

County Council of Dorchester County
Regular Meeting Minutes
April 6, 2021

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:07 p.m. on the 6th day of April 6 2021. A roll call of the members was conducted. Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; George L. Pfeffer, Jr.; and, Ricky C. Travers. Also present via telephone were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager who were also present in Room 110. Councilmen Newcomb, Nichols and Pfeffer were also present in Room 110.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Pfeffer led the invocation and the pledge of allegiance.

Councilman Newcomb announced the following:

The County Council deeply regrets the loss of three individuals as a result of early morning fire on April 1st. The County EMS staff were on scene and provided assistance to the victims and responders. We commend them, the volunteer fire company responders, law enforcement and everyone else who provided their services. The Council held a moment of silence for the victims of this tragedy.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

After publication of the agenda, the following item was added: Proposed lease with Boys and Girls Club for Space at Recreational Facility. The Council approved the amended agenda.

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 \$11,692,832.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on April 6, 2021 at 4:38 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; Libby Handley Nagel, Vice President; William V. Nichols and George L. Pfeffer, Jr. Also present via the conference call were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were the present Council Members. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were also present in Room 110

By conference call, the Council convened in a Closed Session on April 6, 2021 at 4:39 p.m. to discuss the following items:

- 1- Discussed a personnel matter that affects a County employee;
- 2- Discussed filling the vacant Recreation and Parks Director position and a personnel matter relating to a County employee;
- 3- Approved the request of the Public Works Director to reclassify an employee to a Motor Equipment Operator IV position and a salary adjustment for an Motor Equipment Operator IV by a 5 to 0 vote;
- 4- Approved the request of the Director of Corrections to hire two individuals as Probationary Correctional Officers by a 5 to 0 vote;
- 5- Obtained legal advice from County Attorney regarding a payment in lieu of taxes for a solar project;
- 6- Received legal advice from the County Attorney regarding a proposal/legal agreement relating to County owned property;
- 7- Discussed with legal counsel a proposed lease for a portion of a County owned facility.
- 8-

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 the conference call were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager who were also in Room 110. Councilmen Newcomb, Nichols and Pfeffer were also present in Room 110.

LEGISLATIVE SESSION

INTRODUCTION

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. Merryweather County Attorney said before Council for introduction is a bill to close and abandon Cedar Creek Road, situate in the Lakes Election District, consisting of approximately 2.070 miles. Councilmen Newcomb and Nichols agreed to proceed with the publication of a public hearing and Councilmen Pfeffer and Travers opposed. Mr. Merryweather said since the County's Code states that a 4 to 1 vote is needed for a bill to not move forward for introduction so a public hearing will be held.

REQUEST TO INTRODUCE LEGISLATION-COUNCILMAN PFEFFER

Councilman Pfeffer requested the introduction of legislation to create a property tax reduction for members of volunteer fire and rescue departments, which he introduced previously. Mr. Merryweather advised that he will prepare legislation for introduction.

REGULAR SESSION

MEDICAL DIRECTOR DEMONSTRATION

Dr. Stephen White spoke and provided a demonstration on a new ultrasound device.

PUBLIC HEARING- AGRICULTURAL LAND PRESERVATION EASEMENTS

A public hearing was held on FY 2021 Maryland Agricultural Land Preservation Foundation easements applications and rankings. There was no public comment. The Council approved the applications and rankings.

MANAGERS COMMENTS

LETTER OF SUPPORT REQUEST- MARYLAND HISTORICAL TRUST GRANT- MEDICINE HILL PRESERVATION PROJECT

The Council approved the request submitted by Lisa Johnson, Vice President, Encore Sustainable Architects, for a letter of support for its matching grant proposal for the Applegarth Tubman Medicine Hill Historic Preservation Project in Dorchester County to the Maryland Heritage Areas Authority for \$53,000 grant request to assist in covering Phase III of the project's preservation and restoration efforts.

2021 MARYLAND FREEDOM SWIM-REQUEST TO USE VISITOR CENTER-TOURISM

The Council approved the request of Jason Chance, TCR Event Management, to use the Visitor Center as the meeting place and finish line for the Maryland Freedom Swim. The Council acknowledged that the Dorchester County Health Department has approved their COVID-19 plan.

LETTER OF SUPPORT REQUEST-MHAA GRANT-CHESAPEAKE COUNTRY BYWAY INTERPRETIVE PLAN-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director for the submission by the Heart of Chesapeake Country Heritage Area and the Tourism Office of a letter of support for a grant request for FY2022 for Interpretive Planning along the Chesapeake Country Byway, a partnership with all of the Eastern Shore counties with the match coming from the National Park Service.

