

**County Council of Dorchester County  
Regular Meeting Minutes  
September 5, 2023**

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:00 p.m. on the 5<sup>th</sup> day of September, 2023. A roll call of the members was conducted. Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; and, Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager; Donna F. Lane, Chief of Staff; and, Irene Barnes, Executive Administrative Specialist. William V. Nichols was absent.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Pfeffer reported total cash and investments as \$21,964,969.18.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on September 5, 2023 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.

Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; and, Ricky C. Travers. Also present in Room 110 were Jeff Powell, Interim County Manager; Donna F. Lane, Chief of Staff; and, Irene Barnes, Executive Administrative Specialist. Voting in favor of the Closed Session were the present Council Members. William V. Nichols was absent.

The Council convened in a Closed Session on September 5, 2023 at 5:31 p.m. to discuss the following items:

- 1- Notifications of recent personnel changes within the County were provided; and,
- 2- Discussed a personnel matter relating to a municipality.

Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; and, Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager; Donna F. Lane, Chief of Staff; and, Irene Barnes, Executive Administrative Specialist. William V. Nichols was absent.

## **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

The Council approved the minutes of August 15, 2023.

### **APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented, with Councilman Travers abstaining for payments made to Simmons Center Market.

### **LETTER OF ACCEPTANCE – ESTIMATED COST – SPONGY MOTH SPRAYING PARTICIPATION – MD DEPT. OF AGRICULTURE**

The Council approved the request of Craig Kuhn, Program Manager, Forest Pest Management, to participate in the Maryland Department of Agriculture's Forest Pest Management Program for the identification and control of spongy moth populations. The Council acknowledged that: 1) up to 80 surveys will be conducted at an estimated cost of \$1,440, which represents a 50% cost share on local costs to perform these surveys on non-State land; and, 2) this amount does not include additional funds that may be needed for aerial spraying.

### **REQUEST TO APPLY – GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION LOCAL WARRANT APPREHENSION & ABSCONDING GRANT PROGRAM – SHERIFF'S OFFICE**

The Council approved the request of James W. Phillips, Sheriff, to apply for the Governor's Office of Crime Control and Prevention Local Warrant Apprehension & Absconding Grant Program of \$20,000 for overtime for deputies to serve outstanding warrants with an anticipated performance period of July 1, 2023 to June 30, 2024 and no match requirements.

### **FEDERAL AVIATION ADMINISTRATION GRANT AWARD – RUNWAY RESURFACE PROJECT – NOTICE TO PROCEED – AIRPORT**

The Council approved the request of Steve Nuwer, Airport Director, to: 1) accept a Federal Aviation Administration Grant award to conduct a (National Environmental Policy Act) NEPA survey and environmental impact assessment in preparation for the airport's Runway 16/34 Rehabilitation project for \$52,538.40, with a 10% match requirement of \$5,837.60 expended from the Airport's FY24 Capital Budget; and, 2) provide AECOM Technical Services, Inc. with a Notice to Proceed with the NEPA Survey as per their statement of work.

## **COUNTY PROPERTY TAX EXEMPTION REQUEST – HABITAT FOR HUMANITY CHOPTANK**

The Council approved the request of JoAnn Hansen, Executive Director, Habitat for Humanity Choptank, to grant an exemption on the 2023-2024 county portion of the property owned by the tax-exempt charitable organization. The Council acknowledged that: 1) there request is for 30 properties; 2) the 2023 County taxes for all of these properties is estimated at \$4,188.

## **ANNUAL TRANSPORTATION MEETING TOPIC DISCUSSION**

The Council agreed to pursue the following items at the October 3, 2023 Annual Transportation Meeting with Maryland Department of Transportation:

- MD 392/14 Intersection – Traffic / Geometric Improvements
- MD 336 – Worlds End Pipe Replacement
- MD 392 – Pedestrian improvements through Town of Hurlock
- MD 331 – Railroad Crossing improvements at Indiantown Road
- US 50 – Turn Lane improvements to MD 16 Mount Holly Road
- US 50 – In City of Cambridge redo pavement markings (cross walks and stop bars)
- US 50 – Jersey Walls of Malkus Bridge are in need of painting
- Mount Holly Road – addition of rubble strips;
- Drawbridge – improve the visibility; and,
- MD 16 and US 50 – construct a full function intersection and traffic signal.

