

**County Council of Dorchester County  
Regular Meeting Minutes  
December 21, 2021**

The County Council of Dorchester County convened in Open Session at 6:15 p.m. on the 21<sup>st</sup> of December, 2021. A roll call of the members was conducted. Present on the conference call and in Room 110 of the County Office Building 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 Travers led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of October 19, 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 \$23,910.081.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on December 21, 2021 at 5:05 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)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and, 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 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 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 5:06 p.m. on December 21, 2021 to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(4).

- 1- Received an update on Cambridge Waterfront Development Inc.;
- 2- Confirmed the hiring of an individual to fill an Administrative Assistant position by the Dorchester County Sheriff by a 5 to 0 vote;
- 3- Approved the request of the Emergency Services Director to promote an individual from an Emergency Medical Technician to a Paramedic by a 5 to 0 vote;
- 4- Approved the requests of the Finance Director to reclassify and retitle an Accounting Manager position to a Staff Accountant and to reclassify an employee from Fiscal Clerk to Fiscal Clerk Advanced by a 5 to 0 vote;
- 5- Discussed hiring a specific individual as a consultant.

Present 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 was Donna F. Lane, Acting County Manager. E. Thomas Merryweather, County Attorney joined the meeting late.

## **REGULAR SESSION**

### **COMMENDATION-RETIREMENT-HONORABLE BRETT W. WILSON**

The Council presented a Commendation to the Honorable Brett W. Wilson for his 25 years of service to the County including throughout his reign with the Dorchester County Circuit Court in his capacity as County Administration Judge. Senator Adelaide Eckardt presented a Citation to Judge Wilson.

### **OTHER**

Councilman Newcomb read a letter extending to Councilman Nichols the Council's congratulations on his retirement from Cambridge International. Councilman Nichols thanked the Council.

### **NATIONAL OPIOID SETTLEMENT UPDATE**

Matthew McCarley, Partner, Fears Nachawati Law Firm, advised that Dorchester County entered into litigation with a multitude of defendants for an epidemic caused by sale of opioids. He explained that: 1) certain defendants in the opioid litigation have reached a national settlement with Johnson & Johnson, McKesson Corp., Amerisource Bergen and Cardinal Health which equates to a \$25 billion; 2) currently that amount will be allocated according to an allocation established by the Attorney General of various States including to the State of Maryland that will then be distributed to local jurisdictions; 3) they are working with the Attorney General on a Memorandum of Understanding (MOU) regarding these allocations; 4)) there is a default in all three settlement agreements which requires that the allocation be distributed with 15% being provided to the local jurisdictions with 70% being used as abatement funds for programs to

address the epidemic, i.e. rehabilitation centers; 5) a productive conversation was held with the Attorney General regarding counter proposal; 6) they are asking the Council to agree to participate in the settlement and authorize the firm to initiate and return a participation agreement to defendants while working on the MOU; and, 7) Perdue Manufactory defendants have entered into a voluntary bankruptcy to manager its liability however after a year of negotiations the plan was rejected.

Pursuant to a query from E. Thomas Merryweather, County Attorney, Mr. McCarley advised that if the County elects to participate in this settlement, the claim against the four defendants will be resolved; however, the pursuit of the lawsuit will continued to be pursued against the other pharmacy and manufacturing defendants. Mr. McCarley, based on inquiries from Councilman Pfeffer, said : 1) the hope is that there will be 70% splits to the County level from grants to distribution with the participating Counties dropping their independent lawsuits; 2) the amount could reach as high as \$400 million; 3) there will be from an eight year to a 18 year distribution with Johnson & Johnson; 4) counties have until January 2, 2022 to participate in this settlement. The Council agreed to participate in the settlement.

