

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

The County Council of Dorchester County convened in Open Session at 6:26 p.m. on the 5<sup>th</sup> day of July, 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; 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 Pfeffer led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

After publication of the agenda, the following item was added: Request For Letters Of Support-Taylors Island Volunteer Fire Company. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of May 17, 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 \$18,411,688.58.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on July 5, 2022 at 5:04 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; 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 in a Closed Session on July 5, 2022 at 5:05 p.m. to conduct a personnel hearing. Present in Room 110 were: Jay L. Newcomb, President; William V. Nichols; George L. Pfeffer, Jr.; and Ricky C. Travers. Also present in room 110 was Donna F. Lane, Acting County Manager. The Council convened into a Closed Session at 5:05 p.m. on July 5, 2022 pursuant to §3-305(b)(1); and, §3-305(b)(7):

- 1- Conducted a personnel hearing.
- 1- Approved the request of the Director of the Department of Corrections, to reinstate an individual as a Correctional Officer by a 4 to 1 vote;
- 2- Discussed potential salary adjustments for specific employees;
- 3- Agreed to change a Local Management Board employee from full time status to part time status by a 5 to 0 vote;
- 4- Denied the request of the Emergency Services Director to hire an individual to fill the vacant Emergency Medical Services Administrative Specialist by a 5 to 0 vote;
- 5- Approved the request of the Finance Director to place an existing employee in Acting status as Assistant Finance Director by a 5 to 0 vote; and,
- 6- Received legal advice from County Attorney regarding the termination of a contract.

#### **COMMENDATION-RETIREMENT-IRENE GIBBS**

The Council presented a Commendation to Irene Gibbs congratulating her on her retirement and commending her for 32 years of service to Dorchester County

#### **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

#### **PUBLIC HEARING**

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO TITLE 3, LAW ENFORCEMENT, SUBTITLE 1, POLICE ACCOUNTABILITY AND DISCIPLINE, OF THE PUBLIC SAFETY ARTICLE TO ESTABLISH A POLICE ACCOUNTABILITY BOARD AND AN ADMINISTRATIVE CHARGING COMMITTEE; SETTING FORTH THE QUALIFICATIONS FOR MEMBERS AND METHOD OF APPOINTMENT; PROVIDING FOR A PROCESS TO RECEIVE CERTAIN COMPLAINTS ALLEGING POLICE MISCONDUCT; SETTING FORTH THE DUTIES OF THE BOARD; DEFINING CERTAIN TERMS; PROVIDING FOR THE**

**STAGGERING OF INITIAL APPOINTMENTS TO THE BOARD; PROVIDING FOR THE APPLICATION OF THIS ACT; AND GENERALLY RELATING TO POLICE ACCOUNTABILITY IN DORCHESTER COUNTY, MARYLAND.**

Councilman Nichols asked if the public hearing can be continued until the next meeting since he has concerns regarding the proposed bill. E. Thomas Merryweather, County Attorney, advised that pursuant to State law should have been adopted by July 1, 2022. Councilwoman Nagel cited her belief that Section P should be stricken from the legislation as it allows the Sheriff to negotiate with an officer. Mr. Merryweather said the Council can adopt the legislation as is and amend at a later date. Councilman Newcomb said he is not in favor of adopting the proposed bill. In response to a question from Councilman Travers, Mr. Merryweather said the proposed legislation is similar to the Talbot County legislation to form the boards. He noted that the Council asked Sheriff James Phillips to provide the legislation he preferred and he chose the Talbot County bill. Councilman Nichols noted that not all of the counties have adopted such legislation, and, in particular, Baltimore County. Councilwoman Nagel noted that the Administrative Charging Committee is part of the Police Accountability Board and should have Open Meetings Act and implicit bias training. Councilman Nichols made a motion to defer consideration of this legislation which was seconded by Councilwoman Nagel. Councilman Nichols said he believes that the board membership should be revised. He cited concern about police involvement being included in the legislation. Mr. Merryweather stated that questions can be posed to Sheriff Phillips, noting Council can ask for his thoughts. Councilman Nichols said by law the Sheriff is not involved with the Citizens Advisory Committee. Councilman Pfeffer said the proposed legislations states that each district assigns someone for the Police Accountability Board and accepts resumes for the Administrative Charging Committee. Councilman Nichols said the Chairman of the Police Accountability Board in Talbot County can appoint individuals to the Administrative Charging Committee which he does not agree with. He noted that the Chairman has a five year term while the other members do not. He stressed his belief all members should have the same terms. The Council confirmed consideration of this legislation with Councilmen Pfeffer and Travers opposing.

