



TALBOT COUNTY, MARYLAND

County Council

MINUTES

March 28, 2023

Present – President Chuck Callahan, Vice President Pete Leshner, Keasha N. Haythe, Lynn L. Mielke, Dave Stepp, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- I. Agenda – The Agenda of Tuesday, March 28, 2023 was brought forward for approval. Mr. Leshner made a motion to remove Item V., the proclamation for “Talbot Day” and to replace it with a proclamation for National Vietnam War Veterans Day; the motion was seconded by Ms. Mielke. The Council approved the March 28, 2023 Agenda, as amended, by voting 5 – 0 as follows:

Mr. Callahan - Aye
 Mr. Stepp – Aye
 Mr. Leshner – Aye
 Ms. Mielke – Aye
 Ms. Haythe - Aye

- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, March 14, 2023.

- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, March 21, 2023 and Tuesday, March 28, 2023.

- IV. Proclamation: National Vietnam War Veterans Day – March 29, 2023 – The Clerk read a proclamation into the record in recognition of March 29th as the official day to honor all those individuals who served in the Vietnam War as it was on March 29, 1973 that the last combat troops left Vietnam. The proclamation also recognized March 29, 2023 as the 50th anniversary of the end of the Vietnam War and urged all citizens to honor and thank those who selflessly served, those who were prisoners of war, are still missing in action, and particularly those who gave the ultimate sacrifice to help preserve freedom in the world. Ms. Mielke presented the Proclamation to Ronnie Cheezum, Post Commander, Easton VFW Post 5118 and Kenley Timms, Vietnam Veterans of America Mid-Shore Chapter 648 who accepted on behalf of their respective organizations. Mr. Cheezum invited all veterans to attend the ceremony honoring National Vietnam War Veterans Day at the Easton VFW Post 5118 on Wednesday, March 29, 2023 at 7:00 p.m.

- V. Presentation of Priority Listing to Maryland Department of Transportation – Ray Clarke, County Engineer; Mike Mertaugh, Roads Engineer – Mr. Clarke and Mr. Mertaugh briefed the Council on staff’s recommendations for Talbot County’s project priority listing as requested annually by the Maryland Department of Transportation. The recommendations included the MD Route 322/US 50 Intersection – North improvements; MD Route 33 Capacity, Safety and Evacuation Improvements; MD Route 33 Oxford Causeway improvements; MD Route 329 (Royal Oak Road) Safety Improvements; US Route 50/MD Route 328 – Goldsborough Street Intersection Improvements; MD Route 50/MD Route 331 – Dover Street Intersection Improvements; US Route 50/Chapel Road – Intersection Improvements; US Route 50/MD Route 309/MD Route 662 Intersection Capacity Improvements; and Easton Airport – Airfield Modernization Program. Mr. Clarke requested Council’s consideration to include the Airport Road improvement project as a separate project since the County is currently looking into making improvements to the County owned portion of Airport Road and any intersection improvements on County roads. Mr. Clarke stated that several of the

intersections are the responsibility of the State. Mr. Clarke suggested making the Airport Road improvement project No. 5 or No. 7 on the listing. He stated that his office will be contacting the municipalities and Easton Airport regarding specific projects they may want to include on the list prior to it being forwarded to the Maryland Department of Transportation. Council discussion ensued with Mr. Clarke and Mr. Mertaugh. Upon motion by Ms. Mielke, seconded by Mr. Stepp, the Council approved the priority listing, pending any additions, by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- VI. Presentation of Delmarva Community Transit’s FY2024 Annual Transportation Plan – Keith Adkins, Deputy Director, Delmarva Community Services, Inc.; Andrea Waters, Transportation Grants Specialist, Delmarva Community Services, Inc. – Mr. Adkins briefed the Council on Delmarva Community Transit’s Annual Transportation Grant application for FY2024 under the Federal Transit Act. He stated that the transportation plan provides for nine (9) fixed and deviated routes for the participating counties of Caroline, Kent and Talbot. The grant application includes operating and capital funding requests as well as the sources of all funding received through the Federal Transit Administration (FTA) and Maryland Transportation Administration (MTA). He stated that the FY24 Plan includes a Capital request for replacement of two (2) buses that have reached end of life under FTA and MTA guidelines, as well as preventive maintenance. Mr. Adkins stated that federal and State funding to be provided totals \$1,246,967.00; local matching funding requested from the participating counties totals \$120,217.00. Council discussion ensued with Mr. Adkins. Delmarva Community Transit also provides mobility on demand services in Talbot County, as well as transportation services for senior citizens on behalf of Upper Shore Aging, Inc. Council members expressed their appreciation to Delmarva Community Transit for the services they provide. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved Delmarva Community Transit’s FY2024 Annual Transportation Plan as presented by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- VII. Introduction of Administrative Resolution:

