

**County Council of Dorchester County  
Regular Meeting Minutes  
October 18, 2022**

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:11 p.m. on the 18<sup>th</sup> of October, 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 Travers 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 to the agenda: Poll Confirmation. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of October 4, 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 \$26,967,754.56.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on October 18, 2022 at 5:16 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 §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 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 5:17 p.m. on October 18, 2022 to discuss the following items pursuant to §3-305(b)(1).

- 1- Approved the request of the Public Works Director to hire an individual to fill a Scales Attendant vacancy in the Landfill Division by a 4 to 0 vote;
- 2- Approved the request of the Public Works Director to hire an individual as a Landfill Equipment Operator II by a 4 to 0 vote;
- 3- Confirmed the hiring by the Judge of the Circuit Court for a Nonclinical Case Manager under the Family Services Grant by a 4 to 0 vote; and,
- 4- Approved the request of the Acting Finance Director to promote an existing employee to a Staff Accountant position by a 4 to 0 vote;

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-RETIREMENT-DANIEL INSLEY**

The Council presented a Commendation to Daniel Page Insley to commend him on his 34 years of service to Dorchester County and congratulating him on his retirement.

#### **PROCLAMATION-WHITE CANE AWARENESS MONTH**

The Council presented a Proclamation declaring November 2022 as White Cane Awareness Month.

#### **LEGISLATIVE SESSION**

##### **PUBLIC HEARING**

**BILL NO. 2022-12 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND PURSUANT TO CHAPTER 155, ENTITLED "ZONING", SECTION 155-5(A) OF THE DORCHESTER COUNTY CODE TO ADD CERTAIN DEFINITIONS TO SECTION 155-13 OF CHAPTER 155 AND TO REPEAL AND REENACT THE DEFINITION OF "SOLAR ENERGY SYSTEMS, UTILITY SCALE", AS SET FORTH IN ARTICLE II, DEFINITIONS OF SECTION 155-13, ENTITLED "TERMS DEFINED" OF CHAPTER 155, AND TO REPEAL AND REENACT SECTION 155-50(LL), ENTITLED "SOLAR ENERGY SYSTEMS, UTILITY SCALE" OF ARTICLE IX, ENTITLED "SUPPLEMENTARY USE REGULATIONS" OF CHAPTER 155 ENTITLED "ZONING" OF THE DORCHESTER COUNTY CODE, PROVIDING FOR THE REGULATION OF SOLAR ENERGY SYSTEMS AND TO AMEND "TABLE OF PERMITTED USES BY ZONING DISTRICT DORCHESTER**

COUNTY, MARYLAND” OF CHAPTER 155 ENTITLED “ZONING” OF THE DORCHESTER COUNTY CODE TO IMPLEMENT THE ACT.

E. Thomas Merryweather, County Attorney, said before Council is legislation to add certain definitions to Section 155-13 of Chapter 155 and to repeal and reenact the definition of “Solar Energy Systems, Utility Scale”, as set forth in Article II definitions of Section 155-13, entitled “Terms Defined” of Chapter 155, and to repeal and reenact Section 155-50(LI), entitled “Solar Energy Systems, Utility Scale” of Article IX, Entitled “Supplementary Use Regulations” of Chapter 155 entitled “Zoning” of the Dorchester County Code, providing for the regulation of Solar Energy Systems and to amend “Table Of Permitted Uses By Zoning District Dorchester County, Maryland” of Chapter 155 Entitled “Zoning” of the Dorchester County Code to implement the Act. He noted that no one signed up to speak.

Susan Webb, Planning and Zoning Director, stated that the Planning Commission forwarded legislation on June 1, 2022 to the Council which defines setbacks and screening for solar energy systems ground mounted. She explained that it includes: 1) a cap of no more than 1200 acres of solar arrays in AC District; 2) minimum lot requirement of 25 acres to 35 acres; 3) a maximum of 35 acres; 4) a requirement that 50 or more acres cannot be subdivided to circumvent the requirements; 5) vegetation screening of 75 feet wide; and, 6) a fence requirement. She said there are also setback requirements as follows: 1) 200 feet from all right-of-ways, property lines; 2) 500 feet from all dwellings; and, 3) 200 feet from designated scenic highways, historic districts, and any other solar array.