The Council convened into Regular Session.

**MANAGERS COMMENTS**

**REQUEST FOR SUPPORT-EMERGENCY RELIEF-DEER POPULATION CONTROL**

Councilwoman Nagel said the farming community reached out seeking Council's assistance. She explained that they are asking the Council to send correspondence to the Secretary of the Department of Natural Resources and the Secretary of the Department of Agriculture seeking changes to the Maryland Crops Deer Permit regulations and hunting regulations for emergency relief for deer population control. She noted that in lieu of a tour, a meeting was held and they were advised that they should create a deer bank. She provided the number of deer that were viewed in several areas at night and noted that Sika Deer are now moving to Hurlock. The Council agreed to send the requested correspondence.

## **FY23 CATEGORICAL BUDGET-BOARD OF EDUCATION**

The Council approved the request of W. David Bromwell, Superintendent, Dorchester County Public Schools, for approval of the FY23 Board of Education's (BOE) Categorical Budget based on the County's FY23 allocation to the BOE of \$20,937,715 for operating expenses and \$400,000 for capital expenses; and, 2) to execute the Annual Budget Certification Statement for the fiscal year ending June 30, 2023.

## **FY23 BUDGET AND FUND BALANCE REQUEST-CHESAPEAKE COLLEGE**

The Council approved the request of Clifford Coppersmith, President, Chesapeake College, for approval of the College's revised FY2023 Operating Budget to reflect an increase in FY2023 State funding resulting from Senator John A. Cade Formula & Budget Reconciliation & Finance Act which will be used for an additional salary increase to full time employees of 3% which brings the total increase for employees to FY2023. The Council acknowledged that the revised budget does not require additional support from the County.

The Council also approved the request of Mr. Coppersmith for approval of a one-time Fund Balance request of \$100,000 which will be used as follows: 1) for Queen Anne Technical Building Program Statement Consultants to prepare a Program Statement Part I and Part II for the project, \$50,000; and, 2) for Applicant Tracking, Onboarding and Professional Development Human Resource Software and Implementation to replace and update the software to support applicant tracking, \$50,000.

## **REQUEST FOR SUPPORT-DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT PASS THRU GRANT**

Susan Banks, Economic Development Director, provided information regarding requests from Mid-Shore Community Radio/"WHCP-FM" and Cross Street Partners for Council's support for each entity's submission of a Department of Housing and Community Development (DHCD) pass through grant. The Council approved the request of WHCP Radio and acknowledged that the funds being sought will be used for expanding its Community Radio Station based in Dorchester County which will be moved to the Packing House. The Council approved the request of Cross Street Partners and acknowledged that it intends to use the funds of \$500,000 for the final phase build out of an office and entrepreneurial focused placemaking space designed to accommodate startups, entrepreneurs, non-profit organizations and established businesses (Merge) which will be located in the Packing House.

## **BURIAL SITES PRESERVATION BOARD-POTENTIAL AMENDMENTS-APPOINTMENTS**

The Council acknowledged that Planning and Zoning's roles for the Burial Sites Preservation Board will be: 1) the facilitation of the board in the same manner as the Planning Commission and Board of Appeals; 2) the Zoning Inspector handling all

on-site inspections, enforcement and testimony tasks and the Zoning Technician, handling all administrative duties; 3) to forward any enforcement that would be recommended to the State's Attorney Office for charges and prosecution.

The Council agreed to see a legislative amendment to remove Chapter 63-5 L from the County Code. In response to a question from Councilman Newcomb, Mr. Merryweather said pursuant to common law family members and ancestors can go on a burial site and for maintenance if it is landlocked.

The Council recognized that the following individuals are interested in serving on this Board and approved the appointments of those who are County residents.

- Patrick Hurley
- Frederick Windsor
- Sam Yockey
- Tom Bradshaw
- Russell Hurley
- Norma Howell
- Janet McNeil
- David Beverly, II

#### **REQUEST TO HOLD OUTREACH EVENT AT COUNTY POOL-HEALTH DEPARTMENT**

The Council approved the request of Hannah Mayhew, Public Health Emergency Planner, Dorchester County Health Department, for the Department's COVID-19 Program outreach team to set up a table at the County Pool on Wednesday or Friday afternoons (1pm-3pm) in July/August to discuss COVID-19 prevention tips, have a hand-washing demo, and other health education topics; and, 2) its mobile vaccine unit to offer COVID-19 vaccines.

