

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**August 3, 2021**

The County Council of Dorchester County convened in Open Session at 6:02 p.m. on the 3<sup>rd</sup> day of August, 2021. A roll call of the members was conducted. The meeting was also available to the public by conference call. Present on the conference call and in Room 110 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 and in Room 110 were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

After publication of the agenda, the following items were added: Request To Terminate Contract – Property Maintenance– Planning And Zoning, Approval Of Appraisal-Board of Education. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of July 6, 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 \$13,084,902.35.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on August 3, 2021 at 5:20 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto. The meeting was also available to the public by conference call.

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 in room 110 via the conference call was Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were the present Council Members.

The Council convened in a Closed Session on April 20, 2021 at 5:21 p.m. to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(3).

- 1- Discussed the request of Circuit Court Judge to reclassify two positions;
- 2- Approved the request of the Emergency Services Director for a contract reimbursement and hiring of an individual as an Emergency Medical Technician by a 5 to 0 vote;
- 3- Approved the request of the Public Works Director to hire two individuals as Landfill Equipment Operators and for a salary/title adjustment for a County employee by a 5 to 0 vote;
- 4- Approved the request of the Emergency Services Director to hire two individuals as 911 Dispatchers by a 5 to 0 vote;
- 5- Approved a request to change status from part time to full time as an Emergency Medical Technician by a 5 to 0 vote;
- 6- Confirmed the hiring by the State's Attorney of an individual to fill the vacant Assistant State's Attorney position by a 5 to 0 vote;
- 7- Discussed a matter relating to the potential acquisition of property-agreed to discuss in open session.

Present on the conference call and in Room 110 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 was Donna F. Lane, Acting County Manager. E. Thomas Merryweather, County Attorney joined the meeting late via conference call and in Room 110.

## **LEGISLATIVE SESSION**

**BILL NO. 2021-14 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO AMEND SECTION 68-1(B) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA", PROVIDING FOR A DEFINITION OF THE TERM NONWATER-DEPENDENT PROJECT AND TO ADD NEW SECTION 68-25(N) TO CHAPTER 68 OF THE DORCHESTER COUNTY CODE PROVIDING FOR THE**

**PERMITTING OF NONWATER- DEPENDENT PROJECTS ON STATE OR PRIVATE WETLANDS WITHIN THE 100 FOOT AND EXPANDED BUFFER OF THE CRITICAL AREA.**

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2021-14 to amend Section 68-1(B) of the “Chesapeake Bay Critical Area,” providing for a definition of the term “Nonwater-Dependent project” and to add new Section 68-25(N) to Chapter 68 of the Dorchester County Code providing for the permitting of nonwater-dependent projects on State or private wetlands within the 100 foot and expanded buffer of the critical area.

Susan Webb, Assistant Planning and Zoning Director, and Jason Boothe, Environmental Planner, provided a summary of the proposed amendments.

In response to a question from Councilman Travers, Mr. Boothe advised that the applicant will need to obtain a growth allocation and a change in the development area designation and sometime in the future will need to seek a water and sewer amendment to designate the property as a sewer served facility.

Ryan Showalter, Esquire, attorney for Suicide Bridge Restaurant, applicant, said: 1) the County approved a water and sewer amendment to connect the restaurant to the Town of Hurlock’s system; 2) it was determined that it was more appropriate to connect to the Town of Secretary’s system; 3) an amendment will need to be made to the Natural Resources Article of the Annotated Code of Maryland in order to build a structure over water for seating. Mr. Merryweather asked if anyone else in the audience or via telephone wished to speak about this proposed bill. There was no response.

The roll call on Bill No. 2021-14 was: Travers-aye; Pfeiffer-aye; Newcomb-abstain; Nagel-aye; Nichols-aye.

**REGULAR SESSION**

**MANAGERS COMMENTS**

**REQUEST TO PURCHASE LANDFILL COMPACTOR-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to purchase a Landfill Compactor from McClung Logan 2020 Volvo 450H at the cost of \$ 889,013 which includes a 60 month, 10,000 hour premier warranty and a 10,000 hour service agreement. The Council acknowledged that funds are allocated in the FY22 Capital Budget for this purchase.

**REQUEST TO TRADE-PURCHASE FRONT END LOADER-HIGHWAY-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to purchase a new Hitachi ZW 180 Wheel Loader Front End Loader from Elliott & Frantz, Inc. at the cost of \$191,070 with the trade-in of the old loader. The Council recognized that bids were obtained utilizing the same local government sourcewell awarded contract pricing from vendors who offer equipment in this

region. The Council acknowledged that monies are allocated in the FY22 Capital Budget for this purpose.