Brendan Mullaney, Attorney, McAllister, DeTar, Showalter & Walker, LLC, said he represents a number of developers and interested parties in the industry. He noted that the Maryland Renewal Portfolio standard is that by 2030 50% of the electricity used in the State shall be generated by renewable energy sources. He expressed concern about the proposed legislation which will severely limit the amount of property that will be used for a solar array particularly in light of the setback requirements. He noted that the State has intentionally required developers to work with local jurisdictions to incorporate reasonable design requirements, site plan review conditions and exception approval through the CCPN process imposed on utility scale developers. He referenced the State’s pre-emptive authority relating to solar projects and opined that the legislation before Council, as written, will eliminate the County’s participation in this process. He cited concern about eliminating the County’s ability to review projects, and, in particular, at the Board of Appeals level for use and at the Planning Commission level for site approval. He asked the Council to: 1) not adopt the legislation and direct staff to work with the industry to draft legislation to allow reasonable solar which will not eliminate the County’s’ voice at the table; or, 2) if so amend the legislation so any projects that have been applied for special exception are allowed to progress.

Mike Detmer, resident, said he participated in some of the meetings regarding this legislation. He recognized property owner rights. He expressed his belief that the Council should proceed with this legislation even if it needs to be amended in the future.

In response to a query from Councilman Pfeffer, Ms. Webb, advised that the Planning Commission prepared the legislation. Councilman Pfeffer cited his belief that the Commission

members want rules and regulations in place since they are not familiar with solar. He expressed concern about the setbacks and buffers which will greatly reduce the size of a solar array. Ms. Webb said the legislation was modeled off of several pieces of legislation that passed in other jurisdictions in the State. Based on an inquiry from Councilman Pfeffer, Ms. Webb said prior legislation was drafted as a result of the committee meetings then was rewritten after other jurisdictions legislation was researched. Councilman Pfeffer asked for a list of the jurisdictions. Pursuant to Councilman Pfeffer's query, Ms. Webb said she believes other jurisdictions have the same utility megawatts of 2 megawatts or greater.

Mr. Edwards said he received a lot of calls from citizens in regards to the disposal of solar panels. Mr. Kupersmith stated that: 1) the disposal cost depends on the technology utilized; 2) the expected useful life was 25 to 30 years and is now 30 or 35 years; and 3) when projects are recycled panels that have a useful life can be taken off a rack and resold. Mr. Edwards advised that pursuant to the Maryland Department of Environment (MDE) the County cannot accept solar panels at the landfill. In response to a question from Councilman Pfeffer, Mr. Kupersmith said it is commonplace to require a surety bond for decommissioning. Mr. Kupersmith, pursuant to inquiries from Councilwoman Nagel: 1) he said he is not aware of any farmland being placed back into production after a solar facility farm has been removed after a 25 five year period; and 2) solar panels are now manufactured without chemical compounds that may have been carcinogenic.

Councilman Newcomb questioned the reason MDE advised that solar panels should not be disposed of at the landfill. Mr. Edwards stated that some of the material used for them have special disposal requirements. In response to a question from Mr. Edwards, Ms. Webb said MDE was not a part of the conversation regarding solar. Mr. Edwards explained that MDE advised that solar panels that are placed on residential roofs cannot be disposed of at the landfill. Ms. Webb said the building permit process can be revised to include the requirement that the process on disposing of the solar panels should be provided.

Councilman Travers said he is opposed to the proposed legislation and cited concerns about the impact it will have on solar projects if passed. He referenced the fact that the Public Service Commission can pre-empt County action relating to these types of projects. Councilman Newcomb referenced the committee meetings that were held regarding solar which he attended. He noted that not everyone who participated in those meetings was against solar, they just wanted to address residents' concerns. Councilman Pfeffer said he attended many of those meetings via telephone due to Covid. He expressed concerns about the legislation as proposed which may prohibit solar projects. Councilwoman Nagel, citing the Mid Atlantic Power Pathway (MAPP) Project in 2008-2012, expressed concern about removing farmland from production. She noted that she must meet County requirements relating to her farm.