## **MANAGERS COMMENTS**

### **REQUESTS FOR INCREASES-DORCHESTER COUNTY ORPHAN'S COURT**

The Council considered the request of Calvin Travers, Chief Judge; George Ames, Jr., Associate Judge and Carolyn I. Todd, Associate Judge of the Orphan's Court for an increase in the annual salary, in the Judge's pensions and an increase in expense allowances due to increased workload. The Council acknowledged that the Orphan's Court Judges feel the increase will put the Dorchester County Orphan's Court in line with adjoining counties on the Eastern Shore.

The Council recognized, pursuant to Section 2-108 of the Estates and Trusts Article of the Annotated Code of Maryland, as determined by the County Council, each Judge receives an annual salary not less than \$4,700; an expense allowance not less than \$800 annually. The Council agreed to increase the annual salary from \$4,700 to \$9,400 and the expense allowance to \$1,000 annually. Councilwoman Nagel opposed. Councilman Travers abstained.

### **LETTER OF SUPPORT RECONSIDERATION REQUEST-2022 BROADBAND INFRASTRUCTURE GRANT-TALKIE COMMUNICATIONS**

The Council acknowledged that: 1) its decision at its December 7, 2021 meeting, to not to submit a non-exclusive partner letter for the 2022 Broadband Infrastructure grant applications to be submitted by Talkie Communications (Talkie); and, 2) since then representatives from Talkie have provided additional information and are requesting the Council's reconsideration of that decision. The Council acknowledged that Andrew DeMattia, Talkie, and Philip J. Macres, Principal, Klein Law Group, PLLC were present. Mr. DeMattia said Talkie is a local Eastern Shore fiber optic company that has been in business since 2012 which has 45 employees who are located in Chestertown which also has an ISP and in-house construction firm. He provided an overview of the company's activities relating to fiber, noting that they have 2,000 fiber miles deployed as of today. Mr. DeMattia explained that the company installs fiber to the home and

backbone and using Maryland Broadband for the middle mile fiber. He advised that Talkie was recently awarded with Federal Communications Commission (FCC) funds for deployment of fiber in Dorchester County to 2,213 unserved locations, noting that they will hire locals in the areas in which they place equipment. In response to questions posed by Councilman Pfeffer, Mr. DeMattia said: 1) they do not have any current customers in Dorchester County; 2) the company has about 2 million, a small fraction of their overall build due to the cost of supplies, including conduit, which have increased substantially this year; 3) they are required to build in areas that have a current ISP pursuant to the FCC. A discussion ensued regarding the potential use of other companies fiber and the proposed areas of coverage. Pursuant to Councilman Newcomb's query, Mr. DeMattia said he will provide a map tomorrow showing the locations where Maryland Broadband fiber exists. Councilman Pfeffer noted that unlike Talkie, Bay Country Communications and Choptank Electric Cooperative are currently located in the County. A discussion ensued regarding Talkie's plans for Dorchester County. The Council thanked Mr. DeMattia and recognized that the deadline for correspondence is January 14, 2022.

#### FY22 BUDGET AMENDMENT-FINANCE

The Council recognized its concurrence to consider a potential FY22 budget amendment by utilizing funding designated for a certain purpose. The Council acknowledged that there is funding available from projected surplus of income taxes over budget amount as well as Contingency Funds. The Council agreed to proceed with a midyear step for employees of 2.5%.

#### BID AWARD-FUEL FARM CONCRETE SLAB-AIRPORT

Steve Nuwer, Airport Director, advised that the Maryland Department of Environment (MDE) inspected the fuel storage facilities at the Cambridge-Dorchester Regional Airport and noted three areas of attention, including a section of the concrete containment area for our two 12,000 gallon fuel storage tanks which may not be able to contain a fuel spill without leaching into the soil.

The Council approved the request of Mr. Nuwer to award to Camper & Son's Concrete Works, LLC, lowest bidder, at the cost of \$7,500 to replace this section of concrete measuring approximately 16' x 30' using \$7,000 in FY21 Airport Capital Budget funds with the remaining balance being identified by Finance. In response to a question posed by Councilman Newcomb, Mr. Nuwer said the difference in the bids can be attributed to the type of concrete.

