

County Council of Dorchester County
Regular Session Minutes
November 21, 2023

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:06 p.m. on the 21st day of November, 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; and, Donna F. Lane, Chief of Staff.

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 \$36,536,514.67.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on November 21, 2023 at 5:09 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: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; and, Donna F. Lane, Chief of Staff. Voting in favor of the Closed Session were the present Council Members. Councilman Ricky C. Travers joined the meeting late.

The Council convened in a Closed Session on November 21, 2023 at 5:10 p.m. to discuss the following items:

- 1) Notifications of recent personnel changes within the County were provided.
- 2) Received legal advice from the County Attorney regarding a court summons notice involving a Council Member;
- 3) Received legal advice from the County Attorney regarding the Traffic Safety Committee resolution; and,
- 4) Received legal advice from the County Attorney regarding a specific lease of County owned property.

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

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of November 7, 2023.

APPROVAL OF DISBURSEMENTS

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

REQUEST TO PROCEED – TERMINAL HVAC – AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to provide Gannon's Refrigeration Service Inc. with a Notice to Proceed on the Airport Terminal HVAC replacement project which will be funded by the following: 1) Maryland Department of Transportation Maryland Aviation Administration Special Grant Award of \$348,750; 2) Capital Budget terminal HVAC line item of \$112,500; and, 3) Contingency Funds of \$3,750.

LEASE RENEWAL RECOMMENDATION – AIRPORT

Based on the recommendation of Mr. Nuwer, the Council agreed to renew a lease with Carl Deakyne, doing business as Eastern Shore Sport Aviation, for the South Hangar/shop spaces D & A2 for two years commencing on November 21, 2023 and terminating on November 20, 2025 at a monthly rental of \$600 for months 1 to 12 and a monthly rental of \$650 for months 12 to 24 for a total of \$15,000.

The Council convened into Legislative Session.

LEGISLATIVE SESSION

PUBLIC HEARING – BUILDING EXCISE TAX SUSPENSION

BILL NO. 2023-9 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO MD. CODE ANN., LOCAL GOV'T § 20-805 TO REPEAL AND REENACT SECTION 144-36.1 TO CHAPTER 144 (TAXATION) OF THE DORCHESTER COUNTY CODE, ARTICLE X (BUILDING EXCISE TAX) FOR THE PURPOSES OF PROVIDING THAT THE BUILDING EXCISE TAX IS SUSPENDED FOR A PERIOD OF ONE YEAR COMMENCING ON JULY 1, 2023, AND ENDING ON JUNE 30, 2024, AND THAT THE BUILDING EXCISE TAX DOES NOT APPLY TO BUILDING PERMITS FILED BETWEEN JULY 1, 2023, AND JUNE 30, 2024; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO THE BUILDING EXCISE TAX IN DORCHESTER COUNTY, MARYLAND.

Charles MacLeod, County Attorney, said a public hearing is being conducted on Bill No. 2023-9 which repeals and reenacts Section 144-36.1 to Chapter 144 (Taxation) of the Dorchester County Code, Article X (Building Excise Tax) for the purposes of providing that the Building Excise Tax is suspended for a period of one year commencing on July 1, 2023, and ending on June 30, 2024, and that the Building Excise Tax does not apply to Building Permits filed between July 1, 2023, and June 30, 2024. Since there were no public comments nor did anyone sign up to speak the public hearing was closed.

The roll call on Bill No. 2023-9 was: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – aye; and, Travers – aye.

The Council adjourned into Regular Session.

ACTION ITEMS

REQUEST TO PURCHASE – SHED – CHESAPEAKE DRIVE TRANSFER STATION – PUBLIC WORKS

The Council recognized its November 7, 2023 decision to turn the Chesapeake Recycling Center into a fully operational transfer station. The Council approved the request of Dave Edwards, Public Works Director, to purchase a shed for an attendant at the Chesapeake Drive transfer station from the lowest bidder, TJ's Amish Buildings at the cost of \$6,650 which will be funded by the Landfill Fund.

