

**County Council of Dorchester County
Regular Meeting Minutes
September 1, 2015**

The County Council of Dorchester County met in regular session on September 1, 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

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 request to advertise to fill vacant Correctional Officer positions.

APPROVAL OF MINUTES- SEPTEMBER 1, 2015

The Council approved the minutes of September 1, 2015.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers with Councilman Price opposing two payments for the incubator facility, specifically Invoice No. 1088 for Facility Logix, \$6,058 and Invoice No. 12, Willow Construction, \$163,066.30) and Councilman Nichols opposing for invoice numbers 150173, 150518, 150572, 150573, 150574, Brekford International, \$27,285,000 for Sheriff's Office. Councilman Nichols said he would like to make a correction to his August 18, 2015

approval of the vouchers to reflect his opposition to payments to Hertrich Fleet Services for new vehicles for the Sheriff's Office, specifically Invoice Nos. 22126-22130.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$3,266,933.57.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on September 1, 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

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 the request of the Warden to promote individuals to fill three Corporal positions at the Detention Center by a 5 to 0 vote- agreed to consider a request to advertise the resulting vacancies and another vacancy due to a resignation in open session; 2) approved the request of Emergency Services Director to hire an individual to fill a vacant 911 Dispatcher position by a 5 to 0 vote; 3) discussed a personnel matter; 4) approved a request to reclassify an Economic Development Administrative Associate position by a 5 to 0 vote; 5) discussed with legal counsel a matter pertaining to a County owned road; 6) discussed with legal counsel an offer for the payment of overdue taxes; and 7) discussed a proposal relating to County owned properties acquired by tax sale.

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

PROCLAMATION-VETERANS AND HOMELAND SECURITY RECOGNITION DAY

The Council presented a Proclamation proclaiming September 5, 2015 as Veterans Recognition Day which Reverend George Ames, Veterans Recognition Committee Member, accepted.

PUBLIC HEARING & COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION REQUEST-COUNTY OFFICE BUILDING – GRANT MONITOR

Cindy Smith, Grant Monitor, explained that a public hearing is being held on a request to submit a Community Development Block Grant (CDBG) application for funding in the amount \$125,000, with no match, for the repair, installation and/or replacement of ADA ramps at both entrances of the County Office Building, 501 Court Lane, Cambridge, Maryland. She advised that pursuant to CDBG requirements a public hearing must be held prior to grant submission to provide the public an opportunity to speak.

Ms. Smith said prior to paving the parking lot, Public Works staff discovered that the existing ramp surface was crumbling and some of the curbing is in need of replacement. She explained that she then contacted the Department of Community Housing and Development about possible funding and was advised that there are special funds designated for this type of project.

There was no public comment.

In response to an inquiry from Councilman Travers, Ms. Smith said it is their intention to use the funded to the repair the ramp at the rear and to install a ramp at the front of the building.

The Council approved Ms. Smith's request for support for the submission of this application in the form of a resolution.

MANAGERS COMMENTS

FY15 BUDGET TRANSFER REQUEST-BOARD OF EDUCATION

The Council approved the request of Dr. Henry Wagner, Superintendent of Schools, to approve the following FY15 budget transfers: 1) \$35,000 from Instructional Salaries to Mid Level Administration for coverage of a school administrator on medical leave and higher than anticipated expenses for administrators' professional development activities; 2) \$22,000 from Administration to Textbook & Instructional Supplies, which category is over budget due to textbook and technology purchases to support new curriculum; 3) \$5,000 from Student Transportation to Student Personnel Services and \$15,000 from this Student Transportation to Fixed Charges-Tuition Reimbursement to cover costs for professional development activities for pupil personnel workers and tuition reimbursements for instructional staff which were higher than anticipated; 4) \$135,000 from Instructional Salaries to Operation of Plant to cover costs for overtime, contracted services, supplies and utility expenses due to winter weather and unexpected exterminating requirements; and 5) \$95,000 from Instructional Salaries to Maintenance of Plant to cover increased expenses due to an aging vehicle fleet and emergency repairs to buildings and grounds.

SHOAL CREEK DREDGING PROJECT REQUEST-CITY OF CAMBRIDGE

The Council approved the request of Oden Wheeler, Public Works Director, City of Cambridge, for assistance from the County's Public Works Department with the dredging of the Shoal Creek

entrance in the form of one excavator and an operator for approximately one to 1.5 days. The Council acknowledged that: 1) placement of the dredged material can be made at a convenient location for the operator; 2) the City will be responsible for removal of the spoils; and 3) the City is in receipt of the required dredging permit issued by the Maryland Department of Environment and U.S. Army Corps of Engineers. Jeremy Goldman, Acting County Manager, advised that the excavator will be utilized to remove a fuel tank from the old Maces Lane School property and County staff will hopefully be able to use that equipment for the dredging project afterwards.

