

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**October 20, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:03 p.m. on the 20<sup>th</sup> day of October 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; and George L. Pfeffer, Jr. Also present via telephone and in Room 110 were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb and Councilman Nichols were also present in Room 110.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of October 6, 2020.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$21,754,011.86.

**CLOSED SESSION SUMMARY**

By conference call, the Council convened into Regular Session on October 20, 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; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and, pursuant to 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

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 via the conference call and in Room 110 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 the present Council Members. Councilman Newcomb and Councilman Nichols were also present in Room 110.

By conference call, the Council convened in a Closed Session on October 20, 2020 at 5:05 p.m. to discuss the following items: 1) agreed to hire an individual as a Probationary Correctional Officer to fill a vacancy by a 3 to 0 vote; 2) obtained legal advice from County Attorney regarding a lease agreement; 3) received legal opinion from County Attorney regarding a Airport Terminal Office Space Lease; and, 4) discussed a matter relating to the acquisition of a property. 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 via the conference call and in Room 110 were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb and Councilman Nichols were also present in Room 110.

## **MEETING WITH LEGISLATORS-2021 LEGISLATIVE SESSION**

Senator Adelaide Eckardt, Delegate Johnny Mautz and Delegate Christopher Adams joined the meeting via teleconference. Councilman Newcomb expressed concern that the County Council was not made aware that Governor Lawrence Hogan was going to be in Dorchester County on October 19, 2020 until the day before. Senator Eckardt said Council should have been advised prior to that visit. Councilman Newcomb referenced the Council's Legislative Packet that was provided to the legislators.

Senator Eckardt advised that legislation has been ordered to add a new Section 21-104.5 to Title 21, Subtitle 1 of the Transportation Article of the Annotated Code of Maryland to allow the operation of a golf cart, with certain conditions, on a highway on Upper or Middle Hoopers Island and amend Section 13-402(c)(12) to waive the registration requirement if a golf cart is operated in accordance with Section 21-104.2 through 21-104.5 of the Article. She expressed her belief amending Section 1-113 of the General Provisions Article of the Annotated Code of Maryland which requires legal advertisements and legal notices to be published in a "newspaper of general circulation" to include online advertising as an alternative will not be an issue. She referenced legislation several years ago changing the submission of local legislation to the Maryland State Archives from paper form to online. She said she also ordered this legislation.

Delegate Adams noted that a hearing was held on the cross-filed bill during the 2020 Legislative Session which was amended to include the use of golf carts on Taylors Island. He said the legislation was well received; however, due to COVID-19 the focus was narrowed to priority bills so it did not move forward. He said he will work diligently to ensure that the legislation moves through the House this year. Senator Eckardt noted that pre-filing the legislation may result in an earlier hearing date. In response to a question from Councilman Newcomb, Delegate Adams advised that the House vote was unanimous. Senator Eckardt said if the bill passes the

Senate it should move forward in the first week. Delegate Mautz stressed the importance of residents in favor of the bill being present at the hearings.

Councilman Newcomb asked the legislators to continue to pursue an increase in the distribution of the highway user revenues and/or full restoration. Senator Eckardt cited concerns that there was a decrease this year, noting that there will be an increase in subsequent years. Pursuant to an inquiry from Councilman Newcomb, Senator Eckardt said due to COVID-19 discussions will need to be held on the impact the funding formula will have on local jurisdictions who are facing financial constraints without an infusion of monies from the Federal Level. Based on a query from Senator Eckardt, Councilman Newcomb said the Coronavirus Aid, Relief, and Economic Security Act (CARES) funds have provided some assistance in negating the impact of COVID-19 including to local businesses. He cited concern about the viability of restaurants during the winter months without outdoor seating, noting that unemployment is also a major issue.

