

**County Council of Dorchester County  
Regular Meeting Minutes  
October 2, 2018**

The County Council of Dorchester County met in regular session on October 2, 2018 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, County Manager; and Donna Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Bradshaw led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES- SEPTEMBER 18, 2018**

The Council approved the minutes of September 18, 2018.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers with additions. Councilman Travers abstained for payments made to Simmons Center Market. Councilman Nichols abstained for mileage reimbursement. Councilman Price abstained for payments made to Hyatt and DGH.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$11,369,057.14.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on October 2, 2018 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed 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. Present were: 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, County Manager; and Donna Lane, Executive Administrative Specialist. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on October 2, 2018 at 5:31 p.m. to discuss the following items: 1) approved the request of the Emergency Services Director regarding

compensation related to trained Emergency Services personnel by a 5 to 0 vote; 2) approved the request of the Director of Corrections to promote an individual to a Correctional Officer IV, Assistant Chief of Security position by a 5 to 0 vote; 3) approved the request of the Director of Corrections to reclassify a current vacancy to a Secretary-Administrative Assistant/Civilian position by a 5 to 0 vote; 4) approved the request of the Emergency Services Director to hire change an on-call Paramedic to full time status to fill a vacancy and to place an individual in the on-call Advanced Life Support pool by a 5 to 0 vote; and, 5) confirmed the hiring by the State's Attorney of an individual to fill an Administrative Assistant position by a 5 to 0 vote.

Present were: 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, County Manager; and Donna Lane, Executive Administrative Specialist. The purpose of the Closed Session is also set forth in the Written Statement of Closing a Meeting Under the Open Meetings Act, which will be provided upon request. Voting in favor of the Closed Session were all of the present Council members.

## **REGULAR SESSION**

### **MARYLAND ASSOCIATION OF COUNTIES ANNUAL MEETING**

Jerry Walker, Vice Chairman, a Anne Arundel County Council Member, and President, Maryland Association of Counties (MACo), said he and Michael Sanderson, Executive Director, are present to: 1) provide an update on how MACo is working for its member counties; 2) advise Council of the items that will be the organization's focus during the 2019 legislative session; and, 3) to hear from the Council members on issues important to them. He thanked Councilman Price for his service on the MACo Legislative Committee, recognizing his term with the County Council will be ending this year. Councilman Price said it was his pleasure to serve as the County's representative on that Committee. Mr. Walker explained that MACo's bylaws require a focus on four different topics derived from the membership. He said a subset of the MACo Legislative Committee pared down 30 proposed topics to four legislative initiatives which will be officially adopted during the organization's January 2019 winter conference. He noted that typically this conference is held in December; however, they wanted time to allow the newly elected to get acclimated before attending this event.

Mr. Sanderson distributed a packet to the Council and provided an overview of the following four legislative initiatives: 1) seeking continued State commitment to education; 2) re-prioritizing public health in the form of advocating for reviving local health department funding and targeting addressing the current opioid epidemic; 3) the repeal of "implied preemption" Court doctrine; and, 4) Next Generation 9-1-1 Implementation. Mr. Sanderson recognized the contributions and advocacy of Anna Sierra, Emergency Services Director, on continuing efforts on 911.

Mr. Sanderson provided more detailed information regarding the Kirwan Commission including: 1) that the committee will provide its recommendations to the Maryland General Assembly during the upcoming legislative session; 2) his belief that recommendations will include broadening opportunities for Pre-Kindergarten education as well as investing in the teaching profession for recruitment and retention purposes; and, 3) it is unclear if funds have been

identified to implement the recommendations and about the role of county governments. He referenced the Thornton Commission that was formed in 2002 which focused on bringing the level of State commitment to the County level. Mr. Sanderson explained that Maryland was disproportionate at that time as the counties were paying more of the costs. He said it is possible that the Kirwan Commission or any legislation drafted as a result of its findings will ask for additional monies from counties other than Maintenance of Effort. He noted that public education is a \$14 billion business in Maryland, number one in the Constitution and is fundamental for State and County governments as well as other stakeholders.

Mr. Sanderson recognized that there is a multi-year increase in highway user revenue funds to local jurisdictions, noting that restoration is still a major issue with MACo. Councilman Nichols expressed dismayed that full restoration of these funds has not been a priority. He suggested a several cent increase in the fuel tax and the dedication of those revenues for this restoration despite his usual stance in opposition to tax increases. He noted that the County's road needs are increasing.

