

**County Council of Dorchester County
Regular Meeting Minutes
September 3, 2019**

The County Council of Dorchester County met in regular session on September 3, 2019 with the following members present: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held for those who lost their lives in the recent incident in Texas and those in the Bahamas due to Hurricane Dorian. Councilman Nichols led the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Keith Adkins, County Manager, said after publication the item Livestream Proposal-Meetings was deleted and the following items were added to the agenda: Public Works Department Update-Pipe-Old Madison Road; Contract for Professional Services-American Bus Association Regional Group Sales-Tourism; System Analysis-Recommendations Proposal-Emergency Services; Letter of Intent-Solar Projects-Dorchester Renewable Energy, LLC; Letter of Support Request-Relocation of Inpatient Behavioral Health Unit-Shore Health; and Security Request-Sports Events-Board of Education.

Councilman Newcomb made a motion to adopt the amended agenda which was seconded by Councilman Travers. Councilman Pfeffer made a motion to reinstate Item P of the Manager's Comments titled "Livestream Proposal-Meetings" which was seconded by Councilman Travers. Councilman Nichols noted that this item needs to be addressed at the end of the meeting since it was removed from the agenda; therefore, an amendment is necessary. No amendment was made. The Council approved the amended agenda with Councilmen Travers and Pfeffer opposing.

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 Nichols reported total cash and investments as \$2,694,094.46.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on September 3, 2019 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: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. 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 September 3, 2019 at 5:31 p.m. to discuss the following items: 1) approved the request of the Director of the Department of Corrections to hire three individuals as Probationary Correctional Officers by a 5 to 0 vote; 2) approved the request of the Emergency Services Director to hire four individuals to fill 911 Dispatcher vacancies by a 5 to 0 vote; 3) approved the request of the Director of a County Department for a salary adjustment for two employees by a 5 to 0 vote; 4) confirmed the promotion by the State's Attorney of an employee to an Administrative Lead position and the requested salary by a 5 to 0 vote. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. 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

SOIL CONSERVATION PRESENTATION- MD ASSOCIATION OF SOIL CONSERVATION DISTRICTS COLORING CONTEST- SAGE DOLCE TESI

Karen Houtman, Soil Conservation District Manager, joined by Bill Geise, Board Member, explained the procedure used for the Maryland Association of Soil Conservation Districts (MASCD) coloring contest. She said at the 2019 MASCD summer conference, 150 attendees voted for a first place winner. She recognized that Sage Dolce Tesi, student and resident of Dorchester County, who won first place in the 4th-5th class, is present along with her family. She presented Ms. Tesi with her drawing which they framed, the blue ribbon and the first place prize of \$35 in the form of a check, a congratulatory letter from Charles Rice, MASCD President, and a \$20 Dairy Queen gift card from the District Board of Supervisors.

COMMENDATION-SAGE DOLCE TESI

The Council presented a commendation congratulating Sage Dolce Tesi for winning first place in the 4th-5th class in the 2019 Maryland Association of Soil Conservation Districts coloring contest.

FORESTRY INDUSTRY UPDATE

Elizabeth Hill, Executive Director, Maryland Forests Association, Inc. (MFA), thanked the Council for sending an appeal to Governor Lawrence Hogan to stop the conversion at the Eastern Shore Correctional Institute (ECI) from wood chips to natural gas. She acknowledged that Joe Hinson, a consulting Forester and the recently appointed President of MFA, landowner and logger, Lin Spicer are present. She explained that MFA is a statewide organization that represents all aspects of forestry. She noted that she grew up in this industry and has firsthand knowledge of how the markets work. Ms. Hill said the forestry industry: 1) contributes \$4 billion to the State's economy; 2) employs 10,000 people; and, 3) generates \$26 million of taxes per year. She explained that these figures were generated after the loss of a paper mill in Western Maryland and several saw mills, including two local mills. She said they believe that the impact to the industry, the forest, the economy, wildlife and Chesapeake Bay and how the industry can help Maryland reach its green energy goals was overlooked. She advised that a small group has been appealing to the administration for months so they felt it best to have an informal tour of forestry sites typical of the Eastern Shore to reinforce their message. She noted that they: 1) visited a tree farm, the Blackwater National Wildlife Refuge, and stopped at several harvest sites along Old Field Road; and, 2) explained how the different markets worked together and losing one piece upsets the entire structure and sustainable forest management. She noted that Council members participated in the tour. Ms. Hill advised that no response has been received from the Governor's Office.

Ms. Hill said she, Mr. Hinson and Mr. Spicer are present to provide more information to the entire Council in hopes they will continue to support and advocate for their cause. She stressed that they are not opposed to bringing natural gas to Somerset County, noting the importance of building infrastructure in an impoverished area. She explained that they are only asking for ECI to continue to use wood as its primary fuel. She advised that the 55,000 tons of wood provided to ECI account for one-third of the chip market on the Eastern Shore and there will only be one market if that ceases. She noted that both industries can be obtained without sacrificing one for another. She said ECI has been utilizing wood for combined heat and power for over 30 years. She explained that woody biomass is a tier one renewable under Maryland's Renewable Energy Portfolio Standard (RPS), the same as wind and solar, and has been deemed by the Environmental Protection Agency as carbon neutral when it is from managed forest. She expressed her belief that Maryland should be embracing wood as a viable option to meet its green energy goals instead of converting its only publicly operated facility to natural gas. Ms. Hill advised that several days after their tour, Governor Hogan announced that he was forming a renewable energy task force which did not reference wood. She cited her concern that due to this, their request may have gone unheard. She said they have heard that this

conversion will only impact a few people which is untrue. Ms. Hill explained that a study by the Hughes Center for Agro-Ecology shows that losing ECI will result in the regional economic loss of 50 jobs, \$7 million in annual activity and over \$250,000 in State or local taxes. She said timber from the ECI operation comes from landowners on the Delmarva Peninsula which impacts the economy of the Shore.