FY16 SCHOOL BASED HEALTH CENTER CONTINUATION GRANT-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to submit a School Based Health Center Program Continuation grant application to the Maryland State Department of Education for FY2016 funding in the amount of \$410,823, with the majority of the funds being used to staff the school wellness programs through either merit employees or contractual positions. The Council recognized that the Dorchester County Health Department has been identified as the implementing agency for these services in the County's middle and high schools. The Council further recognized that this grant does not allow indirect costs to the County or the Local Management Board.

2015 DORCHESTER COUNTY HIGHWAY PRIORITIES DISCUSSION

Mr. Goldman advised that during a meeting at the Maryland Association of Counties Summer Conference Pete Rahn, Secretary, Maryland Department of Transportation (MDOT), said the April 9, 2015 letter of potential transportation improvements along State highways in the County the Council sent to him on should be prioritized. He said Tom Moore, Public Works Director, has provided a suggested a priority order list.

Mr. Moore noted that historically the potential transportation improvements submitted to MDOT have not been prioritized.

Councilman Travers noted that Mr. Moore's list includes improvements in both the northern and southern areas of the County.

Councilman Price referenced a request Town of East New Market officials made at the 2014 Annual Transportation meeting with MDOT officials for maintenance to a State owed parcel in the center of the Town or the sale or transfer of the property to that municipality. He explained that despite being told by State officials this would be addressed, no action has been taken. He said Caroline S. Cline, Mayor, and the Town Council members have advised that they will be sending a letter to Donnie Drewer, District Engineer, State Highway Administration (SHA). Councilman Travers expressed his belief that correspondence from the Council in support of the Town's request would be more beneficial.

Councilman Bradshaw referenced the last item on Mr. Moore's priority list, air conditioning in the Visitors Center bathrooms. He expressed his belief that additional work is needed to this property including the boardwalk. Mr. Moore advised that this is being handled by Tourism

staff. He said the SHA has allocated funds for this purpose, which does not affect road repair and/or construction funds.

Councilman Bradshaw stressed the need for general maintenance of rail crossings in the County. Mr. Moore said he spoke to officials who recently told him the State's maintenance contract had expired. He explained that SHA will be sending correspondence to the Council regarding the possibility of the County assisting them with this maintenance and receiving reimbursement.

Councilman Travers noted that Russell Paving just completed paving work at the railroad crossing at the intersection of Route 392 and Poplar Street in the Town of Hurlock. In response to his question, Mr. Moore advised that he spoke to a State official who explained that they consider this reconstruction and not maintenance.

Councilman Satterfield said roads that belong to the State versus the County were discussed at the meeting with Secretary Rahn. He expressed his belief that it may be beneficial to discuss with MDOT officials the possible transfer of Woods Road to the State, which is an interconnector for Route 50 and Route 16.

Councilman Satterfield expressed concern about permitting issues relating to bicycle lanes in the Golden Hill area. Councilman Bradshaw said it is his understanding that the State has acquired right-of-ways along Route 335.

Mr. Goldman noted that some of the items on the original priority list have already been addressed. Councilman Travers said the Church Creek streetscape project is in process.

Councilman Price stressed the need to address visibility issues at the intersection of Route 392 and Route 14. Councilman Travers said in addition to the eight proposed projects Mr. Moore recommendation, this item and the others remaining in the April 2015 correspondence can be included as secondary items for MDOT to pursue if State funding and manpower is available.

The Council agreed to submit the following to Secretary as top priority items with the other items in the April letter being listed as secondary requests: Woods Road, Maryland Route 343, U.S. Route 50 and Crusader Road Intersection, Maryland Route 392 and Maryland Route 331 Intersection in Hurlock, General Maintenance of Rail Crossings, Golden Hill bicycle lane, Maryland Route 16, two lane reconstruct, U.S. Route 50 visibility/access improvements. The Council acknowledged that Mr. Moore will provide a synopsis of each of these items.

CHANGE ORDER NO. 2 – CAPPING OF OLD BEULAH-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Moore to execute the Change Order No. 2 to the contract between the County and Sargent Corporation for the Old Beulah Capping project to eliminate tree protection fencing since a super silt fence has already been installed, which results in a reduction of \$12,775. The Council acknowledged that Planning and Zoning approved the Forest Conservation Plan modification for this project.

PROPOSED SPECIAL EVENTS RECYCLING PROGRAM-LANDFILL-PUBLIC WORKS

Mr. Moore explained that Senate Bill 781 entitled "Environment-Recycling-Special Events, enacted by Chapter 338 of the Acts of the General Assembly of 2014, requires that a Special Events Organizer provide recycling containers at any event with an anticipated attendance of over 200 individuals at which food or drink will be served. He said a proposed Special Events Recycling Program for Dorchester County has been provided to the Council for its review and consideration.

