

County Council of Dorchester County
Regular Meeting Minutes
October 19, 2021

The County Council of Dorchester County convened in Open Session at 6:19 p.m. on the 19th 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; and George L. Pfeffer, Jr. 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 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: Planning And Zoning's Public Service Commission Attorney Representation-Statement Request Referral To Planning Commission-Solar Landscaping Requirements-Planning and Zoning. The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of October 5, 2021.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$24,277,640.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on October 19, 2021 at 5:17 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. Present on the conference call and in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and George L. Pfeffer, Jr. 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 5:18 p.m. on October 19, 2021 to discuss the following items pursuant to §3-305(b)(1).

- 1- Discussed with the Planning and Zoning Director personnel matters relating to specific employees;
- 2- Approved the request of the Acting Director of the Department of Corrections to hire an individual as a Probationary Correctional Officer by a 4 to 0 vote;
- 3- Agreed to place an employee at the Detention Center in Acting Capacity Status as Administrative Captain by a 4 to 0 vote;
- 4- Denied the request of the Acting Director of the Department of Corrections to reclassify two employees at the Detention Center by a 3 to 1 vote;
- 5- Discussed a personnel matter relating to a specific County employee or specific County employees.
- 6- Approved the request of the Public Works Director to hire an individual as a Landfill Equipment Operator IV by 4 to 0 vote;
- 7- Approved the request of the Emergency Services Director to hire an individual as a 911 Dispatcher by a 4 to 0 vote;

Present on the conference call and in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and George L. Pfeffer, Jr. 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.

FY23 CAPITAL IMPROVEMENT PLAN-BOARD OF EDUCATION

Dave Bromwell, Superintendent of Schools, Dorchester County Public Schools, provided an overview of the Board of Education's proposed FY23 Capital Improvement Plan which includes conceptual plans to build a regional intermediate school in the North Dorchester area. He said that the concept requires State approval, noting that input from community stakeholders is necessary before moving forward with any such project.

In response to an inquiry from Councilman Newcomb, Mr. Bromwell cited his understanding that there were no calls from residents regarding the recently adopted Board of Education redistricting plan. Councilman Pfeffer said he has received several inquiries from parents who are unaware of the bus number their child(ren) will ride nor when they will be picked up. Mr. Bromwell advised that: 1) a bus roster has been added to the online Power School program and; 2) a Zonar GPS system has been installed on each bus. William "Bill" Windsor, resident, cited his belief/concern that the input residents provided on the new North Dorchester High School, before it was constructed was no taken into consideration. He expressed his belief that a regional intermediate school in the North Dorchester area is not feasible. He also noted his concern about the intersection on Route 14. Mr. Bromwell expressed appreciation for Mr. Windsor's comments. He said there will be a transparent public process on the potential construction of a

regional intermediate school in the North Dorchester area. Councilman Pfeffer stressed the need for public input.

The Council agreed to provide a letter conceptually approving, for planning purposes only, the Dorchester County Board of Education's FY 2023 Capital Improvement Plan which includes the Choptank Elementary School roof/rooftop equipment replacement, Maple Elementary School roof replacement, South Dorchester HVAC replacement and Vienna Elementary School HVAC replacement, contingent upon future budget approvals.

BOARD OF HEALTH

Roger Harrell, Health Officer, Dorchester County Department of Health, provided an update on COVID-19 in the past, present and plans relating to moving forward. In response to a request from Councilman Newcomb, Mr. Harrell said there is an urgent care facility in Easton that performs the rapid test. He explained that it is their hope that they can utilize American Rescue Plan Act funds to purchase equipment to be able to administer rapid tests. He confirmed for Councilman Pfeffer that the hours for COVID testing are from 9 a.m. to 3 p.m. Councilman Pfeffer queried whether or not individuals need to quarantine when they are in contact with someone who is positive. Mr. Harrell said: 1) if an individual who is vaccinated has contact with someone who is positive but has not symptoms does not need to quarantine; 2) a non-vaccinated individual should quarantine for 10 days if take a test on the seventh day; and, 3) if a non-vaccinated individual's test is negative after the seventh day they can be released from quarantine. Pursuant to a question from E. Thomas Merryweather, County Attorney, Mr. Harrell said the CDC meet either Thursday or Friday regarding the Moderna booster, noting that it is their hope that it is approved and available next week.