#### **REQUEST TO ADVERTISE FOR PROPOSALS-FUEL-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to advertise a request for proposals to supply Dorchester County government, the Department of Public Works and the Board of Education unleaded gasoline, #2 oil, fuel, ultra-low sulfur diesel fuel and propane for the period of October 1, 2021 to September 20, 2023. The Council acknowledged it is a two year contract with the option to extend it for two 1-year periods. The Council further acknowledged that Mr. Edwards will work with Board of Education staff to ensure that the amount of fuel tanks is accurate since the new North Dorchester High School no longer uses them. In response to a query from Councilman Nichols, Mr. Edwards said the fuel during the term of the contract will be based on market price. Pursuant to an inquiry from Councilman Newcomb, Mr. Edwards advised that the generators at various County offices are typically fueled internally and charged out to the appropriate Department.

#### **LEASE RENEWAL RECOMMENDATION-AIRPORT**

Based on the recommendation of Steve Nuwer, Airport Director, the Council agreed to renew the lease with Katie Rhea for restaurant space for Katie's at the Airport at the Cambridge-Dorchester Regional Airport for another twelve month period with all rent, terms and conditions remaining the same. The Council agreed to include in the lease an adjustment to the semi-monthly net rent payments to an amount of the percentage of indoor occupancy provided for the restaurant as established by any future Governor's COVID-19 Emergency Orders during the period of the COVID-19 pandemic.

#### **REQUEST TO SUBMIT AIRPORT RECOVERY GRANT PROGRAM APPLICATION-AIRPORT**

The Council approved the request of Mr. Nuwer to submit an Airport Recovery Grant Program application under the American Rescue Plan Act 2021 for \$32,000, for which the Airport is eligible. The Council acknowledged that the requirements for legal use of these funds mirror the two previous Federal Aviation Administration grants received by the Airport, which includes "operations, personnel, cleaning, sanitizing, janitorial services, combating the spread of pathogens at the airport and debt service payments."

#### **FY22 PROGRAM OPEN SPACE LOCAL PARKS & PLAYGROUNDS INFRASTRUCTURE DEVELOPMENT APPLICATION-REC & PARKS**

Michael Diaz, Recreation and Parks Director, presented his request to submit an FY22 Program Open Space (POS) Local Parks & Playgrounds Infrastructure Development Application for Board of Public Works approval for \$800,000 of the \$1 million allotted to Dorchester County with no local match for a Sailwinds Park Development Project to expand a portion of the splash pad, for sand volleyball courts and beach enhancement as well as visitors center upgrade. He advised that while a water park is one item being considered by the Committee Council agreed to establish, this part of the project is not included in the application. The Council acknowledged that Mr.

Diaz is also asking for authorization to utilize some of the proposed funding, which may or may not be reimbursable since the funds will be expended prior to the approval of the project by the State of Maryland Board of Public Works, to conduct hydrostatic surveys for a water park at the cost of \$3,000 and the conceptual designs from a civil engineer group at the cost of \$5,800.

Councilman Travers made a motion to approve Mr. Diaz's request which was seconded by Councilman Pfeffer. Pursuant to a questions posed by Councilman Nichols, Mr. Diaz said: 1) he presented the plans for use of these funds which included the waterpark, to the Sailwinds Park Board and Cambridge Waterfront Development, Inc. (CWDI) prior to this meeting; 2) three or four of the members of the working committee are members of CWDI; and, 3) CWDI did not vote on the proposed projects. Councilman Nichols expressed concern that Mr. Diaz presented them to CWDI prior to submitting this request for the Council's review and consideration. He also cited concerns about potential liability. In response to a query from Councilman Nichols, Mr. Diaz said the proposed plan is to hire lifeguards. He noted that Coastline Pool Services has advised that they can provide open water certified lifeguards. Ms. Lane advised that while the CWDI plan for the property adjacent to Sailwinds Park at the Visitors Center does include this property, the proposed improvements are not a part of the proposed development.

