

**County Council of Dorchester County  
Regular Meeting Minutes**

**March 3, 2020**

The County Council of Dorchester County met in regular session on March 3, 2020 with the following members present: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Nichols led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

Keith Adkins, County Manager, said after the publication of the agenda the following items were removed: Request to Purchase Office Trailers-Landfill-Public Works and Request to Replace Office Bathroom Landfill-Public Works. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of February 4, 2020 and February 18, 2020.

**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 Newcomb reported total cash and investments as \$10,851,214.38.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on March 3, 2020 at 5:00 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 and pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Present were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were 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 March 3, 2020 at 5:01 p.m. to discuss the following items: 1) discussed personnel matters relating to a potential additional Emergency Medical Services Unit; and, 2) discussed the potential acquisition of property. Present were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were 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. Councilman Nichols joined the meeting late. 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**

### **INTRODUCTION-NEW AIRPORT DIRECTOR**

Councilman Newcomb introduced Steve Nuwer, the new Airport Director.

### **MANAGERS COMMENTS**

#### **REQUEST FOR USE OF SPRING VALLEY-COUNTY PARKING LOT- CAMBRIDGE MAIN STREET**

Michelle Barnes, Board President, Cambridge Main Street, presented the request of Katie Clendaniel, Executive Director, Cambridge Main Street, for the use of Spring Valley Park for the Sip + Savor event from April 3, 2020 to April 6, 2020. The Council approved the request with the understanding that: 1) there will be no sale or consumption of alcoholic beverages on County property including the Court House grounds; and, 2) the County Office Building parking lot must remain public.

#### **FY2020-1 OPERATING BUDGET AMENDMENT-BOARD OF EDUCATION**

The Council approved the written request of Dave Bromwell, Superintendent of Schools, to approve a FY 2020-1 Operating Budget Amendment which moves \$967,500 from the Instructional Supplies Category to the Other Instructional Costs Category for the installation of playground equipment and to provide professional development for Pre-K teachers.

#### **TRAVEL REQUEST-EMERGENCY SERVICES**

The Council approved the request of Director Rahilly, Emergency Services Director, for the following individuals to attend the Maryland Emergency Management Symposium in

Ocean City, Maryland using Homeland Security Grant funds: Ms. Rahilly; Troi Lynn Faith, Administrative Associate, and Steve Garvin, Emergency Management Planner. The Council acknowledged that Ms. Rahilly and Ms. Faith will attend the symposium from May 26<sup>th</sup> to May 28<sup>th</sup> and Mr. Garvin will attend from May 25<sup>th</sup> to May 28<sup>th</sup>.

#### **PUBLIC HEARING-AGRICULTURAL LAND PRESERVATION EASEMENTS**

Keith Adkins, County Manager, said a public hearing is being held for the Council's annual review of agricultural land preservation easement applications. Rodney Banks, Assistant Planning and Zoning Director, outlined the criteria that must be met to be included in the Agricultural Land Preservation Program, which all of the applicants have met. He said as of nine months ago there were 94 farms consisting of about 15,000 acres under easement in the County. The Council approved the FY20 Agricultural Land Preservation Easement applications and the ranking order of the applicants as presented. Councilwoman Nagel abstained. Mr. Adkins noted that no one signed up to speak.

#### **STORMWATER MANAGEMENT AGREEMENT-WASTE WATER TREATMENT PLANT-TOWN OF SECRETARY**

The Council approved the request of Dave Edwards, Public Works Director, to execute a Stormwater Management agreement with the Commissioners of the Town of Secretary for its Waste Water Treatment Plant Project.

#### **SECURITY SYSTEM-RECREATION AND PARKS**

Mr. Adkins noted that the Council previously awarded a bid for a security system upgrade for the Recreation and Parks Office and the County pool. He said: 1) in the process of working with the vendor contract language was in question; 2) E. Thomas Merryweather, County Attorney, has reviewed the proposed contract with Safehouse, LLC (Safehouse) for the security system upgrade; 3) Mr. Merryweather advised that the contract recognizes liability exposure and seeks a release from liability; 4) County staff contacted another vendor whose contract had the same provisions as Safehouse; and 5) pursuant to Mr. Merryweather the County can waive liability. The Council agreed to waive liability.