Councilman Newcomb referenced Section 10-312(f) of the Local Government Article of the Annotated Code of Maryland under which the County, prior to any disposition, grant or lease, a public notice must be advertised once a week for three successive weeks in a newspaper of general circulation which shall include the terms and compensation to be received to provide an opportunity for objections. He noted that the County has several leases which are for \$50 or \$100 a month. He asked the legislators to seek a legislative amendment to remove the public hearing requirement for Dorchester County for leases less than five years to limit costs and to avoid delays. Senator Eckardt concurred with seeking legislative relief from this Section. Councilman Newcomb said each legislator will be provided additional information on this proposed amendment.

Senator Eckardt commended the County's Economic Development (ED) staff, Roger Harrell, Health Officer, and the COVID-19 team for their efforts to address the impact this virus has had on County residents/businesses. She expressed her belief that DCHD provided more testing opportunities than any other entity on the Shore. She commended Bill Christopher, Dorchester Chamber of Commerce for working with businesses in the County to ensure they have a stable business plan. She cited the need to begin discussions on addressing issues relating to homeless shelters. She thanked the Council for its leadership and Keith Adkins, County Manager.

Councilman Pfeffer noted his call was dropped during prior discussions about legislation. He spoke in favor of seeking legislative relief to place advertisements online since the local newspapers are transitioning some of their publication days to online only.

Councilman Newcomb said watermen who expressed concern about not being able to harvest female crabs due to COVID-19 and the weather, have asked him to contact Jeannie Hardaway, Secretary, Department of Natural Resources, about extending the October mature female crab harvest bushel limits into November. He advised that the State of Virginia is considered such an extension. Delegate Mautz noted that he participated in the Governor's tour with Dorchester County watermen during which no mention was made about an extension. He said Bobby Whaples, Larry Powley and Dave Nickerson spoke to the Governor about the harvesting of crabs versus oysters for which there is no market nor significant value. The Council agreed to send

correspondence to Secretary Haddaway-Riccio with copies to the legislators who will pursue the extension as well.

Senator Eckardt encouraged the Council to provide letters of support for bond bills, noting that Delmarva Community Services is seeking monies for the Intergenerational Center. She commended Nancy Shockley, Local Management Board Director, and the Dorchester Community Partnership for Children & Families, for their efforts to end generational poverty. She noted that the local behavioral health group has been very active in ensuring issues as addressed locally.

Delegate Adams echoed Senator Eckardt's comments. He cited his concern that there will be fewer bills, more deliberation and a slower procedure in the House; therefore, they will have to push hard for Dorchester County's legislative initiatives. He encouraged the Council to keep the line of communication open with the legislative delegation.

Delegate Mautz echoed Delegate Adams' comments and concerns. He expressed his concern about a virtual legislative session since personal contact with other legislators, elected officials in local jurisdictions and constituents is essential in order to ensure needs of his constituents are being met. He reiterated Delegate Adams' comments about the Council and legislators staying in contact and, in particular, when State officials discuss budget reductions. He said education has changed since the Kirwan Commission bill was drafted and he is unsure whether that change will be permanent.

Delegate Adams personally commended Dorchester County for its focus on testing residents for COVID, which unlike other counties, allowed individuals from other local jurisdictions to be tested at its sites. Councilman Newcomb said Dorchester County tested more than other counties and the results came back quickly.

## **REGULAR SESSION**

### **MANAGERS COMMENTS**

#### **EASTERN SHORE INNOVATION CENTER LICENSE AGREEMENT EXTENSION REQUEST-ECONOMIC DEVELOPMENT**

The Council approved the request of Susan Banks, Economic Development Director, to extend the License Agreement with IES Life Sciences for Suite #26 in the Eastern Shore Innovation Center for 12 months, commencing on August 31, 2020 and ending on August 31, 2021 at \$208 per month. The Council acknowledged that a condition of this agreement is that the Licensee must provide to the Economic Development Office milestone goals planned for the additional year.

#### **FEDERAL HIGHWAY ADMINISTRATION GRANT EXTENSION REQUEST-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to extend the Memorandum of Understanding between Dorchester County and the State Highway

Administration for funds for interpretive signage along the Harriet Tubman Underground Railroad Byway to February 29, 2021.

