

County Council of Dorchester County
Regular Meeting Minutes
January 11, 2022

The County Council of Dorchester County convened in Open Session at 6:11 p.m. in Room 110 of the County Office Building on the 11th day of January 2022. 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; William V. Nichols; and, Ricky C. Travers. Present via telephone was George L. Pfeffer, Jr. and Libby Handley-Nagel, Vice President. 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 following item was removed: Commendation-Lukita Smith. The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of November 16, 2021.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$24,109,287.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on January 11, 2022 at 5:18 p.m. in Room 110 and via conference call, 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; William V. Nichols; and, Ricky C. Travers. Present via conference call were Libby Handley-Nagel, Vice President, and George L. Pfeffer. Voting in favor of the Closed Session were the present Council

Members. Also present in Room 110 and via the conference call was Donna F. Lane, Acting County Manager.

The Council convened in a Closed Session on January 11, 2022 at 5:19 p.m. to discuss the following items:

1. Discussed matters relating to a grievance;
2. Approved the request of the Director of the Department of Corrections to hire a temporary employee by a 5 to 0 vote;
3. Approved the request of the Finance Director to hire an individual as a Fiscal Clerk by a 5 to 0 vote.

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

PROCLAMATION-MENTORING MONTH

The Council presented a Proclamation declaring January 2022 Mentoring Month.

MANAGERS COMMENTS

AMERICAN RESCUE PLAN ACT FUNDING REQUESTS-FY22 BROADBAND INFRASTRUCTURE GRANT MATCH

The Council acknowledged that: 1) Valerie Connelly, Vice President of Government Affairs & Public Relations, on behalf of Choptank Electric Cooperative (Choptank) is seeking a 5% cash match of \$600,000 for a FY22 Broadband Infrastructure Grant; and, 2) Scott Schilling, Owner, Bay Country Communications, (BCC) is seeking a match for its grant request.

The Council agreed to provide a letter to Talkie Communication, Inc. recognizing that this company is a non-exclusive partner for the expansion of broadband in FY22 for its application for FY22 Broadband Infrastructure grant funds with Councilmen Travers and Pfeffer opposing.

A discussion ensued with Choptank Electric Cooperative regarding its proposed project. Ms. Connelly; Tim McGaha, Vice President of Technical Services and Matt Tefteau, Manager Governor Affairs, participated in the discussion. Mr. Tefteau confirmed for Councilman Newcomb that Choptank and Maryland Broadband each own a part of the fiber from Church Creek to Lakes and Straits. Councilman Newcomb stressed the need for internet access in the South Dorchester area. Ms. Connelly said pursuant to grant requirements 50% of the hook-ups need to be completed by year two and all need to be completed within three years. She advised that there are 1,600 planned locations and that they are seeking \$600,000 as a cash match from the County's American Rescue Plan Fund allocation.

A motion made by Councilman Travers to provide BCC and Choptank \$600,000 for the local match for the FY22 Broadband Infrastructure grant was seconded by Councilman Pfeffer. Pursuant to queries from Councilman Nichols, Ms. Connelly stated that: 1) if Choptank's application is approved and they will begin the broadband infrastructure project in April 2022; 2) after the project is completed reimbursement will be sought from the County and State of Maryland; 3) Choptank has three different internet packages that range from \$85 to \$100 monthly, depending on the amount of internet bandwidth requested. Councilman Nichols cited his disappointment that taxpayers funds will be used for the project, who will then be charged for internet service, some of which are on a fixed income. Ms. Connelly said the individuals who will hook up to Choptank's fiber will be Co-Operative members. In response to a question posed by Councilwoman Nagel, Ms. Connelly said if grant funding was unavailable, the company would finance the project with the potential reduction of the amount of connections.

Andrew Demattia, Talkie Communications, Inc., thanked the Council for its decision to provide the company with a non-exclusive partner letter.

Based on a question from Councilman Newcomb, Mr. Tefteau said they will work with the Council to potentially add additional locations to their project plans. Pursuant to an inquiry from Terry Robbins, Councilman Newcomb expressed his understanding that many of the BCC customers have internet access through Choptank's fiber.

