

County Council of Dorchester County
Regular Meeting Minutes
October 5, 2021

The County Council of Dorchester County convened in Open Session at 6:09 p.m. on the 5th day of October 2021. The meeting was also available to the public by conference call. A roll call of the members was conducted. 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 in Room 110 and via telephone were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

After publication of the agenda, the Commendation for Jackie Horner was removed for another date and the following items were added: request to re-advertise Emergency Manager Services and Accounting Manager positions, Emergency Rental Assistance Program Application Approval Request-Local Management Board. The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of September 21 2021.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining to payments made to Simmons Center Market and Councilwoman Nagel abstaining for payments made to Smokey Farms.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$ 24,468,094.88.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on October 5, 2021 at 5:21 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. 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 in Room 110 and 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 into a Closed Session at 5:22 p.m. on October 5, 2021 to discuss the following items pursuant to §3-305(b)(1).

- 1- Considered a request of the Emergency Services Director to hire an individual to fill the Emergency Medical Services Manager position-agreed to readvertise by a 3 to 2 vote;
- 2- Approved the request of the Emergency Services Director to promote an employee to 911 Shift Supervisor by a 5 to 0 vote;
- 3- Approved the request of the Emergency Services Director to hire an individual to fill the Emergency Management/Homeland Security Planner position by a 4 to 1 (abstention) vote;
- 4- Approved the request of the Emergency Services Director to change the status of an employee from full time EMT to full time Paramedic contingent upon receiving Maryland Registry by 5 to 0 vote;
- 5- Deferred the request of the Finance Director to hire an individual to fill a vacant Accounting Manager position;
- 6- Agreed to hire two individuals as on call hourly Visitor Center Clerks by a 5 to 0 vote;;
- 7- Agreed to hire an individual as the Tourism Director by a 5 to 0 vote;
- 8- Approved a request to hire an individual as a Probationary Correctional Officer by 5 to 0 vote;
- 9- Agreed compensation for an individual serving Acting Director of the Department of Corrections by a 5 to 0 vote;
- 10- Reviewed applications for the Director of Department of Corrections and agreed to interview the applicants.
- 11- Discussed a salary adjustment for a specific employee-no further action taken.
- 12- Discussed matters relating to overtime for specific employees;
- 13- Discussed a personnel matter relating to a specific County employee.

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.

COMMENDATION-DOZIA RAHILLY-NATIONAL EMS CERTIFICATION

The Council presented a Commendation to Dozia Rahilly, Emergency Services Director, for being honored by the National Registry of Emergency Medical Technicians for achieving 30 consecutive years of National Emergency Medical Services Certification.

SENATOR ADELAIDE ECKARDT

Senator Adelaide Eckardt advised Council that filing date for legislation for the 2022 Maryland General Assembly Legislative Session is November 1, 2021. She provided a brief summary of the funds available for broadband infrastructure, noting that the contact person is Kenrick M. Gordon, Office of Statewide Broadband. She spoke in support of the County's participation in the Delmarva Water Transport Committee. Ms. Lane confirmed that Herve Hamon, Planning and Zoning Director, is the County's representative on that Board. She recognized Joe Coyne for his pursuit of funding for the Barren Island Restoration project and Secretary Kenneth Holt, Maryland Housing and Community Development, for providing funding to improve downtown Cambridge, senior housing, and other items in Dorchester County.

LEGISLATIVE SESSION

The Council convened into Legislative Session.

PUBLIC HEARING

BILL NO. 2021-15 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON MIDDLE STREET, CONTAINING 35,773 SQUARE FEET OF LAND, MORE OR LESS, IN THE TOWN OF VIENNA, VIENNA ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE SALE OF THE PROPERTY TO THE COMMISSIONERS OF VIENNA, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, AT AND FOR THE PURCHASE PRICE OF ZERO DOLLARS AND WITHOUT A REVERTER CLAUSE.

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2021-15 to declare land situate on Middle Street in Vienna, containing 35,773 square feet of land, more or less, no longer needed for public use by the County and providing for the sale of the property to the Commissioners of Vienna at zero dollars without a reverter clause.

