

CITY OF SALISBURY, MARYLAND

#3 MEETING

FEBRUARY 22, 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, Acting Fire Chief Rick Hoppes, Internal Services Director Pam Oland, and Members of the Press.

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. Ms. Cohen moved and Mrs. Campbell seconded to amend the agenda to remove Resolution No. 1890 (amending §SC2-3 and §SC3-3 of the Charter) and take it back to a work session for discussion. The amendment failed with Mrs. Campbell and Ms. Cohen voting aye and Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay.

Ms. Cohen moved to add an emergency briefing after the presentation by Lt. Moore for the purposes of addressing the budget amendment that did not take place given that the dump truck was already awarded. Mrs. Campbell seconded, but the motion failed to pass. Mrs. Campbell and Ms. Cohen voted aye; Mrs. Shields, Mrs. Smith and Mr. Comegys voted nay.

The agenda, as amended, was unanimously adopted.

PRESENTATION

Lt. John Moore provided an overview of the Salisbury Police Department's Crime Analysis Reporting System.

CONSENT AGENDA

The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Ms. Cohen and seconded by Mr. Comegys:

- January 25, 2010 minutes
- Resolution No. 1887 – reappointment of Arlene Ennis to the Board of Elections Supervisors for a term ending January 31, 2016
- Resolution No. 1888 – reappointment of Dr. C. Richard Anderson to the Marina Committee for a term ending January 31, 2012
- Resolution No. 1891 – accepting grant funding of \$36,427 awarded through the COPS Hiring Support-Recovery Program to supplement funding for training and equipment related to the four police officers funded and hired under the COPS Program and rescinding Resolution No. 1851

AWARD OF BIDS – presented by Internal Services Director Pam Oland

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

- Surplus of items – police duty weapon (Lt. Emmitte Powell) -0-
- Recommendation of Award Contract RFP #5-10 \$106,642.50
Engineering and Construction-Phase Services for above
ground fuel tank/lines/pumps – final design and installation
Acct. No. 47000-577030
The Fourth River Company

CHARTER AMENDMENTS – presented by City Administrator John Pick

- Resolution No. 1889 – amending (1) §SC6-7, Primary elections, for the purpose of providing that a voter may vote for no more than one candidate per available position from the candidates on the primary election ballot; and 2) §SC6-9, Election of Mayor and Council, for the purpose of (a) moving the date of elections from April to November beginning in the year 2015, (b) modifying the terms of the three Council member positions who will be elected in April 2011, and (c) modifying the terms of the Mayor and the two Council members who will be elected in April 2013

Charter Amendment Resolution No. 1889 passed unanimously on a motion by Mr. Comegys and seconded by Ms. Cohen.

- Resolution No. 1890 – amending §SC2-3, Salary, and §SC3-3, Salary, to permit elected officials (Mayor and City Council) to participate in employee benefits programs and removing reference to the salary amounts for elected officials

Mr. Comegys moved and Mrs. Campbell seconded to approve Resolution No. 1890. The following amendments were offered, but failed to pass with Mrs. Campbell and Ms. Cohen voting aye; Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay:

- Motion by Mrs. Campbell and seconded by Ms. Cohen to postpone
- Motion by Mrs. Campbell and seconded by Ms. Cohen to delete the second Whereas paragraph and insert:
 - Whereas, the Ethics Commission has recommended that the City have a formal Charter policy in regard to the participation of elected officials in elective employee benefit programs;

The following amendments passed unanimously:

- Motion by Ms. Cohen and seconded by Mrs. Campbell to replace the February 1st reference with two months prior to the filing deadline of the next election for the mayor and City Council. Mr. Comegys suggested a friendly amendment to replace the by February 1st reference with six months. Ms. Cohen accepted the friendly amendment and Mrs. Campbell seconded.
- Motion by Ms. Cohen and seconded by Mrs. Shields to reflect that salaries to be effective in the fiscal year after all five Councilmembers' current terms have expired
- Motion by Ms. Cohen and seconded by Mrs. Campbell to amend the third Whereas paragraph to read:
 - Whereas, the City Council wishes to codify elected officials' participation in elective employee benefit programs;

Charter Amendment Resolution No. 1890, as amended, was unanimously approved.

ORDINANCE – presented by City Attorney Paul Wilber

- Ordinance No. 2099 – 1st reading – amendment to the FY10 Sewer Fund Budget to appropriate surplus funds (\$20,000) to pay a civil penalty for violations of the discharge permit for the City's Wastewater Treatment Plant

Ordinance No. 2099 for first reading passed unanimously on a motion by Mr. Comegys and seconded by Mrs. Shields.

RESOLUTIONS – presented by City Administrator John Pick

- Resolution No. 1892 – adopting a Capital Improvement Plan for the five year period FY1-FY15

Resolution No. 1892 was unanimously approved on a motion and a second by Mr. Comegys and Ms. Cohen, respectively.

