

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**June 1, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:00 p.m. on 1<sup>st</sup> day of June 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. and Ricky C. Travers. Also present via telephone were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb 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 Travers led the invocation and Andrew Abbott, resident, led the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions to the agenda.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$8,512,564.10.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on June 1, 2020 at 5:04 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)(7) to consult with counsel to obtain legal advice on a legal matter. Present via conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Also present by conference call were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb and Mr. Merryweather were present in

Room 110. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on June 1, 2020 at 5:05 p.m. to discuss the following items: 1) approved the request of the Emergency Services Director to hire an individual to fill a Paramedic vacancy by a 5 to 0 vote; 2) discussed the potential use of County employees to perform secondary jobs; 3) approved the request of the Planning and Zoning Director to hire an individual to fill a Zoning Technician position by a 5 to 0 vote; 4) received advice from County Attorney relating to the renewal of a lease; 5) obtained legal advice from County Attorney regarding legal documents relating to a grant; 6) discussed the potential acquisition of a property; and, 7) obtained legal advice from County Attorney regarding a vendor contract. Present via conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; 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 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.

#### **PUBLIC HEARING-COUNTY'S SCHEDULE OF FEES**

The Council adopted a Resolution to amend the County Schedule of Fees to change various fees for various County services, effecting June 1, 2020 to June 30, 2021 and agreed to the use of their electronic signatures.

#### **PUBLIC HEARING-PRE-APPLICATION SUBMITTAL HEARING- DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**

Keith Adkins, County Manager, said a public hearing is being held on the submission of an application to the Maryland Department of Housing and Community Development for funding under the Maryland Community Development Block Grant Program for \$500,000 in funds awarded through the federal CARES Act for eligible activities to assist those most impacted by the coronavirus. He noted that if Council agrees to submit the grant, a resolution of support must be adopted.

Cindy Smith, Assistant Finance Director, said: 1) the purpose of the public hearing is to obtain the views of citizens on community development and housing needs on the proposed submission of the application; 2) the funds must be used to prevent, prepare and respond to the coronavirus; 3) this is round one with \$4,451,130.39 available for projects and activities across the State; 4) possible projects/activities including senior services, food programs, homeless assistance, rental assistance, rural health centers and serve for disabled adults; 5) County staff have reached out to the Department of Social Services, Delmarva Community Services, Eastern Shore Wellness Solutions, Local Management Board, homeless shelters, City of Cambridge, Alpha Genesis, Downtown Cambridge,

Health Department, Senator Adelaide Eckardt, Habitat Choptank, the County's Emergency Services Department, the Cambridge of Commerce and the Dorchester County Department of Corrections; 6) only limited feedback was provided and no specific projects have been identified.

The County agreed to adopt a Resolution in Support of the submission of this application and to the use of their electronic signatures.

## **MANAGERS COMMENTS**

### **REQUEST TO SOLE SOURCE-TAR AND CHIP SERVICES-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Hammaker East for a turnkey tar and chip services contract. This service will only be used as needed and based on the budget. The Council acknowledged that: 1) this service will only be used when needed and based on the budget; and, 2) funding for the repairs will be from the FY21 roads budget.

### **REQUEST TO ADVERTISE FOR PROPOSALS-CRUSHED STONE-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to advertise for proposals for supplying crushed stone from June 1, 2020 through May 21, 2022 utilizing FY21 Operating Budget funds. Councilman Pfeffer questioned whether there will be a smaller quantity of roadways being completed. Mr. Edwards said the amount will be based on available funding. He noted that County staff tars and chips roadways as well.

### **REQUEST TO ADVERTISE FOR PROPOSALS-ASPHALT OIL-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to advertise for proposals for supplying Asphalt Oil from June 1, 2020 through May 21, 2022 using funding from the FY21 Operating Budget. In response to a question from Councilman Pfeffer, Mr. Edwards clarified that the material will be purchased on an as needed basis.

### **REQUEST TO AWARD-SMITHVILLE BOAT RAMP REPAIRS-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to award the bid for repairs to the Smithville Boat Ramp to Gee McClain General Contractor at the cost of \$78,212.71. The Council also approved a budget transfer of \$61,500 from the snow and ice line item and to use \$16,712.71 from the FY20 Operating Contingency Fund which monies will be placed in the Marine Facilities account for these repairs.

### **REQUEST TO AWARD-PRESSURE WASH BID-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to award the bid for pressure wash services for the County Office Building which will include washing of the building,

steps, and sidewalks to H Innovation and Contractor, Inc. lowest bidder, for \$1,870 using funding from the FY20 County Office Building Maintenance line item. Pursuant to a question from Councilman Pfeffer, Councilman Newcomb noted that the power washing of the Court House prior will be part of the contract to paint the building. Councilman Travers noted that there was a large difference in the bids received for the County Office Building power washing project. Based on his query, Mr. Edwards said he will ensure that the contract can perform the service appropriately.