Pursuant to a question posed by Kathy Abbott, resident, Ms. Webb said solar on 1,200 acres equates to 22 megawatts. She said currently 191 of the 1200 acres that can be utilized for solar projects have been used which totals 949.974 acres.

Councilwoman Nagel made a motion to not move forward with the legislation due to the information that was disclosed this evening. Ms. Lane clarified that based on an inquiry from Mr.

Merryweather said obtained a copy of resolution which states that a written proxy vote cannot be provided for items for which a public hearing is being held such as legislation. Mr. Merryweather confirmed her statement.

Councilwoman Nagel withdrew her motion so the Planning Commission can address this issue at a later date. Mr. Merryweather said the comments made tonight should be considered by the Commission when discussing potential future legislative action.

Councilwoman Nagel left the meeting.

The Council deferred further discussion on this matter and agreed that the comments made at this meeting will be considered when this issue it is addressed in the future by the Planning Commission.

### **FY24 CAPITAL IMPROVEMENT PLAN-BOARD OF EDUCATION**

Chris Hauge, School Facilities Engineer and Safety/Security Coordinator provided an overview of the Board of Education's proposed FY24 Capital Improvement Plan that includes air quality improvements and security upgrades. He advised that Elementary and Secondary School Emergency Relief (ESSER) funds under the American Rescue Plan Act of 2021 will be used to upgrade the HVAC system at South Dorchester K-8. He noted that Dorchester County is a 93% State funded formula County. Councilman Pfeffer questioned whether the Dorchester County School System is still considering a new model for an intermediate school. Mr. Hauge said he is not aware of the status of the new model consideration. He explained that funds have been identified for looking into how to address the intermediate schools, many of which are of an open design concept. He stated that there will be a master planning process during which the community will be engaged and asked for input. Councilman Pfeffer noted that the Dorchester County maintenance schedule was recently named as the best in the State of Maryland. He thanked the school system and the Board of Education for being good stewards of school resources.

The Council agreed to provide a letter conceptually approving, for planning purposes only, the Dorchester County Board of Education's FY 2024 Capital Improvement Plan contingent upon future budget approvals.

Pursuant to a question from Dave Edwards, Public Works Director, regarding prioritizing requests, Mr. Hauge said consideration is given to the lifespan of a facility. Mr. Edwards expressed concern about the recent lock down of the Hurlock Elementary School and the number of School Resource Officers in the County. Councilman Pfeffer said the Town of Hurlock officials have sought grant monies to fund the placement of a School Resource Officer position at this school. In response to a question posed by Councilman Newcomb, Captain John Stichberry, Sheriff's Office, said only a school staff person can search a student even if a School Resource Officer is present pursuant to Maryland State Board of Education guidelines. Captain Stichberry also noted that pursuant to State legislation any child under the age of 13 cannot be charged with a crime except for a specific circumstance relating to the amount of danger involved.

## **FINAL ANNUAL TRANSPORTATION MEETING TOPIC DISCUSSION**

The Council confirmed its September 20, 2022 meeting decision to pursue the following topics for the November 1, 2022 Annual Transportation Meeting with Maryland Department of Transportation officials.

- 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

## **MARYLAND GENERAL ASSEMBLY LEGISLATIVE FINAL DISCUSSION**

The Council acknowledged its decision at its October 4, 2022 meeting, Council agreed to pursue the below State law amendments. The Council confirmed that decision.

- Amendment of Section 1-113 of the General Provisions Article of the Annotated Code of Maryland which requires legal advertisements and legal notices to be published in a "newspaper of general circulation" to include online advertising as an alternative
- Amendment of Section 10-312(f) of the Local Government Article of the Annotated Code of Maryland entitled "County property; housing projects; franchise; required notice," as it relates to leases to allow County to enter into a lease for a term of five years or less without providing notice of publication for three successive weeks.
- Amendment of Section 3-702 of the Labor and Employment Article of the Annotated Code of Maryland to exempt applicants for employment with Dorchester County as a 911 Dispatcher with Dorchester County's 911 Center within the Department of Emergency Services; or as a Paramedic or Emergency Medical Technician with the EMS Division within the Department of Emergency Services; or a Correctional Officer at the

Dorchester County Detention Center within the Dorchester County Department of Corrections from the prohibition on employers requiring or demanding that an individual submit to or take a polygraph examination as a condition of employment.

