

**County Council of Dorchester County
Regular Meeting Minutes
September 19, 2017**

The County Council of Dorchester County met in regular session on September 19, 2017 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 Jeremy Goldman, County Manager, and Donna Lane, Executive Administrative Specialist.

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 approved the following addition to the agenda: Travel Request-Department of Corrections.

APPROVAL OF MINUTES- SEPTEMBER 5, 2017

The Council approved the minutes of September 5, 2017.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$7,352,108.58.

CLOSED SESSION SUMMARY

The Council adjourned from a Regular Session and convened in a 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; or (ii) any other personnel matter that affects one or more specific individuals; and pursuant to §3-305(b) (10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans on September 19, 2017 at 5:00 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) discussed a public security matter relating to the Sheriff's Office and Department of Corrections; and, 2) discussed a personnel matter relating to a County department.

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

COMMENDATION-RETIREMENT-BENJAMIN WHEATLEY

The Council presented a Commendation to Benjamin Wheatley congratulating him on his retirement and commending him for his nine years of service to Dorchester County.

VIETNAM TRAVELING WALL UPDATE

Gene Feher, a member of the Vietnam Veterans of America and Senior Vice Commander, Easton VFW Post 5118, provided an overview of the plans to locate the Vietnam Traveling wall, which is a 3/5 scale of the actual memorial in Washington D.C., at the Easton VFW. Royce Ball, Co-Founder of the Mid Shore Recovering Veterans Group, and Budget Chairman, also spoke about the wall. The Council thanked them for their service and for bringing the wall to the Eastern Shore. In response to an inquiry from Councilman Nichols, Mr. Ball confirmed that arrival is scheduled for May 30, 2018 and it will remain until June 6, 2018.

PRESENTATION-EASTERN SHORE CLIMATE ADAPTION PARTNERSHIP-EASTERN SHORE LAND CONSERVANCY

Brian Ambrette, Coastal Resilience Manager, Eastern Shore Land Conservancy (ESLC), presented a power point on the Eastern Shore Climate Adaption Partnership (ESCAP) and its activities, which is attached. Mr. Ambrette acknowledged that Brian Soper, Environmental Planner; Rebecca White, Executive Assistant; Anna Sierra, Emergency Services Director and Cindy Smith, Grant Monitor, have been attending the ESCAP meetings. He referenced the Council providing ESLC two letters of support over the last year and asked for its continued support. He said he wishes to return in the next 12 to 18 months with a status update and a proposal to formalize ESCAP's regional collaboration including leadership structure and long term sustainability. He invited the Council to attend a breakfast workshop on October 5, 2017 in Queen Anne's County which will focus on chronic flooding and how communities can prepare for the rise of more frequent nuisance flooding for the next five to ten years.

Councilman Price inquired as to whether there are any trends regarding changes in the environment and, in particular, impacts on the County's shoreline. Mr. Ambrette said long term trends are changing, noting an increase in shoreline erosion and flooding events, particularly in Cambridge and other parts of the County. He stated that it is

projected that those trends will accelerate in the future. Pursuant to a query from Councilman Nichols, Mr. Ambrette said it is anticipated that the glacier in Antarctica that is partially broken will continue to drift and melt.

SECOND DISCUSSION-2018 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION

Councilman Travers said this is the Council's second discussion on proposed legislative initiatives for the 2018 Maryland General Assembly Legislation Session. He referenced three proposals the Board of License Commissioners agreed to recommend that Council pursue at their meeting last night.

The Council agreed to submit the following legislative proposals to amend Article 2B "Alcoholic Beverages":

- §19-1601 "Distance restriction from place of worship or school" to exempt the Town of Hurlock from this distance restriction
- §19-1304 "Beer and wine festival license" to
 - provide the Board, at its discretion, the ability to limit the issuance of Class "D" Beer and Wine Festival License
 - include language that the Board shall only
 - only approve festivals to be held on weekends, Friday through Sunday inclusive
 - not approve more than one festival for any given weekend
 - provide that the BOL shall approve a location that is not already licensed
 - change "Festival" to "festival"
- §19-1309 "Class C per diem beer and Class C per diem beer and wine licenses" and §19-1310 "Class C per diem beer, wine and liquor license" to specify that events for which this license will be issued must be "conducted by a club" which language was included in the 2013 version but not the 2016 version.