REQUEST TO RESERVE COUNTY PROPERTY-SAIL AREA-VISITOR CENTER-TOURISM

The Council approved the request of Cindy Gilbert, New Teacher Mentor, North Dorchester High School and Hurlock Elementary School, to use the area under the sail at the Visitors Center for a New Teacher Seminar and the restrooms on Wednesday, May 5 from 3:30 p.m. to 6:30 p.m.

FY2021 DEPARTMENT OF COMMERCE-TOURISM SMALL BUSINESS ADVERTISING GRANT AGREEMENT

The Council approved the request of Ms. Fenstermaker to enter into a FY2021 Maryland Department of Commerce Grant agreement to receive \$5,254 for the purposes of marketing small businesses.

PROGRAM OPEN SPACE PROGRAM-AMENDMENT-SOLE SOURCE REQUEST-RECREATION AND PARKS-TOURISM

The Council approved the request of Ms. Fenstermaker to seek the amendment of the County's Program Open Space (POS) Annual Program to include the renovation of the Goose Monument and associated landscaping and hardscaping using remaining funds from the approved POS funds allocated for the Sailwinds Visitor Center Park Improvement project. The Council also approved her request to sole source the purchase of trash containers for the Sailwinds Park from Victor Stanley at the cost of \$9,834 utilizing POS funding for Sailwinds Park Renovations with the match of \$4,500 being provided by Sailwinds Parks, Inc.

LETTER OF SUPPORT REQUEST-SALISBURY UNIVERSITY-ECONOMIC DEVELOPMENT-ECONOMIC DEVELOPMENT

The Council approved the request of John N. Hickman, Regional Director, Eastern Shore Regional Maryland Small Business Development at Salisbury University for it's for a United States Department of Agriculture Rural Development grant for funds to be used for continued COVID assistance to businesses on the Eastern Shore.

MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND MODIFICATION-PACKING HOUSE-ECONOMIC DEVELOPMENT

The Council acknowledged: 1) its adoption of a Resolution in support of a Maryland Department of Commerce loan to the County which would be re-loaned to 411 Dorchester CSP, LLC for the Packing House project at its November 2, 2020 meeting; 2) that Commerce has changed the loan to a grant/re-grant; and, 3) to adopt a Resolution to modify the Resolution to reflect the change. The Council agreed to adopt the Resolution.

REQUEST TO SUBMIT GRANT-AIRPORT OBSTRUCTION REMOVAL PROJECTS-PHASE 2 WETLAND DELINEATION-PERMITTING-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director to submit a Federal Aviation Administration (FAA) grant application for funding for the wetland delineation and permitting of two of four parcels in Phase 2 of this process. The Council acknowledged that it consists of 90%

FAA funding (\$20,524.50) and 10% County funding (\$2,280.50), although it is likely the FAA will fund 100% as part of COVID-19 relief continuation efforts.

FEDERAL AVIATION ADMINISTRATION GRANT-PAVEMENT MANAGEMENT PLAN-AIRPORT

The Council approved Mr. Nuwer's request to submit a FAA grant for a Pavement Management Plan. The Council acknowledged that it consists of 90% FAA funding, (77,601.60) and a County portion 10% (\$8,622.40) however it is likely the FAA will pick up 100% of cost as a continuation of COVID-19 relief.

REQUEST TO USE COUNTY OFFICE BUILDING-PARKING LOT-COURT HOUSE GROUNDS-ELECTRIC-DORCHESTER CENTER FOR THE ARTS

The Council approved the request of Katie Ellis, Visual Arts Coordinator, Dorchester Center for the Arts (DCA), to use the County Office Building parking lot, Courthouse grounds and electrical outlets for the Dorchester Showcase on Sunday, September 26, 2021 from 12:00 p.m. to 5:00 p.m. The parking lot must remain public. Due to COVID-19 DCA will take precautions to ensure safety including socially distanced booth spaces, sanitizer stations, and masks mandates in compliance with the Governor's Orders.

REQUEST FOR LETTER OF SUPPORT-SB955 LOCAL GOVERNMENT TORT CLAIMS ACT-CAMBRIDGE WATERFRONT DEVELOPMENT, INC.

The Council approved the request of Cambridge Waterfront Development, Inc. for a letter of support for Senate Bill 955 Local Government Torts Act to sponsor this entity so it may obtain insurance through the Local Government Insurance Trust.

REQUEST TO PURCHASE POWER LOAD SYSTEM-BARIATRIC EQUIPMENT-EMERGENCY SERVICES

The approved the request of Dozia Rahilly, Emergency Services Director, for permission to sole source, purchase and install a power load system from the same vendor for all power loan equipment using the \$23,946 remaining in the preapproved capital budget request for the power loads.

MOBILE APPLICATION REQUEST-EMERGENCY SERVICES

The Council approved the request of Ms. Rahilly to enter into the Facility Master Services Agreement with Dr. First Backline a HIPPA compliant mobile application which can be installed on a cell phone or laptop that assist Emergency Medical Technicians with scanning drivers' licenses to obtain the last six months of medication history data which improves patient assessments and reduces medication areas contingent up items posed by Mr. Merryweather being addressed. The Council acknowledged that the use of the mobile application is grant funded by the State of Maryland for the first year so there is no cost to the County.