In response to a query from Councilman Pfeffer, Mr. Edwards advised that, due to unforeseen circumstances, there is a delay in the installation of electric service at this transfer station. Mr. Edwards clarified that the recycling cans were moved to the left side of the facility and double stacked. Pursuant to another query from Councilman Pfeffer, Mr. Powell said the changes to this facility will become effective the first of the year.

BID AWARD – LITTER REMOVAL SERVICE – PUBLIC WORKS

The Council approved the request of Mr. Edwards to award a bid for litter removal services to the lowest bidder, SVF Ground Workz, at \$1,000 per day which will be funded by the Landfill Operating Budget. Based on information provided by Jeff Powell, Interim County Manager, the Council recognized that inmate labor, when available, will be utilized to minimize costs as there is no contractual obligation with the selected vendor.

FY24 CAPITAL GRANT AGREEMENT – MARYLAND DEPARTMENT OF TRANSPORTATION MARYLAND TRANSIT ADMINISTRATION – DELMARVA COMMUNITY SERVICES

Ms. Lane advised that: 1) at its March 21, 2023 meeting, the Council approved the request of Andrea Waters, Transportation Grants Specialist, Delmarva Community Services, Inc. (DCS) - Delmarva Community Transit, to submit a FY 2024 grant application to the Maryland Transit Administration for operating and capital funding; 2) Ms. Waters is asking the Council to accept the Maryland Department Of Transportation Maryland Transit Administration FY24 Capital Grant Agreement with a local match of \$27,100, which will be funded by the FY24 Delmarva

Community Services budget appropriation with a performance period of July 1, 2023 to June 30, 2026. The Council approved Ms. Waters request.

<u>Description</u>	<u>Federal</u>	<u>State</u>	<u>Local</u>
Preventive Maintenance	\$40,000	\$5,000	\$5,000
Small Bus Replacement-183	\$88,395	\$11,049	\$11,050
Small Bus Replacement-190	\$88,395	\$11,049	\$11,050

RESOLUTION ADOPTION – DESIGNATION OF RESIDENT AGENT

Ms. Lane said pursuant to the Annotated Code of Maryland Local Government § 1-1301, political subdivisions of the State of Maryland are required to file with the State Department of Assessments and Taxation a designation of resident agent on whom process and notice may be served under certain circumstances. In response to Councilman Pfeffer’s question, Mr. Powell said Charles MacLeod will replace E. Thomas Merryweather, County Attorney as the resident agency for Dorchester County. The Council adopted Resolution 657.

INTERIM COUNTY MANAGER’S COMMENTS

Mr. Powell apologized for delays in providing the volunteer fire companies their FY24 County budget allocations and payments to municipalities and thanked them for their patience. He explained that measures have been taken to ensure that these delays will not occur again.

Mr. Powell, said: 1) the Council will consider an update to the County’s Investment Policy at its next meeting which will be held on December 5, 2023; and, 2) recommendations to invest funds will be provided to the Council in January 2024.

Pursuant to an inquiry from Mr. Powell, Mr. Nuwer explained that he has asked a contractor to provide estimated costs for a private electric meter at the Airport and once he has a cost range, he will submit a request to advertise for proposals. He confirmed for Mr. Powell that he will reach out to other contractors. Councilman Kramer suggested Mr. Nuwer contact the company that installed a generator at the Airport.

Mr. Edwards provided information regarding bids that were received for safety barriers in the Finance Department in response to Mr. Powell’s query. He stated that: 1) American Rescue Plan Act funds of \$30,000 were originally allocated for barriers for the Finance and the Council’s Office; and, 2) three bids were received, of which the highest was \$126,000.

Mr. Powell said: 1) he wanted the Council to know that additional funding may be needed if the project is to be pursued; 2) approximately \$5,000 has been spent in design costs; and, 3) the County has possession of the drawings. Councilman Travers referenced the potential need for modifications to the proposed project to reduce costs. He also spoke about having barriers in other offices, including the Council’s Office and Planning and Zoning.

In response to a question from Mr. Powell regarding portable toilets at marine facilities, Mr. Edwards advised that they are used seasonally and are removed in October of each year. Councilman Kramer said he will provide this information to the person who inquired about the lack of a portable toilet at a specific marine facility.

