

County Council of Dorchester County
Regular Meeting Minutes
August 20, 2024

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 20th day of August, 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.; and, Ricky C. Travers. William V. Nichols left the meeting. Also present in Room 110 were: Jerry Jones, County Manager; Charles MacLeod, County Attorney; Donna F. Lane, Clerk to Council; and, Irene Barnes, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers 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: 1) Budget Transfer Request – Economic Development; 2) FY25 Governor’s Office of Crime Prevention and Policy (GOCPP) Grant Awards – Gun Violence Grant – Sheriff’s Office; 3) Letter of Acceptance – Spongy Moth Spraying Participation – MD Department of Agriculture; 4) FY2024-2 Operating Budget Amendment – Board of Education; and, 5) Pledge Request – McKeil Point No. 1 – Sanitary District. The Council approved the amended agenda.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Pfeffer reported total cash and investments as \$23,895,835.84.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on August 20, 2024 at 5:00 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; and, Ricky C. Travers. Also present in Room 110 were: Jerry Jones, County Manager; Donna F. Lane, Clerk to Council; and, Irene Barnes, Executive Administrative Specialist. Voting in favor of the Closed Session were the present Council Members. Charles MacLeod, County Attorney joined the meeting late.

The Council convened in a Closed Session on August 20, 2024 at 5:01 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 the following:
 - a. Financial matters relating to a specific project;
 - b. State of Maryland landfill requirements;
 - c. Funding of positions within the State's Attorney's Office;
 - d. Distribution requirements of specific funding;
 - e. Specific responsibilities relating to the County Manager position;
 - f. Financial matters relating to a specific agreement; and,
 - g. Compliance matters relating to a specific landfill.

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: Jerry Jones, County Manager; Donna F. Lane, Clerk to Council; and, Irene Barnes, Executive Administrative Specialist. Charles MacLeod, County Attorney joined the meeting late.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of August 6, 2024.

APPROVAL OF DISBURSEMENTS

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

REQUEST TO EXTEND FUEL CONTRACT – PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to extend the Cato Gas & Oil, Inc. contract for gasoline, low sulfur fuel oil, no. 2 fuel oil, and propane to September 30, 2025 at the same terms and conditions as the current contract.

FY26 DEPARTMENT OF NATURAL RESOURCES WATERWAY IMPROVEMENT FUND GRANT SUBMISSION REQUESTS – PUBLIC WORKS

The Council approved the request of Mr. Edwards to apply for the following FY26 Department of Natural Resources Waterway Improvement Fund grants for the following projects:

Tylers Cove Phase 3 Construction	\$250,000.00
Tylers Cove Dredge Project	\$750,000.00
Elliott Island Timber Jerry Replacement	\$500,000.00
Back Creek Marina Construction	\$250,000.00

REQUEST TO ADVERTISE FOR PROPOSALS – ON-CALL ENGINEERING SERVICES – PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise a request for proposals for on-call engineering services.

SURPLUS REQUEST – PUBLIC WORKS

The Council approved the request of Mr. Edwards to surplus Unit # 1100, 2008 Chevy Truck, VIN # 1GCHK24K48E204478, which has reached its usage limit.

FY25 GOCPP GRANT AWARDS – SHERIFF’S OFFICE

Warrant Absconding Program

Based on the request of James W. Phillips, Jr., Sheriff, the Council accepted the FY25 Warrant Absconding Program grant award through the Governor’s Office of Crime Prevention and Policy in the amount of \$15,000.00, with no match requirement and a performance period of July 1, 2024 to June 30, 2025 to fund overtime hours accrued to eliminate the backlog of warrants.

Community Grant Program

Based on the request of James W. Phillips, Jr., Sheriff, the Council accepted the FY25 Community Grant Program grant award through the Governor’s Office of Crime Prevention and Policy in the amount of \$21,456.00, with no match requirement and a performance period of July 1, 2024 to June 30, 2025 to fund overtime hours accrued to provide Sheriff’s deputies presence at community events.

CONNECTING FOR SUCCESS MEMORANDUM OF AGREEMENT – HEALTH DEPARTMENT – CORRECTIONS

Based on the request of Mindy Black-Kelly, Interim Administrator, Community Programs, Dorchester County Health Department (DCHD), the Council agreed to enter into a Memorandum of Agreement between the DCHD and the Dorchester Department of Corrections for re-entry and jail-based group services provided by the Connecting for Success program.

REQUEST TO RESERVE COUNTY DOCKAGE & GROUNDS – CHOPTANK HERITAGE SKIPJACK COMMITTEE

The Council approved the request of Lou Hyman, Race Committee Chair, Choptank Heritage Skipjack Race, to use the County Office Building’s electric, parking lot, docking space and grounds on September 27, 2024 and September 28, 2024 to hold the 28th Annual Choptank Heritage Skipjack Race.

COMMENDATIONS

DORCHESTER ALL-STARS – JUNIOR LEAGUE – MARYLAND STATE CHAMPIONSHIP
The Council presented a Commendation to the Dorchester All-Stars Junior League for winning the Maryland State Championship title.