A RESOLUTION AUTHORIZING TALBOT COUNTY TO FILE AN APPLICATION WITH THE MARYLAND TRANSIT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION FOR A SECTION 5303, 5304, 5309, 5310, AND 5311 GRANT UNDER THE FEDERAL TRANSIT ACT was read into the record by the Clerk. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the administrative resolution by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

The Administrative Resolution is effective immediately.

VIII. Discussion of General Assembly Legislation:

~~HB0119 - Primary and Secondary Education – Comprehensive Health Education Framework – Established~~ County Boards of Education – Curriculum Guides and Courses of Study – Requirements; SB0199 - Primary and Secondary Education – Comprehensive Health Education Framework – Established was read into the record by the Clerk and brought forward for discussion. Mr. Stepp stated that he was requesting Council’s consideration to forward a letter in support of the Talbot County Board of Education’s letter in opposition to HB0119. He stated that the legislation essentially takes away authority from the local School Board and gives authority to a non-elected official to establish curricula for the counties. Council discussion ensued. Upon motion by Mr. Stepp, seconded by Ms. Haythe, the Council approved forwarding a letter in support of the Talbot County Board of Education’s opposition to HB 0119 by voting 5 - 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

IX. County Manager’s Report:

- A. Talbot County Board of Electrical Examiners – Mr. Stamp requested Council approval of the reappointment of Joseph Secrist to a four-year term on the Talbot County Board of Electrical Examiners; said term will expire on April 1, 2027. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- B. Talbot County Commission on the Aging – Requested Council approval for the reappointment of Jennifer Marchi (Home Instead); Rachael Smith (Londonderry); Veda Gibson (Asbury Place); and Kate Stinton (Health Department – Senior Services Program) to three-year terms on the Talbot County Commission on the Aging; said terms will expire on April 1, 2026. Upon motion by Ms. Mielke, seconded by Mr. Leshner, the Council approved the reappointments by voting 5 - 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- C. Upper Shore Aging Board of Directors – Requested Council approval for the appointment of Corey Pack to a three-year term on the Upper Shore Aging Board of Directors as a representative of Talbot County; said term will expire September 2026. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the appointment by voting 5 - 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- D. Talbot County Board and Committee Vacancies – Mr. Stamp stated that the County has vacancies on the following boards and committees: Adult Public Guardianship Review Board; Agricultural Resolution Board; Animal Control Board; Board of Appeals; Board of Electrical Examiners; Commission on the Aging; Talbot County Local Drug and Alcohol Abuse Council and the Talbot County Property Tax Assessment Appeals Board. Individuals interested in serving should contact the County Manager’s Office at 410-770-8010 or visit the County website at www.talbotcountymd.gov.

- E. Letter of Support for Trustees of Third Haven Meeting - Requested Council approval to forward a letter to the Maryland Historical Trust in support of the Trustees of Third Haven Meeting’s grant application in the sum of \$100,000. If approved, the funding will be utilized to assist with structural repairs to the historic Meeting House located in Easton; no County funds are required. Upon motion by Ms. Mielke, seconded by Mr. Leshner, the Council approved forwarding a letter of support by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke– Aye
Ms. Haythe – Aye

