

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**April 5, 2022**

The County Council of Dorchester County convened in Open Session at 6:07 p.m. on the 5<sup>th</sup> day of April, 2022. The meeting was also available to the public by conference call. A roll call of the members was conducted. 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 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**

After publication of the agenda: 1) the Letter of Request-Maryland Department of Agriculture Grant Application-Snip Tuck; was removed from the agenda; and, 2) the Coastal Resiliency Program Capital Projects Grant Amendment-Hurst Creek Living Shoreline Project as well as the Cycling Event Contract-Economic Development were added to the agenda. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of March 1, 2022.

**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 \$23,003,922.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on April 5, 2022 at 5:09 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 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 5:10 p.m. on April 5, 2022 to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(7):

1. Approved the request of the Emergency Services Director to hire individuals as Paramedics and an individual as an Emergency Medical Technician by a 4 to 1 (abstention) vote;
2. Discussed compensation relating to an existing employee in Acting Capacity;
3. Discussed compensation relating to specific Public Works Employees;
4. Approved the request of the Public Works Director to reclassify an employee to Motor Equipment Operator III by a 5 to 0 vote;
5. Discussed the performance of a specific employee in the Planning and Zoning Department.
6. Approved the request of the Director of the Department of Corrections to promote several employees and hire individuals to fill vacant positions by a 5 to 0 vote;
7. Discussed a matter relating to disciplinary appeal by a specific employee;
8. Discussed a matter relating to the performance of a County employee.
9. Approved the request of the Emergency Services Director to hire an individual to fill a vacant 911 Dispatcher position by a 5 to 0 vote; and,
10. Received legal advice on a matter relating to a contract-agreed to defer to open session.

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. E. Thomas Merryweather, County Attorney joined the meeting late in Room 110.

#### **COMMENDATION-NORTH DORCHESTER HIGH SCHOOL SENIOR CLASS PLAY**

The Council presented a Commendation to the participants of the North Dorchester High School Senior Class Play.

#### **PROCLAMATION-PUBLIC HEALTH WEEK**

The Council presented a Proclamation declaring April 4 to April 10, 2022 as Public Health Week.

#### **PROCLAMATION – PUBLIC SAFETY TELECOMMUNICATORS WEEK**

The Council presented a Proclamation declaring April 10 to April 16, 2022 Public Safety Telecommunicators Week.

## **UPDATE-TAR BAY DREDGING-MID BAY ISLAND PROJECT**

Trever Cyran, Civil Works Project Manager, U.S. Army Corps of Engineers (“Army Corps”) said present is Kristen Keene, Maryland Department of Transportation Port Administration, and Graham McAllister, Chief, Army Corps, participating via conference call. Mr. Cyran and Ms. Keene presented information the Mid-Chesapeake Bay Island Ecosystem Restoration Project based on the attached document. Councilman Newcomb, referring to the \$3.22 million proposed in the FY2023 President’s Budget for Honga River and Tar Bay maintenance dredging, queried about the timeline for the allocation of the money for these projects. In response to his question Mr. McAllister advised that the timeline depends on: 1) whether it is confirmed through a Congressional Appropriation; 2) when standard environmental coordination with various State agencies is completed (may take 9 to 12 months; 3) obtaining a water quality permit; and, 4) Department of Natural Resources time of the year restrictions. Pursuant to a query from Councilman Newcomb, Mr. Cyran said in the FY22 Infrastructure and Investment Jobs Act the Mid Bay Project there is \$84 million to move out the construction of Barren Island. He advised that this summer they will build rock structures and then follow up a containment contract so they can move forward.

Based on a question from an individual, Mr. Cryan advised that there is \$1.9 billion designated for the Mid Bay project which includes Barren and James Island. Pursuant to additional questions posed by the same an individual Mr. McAllister advised that: 1) they cannot disclose the amount will cost to ensure the integrity of the bidding process; 2) the channel is authorized at the depth of seven feet; 3) the standard practice due to inaccuracies relating to the dredging project and shoaling in after depth, they are allowed to dredge two feet of overdepth; and, 4) they can dredge up to nine feet throughout the Honga River and Tar Bay which is dependent on funding. Boo Powley, waterman and resident, cited the need for the involvement of the watermen who use the channel in the dredging process since it has abrupt turns. Mr. McAllister said once the project has been authorized, a stakeholder meeting will be held with watermen, the County Council and others. He state that the Army Corp can redo the channel if it reduces costs.