## **MANAGERS COMMENTS**

### **FY23 OPERATING GRANT AGREEMENT-MDOT MARYLAND TRANSIT ADMINISTRATION-DELMARVA COMMUNITY SERVICES**

The Council approved the request of Andrea Waters, Transportation Specialist, to accept a Maryland Transit Administration FY23 Operating Grant Agreement for the below.

Description	Net Project Cost	Federal Funds	State Funds	Local Funds
5311	\$570,934	\$285,467	\$216,484	\$ 68,983
ADA	\$ 55,556	\$0	\$ 50,000	\$ 5,556
SSTAP	\$163,632	\$0	\$122,724	\$ 40,908
TOTAL	\$790,122	\$285,467	\$389,208	\$115,447

### **REQUEST FOR DUMPSTER-WAIVER OF TIPPING FEES-OLD VIENNA FIRE HOUSE**

The Council agreed to the placement of a dumpster at the old Vienna Fire House for the clean up of that facility which the Town of Vienna is selling to an entity and to waive landfill tipping fees.

### **REQUEST FOR TRANSFER OF TAX SALE PROPERTY-914 SPRINGFIELD AVENUE-CITY OF CAMBRIDGE**

The Council deferred the request of Tom Carroll, City Manager, for the transfer by the County of 914 Springfield Avenue to the City of Cambridge in order to obtain costs for the acquisition of the property at the June 2022 tax sale.

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

The Council approved the request of Susan Banks, Economic Development Director, to enter into a License Extension Agreement with Beat The Rush Delivery, LLC for Suite 037 consisting of 137.36 square feet for 24 months commencing on September 14, 2022 to September 14, 2024.

### **WORK PERFORMANCE AGREEMENT-LONG FENCE-WILDLIFE FENCE PHASE 2-AIRPORT**

The Council approved the request of Steve Nuwer, Airport Director, to execute a Work Performance Agreement with Long Fence for the Wildlife Fence Phase 2 project. The Council acknowledged its August 2, 2022 approval to award this project to Long Fence, the lowest

bidder, in the amount of \$428,617 and to use Contingency Funds to cover the additional \$19,154.00 to complete the Base; add an Alternate fence design \$7,400.

#### **CHANGE ORDER AND CONTINGENCY FUND REQUEST-RECREATION AND PARKS**

The Council approved the request of Duc Trieu, Recreation and Parks Director, for a change order to the contract with Coastline Pool Services for the renovation of the pool for additional expenses/repairs of \$30,200 minus a \$12,440 credit due to a reduction in the cost of a beam repair as originally quoted for a total contract price of \$324,597 using Contingency Funds. The Council acknowledged that the following are the additional expenses/repairs: 1) to increase the amount of square footage of hollow/unbound plaster from 50 square feet to 922 square feet (\$4,578); 2) to repair 580 feet of cracks in the wall of the pool and all along the zero entry that need to be repaired (\$22,272); and, 3) to pressure test the main drain plumbing line and the return line to ensure that there are no leaks (\$3,350.00). Councilman Pfeffer cited concerns about the cost of the pressure test.

#### **REQUEST TO ADVERTISE FOR PROPOSALS-MULTI-PURPOSE FLOORING-RECREATION AND PARKS**

The Council approved the request of Mr. Trieu to advertise a request for proposals for multi-purpose flooring (8 mm flooring in a dark gray color) for the Recreation Center for which Program Open Space funds have been received and for authorization to advertise in the following news publications: Star Democrat, Dorchester Banner, and Daily Times. The Council acknowledged that the request for proposals will also be uploaded to eMaryland Marketplace by Grace Tydings, Acting Finance Director.

#### **REQUEST TO SET UP TABLE AT RECREATION CENTER TO INFORM-EDUCATE CITIZENS ON VOTING-RECREATION AND PARKS**

The Council approved the request submitted by Mr. Trieu on behalf of Randous Wallace, CEO, Many Minds, and Janice Mathis, Executive Director of National Council of Negro Women, to set up a table at County programs to educate and inform individuals about voting with Councilman Nichols voting by written proxy.