**GRANT AWARD-FY2021 MARYLAND HERITAGE AREA AUTHORITY BLOCK  
GRANT-MINI GRANTS-TOURISM**

The Council approved the request of Julie Gilberto-Brady, Manager, Heart of Chesapeake Country Heritage Area (HCCHA), to accept a FY2021 Maryland Heritage Areas Authority Block Grant Award in the amount of \$25,000 for HCCHA to use for the Heritage Area mini-grant program. The Council acknowledged that there is a \$25,000 required match which is from the awardees pursuant to Cindy Smith, Assistant Finance Director.

**LETTER OF SUPPORT REQUEST-DEPARTMENT OF HOUSING & COMMUNITY  
DEVELOPMENT GRANT-ALPHA GENESIS-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to send a letter of support for the grant application being submitted by Alpha Genesis to the Department of Housing & Community Development for funds to purchase 428-432 Race Street, Cambridge, Maryland.

**RENEWAL REQUEST-EVERBRIDGE-EMERGENCY NOTIFICATION SYSTEM-  
EMERGENCY SERVICES**

The Council approved the request of Dozia Rahilly, Emergency Services Director, to renew the contract with Everbridge for the Emergency Notification System for the period of December 3, 2020 to December 2, 2021 at the cost of \$10,000. The Council acknowledged that funds from the Emergency Management Operating Budget under the contractual services line item will be used for this purpose.

**REQUEST TO UTILIZE HOMELAND SECURITY FUNDS-PURCHASE OF VMS BOARDS-  
EMERGENCY SERVICES**

The Council approved the request of Ms. Rahilly to utilize FY19 and FY20 Homeland Security Funds to purchase two mobile VMS boards at the cost of \$31,000 for the Public Works Department, which signs will be used as needed for road closures and special events.

**FEDERAL EMERGENCY MANAGEMENT GRANT AWARD-MULTI-HAZARD AND  
FLOOD MITIGATION PLAN UPDATE/REWRITE-EMERGENCY SERVICES**

The Council approved the request of Ms. Rahilly to accept Federal Emergency Management Grant Awards to update/rewrite the County's Multi-Hazard and Flood Mitigation Plans. The Council acknowledged that: 1) the proposed project cost for the Multi-Hazard Mitigation Plan is \$33,600 with a maximum of \$25,200 in total Federal Grant funds and \$8,400 local funding; 2) the proposed project cost for the Flood Mitigation Plan is \$30,000 with a maximum of \$22,500 in total Federal Grant funds and \$7,500 in local funding; 3) both grants consists of 75% Federal Funding and 25% Local Funding or In-Kind Services; 4) pursuant to Steve Garvin, Emergency

Management Planner, based on prior figures, it is possible in-kind service will equal the amount of the County's share; and, 5) in-kind service consists of employee hourly rates and volunteer hourly rates for those who will serve on a Committee.

The Council also approved the request of Ms. Rahilly to sole source with Smith Planning and Design to assist the County in updating/writing the plans. The Council acknowledged that this company has worked with the County on these plans over the last 12 years, currently works with neighboring counties in mitigation plans and understands the issues which face the Lower Eastern Shore counties.

#### **REQUEST TO ADVERTISE FOR PROPOSALS-ELLIOTT ISLAND MARINA JETTY CONSTRUCTION-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to advertise a request for proposals (RFP) for the Elliott Island Marina Jetty Construction project since the prior RFP did not provide viable bid results that fit the County's timeline and budget. The Council acknowledged that the project is funded through two Maryland Department of Natural Resource (DNR) grants. The Council recognized that the changes to the RFP include: 1) removing contingency items; 2) keeping the base bid item to replace the aging timber jetty with a stone jetty; and, 3) incorporation of updated DNR Bathymetric survey showing current depth is in harbor as well as a construction benchmark established by Lane Engineering's survey department.