Captain Robert Newberry, Chairman Delmarva Fisheries, thanked the Council for requesting an update on the project. He expressed concerns about not being access the Tar Bay Channel for emergency purposes such as a plane crash in the Chesapeake Bay or a local event, such as a boat or kayak capsizing.

Mark Flowers, Jr., President, Hoopers Island Volunteer Fire Company, suggested moving the channel, and cited concerns about the silting. He referenced a 2009 Tar Bay Channel dredging study about stabilization of the channel using a stone jetty. He said he hopes the County will also consider doing the County dock.

Bobby Whaples, President, Dorchester Watermen’s Association, commended Council for staying vigilant on the dredging of the Tar Bay Channel. He said he is pleased to learn that it will be dredged.

Keith Grafficus, Community Liaison, Congressman Andy Harris, thanked the Council, Mr. Cyran, Ms. Keene and Mr. Graham, the Maryland Port Authority and the Army Corps for

listening to the concerns of residents and waterman. Melisa Kelly, Eastern Shore Regional Director, Office of U.S. Senator Chris Van Hollen said the Council can submit a request for Congressional Directed Spending funds for the dredging of the Tar Bay Channel, noting their deadline is tomorrow. She thanked the individuals who attended this meeting on this topic. Senator Adelaide Eckardt, via telephone, thanked everyone for their involvement in this endeavor, including Joe Coyne and Bruce Coulson for pursuing the Mid Bay Island project.

Mr. Cryan said once sampling has taken place at Barren Island they will meet with watermen and other interested parties on the results and to discuss the next steps. He cited his belief that with funding available for the dredging in the Governor's Budget the use of the material may be less of an issue.

Ms. Keene thanked everyone who came to the meeting for this update. She noted that sediment sample results are in and she wants to schedule a meeting the week of April 11<sup>th</sup> to the April 18<sup>th</sup>. Mr. Flowers said he is willing to set up a meeting at the Hoopers Island Volunteer Fire Company if Ms. Keene wishes to do so. Ms. Keene said this week an email will be sent out in referenced to the funding announcement which will include as an attachment a spring 2022 newsletter with project updates and activities as well as information regarding Mid Bay Island tours in July 2022. She advised that hard copies of the newsletter will be mailed. She noted that there will be also be an open house public hearing in the summer of 2022 on what is to be expected from construction activities in advance of the construction of Barren Island.

Pursuant to a query from Captain Newberry, Mr. Cryan said the contractor will pick the port of call for the jump off point of the project. Tom Bradshaw, resident, echoed Mr. Flower's prior reference regarding the stabilization of the channel using a stone jetty. Pursuant to Mr. Bradshaw's query, Mr. Cryan said the funding is for dredging not a structure. Ms. Keene said neither agency can make any commitment. She said there may be potential grant funding or a partnership with other agencies that can be established to pursue stabilization. She noted that Department of Natural Resources staff are present.

Dewayne Paul noted that white placards have been placed on beacons in the Tar Bay which is a sign that the government has stopped maintaining the channel. Mr. McAllister said once the project has been completed he will ask the Coast Guard to restore navigation.

Councilman Newcomb, on behalf of the Council thanked Ms. Keene, Mr. Cryan, Mr. Graham for providing an update as well as the watermen and individuals who spoke regarding the proposed project and the dredging of the Tar Bay Channel.

### **ACTIVE 911 PRESENTATION-VOLUNTEER FIRE COMPANIES**

After a presentation, the Council agreed to consider the request of Adam Pritchett, Chief, Rescue Volunteer Fire Company on behalf of the volunteer fire companies in the County to provide funding of \$78,054.26 and each additional year thereafter would be a cost of \$27,055.16 to purchase tablets, data plans, and active 911 subscriptions for all the volunteer fire companies and the County's Emergency Medical Services units during the FY23 budget process.

## **MANAGERS COMMENTS**

### **STANDARD ALLOWANCE-AMERICAN RESCUE PLAN ACT-FINANCE**

Based on the recommendation of Mike Spears, Finance Director, the Council elected to utilize the standard allowance option for revenue loss for the use of Coronavirus State and Local Fiscal Recovery Funds (also called ARPA funds) pursuant to the U.S. Department of Treasury's final ruling.

