

County Council of Dorchester County
Regular Meeting Minutes
October 3, 2023

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:01 p.m. on the 3rd day of October, 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.; William V. Nichols; Ricky C. Travers. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; Donna F. Lane, Chief of Staff; and, Irene Barnes, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols 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 \$29,228,954.73.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on October 3, 2023 at 5:02 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)(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; 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: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols; Ricky C. Travers. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; Charles MacLeod, County Attorney; Donna F. Lane, Chief of Staff; and, Irene Barnes, Executive Administrative Specialist. Voting in favor of the Closed Session were the present Council Members.

The Council convened in a Closed Session on October 3, 2023 at 5:03 p.m. to discuss the following items:

- 1- Discussion of proposals received for the lease of a specific County property;
- 2- Notifications of recent personnel changes within the County were provided; and,
- 3- Received legal advice from the County Attorney regarding a license agreement.

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

ANNUAL TRANSPORTATION MEETING – MARYLAND DEPARTMENT OF TRANSPORTATION

Paul J. Wiedefeld, Secretary, The Secretary's Office, Maryland Department of Transportation, introduced himself, along with the following representatives whom provided brief overviews of their divisions, priorities and completed/future projects within the County: Ashish J. Solanki, Director, Office of Regional Aviation Assistance, Maryland Aviation Administration (MAA); Leslie Dews, Deputy Administrator, Maryland Vehicle Administration (MVA); Travis Johnston, Director, Office of Local Transit Support, Maryland Transit Administration (MTA); Matt Baker, Deputy Administrator for Project Development, State Highway Administration (SHA); Mark Crampton, District 1 Engineer, SHA; Melissa Williams, Director of Planning and Program Development, Maryland Transportation Authority (MDTA); and, Bob Munroe, Deputy Executive Director of Administration and Environment, Maryland Port Administration (MPA).

Councilman Travers stated there is a safety issue on the State road from Harriet Tubman Museum to Gootees Marine Inc. where the road width changes dramatically.

Councilman Detmer thanked everyone for their services, expressing that the team has been exemplary.

Steve Nuwer, Airport Director, thanked MAA for its support.

Councilman Pfeffer thanked Mr. Crampton, expressing that he always goes above and beyond.

The Council acknowledged that the following items were provided to Mr. Crampton:

- 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 Rd and MD 33
- US 50 - Turn Lane improvements to MD 16 Mount Holly Rd
- US 50 - In City of Cambridge redo pavement markings (cross walks and stop bars)
- US 50 - Jersey Walls on Malkus Bridge are in need of painting
- Westbound US 50 at Chateau Road – Full function intersection
- Mt. Holly Road-Rumble Strips
- Drawbridge-Pedestrian Safety-Visibility Improvements
- MD 16 and US 50 – construct a full function intersection and traffic signal

Town of East New Market

- MD 392/14 Intersection – ENM supports the installation of the roundabout
- Move speed limit signs further out on the North and South Main Streets and Academy Street to widen the slower speed limit parameter
- Assistance with improving the speeding in town

- Would like more details on a potential State project to remove and replace brick sidewalks with concrete. As the town is a National Historic District
- Regular street sweeping throughout the year

City of Cambridge

- Ward 2 - Maces Lane/Washington Street intersection changes
- Ward 4 - Stanley institute crosswalk and pedestrian signage
- Ward 5 - Creek Bridge bike/pedestrian improvements/noise dampening

2024 LEGISLATIVE SESSION DISCUSSION WITH LEGISLATORS

The Council welcomed Johnny Mautz, State Senator; Christopher T. Adams, State Delegate; and, Sheree Sample-Hughes, State Delegate to the 2024 Legislative Session Discussion.

The Council discussed the below topics with Legislators:

- Amending the following Sections of the Annotated Code of Maryland:
 - General Provisions Article §1-113 to allow alternatives to newspapers of general circulation.

Delegate Adams stated that the bill has been introduced each year it was presented but falls short due to lack of support. In response to Delegate Adams' inquiry, the Council explained that it is not a matter of the cost, but the availability of newspapers of general circulation. Mr. MacLeod suggested requiring more newspapers of general circulation to be printed if the bill cannot be changed to include online publications. Delegate Sample-Hughes stated that the legislation needs to be presented to lobbyists with Council present. Delegate Adams added that the bill needs stable interest to pass. Councilman Pfeffer suggested having Maryland Association of Counties inform counties that this is a statewide bill.

- Local Government Article §10-312(f) to allow the County to enter into a lease, with a term up to five years, without providing notice of publication for three successive weeks.

