

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**July 7, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:08 p.m. on the 7<sup>th</sup> day of July 2020. A roll call of the members was conducted. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. Also present via telephone were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb, Councilman Nichols and E. Thomas Merryweather, County Attorney, joined the call from the Council's Meeting Room, Room 110.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Nichols led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

Mr. Adkins advised that after publication of the agenda the following items were removed in order to obtain further information: Request to Piggyback off State Contract-Bridge Repairs-Public Works; and Mutual Aid Agreement-Sheriff's Office. He further advised that the following items are to be added: Announcement of First Half of Cares Act Disbursement at Health Department; the naming of an Acting Planning and Zoning Director and a Rural Counties Coalition discussion. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of June 1, 2020.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$10,203,809.67.

**CLOSED SESSION SUMMARY**

By conference call, the Council convened into Regular Session on July 7, 2020 at 5:05 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 on the conference call were: Jay L. Newcomb, President; William V. Nichols; and, George L. Pfeffer, Jr. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager. Voting in favor of the Closed Session were the present Council Members. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were present in Room 110.

By conference call, the Council convened in a Closed Session on July 7, 2020 at 5:05 p.m. to discuss the following items: 1) discussed personnel matters relating to a County Department; 2) approved the request of the Director of the Department of Corrections to hire two individuals as Probationary Correctional Officers by a 3 to 0 vote; 3) discussed personnel matters relating to a County Division; 4) agreed to move into open session appointing County Manager as Acting Planning and Zoning Director by a 3 to 0 vote; 5) approved the request of the Airport Director to hire an individual to fill an Airport Operations Technician position by a 3 to 1 vote; and, 6) agreed to hire an individual to fill an Environmental Planner vacancy in the Planning and Zoning Department by a 3 to 0 vote. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and, George L. Pfeffer, Jr. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Ms. Lane and Councilwoman Nagel joined the meeting late. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were present in Room 110.

## **MANAGERS COMMENTS**

### **FY21 CATEGORICAL BUDGET-BOARD OF EDUCATION**

The Council approved the requests of David Bromwell, Superintendent of Schools, to: 1) approve the Board of Education's (BOE) Categorical Budget based on the County's FY21 allocation to the BOE of \$ 20,289,808 for operating expenses and \$750,000 for capital expenses; and, 2) execute the Annual Budget Certification Statement for the fiscal year ending June 30, 2021.

### **LETTER OF SUPPORT REQUEST-AFRICAN AMERICAN HERITAGE PRESERVATION GRANT-MACE'S LANE COMMUNITY CENTER, INC.**

The Council approved the request of Reverend Keith Cornish, on behalf of the Mace's Lane Community Center, Inc. (MLCC) for a letter in support of the \$100,000.00 African American Heritage Preservation Grant application submitted by the MLCC to address the Edythe M. Jolley Museum and Cultural Center project.

#### **AMENDMENT TO RULES AND REGULATIONS-MEDICAL BENEFITS-HUMAN RESOURCES**

The Council agreed to post for employee comment proposed revisions to the Medical Benefits section of the County's Rules and Regulations.

#### **2020 BUDGET TRANSFER REQUESTS-FINANCE**

The Council approved 2020 Budget Transfer requests for the following, based on the request of Cindy Smith, Assistant Finance Director: 1) Elections Office; 2) Human Resources; 3) Circuit Court; and, 4) the Public Works Department for the Highway, Landfill, Engineering and Maintenance Divisions.

#### **GRANT ADJUSTMENT NOTICE-FY20 EMERGENCY MANAGEMENT PERFORMANCE GRANT-SUPPLEMENTAL-EMERGENCY SERVICES**

The Council approved the request of Dozia Rahilly, Emergency Services Director, to accept the FY20 Emergency Management Performance Grant Supplemental Adjustment Notice for COVID-19 supplemental funds of \$20,298.24 with the 100% match being covered by 911 expenses.

#### **FY21 ANNUAL PROGRAM-PROGRAM OPEN SPACE-RECREATION AND PARKS**

The Council approved the request of Frank Stout, Recreation and Parks Director, to forward the draft FY2021 Program Open Space (POS) Annual Program to the Department of the Natural Resources and the Maryland Department of Planning. The Council acknowledged that this program enables Dorchester County to access POS funding for local projects in FY2021.

#### **REQUEST TO AWARD BID-CRUSHED STONE-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to award the bid for crushed stone to Vulcan Construction Materials, the lowest bidder. The Council acknowledged that funding for this purpose is in the FY21 Public Works Operating Budget.