#### **SPECIAL EVENTS AGREEMENT-SHERIFF'S OFFICE-FINANCE**

The Council agreed to approve the 2020 Crab Run Event Special Agreement under which the Dorchester County Sheriff's Office will provide public safety services on May 10, 2020 from 7 a.m. to 12 p.m. in the form of two vehicles and two personnel. The Council acknowledged that overtime will be paid at the premium rate.

#### **PROPOSAL TO SELL TAX LIEN PROPERTIES-FINANCE**

Mr. Adkins Cindy Smith, Assistant Finance Director, submitted the following proposals: 1) to sell 19 properties to the City of Cambridge for the Pine Street Neighborhood

Revitalization Project; and, 2) to demolish and donate 632 High Street to the City of Cambridge. He provided details about the project and proposal to demolish and donate the property. The Council approved the proposals.

#### HURST CREEK SHORELINE PROJECT CONTRACT EXTENSION-DEPARTMENT OF NATURAL RESOURCES-FINANCE

The Council approved the request of Brittany Palmer, Grant Administrator, to extend a Department of Natural Resources contract for the Hurst Creek Shoreline Project which was awarded in 2017. The Council acknowledged that due to permit issues the project started late and the extension will allow the contractors and other entities involved in the project to obtain all approvals and complete the project.

#### LETTER OF SUPPORT REQUEST-SENATE BILL 464 COMMEMORATIVE DAYS-MARYLAND VOTING EQUITY REFORM DAY

The Council approved the request of Dr. Carl S. Barham, Co-Leader, Historical Freedom Shrine Advocacy Team, for a Letter of Support for Senate Bill 464 entitled "Commemorative Days-Maryland Voting Equity Reform Day" which will establish a Maryland Voting Equity Reform Day.

#### SURPLUS PROPERTY DECLARATION REQUEST

The Council approved the request of Mr. Edwards to surplus the following property: Unit 121, 2001 Chevy Pick-Up; Unit 541, 1994 Bomag Recycler; a 2004 Ford Expedition and a trailer previously used by the Department of Corrections.

#### REQUEST TO CONTRACT RECYCLING SERVICES-PUBLIC WORKS

Mr. Edwards presented his request to sole source and proceed with single stream recycling services with Republic Services at the annual cost of \$46,203.36 using funds from the Solid Waste Recycling Fund. Pursuant to inquiries from Council, Mr. Edwards explained that if the Council proceeds with the contract to conduct single stream recycling all paper, plastics and other recyclable material will be placed in one container. The Council approved Mr. Edwards' request. The Council acknowledged that he will ensure that sufficient notice is provided to the public about the single stream recycling services including signage. Councilman Newcomb asked the present members of the press to consider writing an article on this new way to recycle materials in the County.

Mr. Edwards advised Council that he will be visiting the Hurlock Police Department in the near future to discuss ways to address contamination issues at the County's recycling center in the Town.

## REQUEST TO PURCHASE UTILITY SERVICE VEHICLE-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to purchase a 2020 Dodge Ram from Fred Frederick Chrysler of Easton at the cost of \$55,624 using FY20 Capital Budget funds which will be used as a utility service vehicle for the Solid Waste Division.

## BID AWARD-FIRE EXTINGUISHER SERVICE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid for fire extinguisher service to Delmarva Fire Protection, the lowest bidder, at the cost of \$4,463.45 using FY20 Operating Funds from various account numbers, depending on location, will be used for this service.

## LETTER OF INTENT-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director, Department of Corrections, to send correspondence expressing intent to enter into an agreement with U.S. Immigration and Customs Enforcement (ICE) for the housing of ICE detainees at the Dorchester County Detention Center contingent upon an agreement being negotiated and executed between the parties.

## AED NOTIFICATION LETTER

Mr. Adkins said: 1) before Council is a discussion regarding the replacement and maintenance of AEDs in the County; 2) the majority of them, which were purchased with grant monies, need to be replaced at the approximate cost of \$2,000 each; 2) the Council is currently liable if this equipment fails due to lack of service; and, 3) pursuant to the Maryland Institute for Emergency Medical Services Systems each location must have a plan and a coordinator responsible for inspection and maintenance.