MANAGERS COMMENTS

REQUEST TO USE COURT HOUSE PROPERTY-HARVESTING HOPE

The Council approved the request of Omeaka Jackson, LCPC, President/CEO, Harvesting Hope, to use Spring Valley on October 7, 2017 from 9 a.m. to 4 p.m. to hold their October reading social.

REQUEST TO ADVERTISE FOR PROPOSALS-SNOW CONTRACTORS-PUBLIC WORKS

The Council approved the request of written Ryan White, Public Works Director, to advertise for proposals for snow removal services for the upcoming winter season and acknowledged funding for this purpose is in the FY18 Budget.

HIGHWAY PRIORITIES LETTER-PUBLIC WORKS

The Council reviewed and discussed the items on the proposed Dorchester County Highway Priorities 2017 correspondence for its review and consideration.

Councilman Travers said correspondence from the State Highway Administration (SHA) was received by the Council in reference to its conversation with Pete Rahn, Secretary, Maryland Department of Transportation, at the August Maryland Association of Counties Conference. He said in that letter it is noted that a traffic study will be conducted at the intersection of MD 343 and Mace's Lane. Jeremy Goldman, County Manager, stated that Jay Meredith, District 1 Engineer, wishes to meet with him to view the Hoopers Island Causeway. He advised that he will provide the Council the date once the site visit has been scheduled.

Councilmen Travers referenced the fourth primary request in the letter, improvements to the MD Route 392 intersection with MD Route 331 in the Town of Hurlock. Councilman Bradshaw noted that there was discussion regarding placing a traffic signal at that location. Councilman Price recollected that SHA representatives have advised several times that they need a request from the Mayor and Town Council. Councilman Bradshaw expressed concern about the possible consideration by SHA of a round-about at that intersection.

The Council agreed to revise the Road Reconstruction requests to only include the following: 1) MD Route 14 between MD Route 331 and MD Route 313 for a two lane reconstruct; and, 2) MD Route 16 between MD Route 392 and north limits of East New Market for a two lane reconstruct to address blind areas.

Pursuant to an inquiry from Councilman Travers, Councilman Bradshaw said the Brookview Bridge is being sandblasted, not resurfaced. Mr. Goldman explained that the sandblasting must be conducted before a structural integrity check can be performed to determine how to proceed with the bridge.

At the recommendation of Councilman Travers, the Council agreed to add to the priority letter the painting of the jersey walls on the Choptank River Bridge and the Nanticoke Memorial bridge.

The Council agreed to send the letter with the modifications discussed during this discussion.

MAINTENANCE AGREEMENT-LUCAS DEVICES-EMERGENCY SERVICES

The Council approved the request of Anna Sierra, Emergency Services Director, to enter into a four year maintenance agreement with Physio Control for maintenance and repair costs of LUCAS devices purchased in FY18.

RESOLUTION-BOND ANTICIPATION NOTE-FINANCE

The Council approved the requests of Michael Spears, Finance Director, to: 1) adopt a resolution to authorize the issuance/sale of a bond anticipation note; and, 2) to approve the 1880 Bank's proposal to purchase the bond anticipation note issued by Dorchester County, which has the lowest interest rate and no additional fees.

REQUEST TO ADVERTISE FOR PROPOSALS-HARRIET TUBMAN BYWAY AND MAP-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to advertise for proposals for the printing and delivery of the 2017 fall version of the Harriet Tubman Byway Guide and map. The Council acknowledged that funds to cover the cost will be from the Tourism printing budget, National Park Services, the Maryland Park Service and the Caroline Office of Tourism.

RECONSIDERATION REQUEST-WORKERS COMPENSATION-DORCHESTER COUNTY VOLUNTEER FIREMEN'S ASSOCIATION

Mr. Goldman noted that at a prior meeting the Council denied the request of the Dorchester County Volunteer Firemen's Association to change the vendor for Worker's Compensation for the volunteer fire companies in the County. He said since then he and Councilman Travers have met with Shelia Hickman, Claims Manager, Senior Account Manager, and Philip Feldman, Chief Executive Officer, RPS ISG International, the original vendor of this policy, who pointed out: 1) there is a separate accident policy that runs concurrently which this vendor is handling; and, 2) the claims process, pricing and policy will remain the same. Councilman Travers noted that the DCVFA representative could not attend the meeting. Councilman Nichols referenced the Council's prior decision to change the vendor since the bills were not being paid. Councilman Travers stressed that the policy is under DCVFA which can move it to another vendor without Council's consent. He explained that Ms. Hickman can ensure that no duplicate claims will be filed since she has a listing of those individuals who are covered under each policy. He stated that it has been difficult for County staff to obtain rosters from the volunteer fire companies. The Council agreed to move the Workers' Compensation policy for volunteer fire companies to RPS ISG International, Inc. with Councilmen Nichols and Price opposing.

