

## CITY OF SALISBURY, MARYLAND

#2 MEETING

JANUARY 25, 2010

### PRESENT

Council President Louise Smith  
Councilwoman Deborah S. Campbell  
Councilwoman Eugenie P. Shields

Council Vice President Gary A. Comegys  
Councilwoman Terry E. Cohen  
Mayor James Ireton, Jr.

### IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Public Works Director Teresa Gardner, Acting Police Chief Ivan Barkley, Internal Services Director Pam Oland, and Members of the Press.

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### CONVENING - ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers of the City/County Government Office Building. Council President Smith called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited.

Ms. Cohen moved and Mr. Comegys seconded to adopt the agenda as presented. Mr. Comegys moved to amend the agenda by removing Resolution No. 1884 (endorsing revitalization of "The Bricks") and adding Resolution No. 1886 (appointment to Planning and Zoning Commission). Mrs. Shields seconded and the amendment passed unanimously.

The agenda, as amended, was unanimously adopted.

**CERTIFICATES** – presented by Mayor James Ireton, Jr.

Rental Management, Mark Reeves – Backstreet Grill, Brian Howard – Parties, Etc., Jack Lenox, Don and Terri Ward, and Mike Schneider – Pemberton Appliance received Certificates of Appreciation for their participation in the annual Santa's Workshop.

The Salisbury University Field Hockey Team received Certificates of Recognition for winning the 2009 National Championship – their fifth national championship title. The following individuals were recipients of the Certificates:

Head Coach: Dawn Chamberlin

Assistant Coaches: Danielle Twilley, Nick Fiorentino, Wendy Ford, Megan Block

Team Members: Rebecca Tracey, Tara McGovern, Lauren Correll, Paige Lowrey, Beverly Beladino, Danielle Lehman, Kelly Brown, Liz Tollett, Katy Lamboni, Courtney Webster, Jennifer

*Bandy, Ashley Kisner, Michelle Rowe, Emily Klinkenborg, Caitlyn Ruffus, Melissa Slocum, Alison Bloodsworth, Kandice Hancock, Caitlin Powers, Katie Fost, Kristina Fusco, Kelly McIntyre, Abby Tedford, Caitlin Walker, Katie Matteo, Emily Ellenberger, Shannon Hanratty, Christine Craddock, Camile Walker, Anna Cooke*

**APPROVAL OF MINUTES**

*On a motion and a second by Mr. Comegys and Ms. Cohen, respectively, the January 11, 2010 minutes were unanimously approved.*

**AWARD OF BIDS** – *presented by Internal Services Director Pam Oland*

*The Award of Bids, consisting of the following item, was unanimously approved on a motion by Mr. Comegys and seconded by Mrs. Shields:*

- *Recommendation of Award Contract #RFP 4-10* *\$119,050.00*  
*Caustic Chemical Storage Building and Feed System*  
*Engineering Services Project*  
*Account No. 81080-513020*  
*GMB*

**ORDINANCES** – *presented by City Attorney Paul Wilber*

- *Ordinance No. 2095 – 2<sup>nd</sup> reading - amending Section 5.22.270(A) of the Salisbury Municipal Code to increase the percentage of the cable television franchise fee that is dedicated for the Public, Educational and Governmental (PEG) channel*

*Mr. Comegys moved and Mrs. Shields seconded to approve Ordinance No. 2095 for second reading. Ms. Cohen moved and Mrs. Campbell seconded to revise the last sentence in paragraph (A) of the Ordinance to read as follows:*

*“A minimum of twenty percent (20%) and a maximum of thirty percent (30%) of the revenue received by the city from the franchise fee will be dedicated to the public educational, and government (PEG) channel, if such channel is in operation.”*

*The amendment failed to pass with Mrs. Campbell and Ms. Cohen voting aye and Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay. Ordinance No. 2095 for second reading passed on a 3-2 vote with Mrs. Shields, Mrs. Smith and Mr. Comegys voting aye. Mrs. Campbell and Ms. Cohen voted nay.*

- *Ordinance No. 2097 – 2<sup>nd</sup> reading – approving an amendment (\$186,000) to the FY10 Sewer Fund budget (chemical costs)*