Dozia Rahilly, Emergency Services Director, advised that: 1) the average life expectancy of an AED is eight years; 2) the newest one is a 2005; 3) funds have never been allocated for the service of this equipment; and, 3) monies are not available in the current budget for this purpose.

Councilwoman Nagel made a motion to send the letter composed by staff to those entities who currently have the AEDS that they are now responsible for the equipment, including service and supplies. Councilman Nichols seconded the motion.

Councilman Pfeffer queried whether the plan is to maintain the AEDS in County buildings and at the Sheriff's Office. In response to a question from Councilman Travers, Mr. Adkins estimated that close to 200 AEDs are registered with the State. Troi Lynn Faith, Administrative Assistant, expressed her understanding that the public school system, which has its AEDs registered with the State has a coordinator and vendors from which to purchase supplies pursuant to an inquiry from Councilman Pfeffer. Chris

Hauge, Facilities Manager, Board of Education, confirmed that they assumed responsibility for the AEDs over the summer. Based on queries from Councilman Travers, Ms. Rahilly and Mr. Adkins said a large portion of the AEDs are in the private sector. Juanita Darby, Scheduling Coordinator, Emergency Medical Services, expressed her understanding that grant monies are available for AEDs for police officers. She advised that she will seek further information. Councilman Pfeffer expressed his belief that the County should maintain the AEDs in its facilities through Emergency Services in lieu of placing that responsibility on each Department. In response to a question from Councilman Travers, Ms. Rahilly and Ms. Faith advised that some pads in the AEDS were replaced, all of which have been dispersed. Ms. Faith noted that Emergency Services has some batteries. Councilman Newcomb inquired about the status of the County units. Ms. Faith said she will check on the status of those units. Councilman Pfeffer suggested the use of paramedics to check on the status of the AEDs in County facilities. He said he understands that the County cannot maintain the AEDs in the public. Mr. Adkins noted that he recently spoke with Michael Spears, Finance Director, who confirmed that a line item can be established with Council's authorization. Ms. Faith noted that the AEDs have to be examined weekly and a checklist must need to be maintained. In response to a question from Joseph Hughes, Director, Department of Corrections, Ms. Faith said training for this staff will be made available.

Beth Wilson, Director of Operations, Board of Education, expressed her belief the County should be the entity responsible for AEDs due to liability concerns.

The Council agreed to send the correspondence provided by staff regarding the AEDs with Councilman Pfeffer and Travers opposing.

#### DISCUSSION-ADDITIONAL EMERGENCY MEDICAL SERVICES UNIT- 7 A.M. TO 7 P.M.

Councilman Newcomb noted that the Council and staff previously discussed establishing an additional Emergency Medical Services Unit for a 12 hour shift, from 7 a.m. to 7 p.m. He said the Council has received information about personnel and equipment costs and comments from staff. Councilwoman Nagel made a motion to add the additional unit which was seconded by Councilman Nichols. Pursuant to a question posed by Councilwoman Nagel, Ms. Darby said based on the information she compiled she believes that full time Advanced Life Support and Basic Life Support Providers in lieu of part time staff, many of which have a second job, will staff the shift. She noted that overtime will more than likely be incurred. Councilman Pfeffer suggested polling the providers about their interest. Councilman Newcomb questioned whether sufficient staff is available to staff the additional unit. Ms. Rahilly, Ms. Faith and Ms. Darby expressed concern about being able to recruit individuals for the the new shift in light of the amount of time it is taking to fill current vacant positions. In response to a query from Councilman Newcomb, Ms. Faith estimated that it will take until June 1<sup>st</sup> before they are able to move forward with the implementation of the new shift.