Joe Hinson, a consulting Forester on the Eastern Shore, stated that: 1) low value wood such as sweet gum, red maple and crooked oaks are often intermingled in a stand with more valuable trees; 2) thinning and removing this material will allow for better growth for the remaining trees; and, 3) without the ECI market this will not be possible. He advised that he has been in this industry for over 30 years to the tune of about 1,000 acres of timber stand improvement a year. He said this provides landowners a market for their wood product which also promotes ownership of land for forestry. He explained that he first learned about the proposed conversation when the Maryland Department of Environment released a request for proposals wherein the State will pay for construction of the pipeline from Eden, Maryland to ECI and then to the University of Maryland Eastern Shore (UMES) and convert both facilities to natural gas. He stated that they have not been able to identify the entity that made the decision nor obtain the criteria for the project. He said he understands the need for UMES to switch from oil, which has resulted in air quality issues, to natural gas. He cited his understanding that the gas line will be constructed in Somerset regardless of whether or not the conversion occurs.

Mr. Hinson explained that pursuant to Federal Regulatory Commission requirements three years ago Chesapeake Utilities assessed its customer base and the volumes of natural gas they consumed to obtain a permit to extend the pipeline and upgrade a pipeline from Salisbury to Eden, which pipeline will be 90% residential. He noted that the utility company's permit application did not reference ECI or UMES.

Mr. Hinson said they are not aware of any public opportunity to review the proposed project and provide comments. He advised that he works for Eastern Shore Products which has the current contract to supply the wood chips to ECI. He emphasized the importance of the continued utilization of wood chips to landowners and the State's goals of protecting the Bay and maintaining forest lands. He noted that natural gas prices fluctuate and cost twice as much per million BTU versus the cost of wood heat. He explained that they contacted the Council since they have not receive a response to their requests/inquiries about the proposed project. He thanked the Council for the opportunity to speak about this matter.

Mr. Spicer said he has been involved in the utilization of wood fiber for many years. He expressed concern about the proposed project not being brought to the attention of the Council and the general public. He said he has purchased tracts of timber for 40 to 50 years. He explained that many landowners in the County and throughout Delmarva invest in forestland and utilize the money from the removal of the timber for various purposes including sending their children to college and for nursing home care. He said he uses Eastern Shore Products as a landowner and logger to clear his land of low grade wood

and that also he delivers to that business. Mr. Spicer expressed support for the use of wood chips by ECI as an energy source.

Based on an inquiry from Councilwoman Nagel, Mr. Hinson stated that they have not viewed any records that reference a defined comment period. She asked if there are other groups that have expressed opposition to the conversion of the energy source for ECI. Ms. Hill said several other people in the forest community have written letters as well as the Delaware Forest Association and Master Logger Steering Committee, a group which oversees the training of all loggers who are allowed to work on State lands. She noted that understory burnings are conducted on State purchased land and the wood utilized can only be used by ECI. She said if the market is lost those lands will not be able to be managed. She stated that she was recently made aware that the Mid Atlantic Propane Gas Association and Petroleum Distributors, which represent local companies, expressed concern about lack of transparency. She said she was recently made aware that the Mid Atlantic Propane Gas Association and Mid Atlantic Petroleum distributors, which represent local businesses, expressed concern about State funds being used for a for-profit gas company as well as lack of information and transparency about the project.

Pursuant to the request of Councilwoman Nagel, Ms. Hill said the green diamonds on the map she displayed shows the sites where wood was harvested to supply ECI with chips. She noted that the map extends down to the Eastern Shore of Virginia, as far as up north at the Kent County and Sussex County line and over to Dorchester and Caroline County. She noted that the map is a snapshot of the past several years.

Mr. Spicer said he has assisted Blackwater National Wildlife Refuge (BNWR) with its prescription harvests for wildlife management in the last few years. He said a large percentage of the wood from those harvests is transported to Eastern Shore Forest Products and then to ECI. In response to a question from Councilman Newcomb, Ms. Pradines said BNWR needs the forest industry for this purpose. Matt Whitbeck, Wildlife Biologist, BNWR, said the thinning of timber is necessary to improve wildlife habitat, including the Delmarva fox squirrel pursuant to a query from Councilman Newcomb. Based on an inquiry from Councilman Newcomb, Mr. Adkins confirmed that the Council received a letter from the Somerset County Commissioners questioning why they were not consulted before sending a letter since the gas line will be installed in their local jurisdiction. Mr. Hinson expressed his understanding that the Somerset County Commissioners are in favor of natural gas services in the area but he has not heard that they have to convert ECI to gas in order to do so. Councilman Newcomb questioned whether the decision has already been made or if a timeline has been made public. Mr. Hinson said: 1) a March 29, 2019 press release between the Maryland Environmental Service (MES) and the Maryland Energy Administration (MEA) said a contract was awarded for gas infrastructure at ECI but did not specify the infrastructure or the selected entity; 2) part of the response they received after filing a Freedom of Information Request was that the press release was advertised prematurely since an award has not been made which they confirmed with MES and MEA last week; and, 3) there was one bidder, Chesapeake Utilities, but as of last week the contract has not been finalized.