*Ordinance No. 2097 for second reading passed unanimously on a motion by Mr. Comegys and seconded by Mrs. Campbell.*

**RESOLUTIONS** – presented by City Administrator John Pick

- *Resolution No. 1883 –authorizing the Mayor and the Chief of Police to sign a Mutual Aid Agreement between Wicomico County, the City of Salisbury, the City of Fruitland and the Town of Delmar to allow the police departments and the Sheriff's Office to operate sobriety checkpoints within the City of Salisbury and Wicomico County*

*Resolution No. 1883 passed unanimously on a motion by Ms. Cohen and seconded by Mrs. Shields.*

- *Resolution No. 1885 – authorizing the Mayor to sign a contract with PAC 14, Inc. providing for Public, Educational and Governmental programming to be made available through the cable television system or systems serving the City*

*Mr. Comegys moved and Mrs. Campbell seconded to approve Resolution No. 1885. Mrs. Shields moved to amend the contract by deleting the language "audited by an independent certified public accountant" in Section 12.B.3. Mrs. Campbell seconded and offered a friendly amendment for Section 12.B.3 to read "Year-end financial statements provided by an independent certified public accountant." Mrs. Shields accepted the friendly amendment, but later withdrew her motion.*

*Mrs. Campbell moved to amend Section 1.E of the contract by inserting the wording "the Maryland Open Meetings Act." (after regulations). Ms. Cohen seconded and the amendment passed unanimously.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Section 13.C. of the contract by changing 4 years to 3 years. The amendment failed to pass with Mrs. Campbell and Ms. Cohen voting aye and Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay.*

*Resolution No. 1885, to include the amended contract, passed on a 4-1 vote with Ms. Cohen casting the nay vote.*

- *Resolution No. 1886 – approving the appointment of Charles R. Dashiell, Jr. to serve the remainder of a five year term as a member and Chairman of the Planning and Zoning Commission*

*Resolution No. 1886 was unanimously approved on a motion and a second by Mr. Comegys and Mrs. Shields, respectively.*

**PUBLIC COMMENTS**

Five citizens voiced their comments on the following issues:

- Richardson Apartment House ("The Bricks")
- PIA request relating to the fireboat
- PAC 14
- merging Salisbury Police Department and Sheriff's Office

**CONVENE IN CLOSED SESSION**

At 7:53 p.m., Mr. Comegys moved to convene in closed session for a litigation matter as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). Ms. Cohen seconded and the vote was unanimous.

The regular meeting adjourned at 7:54 p.m.

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JANUARY 25, 2010

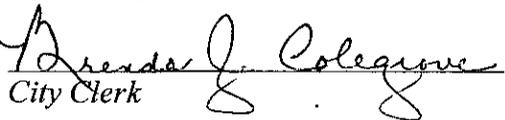
TIME & PLACE: 7:53 p.m. – Council Chambers - Government Office Building  
PURPOSE: Litigation matter  
VOTE TO CLOSE: Unanimous  
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(8)  
PRESENT: Council President Louise Smith, Council Vice President Gary Comegys, Councilwoman Deborah Campbell, Councilwoman Terry Cohen, Councilwoman Eugenie Shields, Mayor James Ireton, Jr., City Clerk Brenda Colegrove, City Administrator John Pick, City Attorney Paul Wilber, Attorney Paul Calamita, Public Works Director Teresa Gardner, Dave Winslow, Greg Stevens

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At 7:53 p.m., in Council Chambers, Mr. Comegys moved to convene in closed session for a litigation matter as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). Ms. Cohen seconded and the vote was unanimous.

An update on the WWTP litigation negotiations was provided by City Attorney Paul Wilber and Attorney Paul Calamita.

At 9:10 p.m., on a motion and a second by Ms. Cohen and Mrs. Shields, respectively, the closed session adjourned.

  
City Clerk

  
Council President

# City of Salisbury



MARYLAND

**PAMELA B. OLAND**

DIRECTOR OF INTERNAL SERVICES

**FINANCE DIVISION**

DEPARTMENT OF INTERNAL SERVICES

125 N. DIVISION STREET, ROOM 103

SALISBURY, MD 21801

410-548-3110

FAX: 410-860-5154

## COUNCIL AGENDA

**January 25, 2010**

Page No.