Councilman Price said it was an honor and pleasure working with Mr. Sanderson and the other members of MACo Legislative staff/committee members over the last eight years. He thanked him for his timely responses to his inquiries. Based on concerns about a downturn in crab harvesting in light of the oyster season, he asked if Mr. Sanderson was aware of any potential legislation to be pursued relating to the seafood industry. Mr. Sanderson said he will contact Department of Natural Resources staff to inquire about potential legislation.

Councilman Bradshaw applauded MACo for promoting continued State commitment to education. He said such issues as providing teachers more authority in the classroom to deal with disruptive students also need to be addressed. Mr. Sanderson said he believes that despite frustrations raised by teachers and representatives about student behavior, this will not be a focus of the Kirwan Commission which is charged with innovation and excellence.

Councilman Satterfield stated that the lottery system for H2-B Workers is inadequate for the needs of businesses on the Eastern Shore, especially Dorchester County. He expressed his belief MACo and other counties should take a collective stand on this issue. Mr. Sanderson opined that there should be no internal resistance. He suggested that the Council send a letter to the legislature. Councilman Travers explained that the Council has sent several letters and received no response.

Councilman Satterfield said in addition to school construction monies should be allocated for security. He expressed his belief MACo should also focus on school security. Mr. Sanderson said a substantial effort is underway for this purpose, including the creation of a new State level subcabinet and the introduction of legislation by Governor Lawrence "Larry" Hogan. He said he believes it may be a partially funded mandate. Mr. Sanderson expressed his belief that local government law enforcement and security coverage would be more appropriate. He said they are waiting for refined guidelines from State as to their role and expectations of local government.

Councilman Travers expressed consternation that the Kirwan Commission does not have a draft of its findings, particularly since it was to provide recommendations within two years, and is going on its third year. Mr. Sanderson said he believes the Commission members'

recommendations will be primarily concentrated on preparing students for the future and providing more vocational opportunities than programs or funding. Councilman Travers noted that the Council will be in budget deliberations soon and it is hard to determine the impact the Commission's results and other legislative initiatives will have on the County's budget.

Mr. Sanderson expressed his belief that the emphasis should be on providing a Pre-Kindergarten program for every student; however, additional discussions are necessary before proceeding with this effort.

The Council thanked Mr. Walker and Mr. Sanderson for the update.

## **BOARD OF HEALTH**

Roger Harrell, Health Officer, said he has been working with Mr. Sanderson on the public health issue for many years. He noted that there were cuts in local health below the 1997 level and although there has been some recovery, they are now at 2001-2002 levels. He advised that Dorchester County has never reduced its commitment to Health Department in that interim. He noted that this local public health facility is funded by County and State funds. He said the goal is to make some changes to the funding formula but not to the percentage counties are to provide.

Mr. Harrell said health officers' main responsibility is to ensure that there are available health care delivery systems which include Emergency Medical Services and physicians. He referenced the plans by Shore Regional Health to build a freestanding medical facility in Dorchester County. He explained that in 2016 State law was changed which allowed these types of facilities to be pursued through a Certificate of Public Need process. Mr. Harrell said Senate Bill 707 formed a workgroup for rural healthy delivery in which Anna Sierra, Emergency Services Director, is involved with. He explained that as a result of a group was formed. Mr. Harrell stated that a number of subcommittees were established by that group, including a workforce development group, transportation access to care group, and an economic development group on which he worked on with Scott Warner, Executive Director, Mid Shore Regional Council. He advised that the meetings were held from July 2016 for 14 months and on September 28, 2017 a recommendation was made to establish a Rural Health Community Health complex program. He said the concept is to determine ways to create a center for health care delivery in rural communities to better integrate and coordinate existing services including clinical, government and social. He noted that there is lack of a funding source as well as transportation barriers that need to be addressed. He explained that during the 2018 legislative session, pursuant to Senate Bill 1056 a rural health collaborative pilot was to be conducted in the Mid Shore Counties. He noted that an Executive Committee, was formed, consisting of health officers, Ken Kozel, CEO, Shore Regional Health as well as the CEOs of the Anne Arundel Health System and Choptank. He said the group made recommendations to the Health Secretary for the Committee regarding membership which included representatives from the local department of Social Services and Emergency Medical Services in the Mid Shore area in mid shore area (Ms. Sierra), the Mid Shore Upper Agency, a local Board of Education in the Mid Shore (from Caroline County), a consumer from Dorchester County and a vacant position as well as Santo Grande, CEO/President, Delmarva Community Services, a transportation provider. He said on September 24, 2018 the first meeting was held at which: 1) the role of the committee was summarized; 2) tasks were identified; 3) flooding issues and other topics were discussed; and, 4) a transportation and a clinical wellness committee were established. He explained that the focus

