



TALBOT COUNTY, MARYLAND

County Council

MINUTES

March 27, 2018

Present – President Jennifer L. Williams, Vice President Corey W. Pack, Dirck K. Bartlett, Laura E. Price, County Manager R. Andrew Hollis and County Attorney Anthony Kupersmith, Assistant County Attorney Mary O'Donnell. Council Member Chuck F. Callahan was absent.

- I. Agenda – Ms. Williams requested and received Council's unanimous consent for approval of the Agenda of Tuesday, March 27, 2018.
- II. Minutes – Ms. Williams requested and received Council's unanimous consent for approval of the Minutes of Tuesday, March 13, 2018.
- III. Disbursements – Ms. Williams requested and received Council's unanimous consent for approval of the Disbursements of Tuesday, March 20, 2018 and Tuesday, March 27, 2018.
- IV. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN PROPERTIES LOCATED ON HOWELL POINT ROAD IN THE TOWN OF TRAPPE, MARYLAND, DESCRIBED AS TAX MAP 301, PARCELS 1780, 1897, 1898, 1900, 1901, 1902, 1903, 1904, 1905, 1905A, 1905B, AND 1906, FROM THE CURRENT CLASSIFICATION OF "S-3" TO "S-1", IMMEDIATE PRIORITY STATUS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, briefed the Council on the purpose of the resolution. He stated that Brynja Booth, attorney for the Town of Trappe, had contacted him regarding a failing septic system on Howell Point Road in Trappe and advised that the Town is working with the Office of Environmental Health to address the failing septic system. Mr. Clarke stated that it is his recommendation that the County amend its Comprehensive Water and Sewer Plan to incorporate the 12 parcels on Howell Point Road into the Plan and to work with the Town of Trappe to assist them in securing funding to cover the cost of providing the sewer line to the subject properties. The resolution was introduced by Mr. Pack, Ms. Price, and Ms. Williams as Resolution No. 259. A public hearing was scheduled for Tuesday, April 24, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO APPROVE EXECUTION OF A LEASE OF APPROXIMATELY 1,600 SQUARE FEET OF SPACE AT THE TALBOT COUNTY BUSINESS CENTER, 28712 GLEBE ROAD, EASTON, MARYLAND 21601, FURTHER DESCRIBED AS TAX MAP 25, PARCEL 58, TO KABAM STUDIOS, FOR A TERM OF ONE (1) YEAR WITH BASE RENT OF FOUR HUNDRED DOLLARS (\$400.00) PER MONTH was read into the record by the Clerk and brought forward for introduction. The resolution was introduced by Mr. Bartlett, Mr. Pack, Ms. Price, and Ms. Williams as Resolution No. 260. A public hearing was scheduled for Tuesday, April 24, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