#### **NOTICE OF INTENT TO INITIATE RULEMAKING-GENERATING STATIONS-PUBLIC SERVICE COMMISSION-PLANNING AND ZONING**

Keith Adkins, County Manager said: 1) the Public Service Commission issued a Notice of Intent to Initiate Rulemaking for Certificate of Public Convenience and Necessity (CPCN) applications for utility-scale solar projects; and, 2) Christopher Drummond, Attorney for the Planning and Zoning Department, based on his belief counties need to be actively involved in this process, has prepared draft correspondence noting that Dorchester County's Planning and Zoning Department and Queen Anne's County's Department of Planning and Zoning wish to be actively involved in the process to identify ways to enhance the CPCN process for review and consideration. The Council approved the submission of the correspondence by Mr. Drummond on behalf of Dorchester County's Planning and Zoning Department.

#### **GRANT AWARD ACCEPTANCE REQUEST-CENTER FOR TECHNOLOGY AND CIVIC LIFE-ELECTIONS OFFICE**

The Council approved the request of Gwendolyn Dales, Director, Dorchester County Board of Elections, to accept a COVID-19 Response Grant award from the Center for Technology and Civic Life for \$22,351.50 with no match to be used for the public purpose of planning and operationalizing safe and secure election administration in the County in 2020.

## OFFERS TO PURCHASE TAX FORECLOSURE PROPERTIES-FINANCE

Mr. Adkins advised that Cindy Smith, Assistant Finance Director, has submitted three offers to purchase tax foreclosure properties. The Council accepted the offers from: 1) Diana Cephas for a lot on Saunders Avenue, Cambridge, Property ID. No. 04-139977, at the cost of \$1,000; and 2) George Bowling for 2548 Toddville Road, Toddville for \$3,000. The Council also accepted the offer of Peggie Brodie for 1826 Crocheron Road, Bishops Head at the cost of \$6,000 contingent upon the closure of the septic and well on the property and agreed that the property can be placed in her granddaughter's name, Jessica Brodie.

## BOND REQUEST-BONNIE BROOK SANITARY DISTRICT NO. 2-DORCHESTER COUNTY SANITARY DISTRICT, INC.

Mr. Adkins provided the Council the following information.

In 2017 the United States Department of Agriculture, Rural Development, provided Dorchester County Sanitary District, Inc. (Sanitary District) \$336,000 in grant funding and a \$325,000 loan for a Bonnie Brook Sanitary District Number 2 Water System Improvement Project. That year the Sanitary District submitted a request to the Council to guarantee its bond for up to \$325,000 for the project. The Council agreed to do so a bill was introduced; however, a public hearing was not scheduled because the Sanitary District's Bond Counsel advised E. Thomas Merryweather, County Attorney, that this matter was not ready for public hearing. The \$336,000 in USDA grant funds were not used for this project.

The Sanitary District has submitted a request asking the County to guarantee \$325,000 in debt for capital and equipment in the Bonne Brook Sanitary District No. 2. Pursuant to Michael Spears, Finance Director: 1) the guarantee requires the County to levy taxes to pay principal and interest on the debt if DCSD certified they have lack of funds for debt service; 2) based on an overview of the DCSD's finances believes it is a low district of this entity not having funds to pay for the debt service which equates to a low risk to the County of having to increase taxes; and, 3) he believes the District should consider strategies to reach break-even in operations and to decrease its reliance on debt when it has sufficient cash to pay for smaller capital project expenditures. If the Council agrees to proceed legislation will be introduced at a future meeting.

Councilman Nichols made a motion to proceed with the introduction of legislation. Councilman Pfeffer seconded for discussion. Councilman Pfeffer questioned the reason DCSD wishes to seek bond debt when the entity has sufficient capital to pay for the project.

