### County Council of Dorchester County Regular Meeting Minutes November 1, 2022

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:02 p.m. on the 1st of November, 2022. A roll call of the members was conducted. Present in Room 110 were: Jay L. Newcomb, 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: Goose Banding Request-County Property-Wildlife Heritage Services -Maryland Department of Natural Resources. The Council approved the amended agenda.

#### APPROVAL OF MINUTES

The Council approved the minutes of October 18, 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 \$32,704,329.71.

#### **CLOSED SESSION SUMMARY**

The Council convened into Regular Session on November 1, 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; 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 5:11 p.m. on November 1, 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 establish a pay rate for a specific task by a 5 to 0 vote;
- 2- Approved a request to hire an individual for a County position by a 3 to 2 (1 abstained and 1 opposed) vote;
- 3- Received legal advice from County Attorney regarding the ownership of certain vehicles;
- 4- Received legal advice from County Attorney regarding a matter relating to zoning-took no action; and,
- 5- Received legal advice from County Attorney regarding pre-employment testing.

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.

### PROCLAMATION- NATIVE AMERICAN HERITAGE MONTH

The Council presented a Proclamation declaring November 2022 as Native American Heritage Month.

### PROCLAMATION-HOMELESS YOUTH AWARENESS MONTH

The Council presented a Proclamation declaring November 2022 as Homeless Youth Awareness Month.

### **COMMENDATION-ERIC OTEY**

The Council presented a Commendation to Eric Otey recognizing his 8 years of service to Dorchester County and its citizens.

### **MANAGERS COMMENTS**

### CHRISTMAS TREE PLACEMENT REQUEST-CIRCUIT COURT

The Council approved the request of Amy Craig, Clerk of the Court, to place a tree on the Bandstand of the Courthouse beginning November 14<sup>th</sup> through January 17<sup>th</sup>. The Council acknowledged that there will not be a formal tree lighting ceremony.

### LOCAL JURISDICTIONAL PARTNER LETTER OF SUPPORT-FY23 OFFICE OF STATEWIDE BROADBAND GRANT APPLICATION-BAY COUNTRY COMMUNICATIONS

The Council approved the request of Brian Roche, Bay Country Communications, for a Local Jurisdictional Partner Letter of Support for the company's FY23 Office of Statewide Broadband grant application to continue to build fiber to underserved areas in the County.

### SURPLUS PROPERTY DECLARATION REQUEST-FINANCE

The Council approved the request of Grace Tydings, Acting Finance Director, to surplus nine chairs that are either broken or not needed.

### REQUEST TO SOLE SOURCE-OBTAIN QUOTE-UPS SYSTEM REPLACEMENT-EMERGENCY SERVICES

The Council approved the requests of Dozia Rahilly, Emergency Services Director, to: 1) sole source with Emergency Power System, the same company that the County is currently contracted with for UPS maintenance which previously installed a UPS system; 2) obtain a quote for a UPS system to serve the County's 911 Back Up Center at the City of Cambridge Public Safety Building; 3) provide the quote to the 911 Maryland Board, also known as the Numbers Board, which will pay a certain percentage of the cost; and, 4) once that amount is known, Ms. Rahilly will submit a request for funds to cover the remainder of the cost and for authorization to proceed with the project. The Council acknowledged that Ms. Lane will coordinate with Tom Carroll, City Manager, regarding the installation of the UPS. In response to a question from Councilman Pfeffer, Ms. Lane said: 1) the UPS currently at the City Building is no longer working properly; 2) the new UPS will only power the County's equipment which will allow the continued use of the backup center.

### LEASE RECOMMENDATION-AIRPORT

Based on the recommendation of Steve Nuwer, Airport Director, the Council agreed to enter into a lease with Paul Arey for T-Hangar #32 for a one year period commencing on November 1, 2022 and terminating on October 31, 2023 for the sum of \$3,096 annually with payments of \$258 being paid on an advanced monthly basis.