V. Introduction of Legislation:

A BILL TO ESTABLISH THE ANNUAL SALARY OF THE SHERIFF FOR TALBOT COUNTY TO BECOME EFFECTIVE FOR TERMS BEGINNING IN AND AFTER 2018 was read into the record by the Clerk and brought forward for introduction. The legislation was introduced by Mr. Bartlett, Mr. Pack, Ms. Price and Ms. Williams as Bill No. 1385. A public hearing was scheduled for Tuesday, April 24, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. Council Discussion of Potential Litigation Regarding Opioid Crisis Impact and Costs; Selection of Law firm and Approval of Retainer Agreement – Prior to Council discussion, Ms. Williams stated that she had learned at a presentation during the Winter MACo Conference that counties across the nation have entered into lawsuits against opioid manufacturers and distributors. She stated that the very few specific companies which are authorized to distribute opioids are required to notify the DEA of any suspicious orders or any major changes in orders; however, they have not done so. She stated that in addition, the manufacturers and distributors have educated and convinced doctors that pain is a new vital sign which should be treated so that the patient has no pain, even after major surgery. Ms. Williams stated that following the presentation at MACo, the Office of Law looked into the matter at her request and has interviewed several large law firms who previously handled similar claims, and who are of the opinion that the distributors will be found liable. The firms interviewed operate on a contingency basis and front all costs; the counties pay nothing. Ms. Williams stated that joining in the lawsuit is, in her opinion, one more effort by the County to combat drug abuse. She reiterated that Sheriff Gamble and Project Purple have educated the community about the use of opioids and the Health Department and Emergency Services personnel have held NARCAN training throughout the county. She stated that the County is hoping for an injunction against the opioid distributors to force them to do what they are supposed to do, but have not done. She stated that any monetary damages which might be recovered would be used to reimburse the County for monies expended on NARCAN and NARCAN training, additional personnel in Department of Corrections to house those who are addicted, additional personnel for the Sheriff's Office, additional expenses related to litigation for the State's Attorney, and for the Health Department, Department of Social Services and schools for their efforts to help individuals. At Ms. Williams' request, Mr. Kupersmith briefed the Council on the due diligence process and the criteria by which the Office of Law is recommending that the County retain the firm of Robbins Geller Rudman & Dowd LLP (Robbins Geller). Mr. Kupersmith stated that Montgomery County, as well as several other Maryland counties, has chosen Robbins Geller to represent their jurisdictions. Ms. Williams stated that, in her opinion, the drug abuse problem is not going to go away and the issue is not only about dollars and cents, it's about holding the companies accountable for the fraud they have perpetrated against the American people, that the medication they are manufacturing and distributing is not addictive and is safe, and that not reporting instances where overly prescribed is a travesty. She reiterated her previous comment that it is not just about recouping dollars and cents but it is to let the companies know that they cannot continue to perpetrate these types of things on the American people without being held accountable for it. She concluded her comments by stating that there is no silver bullet when it comes to the opioid crisis, but, in her opinion, all the jurisdictions in Maryland are trying to address the problem in some way through Safe Stations and other initiatives. Ms. Price stated that the opioids are, in her opinion, a totally different type of drug because an individual can become addicted after taking the drugs for only three weeks. She referenced former First Lady Nancy Reagan's motto, "Just Say No" to drugs, stating that, in her opinion, it is not always a choice to say "no" where opioids are concerned because of their addictiveness. She stated that she was very supportive of moving forward with litigation and was impressed with Robbins Geller. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved adopting the recommendation of the Office of Law to retain Robbins Geller by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye

VII. Public Hearing:

Bill No. 1384, A BILL TO AUTHORIZE TALBOT COUNTY, MARYLAND (THE “COUNTY”) TO BORROW NOT MORE THAN ONE MILLION FOUR HUNDRED FIFTY TWO THOUSAND DOLLARS (\$1,452,000) IN ORDER TO FINANCE AND REFINANCE IMPROVEMENTS TO CERTAIN WASTEWATER FACILITIES IN THE COUNTY AND TO EFFECT SUCH BORROWING BY THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES TO BE LEVIED BY THE COUNTY; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-207 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AUTHORIZING THE CONSOLIDATION OF SEPARATE SERIES OF BONDS INTO ONE OR MORE BONDS; AUTHORIZING THE REFUNDING OF SUCH BONDS AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS FOR SUCH PURPOSES was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Finance Director, Angela Lane, stated that the legislation, required by the Talbot County Charter, is part of a 2014 agreement between the County and the United States Department of Agriculture/Rural Development which would allow the County to borrow funding in the sum of \$1,452,000 and to accept grants in the sum of \$3,743,000 for improvements to the St. Michaels wastewater collection system. County Engineer, Ray Clarke, stated that preliminary work for the project has been on-going; work for the improvement project is now getting underway. The public was afforded an opportunity to comment on the legislation. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved moving Bill No. 1384 to third reader by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack – Aye

Upon motion by Mr. Bartlett, and unanimous consent of the Council, a full reading of the legislation was waived.

The Council approved Bill No. 1384 by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack – Aye

Bill No. 1384 will become effective as provided for in the legislation.

VIII. Presentation on County’s Priority Listing for the Maryland Department of Transportation – Ray Clarke, County Engineer; Mike Mertaugh, Assistant County Engineer; Warren Edwards, Roads Superintendent – Mr. Clarke, Mr. Mertaugh and Mr. Edwards presented the draft Priority Listing of Talbot County roads projects for Council’s consideration. Mr. Clarke stated that the Listing is the same as it has been in the past four years, and will probably remain the same until more funding is received from the State. Council discussion ensued with Mr. Clarke, Mr. Mertaugh and Mr. Edwards. The Council requested the following: that *Item #1, MD Route 33 Capacity and Evacuation Improvements*, be reworded to place more emphasis the importance of MD Route 33

as the only evacuation route from the Bay Hundred peninsula during events such as hurricanes, and as such, improvements are vitally important to the safety of citizens who must use the route; requested that a map outlining the 10 areas most prone to severe flooding, as well as photographs of those areas, be made available to State Highway representatives during discussions between the County and the State; and requested that *US Route 50/Chapel Road – Intersection Improvements* be added to the Priority Listing as Item 3C. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved forwarding the Priority Listing, as amended, to the State, by voting 4 – 0 as follows:

Ms. Williams – Aye

Ms. Price – Aye

Mr. Bartlett – Aye

Mr. Pack – Aye

The Priority Listing is due at the State by April 1, 2018.