Councilwoman Nagel referenced a resident's concerns about her not having access to internet through Comcast while other residents across the street have such access. She cited concern about this occurring in other areas of the County. Mr. Demattia said if a residence is within one mile of their infrastructure they will ensure they have access. Councilwoman Nagel said she believes the cost for internet should be uniform among all of the fiber companies. Pursuant to Councilwoman Nagel's inquiry, Mr. DeMattia and Ms. Connolley advised that they will sign everyone on a road if they want internet service. Ms. Connolley explained that for Choptank customers there is no installation cost to the home, only a subscriber fee. Based on a query from Councilman Nichols, Councilman Newcomb said the cost for internet service from BCC is roughly \$90 to \$120 a month. Councilman Nichols referenced prior road damage during fiber installation and stressed the need to ensure that this does not occur. Pursuant to another query from Councilman Nichols, Ms. Connolley explained that if Choptank's grant application is approved, a Memorandum of Understanding will be entered into between the Choptank and Dorchester County.

The motion to provide BCC and Choptank \$600,000 for the local match for the FY22 Broadband Infrastructure grant was approved with Councilwoman Nagel opposing.

TRAFFIC SAFETY RECOMMENDATIONS

The Council approved the Committee's recommendation to: 1) install 35 mph signs with fluorescent yellow placards coming off Elliott's Island prior to the bridge and 0.5 miles prior to going onto Elliott's Island; and, 2) to install larger diameter 35 mph signs with fluorescent yellow placards in order to call attention to the speed limit to motorists.

POOL SERVICES CONTRACT-RECREATION AND PARKS

The Council discussed the request of Mike Diaz, Recreation and Parks Director, to sole source with a company for pool services for the 2022 pool season. The Council agreed that Mr. Diaz should advertise for requests for proposals for these services.

REQUEST FOR ADDITIONAL FUNDING-SAILWINDS FOUNTAIN-RECREATION AND PARKS

The Council acknowledged its October 5, 2021 approval of a proposal from Lakesource Source, LLC for the Goose Monument project which included a light display with lights in a single color. Pursuant to the request of Mike Diaz, Recreation and Parks Director, the Council agreed to a price adjustment of an additional \$2,928.73 for colored lights. The Council recognized that: 1) the Program Open Space (POS) funding allocated for this project will cover the increase; and, 2) pursuant to POS staff there is no need to re-submit the original application.

BID AWARD REQUEST- QUONSET HANGAR ROOF REPLACEMENT-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to award the Quonset Hangar Roof Replacement project to B.A.S. Construction, the lowest bidder, at the cost of \$43,115 using \$31,000.00 from the Airport's FY22 Capital Budget and remaining funds from a CARES Act Grant award.

AIRPORT RESCUE GRANT AGREEMENT REQUEST-AIRPORT

The Council approved the request of Mr. Nuwer to accept an Airport Rescue Grant from the Federal Aviation Administration of \$32,000 to be used for operations, personnel, cleaning/sanitizing and other items. The Council recognized that this grant does not require specific projects be identified at this time, but can be drawn down as needed for applicable costs.

REQUEST TO SOLE SOURCE-PAVE PORTION TODDVILLE ROAD-PUBLIC WORKS

The Council approved request of Dave Edwards, Public Works Director, to sole source with Russell Paving for the paving of a portion of Toddville Road along a drainage structure using monies from the FY22 Highway Division's Operating Budget. In response to a question posed by Councilman Travers, Mr. Edwards said the portion of this road that needs paving is 1,728 square feet. Councilman Newcomb said the area to be paved is the where a cross pipe was installed.

CONTRACT AMENDMENT-HOOPERSVILLE RESILIENCY STUDY-DEPARTMENT OF NATURAL RESOURCES-PLANNING ZONING

The Council approved the request of Herve Hamon, Planning and Zoning Director, to amend the contract for the Hoopersville Resiliency Study by extending the contract date to March 31, 2022 in order to provide time for the development of mitigation strategies.

LICENSE AGREEMENT ADDENDUM-EASTERN SHORE INNOVATION CENTER (ESIC)-ECONOMIC DEVELOPMENT

Pursuant to the request of Susan Banks, Economic Development Director, the Council approved an addendum to the current License Agreement between the County and Beat the Rush Delivery (BTR) to include 137.36 sq. ft., adding Suite 37, at an additional rate of \$172 per month with all other terms and conditions remaining the same.

REQUEST TO SOLE SOURCE-WATER FILTRATION SYSTEM INSTALLATION-ESIC- ECONOMIC DEVELOPMENT

The Council approved the request of Ms. Banks to sole source with National HVAC Services, a contractor recommended by Dave Edwards, Public Works Director, to install an underground water filtration system at the cost of \$5,565 using Contingency Funds due to plumbing issues at the Eastern Shore Innovation Center. Pursuant to a question posed by Councilman Travers, Mr. Edwards advised that while hydrants were flushed in the Technology Park, the main line was not properly flushed prior to hook up which has resulted in sediment issues.