#### REQUEST TO REMOVE OLD BRIDGE STRUCTURE-DRAWBRIDGE ROAD-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to remove the remnants of an old bridge structure on Drawbridge Road next to the current bridge which is in severe disrepair and an extreme safety hazard utilizing funds from the Public Works Department's FY22 Operating Budget. In response to a question from Mr. Merryweather, Mr. Edwards said permits from the Department of Natural Resources are not necessary. Councilman Pfeffer queried whether there was any historical significance relating to the bridge. Mr. Edwards stated that he was not aware of any, however, he will check.

#### REQUEST TO SOLE SOURCE-REPLACEMENT DOZER-LANDFILL-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to utilize a portion of the amended budget appropriation of \$429,460 which Council approved through the passage of Bill No. 2021-18 on December 7, 2021 to purchase a Dozer from the lowest bidder, Carter Cat Equipment at the cost of \$407,656.51 which is State of Maryland Sourcewell Contract pricing.

#### MERCHANT PROCESSING AGREEMENT REQUEST-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to enter into a Merchant Agreement with Cardconnect for a three year period which will interface with the Pardigm software program that allows the Landfill to accept credit cards. Pursuant to a query from Councilman Pfeffer, Ms. Edwards said due to internet connectivity issues individuals cannot submit payments for stickers electronically at the transfer stations. He explained this issue is being looked into, noting that currently these payments can only be made at the Beulah landfill.

#### REQUEST TO SOLE SOURCE-VEHICLE PURCHASE-MAINTENANCE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with the lowest bidder, Preston Ford, to purchase a new vehicle for maintenance staff at the Circuit Court, at the cost of \$32,627 utilizing \$25,000 from the FY21 Capital Budget and \$7,627 of Transfer Tax Funds. In response to a question from Councilman Pfeffer, E. Thomas Merryweather, County Attorney, said this purchase can be made with Transfer Tax Funds under Court House maintenance.

#### FY22 COMMUNITY PARTNERSHIP APPLICATION RENEWAL-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Manager Board Director, to submit a FY22 Community Partnership Agreement to the Governor's Office of Crime, Prevention, Youth and Victim Services for funding in the amount of \$414,301 for the continuation of the following programs and budgets: LMB Administration, \$167,688; Circles: Poverty Reduction Lab, \$126,413 (Community Capacity Building); Circles: Poverty Reduction Team, \$20,000 (Program to support moving individuals out of poverty); Connecting for Success, \$100,000 (Programs for elementary school aged youth and their court involved parent); and, Local Care Team Coordinator, \$19,200 (paid directly to Caroline County for shared Coordinator).

#### LICENSE AGREEMENT-EASTERN SHORE INNOVATION CENTER-ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Economic Development Director, to enter into a License Agreement between the County and Bioprosthesis, Inc. to lease Suites 6 and 7 at the Eastern Shore Innovation Center for a two year term commencing on approximately January 10, 2022 to January 10, 2024 at \$525 per month.

## **USE OF COUNTY FACILITY FOR EMERGENCY PET SHELTER**

The Council acknowledged its discussion during its November 16, 2021 meeting, regarding the use of the County Facility located in Vienna as an Emergency Pet Shelter and deferral of this discussion in order to seek the comments of James Phillips, Sheriff. Ms. Lane advised that the Sheriff is amicable to the proposed use as long as goats, pigs or horses will not be housed at this facility which is not equipped for this purpose. She explained that he said they will need to know the medical background of the animals and cited concerns about the lack of an area to house cats. She noted that she advised him that the Emergency Services Department has crates that can be used for cats and other animals. Councilman Pfeffer cited concerns about who will staff the facility if there is a need to use it during an emergency event. Councilman Newcomb said volunteers can be used for this propose. The Council agreed to use this County facility as an Emergency Pet Shelter.