IX. County Manager’s Report:

- A. Bid No. 18-01, TALBOT COUNTY SANITARY DISTRICT – REST CIRCLE SEWER EXTENSION, EASTON, MARYLAND – Requested Council approval of the County Engineer’s recommendation to award Bid No. 18-01 to the lowest responsive bidder, Schummer, Inc., in the sum of \$206,485. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the award by voting 4– 0 as follows:

Ms. Williams – Aye

Ms. Price – Aye

Mr. Bartlett – Aye

Mr. Pack – Aye

Mr. Clarke stated that his office is in the process of negotiating with Schummer, Inc. for a lower price.

- B. Request from Department of Public Works – Requested Council approval of the County engineer’s recommendation to award the contract for installation of Septic Tank Effluent Pumping (STEP) systems in the Rest Circle community to the low bidder, Duvall Brothers, Inc., in the sum of \$1,686.00 per residence. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved award of the contract as recommended by voting 4 – 0 as follows:

Ms. Williams – Aye

Ms. Price – Aye

Mr. Bartlett – Aye

Mr. Pack – Aye

- C. Contract with Easton Utilities – Requested Council approval to enter into a contract with Easton Utilities for provision of Internet service to the following County facilities: Talbot County Government Building located at 215 Bay Street; Talbot County Office of Tourism (Visitor Center); Hog Neck Golf Course; and the Bio-Solids Facility on Klondike Road. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved entering into the contract by voting 4 - 0 as follows:

Ms. Williams – Aye
Ms. Price - Aye
Mr. Bartlett – Aye
Mr. Pack – Aye

- D. Joint Work Session with Talbot County Planning Commission – Mr. Hollis stated that the Council will be holding a joint work session with the Planning Commission on the Zoning Ordinance Update (NextStep190) on Wednesday, March 28, 2018 from 5:00 p.m. to 7:00 p.m. in the Wye Oak Room at the Talbot County Community Center, 10028 Ocean Gateway, Easton.
- E. County Offices Closed – Mr. Hollis stated that County offices will be closed on Friday, March 30, 2018 in commemoration of Good Friday.
- F. Free Household Hazardous Waste Day – Mr. Hollis stated that the next free household hazardous waste day will be held on Saturday, April 14, 2018 from 8:00 a.m. to 2:00 p.m. at the Queen Anne’s County Public Works Facility, 312 Safety Drive, Centreville. The event will be held rain or shine and is open to residents of Caroline, Kent, Queen Anne’s, and Talbot counties. Information is available on the Talbot County website or by calling Maryland Environmental Services.
- G. Talbot County Property Tax Assessment Appeals Board – Requested Council approval to forward the name of Brian McGunigle to the Governor for consideration for reappointment to a five-year term on the Talbot County Property Tax Assessment Appeals Board. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved forwarding Mr. McGunigle’s name to the Governor by voting 4 – 0 as follows:
- Ms. Williams – Aye
Ms. Price - Aye
Mr. Bartlett – Aye
Mr. Pack – Aye
- H. Upper Shore Aging Board of Directors - Requested Council approval for the appointment of Judy Musch to a three-year term on the Upper Shore Aging Board of Directors; said term will expire in September 2020. Upon motion by Mr. Pack, seconded by Mr. Pack, the Council approved the appointment by voting 4 – 0 as follows:
- Ms. Williams – Aye
Ms. Price - Aye
Mr. Bartlett – Aye
Mr. Pack – Aye
- I. Talbot County Weed Control Committee – Requested Council approval for the reappointment of William Beaven, Wade Dudrow, William Foster and Robert Garrett to three-year terms on the Talbot County Weed Control Committee; said terms will expire on July 1, 2021. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the reappointments by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye

X. Council Comments:

- Mr. Pack - Mr. Pack extended his condolences to his colleague, Chuck Callahan, and his family, on the recent loss of Mr. Callahan's mother. He stated that Mr. Callahan is, in his opinion, a great person and a good person to work with and it is tragic for the family to have to go through this. He stated that his thoughts and prayers are with Mr. Callahan and his family and he wishes him well in the days to come.
- Mr. Bartlett - Mr. Bartlett stated that he was sorry to learn about Mr. Callahan's mom and that he and his colleagues are thinking about Mr. Callahan and his family in their hour of need. He stated that, in his opinion, it is very sad when you lose a parent and we wish him and his family well. Mr. Bartlett stated that the Council will be meeting with the Planning Commission on Wednesday, March 28, 2018 on NextStep190 (Zoning Code update). He stated that, in his opinion, it is important for those in the community who are interested in what has been discussed to come out and listen to the back and forth commentary and that there are some big issues that need to be changed about NextStep190. He stated that he knows that some things, in his opinion, have been blown out of proportion that probably aren't a big deal, like chickens, etc., but that individuals have to understand that there are some big changes in the plan that are going to change the way we do business in Talbot County if they are allowed to proceed as currently worded. He stated that the Council will continue to have public hearings on NextStep190, so although it is not the last chance to comment on what's going on, the process is getting farther along. Mr. Bartlett concluded his comments by reiterating that, in his opinion, important changes coming down the pike that need to be understood by the public.
- Ms. Price - Ms. Price concurred with her colleagues' comments regarding Mr. Callahan. She stated that most of the Council has been through losing a parent, and she went through it last year, but she can't imagine when it is unexpected like this. She stated that it is hard enough to lose somebody when you know it's coming, but in a situation like this when it is so sudden, it is, in her opinion, heart-wrenching. Ms. Price expressed her condolences to the Callahan family. She stated that she agreed that the County is moving down the road with NextStep190 and that the input received so far is really important and that the Council would like to continue to receive feedback. She asked that citizens listen to the discussion at the joint work session tomorrow night and let the Council know so they can continue to make changes. She stated that the document starts as an imperfect draft and is certainly not perfect when it ends, but we want to get it as close to that way as possible. She stated that, even if you think something doesn't affect you, you should still pay attention because a lot of times the Council hears from the squeaky wheel and thinks that's always the concern, but, in her opinion, the Council needs to hear from the people it don't always hear from. She encouraged everyone to listen, get transcripts, and come out and make their voices heard.

Ms. Williams - Ms. Williams expressed her sympathy to Mr. Callahan and his family. She stated that she knows it is a very difficult time and as Ms. Price said, many of us have had the experience of losing a parent and, whether you know it's coming or not, it changes your life in ways that you don't even expect. Ms. Williams concluded her comments by stating that her heart goes out to Mr. Callahan.

- XI. Upon motion by Ms. Price, seconded by Mr. Pack, the Council voted to adjourn and to reconvene on Tuesday, April 10, 2018 in Open Session at 4:30 p.m. and immediately adjourn into Closed Session for discussion of legal, personnel, and real estate matters, and at 6:00 p.m. for the regularly scheduled meeting. The Council voted to adjourn and to reconvene as outlined by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack – Aye

The meeting adjourned at 7:01 p.m.

The transcript of the March 27, 2018 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XIII. On Tuesday, March 27, 2018 a Closed Session of the Talbot County Council convened at 5:00 p.m. in the Bradley Meeting Room and County Council Conference Room. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council met in Closed Session by voting 4 – 0 as follows:

Mr. Bartlett – Aye
Mr. Callahan – Absent
Mr. Pack – Aye
Ms. Price - Aye
Ms. Williams – Aye

In accordance with General Provisions Article § 3-305(b)(1)(i) (7)(8) the purpose of the Closed Session was for personnel matters to discuss appointments to various County boards and committees; and for legal matters for an update on the case involving the Public Service Commission and net metering at the Community Center; for legal advice regarding the enforcement of public landings rules and regulations; for an update on a case involving RDC Harbourtowne LLC and appeal of Board of Appeals decision; and for an update on the case involving Angel Enterprises Limited Partnership. The Closed Session ended at 6:00 p.m.

- XIV. On Tuesday, March 20, 2018 a Closed Session of the Talbot County Council convened at 4:35 p.m. in the County Council Conference Room. Upon motion by Mr. Bartlett, seconded by Mr. Callahan, the Council met in Closed Session by voting 5 – 0 as follows:

Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye
Ms. Price - Aye
Ms. Williams – Aye

In accordance with General Provisions Article § 3-305(b)(7)(8) the purpose of the Closed Session was for legal advice regarding participating in Statewide opioid legislation. The Closed Session ended at 5:30 p.m.