AMBULANCE REPAIR REQUEST-EMERGENCY SERVICES

The Council confirmed the action taken by Ms. Lane, Acting County Manager, under the "Emergency Procurement" Section of the County's Purchasing Policy to approve an emergency appropriation for repairs to an ambulance in the amount of \$7,509.24 due to the fact that there is another unit or units that will need to be placed out of service soon for repairs. The Council acknowledged that funds from the Emergency Medical Services FY22 Operating Budget under the Auto Expenses line item, 01-1121-5400, will be used for this purpose.

MID YEAR STEP 2022 PROCESS-CONTINUED DISCUSSION

The Council recognized: 1) its December 21, 2021 discussion to proceed with a midyear step for County employees of 2.5%; and, 2) E. Thomas Merryweather, County Attorney, recommends that the legislative process be followed since an amendment of the FY22 budget is necessary in order to authorize the use of funds for this purpose. The Council agreed to proceed with the legislative process using excess income tax funds. The Council acknowledged that the legislative process includes the introduction of a bill, then the legislative public hearing/adoption followed by a 60 day enactment period if the legislation passes. The Council further acknowledged that the midyear step will be retroactive to January 1, 2022.

CONTINUED DISCUSSION-REQUEST FOR INCREASES-DORCHESTER COUNTY ORPHANS COURT

The Council acknowledged its December 21, 2021 decision to increase the: 1) annual salary for Dorchester County Orphans Court Judges from \$4,700 to \$9,400; and, 2) the Judges expense allowance from \$800 annually to \$1,000 annually. Ms. Lane said at that meeting, the Council requested additional information regarding the pensions. She advised that pursuant to the Maryland Estates and Trust Article of the Annotated Code of Maryland the pension shall be the

greater of: 1) \$1,200 annually; or, 2) an annual amount calculated at the rate of 4% of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 12 years. The Council recognized that pursuant to Michael Spears, Finance Director, with the assistance of Terry Wheatley, Register of Wills, that the annual pensions for each of our current judges, once no longer serving, will be \$2,256 which is calculated at 4% of salary \$4,700 multiplied by a maximum of 12 years. The Council agreed to amend its prior decision to increase the Orphans Court Judges salaries from \$9,400 to \$6,000 with Councilman Travers abstaining and Councilman Pfeffer opposing.

REQUEST FOR RESOLUTION OF SUPPORT-BAY BRIDGE REPLACEMENT-QUEEN ANNE'S COUNTY

The Council considered the request of Todd Mohn, County Administrator, Queen Anne's County, Queen Anne's along with Anne Arundel County developed a resolution in support of a replacement Chesapeake Bay Bridge (with a minimum of 8-lanes) situated at the current crossing location so funding can be included in the Maryland Department of Transportation's budget for the NEPA Phase II evaluation. The Council agreed to send a letter of support.

BOARD APPOINTMENTS

The Council recognized that there are current and upcoming boards/committees term expirations. The Council reappointed Jason Spicer to the Agricultural Land Preservation Board. The Council also appointed Jerome Stanley to finish the term of Herschel Johnson which term expires December 31, 2025. The Council acknowledged that additional appointments need to be made to the Charter Review Committee which will be placed on the January 18, 2022 agenda.

POLL CONFIRMATION

The Council confirmed it took the following actions in the interim between meetings via poll:

- approved the below Emergency Rental Assistance Program Applications by a 5 to 0 vote:

Calvin Mowbray Park	\$1,016.00
Cherokee Rentals	\$3,100.00
Choptank Property Management	\$1,156.00
James Bishop	\$3,879.00
Jones Estates, Bay Country LLC	\$5,376.00
Marjorie MacSorley	\$4,700.00
Marty Mullaney	\$3,000.00
Sam Monaghan	\$3,150.00
Stella Kulukurgiotis	\$6,005.00
William Fitzhugh	\$2,150.00

- agreed to send a letter of support for the Partnership of Learning's submission of a grant in conjunction with the Dorchester County Campaign for Grade-Level Reading, and the nonprofit community in Dorchester County who serve the educational needs of

students during out of school time activities, for \$800,000 over the next 3 years by a 3 to 2 (no vote) vote.

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 1st day of February, 2022.