In response to Councilman Pfeffer's inquiries, Ms. Rahilly said: 1) current there are no local jurisdictions who are using the application; 2) Talbot, Caroline and Queen Anne will be doing so

in the future; and 3) the application will have the same information that the hospital has in their computer system. Dr. White said he is unsure of the hospital's plans regarding this application. Pursuant to a query from Councilman Pfeffer, Dr. White said commercial pharmacy medical information is accessible from the application.

REQUEST TO ADVERTISE FOR PROPOSALS-COASTAL RESILIENCY STUDY-HOOPERSVILLE-PLANNING AND ZONING

The Council approved the request of Herve Hamon, Planning and Zoning Director, to advertise a request for proposals for a Coastal Resiliency Study for Hoopersville for which Department of Natural Resources funds are available. Gary McQuitty, resident, asked that the overall timeframe for this study be reduced. Mr. Hamon said the timeline can be shortened.

BUILDING CODE OFFICIAL APPOINTMENT –PLANNING AND ZONING

The Council appointed Roger Short, Inspector, as the Building Code Official for Dorchester County.

REQUEST TO PAVE PORTION OF PALMERS MILL ROAD-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russel Paving to patch and pave a portion of Palmers Mill Road from MD 14 to Petersburg Road which is in poor condition and approximately 1.5 miles long at the cost of \$169,892.00. The Council acknowledged that this portion of the roadway has six cross road pipes which have already been replaced. The Council further acknowledged that funding is \$151,521.65 which is the remaining FY 19/20 Capital allocation for paving and \$18,370.43 from the Highway Division Operating Account # 01-1633-5210.

REQUEST TO ADVERTISE FOR PROPOSALS-GENERATOR SERVICES-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for proposals for generator services in the form of a two year service agreement for the once yearly service maintenance on the generators located at the County Office Building, County Court House, Highway Department, and the Airport using funding from the maintenance line item of the budget of each entity.

REQUEST TO AWARD BID-ALUMINIZED TYPE II METAL PPE AND HDPE DRAINAGE PIPE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to purchase Aluminized Type 2 Metal Pipe and/or HDPE Drainage Pipe from Lane Enterprises or the period of April 1, 2021 – March 31, 2022. In response to a question from Councilman Pfeffer, Mr. Edwards explained that the type of the pipe used depends on the amount of coverage. He advised that if a large amount of coverage is needed plastic pipe will be used since aluminized pipe rusts. He noted that plastic is used for the lower portion of the County due to saltwater and brackish water.

REQUEST TO ADVERTISE FOR PROPOSALS-MARINE FACILITIES TRASH DUMPSTERS PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise a request for proposals for marine facility services portable toilets for the period from June 1st to September 30th 2021 with funding for this project from Public Works Department Marine Facilities budget.

REQUEST TO AWARD BID-LANDFILL MOWING-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid for grass mowing at the County's Landfill to Wielgosz Property Management, the lowest bidder, for which funding from the Solid Waste Department's account for grass mowing will be utilized.

BID AWARD REQUEST-COUNTY AND TAX PROPERTY MOWING-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid for mowing grass at County facilities and tax sale properties to Marshall Property Management, the lowest bidder with funding from various Departmental accounts for grass mowing.

MARINA MOWING BID AWARD REQUESTS-PUBLIC WORKS

The Council approved Mr. Edwards' request to award the bid for grass mowing at the County's marina facilities to Wielgosz Property Management, the lowest bidder, utilizing monies from the Highway Division's account for marina maintenance. In response to a question from Councilman Newcomb, Mr. Edwards said marinas are mowed once a week, properties are mowed biweekly as well as the landfill properties. He said the schedule for mowing for the landfill properties may revert to week during a wet season.

REQUEST TO ADVERTISE FOR PROPOSALS-ENGINEERING SERVICES FOR BOAT RAMP REPLACEMENTS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise a request for proposals for Engineering Services for Boat Ramp Replacements. The Council acknowledged that: 1) the Department of Natural Resources has asked that we seek to obtain professional services from an engineering consultant or firm to design and prepare construction documents, specifications and bid packages for the replacement of existing concrete boat ramps and timber bulkheads at the Hoopersville, Smithville and Crocheron Public Boat Ramps; and 2) this service and the projects are covered by multiple Department of Natural Resources Water Improvement Plan grants the County previously received.