COUNCIL'S COMMENTS

The Council agreed to provide eight (8) hours of paid time off to employees in recognition of their service and dedication to Dorchester County and close County Offices on Tuesday, December 26, 2023 with the exception of those departments that provide 24/7 services. The Council acknowledged that the 24/7 departments will continue to allow employees to use the additional eight (8) hours to ensure continuation of operations. Pursuant to an inquiry from Councilman Kramer, Mr. Powell said it costs \$50,000 in overtime.

Councilman Kramer wished everyone a good Thanksgiving.

Councilman Travers requested information on the County's Volunteer Firefighter's Company Property Tax Credit in order to address miscommunication issues regarding this credit. Councilman Pfeffer said he spoke to a Rescue Fire Company member about the procedures/requirements recently and sent the requirements/procedures to Sam Yockey, President, Volunteer Firemen's Association, to distribute to all of the volunteer fire companies in the County. He advised that; 1) a Volunteer Fire Department Member-Property Tax Credit Application, which can be downloaded from the County website using the Finance Department's Tax Form link, must be submitted in addition to a MSFA-P-22 form that each bona fide volunteer fire company provides to its members for credit; and, 2) Finance staff will then verify that the member is eligible prior to providing the individual \$500 via a check.

Councilman Pfeffer explained that although the tax credit was not implemented prior to the current tax year, qualified individuals are being provided the credit as long as they submit the required paperwork; however, they must pay this year's taxes in full prior to receiving a reimbursement. He advised that next year the required documentation must be delivered to Finance by May 1st in order for the tax credit to be applied to their account. He stressed the need to set a cutoff date for the credit on this year's tax bills. Mr. Powell said he will ask Council, via email, to establish a cutoff date.

Councilman Detmer made the following comments:

- The Maryland Department of the Environment has scheduled a virtual informational meeting concerning an air quality Permit to Construct application for the proposed Installation of a kiln in Federalsburg on November 28, 2023 at 6:30 p.m.;
- His belief that consideration should be given next year on requiring boat slip lessees of County marinas to have insurance on their vessels;
- He appreciates the customer service Planning and Zoning's staff provide to residents on permitting;
- His belief that consideration should be given on establishing a fee for the Planning and Zoning office to deliver permit applications/documents to various agencies for review or delivery by the applicant at no charge;
- Residents who currently use a Seaford mailing address can continue to use their Seaford Delaware address or a Reliance or Galestown address and can contact him or the Council's Office if they have any concerns or issues;
- He hopes everyone has a peaceful, happy and safe Thanksgiving.

Councilman Pfeffer asked Councilman Detmer to provide Mr. Powell information about his suggestions regarding permitting and requiring boat insurance for those who lease boat slips in

the County's marine facilities. A brief discussion ensued regarding providing proof of insurance and the process used by the County's insurer, Local Government Insurance Trust (LGIT), regarding claim management. Councilman Pfeffer noted that the County is a member of LGIT, a trust that provides self-insurance pools for towns, cities and counties in Maryland, to which local governments contribute premiums into a jointly owned fund.

Councilman Pfeffer thanked staff for their hard work and Mr. Powell for his leadership.

PUBLIC COMMENTS

There were no public comments.


ADJOURNMENT

With no further business to discuss, the Council adjourned.

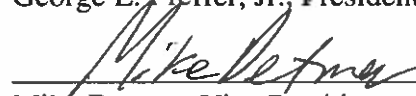
ATTEST:



Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:


George L. Pfeffer, Jr., President



Mike Detmer, Vice President



Rob Kramer, Jr.



William V. Nichols



Ricky C. Travers

Approved the 5th day of December, 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: 11/21/23; Time: 5:10 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Dotmer; Seconded by Nichols; Members in favor: Pfeffer, Dotmer, Kramer, Nichols; Opposed: _____; Abstaining: _____; Absent: Travers - 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."

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) (1)	Notifications of recent personnel changes 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)	To receive legal advice from the County Attorney regarding a court summons notice involving a Council Member	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 receive legal advice from the County Attorney regarding the Traffic Safety Committee resolution.	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 receive legal advice from the County Attorney regarding a specific lease of County owned property.	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: _____