E. Thomas Merryweather, County Attorney, explained that in 2017 bids received for the project were well over the Engineer's estimate so the prior bond hearing was cancelled. He expressed his understanding that DCSD has found alternative financing and wishes to move forward; however, they need the bond to complete the financial package. He noted that DCSD cannot borrow funds without Council approval. Mr. Adkins said he and Mr. Spears reviewed DCSD's 2012 and 2020 financials and they have enough monies for this purpose. The Council agreed to

proceed with introduction with the understanding that Mr. Merryweather will ask DCSD's bond counsel to reformat the legislation to the County's format.

## **ANNUAL TRANSPORTATION MEETING-MARYLAND DEPARTMENT OF TRANSPORTATION**

Shawn Powell, Deputy Secretary, Maryland Department of Transportation (MDOT) thanked the Council for inviting him and other MDOT staff members to provide an overview of the Draft six year Consolidated Transportation Program which covers FY 2021 to FY 2026. He said due to COVID-19 for the first time MDOT is holding these meetings virtually. He said the individuals from MDOT who are present via telephone are: Tim Smith, State Highway Administrator, MDOT; Jay Meredith, District #1 Engineer; Melissa Williams, Director of Planning and Programming, Maryland Transportation Authority; Travis Johnston, Director of Local Transit Support, Maryland Transit Administration, MDOT; Christine Nizer, Administrator, Motor Vehicle Administration, MDOT; Kristin Fidler, Program Manager, Maryland Port Administration, MDOT; Ricky Smith, Executive Director, Maryland Aviation Administration, MDOT; Ashish Solanki, Regional Aviation Assistant Director; Ian Beam, Regional Planner, Secretary's Office, MDOT; and Ms. Pilar Helm, State Legislative Officer. Deputy Secretary Powell, Mr. Smith, Ms. Williams, Mr. Johnston, Ms. Nizer, Ms. Fidler and Mr. Smith provided an overview of the draft FY2021 to FY 2026 CTP as it related to their specific divisions.

Deputy Director Powell thanked the Council for providing them the opportunity to provide an overview of the CTP.

Councilman Newcomb asked Mr. Meredith if he had any comments. Mr. Meredith referenced the response he sent to the Council regarding the topics it submitted relating to the State roads in the County.

Pursuant to a query from Councilman Nichols, Deputy Secretary Powell said invoices for Chesapeake Bay Bridge tolls will be sent in batches soon, noting that time was provided for customers to pay for their tolls online. Ms. Williams confirmed this statement.

In response to a question from Councilman Pfeffer, Deputy Powell said he anticipates they will have estimates on next year's highway user fund revenues closer to the beginning of the year. He advised that travel statistics are trending in the right direction.

Councilman Pfeffer commended Ms. Nizer and her staff. He noted how easy it was to obtain a tag renewal and easy pass information online. He applauded the staff at the Easton MVA branch for honoring his pre-COVID-19 appointment time to obtain his Real ID. Ms. Nizer thanked Councilman Pfeffer. Councilman Newcomb said residents' comments regarding this branch are better this year than other years. Deputy Powell thanked Councilmen Pfeffer and Newcomb for their comments, noting that MVA touches every citizen in the State in some form or fashion.

Councilman Newcomb, referencing the Mid Shore project, said the County asked for a breakwater and dredging since the Tar Bay Gaps is filling in. He noted that the Council recently



received correspondence from the U.S. Army Corps of Engineers (Army Corps) who advised that they are not taking any corrective action. He cited concern about being able to access Barren Island. In response to an inquiry from Councilman Newcomb, Ms. Fidler confirmed that she did not receive a copy of the Army Corps letter. He said the letter will be forwarded to her. Ms. Fidler advised that she will review the planning features in order to determine what can be done with the design without detracting from the needs of the County and its constituents.

Councilman Newcomb asked if any of the local delegation had any questions or comments regarding MDOT's presentation. Delegate Sheree Sample-Hughes thanked the MDOT officials for their presentation. She said at a legislative level they are working through budgetary issues and will know more about highway user funds in January 2021. She thanked Ms. Fidler for the Mid Bay project update.