The Council acknowledged that emails were sent to the municipalities seeking proposed annual highway priorities.

## **FY24 MARYLAND GENERAL ASSEMBLY SESSION DISCUSSION**

The Council agreed to discuss the following at the FY24 Maryland General Assembly Session: 1) Sanitary District; 2) juvenile crime; 3) doe hunting; and, 4) State law amendments that we pursued in FY23, see below:

- to amend 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 amend 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 the County to enter into a lease for a term of five years or less, without providing notice of publication for three successive weeks; and,
- to amend 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.

The Council acknowledged that emails were sent to Department Heads, Elected Officials and the municipalities seeking proposed legislative initiatives to be considered prior to a final discussion on September 19, 2023.

## **ACTION ITEMS**

### **ROAD REPAIRS BID AWARD – STONE BOUNDARY ROAD – PUBLIC WORKS**

The Council approved the request of Mr. Edwards to sole source with Russell Paving Company Inc. to pave portions of Stone Boundary Road at the cost of \$572,976 funded by the following: 1) State Aid Funds \$458,380; 2) American Rescue Plan Act \$29,680; and, 3) FY24 Capital Budget road paving \$84,916.

### **AMERICAN RESCUE PLAN ACT REALLOCATION REQUEST – PUBLIC WORKS**

The Council approved the request of Mr. Edwards to reallocate the remaining \$73,248.61 of the \$610,000 in American Rescue Plan Act (ARPA) funds designated for the purchase of a dump truck, tractor mower and mini excavator to construct a pole building to replace the current Sign Shop, contingent on if this is an eligible ARPA expense.

In response to Councilman Pfeffer and Councilman Kramer, Mr. Edwards said road repairs are based on condition and volume of traffic. He stated that he will provide them with that priority list.

### **EVENT & REST STOP REQUEST - WILD GOOSE CHASE ALL WOMENS BICYCLE RIDE – FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE**

Based on the requests of Stephanie Helling, Friends of Blackwater National Wildlife Refuge (FBNWR), the Council approved: 1) the Wild Goose Chase - All Womens Bicycle Ride event on October 8, 2023; and, 2) the use of a portable toilet and 10x10 tent on Egypt Road Park for a rest stop for riders from 8:30 a.m. to 12:00 p.m. The Council acknowledged that a Certificate of Insurance has been provided for the event which was approved by Local Government Insurance Trust.

Pursuant to Councilman Pfeffer, Richard Abend, President, FBNWR, said he has received all of the necessary approvals for the event. Mr. Powell said that there is a lot of confusion regarding bicycle races. He stated that there are about six races each year, whereas only two of those are IRONMAN. In response to Councilman Travers, Mr. Abend said roads will not be closed because this is an educational bicycle ride, not a race. Councilman Pfeffer thanked Mr. Abend for organizing the event and welcomed those who visit the County.

## FY2023-2 OPERATING BUDGET AMENDMENT – BOARD OF EDUCATION

The Council approved the request of W. David Bromwell, Superintendent of Schools, to approve the Board of Education's FY 2023-2 Operating Budget Amendment for the following:

- 1) Transfer of \$290,578 from Textbooks & Instructional Supplies to:
  - Capital Outlay \$265,000; and,
  - Student Personnel Services \$25,578.
- 2) Redistribution of \$350,000 from Instructional Salaries, \$155,000 from Student Personnel Services and \$950,000 from Fixed Charges to:
  - Administration \$175,000;
  - Mid-Level Administration \$165,000;
  - Textbooks & Instructional Supplies \$10,000;
  - Student Health Services \$25,000;
  - Student Transportation \$130,000;
  - Operation of Plant \$500,000; and,
  - Maintenance of Plant \$450,000.