Councilman Travers inquired about the pricing of wood chips. Mr. Hinson said the contract with ECI is for three years and the price has not fluctuated very much over the years. He noted that pursuant to the Federal Information Agency gas prices for commercial delivery in Maryland have large fluctuations. In response to questions posed by Councilman Travers, Mr. Hinson said due to travel time only lower shore companies will probably be interested in the wood chip market. Councilman Travers expressed his understanding some chips are delivered to Pennsylvania. Mr. Hinson said there is specific type of chip that can be used at ECI, noting the type depends on the boiler. Councilman Travers thanked Mr. Hinson. Councilman Newcomb noted that Councilman Travers received information regarding the conversion during the Maryland Association of Counties Conference.

Pursuant to a query from Councilman Pfeffer, Ms. Hill advised that: 1) the local forestry tour was scheduled following a meeting with three cabinet secretaries and a representative from the Governor's Office; 2) Lin Spicer as a logger, Councilwoman Nagel as a landowner and Councilman Newcomb were invited; and, 3) another tour geared towards economic development staff will be held in Pocomoke at a tree farm on November 7, 2019. She apologized for not inviting all of the Council members. In response to a question from Councilman Pfeffer, Mr. Spicer said according to the Chairman of the Somerset Forestry Association, they were not consulted by the Somerset County Commissioners about the gas line or conversion at ECI. Mr. Spicer said he is willing to provide the Council or other interested parties a tour.

The Council thanked Ms. Hill, Mr. Hinson and Mr. Spicer.

BLACKWATER NATIONAL WILDLIFE REFUGE UPDATE

Marcia Pradines, Complex Leader, Chesapeake Marshlands, National Wildlife Refuge Complex, provided an update on Blackwater National Wildlife Refuge, which is attached. In response to a question posed by Councilman Newcomb, Ms. Pradines said: 1) each year they sell about 8,000 permits; 2) there are usually 200 hunters; 3) the harvest has increased every year; 4) the harvest was over 500 last year; and, 5) the average amount of days per hunter was eight.

HEARN BUILDING PROJECT STATUS UPDATE

Paul Marcus, Consultant for Ncall, which company is the owner of the Hearn Building property acknowledged Karen Kollias, Loan Fund Director, Ncall. Mr. Marcus explained that Ncall, a community development organization based in Dover Delaware, has worked in the Delmarva Peninsula providing housing support, counselling and rural house programs. He said for the past 16 years the Ncall Loan Fund has invested more than \$50 million in supporting projects throughout the peninsula, mostly in the form of loans. He said they: 1) have been working with the developer of 509 and 511 Race Street, the Hearn building project, since 2017; 2) are supportive of the developer's redevelopment plan that has County and City support; 3) provided financing to the developer around the original acquisition of the property; 4) made an agreement with the developer to take over

the project since the developer lacked resources for the project; 5) are the new owner of the property as of last week; 6) are working with the structural engineer as well as the previous general contractor, Hill-Kimmell Contracting, to establish pricing and a timeframe required to stabilize the building; 6) upon obtaining possession of updated structural plans will seek a permit from the City of Cambridge and have a contractor stabilize the building; 7) are the lender and not the developer; and 8) intend to identify a developer with the financial capacity, skills and county relationships. He stated that Ncall staff have met with representatives from the County, City and State who have shared their concerns about the project including the current state of the building and their hopes for redevelopment. He said they will work with them in the identification of a developer to complete the project.

Councilman Newcomb queried whether Mr. Marcus felt confident that a developer for the project can be identified. Mr. Marcus explained that: 1) they have spoken to several developers who have expressed concern about the cost and current status of the project; 2) the contractor has identified potential developers; 3) they have had some unsolicited inquiries; and, 4) they intend to develop a short list of interested parties who have the capacity to purchase the property from Ncall. Councilman Pfeffer asked if they are not able to locate a developer capable with the appropriate resources to continue the project, will the building stay in its current condition. Mr. Marcus explained that they are trying to identify costs.

Pursuant to a query from Councilman Travers, Mr. Marcus said their goal is to install a wall, roof and work on the sidewalk. He stated that he will have a better sense over the next 30 days about the repairs. Mr. Adkins expressed his understanding that Kenneth Holt, Secretary, Department of Housing and Community Development, is committed to the project and has identified funds for the roof and stabilization. Mr. Marcus said he realizes this is a critical project for downtown Cambridge. He noted that Ncall is also involved in the financing of the Packing House project in the City. He stressed that Ncall is committed to Cambridge and Dorchester County and hopes to finance more projects in the area.

Donald Gray, resident, cited his concerns about the time it may take to obtain a developer and financing, particularly since there is no roof and only two floors have been installed. He emphasized the need to improve this building not only for the citizens of the County but for the tourists/visitors who participate in events such as IRONMAN Maryland. Mr. Marcus said they are seeking resources to stabilize the roof, with a goal of doing so within three to six months. He underscored that Ncall is not planning on being the developer for the project.

In response to an inquiry from Clair Citrone, resident, Mr. Marcus said demolishing the property is not an option. Councilman Nichols referenced his prior opposition to the Hearn Building project based on his past experience with other projects that there is no follow-through and as a result projects stall. He noted that the State monies, which are taxpayers funds, used for the Hearn Building could have been spent elsewhere in the City and County. Councilman Nichols said he personally is not willing to contribute any

additional County funding to this project. Councilman Nichols expressed appreciation for Ncall's efforts in this endeavor.

The Council thanked Mr. Marcus for the update.