LETTER OF INTENT-SOLAR PROJECT-BEULAH LANDFILL-MSL GROUP, INC.

Mr. Goldman acknowledged the Council's receipt of a letter of intent from Scott L. Licamele, Vice President, Solar Development, MSL Group, Inc. for a solar project at the Beulah Landfill. He noted that the Council has been provided comments from Michael Spears, Finance Director, regarding concerns about the company's calculations.

Councilman Price asked Mr. Goldman to provide background information regarding the proposal. Mr. Goldman advised that this unsolicited proposal: 1) is for a small solar

panel array on top of the closed land space at the Beulah Landfill using a transmission line that was originally installed for power from the generator flare system which failed; and, 2) is to offset the County's use from Choptank Electric with any unused electricity being transmitted to the grid. He said in the proposal it is estimated that the County's savings over a 20 year period will exceed \$500,000. He noted that there is no County out-of-pocket cost for the solar array. He explained that he and Mr. Spears have concerns about this projection since the electrical bills have either decreased or been flat. Mr. Goldman recommended that in lieu of accepting the proposal, the Council consider tasking him with having staff investigate possible options for a solar project on this property either by the County or through a vendor.

The Council agreed not to move forward with the project as proposed. The Council also approved Mr. Goldman's recommendation for staff to investigate possible options after other projects/studies have been completed. Councilman Nichols opposed. In response to an inquiry from Councilman Price, Mr. Goldman said a proposed solar array on this property can be discussed during the process to update the County's Comprehensive Plan.

BOARD APPOINTMENTS

The Council reappointed Jeff Bell, Electrician, to the Electrical Examiners Board. The Council also appointed Cindy Smith as a member to the Board of Zoning Appeals and Mike Starling as an alternate for that board.

POLL CONFIRMATION

Council confirmed its decision in the interim between meetings, by means of a poll, to accept a Coastal Resilience Program Grant award from the Maryland Department of Natural Resources in the amount of \$80,000 for the design and permit acquisition for the Hurst Creek Shoreline Project with no local match by a 4 to 1 (no answer) vote.

TRAVEL REQUEST-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joey Hughes, Director, Department of Corrections, to attend the "Warden's Roundtable" in Ocean City on October 23 to October 25, 2017. The Council acknowledged that the costs will be borne by Professional Development Fund through the Maryland Police and Correctional Training Commissions.

PUBLIC COMMENTS

Bonnie Abey, a resident who has lived in the County for 28 years, stated that she spoke to Councilman Price on Friday regarding the proposed "Richfield Solar" project in the area in which she lives. She expressed her understanding that the solar facility will be approximately 100 feet from the front of her residence on Shiloh Camp Road and will consist 203,000 solar panels on 400 acres. She cited her concerns about its impact on her residence, her family and other neighbors. She said she believes the County's regulations relating to solar arrays and panels that were approved in 1996 should be updated since it is her understanding that there are over 1,000 privately owned acres in the County being considered for solar projects. She expressed her concern about only receiving a 30 day notice regarding the Board of Zoning Appeals hearing on the proposed project.

Councilman Travers questioned whether Ms. Abey has spoken to those planning the facility or the owner of the property. She said she spoke to Planning and Zoning staff and received a map and a copy of the proposal. She noted that it states that there will be no impact on the community and characterized that area as agriculture fields, structures, forested area and some rural residences. She said she chose to live in that area based on its current state. In response to a query from Councilman Travers, Ms. Abey said that statement is in the paperwork that was filed by Richfield. She reiterated her concern about the short notification. She advised that although she knows the owners personally they have not spoken to her about the proposed project. She advised that her address is 6016 Shiloh Camp Road in response to Mr. Goldman's inquiry.