### **U.S. SENATOR BEN CARDIN'S FY23 CONGRESSIONALLY DIRECTED SPENDING EARMARK REQUEST**

The Council agreed to submit FY23 Congressionally Directed Spending Earmark requests to U.S. Senators Benjamin Cardin and Chris Van Hollen for the following: 1) the dredging of Tar Bay Gaps as well as stabilization of the channel; 2) funds to improve Woods Road; and, 3) the Hoopers Island causeway breakwater and bulkhead.

### **RECOMMENDATION TO INCREASE COMMUNITY CLEAN UP CREDIT-FINANCE**

The Council, based on the recommendation of Mr. Spears, agreed to increase the cleanup credit from \$750 to \$1,000 per municipality and communities. The Council acknowledged that a resolution must be adopted.

### **DEPARTMENT OF NATURAL RESOURCES CONTRACT EXTENSION-COASTAL COMMUNITY RESILIENCY STUDY-HOOPERSVILLE-PLANNING AND ZONING**

The Council approved the request of Susan Webb, Acting Planning and Zoning Director, to approve an extension of the contract dated March 5, 2021 between the County Council and the State of Maryland acting through the Maryland Department of Natural Resources, Chesapeake and Coastal Service from March 31, 2022 to June 30, 2022.

### **COASTAL COMMUNITY RESILIENCY STUDY-HOOPERSVILLE-CONTRACT EXTENSION REQUEST-CONSULTANT-DESIGN FIRM-PLANNING AND ZONING**

The Council approved the request of Ms. Webb to extend the contract with Bayland Consultant's & Designers, Inc. for a Coastal Community Resiliency Study for Hoopersville from March 31, 2022 to June 30, 2022.

### **REQUEST TO SOLE SOURCE-TRASH COMPACTOR PURCHASE-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Mid-Atlantic Waste Systems, to purchase a trash compactor for the Golden Hill Collection Site at the cost of \$42,770 of which \$35,000 is from the FY22 Capital Budget and \$7,700 from the Landfill Fund Balance account. The Council acknowledged that this vendor is the only one in the region that can provide sales, parts and service.

#### **BID AWARD-MARINE FACILITIES PORTABLE TOILETS-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to award the bid for portable toilets for the County's marine facilities for the period of May 1, 2022 to October 31, 2022 to Harmon's Septic, the lowest bidder at \$1,810 per month for which Department of Natural Resources grant funds will be utilized.

#### **BID AWARD-RECYCLING CENTER FENCE-PUBLIC WORKS**

Mr. Edwards presented a request to award the bid for a fence for the Chesapeake Drive/Siding Road Recycling Center to the lowest bidder who provided a quote after the bid deadline via email. He confirmed for E. Thomas Merryweather, County Attorney, that the requests for proposals including language that the County has the right to waive irregularities and defects. Pursuant to a query from Councilman Pfeffer, Mr. Edwards said a bid opening was held which none of the vendors or their staff attended. Mr. Merryweather cited concerns about bids being opened prior to the submission of the late bidder. The Council agreed to reject all bids and readvertise.

#### **REQUEST TO PIGGYBACK-STATE HIGHWAY ADMINISTRATION CONTRACT-GUARDRAIL REPLACEMENT-PALMERS MILL ROAD-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to piggyback off the State Highway Administration's contract for the replacement of the guardrail on Palmers Mill Road which was recently damaged by a tractor trailer incident and to use Contingency Funds in the amount of \$35,960. In response to a questions posed by Councilman Pfeffer, Mr. Edwards said the damage occurred when a vehicle crossed the line and a tractor trailer veered off the road to avoid an accident and there was no police report filed.

#### **TRAVEL REQUEST-EMERGENCY SERVICES**

The Council approved the request of Dozia Rahilly, Emergency Services Director, for Michael Bramble, who has been and is serving as the pediatric champion to attend the Spring Forum & Train the Trainer Event to be held as part of the Emergency Medical Services Care 2022 preconference/conference activities from May 12 to May 15, 2022 in Ocean City, Maryland. Councilmen Pfeffer and Travers abstained. The Council acknowledged that: 1) MIEMSS EMSC will be offering each Pediatric EMS Champion a scholarship to this educational event as well as \$75/day stipend; and, 2) additionally, each jurisdiction is also allowed one night of lodging if they will be traveling greater than 60 miles one way (based on federal standards). Pursuant to an inquiry from Councilman Pfeffer, Ms. Rahilly said staff was not provided the opportunity to sign up to serve as the pediatric champion.