Councilman Pfeffer explained that the cost of the printed advertisement can outweigh the lease's revenue. Mr. MacLeod state that this was originally enacted to ensure transparency but is no longer needed due to the Open Meetings Act.

- Labor and Employment Article §3-702 to require the following Dorchester County employment applicants to submit a polygraph examinations as a condition of employment: 1) 911 Dispatcher; 2) Paramedic; 3) Emergency Medical Technician; and, 4) Correctional Officer.

In response to Delegate Sample-Hughes,' question, Captain John Stichberry, Sheriff's Office, said there is no cost to the County to have a polygraph test completed.

- Potential changes to State law regarding the Sanitary District in Dorchester County.

Councilman Detmer stated that the County will be absorbing the Sanitary District. Councilman Pfeffer added that the Maryland Department of the Environment is reviewing bills to determine

what needs to be changed. Mr. Powell said: 1) the County would like to control and expand the tax base; 2) there are hundreds of buildable acres with no access to water and sewer; and, 3) Bermed Infiltration Ponds (BIP) are not being maintained. Senator Mautz expressed his support. Mr. MacLeod explained that the County: 1) does not need legislation to absorb the Sanitary District, it is needed to assume debts, clean up the language, etc.; and, 2) does not want to lose the authority to approve BIPs as they may be needed until a plant is built. Councilman Pfeffer announced that the Sanitary District is in favor of the changes. In response to Senator Mautz, Mr. Powell stated that: 1) the County is working on expanding the tax base which would spread out the costs to more residents; and 2) the environment side needs to be streamlined within the County as well. Mr. Harrell noted that there is an issue with recruitment.

- Considering legislative or other initiatives to address juvenile crime and unintended consequences of recent legislation.

Delegate Adams stated that: 1) Gangs are preying on children to achieve their aims because there are no consequences for the minors' actions; and, 2) first and second grade students are pushing boundaries with teachers, learning bad behaviors at a young age. He added that both problems need to be fixed simultaneously and legislation needs to be passed. Councilman Travers agreed, stating children need to be held accountable for their actions before becoming of age, as they will be arrested for similar crimes that were previously permissible. Delegate Sample Hughes said the Judiciary and House had a meeting regarding this issue and the National Association for the Advancement of Colored People has risen up to address juvenile crime. Councilman Nichols expressed that discipline starts at home, but current laws do not allow parents to correct their children.

- Supporting the reintroduction of the bill entitled, "Natural Resources-Female Deer Hunting Contests-Authorization" by Delegate Hutchinson, Adams, Anderton and Hartman.

Councilman Detmer provided the Council's support of this bill being reintroduced.

Delegate Sample Hughes said there is a meeting with the United States Department of Housing and Urban Development to address issues within federally owned apartments in the County regarding trash, mold, elevators, crime, etc.

Delegate Adams expressed concerns that programs will be unfunded in future budgets because one-time funds were used to back fill gaps in the current budget due to the Blueprint mandate. He said future budgets may be tough and asked the Council to be cautious.

Senator Mautz complimented Mr. Harrell for attending the meeting. He stated that: 1) funding was approved for McKeil Point and will be sent to the County; 2) they are not in favor of a mileage tax on electric vehicles; 3) there is a renewable energy agenda being pushed; and, 4) a new building code that is now in effect is going to drive up the cost of construction and living expenses.

Delegate Adams explained that a new bill created floodplain issues, increasing the building threshold. He stated that the bill eliminates construction on the Eastern Shore based on flood levels, however this should be resolved.

Senator Mautz recommended more community involvement due to the amount of changes that can occur in a year; while waiting for legislation to pass.

PRESENTATIONS

PROCLAMATION – WHITE CANE AWARENESS DAY

The Council presented a Proclamation declaring October 15, 2023 as White Cane Awareness Day.

MARYLAND ASSOCIATION OF COUNTIES ANNUAL VISIT

Dr. Calvin Ball, President, Maryland Association of Counties (MACo), and Michael Sanderson, Executive Director, MACo provided the Council an update on MACo's legislative activities and asked for input regarding the Council's needs and interests for the coming year.

Mr. Sanderson explained the State's overall fiscal circumstances. He stated that: 1) the State's revenue for the next budget is modest; 2) the State has an education trust fund; 3) pursuant to the Time to Care Act, 24 school boards, most counties and 12 municipalities have joined the Maryland Public Sector Collaborative for the Time to Care Act created by the Maryland Association of Counties, Maryland Association of Boards of Education and the Maryland Municipal League; 4) additional legislation regarding the zoning and refinement of cannabis will be introduced; and, 5) a bill will be introduced regarding educational incentives for Firefighters.