The Council acknowledged that the State revised the Nationally Board Certified Teacher Blueprint funding reducing the State Aid by \$5,175, decreasing Fixed Charges by that amount.

Tim Brooke, Chief Financial Officer, Board of Education, introduced Sandy Green as his replacement.

## PROPERTY TAX ASSESSMENT APPEAL BOARD APPOINTMENTS

The Council appointed Terry Robins to the Property Tax Assessment Appeals Board.

The Council deferred other nominees.

## EXCISE TAX DISCUSSION

The Council discussed the request of Susan Webb, Planning & Zoning Director, to suspend the Excise Tax for 12 months. After a brief discussion, the Council asked that legislation be prepared to suspend the Building Excise Tax for a period of one year for introduction at a future meeting.

Ms. Webb said she would provide Council at a later date a request to add a Development Fee at roughly \$0.30 per square foot of all new construction which would be used towards employee salaries.

Pursuant to Councilman Detmer, Ms. Webb said she will provide a report showing the industry standards.

## **JUVENILE CRIME DISCUSSION**

Councilman Detmer expressed concerns regarding the crimes committed within the County by juveniles and suggested that this be a topic of discussion with the legislators.

## **PROPERTY TAX CREDIT DISCUSSION**

The Council discussed the following regarding the Volunteer Firefighters Property Tax Credit: 1) point guidelines; 2) requirement of Form 2.2 for life members; 3) points given to all members if a call is cancelled; and, 4) annual audits of points. The Council agreed that: 1) a form 2.2 will be required from volunteers that are not on the points list or a life member; 2) more information will be obtained on these items at the Volunteer Fire Company Association meeting.

## **POLL CONFIRMATIONS**

The Council confirmed its decision in the interim of meetings, via poll, to approve the submission of a FY24 VOCA Victim Assistance Grant application by the State's Attorney's Office in the amount of \$143,480 for the following: 1) a new Victim/Witness Coordinator; 2) travel costs; 3) equipment; 4) Roper Victim Assistance Academy Registration Fee; and, 5) MSA Summer Conference Registration Cost.

## **INTERIM COUNTY MANAGER'S COMMENTS**

Based on the request of the Board of Education, presented by Mr. Powell, the Council agreed to park an Emergency Medical Services unit at the six County football games during the 2023-2024 season, however the unit will not be committed to the games and must remain available if needed.

Based on an employee suggestion, presented by Mr. Powell, the Council agreed to host the first annual Paws in the Pool fundraiser on September 17, 2023 from 2:00 p.m. to 4:00 p.m. The Council acknowledged that: 1) proceeds will be donated to Baywater Animal Rescue; 2) the Sheriff's Office K9 Unit and Dog Control will be involved; 3) the pool has closed for the season; and, 4) the same cleaning process will be used after the event as it would be during the season.

## **COUNCIL'S COMMENTS**

Councilman Travers expressed that juveniles need to be held accountable for their actions before coming of age where they will be sent to jail for crimes they have been committing their whole life.

Councilman Detmer stated that: 1) Dorchester Goes Purple is important and addresses another issue within the County, thanking staff for showing their support by decorating; and, 2) school starts this week, wishing students, teachers, etc. good luck, safety, joy and a great school year.