is on a system of health care which benefits those who need assistance in navigating the health care system by setting up one place to obtain information. Mr. Harrell advised that since Shore Health's Dorchester hospital facility is regulated and outpatient surgery cannot be performed in Dorchester County until a free standing facility and ambulatory care facility are opened. He said the challenge will be convincing insurance carriers to provide patients transportation, including funding, if necessary, to travel to appointments. In response to a question from Mr. Harrell, Ms. Sierra said she sits on the Mobile Integrated Health Workgroup which is focused on this matter. Mr. Harrell stated that it is a pleasure to work with Ms. Sierra on opioid programs and with Joseph Hughes, Director, Department of Corrections, on programs including a Yoga program at the Detention Center. He advised that they work together as a team unlike some other counties. Mr. Harrell thanked the Council for its support of the Health Department as well as Mr. Goldman.

Councilman Travers said he was under the impression that there are Medicare funds for mobile integrated health. Ms. Sierra explained that bill put before the legislature last year was defeated that would have required Medicaid to pay for transportation. She advised that Medicare only provides funds for health waivers in the states that are involved with "Obama Care" while others receive health care innovation monies for which the County is not eligible. Ms. Sierra explained that applications are being taken for a Special Operation Manager and that one of the jobs for the person who fills the position will be to design and develop an integrated health program. She stated that she has asked Shore Regional Health for a small funding stream to offset costs and there has been no response. Ms. Sierra explained that she is on a working group with the Maryland Institute for Emergency Medical Services Systems to develop legislation to allow reimbursement for transportation. Councilman Travers referred to the results of a pilot in Queen Anne's County. In response to his inquiry, Ms. Sierra advised that the workgroup is working with Medicaid and other third party insurers; however, there is substantial resistance from Medicaid in particular. She stressed the importance of integrated mobile health from an emergency medical services standpoint. She explained that unless reimbursement is provided by the State, such a program will result in a financial loss. Mr. Harrell said a return on investment needs to be a focus. He noted that Minnesota is the only state that he is aware of that pays for integrated mobile care. He stated that Aetna does pay for patient transportation as well as child care so individuals can attend doctor appointments. He advised that it is a pleasure to serve Dorchester County.

The Council thanked Mr. Harrell for the update.

## **MANAGERS COMMENTS**

### **GRANT AWARD ACCEPTANCE-TODD FUND-MID SHORE COMMUNITY FOUNDATION-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept a grant from the Todd Fund of the Mid Shore Community Foundation for \$5,000 to assist with implementation of the heritage tour app. The Council acknowledged that these monies along with \$15,000 from the Dorchester County Health Department will be used to create and launch three tours on an app to provide information to visitors on guided tours via smart phones.

#### SOLE SOURCE REQUEST-CAMBRIDGE DOWNTOWN WALKING TOUR AUDIO APP CONTRACT-TOURISM

The Council approved the request of Ms. Fenstermaker to sole source and enter into an agreement with On Cell for set up of an app, developing pages, in-app navigation and the build out of the content of the Cambridge Downtown Walking Tours at a one-time cost of \$4,400.

#### TRANSPORTATION-LETTER OF WELCOME REQUEST-MARYLAND TOURISM AND TRAVEL SUMMIT-TOURISM

The Council approved the requests of Ms. Fenstermaker to: 1) to provide a Letter of Welcome for attendees of the 2018 annual conference of Maryland Tourism and Travel Summit which is being held from November 14 to November 16, 2018 at the Hyatt Regency Chesapeake Bay; and; 2) send correspondence to Delmarva Community Services seeking assistance for transportation for the Welcome Reception during the summit to be held at the Blackwater Adventures Warehouse on Key Wallace Drive on November 14<sup>th</sup> from 4 p.m. to 12 p.m.