#### **REQUEST TO SOLE SOURCE-ADDITIONAL LITTER FENCE-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Metta Technologies, the company from which the Council previously purchased portable litter fencing, to purchase additional litter fence in the amount of \$49,975 using the FY23 Capital Fund allocation for this purchase.

#### **REQUEST TO WEDGE-MEEKINS NECK ROAD-PUBLIC WORKS**

The Council approved the request of Mr. Edwards to sole source with Russell Paving to wedge and level by paving multiple areas on Meekins Neck Road in need of repair at the cost of \$36,286 using the FY23 Capital Fund allocation for paving.



#### REQUEST TO PAVE SECTIONS OF LONE PINE ROAD-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to wedge and level by paving multiple areas on Lone Pine Road in need of repair at the cost of \$17,310 using the FY23 Capital Fund allocation for paving.

#### TREE TRIMMING CONTRACT REQUEST-WILLIAMSBURG CHURCH ROAD-SKINNER RUN-MARYLAND 318-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Eastern Tree Service, the lowest priced local contractor who submitted a quote, to trim the tree limbs on Williamsburg Church Road from Skinners Run Road to Maryland 318 at the cost of \$7,200 using the FY23 Capital Fund allocation for roadside tree trimming.

#### REQUEST TO PIGGYBACK-MARYLAND DEPT OF TRANSPORTATION CONTRACT-PALMERS MILL DRAINAGE STRUCTURE REPLACEMENT-PUBLIC WORKS

The Council approved the request of Mr. Edwards to piggyback on the Maryland Department of Transportation Contract and contract with David Bramble, Inc. to replace a 72 inch drainage structure on Palmers Mill Road between Harper Road and Maryland 392 at the cost of \$70,300 using the FY23 Capital Fund allocation for infrastructure repairs.

#### ADOPTION-AMENDED COMMUNITY CLEAN-UP RESOLUTION

The Council recognized its April 5, 2022 decision to increase the community cleanup credit from \$750 to \$1,000 per municipality and communities. The Council agreed to adopt a resolution reflecting this amendment with Councilman Nichols voting via written proxy.

#### DELMARVA WATER TRANSPORT COMMITTEE PARTICIPATION

The Council agreed to continue to participate with the Delmarva Water Transport Committee from October 1, 2022 to September 30, 2023 with Susan Webb, Planning and Zoning Director, as the County's representative.

#### MARYLAND DEPARTMENT OF TRANSPORTATION OWNED RAIL RIGHT OF WAY

The Council acknowledged its decision in December 2020 to not move forward with the potential acquisition of an inactive railroad right-of-way owned by the Maryland Department of Transportation Maryland Transit Administration from Cambridge to Hurlock, consisting of approximately 15 miles with the goal of moving forward with the development of a recreational trail. Ms. Lane said there were various reasons for this decision including historical and railbanking issues as well as the County having to accept the responsibility for 37 grade crossings. Pursuant to a query from Councilman Travers, Mr. Edwards said one in Crisfield was recently completed. Mr. Merryweather said if Council wishes to move forward with a consultant and/or special legal counsel should be sought due to the complexity of the contract. He stated

that there is a potential liability to the County as well as a maintenance obligation, noting that the County will also be responsible for three bridges. Councilman Travers referenced a seminar at the Maryland Association of Counties Summer Conference about trails being an economic positive for communities. Councilman Pfeffer said there is a large interest in hiking and bicycling trails. The Council recognized that pursuant to Mr. Edwards some things that should be considered are construction resources, maintenance resources and funding to maintain the rails to trails. The Council agreed to look into how to proceed including the potential hiring of a consultant with Councilman Nichols opposing via written proxy. Ms. Lane advised Council that the Maple Dam Road property will be included in the FY23 Annual Plan for Recreation and Parks and consideration can be given to adding trails as part of the development of that property.

**POLL CONFIRMATION**

The Council confirmed its decision, via poll in the interim of meetings, by a 5 to 0 vote to submit the Annual Recertification for the Community Rating System and acknowledged that the lower the rating the lower flood insurance bills are to residents.