- *Resolution No. 1893 –agreeing to the extension of the acting status for the following four Fire Officers until a Fire Chief can be appointed:*

*Acting Fire Chief Rick Hoppes Acting Assistant Fire Chief John Adams
Acting Fire Captain Larry Dodd Acting Deputy Fire Chief John Bragg*

Resolution No. 1893 passed unanimously on a motion by Ms. Cohen and seconded by Mr. Comegys.

PUBLIC COMMENTS

Two citizens commented on the following: 1) failure of property owners to clear sidewalks during the recent snow storms; and 2) endorsement of current structure of Salisbury Police Department.

The meeting adjourned at 7:53 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
MARCH 1, 2010

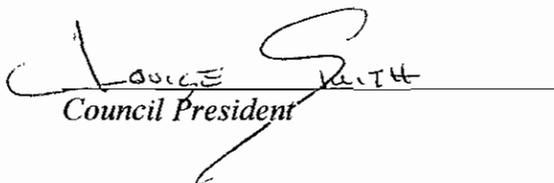
TIME & PLACE: 4:44 p.m. – Conference Room 306 - Government Office Building
PURPOSE: Consult with legal counsel
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Section 10-508(a)(7)
PRESENT: Council President Louise Smith, Councilwoman Deborah Campbell, Councilwoman Terry Cohen, Councilwoman Eugenie Shields, Mayor James Ireton, Jr., City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Public Works Director Teresa Gardner, Deputy Public Works Director Chip Messick, Internal Services Director Pam Oland, Ray Birch
ABSENT: Council Vice President Gary Comegys

At 4:44 p.m., in Conference Room 306 of the Government Office Buildings, Ms. Cohen moved to convene in closed session to consult with legal counsel regarding the legality of exactions as permitted under the Annotated Code of Maryland Section 10-508(a)(7). Mrs. Campbell seconded and the vote was unanimous.

After discussing the legality issue, a consensus was reached by Council and guidance provided to the City Attorney.

On a motion by Ms. Cohen and seconded by Mrs. Campbell, the closed session adjourned at 5:15 p.m.


City Clerk


Council President

STATEMENT FOR CLOSING A MEETING

Location: G.O.B. - Rm 306

Date: 3-1-10

Time: 4:44 pm

Motion: Cohen

Seconded By: Campbell

Vote to Close Session:

| | AYE | NAY | ABSTAIN | ABSENT |
|---------------------|---|-----|---------|---|
| Deborah S. Campbell | { <input checked="" type="checkbox"/> } | { } | { } | { } |
| Terry E. Cohen | { <input checked="" type="checkbox"/> } | { } | { } | { } |
| Gary A. Comegys | { } | { } | { } | { <input checked="" type="checkbox"/> } |
| Eugenie P. Shields | { <input checked="" type="checkbox"/> } | { } | { } | { } |
| Louise Smith | { <input checked="" type="checkbox"/> } | { } | { } | { } |

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:

legality of evictions

REASON FOR CLOSING:

Consult with city attorney

Louise Smith
 Louise Smith
 Council President
 City of Salisbury

City of Salisbury



PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES

MARYLAND

PURCHASING DIVISION
DEPARTMENT OF INTERNAL SERVICES
125 N. DIVISION STREET, ROOM 104
SALISBURY, MD 21801
410-548-3190
FAX: 410-548-3192

COUNCIL AGENDA

February 22, 2010

Page No.

- | | | |
|----|---|--------------|
| 1. | Surplus of Items-Police Duty Weapon | -0- |
| 2. | Recommendation of Award Contract RFP# 5-10 Engineering and Construction-Phase Services for Above Ground Fuel Tank/Lines/Pumps-Final Design and Installation (Acct. No. 47000-577030) | \$106,642.50 |

City of Salisbury



PAMELA B. OLAND
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125 N. DIVISION STREET, ROOM 104
SALISBURY, MD 21801
410-548-3190
FAX: 410-548-3192

MARYLAND

COUNCIL AGENDA

February 22, 2010

TO: Mayor and City Council

SUBJECT: Surplus Police Weapon

The City of Salisbury Internal Services Department, Procurement Division, received a request from the City of Salisbury Police Department to declare the following duty weapon from Lieutenant Emmitte Powell as surplus property.

Glock Model #21, 45 caliber handgun Serial # WG632

Lieutenant Powell retired at the end of December, 2009 from the City of Salisbury Police force and it is customary to provide retired officers with their weapons upon retirement. With approval, once this item is declared surplus, it will be given to Lieutenant Powell.

Thank you.

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



147th

POLICE DEPARTMENT

ALLAN J. WEBSTER, SR.
Chief of Police

City of Salisbury



45th

699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801

410-548-3165

January 20, 2010

**TO: Karen Redderson
Procurement**

**FROM: PFC D. Parsons
Quartermaster**

SUBJECT: INVENTORY (WEAPON)

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With Chief Barkley's approval, I am requesting the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with serial number WG632. This weapon will be given to Lieutenant Emmitte Powell, who retired at the end of December 2009.