#### CONTRACT FOR PROFESSIONAL SERVICES-AMERICAN BUS ASSOCIATION REGIONAL GROUP SALES-TOURISM

Mr. Goldman said before the Council is a request from Ms. Fenstermaker to enter into a Contract for Professional Services between Wicomico County on behalf of Wicomico County Recreation, Parks & Tourism, Dorchester County, Cecil County, Somerset County, Talbot County, Queen Anne's County, Kent County and Caroline County to employ a consultant to attend and represent these entities at the American Bus Association annual conference. He advised that Dorchester County's contribution is \$1,100 through the annual Maryland Office of Tourism Development marketing grant award. He noted that each entity contributes funds for this contract with. He recognized comments made by E. Thomas Merryweather, County Attorney, regarding the termination clause noting that it is a six month contract that must be renewed each year. Mr. Merryweather said it does not contain the County's standard termination clause; however, due to the short time period no changes are necessary. The Council agreed to enter into the contract.

#### MARYLAND HERITAGE AREAS AUTHORITY GRANT PROGRAM AWARD-MINI- GRANTS-TOURISM

The Council approved the request of Cindy Smith, Assistant Finance Director, to accept a FY19 Maryland Heritage Areas Authority Block Grant of \$25,000 for matching funds for the non-profit organizations that receive mini-grants from the Heart of Chesapeake Country Heritage Area-Tourism Department.

#### FY 2018- 3 OPERATING BUDGET AMENDMENT- BOARD OF EDUCATION

The Council approved the written request of Dr. Diana Mitchell, Superintendent of Schools, to approve a FY2018-3 Operating Budget Amendment to transfer \$45,000 from the Mid-Level Administration category (sales and supplies) to the following due to late arriving bills which placed these categories over budget: Administration (legal fees); Student Transportation wages for substitute drivers and assistants); Operation of Plant (contracted trash removal); and

Maintenance of Plant (vehicle maintenance and repairs). The Council acknowledged that the Board of Education approved this budget amendment at its September 20, 2018 meeting.

#### CONTINUED DISCUSSION-LEASING VEHICLES

Mr. Goldman stated at the October 2, 2018 meeting there was a presentation and discussion about leveraging the State's new contract with Enterprise Fleet Management to lease vehicles for the Sheriff's Office. He said at that meeting Council requested references which have been provided. He said the entities that provided references continue to utilize this company, one of which changed the lease period for its second contract. He explained that the proposed set up for the County is based on mileage and depreciation not years. He stated that it is still the recommendation for Council move forward with the agreement. In response to a question from Councilman Travers, Mr. Goldman confirmed that the recommendation includes beginning with the amount of Sheriff's vehicles in the FY19 Capital Budget. Mr. Goldman said if the lease arrangement is successful with these vehicles, the County can continue by adding other departmental vehicles. He noted that the Council can also cancel the agreement at any time. In response to a question from Councilman Price, Mr. Goldman clarified that the Sheriff's Office can continue to use existing companies for maintenance and recovery. Councilman Satterfield noted that the company will monitor the service and maintenance of the vehicles. Councilman Nichols said he reviewed the comments provided on the program and expressed his belief that entering into a vehicle leasing agreement should be reserved for the next budget deliberation process. He expressed his understanding that police vehicles, due to mileage and wear and tear, have a low re-sale value. He referenced the comments from Greg McCloskey, Public Works Director, Westmoreland County, Pennsylvania regarding equipment concerns. He said he doubts a savings will be achieved. Councilman Satterfield said it is his understanding that if a vehicle has extensive maintenance issues a replacement can be obtained prior to the proposed four year purchase cycle. He noted that it will be less expensive to outfit a new model vehicle.

The Council agreed to enter into a managed vehicle program with Enterprise Fleet Management for Dorchester County with Councilmen Price and Nichols opposing.

#### TRAVEL REQUEST

The Council approved the request of Ryan White, Public Works Director, for himself and three Public Works employees to travel to Allen, Kentucky, a two day trip with an overnight stay, to pick up three new Kenworth tri axle dump trucks. The Council acknowledged that: 1) the estimated cost for food and lodging at the estimated cost is \$2,800 which includes fuel, tolls, meals and one night lodging; and, 2) FY19 Public Works shop budget funds will be used.