Pursuant to Councilman Travers' inquiry, Dr. Ball said he would like to see the Blueprint mandate reevaluated to be more sustainable. Councilman Nichols added that seniors cannot afford tax increases. Mr. Ball stated that there are many issues that need to be resolved, so it is not practical for such a large expense. In response to a question from Councilman Detmer, Mr. Ball said juveniles need to be held accountable prior to becoming adults and that he is very hopeful that this will be addressed in the next session.

BOARD OF HEALTH

Roger Harrell, Health Officer, provided an update on COVID-19 and the Flu Season. In response to a question posed by Councilman Pfeffer, Mr. Harrell stated that insured residents should not have a copay for flu shots and the uninsured can obtain the shots as well.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of September 19, 2023.

APPROVAL OF DISBURSEMENTS

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

REQUEST TO ADVERTISE FOR PROPOSALS – LITTER REMOVAL SERVICE – PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to advertise a request for proposals for Litter Removal Services to assist Public Works with litter/debris removal at County facilities, such as, boat ramps, landfill locations and roadside areas that are the most impacted by litter during a 24 month period starting in mid-January 2024, funded by the Landfill Operating Budget by fiscal year.

REQUEST TO ACCEPT STORMWATER MANAGEMENT AGREEMENT – 5420 LINKWOOD ROAD – PUBLIC WORKS

The Council approved the request of Mr. Edwards to accept a Stormwater Management Agreement from Valley Proteins, LLC. / Darling Ingredients, Inc. for 5420 Linkwood Road, Linkwood, Maryland. The Council acknowledged that the required surety of \$5,745 has been received.

APPOINTMENT CONFIRMATION – RECREATION & PARKS ADVISORY BOARD – RECREATION & PARKS

Based on the request of W. David Bromwell, Superintendent, Dorchester County Public Schools (DCPS), presented by Mr. Trieu, the Council confirmed the appointment of Dr. Jymil Thompson, Assistance Superintendent, DCPS, to the Recreation and Parks Advisory Board.

ACTION ITEMS

REQUEST TO SUBMIT – FY24 PROGRAM OPEN SPACE ANNUAL PLAN – RECREATION & PARKS

The Council approved the request of Mr. Trieu to submit the FY24 Program Open Space Annual Plan to the Department of Natural Resources which includes funds for the following:

Projects	Local	State Funds	Total
Land Preservation Parks and Recreation Planning	\$0	\$25,000	\$25,000
School Street Property	\$10,000	\$90,000	\$100,000
Dorchester County Pool	\$11,500	\$103,500	\$115,000
Maple Dam Road Property	\$11,500	\$103,500	\$115,000
Vienna Back Street Property	\$5,000	\$45,000	\$50,000
Do. County Athletic Complex as Leonard’s Lane	\$20,000	\$180,000	\$200,000

The Council acknowledged that the above list includes FY23 projects because they did not begin prior to the new fiscal year, so the applications will need to be resubmitted.

REQUEST TO USE SURPLUS PROCEEDS – REPLACEMENT TRUCK – SIGN SHOP – PUBLIC WORKS

The Council approved the request of Mr. Edwards to use the surplus property sale proceeds of \$59,526.10 to purchase a replacement pick-up truck and to use the remaining funds for concrete and

electrical work for the recently approved sign shop construction. The Council acknowledged that quotes for the replacement truck will be obtained and provided for approval at a future meeting.

REQUEST FOR TEMPORARY SUSPENSION OF LICENSE FEE – SUNX ANALYTICAL – ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Economic Development Director, to amend the license agreement for SunX Analytical.

FY24 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT AMENDMENT – HEALTH DEPARTMENT

At the August 1, 2023 meeting, the Council approved the request of Roger Harrell, Health Officer, to execute the Fiscal Year 2024 Core Public Health Services Funding Agreement between the County and the Maryland Department of Health totaling \$732,291 to provide local health services at the Health Department. The Council recognized that there was a deficit of roughly \$470,000 to meet the requirements of the State and due to Mr. Harrell requesting the Health Secretary and Maryland Association of Counties to review the formulas used, the deficit was adjusted to remove the unexpected increase.

RENEWAL REQUEST – FY24 COMMUNITY PARTNERSHIP AGREEMENT – MOVING DORCHESTER FORWARD

The Council approved the request of Nancy Shockley, Moving Dorchester Forward, to renew the FY24 Community Partnership Agreement between the State of Maryland, acting by and through the Children’s Cabinet, and Dorchester County, acting by and through Moving Dorchester Forward, effective July 1, 2023 to June 30, 2024 to obtain funding from the Cabinet, in the amount of \$508,492, to establish an interagency service delivery system to enhance the well-being of children and families.