#### **REQUEST TO AWARD BID-BITUMINOUS MATERIALS-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to award the bid for Bituminous Materials to Slurry Pavers, doing business as Asphalt Emulsions, the lowest bidder, for which FY21 Public Works Operating funds are available.

#### **PAVING REQUESTS-CHOPTANK DRIVE AND WRIGHT'S CREEK DRIVE-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to utilize \$46,000 to pave Choptank Drive, 0.28 miles (\$30,000) and Wrights Creek Drive, 0.16 miles (\$15,000) to address citizen's

concerns which are currently tar and chip roadways. The Council recognized that funding for this purpose will be from the FY20 Capital Budget paving allocation.

#### REQUEST TO ADVERTISE FOR PROPOSALS-ELLIOTT ISLAND MARINE JETTY PROJECT-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for proposals for the Elliott Island Marina Jetty Construction Project which will be funded through two Maryland Department of Natural Resources grants.

#### BESTPITCH BRIDGE DISCUSSION

Keith Adkins, County Manager, said this discussion is regarding the potential closure of the Bestpitch Bridge. He noted that if Council wishes to pursue a possible closure, a public hearing will then be held.

Pursuant to a query from Councilman Newcomb, Mr. Edwards advised that the estimated cost to repair the bridge is \$80,000. He explained that funding was received from the State of Maryland for engineering and design work a prior Public Works Director performed so staff has reached out several times to the Maryland Department of Transportation, which was working with the Federal Highway Administration, seeking clarification if the monies provided to the County must be returned. He said staff will continue to pursue this matter.

In response to a question posed by Councilman Pfeffer, Mr. Adkins said in 2017 roughly 30 to 35 vehicles traveled over the bridge daily. Councilman Newcomb confirmed for E. Thomas Merryweather, County Attorney, that State or Federal monies have been utilized which may have to be reimbursed to the funding entity. Mr. Adkins noted that the pilings will have to be replaced within four years. Based on a statement made by Troi Lynn Faith, Administrative Associate, about emergency response, Councilman Newcomb noted that the bridge has been closed for several months. Pursuant to a query from Councilman Newcomb, Mr. Edwards said several years ago, based on engineering costs, the cost to replace the bridge was over \$1 million. He opined that the proposed replacement cost has increased substantially since the original estimate.

Councilman Pfeffer made a motion to hold a public hearing on the potential closure of the Bestpitch Bridge which Councilman Nichols seconded for discussion. Pursuant to an inquiry from Councilman Nichols, Councilman Newcomb said motorists can use Griffith Neck Road. Councilman Newcomb noted that there is a private bridge that will also need to be replaced as well roadway improvements that will need to be performed. Mr. Edwards estimated that the improvements will cost \$200,000. Councilman Newcomb noted that there are two or three residents who live in the area of the bridge that are supportive of its closure. He said it is located in his district and he has not heard any complaints from residents regarding its closure. The Council agreed to proceed with a public hearing on the proposed closure of the Bestpitch Bridge.

#### **MARYLAND AVIATION ADMINISTRATION GRANT APPLICATION-BID AWARDS- WILDLIFE FENCE PHASE 1-AIRPORT**

The Council approved the requests of Steve Nuwer, Airport Director, to: 1) submit a grant application to the Maryland Aviation Administration for 75% of the construction phase cost of the Wildlife Fence-Phase 1 Project which is \$110,052; 2) award the construction phase of this project to Long Fence, the lowest bidder, at the cost of \$146,736; and, 3) the quote from AECOM, the County's Airport consultant, for professional engineering and construction phase services associated with this project. The Council acknowledged that capital funding for this purpose will not be used until January 2021.

#### **CARES ACT GRANT AGREEMENT-AIRPORT**

The Council approved the request of Mr. Nuwer to submit a Coronavirus Aid, Relief and Economic Security Act (CARES Act) Grant Application for funding of \$30,000 for the Cambridge-Dorchester Regional Airport. Mr. Nuwer explained that the grant is valid for four years and that individual applications can be submitted during that time period.

#### **LEASING OF VEHICLES-SHERIFF'S OFFICE**

Keith Adkins, County Manager, said by consensus the Council approved the placement of a hold on three new vehicles at a local dealer by Sheriff James Phillips. The Council agreed to proceed with the leases with the County's existing vendor, Fleet Management, now instead of the scheduled January 2021 time frame.