#### BID AWARD-PINKS POND CULVERT REPLACEMENT-PUBLIC WORKS

The Council approved the request of Mr. White to award the bid for the Pinks Pond culvert replacement to Russell Paving Co, Inc., lowest bidder, at the cost of \$52,880.

#### REQUEST TO PURCHASE EQUIPMENT-SNOW PLOWS-SPREADERS-PUBLIC WORKS

The Council approved the request of Mr. White to purchase three snow plows, two for the Highway Division and the other for the Solid Waste Division from Brass Sells, which provided the lowest quote, at the cost of \$6,745 utilizing FY19 Capital Budget funds. The Council also approved Mr. White's request to purchase two spreaders from Hale Trailer, which submitted the lowest quote, utilizing Highway/Solid Waste FY19 Capital Budget funds. The Council acknowledged that the pickup truck spreader at the cost of \$8,865 will be for Solid Waste and a two ton unit for Highway at the cost of \$11,198. Mr. White explained the manufacturer of the equipment only allows dealing with vendors in the area; however, an exception was made to allow them to obtain a bid outside of the area.

#### REQUEST TO ADVERTISE FOR PROPOSALS-ELLIOTT'S ISLAND MARINA JETTY CONSTRUCTION-PUBLIC WORKS

The Council approved the request of Mr. White to advertise a request for proposals for the Elliott Island Marina Jetty Construction Project which is funded through two Department of Natural Resources grants.

#### REQUEST TO ADVERTISE-2018-2019 SNOW CONTRACTING REMOVAL SERVICES-PUBLIC WORKS

The Council approved the request of Mr. White to advertise for 2018-2019 Snow Contracting Removal Services. The Council acknowledged that funds in the FY19 Public Works budget under the contractual services line item will be used for these services. In response to a question from Mr. Goldman, Mr. White said he is looking for five or six contractors.

#### REQUEST TO EXTEND CONTRACT-ARAMARK CORRECTIONAL SERVICES, LLC-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director, Department of Corrections, to enter into a revised agreement with Aramark Correctional Services, LLC for meals for the Detention Center for a one year period ending July 31, 2019. The Council decided not to include in the revised agreement additional one year periods of renewal, contingent upon approval by Aramark and the Council, in the amended operating agreement, as requested by Aramark.

#### PAYMENT IN LIEU OF TAXES-FACILITY GENERATING ELECTRICITY

Mr. Goldman said before the Council are Payment in Lieu of Taxes (PILOT) Agreements between Dorchester County and two solar companies, Richfield Solar, LLC (Richfield) and Todd Solar, LLC (Todd) in lieu of personal property taxes for the construction and operation of solar electric generating facilities pursuant to Section 144-4 of Chapter 144 of the County Code. He said both PILOTs are consistent with prior solar energy PILOTS approved by Council including the amounts. He noted that a representative of the two solar companies is present. He explained that E. Thomas Merryweather, County Attorney has reviewed the documents and concurs that they are in compliance. He stated that this is for business personal property, not the land.



Councilman Nichols inquired as to the location of the solar facilities. Ryan Showalter, representing the solar developers, said the proposed Todd facility is southeast to the Town of Hurlock and the Richfield Solar facility is to the southwest of Hurlock. Pursuant to a query from Councilman Travers for further clarification, Mr. Showalter confirmed that the Richfield facility will be on property near the intersection of Osborne Road and Shiloh Camp Road. He said that the Todd facility is immediately east of the Hurlock wastewater treatment plant. Councilman Nichols said he received calls on this proposed solar facility.

Pursuant to questions posed by Mr. Goldman, Mr. Showalter said both projects have been through the zoning and the State of Maryland's Certificate of Public Convenience and Necessity (CPCN) processes. Based on a query from Donna Todd, resident, Shiloh Camp Road, Mr. Goldman said the PILOT modifies the rate of personal property tax to be paid over 35 years with a larger payment at the beginning. Councilman Nichols expressed his understanding that adjacent property owners have concerns about this facility. In response to a question posed by Councilman Travers, Mr. Goldman confirmed that the PILOTS are the same as the first one the Council entered into for another property as far as rates and the payback period. Mr. Showalter noted that the only difference between the two is that the Richfield facility is two and a half times the size of the other project. Pursuant to another query from Councilman Travers, Mr. Showalter confirmed that the Richfield project yields about \$9 million in aggregate versus \$300,000 in its current status.