Senator Eckardt said a number of constituents have asked about the titling of boats and, in particular, if there any incentives Maryland can offer in lieu of them obtaining a Maine title. Ms. Nizer said this has been and will continue to be a topic of discussion. She advised that her staff is in the process of developing a chart to provide to legislators, noting that a statute will need to be rewritten if changes are to be made.

Delegate Adams thanked Mr. Meredith for his attentiveness to his and his constituents' questions and concerns. He commended SHA for its responsiveness to issues. Secretary Powell thanked him for recognizing Mr. Meredith.

Delegate Mautz also commended Mr. Meredith. He said the Mid Bay Islands project will greatly assist the southern part of Dorchester County which is under the threat of shoreline erosion. He noted that there will be lateral benefits as a result of this project. He noted that perhaps Fishing Bay and Slaughter Creek can be dredged while there are federal resources in the area which will have a long term impact for the area. He stressed the need for MDOT support as well. He stated that there was limited public comment due to COVID-19 which resulted in meetings being either cancelled or held virtually or in a different type of format.

Ms. Nizer said she will be glad to follow up with Council on this matter. She recognized that many benefits will come with this project which includes State, Federal and other ancillary projects. She noted that it is at least a 30 year construction project which will provide 45 years of placement capacity for dredge material from the Bay Channels, noting that Barren Island will be fully restored using material from the Honga River. She said she has been discussing with Congressman Andy Harris and other federal delegation members about the advancement of the Mid Bay Project and to bring to light other related efforts that are necessary which have not yet been funded. She noted that there will robust public outreach and stakeholder engagement which may need to be virtual this year. She said there will be many opportunities for Council input during this project.

Senator Eckardt recognized Joe Coyne, a prior MTA Port Administrator and Elvin Thomas, a prior Dorchester County Public Works Director, for their assistance in realizing this project and identifying the need for Dorchester County to have a sustainable dredging and fill program. She stated that moving forward on development such a program, identifying funding and determining

ways to avoid future erosion are items that must be addressed. Ms. Nizer noted that construction for Barren Island will begin in 2022. In response to an inquiry from Senator Eckardt, Ms. Nizer noted that construction for James Island will begin in 2024. Deputy Secretary Powell thanked Senator Eckardt for her comments.

On behalf of the Council, Councilman Newcomb thanked Deputy Secretary Powell and the other MDOT representatives for what they do for Dorchester County and its residents. He said Council should not hesitate to reach out to them for assistance.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

## **PUBLIC HEARING**

**BILL NO. 2020-6 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 12-512(D) OF THE LOCAL GOVERNMENT ARTICLE AND PURSUANT TO SECTION 40-20 OF CHAPTER 40 OF THE DORCHESTER COUNTY CODE CLOSING AND ABANDONING CEDAR CREEK ROAD, A PUBLIC COUNTY ROAD SITUATE IN THE LAKES ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.**

E. Thomas Merryweather, County Attorney, said Bill No. 2020-6, for which this public hearing is being held, is to close Cedar Creek Road, 2.04 miles, on the east side of Toddville-Wesley Church Road in the Lakes District. Dave Edwards, Public Works Director, said he believes the closure of this dead end road, which only serves private property, will be beneficial for both the County and property owners.

Richard Worshman, Treasurer, Chesapeake Audubon Society (CAS), said CAS uses Cedar Creek Road to monitor its property and leases hunting rights to the property. He noted that Audubon Maryland-DC also uses it to access a property on the southern border for marsh research. He noted that if the road is impassable, they may not be able to continue their activities in this area. Mr. Merryweather said: 1) the closure reserves the full right of the property owners to use the road; and, 2) the County will not maintain the road if it is closed. Pursuant to Mr. Worshman's inquiry, Mr. Merryweather confirmed that the property owners will have the right to maintain the road. Mr. Worshman queried whether before the closure of the road, the County will perform at least one more round of maintenance. In response to a question from Councilman Newcomb, Mr. Edwards said he has spoke with several of the property owners about performing some maintenance to the road and advised them that it was at Council's discretion. He said he has no issue with performing some work on the road such as filling in holes so it is passable prior to closure and halting County maintenance.

