the design, painting and installation of murals along the Chesapeake Country Scenic Byway and to execute the grant agreement. The Council acknowledged that the cash match of \$27,000 consists of \$3,772 from the FY15 Tourism Operating Budget and \$23,228 from a National Scenic Byway Grant and the in-kind match is \$9,000 (difference of market value of murals). The Council further acknowledged that: 1) the County did not receive the Mid Shore Community Foundation Grant, which was to provide the match to this grant, and therefore the grant request to MHAA was reduced; 2) the project budget includes the two mural locations Council approved which are the East New Market Municipal Building and the Vienna Community Center as well as the Visitor Center and three locations to be determined; 3) although the placement of a mural at the Nause-Waiwash Band of Indians Longhouse was also approved it is currently listed as one of the "to be determined locations" because Tourism staff is in the process of obtaining a new authorization for that mural since Chief Sewell Winterhawk, who signed the original authorization, has passed; and 4) the Heart of Chesapeake Country Heritage Area Management Board members will provide two new proposed mural locations for Council's review and consideration.

REQUEST TO ADVERTISE FOR PROPOSALS-MURALS-TOURISM

The Council approved the request of Ms. Fenstermaker to advertise for proposals to design, paint and install murals at the East New Market Municipal Building and the Vienna Community Center utilizing MHAA and National Scenic Byway Grant funds.

FAMILY SUPPORT CENTER LETTER OF SUPPORT REQUEST FOR GRANT APPLICATION

The Council approved the request of Marvin L. J. Blye, Administrator, SHORE UP! Inc., Department of Planning, Research and Evaluation, for a letter of support for the company's application to the Maryland Family Network, Inc. for funds as follows: 1) \$100,000 for startup for the period of February 1, 2015 to April 30, 2015; 2) \$50,000 for two-month operating budget, May 1 to June 30, 2015; and 3) \$276,000 annually thereafter. The Council acknowledged that some of the funds will be utilized to renovate

the St. Clair Head Start Center. The Council further acknowledged that the letter of support states that the County cannot provide funding or a local match nor serve as applicant.

LOCAL GOVERNMENT INSURANCE TRUST SETTLEMENT OFFER

The Council accepted an insurance settlement from Local Government Insurance Trust (LGIT) of \$7,290 less a deductible of \$250 for a final payment of \$7,040 for a 2010 Crown Victoria that was damaged in an accident and was determined by LGIT to be a total loss. The Council authorized Councilman Newcomb as President to sign the title which will be forwarded to LGIT.

RESULTS OF TAX SALE REAL PROPERTY SEALED BIDS-FINANCE

Councilman Newcomb said on November 12, 2014 a bid opening was held for bids received on real property acquired by the County through tax sale. The Council accepted the following bids: 1) from Thomas Harvey, Tideland Enterprises, in amount of \$1,000 for Property #01-002821, .07 acres of N of Indiantown Road, W/S, Marshyhope Creek; 2) from Jonathan G. Newell in the amount of \$520 for Property #03-039269, 4809 Kraft Road; 3) from John D. Kellum in amount of \$20,000 for Property #05-072352, 2251 Andrews Road; and 3) from Habitat for Humanity Choptank in the amount of \$250 for Property #07-137524, Lot 17, 2,500 sq. ft., N/S Edgewood Ave.-Add, Cambridge. The Council acknowledged that E. Thomas Merryweather, County Attorney, is preparing a resolution for the acceptance of these bids which will authorize the President of the Council to execute the bid form and sales agreement as well as all conveyance documents which will be placed on a future agenda for adoption.

REQUEST FOR EXECUTION OF SUB-RECIPIENT AGREEMENTS-FY14 AND FY15 COMMUNITY DEVELOPMENT BLOCK GRANTS-RENTAL ALLOWANCE PROGRAM-DELMARVA COMMUNITY SERVICES-GRANT MONITOR

The Council approved the request of Cindy Smith, Grantor Monitor, to execute sub-recipient agreements between the County Council and Delmarva Community Services to sub grant to this non-profit organization \$40,000 of a Community Development Block Grant (CDBG) award under the Rental Assistance Program for FY14 and a \$40,000 CDBG grant award for FY15. The Council acknowledged that the funds are to be used by DCS to provide rental assistance to families who can demonstrate financial hardship.

PUBLIC COMMENTS

Gary Newcomb, a resident, thanked Councilman Newcomb, his brother, for his service to the County during his three terms on the Council, noting he served 12 out of 16 years. He said it was comforting to have a Council member and business owner who lives in South Dorchester represent residents in that area. He commended him for his dedication to the County and his commitment to citizens of County and District 1, in particular, in ensuring that taxpayers' funds are properly managed. He also commended him for assuming the role of Acting County Manager position without additional compensation.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Bradshaw referenced an email from Charles "Chip" MacLeod, Special Legal Counsel, in which he noted that Governor Martin O'Malley filed the Phosphorus Management Tool (PMT) regulations in the Maryland Register and with the Administrative, Executive and Legislative Review Committee of the Maryland General Assembly. He expressed dismay that this action is being taken in the interim prior to Governor Elect Larry Hogan taking office. He explained that according to a November 7, 2014 press release by the "Maryland Clean Agriculture Coalition," implementation of the PMT regulations will result in an annual phosphorus loading reduction of 24 tons on the Eastern Shore whereas no less than 3,300 tons of phosphorus flows through Conowingo Dam each year.

