

**County Council of Dorchester County
Regular Meeting Minutes
September 20, 2022**

The County Council of Dorchester County convened in Open Session at 6:07 p.m. on the 20th day of September 2022. A roll call of the members was conducted. Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; George L. Pfeffer, Jr.; and, Ricky C. Travers. Also present in Room 110 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 removed from the agenda: FY23 Community Partnership Application Renewal-Local Management Board. The Council approved the amended agenda.

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 \$16,305,561.51.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on September 20, 2022 at 5:10 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; and pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice.

Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; George L. Pfeffer, Jr.; and, Ricky C. Travers. 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 5:11 p.m. on September 20, 2022 to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(7).

- 1- Approved the request of the Tourism Director to hire an individual as an hourly Visitor Center Clerk by a 3 to 0 vote;
- 2- Approved the request of the Planning and Zoning Director to hire an individual to fill the Liquor Board-Inspector Position by a 3 to 0 vote;
- 3- Approved the request of the Emergency Services Director for specific employees to participate in a Paramedic Program by a 3 to 0 vote;
- 4- Approved the request of the Director of the Department of Corrections to hire individuals as Probationary Correctional Officers by a 3 to 0 vote;
- 5- Agreed to appoint an individual in Acting Capacity as the Finance Director by a 4 to 0 vote;
- 6- Denied a request for a salary adjustment for an Emergency Services employee by a 4 to 0 vote;
- 7- Discussed a matter regarding a specific employee relating to retirement benefits;
- 8- Obtained legal advice from County Attorney regarding a proposed work agreement for employees that are not full time budgeted employees; and,
- 9- Obtained from County Attorney legal advice regarding an avigation easement condemnation legal case.

Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; George L. Pfeffer, Jr.; and Ricky C. Travers. Also present via the conference call was Donna F. Lane, Acting County Manager. E. Thomas Merryweather, County Attorney joined the meeting late in Room 110.

INTRODUCTION-RECREATION AND PARKS DIRECTOR

The Council introduced Duc Trieu, the new Recreation and Parks Director.

PROCLAMATION-SUICIDE PREVENTION MONTH-FOR ALL SEASONS

The Council presented a Proclamation declaring the month of October 2022 as Suicide Prevention Month.

LEGISLATIVE SESSION

PUBLIC HEARING

BILL NO. 2022-9 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 20-805 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT THE BUILDING EXCISE TAX IS SUSPENDED FOR A PERIOD OF ONE YEAR COMMENCING ON JULY 1, 2022 AND ENDING ON JUNE 30, 2023 AND TO PROVIDE

THAT THE BUILDING EXCISE TAX DOES NOT APPLY TO BUILDING PERMITS FILED BETWEEN JULY 1, 2022 AND JUNE 30, 2023.

E. Thomas Merryweather, County Attorney, said a public hearing is being held on legislation to suspend the Building Excise Tax for a period of one year commencing on July 1, 2022 and ending on June 30, 2023 and to provide that the Building Excise Tax does not apply to building permits filed between July 1, 2022 and June 30, 2023.

The roll call for Bill No. 2022-9 was: Nichols-absent; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

ANNUAL TRANSPORTATION MEETING TOPIC DISCUSSION

The County Council agreed to pursue the following items at the Annual Transportation Meeting with Maryland Department of Transportation officials which will be held on November 1, 2022. The Council acknowledged that these are the same items pursued last year for which confirmation was not received on whether they will be addressed. The Council acknowledged some of the below projects are currently underway.

- Maryland 343 at Crusader Road Roundabout
- Bucktown Road and Maryland Route 50 signalization with pedestrian crossing
- US Route 50 at Airey's Spur Road cross over with acceleration lanes
- Maryland Route 336 at Worlds End Creek pipe replacement
- Maryland Route 392 Hurlock from Main Street to Taylors Avenue sidewalk installation with street lighting
- Maryland Route 343 from Maces Lane to West Side Bypass new sidewalk installation
- North of Andrews Road pipe replacement
- Brookview Bridge replacement
- Waddells Corner calming measures
- Dockins Market intersection traffic light installation
- Maryland Route 392 and 14 roundabouts
- Maces Lane traffic light installation
- Maryland Route 331 and 392 intersection north to Hurlock in the area of Goose Creek Store past B&G and Gold Rush Apartments from the bank to end of development sidewalk installation

MANAGERS COMMENTS

TRAVEL REQUEST- MD/VA AGRICULTURE DEVELOPMENT CONFERENCE- ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Economic Development Director, for AC Alrey, Business Development Manager, to attend the 2022 Maryland-Virginia Agriculture Development Conference in Powhatan, Virginia from Monday, October 3, 2022 through Thursday, October 6, 2022. The Council acknowledged that there is no cost for conference registration; mileage, \$235.48; lodging, \$453.60, and food for total cost of \$689.08.