### FY23 PROGRAM OPEN SPACE ANNUAL PLAN APPROVAL REQUEST-RECREATION AND PARKS

The Council approved the request of Duc Trieu, Recreation and Parks Director, to submit the FY23 Program Annual Plan to the Department of Natural Resources which includes funds for the following: 1) Land Preservation Parks and Recreation Planning; 2) lighting at Christ Rock Park; 3) Dorchester County Pool upgrades to changing rooms/bathrooms and concession stands; 4) woodchips to prepare for a soft launch of kayak/canoe area and walking trail at the Maple Dam Park as well as picnic tables and benches; and 5) improvements to a County owned property on Back Street in Vienna in the form of picnic tables, trees benches and a walking trail. Pursuant to

a query from Councilman Pfeffer, Mr. Trieu confirmed that the Recreation and Parks Advisory Board was involved in the process of developing the plan.

### SOLE SOURCE REQUEST-PURCHASE OF FREEZER DOOR-DEPARTMENT OF CORRECTIONS

The Council approved the request of Kenneth Rodgers, Director, Department of Corrections, to sole source with Webster Refrigeration, LLC to replace the existing door on a walk in freezer at the Detention Center using funds from the FY21 Capital Budget.

### BID AWARD-LEGAL REPRESENTATION-BOARD OF APPEALS-PLANNING AND ZONING

Based on the recommendation of Susan Webb, Planning and Zoning Director, the Council agreed to award the bid for legal representation for the Board of Appeals, to MacLeod Law Group, LLC. The Council recognized that one bid was submitted after the proposal submittal deadline and was therefore not considered.

### GRANT AWARD-ACCEPTANCE REQUEST-DEPARTMENT OF JUSTICE COPS HIRING GRANT-SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to accept a FY 2022 Office of Community Oriented Policing (COPS) Services, of \$625,000 for five sworn officer positions with a 25% local match from funds not previously budgeted for law enforcement purposes which must be paid during the award period (three year period). The Council acknowledged that the items that will have to be purchased with County funds include vehicles, equipment for the vehicles, uniforms/guns and any other necessary items. Councilman Newcomb questioned when the County's portion of the cost will need to be available since funds were not included in the FY23 Budget for this purpose.

### FY23 LOCAL AGENCY LICENSE PLATE READER GRANT AWARD-FUNDING REQUEST-SHERIFF'S OFFICE

The Council, based on the request of Sheriff Phillips, accepted an award for the Sheriff's Office from the Maryland State Police (MSP) of \$106,355.55 for license plate readers and associated equipment and licensing and for the use of alternative County funding to proceed with the purchase for which MSP will reimburse the County.

### REQUEST TO PAVE-PORTION OF BUCKTOWN 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 Bucktown Road at the cost of \$190,255 which will be funded by State Aid of \$152,204 and the FY23 Capital Paving allocation of \$38,051. Mr. Edwards said .7 tenths of a mile from the railroad tracks past the County's Dog Shelter will be paved which is in poor condition, based on a question posed by Councilman Pfeffer regarding whether or not

this was a high priority on the paving list. In response to Councilman Travers' query, Mr. Edwards confirmed that improvements were recently made to the rail tracks in that area.

### REQUEST TO PAVE-PERCY MAY ROAD-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Russell Paving to pave Percy May Road at the cost of \$273,710 which will be funded by State Aid of \$218,968 and the FY23 Capital Paving allocation of \$54,742.

### BID AWARD-LANDFILL ROLL OFF CONTAINERS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award the bid to Wastequip Manufacturing Company, LLC for two 20 yard roll off trash containers (\$6,296 each) and two 30 yard waste containers (\$6,771 each) for a total cost, including freight, of \$33,100. In response to questions from Councilman Travers, Mr. Edward said: 1) the roll off containers for recycling are not reusable; 2) they are prefabricated with a top and canopies for recycling purposes: 3) he saved the containers of which there are approximately 20. Pursuant to a question from Councilman Newcomb, Mr. Edwards said due to the height of the 30 yard containers some residents cannot reach the top to deposit items, which is the reason for purchasing 20 yard containers.