#### **LETTER OF SUPPORT REQUEST-BARTUS TREW FUND GRANT-PRESERVATION PLAN-APPLEBY PROPERTY-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to submit a grant request to the Bartus Trew fund for \$20,000 for a Preservation Plan and National Registry Nomination for the Appleby Mansion. The Council acknowledged that: 1) the match will be from a Maryland Historical Trust grant which will be submitted the Fall of this year; 2) \$40,000 in the form of a grant has been received from the Department of Housing and Community Development for this project which was spent to close up holes in the roof, replace stairwells and for other stabilizing work; 3) the Preservation Plan will assist with the next step in this process which is how to proceed; and, 4) the hope is the property will return to the tax rolls as a bed and breakfast or other historic visitors' designation.

#### **REQUEST TO SOLE SOURCE-POVERTY REDUCTION LAB-LOCAL MANAGEMENT BOARD**

The Council approved the request of Nancy Shockley, Local Management Board, to sole source and enter into a Memorandum of Agreement (MOA) with the Richardson Tubman Group, LLC (RTG) to organize, direct and evaluate the Poverty Reduction Lab. The Council acknowledged that: 1) the Governor's Office of Crime, Prevention, Victim and Youth Services, formerly known as the Governor's Office of Crime Control and Prevention, recently approved the County's

request to fund the coordination and implementation of a Poverty Reduction Lab in the amount of \$113,413 with no local match; 2) of that amount \$65,000 will be provided to RTG for the period of July 1, 2020 to June 30, 2021; 3) there is no County match; 4) E. Thomas Merryweather, County Attorney, requested changes to the MOA which have been made; and 5) the agreement includes a 60 day termination clause.

#### OFFICE OF RURAL BROADBAND GRANT AGREEMENTS-BAY COUNTRY COMMUNICATIONS

The Council agreed to enter into a Memorandum of Understanding Regarding Funding of Pilot Project for Broadband Expansion between the Department of Housing and Community Development (DHCD) and the County. The Council acknowledged that: 1) the County will act as a pass through for a grant and provide funding from DHCD in an amount not to exceed \$194,536 to Bay Country Communications (BCC) to build fiber from Horn Point Road to Morris Neck Road for the purpose of expanding internet to unserved areas; and, 2) the grant includes a 50% match which will be funded by BCC to build fiber. The Council also agreed to enter into a Subrecipient Agreement for Funding of Pilot Project for Broadband Expansion Grant between Dorchester County Maryland, recipient and BCC, subrecipient, which includes conditions precedent to the disbursement of grant funds. Mr. Merryweather stressed that Scott Schilling, owner of BCC, must obtain the approval of the match from DHCD prior to the release of funds.

#### 911 ADVISORY BOARD RESOLUTION-MEMBERSHIP

A discussion ensued regarding the 911 Advisory Board. Councilman Pfeffer suggested that the Board convene to provide recommendations regarding communication between the volunteer fire companies and the County's 911 Center. Based on her belief that Council should address issues relating to County staff, Councilwoman Nagel made a motion to disband the Board which Councilman Nichols seconded. Councilman Newcomb concurred with Council being the entity to address matters about County staff. Councilman Pfeffer said he believes there should be some type of way to mediate with business owners, law enforcement, the volunteer fire companies and citizens regarding issues relating to 911. Councilwoman Nagel noted that there are other avenues that can be used for this purpose.

Council agreed to proceed with disbanding the 911 Advisory Board with Councilman Pfeffer opposing. The Council acknowledged that Mr. Merryweather will confirm that: 1) there are no provisions in the County Charter or Code that require such a Board to be established and maintained; and, 2) if a public hearing was held prior to the adoption of the Resolution that established the Board.

#### REAPPOINTMENT-PLANNING COMMISSION

Based on a motion made by Councilman Pfeffer, the Council reappointed William "Bill Windsor" to the Planning Commission as the District 4 representative.

## **SOCIAL SERVICES BOARD REAPPOINTMENTS**

The Council approved the recommendation of Lisa Hartman, Director, Dorchester County Social Services, to reappoint the following individuals to the Social Services Board: 1) David Wooten; 2) Daryl Butcher; and, 3) Chareka Harris.

## **GYPSY MOTH SPRAYING COST ESTIMATES-LETTER OF ACCEPTANCE-PARTICIPATION-MARYLAND DEPARTMENT OF AGRICULTURE**

The Council approved the written request of Craig Kuhn, Program Manager, Forest Pest Management, to participate in the Maryland Department of Agriculture's Forest Pest Management (FPM) Program for the identification and control of gypsy moth populations for Dorchester County and its citizens. The Council acknowledged that: 1) based on information relating to gypsy moth populations and trends in Dorchester County, up to 80 surveys will be conducted at an estimated County cost of \$1,200, which represents a 50% cost share on local costs to perform these surveys on non-State land; and, 2) this amount does not include additional funds that may be needed for aerial spraying.