CONTINGENCY FUND REQUEST-BOARD OF ELECTIONS

The Council recognized that the Dorchester County Board of Elections may seek Contingency Funds for the purchase of certain election equipment and supplies, depending on tests regarding potential mold exposure at the area in which they are stored. The Council also recognized that Gwen Dales, Elections Director, has signed a lease for the use of a temporary warehouse space at \$1,000 per month on a month-to-month basis. The Council deferred this matter.

LEGAL REPRESENTATIVE REPLACEMENT REQUEST-BOARD OF APPEALS

Pursuant to the written request of the Board of Appeals Members' and information provided by Lin Spicer, Board Chair, the Council agreed to advertising proposals to replace the existing Board of Zoning Appeal's legal representation. The Council also agreed to ask prior utilized attorneys if they can provide legal services for the Board on a part time basis. The Council acknowledged that correspondence will be sent tomorrow to the existing attorney regarding this decision.

SOLAR PROJECT DISCUSSION

Lin Spicer, Chair, on behalf of the Board of Appeals members, asked the Council to consider placing a six month moratorium on solar projects until solar legislation is adopted, enacted and codified. He explained that since the prior Comprehensive Plan did not contain anything on solar projects, including guidelines, they do not feel they are qualified to make a decision on these types of projects which is a disservice to the County and its residents.

In response to a question from Councilman Travers, Mr. Spicer said there is one solar project in the que. Susan Webb, Planning and Zoning Director, said one company has applied for a special exception which was tabled at a December 21, 2021 meeting. She said the requestor came before the Planning Commission last month; however, they were unable to move forward with site plan approval since the project is not in compliance with the Code as they need a special exception. Pursuant to an inquiry from Councilman Pfeffer, Mr. Spicer reiterated his prior comment about the Board members' concern about moving forward with this matter as they feel they are unqualified to make a decision without solar legislation being enacted. A motion was made by Councilwoman Nagel and seconded by Councilman Newcomb. Pursuant to a question from Councilman Travers, Mr. Spicer referred to his prior comments regarding having no set guidelines to follow. Based on a query from Councilman Pfeffer, Mr. Spicer opined that the Board members should not have considered the one solar project prior to adoption of solar legislation. He cited concern about making an exception which will set a precedent. He noted that one reason the Board members are seeking this moratorium is to be able to obtain a new attorney which has more experience in addressing solar projects. The vote died due to a lack of majority with Councilmen Travers and Pfeffer opposing. A brief discussion ensued regarding the written proxy vote submitted by Councilman Nichols. A motion to place a moratorium on solar projects until legislation passes or fails was approved with Councilman Nichols voting via written proxy and Councilmen Pfeffer and Travers opposing.

**REQUEST TO ACCEPT MARYLAND AVIATION ADMINISTRATION GRANT AWARD-
WILDLIFE FENCE PHASE 2-AIRPORT**

The Council approved the request of Steve Nuwer, Airport Director, to accept a Maryland Aviation Administration grant award in the amount of \$321,463.00 to fund 75% construction costs of the Wildlife Fence Phase 2 project. The Council acknowledged that the construction cost balance will be County funded from the FY23 Capital Budget and the Contingency Fund.

**REQUEST TO HOLD FEDERAL AVIATION ADMINISTRATION SAFETY TEAM
TRAINING-AIRPORT**

The Council approved Mr. Nuwer's request for permission to host the Federal Aviation Administration Safety Team FAAST training of County Emergency Medical Services (EMS) and Fire personnel during the last week of September 2022 at the Cambridge-Dorchester Regional Airport. The Council acknowledged that the training is free to County Fire and EMS personnel with the only cost to the Airport being refreshments.

**MEMORANDUM OF UNDERSTANDING-ADVANCED LIFE SUPPORT UNITS-
MADISON AND HURLOCK VOLUNTEER FIRE COMPANIES**

The Council agreed to renew Memorandum of Understandings with Madison Volunteer Fire Company and Hurlock Volunteer Fire Company for space for Advanced Life Support units and personnel at the current rate of \$1,000 per month for a one year period.

**NATIONAL RIFLE ASSOCIATION FOUNDATION APPLICATION SUBMISSION
REQUEST-SHERIFF'S OFFICE**

The Council approved the request of Sheriff James Phillips for authorization to submit a National Rifle Association Foundation application for funds of \$25,000 with no local match to replace body armor for the SWAT team.