- XV. Joint Work Session with Planning Commission on Zoning Ordinance Update (NextStep190) – The County Council held a joint work session on Wednesday, March 28, 2018 at 5:00 p.m. with members of the Talbot County Planning Commission in the Wye Oak Room at the Talbot County Community Center. Prior to discussion of the Draft provisions, Ms. Williams stated that the work session is an opportunity for the Planning Commission to review with the Council some of the modifications they have made to NextStep190 based on public input through letters and phone calls, and public testimony, and is an opportunity for the Council to identify some areas of concern. Planning Officer, Mary Kay Verdery, provided a brief history of the purpose of the update of the Zoning Code including, among others, conforming to changes in State regulations and policies, responding to changing and emerging land use trends, and to improve clarity of regulations and procedures. She also provided a brief update of the topics presented by the County’s consultant for the project at the previous joint work session on February 22, 2018 including, New Village District designations; Agriculture and Natural Resources/Agritourism; and Residential Uses/Short Term Rentals/Event Venues. Ms. Verdery stated that the Zoning Code update began in November 2016 with listening sessions in St. Michaels, Easton and Cordova from which issues and options papers were developed and presented to the public through public meeting and public hearing formats; over 50 public meetings have been held thus far. Ms. Verdery utilized a PowerPoint presentation to outline proposed changes in the Zoning Code. Topics presented included Village Overlay District; Specific Land Uses; Agriculture and Natural Resources; Residential Uses; Commercial Uses; Industrial Uses; Utilities and Communication; Marine Uses; Accessory Uses; Critical Area Requirements; Critical Area Growth Allocation; New IDAs; Shoreline Development Buffer; and Modified Buffer Areas. Council discussion ensued with members of the Planning Commission. Additional work sessions will be scheduled and advertised as the update continues. All work sessions are open to the public. NextStep190 is located at www.nextstep190.com. Emails can be submitted to talbotnextstep190@email.com.

CASH STATEMENT 3/20/2018

BALANCE 3/13/2018	\$22,652,847.84
INTEGRA CLAIMS THRU 3/12/018	(67,053.81)
RETURNED CHECK	(200.27)
INTEREST ON ACCOUNTS 2/2018	18,194.49
BANK CHARGES 2/2018	(2,609.27)
DEPOSITS	508,268.73
CHECKS	(552,558.64)
VOIDED CHECK (S) #321711, 322967	8,292.13
BALANCE 3/20/2018	<u>22,565,181.20</u>

AIRPORT ACCOUNTS

AIP42 0.00

AIRPORT ACCOUNTS TOTAL BALANCE 0.00

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.48%	18,000,000.00

TOTAL INVESTED	<u>\$28,018,510.13</u>
PETTY CASH BALANCE	<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS	<u>\$50,599,261.33</u>

CASH STATEMENT 3/27/2018

BALANCE 3/20/2018	\$22,565,181.20
TOTAL ADP PAYROLL PPE 3/9/2018	(551,101.90)
DEFERRED COMP DED PPE 3/9/2018	(14,558.73)
PENSION DED PPE 3/9/2018	(34,453.71)
SECU DED PPE 3/9/2018	(4,176.64)
DEFERRED COMP PPE 3/9/2018 PLAN 401(A)	(2,605.45)
FLEX SPENDING BENEFITS PPE 3/9/2018	(3,064.20)
INTEGRA CLAIMS THRU 3/19/2018	(51,291.37)
USDA/RD MARTINGHAM ST QTR PYMT	(26,240.00)
USDA/DR BIOSOLIDS 1 ST QTR PYMT	(60,886.00)
SALES & USE COMMUNITY CENTER DUE 2/20/2018	(461.13)
SALES & USE HOG NECK GOLF COURSE DUE 2/20/2018	(204.45)
ELECTION BOARD PPE 2/27/2018	(6,119.23)
APRIL 2018 REITREE HEALTH INS PLAN #727	(25,562.46)
DEPOSITS	785,348.37
CHECKS	(898,909.09)
BALANCE 3/27/2018	<u>21,670,895.21</u>

AIRPORT ACCOUNTS

AIP42	0.00
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AIRPORT ACCOUNTS TOTAL BALANCE	<u>0.00</u>
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INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.52%	18,000,000.00
1880 BANK			10,018,510.13
TOTAL INVESTED			<u>\$28,018,510.13</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$49,704,975.34</u>