Councilman Pfeffer expressed appreciation for the improvements made at Golden Hill, noting that improvements to the Secretary Transfer Station are now scheduled to begin. He said since that station will be closed, the temporary site to dispose of trash will be at the East New Market Volunteer Fire Company. He thanked Mr. Edwards for making these arrangements. Mr. Edwards advised that, if everything goes well, the Secretary Transfer Station will be open on Saturday.

### MEMORANDUM OF UNDERSTANDING-HURLOCK VOLUNTEER FIRE COMPANY-HOUSING OF ALS UNITS

The Council recognized its September 20, 2022 meeting decision to renew the Memorandum of Understanding (MOU) with the Hurlock Volunteer Fire Company for space for an Advanced Life Support unit and personnel at the current rate of \$1,000 per month for a one year period. The Council agreed to the strike through of the telephone service bill as being the fire company's responsibility since the County pays for its own service and authorized Councilman Newcomb to sign the MOU.

### GOOSE BANDING REQUEST-COUNTY PROPERTY-WILDLIFE HERITAGE SERVICES - MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Council approved the request of Bill Harvey, Game Bird Section Leader, Wildlife and Heritage Service, Department of Natural Resources, to capture Canada geese and mark them with transmitters at the pond located next to the Detention Center in Cambridge. The Council acknowledged that any geese they capture will be released on site. The Council further acknowledged that they wish to begin shortly before the goose season starts in mid-December and then possibly after goose season ends in late January.

### **REGULAR SESSION**

### ANNUAL TRANSPORTATION MEETING-MARYLAND DEPARTMENT OF TRANSPORTATION

Sean Powell, Deputy Secretary of Operations and Homeland Security, Maryland Department of Transportation (MDOT), provided an overview of the CTP FY23-FY28. He acknowledged that the following individuals are present: Rashad Pinckney, Regional Planner; Melissa Einhorn, State Legislative Officer; Ashish Solanki, Director, Office of Regional Aviation, Maryland Aviation Administration; Chrissy Nizer, Administrator, Maryland Vehicle Administration (MVA); Travis Johnston, Director, OLTS, Maryland Transit Administration (MTA); Tim Smith, Administrator, State Highway Administration; Melissa Williams, Director of Planning and Program Development, Maryland Port Authority; Holly Miller, Acting Deputy Director of Harbor Development, Maryland Port Authority; Jennifer Guthrie, Legislative Manager, Andre Futrell, Chief Operations Officer, Maryland Department of Transportation.

Mr. Smith commended the District #1 State Highway Administration team. He noted that he spoke about the following three items last year: 1) assets management/system preservation; 2) accessibility; and, 3) mobility. He said they are trying to use emergency technologies to enhance the movement of vehicles from point A to point B. He noted that there are assessment management projects that will be undertaken in Dorchester County which are: 1) rehabilitation of the Route 14 Eldorado Bridge; and; 2) a small structure on Otter Pond Branch near Vienna. He advised that funding for the design and construction of the area on Maryland 343 at Crusader Road. He confirmed that this project is located near Wawa in response to Councilman Travers inquiry.

Deputy Powell acknowledged that Senator Adelaide Eckardt and Delegate Johnny Mautz are present.

Ms. Williams stated that: 1) the civil penalty waiver for the Chesapeake Bay Bridge has been waived until November 30, 2022; 2) wait times are less in the MVA offices; 3) on the MTA list is the number of fees waived during COVID; and, 4) system preservation is a priority. She said work commenced in February 2022 for an automated closure system at the Bridge which will provide safety and efficiency when opening and closing lanes as well as accommodating two way traffic which will be operational in the Fall. She explained that this project consists of the installation of: 1) new large overhead lane use signals; 2) paving markers; and, 3) automated lane closure beacons. She advised that they are in the preconstruction phase of the eastbound pavement replacement project, with the majority of the work being performed next year. She noted that the majority of the work will be performed during off peak hours including at night. Ms. Williams said they recently completed three open houses on the \$28 million Bay Crossing Study Tier 2 National Policy Act project for a new bridge in early September 2022. She said they will continue to collect feedback.