Councilman Satterfield stated that the revenue numbers are significant. Councilman Travers said the revenue from the Todd project is \$3.5 million and \$9.1 million for the Richfield project. He noted that this revenue stream can be used to offset costs relating to schools. Councilman Satterfield questioned whether the screening and setbacks have already been established for the projects. Mr. Showalter said the Todd project received a CPCN from the State of Maryland Public Safety Commission, a special exception from the Board of Appeals and has been through the site plan review process with the Planning Commission. He advised that the Planning Commission has reviewed and approved the landscaping and screening for that project. He explained that the Richfield property received Board of Appeals approval and has gone through the CPCN process. He stated that the site plan is still pending; however, the Board of Appeals imposed additional requirements as part of the special exception which includes planting in front of the immediately adjacent residences trees at a taller height prior to construction. He noted that the County's buffer requirements are 50 feet in width and in many cases this project is up to 150 feet in width. He explained that there is the 50 feet required planted buffer with landscape stock and up to 100 feet of seedlings for a total of 150 feet of forest vegetation in front of adjacent residences. Mr. Showalter stated that the Planning Commission will conduct another review of the Richfield landscape plan which will be consistent with what the Board of Appeals approval. In response to a question by Councilman Nichols, Ms. Todd advised that she is aware that the Board of Appeals approved the Richfield facility. She expressed her belief that 50 feet is not sufficient in front of home and expressed concern about the buffer particularly in front of her house. She recognized that the County needs revenue. In response to a question from Councilman Travers, Ms. Todd said she believes there will be a 50 foot buffer on Shiloh Camp Road and perhaps 150 feet on Osborne Road. Councilman Satterfield explained that he is favor of this as a revenue source in lieu of raising taxes; however, residents' concerns about buffers

should be consistent. He made a motion to defer the consideration of the Richfield PILOT which Councilman Bradshaw seconded. Councilman Travers noted that the deferral will be in effect until the buffer can be verified. Councilman Satterfield said if the solar facility is to be in front of a residence the setback should be enough not to impact a citizen's property. Councilman Bradshaw said there was an impact on residents' property due to a project in Bucktown. Ms. Todd said during a State meeting about the facility a week ago there was some discussion about Invenergy changing the location of the inverters at the corner of her property to the middle of the solar facility. She stated if that is the case it will act as a sound barrier. She said she believes that a 300 foot buffer may have been discussed at that meeting. She noted that if so, that was a change from the actions taken at the Board of Appeals meeting. The Council deferred consideration of the PILOT for the Richfield facility and requested that Mr. Showalter provide the Council with more information regarding the setbacks including a site plan.

Councilman Satterfield made a motion to enter into a Payment in Lieu of Taxes Agreement between Dorchester County and Todd Solar, LLC which consists of the construction and operation of a 20 MW ground-mounted solar photovoltaic electric generating facility on a parcel of land addressed as SW/S Harper Road, Hurlock, consisting of 145.84 acres for a 35 year period. Councilman Bradshaw seconded the motion. Councilman Nichols asked if anyone present had any questions regarding this proposed facility. Kenneth Heesh, resident, queried as to whether the Council has heard anything about it from residents in that area. Mr. Goldman expressed his understanding that there are only a couple of homes close to the project and there were no complaints. He confirmed for Councilman Nichols that the update of the County's Comprehensive Plan is in process. Councilman Nichols expressed his belief that this issue should be addressed as part of that process. He said the main complaint he received from residents are their concern about the proximity of their homes to solar facilities. He advised that he is in favor of a 300 foot buffer. Mr. Goldman explained that at the end of the Comprehensive Plan Update process there is an opportunity for comprehensive rezoning. The Council agreed to enter into the PILOT. Councilman Nichols and Price opposed.

