

County Council of Dorchester County
Regular Meeting Minutes
April 16, 2024

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:13 p.m. on the 16th day of April, 2024. 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; and, Ricky C. Travers. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; and, Donna F. Lane, Clerk to Council.

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 \$27,415,185.45.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on April 16, 2024 at 5:25 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, §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; and, Ricky C. Travers. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; and, Donna F. Lane, Clerk to Council. Voting in favor of the Closed Session were the present Council Members.

The Council convened into a Closed Session at 5:26 p.m. on April 16, 2024 to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(7):

- 1- Notifications of recent personnel changes within the County were provided;
- 2- Received legal advice regarding a lease; and,
- 3- Received legal advice regarding a board appointment.

Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols; and, Ricky C. Travers. Also present in Room 110 were: Jeff Powell, Interim County Manager; Charles MacLeod, County Attorney; and, Donna F. Lane, Clerk to Council.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of April 2, 2024.

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 – ENGINEERING SERVICES – ELLIOTT ISLAND JETTY – PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to advertise a request for proposals for engineering services for the Elliott Island jetty repairs funded by a Maryland Department of Natural Resources (DNR) Waterway Improvement Fund grant. The Council acknowledged that a grant application is not to be submitted until a bid is awarded and DNR receives an estimate for the construction.

FY24 FEDERAL AVIATION ADMINISTRATION GRANT SUBMISSION REQUEST – REIMBURSEMENT – LAND ACQUISITION & SERVICES – AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to submit a FY24 Federal Aviation Administration grant to seek reimbursement of funds expended over the past seven years as part of the Airport's multi-phase tree removal project spanning over eight properties.

FY25 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION GRANT SUBMISSION REQUESTS – SHERIFF'S OFFICE

Sex Offender Compliance and Enforcement in Maryland Grant Program

The Council approved the request of James W. Phillips, Sheriff, to submit a Governor's Office of Crime Control and Prevention (GOCCP) grant application for FY2025 Sex Offender Compliance and Enforcement in Maryland Grant Program funds of \$9,674 for the partial salary of a full-time deputy whose function is to monitor sex offenders. The Council acknowledged that there is a performance period of July 1, 2024 to June 30, 2025 and no match requirements.

Domestic Violence Unit Program

The Council approved the request of Sheriff Phillips to submit a GOCCP grant application for the FY2025 Domestic Violence Unit Program funds of \$20,000 for 50 hours of overtime for a Data Entry Clerk. The Council acknowledged that there is a performance period of July 1, 2024 to June 30, 2025 and no match requirements.

Maryland Criminal Intelligence Network Overdose and Drug Awareness Coordinator

The Council approved the request of Sheriff Phillips to submit a GOCCP grant application to fund a FY2025 Maryland Criminal Intelligence Network (MCIN) Overdose and Drug Awareness Coordinator in the amount of \$55,641 which will support salaries, fringe benefits, MCIN Conference accommodations and equipment,. The Council acknowledged that there is a performance period of July 1, 2024 to June 30, 2025 and no match requirements.

Police Recruitment and Retention

The Council approved the request of Sheriff Phillips to submit a GOCCP grant application for FY2025 Police Recruitment and Retention funds of \$11,250 for gym memberships for 45 deputies. The Council acknowledged that there is a performance period of July 1, 2024 to June 30, 2025 and no match requirements.

LETTER OF SUPPORT – DEPARTMENT OF TRANSPORTATION/FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION – DELMARVA COMMUNITY SERVICES

Based on a request submitted by Andrea Kreeger Waters, Transportation Grants Specialist, Delmarva Community Services (DCS), the Council agreed to provide a letter of support for its grant application for Department of Transportation Federal Transit Administration FY2024 Competitive Funding Opportunity: Low or No-Emission Program funds of \$161,000, with a local match requirement of \$24,150 funded by Dorchester, Talbot, Caroline and Kent counties, and/or a DCS, to purchase propane conversion kits to convert 14 DCS buses to propane fuel which will lower emissions of the fleet. The Council acknowledged that propane engines emit 12% less carbon dioxide, 20% less nitrogen oxide, and 30% less carbon monoxide than gasoline engines.

CELEBRATE TRAILS DAY

The Council declared Saturday, April 27, 2024 as Celebrate Trails Day.