## **MEMORANDUM OF UNDERSTANDING-SPACE-ELDORADO BROOKVIEW VOLUNTEER FIRE COMPANY**

The Council agreed to enter into a Memorandum of Understanding between the County and the Eldorado Brookview Volunteer Fire Company (EBVFC) for space at its facility for a County Advanced Life Support unit and with Councilman Nichols opposing. Councilman Nichols said he is disappointed by statements made by EBVFC staff about the County, noting the Council took the advice of legal counsel and vacated the facility. He expressed his belief an apology should be made.

## **DORCHESTER COUNTY SANITARY DISTRICT FUNDING REQUEST-BONNIE BROOK**

Based on the request of Aubrey Vincent, Chair, Sanitary Commission, on behalf of the Dorchester County Sanitary District, the Council agreed to provide \$400,000 from the American Rescue Plan Act funds allocated to Dorchester County for the Bonnie Brook Water Improvement project. Mr. Edwards questioned whether the project will include repairs to the roadway. A Bonnie Brook resident said the well is on one of the properties and the main runs alongside the roadway and noted that the meters will be replaced.

## **POLL CONFIRMATIONS**

The Council recognized its decisions in the interim between meetings, via poll, to approve the below rounds for Emergency Rental Assistance Program applications pursuant to the request of Nancy Shockley, Local Management Board Director by a 3 to 2 (no answer) vote:

- Round 16

Blackwater Land Company, LLC	\$ 6,785.00
Cambridge Club Associates, L.P.	\$ 3,307.77
Cambridge Property Management, LLC	\$ 21,395.00
Choptank Property Management	\$ 3,200.00
DDT Holdings, LLC	\$ 10,103.00

Ed James	\$ 1,950.00
Hudson Townhomes	\$ 6,342.00
Kimberly Owens	\$ 12,600.00
Medicine Hill LLC	\$ 2,388.00
Powell Property Management	\$ 2,425.00
Severn Management Co.	\$ 11,746.00
Steve Robbins	\$ 1,400.00

- Round 17

Altair Apartments	\$ 900.00
Ana Pishevar	\$ 16,800.00
Blackwater Land Company, LLC	\$ 5,707.00
Cambridge Property Management, LLC	\$ 8,630.00
Caraballo Investments	\$ 4,650.00
Choptank Property Management	\$ 2,187.50
Country Estates, Inc.	\$ 3,121.00
Ed James	\$ 3,000.00
JL Remodeling LLC	\$ 3,800.00
Leroy Woolford	\$ 4,700.00
Marty Mullaney	\$ 3,900.00
Otter, LLC	\$ 7,375.00
Shontay Christopher (tenant)	\$ 4,000.00

- Round 18

Arcade LLC	\$ 1,754.00
Bradford House	\$ 1,410.00
Cambridge Property Management, LLC	\$ 3,000.00
Choptank Property Management	\$ 6,787.50
Conifer Village	\$ 1,691.00
East West Group LLC	\$ 5,420.00
Ed James	\$ 7,420.00
Eugene Martinetti	\$ 5,994.00
Foxtail Crossing	\$ 6,772.00
Larry Chitlik	\$ 6,875.00
Severn Management Co.	\$ 3,607.00
Wade Ritchie	\$ 10,567.00
Woods Road Meadows	\$ 7,179.00

**OTHER**

Based on information provided by Councilman Pfeffer, the Council agreed to provide a letter in support of Delmarva Community Services, Inc. proposal for funding of a Computer Lab at the Harry and Jeanette Weinberg Intergenerational Center with no County commitment. Councilman Pfeffer made a motion to obtain a table at the Chamber of Commerce Annual Meeting and Dinner in January 2022 which failed with Councilman Nichols, Councilwoman Nagel and Councilman Nichols opposed.

Councilman Newcomb noted that the Council sent its condolences to the family of Tommy Niblett, Jr. who recently passed. He said Mr. Niblett worked for the County for over 30 years.

**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 18<sup>th</sup> day of January, 2022