STAR DEMOCRAT – 225TH ANNIVERSARY

The Council presented a Commendation to the Star Democrat for its 225th anniversary.

PUBLIC HEARING - MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

Ms. Lane said a public hearing is being conducted on the FY25 Maryland Agricultural Land Preservation Foundation easement applications and rankings.

Councilman Pfeffer asked for public comments, hearing none, the public hearing was closed.

The Council approved the submission of the applications and rankings.

The Council adjourned into Legislative Session.

LEGISLATIVE SESSION

PUBLIC HEARING – ABOLISH SANITARY DISTRICT & ESTABLISH COUNTY DEPARTMENT OF WATER & WASTEWATER

BILL NO. 2024-7 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO MD. CODE ANN., LOCAL GOV'T § 20-805 TO ENACT A NEW CHAPTER 122 (PUBLIC FACILITIES AND SERVICES) OF THE DORCHESTER COUNTY CODE FOR THE PURPOSES OF ESTABLISHING THE DORCHESTER COUNTY DEPARTMENT OF WATER AND WASTEWATER SERVICES AND THE ORGANIZATION AND FUNCTIONS THEREOF; ABOLISHING THE DORCHESTER COUNTY SANITARY DISTRICT, INC. AND THE DORCHESTER COUNTY SANITARY COMMISSION; ESTABLISHING THE POWERS AND DUTIES OF THE COUNTY COUNCIL WITH RESPECT TO WATER AND WASTEWATER SERVICES; AND PROVIDING FOR THE ESTABLISHMENT OF A WATER AND WASTEWATER ADVISORY BOARD; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO WATER AND WASTEWATER SERVICES IN DORCHESTER COUNTY, MARYLAND.

Ms. Lane said a public hearing is being conducted on Bill No. 2024-7 to abolish the Dorchester County Sanitary District, Inc., and the Dorchester County Sanitary Commission, then establish the Dorchester County Department of Water and Wastewater Services, and the Wastewater Advisory Board.

Councilman Pfeffer asked for public comments, hearing none, the public hearing was closed.

The roll call on Bill No. 2024-7 was: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – absent; and, Travers – aye.

The Council adjourned into Regular Session.

REGULAR SESSION

ACTION ITEMS

PAVING REQUEST – CENTENNIAL ROAD – PUBLIC WORKS

The Council approved the request of Mr. Edwards to pave a 1.7 mile section of Centennial Road from MD331 to Kraft Road sourcing the lowest bidder, Russell Paving Co., Inc., at \$281,128.00, to be funded by State Aid Funds (\$224,902.00) and the FY24 Capital Budget - Road Paving (\$56,226.00).

In response to Councilman Pfeffer's inquiry, Mr. Edwards said tar and chip is not used on this road, it is paved. Councilman Detmer said he lives on Centennial Road, so this directly pertains to him, but he is in full support due to the poor condition of the road which has been voiced by other residents in the area.

REQUEST TO PROCEED – STORMWATER MANAGEMENT AGREEMENT – PUBLIC WORKS

Based on the recommendation of Mr. Edwards, the Council approved the Stormwater Management Agreement for an industrial building project for Delco Packaging Products, Inc., located at 100 Division Street, Hurlock, Maryland.

NOISE VARIANCE REQUEST – WATERVIEW DRIVE – CAMBRIDGE

Based on the request of Lauren Mayer, resident, the Council approved a noise variance request for a private party to be held on August 6, 2024 from 4:30 p.m. to 10:00 p.m. at 5515 Waterview Drive, Cambridge, Maryland. The Council acknowledged that Sheriff Phillips advised Ms. Mayer of the noise variance requirements, and that he has no issue with the request as long as they are followed.

In response to Councilman Pfeffer's inquiry, Susan Webb, Planning & Zoning Director, said because this is a private event with no fees, permits are not required. She added that the noise variance request is due to the size of the party.

PLANNING COMMISSION COMPENSATION DISCUSSION

Based on the recommendation of Ms. Webb, the Council agreed to increase the Planning Commission stipend to \$100 per meeting.

Ms. Webb said the Board of Appeals receives \$100 per meeting, so this recommendation will make the compensation across the two boards equal. In response to Councilman Detmer's inquiry, Ms. Webb said the length of the meetings depends on what is on the agenda, however, it has been reduced to 1-1.5 hours due to the recent changes that were made through the Residential Accessory Structure bill. Councilman Pfeffer expressed that these are two of the most important boards within the County.

POLL CONFIRMATIONS

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

- Accept a grant award for the Dorchester Center for the Arts from the Maryland State Arts Council in the amount of \$300,000, with no local match requirement, to support construction of an addition to the second floor of the current building to create two new classrooms, and replacement of the aging HVAC system servicing the second floor, over an 11-month period, by a 5 to 0 vote; and,
- Provide a letter of support of a Maryland Historical Trust FY25 Non-Capital grant application submitted by the Applegarth Tubman Medicine Hill Preservation and Education Foundation for research projects that will increase the understanding of Medicine Hill's historical role, provide material for tourist exhibits, and serve as prototypes for studies on several additional themes, by a 5 to 0 vote.