PUBLIC WORKS DEPARTMENT UPDATE-PIPE-OLD MADISON ROAD

Brian Chester, Highway Division Manager, said the culvert on Old Madison Road has failed. He explained that efforts to replace the culvert were halted today due to the high tide. He noted that pipes in two other locations were installed today. He opined that the majority of the crosspipes in the southern part of the County are in need of replacements. He noted that 17 pipes were installed in the last two months. He explained that while inspecting the roads on Monday he discovered that the box culvert on Old Madison Road needed replacement due to the failure of a floodgate. He said he called Mr. Adkins who traveled to that location and took pictures. Councilman Newcomb explained that he asked Mr. Chester to attend the meeting to provide information on the culvert failure since many residents expressed concern about the damage made to the newly blacktopped road. Based on a query from Councilman Newcomb, Mr. Chester said the pipe is comprised of cement and unless a hole is detected after viewing them no action is taken. He explained that there was no indication that the road culvert had failed. He expressed his understanding that when the road was blacktopped the rollers, which vibrate, may be the catalyst that caused the damage.

MARYLAND GENERAL ASSEMBLY LEGISLATIVE DISCUSSION

The Council acknowledged that the Board of License Commissioners (BOL), at its August 19, 2019 meeting, agreed to recommend to the Council the following amendments to the Alcoholic Beverages Article of the Annotated Code of Maryland:

- Amend Section 19-903 "Class C beer, wine and liquor license" to allow non-profit organizations who lease Governors Hall at Sailwinds Park to obtain a Class C beer, wine and liquor license;
- Amend Section 19-2005 "Beer, wine and liquor licenses" to reflect changes made during the 2012 Maryland General Assembly Legislative Session which were erroneously switched when the change was made from Article 2B to the Alcoholic Beverages Article of the Annotated Code of Maryland.

In response to questions posed by Councilman Newcomb, Councilman Travers said: 1) the first amendment allows the City of Cambridge to lease Governor's Hall to an entity, that is not under the auspice under Sailwinds, such as the American Legion which rented the hall recently; and, 2) the hours for beer, wine and liquor licenses that were approved during the 2012 Legislative Session were erroneously changed and need to be updated to reflect the correct hours.

The Council agreed to pursue the two amendments recommended by the BOL.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 1-1101, ET SEQ., OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ADD NEW ARTICLE XX, ENTITLED "CLEAN ENERGY LOAN SURCHARGE – CLEAN ENERGY LOAN PROGRAM", TO CHAPTER 144, ENTITLED "TAXATION" OF THE DORCHESTER COUNTY CODE FOR THE PURPOSE OF DEFINING CERTAIN TERMS; ESTABLISHING A CLEAN ENERGY LOAN PROGRAM FOR COMMERCIAL PROPERTY OWNERS; ESTABLISHING THE SCOPE OF AND ELIGIBILITY FOR THE CLEAN ENERGY LOAN PROGRAM; PROVIDING FOR QUALIFYING CRITERIA; ESTABLISHING A CALCULATION OF THE CLEAN ENERGY LOAN SURCHARGE; PROVIDING FOR A RECORDED NOTICE; PROVIDING FOR THE COLLECTION OF LOAN PAYMENTS; ESTABLISHING DEFAULT PROCEDURES; PROVIDING FOR FINANCING OF A LOAN UNDER THE CLEAN ENERGY LOAN PROGRAM; PROVIDING FOR THE APPLICATION OF THIS ACT; AND GENERALLY RELATED TO THE CLEAN ENERGY LOAN PROGRAM AND REAL PROPERTY TAXES.

E. Thomas Merryweather, County Attorney, said before Council is legislation for introduction to add a new Article XX entitled "Clean Energy Loan Surcharge-Clean Energy Loan Program, to Chapter 144 entitled "Taxation" of the Dorchester County to establish a Clean Energy Loan Program for commercial property owners.

The Council agreed to proceed with publication of a public hearing on this matter.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

REQUEST TO PURSUE AVIGATION EASEMENT PROCUREMENT BY CONDEMNATION PROCESS-AIRPORT

The Council approved the request of Meighan "Chis" Chisholm, Airport Director, to procure easements by the Condemnation Process for several properties for which property owners are not amicable to entering into easement agreements with the County. The Council recognized that the condemnation process will not displace property owners and the court judgement will order the avigation easement be granted at mostly likely "fair market value."

**FEDERAL AVIATION ADMINISTRATION GRANT AWARD- OBSTRUCTION
REMOVAL DESIGN-WETLANDS CREDIT PURCHASE-AIRPORT**

The Council approved the request of Mr. Chisholm to accept a Federal Aviation Administration grant award of \$151,331 for obstruction removal design for Phase 1 and wetlands credit purchase of which \$136,198 will be reimbursed by the Federal Aviation Administration. The Council acknowledged that the Maryland Aviation Administration and Dorchester County will be responsible for \$7,566.55, for which the County's portion is in the Capital Budget.

**MEMORANDUM OF UNDERSTANDING REQUEST-SHA/MDOT- CANNERY
PARK RAILS TO TRAILS -FINANCE**

Cindy Smith, Assistance Finance Director, presented her request to enter into a Memorandum of Understanding, which serves as the grant agreement, for Cannery Park Rails to Trails between the County and the Maryland State Highway Administration (SHA), for grant funds of \$220,700 to build 1/3 of a mile asphalt rail to trails in Cannery Park. In response to a question from Councilman Newcomb, Ms. Smith advised that the County will oversee the project. Ms. Smith said the match for this project includes Program Open Space monies as well as funds from the Maryland Heritage Area Authority and the Health Department. Mr. Merryweather stressed that the County previously entered into a Memorandum of Understanding with the City of Cambridge that specifies the County will maintain the rails for a 50 year period. Pursuant to Councilman Newcomb's query, Ms. Smith said the City will maintain signage, trash cans and be responsible for snow removal. The Council agreed to enter into the MOU with SHA for grant funds for the project. The Council acknowledged that the County will maintain the rails for a 50 year period.