The roll call on Bill No. 2021-15 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

PUBLIC HEARING

BILL NO. 2021-16 AN ACT APPROVING THE ISSUANCE BY THE DORCHESTER COUNTY SANITARY DISTRICT, INC. (THE "DISTRICT") OF A BOND OF THE DISTRICT IN THE PRINCIPAL AMOUNT OF \$65,000.00 TO BE KNOWN AS "DORCHESTER COUNTY SANITARY DISTRICT, INC., WATER SYSTEM BOND (BONNIE BROOK SANITARY DISTRICT NO. 2) SERIES B (THE "BOND"), TO BE ISSUED PURSUANT TO THE AUTHORITY OF SECTIONS 9-601 TO 9-699 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; PROVIDING THAT THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND SHALL BE GUARANTEED BY DORCHESTER COUNTY, MARYLAND; PROVIDING THAT THE BOND SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF DORCHESTER

COUNTY, MARYLAND; AND PROVIDING FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE BONNIE BROOK SANITARY DISTRICT NO. 2 SUFFICIENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS IT SHALL MATURE, AND, TO THE EXTENT THAT SUCH LEVY IS INSUFFICIENT FOR SUCH PURPOSES, THE LEVY OF ANNUAL TAXES UPON ALL THE ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF DORCHESTER COUNTY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS PROVIDED HEREINABOVE.

Mr. Merryweather said a public hearing is being held on Bill No. 2021-16 to authorize the issuance of a bond for Bonnie Brook Sanitary District 2 by the Dorchester County Sanitary District (DCSD) for additional funds of \$65,000. Councilman Newcomb noted that DCSD is also asking for about \$400,000 from Dorchester County for the proposed project. E. Thomas Merryweather, County Attorney, said the Council should proceed with the legislation and then address the request for additional monies at a later date.

The roll call on Bill No. 2021-16 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

PUBLIC HEARING

BILL NO. 2021-17 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 10-202 AND SECTION 10-328 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 116-6(A) ENTITLED "ENFORCEMENT; COMPLAINT, INVESTIGATION AND ABATEMENT" OF CHAPTER 116 ENTITLED "NUISANCE CONTROL" OF THE DORCHESTER COUNTY CODE TO PROVIDE THAT DEPENDING ON THE VIOLATION, THE HEALTH OFFICER OF DORCHESTER COUNTY OR HIS DESIGNEE OR THE DESIGNATED AGENT OF THE DEPARTMENT OF PLANNING AND ZONING SHALL BE THE ENFORCEMENT OFFICER OF CHAPTER 116 OF THE DORCHESTER COUNTY CODE.

Mr. Merryweather said a public hearing is being held on Bill No. 2021-17 to repeal and reenact Section 116-6(a) entitled "Enforcement; Complaint, Investigation And Abatement" of Chapter 116 entitled "Nuisance Control" of the Dorchester County Code to provide that depending on the violation, the Health Officer of Dorchester County or his designee or the designated agent of the Department of Planning and Zoning shall be the enforcement officer of Chapter 116 of the Dorchester County Code. The legislation was drafted at the request of the Planning and Zoning Department staff and in concurrence with the Dorchester County Health Department.

The roll call on Bill No. 2021-17 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

REGULAR SESSION

The Council convened into Regular Session.

PUBLIC HEARING-SOLID WASTE MANAGEMENT PLAN REVISION-PUBLIC WORKS

The Council adjourned to a public hearing on a revision to the County's existing Ten-Year Solid Waste Management Plan. Dave Edwards, Public Works Director, said: 1) the revision is being sought to address interim steps for the County to meet its required 20 percent recycling rate by 2025; 2) in n 2018, the County's recycling rate reported under the Maryland Recycling Act (MRA) was 9.48 percent and its total diversion rate was 10.48 percent; and, 3) to improve its recycling rate and meet the MRA mandated 20 percent goal by 2025, he is proposing to meet the following goals:

- Improve reporting of recycling data from the private by working with the Dorchester County Chamber of Commerce to identify local businesses that are actively engaged in recycling, cold call additional businesses to gauge their existing and planned recycling activities, provide contacted businesses with information on how to report recycling data to DPW, and encourage contacted businesses to sign up for the Maryland Department of the Environment (MDE) Green Registry. Attainment of this goal will be measured using the number of businesses contacted annually, the number or business recycling reports received per year, and the number of businesses signed up for MDE's Green Registry.
- Improve residential recycling. Specifically, by sending flyers to residents on an annual or biannual basis with information on recycling services available in the County, encourage larger businesses (e.g. big box stores and supermarkets) to host additional drop-off stations throughout the County, investigate the benefits of reopening the former drop-off center at Vienna, investigate the potential for accepting separate recycling as well as comingled solid waste at the Neck District Convenience Center, and investigate offering curbside recycling collection (focusing specifically on Cambridge). Attainment of this goal will be measured by monitoring the tonnages of recyclables collected at drop-off locations as well as any recyclables collected from future curbside recycling programs.