FY25 COOPERATIVE AGREEMENT – NOXIOUS AND INVASIVE WEEDS – MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the request of Tiffany Hatridge, Plant Protection & Weed Management, Maryland Department of Agriculture (MDA), to enter into a Cooperative Agreement between MDA and Dorchester County for cooperation in the control and eradication of noxious and certain invasive weeds for the period of July 1, 2024 through June 30, 2025.

COMMENDATIONS

MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION – TRACK & FIELD STATE CHAMPIONSHIPS

The Council recognized the execution of Commendations to Enazajah Young and Tori Willis students, Cambridge South Dorchester High School, for winning gold medals at the Maryland Public Secondary Schools Athletic Association Track & Field State Championships for presentation however, they were not in attendance.

PROCLAMATIONS

CORRECTIONAL OFFICERS WEEK

The Council presented a Proclamation declaring the week of May 6, 2024 to May 10, 2024 as Correctional Officers Week.

PUBLIC HEARING – RESOLUTION NO. 660 COMPREHENSIVE WATER & SEWER PLAN AMENDMENT

Ms. Lane said a public hearing is being conducted on Resolution No. 660, which the Council agreed to proceed with on March 19, 2024, to amend the 2004 Dorchester Comprehensive Water and Sewer Plan by changing the sewer classifications of those real properties located in McKeil Point No. 2, Tax Map 39, Parcel 18, Section 2, Lots 1 through 4, and McKeil Point No. 3, Tax Map 39, Parcel 18, Section 3, Lots 1 through 14, zoned Rural Residential, from “No Planned Service” to “Sewer Available.”

Councilman Pfeffer asked for public comments and hearing none, the public hearing was closed. The Council adopted Resolution No. 660 with a roll call of: Pfeffer-aye; Detmer-aye; Kramer-aye; Nichols-aye; and Travers-aye.

COMMENDATION

MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION – TRACK & FIELD STATE CHAMPIONSHIPS

The Council presented a Commendation to Enazajah Young, student, Cambridge South Dorchester High School, for winning a gold medal at the Maryland Public Secondary Schools Athletic Association Track & Field State Championships.

ACTION ITEMS

DEPARTMENT OF NATURAL RESOURCES WATERWAY IMPROVEMENT FUND GRANT SUBMISSION REQUEST – REQUEST TO PROCEED – RAGGED POINT MARINA REPAIRS – PUBLIC WORKS

The Council approved the request of Mr. Edwards to submit a Department of Natural Resources Waterway Improvement Fund Grant application for \$5,000 to complete urgently needed repairs to the Ragged Point Boat Ramp and Marina, which consists of the replacement of two broken poles, and the removal of eight poles that were damaged during storms.

Furthermore, the Council approved the request of Mr. Edwards to provide Spedden Marine Construction, LLC with a notice to proceed with the repairs to resolve the safety concerns at the cost of \$4,900, funded by the Department of Natural Resources Waterway Improvement Fund Grant.

BID AWARDS – TAR & CHIP ROAD SERVICES – MARINE FACILITY TOILETS – MARINE FACILITY TRASH – PUBLIC WORKS

Tar & Chip Services

The Council approved the request of Mr. Edwards to award the bid for a two year contract to provide tar & chip road services to the lowest bidder, American Paving Fabrics, Inc., which will be funded by various operational and capital budgets.

Marine Facilities Portable Toilets

The Council approved the request of Mr. Edwards to award the bid for marine facilities portable toilets to the lowest bidder, Sussex Sanitation, at \$1,320 per month from May 1, 2024 to October 31, 2024, which will be funded by a Maryland Department of Natural Resources Waterway Improvement Fund Grant.

Marine Facility Trash Dumpsters

The Council approved the request of Mr. Edwards to award the bid for marine facilities trash dumpsters to the only bidder, Republic Services, at \$6,154.83 per month, under a three year contract for the period of June 1 to September 30 each year, which will be funded by the Public Works FY24 Operating Budget for marine facilities.

Pursuant to a query from Councilman Detmer, Mr. Edwards explained that companies that can provide this service are being bought out by larger companies. He said there are currently only two businesses that provide these services.

RESOLUTION ADOPTION – BOARD OF EDUCATION VACANCY – DISTRICT 2

The Council adopted Resolution No. 661 entitled “Resolution to Fill a Vacancy on the Dorchester County Board of Education,” to appoint Talibah Chikwendu as the District 2 representative effective April 2, 2024. The roll call for Resolution No. 661 was as follows: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – aye; and, Travers – aye.