**CONTRACT FOR PROFESSIONAL SERVICES-AMERICAN BUS ASSOCIATION
REGIONAL GROUP SALES-TOURISM**

The Council agreed to enter into a Contract for professional services with the American Bus Association Regional Group that arranges bus tours in the County, at no cost, for the period of September 15, 2022 through June 30, 2023.

**REQUEST TO USE MOTOROLA CREDIT-PURCHASE OF RADIOS-EMERGENCY
SERVICES**

The Council recognized its prior approval of the request of Dozia Rahilly, Emergency Services Director, to use \$47,113 of a \$70,000 credit to the County's Motorola Solutions Account to purchase a radio Aeroflex machine for in house radio maintenance. The Council agreed to use the balance of the credit to cover the cost of radios and towards the purchase of a portable radio for Unit 102.

SOLE SOURCE REQUEST-PURCHASE OF AMBULANCES-EMERGENCY SERVICES

The Council approved the request of Ms. Rahilly to sole source with Atlantic Emergency Solutions, the Maryland dealer for Road Rescue Ambulances, to purchase two 2023, Ford F-550 diesel Ambulances at the cost of \$358,015.00 each for a total of \$711,028 using FY23 Capital Budget funds allocated for this purpose. Pursuant to a query from Councilman Travers, Councilman Pfeffer confirmed that these are the same type of units acquired last time.

REQUEST TO PIGGYBACK ON STATE CONTRACT-HEALTH DEPARTMENT FEASIBILITY STUDY-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to piggy back off of DGS Contract, DGS-17-100-IQC, using Noelker and Hull Associates, Inc., to perform the feasibility study of the Health Department at the cost of \$19,500 using American Rescue Plan Act funding allocated for the Health Department project with Councilman Pfeffer opposing. Pursuant to a query from Councilman Newcomb, Mr. Edwards said the results of the study will include both options and recommendations to either move forward with design of a new building or renovation. Based on questions from Councilman Travers, Mr. Edwards: 1) said the study will take a couple of months; and, 2) the projects listed at the bottom of the request are those performed by Noelker and Hull Associates, Inc.

REQUEST TO ADVERTISE FOR PROPOSALS-ROLL OFF CONTAINERS LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for proposals for two 20 yard and two 30 yard roll off trash containers to replace containers at Beulah Landfill and some of the transfer stations.

BID AWARD REQUEST- RE-ROOF – HIGHWAY DEPARTMENT BUILDINGS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid for re-roofing of several Highway Division buildings to Dynamic General Contracting, the lowest bidder, for \$169,000 using FY23 Capital Budget funding allocated for this purpose. Mr. Edwards said no local providers showed an interest in this project nor submitted a bid proposal based on a question from Councilman Travers. Councilman Newcomb asked Mr. Edwards to provide information regarding the re-roofing project, based on queries he has received from individuals. Mr. Edwards said explained that there are two types of roofing on the Circuit Court House, historic and a newer roof. He said a flat layer roof is being installed and a rubberized synthetic type of slate, which was approved by the City of Cambridge Historical Commission. He noted that it will take several months to complete this project.

REQUEST TO AWARD BID-CRUSHED STONE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the contract for supplying Crushed Stone for the period of October 1, 2022 through September 30, 2024 to Vulcan Construction Materials, the sole bidder using funding from the FY23 Operating Budget.

SANITARY COMMISSION APPOINTMENT

The Council agreed to reappoint Aubrey Vincent to the Sanitary Commission.

DORCHESTER COUNTY PROPERTY TAX ASSESSMENT APPEALS BOARD APPOINTMENT

The Council recognized that: 1) Diana Willey has resigned as a member of the Property Tax Assessment Appeals Board. so there is a vacancy; 2) additionally, David Whitten's term expired 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) the Board members serve a five year term.

EMERGENCY RENTAL ASSISTANCE PROGRAM APPLICATION REQUEST-LOCAL

Pursuant to the request of Nancy Shockley, Local Management Board Director, the Council approved the following Emergency Rental Assistance Program Applications.

Cambridge Commons	\$2,644.00
Cambridge Property Management	\$3,691.00
Choptank Property Management	\$2,800.00
DDT Holdings	\$4,002.00
Derek Miller	\$1,800.00
Eugene Martinetti	\$1,800.00
Gilbert Cephas	\$2,250.00
Marty Mullaney	\$1,400.00
Oakley Street Investments LLC	\$3,975.00
Severn Management	\$1,861.00

POLL CONFIRMATIONS

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

- approve the request of William Jones, Circuit Court Judge, to compensate the Sheriff's Deputies during the Harriet Tubman Statue event at a special event rate by a 5 to 0 vote;
- agree to the use of an outside vendor by Public Works to polish vehicles- dump trucks which will occur approximately every two years by a 3 to 2 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 4th day of October 2022.