**OTHER**

Mr. Edwards said: 1) the Golden Hill landfill will be closed from Thursday of this week to Thursday of next week for roadway and paving improvements; 2) a temporary location has been set up at Gootees Marine which will be open from 7 a.m. to 4 p.m.; 3) a VMS Board will be placed in that area; 4) staff will be present at this location to assist citizens; and, 5) only household trash will be accepted. Councilman Newcomb thanked the owners of Gootees Marine for allowing the County to use its property for this purpose. Mr. Edwards noted that improvements will be made to the Secretary Transfer station for which a temporary location will need to be identified.

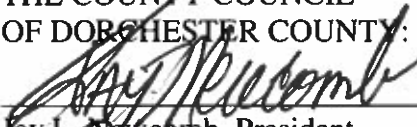
**ADJOURNMENT**


With no further business to discuss, the Council adjourned.


ATTEST:

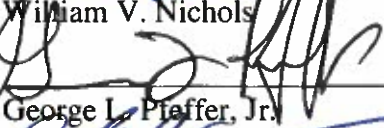
  
\_\_\_\_\_  
Donna F. Lane  
Acting County Manager

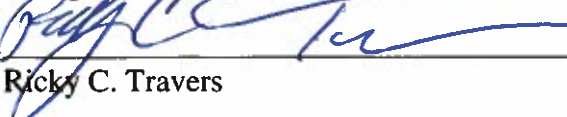
THE COUNTY COUNCIL  
OF DORCHESTER COUNTY:

  
\_\_\_\_\_  
Jay L. Newcomb, President

  
\_\_\_\_\_  
Libby Handley Nagel, Vice President

  
\_\_\_\_\_  
William V. Nichols

  
\_\_\_\_\_  
George L. Pfeffer, Jr.

  
\_\_\_\_\_  
Ricky C. Travers

Approved this \_\_\_ day of October 2022.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING  
("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General  
Provisions Article § 3-305)**

**This form has two sides. Complete items 1 – 4 before closing the meeting.**


**1. Recorded vote to close the meeting:** Date: 10/18/22; Time: 5:16 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Pfeffer Seconded by Nagel; Members in favor: Nichols, Nagel, Pfeffer, Travers; Opposed: N/A; Abstaining: N/A; Absent: Nichols.

**2. Statutory authority to close session (check all provisions that apply).  
This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1)  "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)  "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)  "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)  "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)  "To consider the investment of public funds"; (6)  "To consider the marketing of public securities"; (7)  "To consult with counsel to obtain legal advice"; (8)  "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)  "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)  "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)  "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)  "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)  "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)  "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15)  "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

**3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.**

<b>Citation (insert # from above)</b>	<b>Topic</b>	<b>Reason for closed-session discussion of topic</b>
§3-305(b) (1 )	to consider the request of the Public Works Director to hire an individual to fill a Scales Attendant vacancy in the Landfill Division	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13 )	Same topic as above topic	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b)(1 )	to consider the request of the Public Works Director to hire an individual as a Landfill Equipment Operator II	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13 )	Same topic as above topic	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b)(1 )	to confirm the hiring by the Judge of the Circuit Court for a Nonclinical Case Manager under the Family Services Grant	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b) (13)	Same topic as above topic	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b) (1 )	to consider the request of the Acting Finance Director to promote an existing employee to a Staff Accountant position	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13 )	Same topic as above topic	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications

4. This statement is made by  Presiding Officer.

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**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)**

➤ **For a meeting closed under the statutory authority cited above:**

Time of closed session: \_\_\_\_\_

Place: \_\_\_\_\_

Purpose(s): \_\_\_\_\_

Members who voted to meet in closed session: \_\_\_\_\_

Persons attending closed session: \_\_\_\_\_

Authority under § 3-305 for the closed session: \_\_\_\_\_

Topics actually discussed: \_\_\_\_\_

Actions taken: \_\_\_\_\_

Each recorded vote: \_\_\_\_\_

➤ **For a meeting recessed to perform an administrative function (§ 3-104):** Time: \_\_\_\_\_

Place: \_\_\_\_\_ Persons present \_\_\_\_\_: Subjects discussed \_\_\_\_\_