David Curson, Director of Bird Conservation, Audubon Maryland-DC, said he works on the conservation project Mr. Worshman mentioned.

Karen Kadan, Professor, George Washington University, said road access to the research site Mr. Worshman referenced is valuable since it the only access. She noted that the marsh is the largest in the Chesapeake Bay.

Mr. Curson said Audubon has been conducting its marsh conservation project since 2015. He advised that: 1) the goal is to reverse marsh erosion by extending one of the tidal creeks into a flooded area; 2) permits have been received from the Maryland Department of Environment and the U.S. Army Corps of Engineers 3) if the project is successful it can be duplicated in Dorchester County and across the peninsula; 4) they wish to continue to monitor the project and begin phase two which consists of widening the creek. He cited his concern that if the road is no longer maintained by the County it may be too expensive for land owners to maintain which will impact their ability to monitor and continue the project. He expressed his desire for the County to continue to maintain the road for a limited time period, perhaps five years. He asked whether estimates have been made on the amount of time it will take the road to further deteriorate. . Councilman Newcomb said motorists were getting stuck on the road and after inspections were conducted a portion was closed. He advised that he was not aware any research was being undertaken in this area. He questioned whether there may be an opportunity to obtain grants to repair the road. Mr. Curson said he understands that the road is in poor condition and the cost to make repairs. He questioned whether there is an estimated cost for the County to improve the road prior to closure. Councilman Newcomb noted that due to tidal action, water frequently traverses over the roadway so it is very frequently dry. He said several loads of materials will be needed in order to fill in the large holes in the road. In response to a question from Councilman Newcomb, Mr. Edwards expressed concern about heavy equipment getting stuck or being damaged due to the standing water on the road. Pursuant to a query from Mr. Curson, Mr. Merryweather, said if a decision is made between the parties, a Cost Sharing Agreement can be entered into. Mr. Curson said he may have a funding source based on a question posed by Councilman Newcomb. Based on an inquiry from Mike Detmer, Dorchester Banner, Mr. Curson said in order to be able to reach their property, they will need to access to a small parking area halfway down the road where it opens to the marsh which is about a mile or a mile and a half.

Mr. Curson said he will send written comments and materials.

Dave Phillips, Ducks Unlimited, advised that they lease property for Audubon for deer hunting and need public access to the boat ramp at the end of the road. Councilman Newcomb said he is unaware of a public boat ramp in that area that is County owned or maintained nor is owned by the Department of Natural Resources, noting that years ago waterman used to dock their boats in the area. He said if such a boat ramp exists it is probably located on private property.

The Council agreed to defer any action on this legislation so Mr. Edwards can work with Mr. Worshman regarding a possible Cost Sharing Agreement to make improvements to Cannon Road prior to any potential closure.

## **PUBLIC HEARING**

**BILL NO. 2020-7 AN ACT AMENDING AND SUPPLEMENTING BILL NO. 2017-6,  
PASSED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND (THE**