WEST VIENNA DELINQUENT WATER & SEWER DISCUSSION

Councilman Pfeffer noted that Jerome Harris, resident, submitted a request to speak about the West Vienna Water and Sewer fees and delinquencies. Mr. Harris referenced his comments at a prior meeting regarding this matter. He questioned the reason the agreement is for only properties located in West Vienna. Mr. Harris opined that all residents should be treated fairly. He expressed his understanding that the Mayor of Vienna who was seated at the time the agreement was approved, did not hold a public meeting to obtain residents' feedback. In response to a query from Councilman Pfeffer, Mr. Harris said he believes the same action should be taken for all residents who do not pay their bill within 12 months with the unpaid amount being placed by the County as a lien on the property.

Councilman Pfeffer and Mr. Powell referenced the Council's decision to assume control of the Dorchester County Sanitary District, Inc. ("Sanitary") and establish a new County Department which will be hopefully be active in July 2024. Mr. Powell said once established actions can be taken to address the West Vienna issue. He explained that the Memorandum of Understanding between the County and the Town of Vienna was entered into in order to obtain a multi-million grant to hook up properties to the water and sewer system. Charles MacLeod, County Attorney, spoke briefly regarding the need to update the current policy. Pursuant to his inquiry, Mr. Harris said his property is located in the West Vienna area.

Councilman Detmer referenced a prior discussion between himself and Mr. Harris regarding this matter as well as their prior attendance at Town of Vienna meetings. He said he believes the new division will provide an avenue to address this issue, noting that another option is the annexation of West Vienna into the town. A discussion ensued regarding the current policy about actions that are being taken by the town due to the non-payment of water and sewer fees. Councilman Pfeffer noted that the new division should be active by July 2024.

INTERIM COUNTY MANAGER'S COMMENTS

There were no comments from the Interim County Manager.

COUNCIL'S COMMENTS

Councilman Kramer advised Susan Webb, Planning and Zoning Director, that he will be providing her with contact information for an individual who is on life support that is seeking a permit to enhance the electrical service at his home. Ms. Webb said there are emergency procedures in place that can be utilized to expedite the permitting process.

Councilman Pfeffer referenced prior complaints about the condition of Warwick Road which he relayed to Dave Edwards, Public Works Director, who obtained the cost for proposed improvements of \$ 1.2 million. He said the edges of the cold patch that was placed in the area between Wanex Road and Red Haven Road, have crumbled. Mr. Edwards said he will address this issue.

PUBLIC COMMENTS

Phil Cecil, resident, asked the Council for assistance in compelling the Sanitary District, within its existing parameters, to install sewage pipe to his property located at 203 Mimosa Drive, Cambridge so he may build a new home. He said he has been seeking this action since September 19, 2022. He referenced a recent letter he sent to the Sanitary Commission to which the response, as a result of their April 2024 meeting, was that the County Council will be the entity to address his request. Mr. Cecil recognized that the County is in the process of bringing the Sanitary District into the County. Mr. Powell said he is aware of this matter based on a prior query from Councilman Pfeffer. He explained that all of the infrastructure for the subdivision has not been completed. A discussion ensued regarding addressing this matter expeditiously.

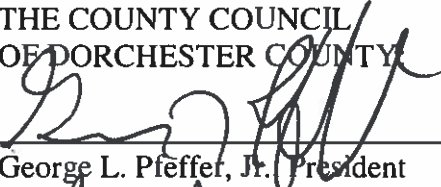
ADJOURNMENT

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



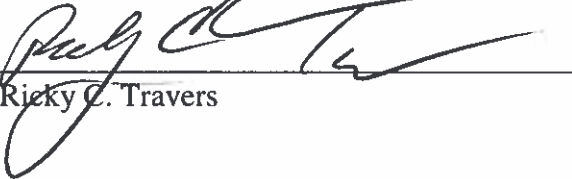
Mike Detmer, Vice President



Rob Kramer, Jr.



William V. Nichols



Ricky C. Travers

Approved the 7th day of May, 2024.

**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: April 16, 2024; Time: 5:25 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Travers Seconded by Nichols; Members in favor: Peffer, Detmer, Nichols, Kramer, Travers; Opposed: N/A; Abstaining: N/A; Absent: N/A.

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 lease.	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 board appointment	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: _____