Ralph Lewis, resident and school bus driver, cited concerns about bus drivers not being made aware of one of the students that traveled on their bus tested positive. Mr. Harrell said that is a school system decision, noting that bus drivers and students should wear masks and the windows should be opened as much as possible. Ms. Wilson stated that she will work with Health Department staff and the Board of Education transportation unit regarding this matter. Mr. Windsor referenced a study regarding individuals with 0 positive blood having more resistance to catching covid and a good survival rate. Mr. Harrell said he heard about the study.

Mr. Harrell thanked the Council for allowing him to serve as the Health Officer, which position he has served for 25 years.

MARYLAND GENERAL ASSEMBLY 2022 LEGISLATIVE SESSION DISCUSSION

Senator Adelaide Eckardt advised that: 1) there are multiple bond bills being sought by various entities; 2) there is a billion dollar State budget surplus for which budget and legislative initiatives for capital can be identified; and, 3) legislation regarding hunting in order to address the large deer population will be submitted. She said the bill 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 will be introduced by the November 1, 2021 pre-file deadline. She expressed concern about the passage of this legislation, noting some legislators are unaware of the unique characteristics of the islands. She suggested the Council continue to pursue the restoration of highway user revenues to local jurisdictions.

MANAGERS COMMENTS

AMERICAN JOB CENTER MOU AND RESOURCE SHARING AGREEMENT CONCURRENCE-UPPER SHORE WORKFORCE INVESTMENT BOARD

The Council approved the request of Daniel McDermott, Executive Director, Upper Shore Workforce Investment Board, for Council's concurrence on the American Job Center Memorandum of Understanding and Resource Sharing Agreement for the operation and management of the American Job Centers in the Upper Shore Workforce Development Area.

2021 COMPREHENSIVE PLAN ADOPTION-PLANNING AND ZONING

The Council adjourned into a public hearing to consider the adoption of the 2021 Comprehensive Plan. In response to a question from Councilman Pfeffer, Susan Webb, Assistant Planning and Zoning Director said Caroline Cline, Mayor, East New Market, emphasized to her the need for the solar chapter.

Councilman Pfeffer made a motion to adopt the Plan which Councilman Nichols seconded. In response to a question from Councilman Pfeffer, Ms. Lane advised that the municipalities received another email asking for their comments. She noted that no comments were received from the municipalities. Councilman Pfeffer cited concern about the solar portion of the plan which discusses limits on acre sizes. He said members of the Public Service Commission (PSC) advised him that restrictions of parcel size are considered the prohibition of utility grade solar and as a result of the State of Maryland's Renewal Energy Plan will most likely be overruled by PSC.

E. Thomas Merryweather, County Attorney noted that the Council can amend the plan. Councilwoman Nagel referenced prior discussions regarding 200 foot setbacks for which there was a lot of public input and queried whether this amount was reduced prior to placement in the plan. Ms. Webb said a Public Service Commission meeting will be held regarding a proposed solar project in East New Market, Maryland. She noted that part of that discussion will be regarding setbacks and vegetation buffer. Councilman Newcomb noted that the County can set local criteria including screening around a solar project.

In response to a question from Bill Windsor, resident, Councilman Pfeffer said over the summer the PSC members recognized that the County was making changes regarding solar and noted that the Committee has been mandated to meet the State's Renewable Energy Policy by 2030. He explained that any action by a local jurisdiction to limit parcel sizes against utility grade solar be overruled by PSC. In response to a question from Mr. Windsor, Councilman Pfeffer said the County can set buffering and vegetation requirements from the road and other properties around

a solar project. The Council agreed to adopt the 2021 Comprehensive Plan. Councilwoman Nagel opposed, citing concerns about setbacks.

CRS COMMUNITY RECERTIFICATION REQUEST-PLANNING AND ZONING

The Council approved the written request of Herve Hamon, Planning and Zoning Director, to execute the Community Rating System 2021 Recertification Form.

PUBLIC SERVICE COMMISSION ATTORNEY REPRESENTATION-STATEMENT REQUEST/REFERRAL TO PLANNING COMMISSION-SOLAR LANDSCAPING REQUIREMENTS-PLANNING AND ZONING

The Council agreed that Christopher Drummond, Attorney for the Planning Commission, can read a statement at the Public Service Commission on the 50MW solar project proposed by New Market, LLC on four (4) parcels of land near the Town Of East New Market provided to them. The Council approved the request of Mr. Hamon to refer to the Planning Commission to review its statement and develop and recommend to the Council solar landscape and screening standards which will be done through the legislative process.