BUDGET TRANSFER REQUEST – ECONOMIC DEVELOPMENT

The Council approved the FY25 budget transfer for Economic Development.

FY25 GOCPP GRANT AWARDS – GUN VIOLENCE GRANT – SHERIFF'S OFFICE

Based on the request of James W. Phillips, Jr., Sheriff, the Council accepted the FY25 STOP Gun Violence Reduction Grant grant award through the Governor's Office of Crime Prevention and Policy in the amount of \$9,240.00, with no match requirement and a performance period of July 1, 2024 to June 30, 2025 to fund overtime hours accrued by deputies providing extra patrols throughout the County and by detectives tracing the origins of illegal guns in the County.

SPONGY MOTH PARTICIPATION REQUEST – MARYLAND DEPARTMENT OF AGRICULTURE

Based on the request of Craig Kuhn, Program Manager, Forest Pest Management, the Council agreed to participate in the Maryland Department of Agriculture's Forest Pest Management Program for the identification and control of spongy moth populations.

FY2024-2 OPERATING BUDGET AMENDMENT – BOARD OF EDUCATION

Based on the request of Laurie Dales, Chief Financial Officer, Dorchester County Public Schools, the Council approved the Dorchester County Board of Education Operating Budget Amendment FY2024-2 with the following changes:

Decrease:	Instructional Other Costs	\$ 500,000.00
	Special Education	\$ 636,000.00
	Fixed Charges	<u>\$ 836,000.00</u>
	Total	\$ 1,972,000.00

Increase:	Administration	\$ 550,000.00
	Instructional Supplies	\$ 165,000.00
	Student Health Services	\$ 6,000.00
	Operation of Plant	\$ 675,000.00
	Maintenance of Plant	\$ 570,000.00
	Capital Outlay	<u>\$ 6,000.00</u>
	Total	\$ 1,972,000.00

PLEDGE REQUEST – MCKEIL POINT NO. 1 – SANITARY DISTRICT

Based on the recommendation of Sandra Tripp-Jones, Consultant, the Council agreed to provide a letter to the Maryland Department of the Environment pledging to pay the debt service on the loans from any one of the following revenue sources:

- 1) Benefit assessments levied on the properties benefiting from the McKeil Point No. 1 project, in amounts sufficient to pay the debt service;
- 2) Water and Wastewater Services Reserve funds; and,
- 3) County General Fund.

Ms. Tripp-Jones explained that the County General Fund will only be used if the other sources fail to repay the debt, under a full faith and credit agreement.

COUNCIL'S COMMENTS

Councilman Travers expressed that the County was well represented at the Maryland Association of Counties (MACo) Summer Conference by members of the Council and staff. He said, during the MACo conference, he expressed the need of privatizing perc tests and that rural Maryland is struggling to keep up with mainstream counties. In response to Councilman Traver's inquiry, Mr. Edwards said Old House Point Road has been paved.

Councilman Detmer: 1) gave kudos to Steve Nuwer, Airport Director, for hosting the Young Eagles Rally, and thanked him for providing this experience to introduce aviation to young minds; 2) announced that Dorchester Goes Purple is in the month of September which brings awareness to the problematic issue of drug overdoses and deaths within the County; 3) provided accolades to Rescue Fire Company for organizing Jeremiah Shaw's 10th Birthday parade, and to

the volunteer fire companies and citizens that participated; 4) congratulated the Star Democrat for its 225th anniversary; 5) echoed Councilman Travers on the MACo conference and the need to privatize services; 6) said solar is an ongoing issue, which needs laws and regulations to ensure bad solar is not constructed in the County that will cause issues for future generations; 7) expressed that the State of Maryland implemented the Blueprint for Maryland's Future with the best of intentions, but it has created a multibillion dollar deficit and fiscal budgetary concerns at State and County levels that may result in property tax increases. He asked constituents to contact their local legislators to voice these concerns.

Councilman Pfeffer announced that anything that is not currently under construction, except for the light rail, has been placed on hold, per the Maryland Department of Transportation. He echoed Councilman Detmer regarding solar, and added that Councilman Travers spoke to Brian Feldman, Chair of the Education, Energy, & Environment Committee, Maryland Senate; CT Wilson, Chair of the Economic Matters Committee, Maryland House of Delegates; and Kumar Barve, Commissioner, Public Service Commission at the MACo conference concerning solar, and asked that they do not create a "one size fits all" legislative bill due to the uniqueness of Dorchester County. Councilman Pfeffer said Commissioner Barve spoke to them directly afterwards and seemed to be very receptive and acknowledged the issues within the County.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT


With no further business to discuss, the Council adjourned.

ATTEST:


Jerry Jones
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 3 day of Sept., 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: 8/20/24; Time: 5:00 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Travers Seconded by Kramer; Members in favor: Pfeffer, Dumas, Kramer, Travers, Nichols; 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) (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 financial matters relating to a specific project.	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 State of Maryland landfill requirements.	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 funding of positions within the State's Attorney's Office.	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 distribution requirements of specific funding.	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 specific responsibilities relating to the County Manager position.	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 financial matters relating to a specific agreement.	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 compliance matters relating to a specific landfill.	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 [Signature], 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: _____