Donna Todd, resident, said she lives down the road from Ms. Abey at 6036 Shiloh Camp Road and she is opposed to the project. In response to a question from Councilman Travers, Mr. Goldman said a new Board of Appeals date has not been scheduled.

Sherri Deloiselle, who lives on 4311 Osborne Road, said she has spoken with the owners, including Lee Hagadorn. She advised that Mr. Hagadorn advised her that the solar panels were going to be on Shiloh Camp Road. She said the letter she received stated that there are maintenance buildings, two substations, nearly 400 acres of solar panels and notes that two parcels of land are on Osborne Road and one is on Shiloh Camp Road. Ms. Deloiselle cited her concerns that the property, which is zoned agriculture, will be used for commercial purposes. She advised that she did not receive notification until two weeks ago.

Janet Rash acknowledged that she and Dorothy Ewing live on a farm off of Osborne Road that has been in their family for 100 years. She said they will be owners of the property soon due to their mother's passing a year ago. Ms. Rash expressed her concern that the heat from the panels will burn crops. Ms. Ewing cited her dismay that farm land will be taken out of production for a solar facility.

Councilman Travers stated that the next step in the approval process is the Board of Zoning Appeals hearing. Mr. Goldman said addition to this process a Certificate of Public Convenience and Necessity will have to be obtained from the Public Service

Commission which has a public comment process. He explained that even if the Board of Zoning Appeals does not approve a variance, the State has pre-emption authority which overrides County zoning. He said if all of the approvals are received, the matter will have to go before the County's Planning Commission regarding the establishment of setback, screening and other requirements which also has public comment opportunities. He encouraged citizens to contact him if they have questions about this process. Ms. Abey said Planning and Zoning staff and Councilman Price have been extremely helpful to her.

Wendell Foxwell, congratulated the new appointees to the Board of Zoning Appeals and as a prior member offered them his assistance. Mr. Goldman thanked him for his years of service on that Board.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols advised that the Harriet Tubman Underground Railroad Visitor Center has been receiving many visitors. He said some of the areas they are visiting from are Baltimore, New York and New Jersey. He touted its economic impact on the County. Councilman Nichols also said he viewed an uplifting story on CNN about Kenny Chesney, the country singer, providing two young men, ages 18 to 19 a ride via helicopter from one of the island's Irma devastated to their mother's home in Pennsylvania. He commended Mr. Chesney for this humanitarian effort.

Councilman Satterfield referenced the unique weather events that have been occurring and the recent emergency medical services and fire service activity in the County. He noted that there were at least ten motorcycle accidents from Ocean City to the Bay Bridge this week. He encouraged motorists to be mindful of others and to not talk and text while driving. He commended Mr. Ball and Mr. Fehr for providing an update on the traveling wall.

Councilman Price also recognized Mr. Ball and Mr. Fehr for the update and their service. He stressed the need to be aware of pending weather events, noting the hurricane season ends the week after Thanksgiving.

Councilman Bradshaw advised that the Atlantic States Marine Fisheries Commission met in Annapolis last night. He stated that the Delmarva Fisheries Association and other watermen groups are seeking an overall 18 inch size limit on rockfish. He explained that information collected from charter fishing boats indicate that sometimes over 100 fish are thrown back due to the size limited. He noted that as a result there have been a number of fish kills due to gaffing. He expressed his understanding that the Department of Natural Resources may not be willing to accept the Atlantic States Marine Fisheries Commission recommendation. He said there may also be a 20% increase in the commercial limit.

Councilman Bradshaw stated that CNN interviewed the co-founder of the weather channel who advised that scientists have debunked climate change and global warming.

He noted that his grandparents believed weather runs in cycles. Referring to sea level rise, he noted that if ditches are not cleared the tide does not have a place to recede.

Councilman Bradshaw recognized that there are issues regarding solar projects and their impact to residents. He advised that he returned to the timber industry, noting that the tops of trees can be used as a renewable energy source. He noted that a biomass plant or a poultry litter gasification plant are also viable options and would also create industry and jobs.

Councilman Travers said the Dorchester Showcase is this weekend. He noted that next Saturday marks the 12th year of the Duren County partnership and Crabtoberfest will be held.

Councilman Travers announced that the next County meeting will be held on October 3, 2017 and the Council reserves the right to meet in closed session prior to regular session.

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



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 3rd day of October, 2017.