Ms. Shockley commented on the discussion with the Legislators, stating that: 1) the Local Management Board (LMB) is available to serve the community to help address juvenile crime; 2) the Children’s Cabinet has not developed their three year plan; and, 3) the LMB will be requesting additional funding from the Governor to support community issues.

HALLOWEEN OBSERVANCE

The Council agreed to the observance of Halloween by County residents for children ages 12 and under on Tuesday, October 31, 2023 from 6 p.m. to 8 p.m., which policy does not supersede prescheduled times and dates set by municipalities. Unless residents living outside of town limits carry their child/children into a town, they are to follow this policy.

BOARD APPOINTMENTS

The Council reappointed Steve Marshall, Robert Powell & Glenn Ruark to the Building Code Appeals Board.

SANITARY DISTRICT RESOLUTION

The Council adopted Resolution 656, a Resolution of the County Council of Dorchester County, Maryland to make official the intent of the County Government to establish a Department (or agency) of Public Sewer and Water Facilities and Services; to assume the responsibilities of the Dorchester County Sanitary District, Inc. pursuant to Sections 11-401 and 11-402 of the Local Government Article, Maryland Annotated Code, and to retain the current Sanitary District Commissioners in an advisory capacity until sufficient county policies and procedures are in place to affect a smooth transition.

The roll call for Resolution No. 656 was as follows: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – aye; and, Travers – aye.

The Council asked Mr. MacLeod to move forward with the process.

POLL CONFIRMATION

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

- Approved the submission of an application to the Mid-Shore Community Foundation by the Sheriff's Office for \$15,000 to operate summer camps at Maryland Thendara 4-H Center for troubled youth who are recommended by the various County School Resource Officers by a 5 to 0 vote.

INTERIM COUNTY MANAGER'S COMMENTS

Mr. Powell thanked the Council and provided his support for absorbing the Sanitary District. He also acknowledged the following for fully attending all of the Council meetings, expressing his appreciation and honor of working with them: Dave Edwards, Public Works Director; Susan Webb, Planning & Zoning Director; Steve Nuwer, Airport Director; Susan Banks, Economic Development Director; and Captain John Stichberry, Sheriff's Office.

COUNCIL'S COMMENTS

Councilman Travers stated that the Council has nothing against anyone on the Sanitary District Board, it is just time to take this to the next level and move forward with solving problems.

Councilman Detmer explained that Rusty Eberspacher received a fine regarding a railroad that is no longer in use. Mr. Powell added that the rail has not been used in 10 plus years and is unmanaged. The Council agreed to send a letter to Maryland Transit Administration requesting a waiver.

Councilman Detmer stated he is working on placing Automatic External Defibrillator Stations, Stop the Bleed kits and Narcan in areas of need, alarming the police if they are opened.

Councilman Pfeffer noted that: 1) the following communities and areas will receive aerial spraying services: Fishing Creek, Hoopersville, Hooper's Island, Smithville, Susquehanna and Taylor's Island; and, 2) there is a Nationwide Alert Test on October 4, 2023 at 2:20 p.m.

PUBLIC COMMENTS

Ms. Banks introduced Nicole Evans as the new Business Development Manager within Economic Development.

ADJOURNMENT

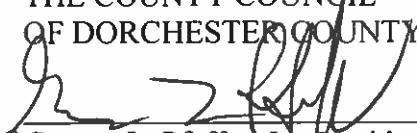
With no further business to discuss, the Council adjourned.

ATTEST:

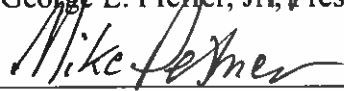


Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



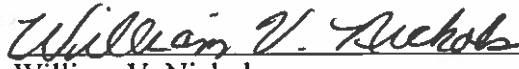
George L. Pfeffer, Jr., President




Mike Detmer, Vice President



Rob Kramer, Jr.



William V. Nichols



Ricky C. Travers

Approved the 17th day of October, 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: 10/3/23; Time: 5:02 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, Detmer, Nichols, Travers, Kramer; Opposed: _____; Abstaining: _____; Absent: _____.

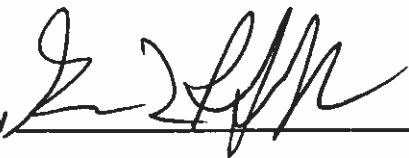
**2. Statutory authority to close session (check all provisions that apply).
This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1) "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.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (14)	To discuss proposals received for the lease of a specific County property.	Public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
§3-305(b) (1)	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
§3-305(b)(13)	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b)(7)	Received legal advice from the County Attorney regarding a license agreement.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)

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: _____