Respectfully Submitted,

**PFC Danny Parsons 0194
Quartermaster
Salisbury Police Department**

City of Salisbury



PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES

PURCHASING DIVISION
DEPARTMENT OF INTERNAL SERVICES
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MARYLAND

COUNCIL AGENDA

February 22, 2010

TO: Mayor and City Council

SUBJECT: Recommendation of Award Contract # RFP 5-10
Engineering and Construction Phase Services for Above Ground Fuel Tank/Lines/Pumps-Design and Installation

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works (SPW) to solicit bids for final design and construction of an above ground fuel tank, lines and pumps for the Salisbury Marina to replace the previous system that was removed per MDE requirements.

Under Contract RFP 5-10, 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 Sixteen (16) vendors were sent proposal packages with five (5) vendors submitting a proposal by the due date and time, January 22, 2010 at 2:30 p.m.

Bid results for the project are as follows:

| Vendor | Bid Amount |
|----------------------------------|---------------------|
| Jones and Frank | \$170,192.65 |
| Total Environment Concepts, Inc. | \$170,275.00 |
| Petroleum Services, Inc. | \$122,895.00 |
| The Fourth River Company | \$106,642.50 |
| Commercial Fuel Systems | \$ 85,791.00 |

An analysis of the bid documents was conducted by SPW utilizing the evaluation criteria identified in the RFP, including experience, approach and methodology, price, references/performance on recent projects, and experience working with municipal projects. A recommendation has been made to award Contract RFP 5-10 to The Fourth River Company in the amount of \$106,642.50.00. The Fourth River Company provided an extensive scope of services, received outstanding references and has completed projects of a related nature. The contract amount represents a fair market value as the project was estimated at \$100,000, thus the work is financially feasible and cost effective.

The low bid submitted by Commercial Fuel Systems did not include a detailed approach and methodology for the final design of the project as required in the bid specifications, nor did it include manufacturer's detail related to the equipment being proposed for the tanks and related items.

Upon approval and transfer of funds in the amount of \$6,642.50 from Account No. 47000-556204 (Marina Gasoline), there will be sufficient funds in Account No. 47000-577030 (Equipment) in the amount of \$106,642.50 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 The Fourth River Company, in the amount of \$106,642.50.

Thank you.



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

**CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS**

January 29, 2010

To: Karen D. Reddersen, Assistant Director Procurement
From: Dorine Turner, Department of Public Works
Subject: Engineering & Construction – Phase Services for Above Ground Fuel Tank/Lines/Pumps
Final Design and Installation, RFP #05-10
Recommendation of Bid

The Salisbury Marina has solicited bids for the final engineering and construction of an above ground fuel tank, fuel lines, and pumps to replace the underground storage tanks and older pumps that were removed in July of 2009. The former tanks were removed per MDE requirements due to a leak in the Gasoline tank. Bids were opened on Friday, January 22, 2010 at 02:30 for the subject contract. Five (5) bidders responded and bid the following for Marina Above Ground Fuel Tank Engineering and Construction, RFP #05-10. Pricing of the project were submitted as follows:

| | | |
|----|--|----------------------|
| 1. | Jones & Frank..... | \$ 170,192.65 |
| 2. | Total Environmental Concepts, Inc..... | \$ 170,275.00 |
| 3. | Petroleum Services, Inc..... | \$ 122,895.00 |
| 4. | The Fourth River Company..... | \$ 106,642.50 |
| 5. | Commercial Fuel Systems..... | \$ 85,791.00 |

The evaluation committee reviewed the proposals and evaluated them per the bid specifications on experience, approach & methodology, price, references, and experience working with Municipal Governments. The Committee recommends award to the bidder, The Fourth River Company, from Pittsburgh, Pennsylvania, in the amount of **\$106,642.50**. The Fourth River Company has over 20 years of experience in the fuel construction industry. It would be in the Marina's best interest to accept this bid based on the thoroughness of the proposal, the amount of experience, the reasonable cost, and upon reference checks, the great recommendations received. The lowest bidder, Commercial Fuel Systems is not recommended due to the lack of an approach and methodology in their bid as requested, less experience, and the lack of providing detail related to the specified or comparable equipment in their proposal.

Due to the limited timeframe the Marina has to proceed with the engineering and construction of the fuel system in order to have fuel service for the opening of the boating season on May 1st.

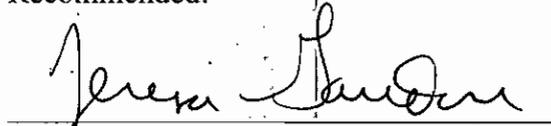
If approved, funds are available in the following account with the transfer of \$6,642.50 from the Gasoline account:

| | | |
|-----------|--------------------|---------------|
| Equipment | 47000-577030 | \$ 100,000.00 |
| Gasoline | 47000-556204..... | \$ 6,642.50 |

Prepared by:

Recommended:


Dorine Turner, Resource Manager


Teresa Gardner P.E., PW Director