#### REQUEST FOR WAIVER OF REDEMPTION COSTS AND BACK TAXES-TAX SALE PROPERTY-ANCHOR POINT, INC.

Mr. Goldman advised that pursuant to correspondence from Alan McRae, Executive Director, Anchor Point, Inc., this nonprofit organization recently tried to purchase 900-902 Peach Blossom Avenue at foreclosure auction sale from Howard Bank in Baltimore; however, it cannot be transferred until the taxes are paid. Councilman Satterfield noted that the Council can only waive fees or penalties. Mr. Goldman concurred based on the taxpayers' bill of rights. Mr. Merryweather said the foreclosure costs are also treated as expenses of the sale. Councilman Travers noted that Mr. McRae is only seeking a waiver of the taxes. The Council agreed to send a letter to Mr. McRae noting that pursuant to State law they are unable to approve his request.

#### OBSERVANCE OF HALLOWEEN

The Council agreed that Halloween will be observed by County residents on Wednesday, October 31, 2018 from 6:00 p.m. to 8:00 p.m. for children ages 12 and under. The Council acknowledged that: 1) this policy will not supersede prescheduled times and dates set by

municipalities; and, 2) residents living outside town limits should follow the County policy set forth by the County Council, unless they intend on carrying their child (ren) into a town.

#### **CHESAPEAKE COLLEGE-BOARD OF TRUSTEES-DORCHESTER COUNTY REPRESENTATIVE**

Mr. Goldman noted that the Council deferred this item from the last meeting pursuant to a request from Councilman Travers to provide him the opportunity to pass along information to an interested party. Councilman Travers said the person is not interested in serving on the Board. Councilman Price advised that he has been speaking to someone who is interested in the vacancy. The Council agreed to allow time for Councilman Price to provide this individual information on the appointment and to obtain a response.

#### **PROPERTY TAX ASSESSMENT APPEALS BOARD APPOINTMENT**

The Council agreed to nominate Diana Willey, who currently serves as an Alternate, to fill an available Member position on the Property Tax Assessment Appeals Board, due to the resignation of Ed Kinnamon.

#### **BOARD APPOINTMENTS**

The Council recognized that there are vacancies on several County Boards and Committees. The Council asked that the two individuals on the Board of Zoning Appeals whose terms expire in December 31, 2018 be contacted and asked if they wish to continue to serve on that Board.

#### **POLL CONFIRMATION**

The Council, acknowledged its decision in the interim between meetings, via poll, by a 4 to 1 vote, to send a letter of support for the application to the Baseball Tomorrow Fund for \$18,125 to provide matching funds for the Softball Field Lighting project in Hurlock, which Council agreed to submit at its September 18, 2018 meeting.

#### **PUBLIC COMMENTS**

Kenneth Heesh, resident, expressed concern about not being able to hear Council's comments. The Council asked staff to adjust the volume of the microphones.

In response to a question from Donald Gray, resident, Mr. White said paving in front of the Elliott's Island Bridge is on the Public Works Department's schedule. He explained that staff is in negotiations with the current paving company to conduct this work this fall.

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

Councilman Price said oyster season starts this week and noted that the crab harvest was less than expected. He expressed hope for a turn around. He advised that the Maryland Department of Environment will be hosting a public hearing on the horizontal expansion on October 17, 2018 at the Hurlock American Legion at 6 p.m. Councilman Price noted that it is a continuation of the one conducted in March. Councilman Price said the Hurlock Fall Festival and the Town of East New Market Heritage Day will both be held on Saturday.

Councilman Bradshaw said he spoke to several waterman who advised that sooks are beginning to run; however, prices have been cut and the market is extremely soft. He expressed his understanding that opening day of oyster harvesting was not encouraging. He explained that the water temperature is not cold enough for them to grow; therefore, they are not at marketable size yet. He recognized that solar is a hot topic and said he can see both sides. He stated that, pursuant to the Maryland Court of Special Appeals August 28, 2018 decision, the Public Service Commission can pre-empt local authority relating to solar projects. He advised that one reason the personal property was instituted on facilities that generate electricity was to use it as a siting mechanism. He said he understands the public's concerns about solar projects and about the Linwood array being close to residents' homes.

Councilman Travers thanked staff and those who worked this weekend to assist with the IRONMAN Maryland event. He announced that the next meeting will be held on October 16, 2018 during which the Annual Transportation Meeting with Maryland Department of Transportation officials will be held at 7 p.m.

With no further business to discuss, the Council adjourned.

ATTEST:

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

DORCHESTER COUNTY COUNCIL:

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

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

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

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

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

Approved the 16<sup>th</sup> day of October 2018.