Rose Murphy, resident, expressed concern about waiting until June 1<sup>st</sup>. Councilman Newcomb stressed the need to provide staff sufficient time to ensure that the new shift is properly established. Ms. Darby showed the Council a chart depicting the amount of time new employees precepted before being able to ride independently. Pursuant to an inquiry from Councilman Newcomb, Ms. Darby provided an overview regarding the recent EMS class and potential graduates. Ms. Rahilly referenced the worksheet Council was provided regarding call volume. In response to a question from Councilman Travers, Ms. Rahilly said the worksheet shows that the call volume is more from 9 a.m. to 9 p.m. in lieu of 7 a.m. to 7 p.m. Ms. Darby said it will be difficult to schedule individuals to work a 9 a.m. to 9 p.m. shift. Ms. Murphy suggested that new employees precept in Cambridge. Ms. Darby explained that the majority of employee precepting occurs in Cambridge; however, each individual is required to complete orientation at each station in order to be familiar with the expected response times, etc.

The Council asked Emergency Services staff to prepare a plan and report back with the goal of having the new unit up and running as of June 1<sup>st</sup>.

#### TERMINATION-EMERGENCY MEDICAL SERVICES BILLING AGREEMENT

Mr. Adkins said: 1) in 2019 the Emergency Services Department staff brought to the Council's attention concerns about Quick Med Claims, the current emergency medical services billing company; 2) E. Thomas Merryweather, County Attorney, advised Council that in order to terminate the agreement it must be proven that the company is not meeting County requirements; 3) in December 2019 pursuant to his request, the company provided some information for 2018 and 2019; 4) he recently met with Rose Murphy and Robert Murphy who invited Cathy Carter from Medical Claim Aid, the prior billing company, who provided detail regarding the five years they handled the County's emergency medical services billing; 5) Michael Spears, Finance Director, confirmed receivables for FY2013 to FY2017. Ms. Faith noted that this company provided service to the County for 16 years. Mr. Adkins stated that the spreadsheet the Council was provided reflects: 1) a 29.6 write off from the current vendor compared to 21.55 for the previous vendor; and, 2) the current vendor has a collectable rate of 60.434 versus 81.22 by Medical Claim Aid. He said he confirmed this information with Mr. Spears. He said there are requirements in six areas of the current contract which Quick Med Claims has not met. Councilwoman Nagel made a motion to terminate the existing contract with Quick Med Claims and enter into an agreement with Medical Claim Aid effective March 1, 2020 and to authorize Councilman Newcomb as President to execute the document after legal counsel review. Councilman Nichols seconded the motion. Ms. Faith said the company can back bill and asked that consideration be given to beginning the contract effective April 1, 2020. Mr. Adkins noted that the agreement with the current vendor requires a 30 days' termination notice. Councilwoman Nagel amended the motion to change the effective date to April 1, 2020 which Councilman Nichols seconded. The Council approved the motion. Ms. Faith thanked the Council for taking into consideration the concerns she expressed about the current vendor's service.

## OFFICE SPACE-SHERIFF'S OFFICE

Councilman Newcomb said he spoke with Sheriff James Phillips and Joseph Hughes, Director, Department of Corrections (DOC), about the renovation of a recreational space at the Public Safety Complex and a closet in lieu of the use of office space that was utilized previously by the prior 911 Communications Center Manager. He advised that both of them are pleased with the proposed renovation which will cost \$15,000. He noted that inmates and DOC staff will provide some labor. The Council agreed to waive bids and sole source with P and J Construction at the cost of \$15,000 from the Contingency Fund.

Pursuant to Councilwoman Nagel's query, Ms. Faith explained that the old office space will be converted into a break room for 911 Dispatchers. Councilman Pfeiffer noted his understanding that the area is now being used for storage. Ms. Rahilly explained that renovations and modifications need to be made to the space. Ms. Faith said the only item in the room is a stretcher which they left until the Council made a decision on its use. The Council recognized that this space will be used by Emergency Services.

## LETTER OF SUPPORT REQUEST-HOUSE BILL 999 – RURAL BROADBAND FOR THE EASTERN SHORE ACT OF 2020

The Council, based on the request of Choptank Electric, agreed to send a letter of support for House Bill 999 "Rural Broadband for the Eastern Shore Act of 2020" which establishes a process for a cooperative to operate as a member-regulated cooperative and empower its members to regulate themselves and provide economically efficient broadband internet service.

## PUBLIC COMMENTS

William "Bill" Windsor, resident, suggested Council consider: 1) the placement of wireless microphones in the meeting room; and, 2) sound proofing the floor, walls and ceiling to eliminate noise due to individuals exiting the room but remaining in the hall.