Councilman Pfeffer read the following:

*“Recently there has been increased discussion in our Community about the status of the annual financial audits of Dorchester County in Fiscal years 2021 and 2022. It is true that Dorchester County has failed to meet the deadlines for submission of these audits. That failure to submit ultimately falls upon the shoulders of the County Council, both past and present. The current Dorchester County Council understands this and has made it the number one priority of our staff. Our staff has been working tirelessly with our independent auditing firm UHY, a nationally recognize firm, to complete these audits. We have hired independent consultants and contractors to work on this project at the direction of UHY. We have devoted extra County staff to portions of this audit, also based on suggestions from UHY. But we still have not been able to complete these audits. Currently, the County Council has been advised we are 99% completed with FY2021, with about 2 weeks still needed for final submission. These actions to complete the FY2021 audit should expedite the completion of FY2022 and ultimately FY 2023.*

*There have been many rumors and comments as to how Dorchester County got into this situation. Some of the causes related to our delayed submission are:*

- Putting in place a new replacement financial software to replace our antiquated system, but failing to receive training our staff needed to properly use this software*
- Inability of this new software to input and export data in commonly used formats*
- Loss of key personnel in our Finance office and County Manager. Dorchester County suffers constantly from being able to recruit and retain quality staff due to our limited tax base and available payroll funding. Residency requirements for the County Manager and Director of Finance also continue to play a roll in finding good candidates, but this is mandated by County Charter*
- COVID 19. Initiating safeguards for our staff and citizens led to a backlog of daily, weekly and monthly duties*
- Dorchester County was hacked in January of 2020 and all data and emails held hostage for ransomware. The County was forced to destroy 24 data servers to prevent release of any personal data of our citizens. The destruction of these servers was a decision based upon suggestions from our Insurance Carrier, Local, State and Federal law enforcement agencies. All necessary data had to be hand entered into the systems new servers from paper documents in storage, but all of our emails and some data was lost forever.*

*The citizens of Dorchester County should rest assured knowing that our independent auditors have found NO money missing and NO criminal activity. The County has continued to pay all bills, debts and obligations. We are still in good relationships with all of our local banks. Our staff and Council have been in communications with the Offices of the Governor, Comptroller and Legislative Budget Office to keep them abreast of our current status. Additionally, second audit firm has been hired to assist and expedite the completion of our Fiscal 2022 and 2023 audits. The County has also contracted with the National Government Finance Officers Association to do a detailed study of our Finance department to insure we have all possible best practices in place as we move forward in time.*

*We ask that our citizens, stakeholders and the public please bear with us as we put forward all energy necessary to bring our status to current, and learn from events of the past."*

**PUBLIC COMMENTS**

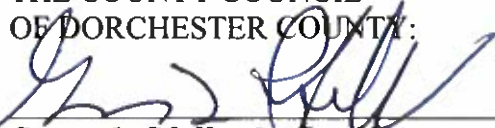
There were no public comments.


**ADJOURNMENT**

With no further business to discuss, the Council adjourned.

ATTEST:

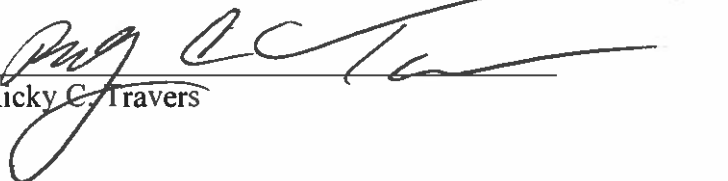
  
\_\_\_\_\_  
Jeff Powell  
Interim County Manager

THE COUNTY COUNCIL  
OF DORCHESTER COUNTY:  
  
\_\_\_\_\_  
George L. Pfeffer, Jr., President

  
\_\_\_\_\_  
Mike Detmer, Vice President

  
\_\_\_\_\_  
Rob Kramer, Jr.

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

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

Approved the 19 day of Sept, 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: 9/5/23; Time: 5:30 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Kramer Seconded by Detmer; Members in favor: Pfeffer, Kramer, Detmer & Travers; Opposed: \_\_\_\_\_; Abstaining: \_\_\_\_\_; 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."

**Continued →**

**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>
<b>§3-305(b) (1 )</b>	Notifications of recent new hires and promotions within the County.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
<b>§3-305(b)(13 )</b>	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
<b>§3-305(b) (1 )</b>	To discuss a personnel matter relating to a municipality.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
<b>§3-305(b)(13 )</b>	Same topic as above	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: \_\_\_\_\_