

**County Council of Dorchester County
Regular Meeting Minutes
November 30, 2022**

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:08 p.m. on the 30th day of November, 2022. A roll call of the members was conducted. Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr.; and, Ricky C. Travers. Also present in Room 110 were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Newcomb led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

After publication of the agenda, the following items were added: FY24 State Aid Police Protection Application Request – Sheriff’s Office; Multi-Purpose Flooring – Recreation & Parks. The Council approved the amended agenda.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$33,257,618.09.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on November 30, 2022 at 5:32 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 in a Closed Session on November 30, 2022 at 5:33 p.m. to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(7):

- 1- Received legal advice from the County Attorney regarding a lease for space at the Cambridge Dorchester Regional Airport;
- 2- Approved the request of the State's Attorney to change an Assistant State's Attorney position to a Law Clerk and hire an individual to fill the vacancy by a 5 to 0 vote; and
- 3- Discussed matters relating to personnel in a County Department.

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.

MANAGERS COMMENTS

REQUEST FOR ADDITIONAL CONSULTANT FEES-FY21 AUDIT-OPERATING ASSISTANCE-FINANCE

The Council discussed the request of Grace Tydings, Acting Finance Director, for the use of American Rescue Plan Act (ARPA) Funds to pay for accounting consultants, ASG and Sam Eastlack, to assist in the completion of the FY21 audit. Pursuant to Councilman Pfeffer's request, Ms. Tydings estimated the cost to complete the audit by the extension deadline of December 31st is \$30,000. Councilman Travers asked for confirmation that the audit will be completed by the deadline. Ms. Tydings stated that all required information should be to the auditors by December 31st but that she cannot guarantee that the auditors will complete their part by that deadline. She noted that the consultant will be in the office on a more regular basis. The Council approved Ms. Tydings request.

REQUEST TO SEEK QUOTES-OUTSOURCING COUNTY PAYROLL PROCESS-FINANCE

The Council approved the request of Ms. Tydings to seek quotes for outsourcing the County's payroll processing services as suggested by the auditors. The Council acknowledged that she will present her findings to them.

FY24 STATE AID FOR POLICE PROTECTION GRANT APPLICATION REQUEST-SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to submit the FY24 State Aid for Police Protection Grant Application. The Council acknowledged that there is no match and the amount provided to the County is based on a formula.

MULTI PURPOSE FLOORING CONTRACT-RECREATION CENTER-RECREATION AND PARKS

The Council recognized its prior approval to award the bid for the installation of multi-purpose flooring on the courts of the Recreation Center to Dynamic Sports Construction. The Council also recognized that E. Thomas Merryweather, County Attorney, has reviewed the contract and has recommended changes to that document.

Duc Trieu, Recreation and Parks Director, said he spoke with Kirby Foray, Regional Vice President, Dynamic Sports Construction, regarding the longevity of the multi-purpose floor after installation. He said Mr. Foray advised that the floors can last between 15 to 20 years before any major maintenance is required and if there are any issues after installation it will be noticed within the first month.

Pursuant to a query from Councilman Travers Mr. Merryweather said, based on his reading of the warranty, it is for any work completed under the contract. Councilman Pfeffer confirmed with Mr. Merryweather that it is for the workmanship and materials. The Council agreed to the following contract changes as recommended by Mr. Merryweather: 1) redact Section 3 "Exclusion" Item (f) to remove the language about the moisture; and, 2) to broaden the warranty because a vapor barrier will be installed and to ensure clarification of the warranty.

AUTHORIZED OFFICIAL-NATIONAL OPIOID SETTLEMENTS

The Council, based on the recommendation of Donna Lane, Acting County Manager, agreed to name Grace Tydings, Acting Finance Director, as the Designated Representative to receive the Dorchester County National Opioid Settlement payments to the County. Mr. Merryweather concurred with this action.

OTHER

Councilman Nichols made a motion to allocate \$1,000,000 of American Rescue Plan Act (ARPA) funds to repair the following roads and bridges that have been listed as priority projects: Griffith Neck Road over Chicamacomico River-large culvert repair; Elliott Island Road over Pokata Creek bridge repairs and Hambrooks Boulevard over Pinks Pond Outlet large culvert replacement and bulkhead repairs. Pursuant to a question posed by Councilman Pfeffer, Councilman Nichols explained that the projects were recommended by Dave Edwards, Public Works Director.

Councilwoman Nagel noted that: 1) fire trucks are unable to use the Pokata Creek bridge; 2) Griffith Neck Road is partially washed out and Hambrooks Boulevard was not completed correctly so both areas are dangerous. Councilman Pfeffer has concerns about using \$1,000,000 and believes this should be the decision of the new Council. Councilwoman Nagel reiterated the danger of Griffith Neck Road and expressed her belief that it is a priority project due to the road caving in passed the guardrail. She said the road has been an issue for about a year but has worsened over the last few months because it is a well-traveled road. Councilman Newcomb said oyster harvesters also are unable to use the road. Pursuant to a query from Councilman

Newcomb, Councilman Travers said he was unaware that Hambrooks Boulevard was in need of repair. Councilman Newcomb said oyster trucks cannot travel down this road. Councilwoman Nagel recollected that there was an issue with the way the repairs were conducted. A discussion ensued during which Mike Detmer and Rob Kramer said they were unfamiliar with issues relating to the roads. Attempts to obtain information from Dave Edwards, Public Works Director, via telephone, failed. The Council approved the allocation of the funds to Griffith Neck Road and Elliott Island projects.

OTHER

Councilman Newcomb announced the following:


Dorchester County's fiscal year 2021 audit continues to be delayed by an un-remediated internal control weakness identified during the fiscal year 2020 audit. No corrective action plan was developed by previous management and presented to Council to remediate these weaknesses. Council has now been advised by the auditors to hire additional resources to remediate these weaknesses to successfully complete the 2021 and 2022 audits. He said the reason this meeting was originally scheduled for tonight was to address these issues.

With no further business to discuss, the Council adjourned.

ATTEST:




Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:


George L. Pfeffer, Jr., President

Mike Detmer, Vice President

Rob Kramer, Jr.



William V. Nichols



Ricky C. Travers

Approved the 3rd day of January, 2023.

**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.

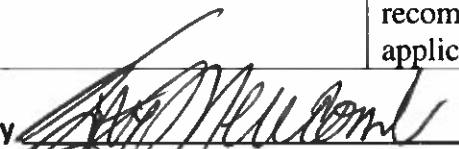
1. Recorded vote to close the meeting: Date: 11/30/22; Time: 5:32 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Travers Seconded by Pfeffer; Members in favor: Newcomb, Nagel, Pfeffer, Travers; Opposed: N/A; Abstaining: N/A; Absent: Nichols - joined meeting late

**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.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b)(7)	to obtain legal advice from the County Attorney regarding a lease for space at the Cambridge Dorchester Regional Airport	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b)(1)	to consider the request of the State's Attorney to change an Assistant State's Attorney position to Law Clerk and hire an individual for this 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.

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 _____

(Form Rev. 10/1/2018)

sect 3:305(b)7 Discuss a personnel
 305(b)1 issue in a county department