In response to a question from Councilman Pfeffer, Mr. Edwards said in the current Solid Waste Management Plan recycling is required for office space of 15,000 square feet or over. He explained that several business owners have cited concerns about Covid and employment issues for the lack of recycling. Pursuant to queries from Councilman Travers, Mr. Edwards stated that: 1) businesses are responsible for fulfilling reporting requirements; 2) depending of the size of a business and its contract with a vendor either the business or the vendor files the reports; and, 3) due to tariffs from China, due to the fact that the majority of recyclables were sent to that country, there has been a severe decline in the market for recyclables. Councilman Travers cited his belief waste companies doing business in the County should report the amount of recyclables to the Public Works Department. Mr. Edwards said there are multiple opportunities to improve recycling reporting. He suggested requiring the companies who obtain landfill permits to submit recycling reports. He said counties and not municipalities are mandated by the State to meet a recycling rate of 25%. He stated that if the municipalities offered curbside recycling the County may be able to meet that rate. Councilman Travers noted that curbside recycling is expensive. Pursuant to an inquiry from Senator Eckardt, Mr. Edwards said the recyclable rate is calculated

on the tons of material placed in the landfill and what is recyclable. Senator Eckardt said the State advises when the County fails to meet that rate.

Mr. Edwards read into the record an email from Cindy Burns, and the proposed responses to her, which are attached.

The Council approved the revised plan, authorized the submission of the response to Ms. Burns and agreed to execute a resolution once presented.

ANNUAL TRANSPORTATION MEETING TOPIC DISCUSSION

The Council acknowledged that the Annual Transportation Meeting with Maryland Department of Transportation officials will be held on November 2, 2021 at 7 p.m. The Council agreed to add to a list of topics to be provided to the Maryland Department of Transportation State Highway Administration provided by Mr. Edwards: 1) a request to remove the railroad tracks along MD 331 at Indiantown Road that belong to MDOT which are no longer in service and paving that area; and, a request to remove the requirement that commercial trucks and buses have to stop at the railroad tracks crossing US 50 in Linkwood. The Council also agreed to the following topics: 1) traffic calming at the Route 14 and Route 331 intersection near Dockins Services Center; 2) traffic calming at Waddells Corner due to the amount of accidents in that area.

MANAGERS COMMENTS

LEASE RECOMMENDATION-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director to enter into a 2-year commercial lease, (attached) to Eastern Shore Sport Aviation, (Mr. Deakyne), to operate an aircraft maintenance and repair business in Spaces "D" and "A2" of the South Hangar at the following terms and graduated rates which are consistent with the terms and rates afforded to B&B Sport Aviation: 0-6 months at \$325.00/month; 7-12 months at \$425.00/month; and 13-24 months at \$500.00/month. Councilman Travers and Pfeffer opposed. Mr. Merryweather confirmed for Council that the lease submitted by Mr. Nuwer is sufficient, noting that it includes a 60 day without cause termination clause.

REQUEST TO APPROVE STORMWATER MANAGEMENT AGREEMENT-ELDORADO-BROOKVIEW VOLUNTEER FIRE COMPANY-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to execute a Stormwater Management Agreement for the new Eldorado- Brookview Volunteer Fire Company Building located at 5752 Rhodesdale-Eldorado Road, Rhodesdale, Maryland.

LETTER OF NO OBJECTION REQUEST-MORTGAGE REFINANCE-GROUP HOME RENOVATION-DELMARVA COMMUNITY SERVICES

The Council approved the request of Santo Grande, CEO/President, Delmarva Community Services, Inc. (DCS) to provide to the Maryland Department of Housing and Community Development a letter of no objection to the refinancing of its mortgage of its group home property at 405 Shepherd Avenue, Cambridge for which DCS received funding through the State of Maryland for renovation work.

EARLY VOTING CENTER AGREEMENT-REQUEST TO USE SPACE-COUNTY OFFICE BUILDING-ELECTIONS

The Council approved the requests of Gwen Dales, Director, Dorchester County Board of Elections to: 1) reserve dates for 2022 Election Activities; and, 2) enter into an Agreement for an early voting center in the Lobby of the Dorchester County Office Building for Dorchester County's 2022 Primary and General Elections. The Council agreed that the July 6, 2022 Planning Commission meeting will be rescheduled to a date after the election activities in July are completed.

FY21 OPERATING ASSISTANCE GRANT-LAND BANK FEASIBILITY STUDY-FINANCE

The Council acknowledged that: 1) at its April 21, 2020 meeting, the Council approved the request of Cindy Smith, at the time Assistant Finance Director, to submit to the Department of Housing and Community Development a Technical Assistance Grant application to pay for a feasibility study/plan for the creation of a Land Bank with no County match requirement; 2) Mike Spears, Finance Director, is not interested in Finance spearheading a land bank initiative; and, 3) before them is the FY21 Operating Assistance Grant Award of \$17,500 to hire a consultant to provide a cost-benefits assessments for creating a Dorchester County Land Bank to assist with blight and abandoned housing and commercial properties for its review and consideration. Councilman Travers noted that Ms. Smith it was a viable option for the County. Councilman Pfeffer expressed his hope that if the decision is made to proceed with establishing a land bank it will become self-sufficient with administrative costs being covered through the sale of property. The Council accepted the grant award.