**REQUEST TO ADVERTISE FOR PROPOSALS- CANNERY PARK RAILS TO
TRAILS CONSTRUCTION-FINANCE**

The Council approved the request of Ms. Smith to advertise a request for proposals for the construction of a 1/3 of a mile asphalt rail to trails in Cannery Park.

TAX SALE CERTIFICATE ASSIGNMENT-FINANCE

The Council approved the request of Ms. Smith to assign the Tax Certificate for a .15 acre lot in Finchville to Beverly Collins, adjacent landowner, for \$47.01, the amount the County purchased the property at the June 21, 2017 tax sale.

**FY20 MARYLAND DEPARTMENT OF PLANNING BLOCK GRANT-MINI
GRANTS-TOURISM-FINANCE**

The Council approved the request of Ms. Smith to accept a FY20 Maryland Heritage Area Authority Mini Block Grant Agreement for funds to assist with the mini grants fund from the Maryland Department of Planning for \$25,000 with a \$25,000 match which is in the Tourism Operating Budget.

FY19 BUDGET TRANSFERS-FINANCE

The Council, based on the request of Ms. Smith, approved FY19 budget transfers from the following: 1) Recreation and Parks Department to transfer funds from various accounts to cover a cost over run to open the pool for the Summer of 2018; 2) Economic Development to transfer \$1,790 to cover additional costs with surplus budgeted funds and; 3) Eastern Shore Innovation Center to transfer funds to cover additional costs with surplus budgeted funds.

COASTAL RESILIENCY GRANT MODIFICATION-DEADLINE &TIMELINE REVISIONS-HURST CREEK LIVING SHORELINE-FINANCE

The Council approved the request of Ms. Smith to enter into a new contract for the Hurst Creek Living Shoreline project to extend the end date of the contract to March 31, 2020 and for timeline revisions due to this extension.

FY19 COMMUNITY PARTNERSHIP AGREEMENT-AWARD-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to accept a FY 2019 Community Partnership Agreement grant award in the amount of \$468,413. The Council acknowledged that the reduction from the original award letter to the finalized document is because Dorchester County did not need the entire allocated amount for the Local Care Team (LCT) Coordinator.

FY20 COMMUNITY PARTNERSHIP AGREEMENT-AWARD-LOCAL MANAGEMENT BOARD

The Council approved the request of Ms. Shockley to accept a FY 20 Community Partnership Agreement grant award in the amount of \$460,427. The Council acknowledged that the reduction in the award letter is due to a reduction in the required funds for the Local Team Care Coordinator position.

TRAVEL REQUEST-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director, for her and Steve Garvin, Emergency Planner, to attend Federal Emergency Management Agency Benefit Cost Analysis Training and a half day Maryland Emergency Management Agency (MEMA) Mitigation Refresher and Technical Assistance training course to be held at MEMA in Reisterstown, Maryland from September 10, 2019 to September 12, 2019. The Council acknowledged that: 1) there is no fee for the training; 2) the only cost to be incurred is the hotel at the rate of \$102 per night plus taxes and food; and, 3) Homeland State Grant Program funds within the Emergency Management budget will be used to cover these costs.

MARYLAND EMERGENCY MANAGEMENT AGENCY GRANT APPLICATION – EASTERN SHORE INNOVATION CENTER GENERATOR PROJECT

Mr. Adkins said: 1) at its December 18, 2018 meeting, the Council agreed, via poll, to submit a Maryland Emergency Management Agency grant application for \$70,000 with a 25% match to install a generator at the Eastern Shore Innovation Center, which was slated to be a backup location for the Emergency Operations Center including for press communications in the event of an emergency and to support businesses in the County and the incubator; 2) at that time proposed cost of the generator was \$55,218 and the \$12,000 match is in the FY20 Economic Development Budget; 3) the application was denied; 4) recently the Federal Emergency Management Agency has expressed a willingness to take a second look at the proposed project and asked that a Maintenance Agreement and a 25 Percent Nonfederal Commitment Form be submitted; and, 5) the proposed cost of the generator is now estimated to be \$60,000 which will require a \$15,000 match; therefore, this item is being added to the agenda due to the change in the matching funds. The Council agreed to execute the Maintenance Agreement and a 25 Percent Nonfederal Commitment Form.

REQUEST TO SOLE SOURCE TAR AND CHIP-LIST OF ROADS-PUBLIC WORKS

Mr. Adkins said the Highway Division is requesting approval to sole source with American Paving to tar and chip roads on the list that has been provided to the Council. He noted that the County will provide the stone and liquid asphalt and American Paving will apply the matter at a cost of \$.55 per square yard.

Councilman Pfeffer made a motion to approve the request which Councilman Travers seconded. In response to a question from Councilman Travers, Mr. Adkins said the goal is to have the contractor perform the work this tar and chip season, noting that there is stone in stock. Pursuant to a query from Councilwoman Nagel, Mr. Adkins said the proposed list of roads to tar and chip is based on the recommendation of the Highway Manager and Roads Foreman. He noted that American Paving staff viewed the list and believes the selected roads are excellent candidates for tar and chip. In response to questions from Councilman Pfeffer, Mr. Adkins said: 1) County staff will be able to work on other projects if these services are contracted to American Paving; 2) as Mr. Chester indicated earlier in the past two months staff has been able to install 17 crosspipes; 3) the current spreader used for tar and chip is a ten foot box whereas American Paving will use a seamless spreader. Mr. Adkins stated that County staff will not haul stone to American Paving based on an inquiry from Councilman Newcomb. He said Wicomico County, Talbot County and Somerset County which utilize this company are pleased with its work. The Council agreed to sole source with American Paving to tar and chip the list of roads provided to them.