#### **DATA AND INFORMATION SHARING MEMORANDUM OF UNDERSTANDING- EMERGENCY SERVICES**

The Council approved the request of Ms. Rahilly to enter into an Information sharing agreement to establish a standard Memorandum of Understanding between the neighboring counties, and associated vendors to share primarily GIS (mapping) data and CPE (911 call system) information.

#### **FY22 INDIRECT COST AMENDMENT REQUEST-DELMARVA COMMUNITY SERVICES**

The Council approved the FY22 Indirect Cost Amendment which outlines Delmarva Community Service's allocation of its administrative costs to different programs, including some federal grants which will be available if necessary for review by auditors, federal government and other entities.

#### **EASTERN SHORE INNOVATION CENTER LICENSE AGREEMENT EXTENSION-SUNX ANALYTICAL-ECONOMIC DEVELOPMENT**

The Council approved the request of Susan Banks, Economic Development Director, to extend the License Agreement with SunX Analytical for office space at the Eastern Shore Innovation Center for an additional five year period.

#### **REQUEST TO SOLE SOURCE-VIDEO PRODUCTION OUTREACH PROJECT- ECONOMIC DEVELOPMENT**

The Council approved the request of Ms. Banks to sole source with Choptank Communications, for the production of a video that would be used to promote the Eastern Shore Economic Recovery Project and Dorchester County. The Council acknowledged that this outreach project video would be fully funded through Economic Development Administration grant funds and there is no requirement for County funding or in-kind services.

#### **REQUEST TO PURCHASE USED VEHICLE-AIRPORT**

The Council approved the request of Steve Nuwer, Airport Director, to procure a used late model pick up funded from the Airport's FY20 Capital budget that meets minimum requirements to serve as the operations truck and advise Council of the purchase post-procurement.

#### **USE OF COUNTY PROPERTY-VIDEO-AIRPORT**

The Council deferred the request of Davine Smith for permission produce to a video at the Cambridge Dorchester Regional Airport which will serve as background footage for a music video he is producing until he attends a Council meeting.

#### LETTER OF INTENT-USE OF CARES ACT FUNDING-FEDERAL AVIATION ADMINISTRATION-AIRPORT

The Council approved the request of Mr. Nuwer to send correspondence to provide a response to the Federal Aviation Administration's Airports Financial Assistance Division advising the County's intent to exhaust the CARES Act Grant for the Quonset Hangar Roof Replacement by May 31, 2022.

#### INMATE MEDICAL SERVICES CONTRACT RENEWAL REQUEST-DEPARTMENT OF CORRECTIONS

The Council approved the request of Kenny Rodgers, Director, Department of Corrections, to renew the contract with Conmed, LLC for inmate medical services from July 1, 2022 through June 30, 2023. The Council acknowledged that the contract states that there will be a 2.8% rate increase with each annual renewal period through June 30, 2023; however, due to increases in compensation to healthcare staff a standard 4.0% CPI adjustment will be applied to cover these increases.

#### EARLY VOTING DATE CHANGE-AMENDMENT TO EARLY VOTING CENTER AGREEMENT-USE OF COUNTY PROPERTY-ELECTIONS

The Council approved the request of Gwendolyn Dales, Elections Director, to change dates for the Election's Office use of Rooms 110 and 209 due to the early voting date change. The Council acknowledged that the following meetings will be moved: the July 13, 2022 Planning Commission Meeting, and the July 21, 2022 Board of Appeals meeting. The Council also agreed to enter into an Amendment to the Early Voting Center Agreement due to the date changes. The Council deferred the request of Ms. Dales to use the County's Recreational Facility on July 19, 2022 for the Gubernatorial Primary Election and ask the Board of Education to consider allowing the use of schools in lieu of alternate locations such as the facility.

