

**County Council of Dorchester County
Regular Meeting Minutes
March 2, 2021**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:04 p.m. on the 2nd day of March 2021. A roll call of the members was conducted. Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; and, George L. Pfeffer, Jr. Also present via telephone were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager. Councilman Newcomb, Councilman Nichols Ms. Lane and Mr. Merryweather were also present in Room 110. Councilwoman Nagel joined the meeting late.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Ms. Lane said after publication of the agenda, the following items were added: Memorandum of Understanding-Board of Education Property Transfer-Hurlock Athletic Fields; and, Lease Proposal-Boys & Girls Club-Recreation and Parks. The Council approved the amended agenda. Councilwoman Nagel joined the meeting.

APPROVAL OF MINUTES

The Council approved the minutes of January 5, 2021; January 19, 2021; and February 2, 2021.

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 \$20,693,033.71.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on March 2, 2021 at 4:32 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 on the conference call were: Jay L. Newcomb, President; William V. Nichols; and, George L. Pfeffer, Jr.; Also present via the conference call was Donna F. Lane, Acting County Manager. Councilman Newcomb, Councilman Nichols and Ms. Lane were also present in Room 110. Voting in favor of the Closed Session were the present Council Members.

By conference call, the Council convened in a Closed Session on March 2, 2021 at 4:33 p.m. to discuss the following items: 1) approved the request of an individual to remain on a part time basis as an Emergency Medical Technician by a 3 to 2 vote; 2) approved the request of the Public Works Director to hire an individual to fill a vacant Maintenance/Custodian position by a 3 to 2 vote; 3) approved the request of the Finance Director to hire an individual to fill a vacant Grants Specialists position and an individual to fill a vacant Fiscal Clerk position by a 3 to 2 vote; 4) approved the request of the Public Works Director to hire two individuals as Motor Equipment Operator IV by a 3 to 2 vote; 5) approved the request of the Emergency Services Director to hire five individuals as on call Basic Life Support Providers 3 to 2 vote; 6) discussed staffing in a County Department; 7) discussed filling a County Department Head position; 8) received legal advice from County Attorney regarding a legal matter relating to a County property; and 9) received legal advice from County Attorney regarding a proposed lease agreement.

Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; and, George L. Pfeffer, Jr. Also present via the conference call was Donna F. Lane, Acting County Manager. Councilman Newcomb, Councilman Nichols and Ms. Lane were also present in Room 110. Councilwoman Nagel and Councilman Travers joined the meeting late.

LEGISLATIVE SESSION

INTRODUCTION

BILL NO. 2021-1 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON THE WEST SIDE OF MACES LANE, CONTAINING 3.964 ACRES OF LAND, MORE OR LESS, IN THE CITY OF CAMBRIDGE, CAMBRIDGE ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND KNOWN AS 1103 MACES LANE, CAMBRIDGE, MARYLAND 21613 AND BEING THE OLD MACES LANE SCHOOL PROPERTY, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE LEASE OF THE PROPERTY TO MACE'S LANE COMMUNITY CENTER, INC., A MARYLAND NON-PROFIT CORPORATION AND AN IRS SECTION 501(C)(3) ORGANIZATION FOR A PERIOD OF FIFTY (50) YEARS FOR THE TOTAL RENTAL OF ONE DOLLAR (\$1.00).

E. Thomas Merryweather, County Attorney, said scheduled for introduction is Bill No. 2021-1 which declares 1103 Maces Lane, Cambridge, consisting of 3.964 acres of land, more or less, also known as the old Maces Lane School, as no longer needed for public using and providing for the lease of this property to Mace's Lane Community Center, Inc. for a period of 50 years at the total rental of \$1.00. The Council agreed to proceed with the publication of a public hearing.

REGULAR SESSION

MANAGERS COMMENTS

MAYLAND DEPARTEMENT OF TRANSPORTATION FY21 OPERATING GRANT AGREEMENT INDIRECT COST AMENDMENT-DELMARVA COMMUNITY SERVICES

The Council approved the request of Andrea Waters, Transportation Grants Specialist, on behalf of Santo Grande, President/CEO, Delmarva Community Services (DCS), to approve a Maryland Department of Transportation Maryland Transit Administration (MTA) Fiscal Year 2021 Operating Grant Agreement Amendment No. 1 for 5311 Operating to add the following requirements and limitations with all other terms and conditions remaining the same:

- The approved Indirect Cost Rate of 10%, as the de minimis rate, must be utilized by the PUBLIC BODY to develop each Payment Request, and the rate and related supporting documentation must be maintained on file for audit purposes;
- The PUBLIC BODY will be required to provide MTA with an updated Cost Allocation Plan and Indirect Cost Rate Proposal prior to changing either during the fiscal year;
- The PUBLIC BODY'S Payment Requests will be returned if the approved Indirect Cost Rate is not properly utilized; and
- MTA at any time may require the submittal of additional information necessary to properly document the PUBLIC BODY'S Cost Allocation Plan and/or Indirect Cost Rate Proposal.

The Council acknowledged that DCS will be responsible for the administrative items referenced in the agreement.

LOCAL GOVERNMENT INSURANCE TRUST SPONSORED PUBLIC ENTITY REQUEST-CAMBRIDGE WATERFRONT DEVELOPMENT, INC.

The Council agreed to sponsor Cambridge Waterfront Development, Inc. (CWDI), a 501(c)(3) tax exempt economic development corporation established by the City of Cambridge and Dorchester County, for coverage through Local Government Insurance Trust (LGIT) in anticipation of CWDI taking control and/or ownership of property,

BID AWARD-PRESSURE WASHER-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to award a bid for a new pressure washer unit to Peninsula Pressure Systems Inc. at the cost of \$5,895 using funds in the FY 20/21 Capital Budget allocated for this purpose.