REQUEST TO ADVERTISE 2019-2020 SNOW CONTRACTING-PUBLIC WORKS

The Council agreed to advertise for 2019-2020 Snow Contracting Removal Services for which FY20 Budget contractual services monies will be utilized.

LIVE SCAN PURCHASE-FUNDING-SHERIFF'S OFFICE

Mr. Adkins noted that at its August 20, 2019 meeting, the Council deferred a request to use bond process for the radio system to purchase a Criminal Live Scan system for the Sheriff's Office to provide Sheriff James Phillips the opportunity to determine if there are monies in his budget to cover the cost of this equipment and if not, come back to the Council. He stated that pursuant to Sheriff Phillips he can divert \$5,917.50 from another grant that he received. He said he spoke to Mr. Spears who provided him two options, contingency fund monies or the bond and that Mr. Spears expressed his preference for the use of bond proceeds.

Councilman Pfeffer made a motion to approve the purchase of the Criminal Live Scan system which was seconded by Councilman Travers. He identified the funding source as bond proceeds pursuant to an inquiry from Councilman Nichols. Councilman Nichols said he is opposed to using monies from the bond proceeds since the amount is paid over a twenty year period. He cited his concern about recent requests for funding despite the budget being completed two months ago. Councilman Travers expressed his understanding that the system was included in the bond for the radio system. Councilman Newcomb said it is his understanding that there was no formal vote by the Council or contract. In response to Councilman Newcomb, Mr. Adkins said emails between the Emergency Services Department and representatives of the Sheriff's Office show that this purchase would be covered by bond proceeds. Councilman Pfeffer cited his concern about using the grant funds Sheriff Phillips identified when the monies are designated for portable breathalyzer equipment. He noted that the use of system is State mandated. Councilwoman Nagel referenced the report on the radio system project at the last meeting during which staff noted that they are unsure if additional funds are needed for the project. Dozia Rahilly, Emergency Services Director, confirmed Councilwoman Nagel's statement that additional money may have to be expended for the project. The motion to purchase the Criminal Live Scan system using bond proceeds failed with Councilman Nichols, Councilman Newcomb and Councilwoman Nagel opposing.

Councilman Travers made a motion to approve the purchase using contingency funding which was seconded by Councilman Pfeffer. In response to inquiries from Councilwoman Nagel, Ms. Rahilly said they will have an idea in December whether additional funding is necessary. Mr. Adkins said the current system no longer has a hardware backup or data and is required by the State and Federal government. Councilman Nichols questioned whether there are sufficient monies in the Contingency Fund for this purchase since it has been identified as a funding source for other items recently. Councilwoman Nagel queried as to whether Sheriff Phillips can identify half of the cost of the system. Based on statements made by Councilwoman Nagel and Councilman Nichols, Mr. Adkins said he can speak to Sheriff Phillips tomorrow and if he is able to provide half of the cost of the system he can poll Council. The motion to use contingency funding for this purchase failed with Councilman Newcomb, Councilman

Nichols and Councilwoman Nagel opposing. Councilwoman Nagel made a motion to conduct a poll if Sheriff Phillips is able to identify half of the funding.

Mr. Citrone expressed concern about not being in compliance with State and Federal mandates if the system fails.

Councilman Nichols said the system has been mandated for several years. He reiterated his concern about budget requests after the annual adoption of the current fiscal year budget which occurred a few months ago. Councilman Newcomb questioned the reason the system was not included in the budget for the radio system project nor in the agreement. Councilman Pfeffer referenced the earlier statement made by Mr. Adkins that an agreement was made between the Emergency Services Department and the Sheriff's Office for the acquisition of this equipment when preparing the bond bill since it interfaces with the Computer Aided Design (CAD) system. Mr. Adkins said Sheriff Phillips relayed to him that due to the new Spillman CAD system Motorola has to build an interface with the old system and it is his intention is to purchase the new system so the County is only billed for one interface. The Council agreed to conduct a poll if Sheriff Phillips is able to identify half of the funds within his budget which Councilmen Nichols and Pfeffer opposed.

SURPLUS PROPERTY DECLARATION REQUEST-ELECTIONS

The Council approved the request of Gwen Dales, Director, Dorchester County Elections Office, to surplus the following property: card catalog filing cabinet, small table on wheels and four fabric chairs.

911 ADVISORY BOARD MEMBERSHIP CONFIRMATIONS

Mr. Adkins said the 911 Advisory Board membership has not been updated recently therefore, he is asking the Council to confirm the following memberships and term expiration dates: Brian Willey for the Volunteer Firemen's Association whose term will expire on November 1, 2020 and Mike Bramble for the Emergency Medical Services Advisory Council whose term will expire on May 14, 2021. The Council confirmed the memberships and term expiration dates.

RENOVATIONS TO COUNTY OWNED PROPERTY BY LESSEE

Mr. Adkins said Shore-Up Inc., which leases the old St. Clair School, has started making interior and exterior renovations to the County owned property without: 1) obtaining permission from the Council pursuant to its lease; and, 2) obtaining a permit from the City of Cambridge which has issued a stop order; 3) a licensed contractor; and, 4) construction plans. He explained that he received an email from Odie Wheeler, Public Works Director, City of Cambridge, in which he advised that licensed contractors have recently applied for permits. He said it appears the Lessee wishes to install six bathrooms which are not identified as being Americans With Disabilities Act (ADA) compliant. He said he spoke to Corey Bowen, Director, Early Head Start and Head Start, ShoreUp, Inc. today who explained that they began the renovations because they are increasing day care

services from two to five days. The Council agreed that they can conduct the renovations provided they obtain the appropriate permits and ADA requirements are met.