FUEL OPTIONS-PUBLIC WORKS

Mr. Edwards presented the following options for fuel for County vehicles: 1) fuel pump replacement; 2) purchasing fuel from an outside source; and, 3) obtaining fuel from DGS from the State Highway Administration facility in Cambridge. In response to a question from Councilman Travers, Mr. Edwards said he obtain information on whether the cost for liability from the County's insurer will decrease if the fuel pump option is not selected. Pursuant to inquiries from Councilman Pfeffer, Mr. Edwards: 1) expressed his belief the State Highway

Administration will not switch over to biodiesel fuel only; 2) there are pros and cons to using this type of fuel; and, 3) he is unsure if the vendor has the pumps on a generator. The Council deferred this item in order for Mr. Edwards to obtain information from the County's insurer.

FY22 COMMUNITY PARTNERSHIP APPLICATION RENEWAL-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, for the submission of a FY22 Community Partnership Agreement for \$390,137 for the continuation of programs and budgets for long term initiatives aimed at reducing poverty and supporting children who have been impacted by the incarceration of a parent.

REQUEST TO SUBMIT NON-PROFITS LOCAL GOVERNMENT ASSISTANCE PROGRAM APPLICATION-RELEASE OF FUNDS-LOCAL MANAGEMENT BOARD

The Council approved the request of Ms. Shockley to submit a Non-Profits Local Government Assistance Program Application to the Department of Housing and Community Development for \$105,000 to provide non-profit organizations that meet the funding criteria with priority funding to be provided to those nonprofits that have not received COVID Relief funds. Upon receipt of the grant Ms. Shockley must coordinate with Ms. Lane on the application process and providing the applications to the Council for its review and consideration.

EMERGENCY RENTAL ASSISTANCE PROGRAM SPENDING PLAN APPROVAL-LOCAL MANAGEMENT BOARD

The Council approved the request of Ms. Shockley of an Emergency Rental Assistance Program Spending Plan for \$2,459,157. Dorchester County, through the Department of Housing and Community Development, will be awarded the funds.

SPECIAL EVENTS AGREEMENT-2021 CAMBRIDGE CRAB RUN-SHERIFF'S OFFICE

The Council agreed to enter into a Special Events Agreement between TCR Event Management, the Council and the Sheriff for public safety services in the form of two vehicles and two Deputies for the 2021 Cambridge Crab Run on May 9, 2021 from 7 a.m. to noon with the Deputies receiving premium overtime.

CARES ACT-SECOND ROUND OPERATING GRANT AGREEMENT-DELMARVA COMMUNITY SERVICES

The Council approved the request of Andrea Waters, Transportation Grants Specialist, Delmarva Community Services, to execute a Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant agreement from the Maryland Transit Administration for \$678,832 for 5311 operating expenses.

ADMINISTRATIVE OFFICE OF THE COURTS MODIFICATION MEMORANDUM OF UNDERSTANDING-CIRCUIT COURT

The Council approved Judge Wilson's request to modify the Administrative Office of the Courts MOU for funds for a rolling bullet resistant panel which can be moved within the Courthouse or taken off site during jury selection until April 1, 2022 since purchase and installation was delayed due to COVID-19.

TOWER LEASE EXTENSION-3 CEDAR STREET-T-MOBILE

The Council approved the request to extend lease with T-Mobile for tower located at 3 Cedar Street to June 30, 2021 with the terms and conditions remaining the same.

BIPARTISAN RELIEF ACT GRANT APPLICATIONS

The Council agreed to execute grant applications for Bipartisan Relief Funds from the Department of Commerce for restaurants, hotels and online sales and telework assistance. The Council acknowledged that Ms. Lane will be coordinating with staff on the application process and submission of the grant applications to the Council for its review and consideration.

CORRESPONDENCE-GOVERNOR'S PASSAGE OF SUPPLEMENTAL BUDGET BILL- RESTORATION OF DISPARITY FUNDS

The Council agreed to send correspondence to Governor Hogan expressing appreciation for his passage of a Supplemental Budget Bill to restore Disparity Funds.

BOARD APPOINTMENTS

The Council reappointed: 1) Jimmy Travers, County employee, to the Electrical Examiners Board; and, 2) Kim Newcomb to the Sanitary Commission.

PHONE POLL CONFIRMATION

The Council in the interim meeting via poll, agreed to send a letter of support for Senate Bill 25 Commemorative Days-Maryland Voting Equity Reform Day by a three to 2 (no vote).

LEASE PROPOSAL-BOYS AND GIRLS CLUB-RECREATIONAL FACILITY

The Council recognized that the terms of the lease proposal from Jeffrey Breslin, President/CEO, Boys & Girls Clubs of Metropolitan Baltimore for a portion of the Recreational Facility at Leonard's Lane have been changed/modified from the original request. The Council agreed to seek the Committee's review and recommendation on them.

ADJOURNMENT

Councilman Newcomb said the Council executed Proclamation declaring April as Sexual Assault Awareness Month.

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

Absent

William V. Nichols



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 4th day of May, 2021.