Mr. Johnson said MTA ensures transit systems are safe and there are reliable transportation options for local residents. He said they are in the final stages of completing the first 50 year statewide transit plan. He noted that in Dorchester County they are investing \$1.1 million in

operating and capital grants to support Delmarva Community Services in conjunction with Caroline County and Kent County.

Ms. Nizer said the installation of a new IT system, Customer Connect, has been completed and implementation will be December 21, 2022. She explained that all documents will be in one place which will allow more transactions to be completed online. She encouraged the public to set up a MyMVA account through which vehicle and other information has been uploaded. She noted that interactions at the MVA offices are still by appointment only and there is a 15 minute or less wait time for over 75% of MVA customers. In response to a question from Councilman Travers, Ms. Nizer said confirmed that appointments are necessary for multiple items, noting that there are kiosks are also available at the MVA offices including tag returns. She said setting up same day appointments are possible. She advised that in the Salisbury Office are the following officers: Veterans Affairs, Department of Natural Resources, Transportation Security Administration (TSA (pre-check and Quick Card services. She noted that they can also provide birth certificates at no additional cost. Ms. Nizer advised that Maryland is the second State to issue Maryland Mobile ID and Apple Wallet to enable individuals to present ID or driver's license at the TSA checkpoint from your phone. She said it works at BWI and Regan International as well as many other airports throughout the country. Pursuant to Councilman Pfeffer's inquiry, Ms. Nizer confirmed that they will be expanding to other platforms. She advised that Real ID compliance is up to 88% in Maryland for which there is a May 3, 2023 deadline. She said speed, not wearing seatbelts as well as distracted and impaired driving are still a main concern, noting that they are encouraging local jurisdictions to develop own transportation plan.

Mr. Solanki spoke highly of his working relationship with Steve Nuwer, Airport Director, and staff. He said the Maryland Aviation Administration is focusing on safety. He stated that the economic impact of BWI Marshall Airport is a major driving force, with passenger travel for tourism or business activities being a compliment to all airports across the State. He said that the airport is at 80% of pre-pandemic numbers, noting that a new international service has commenced. Airline partners have added on that new destinations are necessary. He said they are working on reducing wait times at the Airport. He said BWI has transported 618 million pounds of cargo and moved 55% of our metro region air cargo traffic. He explained as part of the Capital Program for the Airport they are working on three main projects, 1- bathroom renovations, 2- Southwest Airlines maintenance building 3- Concourse A and B bagging handling system. All three projects are underway and add value to all customers. He advised that there is \$178 million in funding that will be put towards State owned airports and there are also funds that will be provided for Cambridge-Dorchester Regional Airport. He stressed that safety is a focus. Mr. Solanki said under the Statewide Aviation Grant Program \$3.5 million has been allocated for runways, obstacle removal as well as providing \$321,000 to support for the County's Airport fencing project.

Ms. Miller provided a summary of improvements to the Port of Baltimore including the additional of new service lines to welcome diverted boats. She said: 1) there have not been significant supply change issues; 2) there were 70 ad hoc ship calls diverted to the Port (not regularly scheduled); 3) there are projects in the pipeline which include adding gantry cranes, outbound truck gate, digital appointment system/going paperless and modernizing on dock

intermodal container transfer facilities with \$15.6 million Federal funding. Earlier this year four ultra large Neon-Panamax container cranes were put into use as part of the \$166 million investment by Ports America Chesapeake at Seagirt. This allows Baltimore to handle multiple supersized ships simultaneously. The cruise business has welcomed back Carnival and Caribbean cruise lines. She said construction on the Mid Chesapeake Bay Island Ecosystem Rehabilitation project is getting underway. This project will rebuild James and Barren Island off using sediment stretch from the shipping channels, construction is currently scheduled to begin this winter. She said eventually it will replace the Poplar Island site for Bay material. She stated that this project has a lot of environmental benefits.