BARTUS TREW FUND GRANT AWARD-BAYLY CABIN-TOURISM

The Council agreed to accept a National Trust Preservation Fund Grant Award for \$25,000 for Saving the Historic Bayly Cabin capital improvements with an in-kind match of \$25,000. The match for the grant is a Maryland Heritage Area grant in the amount of \$25,250 for which the Council accepted the grant award in July 2021.

REQUEST TO ADVERTISE FOR PROPOSALS-CONSULTANT-INTERPRETIVE PLAN-CHESAPEAKE COUNTY ALL AMERICAN ROAD

The Council agreed to advertise for proposals for a consultant for an Interpretive Plan along the Chesapeake Country All American Road. The Council acknowledged that: 1) this is a partnership between nine counties and the three heritage areas on the Eastern Shore; 2) funding for this project of \$50,000 is from the Maryland Heritage Area Authority and individual contributions of \$2,500 from seven counties for a total of \$17,500 which includes a Dorchester County Tourism match of \$2,500 through the FY22 OTD Marketing Grant with the remainder of the matching being in-kind in time and donated services of tourism partners through the Eastern Shore. The Council asked for a list of the 16 sites that were named in the nomination.

PUBLIC CONSULTING GROUP CONTRACT-EMERGENCY SERVICES TRANSPONDER SUPPLEMENTAL PROGRAM-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director to enter into an agreement with Public Consulting Group, LLC (PCG) to complete the necessary filing requirements, including an annual Emergency Services Transponder Supplemental Program (ESTSP) cost report for the County's participation in this program through September 1, 2022. The Council acknowledged that PCG will receive 12% of the monies for which reimbursement is made by through the ESTSP for its services. The Council acknowledged that E. Thomas Merryweather, County Attorney, expressed concern about the \$250 an hour fee included in the contract which will be due if the Council terminates the contract prior to the PCG completion or submission of a cost report. Councilman Nichols opposed since the decision was made to enter into agreement without modification as suggested by Mr. Merryweather. Councilman Newcomb also opposed.

CHARTER REVIEW COMMISSION APPOINTMENTS

The Council acknowledged that the following individuals have been appointed to the Charter Review Commission: 1) Linda Henry, at large member; 2) Susan Dukes, District 4 representative; and, 3) Theresa Stafford, District 2. The Council also acknowledged that representatives for Districts 1, 3, 5 need to be appointed to this Commission.

OBSERVANCE OF HALLOWEEN

The Council agreed to the observance of Halloween by County residents for children ages 12 and under on October 31, 2021 from 6 p.m. to 8 p.m., which policy does not supersede prescheduled times and dates set by municipalities. Unless residents living outside of town limits carry their child/children into a town, they are to follow this policy.

BOARD APPOINTMENTS

The Council agreed to reappoint Herschel Johnson and Bill Swann to the Recreation and Parks Advisory Board. The Council agreed to appoint Bennie Horseman to the Board of Zoning Appeals as the alternate member.

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

Based on the request of Nancy Shockley, Local Management Board Director, to approve the following Emergency Rental Assistance Program applications:

Amber Meadows	\$2,386
Arcade, LLC	\$3,000
Charles Callahan	\$3,600
Don Coale	\$1,950
Hudson Town Homes	\$1,890
Linda Henry	\$3,230
Marty Mullaney	\$4,360
Mervin Henry	\$2,956
RIG Holding, LLC	\$3,400
Steve Robbins	\$6,300
Woods Crossing	\$3,340

**REQUEST TO RE-ADVERTISE EMERGENCY MEDICAL SERVICES MANAGER AND
ACCOUNTING MANAGER POSITIONS-ES-FINANCE**

The Council agreed to re-advertise for the Emergency Medical Services Manager and Accounting Manager positions. Councilman Nichols opposed.

CLARIFICATION-MEMORANDUM OF HOUSING-ALS UNITS

The Council recognized its prior approval to enter into a Memorandum of Understanding between Dorchester County and Madison Volunteer Fire Company and Hurlock Volunteer Fire Company for limited facility use for the County's Advanced Life Support Services System at \$1,000 per month. The Council recognized that for several months \$800 per month, based on prior agreements with these fire companies was paid, and clarified that the \$1,000 per month began on July 1, 2021.

**GRANT AWARD-REQUEST TO SOLE SOURCE-GOOSE MONUMENT AT SAILWINDS
PARK**

The Council approved the request of Mike Diaz, Recreation and Parks Director, to accept a Program Open Space grant award for funds to restore the water feature on the goose monument and install a new pathway and landscaping. The Council also agreed to sole source with Lakesource, LLC for a monthly service agreement and an annual winterization plan.

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 19th day of October, 2021.