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

The Council approved the request of Amanda Fenstermaker, Tourism Director, 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. The Council acknowledged that the County's financial commitment is \$1,246 through a FY20 Maryland Office of Tourism Development grant.

SYSTEM ANALYSIS-RECOMMENDATIONS PROPOSAL-EMERGENCY SERVICES

Ms. Rahilly said she is seeking the Council's approval to sole source and accept an Emergency Communications and Systems-Related Services proposal for a system analysis of the radio system which will include recommendations. She stated that the Numbers Board will not provide funding for the analysis, just the 911 Center. She said the assessment will assist in identifying potential rebates for the County. In response to an inquiry from Councilman Travers, Ms. Rahilly confirmed that the Numbers Board recommended that an analysis be performed. Joshua Jack, Client Manager, Mission Critical, said the Numbers Board will also not pay for the CAD system. Pursuant to a query from Councilwoman Nagel, Ms. Rahilly confirmed that the Emergency Services radio system project team believe an analysis should be conducted. In response to a question posed by Councilman Travers, Mr. Jack said the Number Boards asked that the third party assessment on the radio upgrade be removed from the request for the 911 Center.

Mr. Jack said Mission Control will review the contract, interview users, document issues and subject matter experts will provide recommendations. Based on an inquiry from Councilman Travers, Mr. Jack clarified that the Numbers Board will only pay for an assessment of the 911 Center and not the radio system assessment. Councilman Travers noted that the proposed cost is not to exceed \$15,000. In response to his question, Mr. Jack said they will determine the cost after a review of the documentation and an interview of staff. Pursuant to questions from Councilman Pfeffer, Mr. Jack: 1) expressed his belief that the Numbers Board will pay for the 911 Center assessment; 2) a new law recently passed which will increase allowable expenses for which the Numbers Board can provide funding including maintenance of certain equipment as well as for Next Gen 911 items; and, 3) under the proposal Mission Control will assess the contract, interview staff to identify problems such as coverage as well as ensure the County receives the items for which it has provided funding. In response to another question from Councilman Pfeffer, Mr. Jack said the company normally performs consultant services from the beginning stage of a project. Ms. Rahilly advised that she will have to

review the legislation to determine if funding will be provided for an assessment of the CAD project based on a question from Councilman Newcomb. In response to an inquiry from Councilman Travers, Ms. Rahilly explained that the CAD project was delayed to ensure that it is properly managed as well as for training purposes.

Councilman Pfeffer questioned how Mission Control's assistance is different than the services Motorola can provide to the County. He referenced the radio system project team's comments at the last meeting that all items have been received that the County has paid for under the Motorola agreement. Ms. Rahilly reiterated her prior comments that this assessment will ensure that all of the items purchased have been received and if there are any available rebates. Pursuant to an inquiry from Councilwoman Nagel, Mr. Jackson said the final assessment cost may be less than \$15,000. A motion to approve Ms. Rahilly's request to sole source with Mission Control for an assessment of the radio system was seconded by Councilman Pfeffer for discussion. Councilman Pfeffer inquired about the funding source. Ms. Rahilly said bond monies will be utilized. Councilman Pfeffer expressed concern about financing an audit with bond proceeds in light of the prior decision about the live scan system. The motion failed due to the lack of a majority. The Council agreed to move forward with Mission Control conducting an audit for the new and backup 911 Center contingent upon the Numbers Board providing funding.

LETTER OF INTENT-SOLAR PROJECTS-DORCHESTER RENEWABLE ENERGY, LLC

Mr. Adkins said Tom Koch, Dorchester Renewable Energy, LLC originally submitted a Letter of Intent to enter into a 25 year lease for the following County property on which ground solar panels will be placed: 1) the Secretary Transfer Station; 2) Old Beulah; and, 3) the property which is currently leased by Garrett Luthy (Cordtown Road). He explained that after review by staff and Mr. Merryweather, Mr. Koch was advised that the property currently leased by Mr. Luthy cannot be used until the lease expires which is December 31, 2020. He said Mr. Koch has clarified that the parcel they are interested in leasing is not this property but instead a portion of the Airport property.

Mr. Merryweather recommended that the proposed lease of the 25 acres of property at the Cambridge-Dorchester Regional Airport be submitted to the Federal Aviation Administration (FAA) and Maryland Aviation Administration (MAA) for review and comment. He expressed his understanding that the proposed location is on the original City of Cambridge parcel, noting that the property deed includes a reverter clause and the proposed use is not classified as for Airport purposes. Meighan "Chis" Chisholm, Airport Manager, concurred with Mr. Merryweather's recommendation. Mr. Merryweather noted that the property is parallel to the Airport runway. Mr. Chisholm said the area is marked for future development purposes and FAA and MAA typically do not approve for profit projects on Airport land. Mr. Merryweather said the proposed use may be in conflict with grants from the two agencies. Mr. Chisholm concurred. Mr. Merryweather said the language in the letter of intent is more like a contract. He said he would suggest the inclusion of a termination clause and a non-binding clause. He noted

that the proposed lease is subject to the legislative process since the request is for a 35 year lease and the portion of the property that is in the City will be subject to this jurisdiction's zoning laws. Councilman Travers expressed concerns about placing panels by the Airport. He noted that the Council considered doing so five or six years ago and believes it would be an obstruction. He said he does not have any concerns about the landfill and Secretary transfer station properties. Councilman Travers expressed his belief that a request for proposals should be advertised. Councilman Nichols concurred with Mr. Merryweather's comments. Councilman Travers cited his understanding that future plans include the construction of hangars on the proposed Airport property, noting the extension of the runway is also a future project. Mr. Merryweather said whether or not there are future uses for the landfill and Secretary Transfer Station should be a consideration. Pursuant to a query from Councilman Pfeffer, Councilman Newcomb said Mr. Koch contacted him and after speaking to Mr. Merryweather, he advised him to submit a request.