He advised that the Maryland Policy Institute recently published a study that states that the nutrient and sediment discharges from the Conowingo Dam must be addressed and that it will address pollution in the Chesapeake Bay better than any of the policy actions currently being implemented in Maryland and expected in other states.

Councilman Bradshaw said a Little Susquehanna Rivershed Alliance study contributes pollution to nutrients and not sediments although it does reference that the Conowingo Dam has zero trapping capacity. He expressed his understanding that molecules of nutrients stay bound to sediment in fresh water and separate when they reach saline water.

He said the Clean Chesapeake Coalition members are considering seeking legislation to make oyster restoration, not through aquaculture or the University of Maryland Horn Point Lab facility, but through power dredging, as a best management practice. He said he will provide the Council updates on this initiative.

Councilman Bradshaw referenced the economic impact study that was prepared by Beacon at Salisbury University which showed that there is no financial impact to counties whose suffer the loss of a poultry integrator. He expressed concern about the potential impact of the loss of the poultry industry in the County based on his belief that chicken farmers may be unwilling to replace or upgrade their equipment and houses and will go out of business. He said a study by Chesapeake Bay Foundation stated there will be minimal economic impact to poultry farmers in the beginning of the implementation of the PMT.

Councilman Bradshaw said it was a pleasure to serve the past four years with Councilman Newcomb. He said the County suffered a great loss, due to the passing of Jane Baynard, the prior County Manager.

Councilman Price advised that during the Dorchester County Department of Social Services meeting that was held earlier in the day he learned that open enrollment through the Maryland Health Connection began today and will continue until December 18, 2014. He said previously enrolled recipients will need to reapply and can do so online or through the local health department. He explained that residents can also visit the Social

Services, where an individual known as a navigator, can provide them enrollment assistance.

Councilman Price said the cold weather shelter in the Wesleyan Church on Race Street in Cambridge will open on December 1, 2014 while the Salvation Army shelter will open on December 2, 2014. He noted that a Maryland Department of Environment public hearing on the proposed vertical expansion of the landfill will be held on November 19, 2014 at 6 p.m. at Hurlock Elementary.

Councilman Price stated that it was a pleasure working with Councilman Newcomb for the last eight years. He commended him for assuming the role of Acting County Manager.

Councilman Price said he is saddened by the loss of Ms. Baynard who assisted him during the beginning of his first term and throughout his time as a Council member. He said she kept the Council apprised of information in a timely fashion. He advised that several individuals have said they missed the talking to Ms. Baynard. He commended her commitment to the County and its residents. He also referenced the loss of Phil D'Adamo who served on the County Council for three terms and his service to the community.

Councilman Travers expressed sorrow over the loss of Ms. Baynard, who was committed to ensuring that the Council had the tools and information they needed in their role as stewards of the taxpayers. He said she will truly be missed.

Councilman Travers commended Councilman Newcomb for assuming the role of Acting County Manager in addition to his duties as Council President for two years and for his leadership and ability in guiding the Council.

Councilman Nichols said he placed one of his ties on the seat Ms. Baynard used in this meeting room in her memory. He lauded her for her commitment and dedication to the County and its residents, noting she often worked twelve hours or more a day. He commended Councilman Newcomb for the sacrifices he made in his personal and business life to serve as Acting County Manager. He said he will miss him and wished him well. He stated that although the Council members do not always agree, Councilman Newcomb was able to guide them to ensure that they addressed the needs of residents. He stressed that the Council makes a decision as one body, noting that during the past several years there has not been an increase in the County's real property tax and the County's road program was continued despite an approximately \$4 million reduction in highway user revenue distributions.

Councilman Newcomb said he enjoyed serving three terms on the Council. He commended Councilman Newcomb and his 20 years of service to Dorchester County residents as a Council member. He said he is saddened by the loss of Ms. Baynard and applauded her for her dedication to the County and its citizens in her role as County Manager.

Councilman Newcomb referenced certain statements made during the recent election regarding his comments about Sheriff James Phillips and Sheriff's Office expenditures. He explained that he brought to the Council's attention that over the last ten years Sheriff James Phillips has overspent the Sheriff's Office budget by \$1.5 million as Acting County Manager and Council President. He further explained that he was performing his duties as Acting County Manager when he asked Robert Willey, Assistant Finance Director, to contact Sheriff Phillips to advise him that he would be overspending the Sheriff's Office FY15 capital budget if he purchased Tahoes instead of the Dodge Chargers the Council approved in that budget. He said Sheriff Phillips failed to respond to those emails. He noted that the Council, as stewards of the taxpayers, have an obligation to ensure that funds are spent wisely. He said he hopes the Council will continue its focus on not raising real property taxes.

Councilman Newcomb thanked his mother and his brothers, Ronald and Gary Newcomb, for supporting him. He said he was proud to serve Dorchester County. He expressed appreciation to Mr. Merryweather for representing the County. Councilman Newcomb offered to provide the Council members and Mr. Merryweather any assistance they may require in the future.

Councilman Newcomb said the viewing for Ms. Baynard will be held 6 p.m. to 8 p.m. this evening at the Newcomb and Collins Funeral Home with a service being held tomorrow at 11 a.m. followed by a fellowship at the St. Paul's Church and burial at 3 p.m. in Greensboro, Maryland.

With no further business to discuss, the Council adjourned.

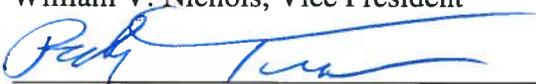
ATTEST:



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 2nd day of December, 2014.