In response to question from Councilman Travers, Mr. Moore said the Solid Waste Division will enforce the program for events in the County is and if in an incorporated area, the respective municipality will be responsible for enforcement. He noted that the containers are to be located adjacent to each trash receptacle at an event, pursuant to another inquiry from Councilman Travers. He stated that the event organizers can either have the recyclables commercially removed or deposit them at a County transfer site.

Mr. Moore advised that all county, municipal, state and federal locations of events of this nature held in the County must be included in the program.

Councilman Travers questioned if the event organizer will be responsible to purchase the containers. Mr. Moore confirmed that they will have to purchase, lease or borrow them.

Councilman Price asked whether the same type of containers that are located at the County's transfer stations will be utilized. Mr. Moore said there is no size requirement for the receptacles, noting that separate containers will be required for glass, paper, plastic and metal and each one must be a different color.

Councilman Travers expressed concern about the burden this may place on non-profit organizations. Mr. Moore said the requirements pertain to those events held in a public park or at a publicly owned site or facility. He noted that the Eagle Count held at the Blackwater National Wildlife Refuge must be referenced in the program. Mr. Moore said Refuge staff have advised him they provide recycling containers at this event.

Councilman Nichols expressed dismay about the passage of the State legislation which places an undue burden on event organizers since attendees may not place items in the correct containers. Councilman Travers concurred. He said certain non-profit organizations, including the Humane Society, have collected recyclables at the annual Rescue Fire Company Seafood Festival; however, it is no longer profitable. He expressed concern about being able separate crab waste from newspapers. Mr. Moore said the State law allows for the removal of certain items, including food waste compost, which he did not include in the proposed County program.

In response to an inquiry from Ms. Smith, Mr. Moore said pursuant to the State law the organizer is not responsible for ensuring that individuals dispose of recyclables in the correct containers. He stressed that the containers must be adjacent to each trash receptacle except for existing ones.

Councilman Travers expressed concern about the financial burden this will place on event organizers since multiple containers may be necessary.

Pursuant to a question posed by Councilman Price, Councilman Travers said event holders can dispose of the material in one of the County's recycling containers or utilize a commercial hauler if the landfill is closed. Ms. Smith and Councilman Travers expressed concern about accountability for disposal of the items at that proper facility.

Mr. Moore explained that larger counties issue special use permits and can incorporate this program as part of that permitting process. He noted that the only requirement Public Works has is that event holders must fill out a form in order to borrow the County's video message system signs.

Councilman Satterfield said it is his understanding that the event organizer must provide the facilities however, there is no enforcement provision to require attendees to use the receptacles. Mr. Moore confirmed his understanding.

Mr. Moore said Anne Arundel officials did not include the penalty section in that jurisdiction's program, which is \$50 for each date the violation exists during the event. He advised that they also included language that, if necessary, the County Law Office will be consulted for any enforcement action contemplated in the State law.

In response to an inquiry from Councilman Travers, Mr. Moore said items in red on the proposed State program language can be removed, which included food waste, which he did not include in the draft County program. He noted that the amount of attendees nor was the language Anne Arundel officials utilized regarding enforcement action in red. He suggested that be added to require event holders to pick up trash and recycle at the end of the event in lieu of providing containers.

Based on concerns expressed by Councilman Travers, Mr. Merryweather said the program can be amended to require that only special for-profit event organizations must adhere to the requirements.

Councilman Travers suggested that Mr. Moore and Mr. Merryweather collectively review and modify the program to address Council's concerns. In response to Mr. Merryweather's question, Mr. Moore said this program does not have to be implemented immediately, noting that it must be approved by the Maryland Department of Environment and then be adopted into the County's Solid Waste Management Plan.

The Council deferred consideration of the proposed Special Events Recycling Program for Dorchester County. The Council agreed to add this as a topic of discussion at its October 6, 2015 meeting with legislators regarding proposed legislative initiatives for the 2016 Maryland General Assembly Legislative Session.

FY16 COMMUNITY DEVELOPMENT BLOCK GRANT AWARD-FACILITIES REPAIR- DELMARVA COMMUNITY SERVICES-GRANT MONITOR

The Council approved the request of Ms. Smith to accept a FY16 Community Development Block Grant award in the amount of \$286,585 for facility repairs, specifically renovations to six group homes located in Cambridge and Hurlock that are owned and operated by Delmarva Community Services (DCS). The Council acknowledged that DCS will provide a \$81,200 match and that Ms. Smith will assist in the administration of the grant to ensure compliance.