REQUEST TO AWARD BID-POLE BUILDING-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid for a new pole building to Peninsula Pole Building, the lowest bidder, at the cost of \$49,800 using FY 20/21 Capital Budget funds allocated for this purchase.

DECLARATION OF COVENANT-DORCHESTER COUNTY MUNICIPAL LANDFILL PROPERTY (BEULAH LANDFILL)-PUBLIC WORKS

Mr. Merryweather said staff is working on the expansion of the Beulah Landfill and in order to obtain a Refuse Disposal Permit, the County must provide to the Maryland Department of Environment (MDE) an executed and recorded Declaration of Covenant. He advised that: 1) the covenant stipulates that upon closeout of the operation, construction or excavation on the site the Dorchester County Municipal Landfill Operating may not begin without first obtaining written authorization from MDE; 2) this Declaration only applies to the Gallagher, Handy and Soil Safe farms; 3) a large amount of acreage is not dedicated to landfill use; 4) William Craig, Surveyor, surveyed the property. He recommended that the Council move forward with the execution of the document. He said once the Declaration of Covenant is executed MDE will hold the required hearing. The Council agreed to execute the Declaration of Covenant.

CEDAR CREEK ROAD CLOSURE DISCUSSION

Mr. Edwards said Cedar Creek Road is a dirt road which serves no purpose. He noted that the Council deferred the original request to close this road in order to discuss possible cost sharing options with Chesapeake Audubon for improvements. He explained that Dave Curson, Director of Bird Conservation, Chesapeake Audubon Mid-Atlantic, has been unable to identify funding for purpose. Ms. Lane advised that: 1) a bill to close Cedar Creek Road was introduced on September 1, 2020; 2) the public hearing was held on October 20, 2020; 3) pursuant to Article 3 §304(f) of the County Charter a bill not enacted within 65 days of introduction is void; and, 4) since this bill was not enacted within the required time frame, if Council decides to move forward with the road closure, the legislative process will be followed again. The Council agreed to proceed with legislative process to close this road with Councilman Pfeffer opposing.

MARYLAND EMERGENCY MANAGEMENT PUBLIC ASSISTANCE-TROPICAL STORM ISAIAS

The Council acknowledged that: 1) a Public Assistance Disaster Declaration for Damage for the State issued due to damage incurred by Tropical Storm Isaias on August 3, 2020 included Dorchester County; 2) the request before Council is for authorization for the submission of a Request for Public Assistance to the Maryland Emergency Management Agency by Department of Public Works staff with the assistance from Steve Garvin, Emergency Planner; 3) once this request is approved reimbursement can be requested by submission of invoices, staff time (regular and overtime) and used as the County match (25%); and, 4) the County is also eligible to apply for mitigation funding to protect the infrastructure of the County as projects which will be included in the update of the County's All Hazards and Flood Mitigation Plans which will over the next year. The Council authorized the submission of the Request for Public Assistance by

Department of Public Works staff with assistance from Mr. Garvin. The Council acknowledged that the Public Assistance is for Infrastructure, such as road damage and not for any damage to residential property.

AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM APPLICATION

The Council approved the request of Steve Nuwer, Airport Director, to submit an application for funding outlined in the Coronavirus Response and Relief Supplemental Appropriations Act, from the Airport Coronavirus Response Grant Program, for \$13,000.00 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport and debt service payments.

DOG CONTROL FACILITY DISCUSSION

The Council agreed to the establishment of a Committee to identify programs and ways to allow others to utilize the County's Dog Control Facility which will include either Sheriff James Phillips or Sergeant Scott Christopher and four other individuals. In response to a question posed by Councilman Newcomb, Mr. Edwards said kennels are still being installed in this facility which is 95% ready.

RECREATIONAL FACILITY NAME CHANGE

The Council agreed that the Recreation and Parks Advisory Board and the Committee formed for the purpose of gathering input and making a recommendation relating to a proposed lease with the Boys and Girls Club provide suggested names for the newly acquired recreational facility on Leonards Lane.

PHONE POLL CONFIRMATION

The Council confirmed its decisions, in the interim between meetings, by poll to: 1) to extend the deadline for employees to obtain physicals, as part of the County's wellness program, until December 31, 2021 with an effective date of January 2022; and, 2) to advertise the Highway Manager position in the Public Works Department.

MEMORANDUM OF UNDERSTANDING-BOARD OF EDUCATION PROPERTY TRANSFER-HURLOCK ATHLETIC FIELDS

The Council agreed to enter into a Memorandum of Understanding with the Board of Education (BOE) which states: 1) that the BOE will transfer to the County the Hurlock Athletic Fields property to the Council after obtaining approval from the Interagency Commission on School Construction; and, 2) the County can take possession of the Fields and Concession Building adjacent to the Hurlock Elementary School and proceed with any repairs or maintenance it deems necessary. The Council agreed to send a copy of the Memorandum of Understanding to the Tri City Little League.

LEASE PROPOSAL-BOYS AND GIRLS CLUB-RECREATION AND PARKS

Councilman Newcomb advised that: 1) the Committee met today with Jeff Breslin and two other individuals from the Boys and Girls Club; and 2) the Committee recommends that the Council enter into a two year lease with the Boys & Girls Club with a three year renewal at \$1 a year and \$1,000 per month towards utilities. The Council agreed to move forward with the public hearing process. The Council thanked the Committee members.

MANAGERS COMMENTS

Councilman Newcomb announced that: 1) a budget work session will be held on March 11, 2021 at 5 p.m.; and, 2) the next County Council meeting will be held on March 16, 2021 at 6 p.m.

ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



Donna F. Lane, Acting 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 16th day of March 2021.