- F. Bid No. 23-01, WYE LANDING PAVING – TALBOT COUNTY GOVERNMENT, WYE PUBLIC LANDING, WYE LANDING LANE, WYE MILLS, MD 21679 - Requested Council approval of the Department of Parks & Recreation Director’s recommendation to award Bid No. 23-01 to the second lowest responsive bidder, R.L. Ewing Contractors, Inc., in the sum of \$61,535.00; a total of six bids were received. Council discussion ensued with Preston Peper, Director, Department of Parks & Recreation, as to the reasoning for his recommendation. Upon motion by Ms. Haythe, seconded by Mr. Stepp, the Council approved the award by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- G. Request from Town of Easton – Requested Council approval of the Town of Easton’s request to approve four (4) right-of-way utility easements on Port Street. Mr. Stamp stated that the Town of Easton is planning to relocate all utilities underground at that location – two (2) easements are for the Town of Easton and two (2) are for Verizon; the County Attorney has reviewed the request. Council discussion ensued with Rick Van Emburgh, Town Engineer. Upon motion by Mr. Leshner, seconded by Mr. Stepp, the Council approved the request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- H. Request from County Manager to Enter Into Contract for Sale and Purchase of Real Property – Requested Council approval to have the County enter into a *Contract for Sale and Purchase of Real Property Consisting of 2.28 Acres, More or Less, Being the Same Property described as “Seventh Parcel” in a Deed Dated April 26, 2002 and Recorded Among the Land Records of Talbot County, Maryland as Liber M.A.S. No. 1060, Folio 453 and Shown on Talbot County Tax Map 101 as Parcel 264, Tax Identification Number 01-055100* in the sum of \$675,000. Mr. Stamp stated that the property, located at Glebe Road and Easton Bypass (MD Rt. 322) in Easton, is needed for the Runway Protection Zone (RPZ) for Easton Airport; the Airport has sufficient funds for the purchase. County Attorney, Patrick Thomas, stated that the property is the vacant lot on Easton Bypass across from Ruby Tuesday’s. Upon motion by Mr. Leshner, seconded by Mr. Stepp, the Council approved the purchase of the property by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- X. Public Comments: Members of the public were afforded an opportunity to comment on matters of interest to them.

- XI. Council Comments:

Ms. Haythe – Ms. Haythe expressed her appreciation to incumbent Councilmen Callahan and Leshner for guiding the new Council members through the budget and for their leadership in doing so. She stated that, in her opinion, it has been a great experience and she expressed her appreciation to the Finance Department, Jessica, and Clay for ensuring that the Council has everything it needs.

Ms. Mielke - Ms. Mielke concurred with Ms. Haythe’s comments.

Mr. Leshner - Mr. Leshner stated that he had attended the opening night performance of the musical *Chicago* at Easton High School and, in his opinion, the performances of our Talbot County students were extraordinary and the value of exposing students to this level of excellence is inestimable.

Mr. Stepp - Mr. Stepp echoed Ms. Haythe’s comments and expressed his appreciation not only to the Finance Department but to everyone behind the scenes who helps make the Council’s job capable. He stated that the Council has a tall order to ensure that the County’s money is spent in a fiscally responsible manner and thanked everyone for all the behind-the-scenes work that goes into getting the Council the numbers so that it can make decisions.

Mr. Callahan – Mr. Callahan concurred with his colleagues’ comments and stated that sometimes the Council gets a lot of information in a short period of time. He stated that when you come into office you are in the budget right out of the gate. He stated that it has been a pleasure working with the new members of the Council and expressed appreciation to them for reaching out to him and Vice President Leshner – it really is a team effort.

XII. Upon motion by Mr. Stepp, seconded by Ms. Haythe the Council voted to adjourn and to reconvene on Tuesday, April 11, 2023 at 4:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing that meeting, and at 6:00 p.m. for the regularly scheduled meeting; the Council will hold budget deliberations on the FY 24 budget on Thursday, March 30, 2023 at 4:30 p.m. and on Tuesday, April 4, 2023 at 4:30 p.m., in the Bradley Meeting Room. On Monday, April 3, 2023, the Council will be meeting with the Easton Town Council in the Town chambers located at 14 S. Harrison Street for two work sessions: at 4:30 p.m., a work session to discuss the Easton Point project; and at 5:30 p.m., for a work session to discuss the request for supplemental growth allocation for Thomas Cohee and Lot 16, LLC, located at 28580 Marys Court in Easton by voting 5 - 0 as follows:

Mr. Callahan - Aye
Mr. Stepp - Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Mr. Haythe - Aye

The meeting adjourned at 6:51 p.m.