In response to an inquiry from Councilman Newcomb, Ms. Miller said the contract award date for the Barren Island project was September 26, 2022.

Senator Eckardt thanked the Maryland Department of Transportation staff for being responsive on a regular basis. She said she has not heard any complaints about wait times in the MVA officers. She advised that she will push out the information on the civil penalty toll waiver to residents again.

Delegate Mautz expressed appreciation for MDOT's responsiveness and follow through on particular issues. Deputy Secretary Powell expressed his appreciation for the delegations support and partnership with MDOT. He commended Senator Eckardt for her service over the last several years. Councilman Newcomb expressed appreciate for the allocation of Highway User Revenue funds to the County. In response to question from Senator Eckardt, Councilman Travers said he believes the Bayly Road sidewalk project will be finished this week.

Based on query from Councilman Newcomb regarding the commencement of the new Bay Bridge project, Deputy Secretary Powell said there are in year four of a five year environmental study and a part of the process currently underway is to identify funding for the project. He said the project is at least five to ten years out. Deputy Director Powell said the installation of panels to redeck the East side of the bridge is weather dependent. He emphasized that this project will be done at night.

Pursuant to a question posed by Councilman Newcomb, regarding Phase 1 of the Mid Bay Island project, Ms. Miller said they have selected a contractor to start the prep work and received wetland licenses. She stated that she will obtain information regarding the project timeline as well as the project commencement date and provide that information to the Council.

Councilman Pfeffer expressed his appreciation for improvements to Waddells Corner. He recommended that the Study on Route 343 also take into account early morning and later afternoon bus traffic.

Deputy Secretary Ports thanked the Council for the letter of support for the new Bay Bridge project.

Councilman Pfeffer said he recently used MVA's online service successfully. Pursuant to his query, Mr. Edwards said he has no questions. He thanked MDOT for allocating funding for a

recently completed TAP project. He said the County was able to pave Cannery Park using State aid funding. He noted that he has a great working relationship with Mr. Futrell.

Allen Frazier, resident, cited concerns about illegal aliens obtaining motor vehicle licenses. Ms. Nizer said the Real IDs are the mechanism to utilize to prevent this from occurring. She noted many entities are using them for verification.

Mr. Futrell said he is appreciative of the County's partnership with MDOT and looks forward to working with them on future projects.

### **ADJOURNMENT**

With no further business to discuss, the Council adjourned.

ATTEST:	THE COUNTY COUNCIL OF DORCHESTER COUNTY:
Donna F. Lane Acting County Manager	Jay L. Newcomb, President
	Libby Handley Nagel, Vice President
46	Welliam W. Richal
	William V. Nichols

Approved the day of According 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: 11/1/22; Time: p.m.; Location: Room 1
County Office Building, 501 Court, Lane, Combridge, Maryland; Motion to close, meeting made by:
Seconded by Milliam ; Members in favor: New Low, No
Vicholo Pheffe, Wars; Opposed: N/A; Abstaining:
; Absent:
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) X "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)
x "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) x "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.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (1 )	to consider a request of the Emergency Services Director to establish a pay rate for a specific task	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 County Manager to hire an individual to fill the Executive Administrative Specialist position in the Council's Office	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)(7)	to obtain legal advice from County Attorney regarding the ownership of certain vehicles	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	to obtain legal advice from County Attorney regarding a matter relating to zoning	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	to obtain legal advice from County Attorney regarding pre-employment testing	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)

(Form Rev. 10/1/2018)