“COUNTY COUNCIL”) ON JULY 18, 2017 AND EFFECTIVE ON SEPTEMBER 18, 2017 (THE “2017 BILL”), IN ORDER TO AUTHORIZE AND EMPOWER DORCHESTER COUNTY, MARYLAND (THE “COUNTY”) TO USE AND APPLY A PORTION OF THE PROCEEDS OF THE GENERAL OBLIGATION BONDS DESIGNATED AS THE DORCHESTER COUNTY, MARYLAND PUBLIC FACILITIES BONDS OF 2018 AND ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$28,525,000 (THE “2018 BONDS”), INCLUDING CERTAIN SALE PROCEEDS OF THE 2018 BONDS IN ADDITION TO THE PAR AMOUNT OF THE 2018 BONDS, TO THE COSTS OF CERTAIN ADDITIONAL PROJECTS IDENTIFIED HEREIN AS 911 CENTER REPAIRS, REPAIRS TO HOOPERS ISLAND CAUSEWAY, REPAIRS TO RAGGED POINT ROAD BULKHEAD, REPAIRS TO BESTPITCH FERRY BRIDGE AND 2021 INFRASTRUCTURE INITIATIVE, IN ADDITION TO THE PROJECTS IDENTIFIED IN THE 2017 BILL; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL SUPERSEDE AND CONTROL OVER THE PROVISIONS OF THE 2017 BILL WITH RESPECT TO THE APPLICATION OF PROCEEDS OF THE 2018 BONDS TO COSTS OF THE PROJECTS IDENTIFIED HEREIN; PROVIDING THAT THE PROVISIONS OF RESOLUTION NO. 617, ADOPTED BY THE COUNTY COUNCIL ON SEPTEMBER 18, 2018 AND EFFECTIVE ON SEPTEMBER 18, 2018 (THE “2018 RESOLUTION”), ARE AMENDED, SUPPLEMENTED, SUPERSEDED AND CONTROLLED BY THE PROVISIONS OF THIS ACT TO THE EXTENT CONTRARY TO OR INCONSISTENT WITH THE PROVISIONS OF THIS ACT; AUTHORIZING CERTAIN COUNTY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE REALLOCATION OF THE PROCEEDS OF THE 2018 BONDS PROVIDED FOR HEREIN; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS BILL FOR ALL PURPOSES; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL BE LIBERALLY CONSTRUED IN ORDER TO EFFECTUATE ITS PURPOSES; AND RELATING GENERALLY TO THE USE AND APPLICATION OF THE PROCEEDS OF THE 2018 BONDS.

Mr. Merryweather said Bill No. 2020-7 reallocates monies from a prior 2017 bond bill which included funding for the construction of a new North Dorchester High School and other projects. He explained that the total bond proceeds were \$30.5 million, of which \$20,300,000 were for the school. He stated that there is money available from the bond proceeds that can be reallocated to other public projects. Mr. Adkins said the funds will be utilized to address infrastructure projects throughout the County which have been in need of repair for several years. He noted that the radio project referenced in the 2017 bond bill is almost complete so those funds can be utilized.

Since no one signed up to speak, Mr. Merryweather asked if anyone in the audience wished to make any comments. Mike Detmer, a Dorchester Star reporter and County resident, noted that this legislation references the Bestpitch bridge. Councilman Newcomb said that is one potential project. Terri Robbins, resident, noted that Ragged Point Road is in need of repair. Mr. Merryweather stated that the potential use of bond funds for this road is also included. Councilman Newcomb said the Council has not made any decision on how these funds will be used. In response to a question from Mr. Detmer, Councilman Newcomb said the bond provides the County the authority to use the remaining bond funds. Mr. Merryweather explained that for

investment purposes additional uses of these funds should be identified. Councilman Newcomb said if the monies are not utilized, the County's bond rating will be negatively impacted.

Troi Lynn Faith, Administrative Associate, noted that the radio project is incomplete. She expressed her desire to reach out to Spillman and Motorola to ascertain the amount of funds that will be needed for completion. Councilman Newcomb stressed that the Council has made no decision on the use of these funds, noting that the Council is seeking authorization to use the funds which must be expended within a certain timeframe.

The roll call on the enactment of Bill No. 2020-7: Newcomb-aye, Nichols-aye, Travers-absent, Pfeffer-aye and Nagel-aye. Mr. Merryweather said the bill will become effective 60 days after passage.

The Council convened into Regular Session.

### REGULAR SESSION

Councilman Newcomb announced that the next Council meeting will be held on Monday, November 2, 2020.

### ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



Keith Adkins, County Manager

THE COUNTY COUNCIL  
OF DORCHESTER COUNTY:



Jay L. Newcomb, President



Libby Handley Nagel, Vice President



William V. Nichols



George L. Pfeffer, Jr.



Ricky C. Travers

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