REQUEST TO SUBMIT FY22 MIEMMS CARDIAC DEVICES GRANT-EMERGENCY SERVICES

The County approved the request of Dozia Rahilly, Emergency Services Director, to apply for a Maryland Institute for Emergency Medical Services Systems FY22 Cardiac Services Grant with a 50% match which is in the Emergency Service's Operating Budget.

FUND REQUEST-TREE TRIMMING SERVICES-PALMERS MILL ROAD-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Asplundh Tree Experts for tree trimming on Palmers Mill Rd piggybacking on SHA's contract to improve site distance which is a current safety issue at the cost of \$25,000 from the Contingency Fund.

REQUEST TO PATCH/PAVE PORTION-GRIFFITH NECK ROAD-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to full depth patch and pave a portion of Griffith Neck Road at the cost of \$ 237,593. Funding for this project is: 1) \$207,574.90 from the FY 20/21 Capital Infrastructure Initiative; and, 2) \$30,018.10 from Public Works resurfacing Work Account. In response to a question from Councilman Pfeffer, Mr. Edwards said the roadway repairs will be made when the bridge is open, noting that weather permitting the work will be done within the next couple of weeks as State Highway Administration approval had been obtained.

SOLE SOURCE REQUEST-PATCH-PAVE PORTION-BESTPITCH FERRY ROAD-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to patch and pave 7/10 of a mile on Bestpitch Ferry Rd at the cost of \$82,146 from the Public Works resurfacing account.

REQUEST TO PAVE BESTPITCH FERRY BRIDGE APPROACHES-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to pave the bridge approaches to the Bestpitch Ferry Bridge at the cost of \$22,530.00. Funding for this project will come from: FY 20/21 Capital Infrastructure Initiative, \$21,605 and Highway Division's resurfacing work account, \$ 925.00 from the Highways Resurfacing Work Account,

FUEL BAY PAVING SOLE SOURCE APPROVAL REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to pave around the newly constructed fuel pump area and a small portion of the front entrance that is utilized for the fuel bay at the total cost of \$ 5,785.00. Funding for this project will come from the FY 20/21 Capital Fuel Pumps Project, Phase 2 allocation.

REQUEST TO SOLE SOURCE-MOBILE TUB GRINDING SERVICES-LANDFILL-PUBLIC WORKS

The Council approved Mr. Edward's request to sole source a mobile tub grinding service with Maryland Environmental Service for wood waste processing at the Landfill using \$ 68,577.00 from the Landfill Fund Balance Account to perform this work.

REQUEST TO ADVERTISE FOR BIDS-HANGAR ROOF REPLACEMENT REPAIRS-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to advertise for bids to replace the Quonset hangar metal roof including repairs to any damaged wooden trusses. The Council acknowledged that funding to replace the Quonset hangar roof was approved in the CGE Airport FY2022 Capital Budget.

NON-LETHAL HARASSMENT OF MIGRATORY BIRDS-AIRPORT

The Council approved Mr. Nuwer's request to conduct non-lethal harassment of migratory birds at the Cambridge-Dorchester Regional Airport through the use of blanks to deter wildfowl. The Council acknowledged that: 1) discharge of blanks would only be conducted by Airport County employees during daylight hours; and 2) the Cambridge City Police and Dorchester County Sheriff's offices would be notified via phone prior to any discharge of blanks.

LEASE RECOMMENDATION-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, for an outside tie-down lease for Mr. Walter (Dan) Kurth for immediate tenancy.

REHABILITATION LIEN RELEASE REQUEST-DELMARVA COMMUNITY SERVICES-FINANCE

The Council approved the written request of Michelle L. Nichols, Community Action Program Manager, Delmarva Community Services, to execute a Satisfaction of Community Development Block Grant Contract for Rehabilitation Lien Agreement releasing the following holders and owners of certain property: Jacqueline Cornish, 304 Glen Oak Circle, Hurlock; Isaac Leonard Keene, Jr., 909 Maces Lane, Cambridge; Randolph Clark, 4211 Railroad Road, Hurlock; Emma Brisco, 5315 Cordtown Road, Cambridge; and, Recale Bell, 4730 Jones Village Road, Hurlock.

NON PROFIT GRANT APPLICATION APPROVAL REQUEST-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, to approve the non-profit grant application from New Beginning Youth Center in the amount of \$5,000 for a board consultant and web page design. The Council acknowledged that this leaves a grant balance of \$20,316.