Ms. Wilson said she and Mr. Hauge are present to provide the Council additional information on the Board of Education's capital budget request for monies for a HVAC project at South Dorchester K-8. Mr. Hauge advised Council that the \$750,000 being requested is for engineering and it is up to a \$7 million project. He explained that in addition to a new HVAC system other items need to be addressed, including plumbing and fire suppression. He provided a cash flow worksheet to the Council and noted that all of the mechanical systems need to be replaced. He said the Board of Education delayed this project as long as possible to assist the County in managing its debt. He explained that it will be two to three years before the improvements are implemented. Councilman Newcomb noted that the information previously provided to the Council regarding this project was that the funds were for the replacement of the HVAC only. Mr. Hauge said after the completion of the project the facility should be largely modernized and ready for the indefinite future. In response to inquiries from Councilman



Pfeffer, Mr. Hauge said: 1) the design life of the HVAC replacement is 30 years so the schools lifespan will be extended for that amount of time; 2) as of today there are 231 students at this school; 3) the project will be phased in over time so classes can continue; 4) while there is a portable classroom the only increase in space that may occur is in the mechanical area; and, 5) there is sufficient instructional space in the school. Councilman Newcomb noted that the roof and gym floor have been replaced. Councilman Pfeffer noted that pursuant to House Bill 1 entitled "Built to Learn Act of 2020" the FY 2021 State Local Cost Share is predicted to rise to 82% and the Board of Education is using this figure. In response to his question, Mr. Hague confirmed that in the event the bill does not pass the share will return to 76%.

Pursuant to questions from Dave Ryan, Dorchester Banner, Councilman Newcomb said Council: 1) was not contacted about the office space Homeland Security Investigations is leasing in Cambridge for a U.S. Immigrations and Customs Enforcement Office (ICE); and, 2) is unaware of its proposed use of this space. Joseph Hughes, Director, Department of Corrections, said he has not been contacted about this space nor does he believe this facility will impact the Detention Center in response to Mr. Ryan's inquiry. He advised that discussions are being held with ICE about the possibility of holding detainees for a short period of time at the Detention Center which have been through the Court system and will be deported.

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

The Council, based on a motion made by Councilman Pfeffer, agreed to send a letter of opposition for House Bill 1312/Senate Bill 841 entitled "Water Pollution Control-Discharge Permits-Industrial Poultry Operations."

Councilman Pfeffer made a motion to send a letter in opposition to Senate Bill 1069 entitled "Transportation-Eastern Shore Counties-Construction of Toll Roads" which will repeal the prohibition on a State agency constructing any toll road, toll highway or toll bridge in the Eastern Shore Counties without the express consent of a majority of the governments of the affected counties. Donna F. Lane, Executive Administrative Specialist, said she spoke to Colin Dennis, Legislative Aide for Senator Adelaide Eckardt about this bill recently who advised her that: 1) there is no cross-filed House Bill; 2) as of March 2, 2020 all legislation submitted for introduction goes to the Rules Committee; and, 3) it is highly unlikely the House will cross-file a bill. The Council agreed to send a letter in opposition.

Based on a motion made by Councilwoman Nagel, the Council agreed to send a letter in opposition to Senate Bill 650 entitled "Vehicle Laws-Title Service Agents-Out-of-State Vehicle Titles and Regulations." She explained that obtaining Maine tags are crucial for the local trucking and farming industries.

Councilman Pfeffer congratulated Kyla Diggs for being crowned Miss Outdoors. He encouraged the public to attend the North Dorchester High School Senior Play, "Mamma Mia!"


Councilman Newcomb announced that: 1) a budget work session will be held on March 12, 2020 at 5 p.m.; and, 2) the next Council meeting will be held on March 17, 2020 at 6 p.m.

With no further business to discuss, the Council adjourned.


ATTEST:


THE COUNTY COUNCIL  
OF DORCHESTER COUNTY:


  
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Keith Adkins  
County Manager

  
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Jay L. Newcomb, President

  
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Libby Handley Nagel, Vice President

  
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William V. Nichols

  
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George L. Pfeffer, Jr.

  
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Ricky C. Travers

Approved the 17<sup>th</sup> day of March, 2020.