The transcript of the March 28, 2023 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIII. Summary of Closed Session Held on March 28, 2023:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 5:10 p.m. to 6:00 p.m.
Place of closed session: County Council Office

Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Haythe, Leshner, Mielke, Stepp

Members opposed: None

Abstaining: None

Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointment to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss a personnel matter in Public Works	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss a personnel matter regarding Communications Manager	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
For legal update on litigation involving opioid settlements with Teva, Allergen, CVS, Walgreens and Walmart	GP § 3-305(b)(7)(8)	Attorney-client privilege regarding status of litigation	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Martha Sparks, Jessica Morris	Council concurred with recommendation to enter into settlement

For legal advice regarding process to issue proclamations	GP § 3-305(b)(7)	Attorney-client privilege regarding legal advice on proceedings	Chuck Callahan, Keasha Haythe, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Legal counsel will conduct research and provide an opinion
To discuss school security for private schools	GP § 3-305(b)(10)	Public discussion would risk deployment of public security	Chuck Callahan, Keasha Haythe, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action

XIV, Summary of Closed Session Held on March 28, 2023:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 4:15 p.m. to 4:30 p.m. and 7:20 p.m. to 7:55 p.m.
 Place of closed session: County Council Office
 Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Haythe, Lesher, Mielke, Stepp
 Members opposed: None
 Abstaining: None
 Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss a personnel matter in County Manager’s office regarding Communications Manager position	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Offer will be made to candidate
For legal advice on pending state legislation	GP § 3-305(b)(7)	Attorney-client privilege regarding legal advice	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave	No action

			Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	
To discuss personnel matter in Planning & Zoning	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action
To discuss personnel matter in Parks & Recreation	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action
To discuss personnel matter in Department of Corrections	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action
To discuss personnel matter in Department of Emergency Services	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action
To discuss personnel matter in State's Attorney's Office	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action

To discuss personnel matter in Circuit Court	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Martha Sparks, Kaitlin Foster-Clark, Jessica Morris	No action
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CASH STATEMENT 03/21/2023

BALANCE 3/14/2023	104,236,694.08
TOTAL ADP PAYROLL PPE 3/3/2023	(763,055.14)
PENSION DED PPE 3/3/2023	(45,877.66)
DEFERRED COMP DED PPE 3/3/2023	(20,765.01)
DEFERRED COMP PPE 3/3/2023 PLAN 401(A)	(8,587.57)
CIGNA CLAIMS PAID THRU 3/13/2023	(123,025.38)
WELLS FARGO GOLF EQUIP LEASE PYMT 3/2023	(4,092.00)
USDA/RD QTRLY BOND PYMT #92-09 3/2023	(26,240.00)
USDA/RD QTRLY BOND PYMT #92-11 3/2023	(60,886.00)
INTEREST ON ACCOUNTS 2/2023	349,529.80
BANK CHARGES 2/2023	(4,001.31)
DEPOSITS	772,420.71
CHECKS	(237,609.35)
ACH DISBURSEMENT(S)	(94,677.93)
WIRE TRANSFERS	(122,143.65)
VOIDED CHECK(S) #	
BALANCE 03/21/2023	<u>103,847,683.59</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		4.64%	20,757,738.00
BAYVANGUARD BANK			10,272,550.28

TOTAL INVESTED	<u>31,030,288.28</u>
PETTY CASH BALANCE	<u>18,105.00</u>
<u>GRAND TOTAL ALL FUNDS</u>	<u>134,896,076.87</u>

CASH STATEMENT 03/28/2023

BALANCE 3/21/2023	103,847,683.59
CIGNA CLAIMS PAID THRU 3/20/2023	(75,757.10)
CIGNA CLAIMS PAID THRU 3/23/2023	(128,801.47)
ENTERPRISE LEASE PYMNT 3/2023	(16,164.16)
COMMUNITY CENTER SALES & USE DUE 3/20/2023	(322.67)
GOLF COURSE SALES & USE DUE 3/20/2023	(461.96)
ROADS SALES & USE DUE 3/20/2023	(2,005.02)
RETURNED CHECK #6758	(1,876.94)
STALE DATED CHECKS THRU 12/21/2021	20,605.57
STALE DATED CHECKS THRU 9/27/2022	26,494.53
DEPOSITS	778,777.20
CHECKS	(388,211.44)
ACH DISBURSEMENT(S)	(269,947.24)
WIRE TRANSFERS	(3,939,368.85)
VOIDED CHECK(S) # 364128, 365453, 465469	1,899.99
BALANCE 03/28/2023	<u>99,852,544.03</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		4.67%	20,757,738.00
BAYVANGUARD BANK			10,272,550.28

TOTAL INVESTED	<u>31,030,288.28</u>
PETTY CASH BALANCE	<u>18,105.00</u>
<u>GRAND TOTAL ALL FUNDS</u>	<u><u>130,900,937.31</u></u>