EMERGENCY RENTAL ASSISTANCE PROGRAM APPLICATION APPROVAL REQUEST-LOCAL MANAGEMENT BOARD

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

Altair Apartments	\$2,672
Greg Strong	\$5,750
Hudson Townhomes	\$4,494
John Kibler	\$8,000
Rambler Associates	\$6,361
Severn Management Company	\$6,304

FY22 PROGRAM OPEN SPACE ANNUAL PROGRAM-RECREATION AND PARKS

The Council approved the request of Michael Diaz, Recreation and Parks Director, to submit the FY22 Program Open Space Annual Program.

REVISED PROGRAM OPEN SPACE LOCAL PARKS & PLAYGROUNDS INFRASTRUCTURE DEVELOPMENT APPLICATION-RECREATION & PARKS

Mr. Diaz explained that he has revised the Program Open Space Local Parks & Playgrounds Infrastructure Development Application to remove lights for soccer fields on School Street and to replace that project with playground equipment for the Christ Rock sports fields. He provided an overview of the equipment that will be placed at Christ Rock. Councilman Newcomb asked if

the interactive play arch he described has internet capability. Mr. Diaz said there are applications that can be downloaded from a phone, noting that they can be preloaded by Recreation and Parks staff from a website platform. He is working on a conceptual design. Councilman Pfeffer referenced some discrepancies in the proposed plan that need to be addressed. He questioned the reason that the completion date for certain work at the County pool is the Fall of 2021. Councilman Nichols stated that the requests for proposals need to be advertised, particularly in light of the proposed cost, which he advised at a past meeting. Councilman Pfeffer concurred, noting that any request to advertise for proposals must go before Council for approval. Councilman Nichols referenced the prior agreement of the Boys & Girls Club (BGC) of Metropolitan Baltimore to provide funding to make improvements to the County's new recreational facility. Mr. Diaz said he spoke to Jeff Breslin, President/CEO who advised that they will provide equipment to outfit the facility including motorized curtains, batting cages and improvements to the parking lot. The Council approved the revised plan. Councilman Nichols opposed due to the lack of a contribution by the BGC

FY22 MARYLAND HERITAGE AREA AUTHORITY MARKETING GRANT ACCEPTANCE-TOURISM

The Council accepted a FY22 Maryland Heritage Area Authority Marketing Grant for \$50,000 with a \$50,000 match from the Tourism Operating Budget for advertising, branding, logo development, brochure and fulfillment material design, website development, photography and videography.

2022 MACO LEGISLATIVE COMMITTEE NOMINATIONS- MEMBER AND ALTERNATE

The Council agreed to appoint Councilman Pfeffer as the member and Councilman Nichols as the alternate representative of the County on the 2022 Maryland Association of Counties Legislative Committee.

POLL CONFIRMATION

The Council confirmed its decision, in the interim between meetings, via poll, to approve the attached Emergency Rental Assistance Program applications by a 3 to 2 (no response) vote:

Cambridge Commons	\$5,546.65
Cambridge Property Management LLC	\$5,275
Jones Estate, Bay Country LLC	\$2,657.04
Laurie Sparacino	\$5,400
Marion Wheatley	\$5,050

OTHER

City of Cambridge Commissioner Lajan Cephas, President referenced a request she sent to the Council about amending the membership of Cambridge Waterfront Development, Inc. by adding

another City and County representative. Ms. Lane said the request will be on the next agenda.

ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:

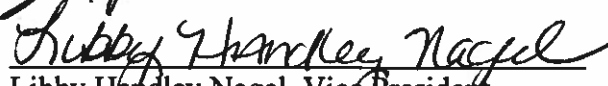


Donna F. Lane
Acting County Manager

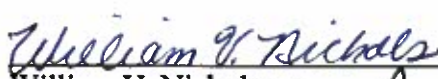
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:




Jay L. Newcomb, President



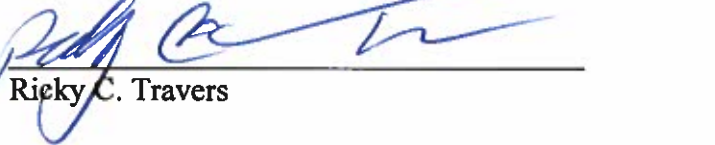
Libby Handley Nagel, Vice President



William V. Nichols



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 21st day of December, 2021.