#### AUDIT COMMITTEE RECOMMENDATION-FINANCE

Michael Spears, Finance Director, provided the Council a brief overview of the process the Audit Committee used in the past. The Council, based on the recommendation of Committee, consisting of Keith Adkins, Cindy Smith, Bob Willey, Ted Brooks and Michael Spears, agreed to appoint TGM Group as the County's auditor for the five fiscal years of 2020 through 2024.

#### REQUEST TO ADVERTISE FOR PROPOSALS-FENCE-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to advertise for proposals for phase one of the Wildlife Fence project. The Council acknowledged that the estimated cost of \$260,000 is in the FY21 budget of which the County will pay 30% with 70% being provided by a grant through the Maryland Aviation Administration.

#### REQUEST TO SUBMIT GRANT APPLICATION-OBSTRUCTION REMOVAL PHASE 1-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to submit a grant application to the Federal Aviation Administration for Phase 1 of the Obstruction Removal project for the amount of the bid award for construction which is the next item.

#### BID AWARD-OBSTRUCTION REMOVAL PHASE 1-CONSTRUCTION-AIRPORT

The Council approved the request of Mr. Nuwer, to award the bid for construction of the Obstruction Removal - Phase 1 project to Economy Tree Service, Inc., the lowest bidder, at the cost of \$290,548.96.

#### EXTENDED WARRANTY REQUEST-911 CONSOLE-EMERGENCY SERVICES

Mr. Adkins stated that: 1) at its May 19, 2020 meeting, the Council deferred the request of Dozia Rahilly, Emergency Services Director, to purchase a 10 year extended warranty on the 911 Manager Officer console at the cost of \$58,609; 2) the Council asked for clarification on whether there is a deductible; 3) the first year of the warranty is included in the purchase price of the console; 4) there are no funds in the FY2020 911 Communications budget available for this purpose; 5) pursuant to Motorola there is no deductible; 6) the extended warranty is only on the console not the desk sets; 7) there was not an extended warranty on the main 911 Center Consoles; and, 8) there is funding

available from the FY20 Operating Contingency Fund to cover the cost of the extended warranty.

In response to questions posed by Councilman Pfeffer, Mr. Adkins said: 1) he learned from speaking with Troi Lynn Faith, Administrative Associate and Michael Spears, Finance Director that pursuant to the contract signed in 2017 for the radio system, the warranty will not commence until system acceptance; 2) there has been on final system acceptance; 3) an extended warranty was not purchased for all of the consolettes that were purchased; 4) there is a two year warranty on the entire system after acceptance; 5) the reason that this matter is being brought to the Council's attention now is because the console has not been installed; and, 6) pursuant to Ms. Faith there is a one year warranty on the console. Ms. Faith expressed her understanding that the extended warranty was not considered by the prior administration. Pursuant to a query from Councilman Pfeffer, Ms. Faith stated that the cost to purchase extended warranties for all consoles is \$700,000. Based on concerns about discrepancies in the original contract based on information from Mr. Adkins a motion to proceed was withdrawn and the matter was deferred in order to obtain clarification.

#### DEPARTMENT OF JUVENILE SERVICES INTERAGENCY AGREEMENT RENEWAL-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to renew an Interagency Agreement for the Adventure Diversion Program for FY21 with program funding of \$74,845. The council acknowledged that this is a partnership between the Dorchester Community Partnership for Children and Families, Department of Juvenile Services and the Dorchester Family YMCA

#### FY21 COMMUNITY PARTNERSHIP RENEWAL-LOCAL MANAGEMENT BOARD

The Council approved the request of Ms. Shockley to renew the FY21 Community Partnership Agreement which partnership will be level funded at \$450,213.

#### RAILROAD RIGHT OF WAY ACQUISITION DISCUSSION

Mr. Adkins said: 1) in October 2017 the Council expressed interest in acquiring control of the railroad right-of-way between Hurlock and Cambridge and possibly a right-of-way between Hurlock and Preston owned by the Maryland Transit Administration (MTA) to use to restore freight service to Cambridge or develop a recreation trail. A portion of the rail cuts through the corner and is along the edge of the Airport and is a part of the runway extension project; 2) the Council will be required to follow a railroad right-of-way abandonment as well a rail banking process which will require hiring an attorney; 3) since then MTA has advised that the Hurlock-Preston right-of-way is no longer a part of this potential acquisition due to opposition from the Caroline County Commissioners; 4) on May 6, 2020 Harry Romano, Rail Program and Policy Manager, MDOT Office of Freight and Multimodalism, advised that the Maryland and Delaware Railroad are interested in this track; 5) Mr. Romano is seeking official correspondence from the