HARRIET TUBMAN INTERPRETIVE SIGN RELOCATION REQUEST-TOURISM

The Council acknowledged that: 1) since 2006 there has been a lease agreement between the County and Blackwater Farms on Greenbrier Road for the placement of Harriet Tubman interpretive signage on this property at approximately \$300 annually with 5% percent increases every five years; and 2) the owner of the property recently requested an increase to \$1,500 per month or \$18,000 annually. The Council approved the request of Amanda Fenstermaker, Tourism Director, to relocate the sign to the County owned land on Greenbrier Road, on which a cellphone tower is located and to create a suitable interpretive pull-off on that property with assistance from Public Works staff.

MARYLAND HISTORICAL TRUST HAZARD MITIGATION GRANT SUBMISSION & LETTER OF SUPPORT REQUEST-TOURISM

The Council approved the request of Ms. Fenstermaker to submit a Hazard Mitigation grant application to the Maryland Historical Trust for funds in the amount of \$58,875 which include \$35,000 for phase one and \$23,875 for phase two with an in-kind match of \$7,161.50 for a total project cost of \$66,036.50. The funds will be utilized: 1) to perform a risk assessment of potential impacts to cultural sites or historic properties in the County; 2) to prepare information and materials for inclusion of cultural and historic resource planning in the updated County Hazard Mitigation Plan; and 3) to develop informational materials around hazard mitigation for historic sites/properties to be shared with local residents and property owners including the process to document their historic property.

REQUEST TO MODIFY GRANT BUDGET-PROGRAM OPEN SPACE PROJECT- RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to modify the FY16 Grant Budget for the Recreation and Parks Department to: 1) reflect the amount received from Program Open Space of \$96,855 in lieu of the \$160,000 estimate he provided in this budget; 2) not proceed with the Busick Tennis Court renovation, which is the resurfacing of four courts (7 to 10); 3) utilize \$90,000 of the POS funds to resurface courts 1 and 2, of which \$81,000 will be from State and \$9,000 will be the local share; and, 4) designate the remaining \$15,000 for a planning grant for the 2017 Land Preservation/ Recreation Plan that is required to be completed during 2016/2017 for which no local share is required.

ADULT PUBLIC GUARDIANSHIP REVIEW BOARD MEMBER APPOINTMENTS- SOCIAL SERVICES

The Council approved the request of Nicholette Smith-Bligen, Social Services Director, for the following Adult Public Guardianship Review Board Member appointments: 1) appoint George Adams as a Lay Community representative to replace Beth Rule, who is moving out of the area; 2) to appoint Julie Craig to represent the disabled to replace Alynda Randolph; and 3) to reappoint Chico Simmons to represent the disabled. The Council acknowledged that the terms of each of these individuals will expire on August 30, 2018.

REQUEST TO ADVERTISE-CORRECTIONAL OFFICER POSITIONS-DETENTION CENTER

The Council agreed to advertise four vacant Correctional Officer positions in the Detention Center.

TELEPHONE POLL CONFIRMATION

The Council confirmed its decision in the interim between meetings, by means of a poll, to accept: 1) a Governor's Office for Children award of \$90,000 to support after school programming; authorized Councilman Travers as Council President to execute the grant agreement, when received; and agreed that a request for proposals to solicit potential vendors for after school programming can be advertised by a 5 to 0 vote; and 2) a \$10,000 grant from Exelon Generation, with no local match, which funds can only be used for upgrades to the County's Emergency Operations Center, by a 5 to 0 vote.

PUBLIC COMMENTS

There was no public comment.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Bradshaw, referring to photographs he provided to the Council members, said the first is a satellite image taken after Tropical Storm Lee. He said the image on the right is a photo shopped version that was included in a U.S. Geological Survey regarding phosphorus in the Chesapeake Bay that was provided to the State legislature during discussions regarding the implementation of phosphorus management tool rules. He explained that the Clean Chesapeake Coalition members submitted a public information request and were advised that it was a printer error and was not discovered until the report was distributed. He said the Coalition members are continuing to investigate this matter. Councilman Satterfield noted that the Chesapeake Bay image was photo shopped but not the Delaware Bay.

Councilman Satterfield said he now receives 911 alerts on his cell phone. He commended Emergency Services personnel and emergency service responders who are actively involved throughout the County. He also commended law enforcement personnel particularly in light of

the recent shootings in other states. Councilman Satterfield thanked the Council members for their assistance during this first term of office.

Councilman Nichols wished everyone a safe Labor Day Weekend. He extended his thoughts and prayers to Councilman Travers' wife on her upcoming surgery and wished her a speedy recovery. Councilman Travers said due to her surgery he will not be present at the next meeting. He thanked everyone for their prayers.

Councilman Travers announced that the next County Council meeting will be held on Tuesday, September 15, 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



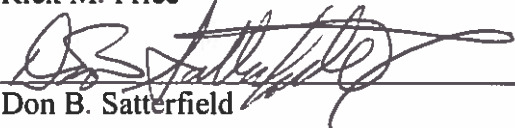
Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 15th day of September, 2015.