## **SETTLEMENT ISSUES RELATING TO ACQUISITION OF PROPERTY**

Mr. Adkins advised that Council has been provided inspection results and a proposed subdivision plat for the property located at 4556 Ocean Gateway, Vienna, Maryland for which Council signed a contract to purchase a five acre, more or less, parcel of land located for a new Dog Control facility. In response to a question posed by Councilwoman Nagel, Councilman Newcomb said the action before Council is whether to proceed with the final stage which is settlement. He stated that: 1)) inspections have been conducted; and, 2) a subdivision plat/drawings have been submitted which Mr. Dodd and Mr. Merryweather approved. Pursuant to Councilman Pfeffer's inquiry, Councilman Newcomb said while he is unsure if Sheriff James Phillips has viewed the property recently, he stated that it was in a great location and will suit the intended purpose. He noted that mechanical inspections have been conducted and estimates have been provided. In response to a question from Councilman Nichols, Mr. Merryweather advised that he has no issues with proceeding with settlement, noting that 10% for repairs and other items after an inspection is minimal and not unexpected. Councilman Newcomb expressed his hope that grant funds can be garnered. The Council agreed to proceed with settlement.

## **POLL CONFIRMATION**

The County Council, by means of a poll, in the interim between meetings, agreed to support the submission by Awaken Recovery Foundation, Inc. of two grant applications to the Maryland Opioid Operational Command Center as follows: 1) for funding of \$101,500 for prevention and education; and, 2) \$248,500 for treatment and recovery.

## ANNOUNCEMENT OF FIRST HALF OF CARES ACT DISBURSEMENT AT HEALTH DEPARTMENT.

Keith Adkins, County Manager, announced that: 1) the first half of the CARES Act funding has been distributed to the Health Department; 2) Roger Harrell, Health Officer and the Maryland Department of Health approved a list of equipment that Dorchester County Emergency Services submitted and the use of the monies earmarked for emergency response and preparedness for the COVID-19 Pandemic from this funding.

The Council approved the purchase of the equipment list provided by Emergency Services. The Council also approved the: 1) piggybacking off of State contracts for the acquisition of the majority of the equipment; 2) a sole source to purchase the ambulance from Atlantic Emergency Solutions, the vendor the County utilized for the last purchase, at the cost of \$347,903; and, 3) a sole source for Rodney Travers, Electrician, to purchase and install a generator and transfer switch, which vendor was previously utilized for the installation of other generators at County facilities. The Council acknowledged that the monies listed for payroll and a public information officer will instead be used to construct a storage building. Mr. Adkins said the County will be reimbursed once expenditures have been made.

## NAMING OF ACTING DIRECTOR OF PLANNING AND ZONING

Mr. Adkins was named Acting Director of the Planning and Zoning Department in the interim, which position is being advertised.

## RURAL COUNTIES COALITION DISCUSSION

Councilman Pfeffer explained that the County is a member of the Rural Counties Coalition. He said the Chairman of the Coalition has brought to the members' attention that it is currently a Limited Liability Company (LLC) which operates separately from the Maryland Association of Counties (MACo) although they work jointly and closely together. He noted that Coalition dues are no longer collected and that they have a separate set of books. He advised that the Coalition is asking the member counties to consider two options: 1) to vote that the LLC should be disbanded and the assets transferred to MACo for management; or 2) further discussion is needed. He made a motion to choose Option 1. Councilwoman Nagel asked if Mr. Merryweather had any comments regarding these options. In response to a question from Mr. Merryweather, Councilman Pfeffer advised that the Coalition meets once a week in addition to MACo, usually by conference call, to discuss issues relating to rural counties. Pursuant to a query from Councilwoman Nagel, Councilman Pfeffer said most of the counties have voted for option one.

Mr. Merryweather noted that an LLC is under its own independent umbrella of legal protection which will be removed if option one is exercised. In response to his question Councilman Pfeffer advised that MACo agreed to: 1) handle the administrative tasks of the Coalition; and, 2) accept the financial responsibility and liability. He explained that the Coalition is as a fact finding entity with each local jurisdiction voting independently. Councilman Pfeffer said the County will not be charged a fee in response to Councilwoman Nagel's inquiry. Mr.