#### **REQUEST FOR ACCESS-DETECTING-COUNTY PROPERTY**

The Council discussed the request of Philip Kemmerlin, a local metal detectorist, for access to the County owned Appleby property for metal detecting for old coins and relics. The Council acknowledged that: 1) his goal is to save history through detecting; 2) he has given back a variety of coins and relics to land owners, pastors, etc.; and, 2) Holly Gilpin, Tourism Director, is amicable with the proposed access and hopeful he will provide items of value to the County for display as a historic relic. Councilman Nichols made a motion to proceed which was seconded by Councilman Travers for discussion. Mr. Merryweather cited concerns regarding responsibility for damages occurred and personal injury as well as ownership of the items he recovers. A discussion ensued. The motion and second were withdrawn. The Council denied the request.

#### **PRESERVATION EASEMENT REQUEST-COUNTY PROPERTY-MACES LANE COMMUNITY CENTER INC.**

The Council acknowledged its approval at the June 21, 2022 meeting, of the request of Ty Farrow, on behalf of Maces Lane Community Center, Inc., for a letter of support for the submission of its request for African American Heritage Preservation Program funding of \$100,000 for the Community Center project. Ms. Lane said pursuant to Mr. Farrow as part of the grant process, the property owner must authorize the Maryland Historical Trust to apply for an easement on the property or preservation/maintenance agreement which he is seeking. The Council deferred the request until the documents can be provided for its review and consideration.

#### **SURPLUS PROPERTY DECLARATION REQUEST-PLANNING AND ZONING**

The Council approved the request of Susan Webb, Acting Planning and Zoning Director, to declare one desk and two small tables as surplus property.

#### **MANAGEMENT CONTRACT-HURST CREEK LIVING SHORELINE DREDGING PROJECT-PLANNING AND ZONING**

The Council approved the request submitted by Ms. Webb, to enter into a fixed-rate contract with Delmarva Resource, Conservation and Development for permit, construction, inspection and financial management of the Hurst Creek Living Shoreline Dredging Project using Coastal Resiliency Program Capital Projects Grant funds.

#### **FY23 CRITICAL AREA LOCAL GRANT PROGRAM AWARD-PLANNING AND ZONING**

The Council approved the request of Ms. Webb to accept the FY23 Critical Area Local Grant Program Award of \$9,000 for the period of July 1, 2022 to June 30, 2023.

#### **REQUEST TO SOLE SOURCE-AMBULANCES-RADIOS-EMERGENCY SERVICES**

A brief discussion ensued regarding the request of Dozia Rahilly, Emergency Services Director, to sole source the contract for two ambulances with Atlantic Emergency Solutions, and to work with the vendor for the purchase of two Road Rescue Ambulances using FY23 Capital Budget funds. A motion made by Councilman Nichols to sole source with this company was withdrawn. The Council agreed that Ms. Rahilly can obtain a bid proposal from Atlantic Emergency Solutions.

The Council approved the request of Ms. Rahilly to purchase the three radios for the new ambulances in order to ensure their arrival time with a total purchase price of \$19,573.11 to be split between 3 capital budgets for a cost of \$6,524.37 per ambulance. The Council acknowledged that due to backorders, Motorola equipment has a minimum of six months to a year or longer turnaround time for orders.

**SOLE SOURCE REQUEST-PAVING PORTION-BESTPITCH FERRY ROAD-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Russell Paving to pave a portion of Bestpitch Ferry Rd at the cost of \$92,786.00 using \$74,400 in Maryland Department of Natural Resource funds and \$18,600.00 from the FY23 Capital allocation for paving. Pursuant to Councilwoman Nagel's inquiry, Mr. Edwards said the area to be paved is past Greenbriar Road, around the first turn on the right and in the area of the sharp bend past the chicken houses.

**REQUEST TO PIGGYBACK ON STATE CONTRACT-ROADSIDE TRACTOR-MOWER PURCHASE-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to piggyback on the State of Maryland's Sourcewell Contract for the purchase of a roadside tractor mower replacement with Atlantic Tractor using FY 23 Capital Budget at cost of \$143,343.92.

**REQUEST TO PURCHASE VIBRATORY TRENCH ROLLER-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to use the FY 23 capital funding allocation of \$45,000.00 and purchase a new vibratory trench roller from the lowest priced Sourcewell contract pricing for this equipment at the cost of \$36,908.

**REQUEST TO SOLE SOURCE-PAVING-AUTUMN GROVE ROAD-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to sole source with Russell Paving to pave Autumn Grove Road to Russell Paving at the cost of \$21,000.00 of which \$16,800 will be funded by Maryland Department of Transportation State Aid Funds and \$4,200.00 will be paid by the FY23 Capital allocation for paving.