- |    |   |              |
|----|---|--------------|
| 1. | Recommendation of Award Contract # RFP 4-10<br>Caustic Chemical Storage Building and Feed System<br>Engineering Services Project (Acct. No. 81080-513020) | \$119,050.00 |
|----|---|--------------|

# City of Salisbury



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DIRECTOR OF INTERNAL SERVICES

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DEPARTMENT OF INTERNAL SERVICES  
125 N. DIVISION STREET, ROOM 103  
SALISBURY, MD 21801  
410-548-3110  
FAX: 410-860-5154

**MARYLAND  
COUNCIL AGENDA**

**January 25, 2010**

TO: Mayor and City Council

SUBJECT: Recommendation of Award Contract # RFP 4-10  
Caustic Chemical Storage Building and Feed System Engineering Services Project

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works (SPW) to solicit bids to design a chemical storage building located behind the filter building at the Paleo Water Plant. Also included is the design to remove and replace the fluoride tank and feed lines at the Park Water Plant.

Under Contract RFP 4-10, the Procurement Division requested bids for this project. The Procurement Division followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list and advertising on the State of Maryland's website, Emaryland Marketplace. A total of thirty-three (33) vendors were sent proposal packages with six (6) vendors submitting a proposal by the due date and time, December 18, 2009 at 3:30 p.m.

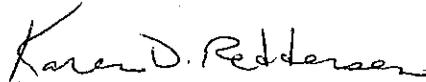
Bid results for the project are as follows:

<b>Vendor</b>	<b>Bid Amount</b>
CMX	\$100,350.00
<b>GMB</b>	<b>\$119,050.00</b>
GreenStone	\$96,100.00
TAI	\$144,875.00
URS	\$209,700.00
WRA	\$311,387.00

An analysis of the bid documents was conducted by SPW utilizing the evaluation criteria identified in the RFP, including expertise and qualifications related to the scope, current and projected workload, price, performance on recent projects, and experience working with municipal projects. A recommendation has been made to award Contract RFP 4-10 to GMB in the amount of \$119,050.00. GMB provided an extensive scope of services, received outstanding references and has completed projects of a related nature for the City. The contract amount represents a fair market value for the work as it is 40.5% below the engineer's estimate of \$200,000.00, thus the work is financially feasible and cost effective.

There are sufficient funds in Account No. 81080-513020 (Water Engineering Account) for this project. After review of the submitted bids, the Department of Internal Services-Procurement Division requests Council's approval to accept the bid as noted above from GMB, in the amount of \$119,050.00.

Thank you.

A handwritten signature in black ink that reads "Karen D. Reddersen". The signature is written in a cursive style with a large initial 'K'.

Karen D. Reddersen  
Assistant Director of Internal Services-Procurement Division

**City of Salisbury**  
**DEPARTMENT OF PUBLIC WORKS**

TO: Karen Reddersen, Assistant Director of Internal Services-Procurement  
FROM: Jana Potvin  
DATE: January 13, 2010  
SUBJECT: Award of Contract RFP 04-10  
Caustic Chemical Storage Building and Feed System

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The current underground caustic soda storage tank is over thirty years old and has exceeded its useful life. To meet current and future chemical storage needs this RFP provides for the design of a chemical storage building located behind the filter building. This building will provide storage and containment for both caustic and fluoride based upon current use and will be sized to accommodate future caustic and fluoride storage needs. Additionally, this RFP includes the design of the removal and replacement of the fluoride tank and feed lines at the Park WTP. This partially-buried tank located adjacent to the underground reservoir was originally installed in 1958 and is need of replacement.