#### RECREATION CENTER GYM FLOORING BIDS-RECREATION AND PARKS

The Council acknowledged that: 1) Michael Diaz, Recreation and Parks Director, advertised for proposals for the replacement of the gym flooring at the Recreation Center without Council authorization; 2) two companies submitted bids; and, 3) its March 15, 2022 decision to approve the renovation of the facility which does not include the gym flooring. The Council agreed that the request for proposals shall be re-advertised. One of the vendors who submitted a bid briefly spoke.

#### REQUEST TO ADVERTISE FOR PROPOSALS—SAILWINDS BEACH LANDSCAPING- RECREATION AND PARKS

The Council agreed to advertise for proposals for landscaping at Sailwinds Beach. Councilman Newcomb opposed.



### POOL RENOVATION BID AWARD-PLASTER REPAIR-RECREATION AND PARKS

The Council agreed to award the bid to Coastline Pool Services to renovate the pool at the cost of \$299,397 with Councilman Nichols and Councilwoman Nagel opposing. Councilman Pfeffer cited concerns about the differences in the breakdown of items between the two bidders, particularly since one bid is much higher than the other. Mr. Diaz said the companies bid on the same items. He attributed the differences in the proposals to the fact that the second request for proposals was submitted after the cover was placed on the pool. Mr. Diaz explained that damage to a portion of the bottom of the pool started last summer and over the winter progressed; therefore, when the cover was lifted it was discovered that the plaster was in need of repair. In response to a question from Councilman Nichols, Mr. Diaz said many of the 27 skimmers included in the proposal for replacement, are cracked, lifting or shifting so he believes it is prudent to replace all of them

### ATM LEASE RENEWAL REQUEST-STATE EMPLOYEES CREDIT UNION

The Council approved the request of Mary Jo Pierorazio, Operations Manager, State Employee's Credit Union, to extend the lease between the County and State Employee's Credit Union of Maryland for an ATM located at 3 Cedar Street for two additional years to March 29, 2024 at the current lease amount of \$250 per month.

### CONTINGENCY FUND REQUEST-CORE SWITCH REPLACEMENT-INFORMATION TECHNOLOGY

The Council approved the request of Don Keyes, Information Technology Director, to use FY22 Capital Budget funds of \$24,000 and \$43,133.49 from the Contingency Fund to replace core switches at the 911 Center, the County Office Building and at the Backup 911 Center at the cost of \$66,133.49.

### POLL CONFIRMATIONS

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

- approve the following Emergency Rental Assistance Program Applications (Round 25) by a 3 to 2 (no response) vote:

Cambridge Property Management, LLC	\$4,200
Derek Miller	\$4,500
Greg Strong	\$6,475
Jones Estates, Bay Country LLC	\$3,527
Parkside Village	\$8,810
Steve Robbins	\$5,000

- agree that Jill Hagadorn, Brie Harding and Mike Bramble can undertake Public Information Officer training by a 4 to 1 vote.

**BOARD APPOINTMENTS**

The Council reappointed Jerry Burroughs as the District 2 representative for the Planning Commission. The Council also appointed George Ames to the Charter Review Commission. The Council acknowledged that since this Commission has a quorum meetings can now be held.

**COASTAL RESILIENCY PROGRAM CAPITAL PROJECTS GRANT AMENDMENT-  
HURST CREEK LIVING SHORELINE PROJECT**

The Council approved the request of Dave Wilson, on behalf of Delmarva RC&D, Inc. (RC&D), to amend the contract for the Hurst Creek Living Shoreline Project to Shoreline Design, LLC as follows: 1) removal of the planting of marsh grass at the cost of \$100,000 which was agreed to by the Department of Natural Resources (DNR) which will be responsible for finding volunteers or identifying an additional revenue source to perform this task this Fall; 2) removal of the plants and planting as well as the goose fence; and, 3) the addition of statements to the end of the Division 3 Dredge Sand Fill Section 3-2 C and D to ensure that the contractor will not need to haul in additional sand as the project included the dredging of the 1150 foot long channel, 50 feet wide, 3.5 to 4 feet deep and the use the sand to build the dunes along the Choptank River.

**CYCLING EVENT CONTRACT-ECONOMIC DEVELOPMENT**

The Council agreed to send a draft contract for a cycling event to all interested parties for review and consideration.

**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 17<sup>th</sup> day of May 2022.