Council releasing this portion; 6) for the past several years, discussions have continued between Mr. Romano, the County Manager and County staff about this potential acquisition; 7) E. Thomas Merryweather, County Attorney, has reviewed a Draft Purchase Sale Agreement and was recently provided a draft Exhibit D-1 for review; 8) Mr. Merrwerryeather has expressed concern about the County obtaining the rail right-of-ways as it will be responsible for easements, bridges and road crossing along the railroad as well as property crossing which include easements, license agreements and deeds; 9) in this information a discussion regarding the continued pursuit of the Hurlock-Cambridge railroad right of way acquisition is being held; and, 10) if Council does decide to move forward with this acquisition, action should be taken on Mr. Romano's request for correspondence releasing the railroad right-of-way between Hurlock and Preston.

The Council discussed matters relating to the right-of-way acquisition. The Council agreed to show interested in moving forward with the Hurlock to Cambridge railroad right-of-way acquisition. The Council requested additional information.

#### **TOWER LEASE EXTENSION-T-MOBILE-3 CEDAR STREET**

The Council agreed to enter into a Reinstatement and First Amendment to Delmarva Power & Light Company Communications Tower Attachment License Agreement between the County and T-Mobile Northeast, LLC for the tower lease at 3 Cedar Street, Cambridge, Maryland, the Health Department Building. It extends the tower lease to March 30, 2021 on the same terms as the prior lease.

#### **REQUEST TO APPLY FOR PROGRAM OPEN SPACE FUNDING-ACQUISITION-RECREATION AND PARKS**

The Council approved the request of Frank Stout, Recreation and Parks Director, to apply for Program Open Space Funding in the amount of \$430,000 for the acquisition of property located at 515 Leonard Lane in Cambridge, MD for purpose of adding recreational opportunities.

#### **NATIONAL ASSOCIATION OF COUNTIES TRAINING**

Mr. Adkins said: 1)the National Association of Counties is hosting a 12 week online training High Performance Leadership Academy; 2) Dorchester County can have on individual participate of no cost or three people for a total of \$1,700; and, 3) the dates are August 3<sup>rd</sup>, September 14<sup>th</sup> and January 2021. No action was taken on this matter.

#### **MEMORANDUM OF UNDERSTANDING-BAYLY SLAVE CABIN ACCESS – TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to execute a Memorandum of Understanding between Catherine Jordan Morrison, as Trustee of the Catherine Jordan Morrison Revocable Trust dated November 16, 2017 and the County Council for visual access from High Street to view the Cabin and to create

interpretive experiences to include a 3D tour using augmented reality and signage and limited full access to the Cabin for 10 days per year. The Council acknowledged that Ms. Fenstermaker will be the project manager for the stabilization of the building.

#### **BOARD APPOINTMENTS**

The Council acknowledged that there are vacancies on several Boards and Commissions based on a list they were provided.

#### **COUNTY COUNCIL FIRST/SECOND QUARTER MEETING SCHEDULE FY20/21**

The Council adopted the FY20/21 County Council First/Second Quarter Meeting Schedule.

#### **RECREATION AND PARKS PROGRAM DISCUSSION**

Frank Stout, Recreation and Parks Director, discussed with the Council options relating to the potential opening of the County pool. He said he had a conversation with Roger Harrell, Health Officer, regarding this facility and the possible delay of its opening in order to address issues relating to public health as a result of COVID-19. The Council agreed to delay the opening of the pool. Mr. Stout expressed his preference for postponing the pool's opening until July 1, 2020. Mr. Stout also spoke about the possibility of beginning the Recreation and Parks youth programs and allowing certain independent organizations to use County owned fields. Mr. Merryweather said the local health department and the County's insurer, Local Government Insurance Trust should be contacted to obtain their comments regarding a waiver for the independent organizations and measures should be taken to ensure compliance with State regulations. The Council agreed that Mr. Stout can begin only the enrollment process for Recreation and Parks sports programs.

Councilman Pfeffer inquired about how surrounding counties are addressing the use of playgrounds in light of the opening of State parks for use by residents. Mr. Stout noted that most jurisdictions, based on concerns about frequently touched surfaces and the social gathering limit of 10 are maintaining the closure of their playgrounds but allow the use of parks.

#### **OTHER**

The Council welcomed Mr. Abbott and Councilman Newcomb presented him a County pin on behalf of the Council. Mr. Albert expressed appreciation for being allowed to participate in the meeting. He explained that he is trying to earn a merit badge on his journey to acquire an Eagle Scout rank which required his attendance at a Council meeting. The Council thanked him for his attendance and participation. In response to an inquiry, Mr. Albert said he is a member of the Boy Scouts 754 from East New Market.

**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

Approved the 7<sup>th</sup> day of July, 2020.