Councilman Pfeffer queried whether the County will be committed to the water park if Program Open Space (POS) funds are garnered. Mr. Diaz noted that this project is not included in his request. He said there will be zero debt for the splash pad and sand volleyball courts. He advised that he would like to the opportunity to speak to the County's insurer about the water park. Ms. Lane said the County's insurer typically advises that they are unable to determine what if, any liability, the County may have until a claim is made. She noted that Michael Spears, Finance Director, has expressed his understanding that, pursuant to the grant documentation, an off land project does not qualify for POS funding. Councilman Newcomb noted that they have been issues with individuals swimming in the area even though it is not allowed at this location. Mr. Diaz said he believes the risks can be mitigated by the use of lifeguards. Councilman Nichols questioned how long the beach area will remain open and noted that funds will be have to be budgeted for this project. Mr. Diaz said he will seek information on how long other beaches in the State operate. The motion to proceed with the submission of the application died due to the lack of a majority.

#### **FY22 CRITICAL AREA GRANT AGREEMENT-PLANNING AND ZONING-FINANCE**

The Council approved the request of Hayley Effland, Grants Administrator, to accept an FY22 Critical Area Grant Agreement totaling \$9,000 with no match on behalf of the Planning and Zoning Department. The Council acknowledged that the grant award will be used to pay a portion of the Critical Area Planner salary.

#### **EMERGENCY RENTAL ASSISTANCE PROGRAM APPLICATION APPROVAL-LOCAL MANAGEMENT BOARD**

The Council approved the request of Nancy Shockley, Local Management Board Director, to approve the following applications for Emergency Rental Assistance:

Choptank Property Management	\$8,490
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JKL Holding, LLC	\$54,000
Cambridge Property Management, Inc.	\$13,650
Otter, LLC	4,900
Jamie Richardson	\$19,170
Brandon McMullen	\$9,600
Lisa Marshall	\$3,375
Arcade, LLC	\$3,600

#### **MODIFICATION TO ONLINE SALES/TELEWORK AGREEMENT-DEPARTMENT OF COMMERCE**

The Council accepted the Modification of the grant between the County and the Maryland Department of Commerce for an additional \$26,900 for online sales and telework assistance using Coronavirus Aid, Relief and Economic Security Act funds from the Federal government.

#### **POLL CONFIRMATION**

The Council, confirmed its decisions in the interim between meetings, via poll, to:

- approve the request of the Emergency Services Director to enter into an agreement with the Maryland Department of Health to participate in the Emergency Service Transporter Supplemental Payment Program by a 4 to 1 (no response) vote;
- concur with the appointment of Tim Brooke, Comptroller, Board of Education of Dorchester County as the Implementation Coordinator for the Blueprint Legislation by a 4 to 1 (no response) vote.

#### **REQUEST TO TERMINATE CONTRACT-PROPERTY MAINTENANCE-PLANNING AND ZONING**

The Council approved the request of Susan Webb, Assistant Planning and Zoning Director, on behalf of Herve Hamon, Planning and Zoning Director, to terminate the existing Property Maintenance Contract with J & L Services because the vendor has advised that they will not honor the prices in the agreement. The Council acknowledged that E. Thomas Merryweather, County Attorney, recommended that this contract be terminated in accordance with Section 4 of the contract. The Council also approved the request of Ms. Webb to advertise a request for proposals for property maintenance including grass cutting.

#### **OTHER**

Donald Gray, resident, cited his belief “No Trespassing Signs” should be installed on the County owned property across from Pinks Pond due to children being on the property. Mr. Edwards said he will look into this matter. Councilwoman Nagel left the meeting.

Pursuant to a question from Mr. Gray, Councilman Newcomb said interviews for the County Manager position have been held and further action is at the Council’s discretion. Mr. Gray referenced the Council’s decision in August 2020 to contract with a company for short term

rental tax collection and questioned its status. Councilman Newcomb noted said Martha Sparks, Assistant Finance Director, has been working with the vendor and is in the final stages of setup. In response to Mr. Gray's inquiry, Councilman Newcomb noted that the lease between Twenty Nine Corporation for the use of parking space at the Dorchester County Health Department for the McDonalds restaurant next to that property has expired.

Mike Detmer, resident, expressed his support of the proposed improvements Mr. Diaz spoke about earlier in the meeting which will increase recreational opportunities for the youth in the County which he believes will boost the local economy.

#### APPROVAL OF APPRAISAL-BOARD OF EDUCATION.

The Council approved an appraisal as requested by the Board of Education.

#### ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



Donna F. Lane, Acting 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 17<sup>th</sup> day of August, 2021.