Six firms offered proposals to our request on December 18, 2009 at 3:30 p.m.: CMX, GMB, GreenStone, TAI, URS, and WRA. All the respondents to the RFP had qualified staff capable of completing the design. However, not all firms provided a detailed scope of services which was critical in evaluating the firm's understanding of the project. After an independent detailed review of all the proposals and reference checks, each evaluator ranked the six respondents based upon the criteria established in the RFP. The proposed contract costs were as follows:

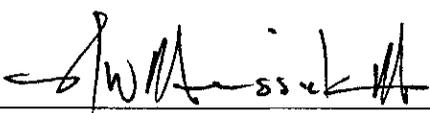
<u>Firm</u>	<u>Proposed Cost</u>
CMX	\$ 100,350.00
GMB	\$ 119,050.00
GreenStone	\$ 96,100.00
TAI	\$ 144,875.00
URS	\$ 209,700.00
WRA	\$ 311,387.00
Average	\$ 163,577.00

The evaluators then met to review the rankings. During this meeting it was determined that George, Miles, and Buhr (GMB) was the best firm for the project. GMB's approach was the most detailed and provided a clear understanding of scope of work. Further GMB's outstanding record of responsiveness to the City combined with their average change order amount of 1% of total construction cost reinforced this consensus.

GMB's proposed cost for performing the work identified in the RFP is \$119,050.00. Sufficient funds to complete this work are available in Engineering/Architectural Account 81080-513020. The cost for this project is approximately 40.5% below the funded amount of \$200,000.

Please issue a Purchase Order GMB in the amount of \$119,050.00 for the scope of work specified in RFP 04-10.

  
\_\_\_\_\_  
Jana Potvin  
Project Engineer

  
\_\_\_\_\_  
Approved: Newell W. Messick III, P.E. 1/13/10

STATEMENT FOR CLOSING A MEETING

Location: C.O.B  
Council Chambers

Date: 1/25/10  
Time: 7:53 pm

Motion: Comegys

Seconded By: Cohen

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Deborah S. Campbell	{ ✓ }	{ }	{ }	{ }
Terry E. Cohen	{ ✓ }	{ }	{ }	{ }
Gary A. Comegys	{ ✓ }	{ }	{ }	{ }
Eugenie P. Shields	{ ✓ }	{ }	{ }	{ }
Louise Smith	{ ✓ }	{ }	{ }	{ }

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (1) To discuss:
  - { } (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
  - { } (ii) Any other personnel matter that affects one or more specific individuals.
- (2) { } To protect the privacy or reputation of individuals with respect to a matter that is 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 preliminary 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 services.
- (7) { ✓ } To consult with counsel to obtain legal advice on a legal matter.
- (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 discussions would constitute a risk to the public or 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, discuss a matter directly related to a negotiation 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.

TOPICS TO BE DISCUSSED:

*Update on litigation*

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REASON FOR CLOSING:

*Consult with legal counsel*

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*Louise Smith*  
 Louise Smith  
 Council President  
 City of Salisbury

Stu Lee  
1-25-10  
Council Mtg.

## QUESTIONS

1. Looking at both the City and County budgets, it seems that the City pays a lot more per police staff then the County. If this is the case, where are the major differences between the two budgets?
2. Has any conversations been initiated between the Cities administration with either Sheriff Lewis or Mr. Pollitt regarding the combining of the County and City police departments?
3. Will a task force be assigned to look into the combining of the two departments?
4. If a task force is assigned, will the meetings be open to the public?

Wicomico County Budget For Sheriffs Dept.

Budgeted \$'s	\$	8,311,524.00	
Budgeted Police Staff		88	(Includes Sherriff)
Budgeted non-Police Staff		52	
Total:		140	

Cost per Officer	\$	94,449.14
Cost per Total Employees	\$	59,368.03

Salisbury City Budget For Police Dept.

Budgeted \$'s	\$	9,381,512.00	
Budgeted Police Staff		88	(Includes Chief)
Budgeted non-Police Staff		18	
Total:		106	

Cost per Officer	\$	106,608.09
Cost per Total Employees	\$	88,504.83

Communications Staff	\$	543,515.00
		11

Animal Control Staff	\$	203,854.00
		2

Total Police Budget	\$	10,128,881.00
Total Police Staff		119
Cost Per Staff Member	\$	85,116.65

SUMMARY

Cost per Employee (Sheriffs Dept.)	\$	59,368.03
Cost per Employee (City Police Dept.)	\$	85,116.65
Diff.	\$	25,748.62
		(More per staff Employee In the City)

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