Merryweather says he has no concerns if MACo approves the transfer. In response to his question, Councilman Pfeffer said the Coalition's Executive Board is seeking this option. Councilwoman Nagel seconded Councilman Pfeffer's motion which Council approved.

## OTHER

Chet McWilliams, the County's Insurance Broker, said he supports the proposed Rules and Regulations amendment. He presented a quarterly \$21,000 prescription rebate check to the Council. He explained that additional rebates from manufacturers may be available for three costly medicines. He stated that he anticipates an additional \$25,000 to \$30,000 cost savings will be achieved. He said employees will need to verify their prescription and then the insurance company will seek the discount. He explained that there are only three out of 500 individuals covered that have prescription for these types of medicines, which range from \$40,000 to \$80,000 a year. He said although all claims have not been paid the fiscal year ending June 30<sup>th</sup>, claims are around the \$3 million mark, as they have been in the past. Becky Dennis, Human Resources Director, said Mr. McWilliams does an excellent job of managing the County's health insurance.

Edwin Bramble, Co-founder of Blackwaters Edge, and Owner of the Woolford General Store, referenced the email he sent to the Council two weeks ago regarding concerns about the recently installed "No Parking" signs at various popular fishing areas in the lower part of the County. He expressed his belief they are misleading since they do not clarify the location where motorists can park.

Pursuant to Councilman Newcomb's request, Mr. Edwards spoke about this matter. He said he has fielded many calls in the last several weeks about the signs. He advised that the majority of the individuals he spoke to are in support of the signs. He listed the following as reasons for the postage of the signage: 1) to eliminate destruction of property, private and public; 2) to eliminate parking on roadways or obstructing roadways; and, 3) to address the issues of litter being left by individuals. He said the County have not designated the areas for which the signs were installed as public fishing areas. He noted that there are public fishing areas, places to park and boat ramps in the County that can be utilized for such activity.

Councilwoman Nagel said the main areas of concern that were brought to the Council's attention were the travel portion of bridges and the side of roads, such as the Transquakin Bridge and the road prior to Hip Roof Road. She noted that as a result large vehicles, such as seafood trucks and farming equipment, have difficulty traveling in those areas. Mr. Bramble recognized that these are viable concerns. He suggested: 1) amending the parking signs to specify the areas that the public cannot park so the Sheriff's Deputies can appropriately ticket violators; or 2) the County creating parking areas, particularly by bridges. He said there are ecological and tourism benefits to snakehead fishing. Councilwoman Nagel expressed her understanding that the Sheriff's Deputies are only writing tickets for those on travel portions of the road/bridges. She noted that the County has a 25 foot right of way for many of its roads.

Gary Smith suggested the issuance of permits for parking. He expressed his belief the County should allow local residents and visitors to fish from County bridges. Councilman Newcomb

noted that the amount of individuals fishing has increased substantially; therefore, many more vehicles are being parked on bridges or the side of roads. Councilwoman Nagel expressed concern about resident's safety when traveling out of personal driveways. She noted that residents who live across from the boat ramp at the Transquakin Bridge asked for Hidden Entrance signs. She said on Sunday this boat ramp was full and there was a trailers for kayaks on both sides of the road. She noted that despite having "No Trespassing" signs nine individuals were fishing from a pond on her property recently. Mr. Smith expressed his belief that: 1) there should be a limit on the number of vehicles parked at boat ramps; 2) parking should be allowed on one side of the road; and, 3) the "No Parking" signs should be amended. In response to a question posed by Councilwoman Nagel, Mr. Edwards said: 1) each sign costs \$35; 2) 80 signs have been installed; and, 3) there is a need for 80 additional signs. Councilwoman Nagel expressed concern about the cost to change and/or replace the signs. Mr. Smith suggested issuing permits for the use of County boat ramps or create parking areas and charge for their use. Pursuant to an query from Mr. Bramble, Councilman Newcomb noted that based on concerns expressed by property owners about individuals parking on the travel portions of roads/bridges and their private property, the Council discussed signage at a Council meeting. In response to a statement made by Mr. Smith, Councilwoman Nagel noted that Sheriff James Phillips was aware of the Council's decision to install the signage.

The Council agreed to Mr. Edwards obtaining additional information, including meeting with individuals, to determine potential workable solutions for the fishing and parking issue in the County.

## ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



Keith Adkins, County Manager

THE COUNTY COUNCIL OF  
DORCHESTER COUNTY, MARYLAND



Jay L. Newcomb, President



Libby Handley Nagel, Vice President



William V. Nichols



George, L. Pfeffer, Jr.



Ricky C. Travers