**SOLE SOURCE REQUEST-PAVING-WOODLAND DRIVE-PUBLIC WORKS**

The Council approved Mr. Edwards' request to sole source paving Woodland Drive to Russell Paving at the cost of \$31,000 using, \$24,800 in Maryland Department of Transportation State Aid Funds and \$6,200.00 from the FY23 Capital allocation for paving.

**REQUEST TO PIGGYBACK-MARYLAND DEPARTMENT OF TRANSPORTATION CONTRACT-DRAINAGE REPAIR-HILLCREST DRIVE-LINTHCUM DRIVE-BUENA VISTA DRIVE-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to piggyback on a Maryland Department of Transportation Contract, No. XX1675474R using David A. Bramble General Contracting, at the cost of \$117,500 using \$98,800 in FY23 Capital Budget funds and \$19,000 from the Contingency Fund for Hillcrest Drive, Linthicum Drive and Buena Vista Avenue.

#### **PURCHASE REQUEST-DOZERS-LANDFILL-PUBLIC WORKS**

The Council approved Mr. Edward's request to purchase two new dozers from Midlantic Machinery Inc., the lowest bidder, at the cost of \$560,078.00 using the FY23 Capital Budget allocation of \$600,000.00 for this purchase.

#### **REQUEST TO PURCHASE WHEEL LOADER-PUBLIC WORKS**

The Council approved Mr. Edward's request to purchase a new Hitachi ZW 180 Loader from Elliott & Frantz Inc., the lowest priced vendor at the cost of \$242,972 using the FY23 Capital Budget funds allocated for this purpose.

#### **REQUEST TO PURCHASE VEHICLE WITH UTILITY BODY-PUBLIC WORKS**

The Council approved Mr. Edwards request to purchase a new sign maintenance pick up with utility body from IG Burton Berlin Chevy at the cost of \$56,504 using the FY 23 Capital Budget Allocation of \$65,000 for this equipment. In response to a question from Councilman Newcomb, Mr. Edwards said as of July 1<sup>st</sup> Customer Cash ends.

#### **DEPARTMENT OF NATURAL RESOURCES WATERWAY IMPROVEMENT FUND GRANT-CROCHERON BOAT RAMP REPAIRS**

The Council approved the request of Mr. Edwards to enter into a Department of Natural Resources Waterway Improvement Fund Grant of \$150,000 to complete repairs to the Crocheron Boat Ramp bulkhead and parking area.

#### **FY22 BUDGET TRANSFER REQUESTS-FINANCE**

The Council approved following FY22 Budget Transfer Requests: Corrections; Planning and Zoning; Public Works-Custodians-County Office Building; Board of Elections; Public Works-Landfill; Public Works-Roads-Engineering; Circuit Court; Economic Development; Economic Development-Eastern Shore Innovation Center; Tourism; Emergency Medical Services, Human Resources, Council and Recreation and Parks.

#### **BOARD APPOINTMENTS**

Council recognized that there were vacant and expired Non District and District appointments and took no action.

#### **DORCHESTER COUNTY PROPERTY TAX ASSESSMENT BOARD**

The Council acknowledged that: 1) Diana Willey has resigned as a member of the Property Tax Assessment Appeals Board so there is a vacancy; 2) David Whitten's term will expire on June 1, 2022; 3) pursuant to §3-103 of the Tax Property Article of the Annotated Code of Maryland, the



Council is required to submit three (3) nominations for each appointment to the Property Tax Assessment Appeals Board and, 4) he Board members serve a five year term.

### POLL CONFIRMATIONS

The Council, via poll in the interim between meetings, made the following decisions:

- agreed to accept Maryland Department of Commerce funding towards the \$100,000 the County owes for IRONMAN and execute the agreement with this entity by a 3 to 2 (no response) vote;
- agreed to the submission of a Governor's Office of Crime and Prevention FY 2023 Police Accountability, Community, and Transparency (PACT) Grant Program Application for funds for a full time victim services coordinator, de-escalation training, and SWAT School for the Sheriff's Office by a 3 to 2 vote.

### REQUEST FOR LETTERS OF SUPPORT-TAYLORS ISLAND VOLUNTEER FIRE COMPANY

The Council approved the request of Patti Tieder, on behalf of the Taylors Island Volunteer Fire Company, for letters of support/no funding available, including County and 508 funds, for its pursuit from the Volunteer Company Assistance Fund of \$375,000 for the purchase of a 22 Pierce Rescue Engine, which represents 75% of the cost with the remaining cost being paid with Taylors Island Volunteer Fire Company funds.

### 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 2<sup>nd</sup> day of August, 2022.