Bill Windsor, resident expressed concern with the reflection of solar panels if they are placed at the Airport, noting they may move in relation to the Sun and/or tilt.

The Council rejected the Letter of Intent.

LETTER OF SUPPORT REQUEST-RELOCATION OF INPATIENT BEHAVIORAL HEALTH UNIT-SHORE HEALTH

The Council approved the request of Patti Willis, Regional Senior Vice President Strategy and Communications, University of Maryland Shore Regional Health (Shore Health), for a letter of support for the moving of the inpatient behavioral health beds to Chestertown which will assist Shore Health in moving forward with the Free Standing Medical Facility for Dorchester. The Council acknowledged that Shore Health will continue to have Intensive Outpatient Program (IOP) services and a designated behavioral health treatment area in the new FMF Emergency Department, as well as adding IOP in Easton and Chestertown.

SECURITY REQUEST-SPORTS EVENTS-BOARD OF EDUCATION-SHERIFF'S OFFICE

Mr. Adkins said: 1) the prior Superintendent removed the funding mechanism for security for these games as well as for North Dorchester High School Basketball and Cambridge South Dorchester High School games; 2) when funding was available the Council waived the overtime threshold as an incentive for deputies, usually two, to provide these services; 3) there is a Cambridge South Dorchester High School game on Friday, September 6, 2019; 4) the Sheriff is asking if the Council wants the the Sheriff's Office to provide security at this game with the understanding there are no Board of Education (BOE) funds available. He said has called Dave Bromwell, Superintendent, to determine if the BOE can allocate funding for this purpose with no success.

Beth Wilson, Director of Operations, BOE, said last year funds from student activities, not from the General Fund, were used as supplemental monies for the City and County to provide security for football games last year.

Captain John Stichberry said the BOE provided the City of Cambridge with funding for security at the games. He said there was an agreement with the prior administration that the County cover the cost for these services.

The Council agreed to provide the services for the Cambridge South Dorchester High School football game scheduled for Friday, September 6, 2019 in the form of two Deputies with the understanding that: 1) monies may not be forthcoming from the Board of Education to pay for these services; and, 2) premium overtime will be paid to the Deputies who provide these services. The Council further agreed to consider providing security once more information about funding is obtained.

The Council recognized that Mr. Adkins will speak to Sheriff James Phillips, Captain Mark Lewis and Mr. Bromwell to identify funding for future school events.

PUBLIC COMMENTS

Mr. Gray questioned whether any of the Council members have received complaints on the University of Maryland Shore Medical Center at Dorchester. He referenced an individual whose transfer to the Easton facility was substantially delayed. He questioned whether sufficient ambulance units will be available to transport patients to the Easton facility when a new freestanding medical facility is constructed in Dorchester County. Ms. Rahilly said Emergency Services will ensure there is ambulance coverage.

Stanley Trice, resident, cited the concerns he relayed to Council at the prior meeting about approving budgetary requests submitted by Sheriff James Phillips as well as about the Council's earlier actions regarding his request to purchase a Live Scan system.

Pursuant to inquiries from Dave Ryan, Dorchester Banner, about the removal of the livestreaming of Council meetings, Councilman Nichols said: 1) Council made the decision to not livestream meetings in April 2019; and, 2) his opposition to livestreaming is based on the fact that the public can attend the meetings. Councilman Newcomb noted that the same individuals attend Council meetings despite the fact meetings were broadcasted on the Bay Country Communication channel several years ago.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Pfeffer referenced the removal of the Livestream proposal a few hours prior to the meeting. He noted that the request before the Council in April was to expend \$6,000 for this purpose versus the Livestream proposal of \$100 a month for up to three meetings. He apologized for incorrectly noting that the cost would be free when he was seeking public comments on the proposal. He expressed his support for livestreaming meetings which will be maintained for five years so that those who are unable to attend

meetings, such as the following, are able to view them: seniors, disabled persons with medical and transportation issues and parents with children involved in after school activities. A motion to accept the Livestream proposal with Councilman Pfeffer paying the \$100 a month for the remainder of the year failed with Councilman Nichols, Councilwoman Nagel and Councilman Newcomb opposed.

Councilman Nichols announced that the next meeting is scheduled for September 17, 2019.

With no further business to discuss, the Council adjourned.

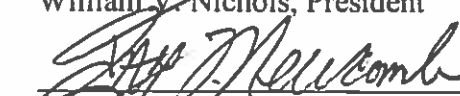
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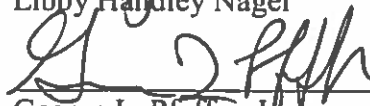
Keith Adkins
County Manager


THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



William V. Nichols, President

Jay L. Newcomb, Vice President

Libby Handley Nagel

George L. Pfeffer, Jr.

Ricky C. Travers

Approved the 1st day of October, 2019.